

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA) PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Case No. 49576) FOR FEDERAL RESERVED
)
) WATER RIGHT NO. 95-17399A

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: See Attachment 1, Column A TRIBUTARY: See Attachment 1, Column B

Sources are located on National Forest System Land in the Coeur d'Alene Lake subwatershed (HUC12 170103030406).

QUANTITY: The amount of water necessary to control and suppress forest fires.

PRIORITY DATE: 11/06/1906

POINT OF DIVERSION: See Attachment 1, Columns C through G

PURPOSE AND PERIOD OF USE:

| | |
|---------------------------------|----------------------|
| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> |
| Administrative-Fire Suppression | 01/01 - 12/31 |

PLACE OF USE: National Forests in Idaho and the Kaniksu, Lolo and Kootenai National Forests in Montana.

See Attachment 2.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is limited to the intermittent diversion and use of water for the purpose of suppressing wildfires. This water right shall not be used as a basis to prevent the future appropriation of water.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above partial judgment it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above partial judgment is a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

Attachment 1






| | A | B | C | D | E | F | G |
|----|-------------------------|------------------|----------|-------|---------|------|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 2 | Unnamed Stream | Carlin Creek | 48N | 03W | 3 | | |
| 3 | Unnamed Stream | Carlin Creek | 48N | 03W | 3 | | |
| 4 | Carlin Creek | Spokane River | 48N | 03W | 8 | | |
| 5 | Unnamed Stream | Carlin Creek | 48N | 03W | 8 | | |
| 6 | Unnamed Stream | Carlin Creek | 48N | 03W | 8 | | |
| 7 | Unnamed Stream | Carlin Creek | 48N | 03W | 8 | | |
| 8 | Unnamed Stream | Carlin Creek | 48N | 03W | 8 | | |
| 9 | Unnamed Stream | Carlin Creek | 48N | 03W | 9 | | |
| 10 | Unnamed Stream | Carlin Creek | 48N | 03W | 9 | | |
| 11 | Unnamed Stream | Carlin Creek | 48N | 03W | 9 | | |
| 12 | Unnamed Stream | Spokane River | 48N | 03W | 18 | | |
| 13 | Unnamed Stream | Beauty Creek | 49N | 02W | 7 | | |
| 14 | Unnamed Stream | Beauty Creek | 49N | 02W | 7 | | |
| 15 | Unnamed Stream | Wolf Lodge Creek | 49N | 02W | 7 | | |
| 16 | Unnamed Stream | Wolf Lodge Creek | 49N | 02W | 7 | | |
| 17 | Unnamed Stream | Beauty Creek | 49N | 02W | 8 | | |
| 18 | Unnamed Stream | Varnum Creek | 49N | 02W | 16 | | |
| 19 | Unnamed Stream | Varnum Creek | 49N | 02W | 17 | | |
| 20 | Unnamed Stream | Varnum Creek | 49N | 02W | 17 | | |
| 21 | Varnum Creek | Beauty Creek | 49N | 02W | 17 | | |
| 22 | Beauty Creek | Wolf Lodge Creek | 49N | 02W | 18 | | |
