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OCT 30 2015
DEPARTMENT OF
WATER RESOURCES

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)
SUBCASE: 91-7878
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.

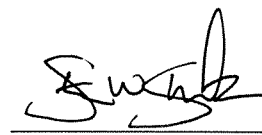
CLAIMANT:

Cherry Tree Timber LLC

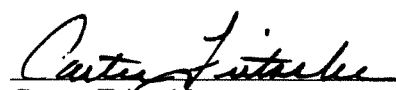

Michael Ealy, Attorney
10/26/15
Date

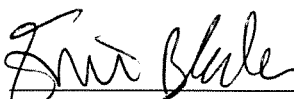
OBJECTOR:

State of Idaho


Steven Strack
10-20-15
Date
Deputy Attorney General

IDWR Concurrence:


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


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

10/16/2015

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

RIGHT NUMBER: 91-7878

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

SOURCE: UNNAMED STREAM

TRIBUTARY: ALPINE 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: 07/31/1954

POINT OF

DIVERSION: T44N R06E S35 SWNW 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

T44N R06E S35	NENE	T44N R06E S35	NWNE
T44N R06E S35	SWNE	T44N R06E S35	SENE
T44N R06E S35	NENW	T44N R06E S35	NWNW
T44N R06E S35	SWNW	T44N R06E S35	SENW
T44N R06E S35	NESW	T44N R06E S35	NWSW
T44N R06E S35	SWSW	T44N R06E S35	SESW
T44N R06E S35	NESE	T44N R06E S35	NWSE
T44N R06E S35	SWSE	T44N R06E S35	SESE

FIRE PROTECTION in SHOSHONE County

T44N R06E S35	NENE	T44N R06E S35	NWNE
T44N R06E S35	SWNE	T44N R06E S35	SENE
T44N R06E S35	NENW	T44N R06E S35	NWNW
T44N R06E S35	SWNW	T44N R06E S35	SENW
T44N R06E S35	NESW	T44N R06E S35	NWSW
T44N R06E S35	SWSW	T44N R06E S35	SESW
T44N R06E S35	NESE	T44N R06E S35	NWSE
T44N R06E S35	SWSE	T44N R06E S35	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. RP44N06E350200

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	☐ Overnight Mail
Coeur d'Alene-Spokane River Basin Adj.	☒ Regular Mail
P.O. Box 2707	☐ Hand-delivered
Twin Falls, ID 83303-2707	☐ Facsimile

2. Copies to:

IDWR Document Depository	☐ Overnight Mail
322 East Front St.	☒ Regular Mail
P.O. Box 83720	☐ Hand-delivered
Boise, ID 83720-0098	☐ Facsimile

State of Idaho	☐ Overnight Mail
Represented by:	☒ Regular Mail
Chief Natural Resources Div	☐ Hand-Delivered
Office of the Attorney General	☐ Facsimile
P.O. Box 83720	
Boise, ID 83720-0010	

Cherry Tree Timber LLC	☐ Overnight Mail
Represented by:	☒ Regular Mail
Michael A Ealy	☐ Hand-Delivered
700 Northwest Blvd	☐ Facsimile
P.O. Box 1336	
Coeur d'Alene, ID 83816-1336	

Signature of person delivering this document

J Cooley-Denney