

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)
Case No. 49576)
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.

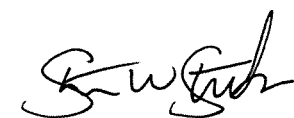
CLAIMANT:

Cherry Tree Timber LLC

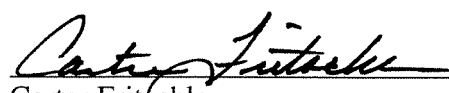
OBJECTOR:

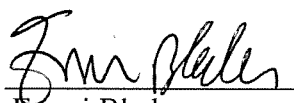
State of Idaho

 10/26/15
Michael Ealy, Attorney Date

 10-20-15
Steven Strack Date
Deputy Attorney General

IDWR Concurrence:

 10-20-15
Carter Fritschle Date
Manager, Adjudication Section

 10-20-15
Emmi Blades Date
Deputy Attorney General
Attorney for IDWR

10/16/2015

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

RIGHT NUMBER: 91-7876

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

SOURCE: FISHHOOK CREEK

TRIBUTARY: ST JOE RIVER

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: 08/21/1969

POINT OF

DIVERSION: T45N R05E S17 NENE Lot 1 Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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

T45N R05E S17	NENE	T45N R05E S17 Lot 1	NENE
T45N R05E S17 Lot 2	NENE	T45N R05E S17	NWNE
T45N R05E S17	SWNE	T45N R05E S17 Lot 3	SWNE
T45N R05E S17 Lot 8	SWNE	T45N R05E S17 Lot 9	SENE
T45N R05E S17	NENW	T45N R05E S17	NWNW
T45N R05E S17 Lot 5	NWNW	T45N R05E S17	SWNW
T45N R05E S17 Lot 5	SWNW	T45N R05E S17 Lot 6	SWNW
T45N R05E S17	SENE	T45N R05E S17 Lot 4	SENE
T45N R05E S17 Lot 7	SENE	T45N R05E S17	NESW
T45N R05E S17	NWSW	T45N R05E S17	SWSW
T45N R05E S17	SESW	T45N R05E S17	NESE
T45N R05E S17	NWSE	T45N R05E S17	SWSE
T45N R05E S17	SESE		

FIRE PROTECTION in SHOSHONE County

T45N R05E S17	NENE	T45N R05E S17 Lot 1	NENE
T45N R05E S17 Lot 2	NENE	T45N R05E S17	NWNE
T45N R05E S17	SWNE	T45N R05E S17 Lot 3	SWNE
T45N R05E S17 Lot 8	SWNE	T45N R05E S17 Lot 9	SENE
T45N R05E S17	NENW	T45N R05E S17	NWNW
T45N R05E S17 Lot 5	NWNW	T45N R05E S17	SWNW
T45N R05E S17 Lot 5	SWNW	T45N R05E S17 Lot 6	SWNW
T45N R05E S17	SENE	T45N R05E S17 Lot 4	SENE
T45N R05E S17 Lot 7	SENE	T45N R05E S17	NESW
T45N R05E S17	NWSW	T45N R05E S17	SWSW
T45N R05E S17	SESW	T45N R05E S17	NESE
T45N R05E S17	NWSE	T45N R05E S17	SWSE
T45N R05E S17	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. RP45N05E170300

CF

EA

SS
MTE

CERTIFICATE OF SERVICE

I hereby certify that on this 27TH 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

S Cooley-Denney