| 23 | Lost Man Creek | Varnum Creek | 49N | 02W | 18 | | |
| 24 | Unnamed Stream | Beauty Creek | 49N | 02W | 18 | | |
| 25 | Unnamed Stream | Beauty Creek | 49N | 02W | 18 | | |
| 26 | Unnamed Stream | Varnum Creek | 49N | 02W | 18 | | |
| 27 | Varnum Creek | Beauty Creek | 49N | 02W | 18 | | |
| 28 | Beauty Creek | Wolf Lodge Creek | 49N | 02W | 19 | | |
| 29 | Unnamed Stream | Beauty Creek | 49N | 02W | 19 | | |
| 30 | Unnamed Stream | Beauty Creek | 49N | 02W | 19 | | |
| 31 | Unnamed Stream | Beauty Creek | 49N | 02W | 19 | | |
| 32 | Unnamed Stream | Beauty Creek | 49N | 02W | 19 | | |
| 33 | Unnamed Stream | Beauty Creek | 49N | 02W | 19 | | |
| 34 | Unnamed Stream | Beauty Creek | 49N | 02W | 20 | | |
| 35 | Unnamed Stream | Beauty Creek | 49N | 02W | 20 | | |
| 36 | Unnamed Stream | Varnum Creek | 49N | 02W | 20 | | |
| 37 | Unnamed Stream | Varnum Creek | 49N | 02W | 20 | | |
| 38 | Varnum Creek | Beauty Creek | 49N | 02W | 20 | | |
| 39 | Varnum Creek | Beauty Creek | 49N | 02W | 21 | | |
| 40 | Unnamed Stream | Beauty Creek | 49N | 02W | 29 | | |
| 41 | Beauty Creek | Wolf Lodge Creek | 49N | 02W | 30 | | |
| 42 | South Fork Beauty Creek | Beauty Creek | 49N | 02W | 30 | | |
| 43 | Unnamed Stream | Beauty Creek | 49N | 02W | 30 | | |
| 44 | Unnamed Stream | Beauty Creek | 49N | 02W | 30 | | |
| 45 | Unnamed Stream | Beauty Creek | 49N | 02W | 30 | | |
| 46 | Unnamed Stream | Beauty Creek | 49N | 02W | 30 | | |
| 47 | Beauty Creek | Wolf Lodge Creek | 49N | 02W | 31 | | |
| 48 | South Fork Beauty Creek | Beauty Creek | 49N | 02W | 31 | | |
| 49 | Unnamed Stream | Beauty Creek | 49N | 02W | 31 | | |
| 50 | Unnamed Stream | Beauty Creek | 49N | 03W | 11 | | |
| 51 | Unnamed Stream | Beauty Creek | 49N | 03W | 11 | | |
| 52 | Beauty Creek | Wolf Lodge Creek | 49N | 03W | 12 | | |
| 53 | Unnamed Stream | Beauty Creek | 49N | 03W | 12 | | |
| 54 | Unnamed Stream | Beauty Creek | 49N | 03W | 12 | | |
| 55 | Unnamed Stream | Beauty Creek | 49N | 03W | 12 | | |
| 56 | Unnamed Stream | Beauty Creek | 49N | 03W | 12 | | |
| 57 | Beauty Creek | Wolf Lodge Creek | 49N | 03W | 13 | | |
| 58 | Caribou Creek | Beauty Creek | 49N | 03W | 13 | | |
| 59 | Unnamed Stream | Beauty Creek | 49N | 03W | 13 | | |
| 60 | Unnamed Stream | Caribou Creek | 49N | 03W | 13 | | |
| 61 | Unnamed Stream | Caribou Creek | 49N | 03W | 13 | | |
| 62 | Steamchet Creek | Wolf Lodge Creek | 49N | 03W | 14 | | |
| 63 | Unnamed Stream | Beauty Creek | 49N | 03W | 14 | | |
| 64 | Unnamed Stream | Beauty Creek | 49N | 03W | 14 | | |
| 65 | Unnamed Stream | Steamchet Creek | 49N | 03W | 14 | | |
| 66 | Steamchet Creek | Wolf Lodge Creek | 49N | 03W | 15 | NESE | |
| 67 | Unnamed Stream | Steamchet Creek | 49N | 03W | 15 | NESW | |

