

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 05 2016

By _____ Clerk
_____ Deputy Clerk

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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NOS.: 92-10984

I. FINDINGS OF FACT

A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Objections were filed by Potlatch Forest Holdings, Inc., Potlatch Land & Lumber, LLC, Potlatch TRS Idaho, LLC, and the State of Idaho. The *Objections* were resolved on February 2, 2016 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: February 5, 2016.


BRIGETTE BILYEU
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

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

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 05 2016

In Re CSRBA)
)
Case No. 49576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 92-10984
RECEIVED

By _____ Clerk

Deputy Clerk

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

FEB 08 2016
DEPARTMENT OF
WATER RESOURCES

SOURCE: ST JOE RIVER TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.20 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: 09/01/1965

POINT OF DIVERSION: T46N R02W S23 LOT 10 (NWSW) Within Benewah County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	03-01 TO 12-01	0.20 CFS
	Fire Protection	03-01 TO 12-01	0.20 CFS

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

PLACE OF USE:

	Industrial		Within Shoshone County
	T46N R02E S07	NENE	NWNE
		SWNE	SENE
		NENW	NESW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S08	NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		SWSE	
	S17	NWNE	NENW
		NWNW	SWNW
		SENW	NESW
		NWSW	SWSW
		SESW	
	S18	NENE	NWNE
		SWNE	SENE
		NENW	SENW
		NESW	SESW
		NESE	NWSE
		SWSE	SESE
	S19	NENE	NWNE
		SWNE	SENE
		NENW	(NWNW)
	LOT 2	(SWNW)	SENW
		NESW	(NWSW)
	LOT 4	(SWSW)	SESW
		NESE	NWSE
		SWSE	SESE
	S20	NWNE	NENW
		NWNW	SWNW
		SENW	NESW
		NWSW	

PLACE OF USE (continued)

Fire Protection
T46N R02E S07

Within Shoshone County

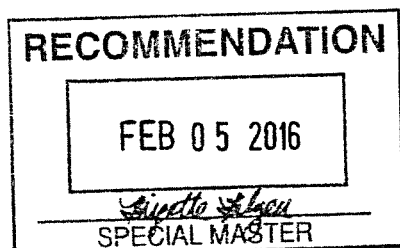
	NENE	NWNE
	SWNE	SENE
	NENW	NESW
	SESW	NESE
	NWSE	SWSE
	SESE	
S08	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	SWSE	
S17	NWNE	NENW
	NWNW	SWNW
	SENW	NESW
	NWSW	SWSW
	SESW	
S18	NENE	NWNE
	SWNE	SENE
	NENW	SENW
	NESW	SESW
	NESE	NWSE
	SWSE	SESE
S19	NENE	NWNE
	SWNE	SENE
	NENW	LOT 1 (NWNW)
LOT 2 (SWNW)		SENW
	NESW	LOT 3 (NWSW)
LOT 4 (SWSW)		SESW
	NESE	NWSE
	SWSE	SESE
S20	NWNE	NENW
	NWNW	SWNW
	SENW	NESW
	NWSW	

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, 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 judgment or order shall be 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

DISTRICT COURT - CSRBA	
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FEB 05 2016	
By _____	Clerk
	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 92-10984

On February 05, 2016, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 05, 2016.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 05 2016	
By _____	Clerk _____
Deputy Clerk _____	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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CERTIFICATE OF MAILING

Water Right(s) : 92-10984

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 05, 2016, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

CHERRY TREE TIMBER LLC
Represented by:
MICHAEL A EALY
700 NORTHWEST BLVD
PO BOX 1336
COEUR D'ALENE, ID 83816-1336
Phone: 208-664-5818

CERTIFICATE OF MAILING

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02/05/16

POTLATCH FOREST HOLDINGS INC
POTLATCH LAND & LUMBER LLC
POTLATCH TRS IDAHO LLC

Represented by:
MICHAEL P LAWRENCE
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200


JANET CONNELL
Deputy Clerk