

OCT 30 2015

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

In Re CSRBA

Case No. 49576

SUBCASE: 91-7874

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER  
RIGHT☐ AMENDED NOTICE OF CLAIM /  
DIRECTOR'S REPORT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

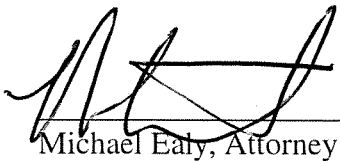
**The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.** Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

**CLAIMANT:**

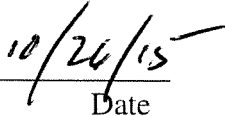
Cherry Tree Timber LLC

**OBJECTOR:**

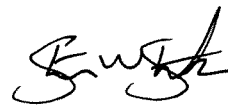
State of Idaho



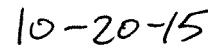
Michael Ealy, Attorney



Date

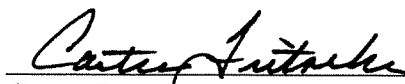


Steven Strack



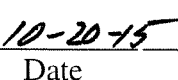
Date

Deputy Attorney General

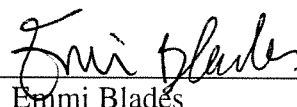
**IDWR Concurrence:**


Carter Fritschle

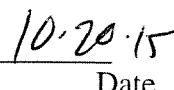
Manager, Adjudication Section



Date



Enmi Blades

Deputy Attorney General  
Attorney for IDWR


Date

10/16/2015

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 91-7874

NAME AND ADDRESS: CHERRY TREE TIMBER LLC  
654 N STATE ST  
JACKSON MS 39202

SOURCE: MALAMUTE CREEK

TRIBUTARY: BOULDER CREEK

QUANTITY: 0.200 CFS

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 09/25/1954

POINT OF

DIVERSION: T44N R04E S9 SWNW Within SHOSHONE County

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE  | PERIOD OF USE | QUANTITY  |
|-----------------|---------------|-----------|
| INDUSTRIAL      | 03/01 12/01   | 0.200 CFS |
| FIRE PROTECTION | 03/01 12/01   | 0.200 CFS |

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE: INDUSTRIAL in SHOSHONE County

|                          |                          |
|--------------------------|--------------------------|
| T44N R04E S05 Lot 1 NENE | T44N R04E S05 Lot 2 NWNE |
| T44N R04E S05 SWNE       | T44N R04E S05 SENE       |
| T44N R04E S05 Lot 3 NENW | T44N R04E S05 Lot 4 NWNW |
| T44N R04E S05 SWNW       | T44N R04E S05 SENW       |
| T44N R04E S05 NESW       | T44N R04E S05 NWSW       |
| T44N R04E S05 SWSW       | T44N R04E S05 SESW       |
| T44N R04E S05 NESE       | T44N R04E S05 NWSE       |
| T44N R04E S05 SWSE       | T44N R04E S05 SESE       |
| T44N R04E S09 NENE       | T44N R04E S09 NWNE       |
| T44N R04E S09 SWNE       | T44N R04E S09 SENE       |
| T44N R04E S09 NENW       | T44N R04E S09 NWNW       |
| T44N R04E S09 SWNW       | T44N R04E S09 SENW       |
| T44N R04E S09 NESW       | T44N R04E S09 NWSW       |
| T44N R04E S09 SWSW       | T44N R04E S09 SESW       |
| T44N R04E S09 NESE       | T44N R04E S09 NWSE       |
| T44N R04E S09 SWSE       | T44N R04E S09 SESE       |

FIRE PROTECTION in SHOSHONE County

|                          |                          |
|--------------------------|--------------------------|
| T44N R04E S05 Lot 1 NENE | T44N R04E S05 Lot 2 NWNE |
| T44N R04E S05 SWNE       | T44N R04E S05 SENE       |
| T44N R04E S05 Lot 3 NENW | T44N R04E S05 Lot 4 NWNW |
| T44N R04E S05 SWNW       | T44N R04E S05 SENW       |
| T44N R04E S05 NESW       | T44N R04E S05 NWSW       |
| T44N R04E S05 SWSW       | T44N R04E S05 SESW       |
| T44N R04E S05 NESE       | T44N R04E S05 NWSE       |
| T44N R04E S05 SWSE       | T44N R04E S05 SESE       |
| T44N R04E S09 NENE       | T44N R04E S09 NWNE       |

|               |      |               |      |
|---------------|------|---------------|------|
| T44N R04E S09 | SWNE | T44N R04E S09 | SENE |
| T44N R04E S09 | NENW | T44N R04E S09 | NWNW |
| T44N R04E S09 | SWNW | T44N R04E S09 | SENW |
| T44N R04E S09 | NESW | T44N R04E S09 | NWSW |
| T44N R04E S09 | SWSW | T44N R04E S09 | SESW |
| T44N R04E S09 | NESE | T44N R04E S09 | NWSE |
| T44N R04E S09 | SWSE | T44N R04E S09 | SESE |

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP44N04E050200, RP44N04E090200

*CT*

*LB*

*SS*

*MAE*

## CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>TH</sup> day of OCTOBER, 2015, I caused to be served a copy of the Standard Form 5 – Amended Notice of Claim / Director's Report by the following method to:

1. Original to:

Clerk of the District Court  
Coeur d'Alene-Spokane River Basin Adj.  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-delivered  
☐ Facsimile

2. Copies to:

IDWR Document Depository  
322 East Front St.  
P.O. Box 83720  
Boise, ID 83720-0098

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-delivered  
☐ Facsimile

State of Idaho  
Represented by:  
Chief Natural Resources Div  
Office of the Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Cherry Tree Timber LLC  
Represented by:  
Michael A Ealy  
700 Northwest Blvd  
P.O. Box 1336  
Coeur d'Alene, ID 83816-1336

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Signature of person delivering this document

Stacy Cooley-Derney