Attachment 1

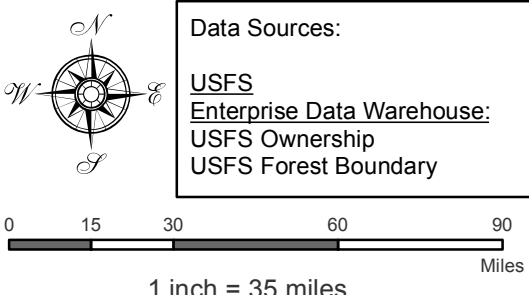
| | A | B | C | D | E | F | G |
|-----|----------------|------------------|----------|-------|---------|------|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 68 | Unnamed Stream | Steamchet Creek | 49N | 03W | 15 | NESW | |
| 69 | Unnamed Stream | Steamchet Creek | 49N | 03W | 15 | NWSE | |
| 70 | Unnamed Stream | Steamchet Creek | 49N | 03W | 15 | NWSW | |
| 71 | Unnamed Stream | Steamchet Creek | 49N | 03W | 15 | SESW | |
| 72 | Unnamed Stream | Turner Creek | 49N | 03W | 15 | SESW | |
| 73 | Turner Creek | Spokane River | 49N | 03W | 22 | | |
| 74 | Unnamed Stream | Turner Creek | 49N | 03W | 22 | | |
| 75 | Unnamed Stream | Turner Creek | 49N | 03W | 22 | | |
| 76 | Caribou Creek | Beauty Creek | 49N | 03W | 23 | | |
| 77 | Unnamed Stream | Beauty Creek | 49N | 03W | 23 | | |
| 78 | Unnamed Stream | Pleasant Creek | 49N | 03W | 23 | | |
| 79 | Unnamed Stream | Pleasant Creek | 49N | 03W | 23 | | |
| 80 | Unnamed Stream | Turner Creek | 49N | 03W | 23 | | |
| 81 | Unnamed Stream | Turner Creek | 49N | 03W | 23 | | |
| 82 | Caribou Creek | Beauty Creek | 49N | 03W | 24 | | |
| 83 | Pleasant Creek | Carlin Creek | 49N | 03W | 24 | | |
| 84 | Unnamed Stream | Beauty Creek | 49N | 03W | 24 | | |
| 85 | Unnamed Stream | Beauty Creek | 49N | 03W | 24 | | |
| 86 | Unnamed Stream | Beauty Creek | 49N | 03W | 24 | | |
| 87 | North Creek | Pleasant Creek | 49N | 03W | 25 | | |
| 88 | Pleasant Creek | Carlin Creek | 49N | 03W | 25 | | |
| 89 | Unnamed Stream | Beauty Creek | 49N | 03W | 25 | | |
| 90 | Unnamed Stream | Pleasant Creek | 49N | 03W | 25 | | |
| 91 | North Creek | Pleasant Creek | 49N | 03W | 26 | | |
| 92 | Pleasant Creek | Carlin Creek | 49N | 03W | 26 | | |
| 93 | Unnamed Stream | Carlin Creek | 49N | 03W | 26 | | |
| 94 | Unnamed Stream | Pleasant Creek | 49N | 03W | 26 | | |
| 95 | Unnamed Stream | Pleasant Creek | 49N | 03W | 26 | | |
| 96 | Unnamed Stream | Pleasant Creek | 49N | 03W | 26 | | |
| 97 | Carlin Creek | Spokane River | 49N | 03W | 27 | | |
| 98 | Turner Creek | Spokane River | 49N | 03W | 27 | | |
| 99 | Unnamed Stream | Turner Creek | 49N | 03W | 27 | | |
| 100 | Carlin Creek | Spokane River | 49N | 03W | 34 | | |
| 101 | Pleasant Creek | Carlin Creek | 49N | 03W | 34 | | |
| 102 | Unnamed Stream | Carlin Creek | 49N | 03W | 34 | | |
| 103 | Carrill Creek | Pleasant Creek | 49N | 03W | 35 | | |
| 104 | North Creek | Pleasant Creek | 49N | 03W | 35 | | |
| 105 | Pleasant Creek | Carlin Creek | 49N | 03W | 35 | | |
| 106 | Unnamed Stream | Carlin Creek | 49N | 03W | 35 | | |
| 107 | Unnamed Stream | Carrill Creek | 49N | 03W | 35 | | |
| 108 | Unnamed Stream | North Creek | 49N | 03W | 35 | | |
| 109 | Blue Creek | Wolf Lodge Creek | 50N | 02W | 6 | | |
| 110 | Blue Creek | Wolf Lodge Creek | 50N | 02W | 7 | | |
| 111 | Unnamed Stream | Blue Creek | 50N | 02W | 7 | | |
| 112 | Unnamed Stream | Blue Creek | 50N | 02W | 7 | | |
| 113 | Unnamed Stream | Blue Creek | 50N | 02W | 8 | | |
| 114 | Unnamed Stream | Blue Creek | 50N | 02W | 17 | | |
| 115 | Blue Creek | Wolf Lodge Creek | 50N | 02W | 18 | | |
| 116 | Unnamed Stream | Blue Creek | 50N | 02W | 18 | | |
| 117 | Unnamed Stream | Blue Creek | 50N | 02W | 18 | | |
| 118 | Unnamed Stream | Blue Creek | 50N | 02W | 18 | | |
| 119 | Unnamed Stream | Blue Creek | 50N | 02W | 18 | | |
| 120 | Unnamed Stream | Blue Creek | 50N | 02W | 18 | | |

Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 95-17399A
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

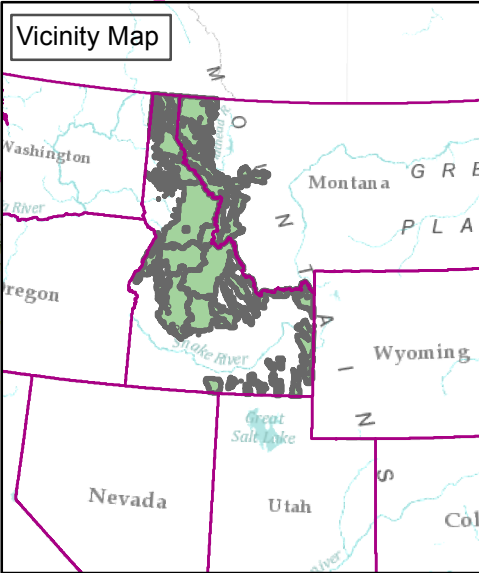
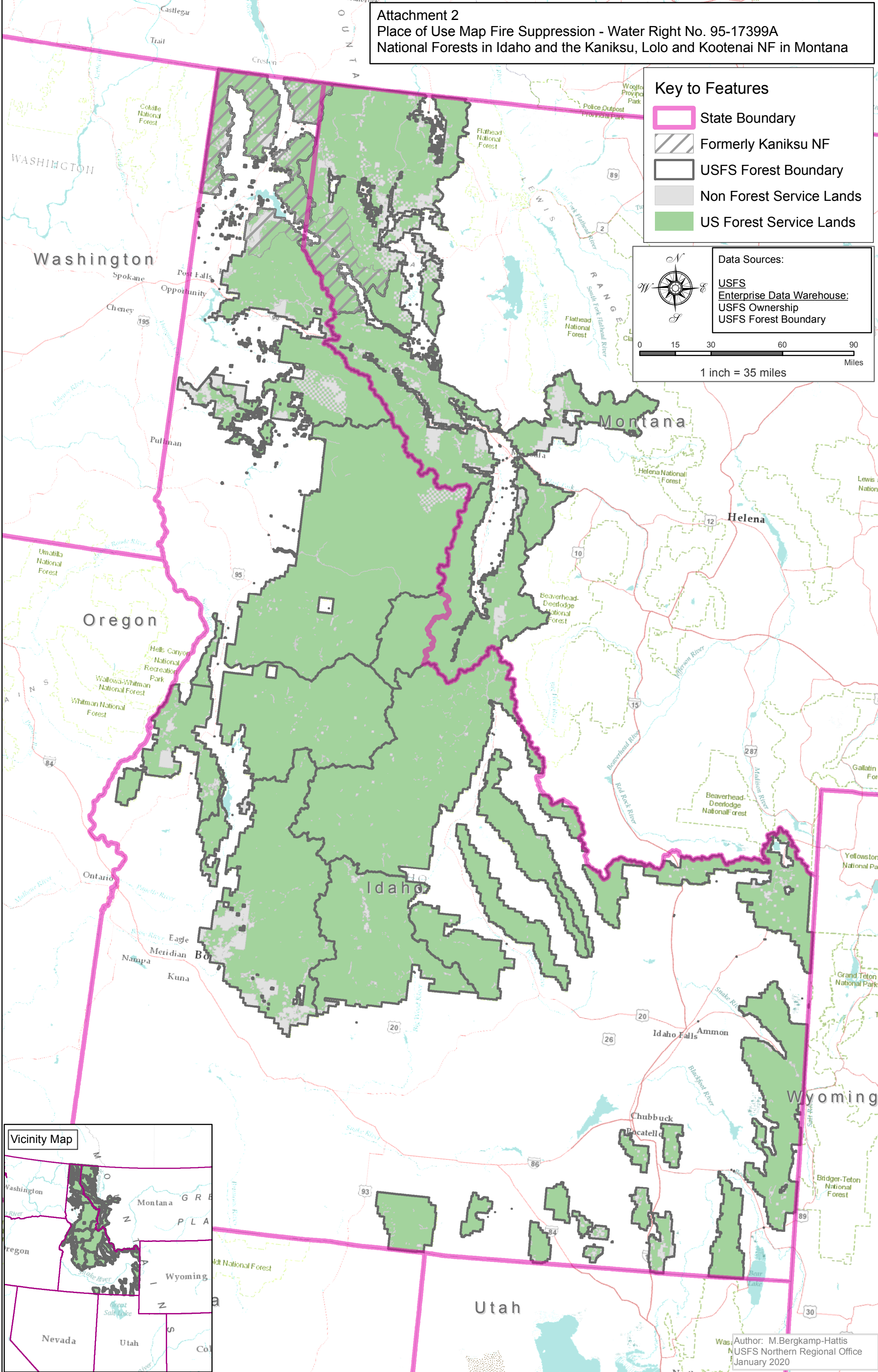
Key to Features

-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:
 USFS
 Enterprise Data Warehouse:
 USFS Ownership
 USFS Forest Boundary



0 15 30 60 90
 Miles
 1 inch = 35 miles



Author: M.Bergkamp-Hattis
 USFS Northern Regional Office
 January 2020