

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: 94-9445
) STANDARD FORM 5

) STIPULATED ELEMENTS OF A WATER
) RIGHT

) ☐ AMENDED NOTICE OF CLAIM /
) DIRECTOR'S REPORT

RECEIVED
JUL 11 2017

DEPT. OF WATER RESOURCES

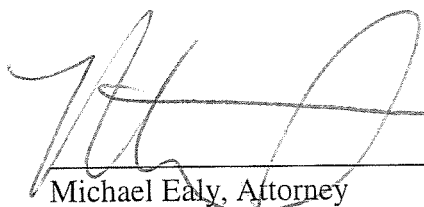
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert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

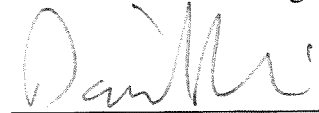
CLAIMANT:

Cherry Tree Timber LLC

 7/11/2017
Michael Ealy, Attorney Date

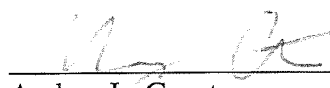
OBJECTOR:

United States of America
USDA Forest Service and
Bureau of Land Management

 7/11/17
David L. Negri, Attorney Date

IDWR Concurrence:

 7-11-17
Carter Fritschle Date
Manager, Water Rights Adjudication

 7/11/17
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

07/11/2017

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

RIGHT NUMBER: 94-9445

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

SOURCE: DEADMAN GULCH CREEK

TRIBUTARY: SOUTH FORK COEUR D ALENE
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: 09/10/1948

POINT OF
DIVERSION: T48N R05E S24 SWNW Within SHOSHONE County
T48N R05E S24 SESW 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

T48N R05E S22	NENE	T48N R05E S22	NWNE
T48N R05E S22	SWNE	T48N R05E S22	SENE
T48N R05E S22	NESE	T48N R05E S22	NWSE
T48N R05E S22	SWSE	T48N R05E S22	SESE
T48N R05E S23	NENE	T48N R05E S23	NWNE
T48N R05E S23	SWNE	T48N R05E S23	SENE
T48N R05E S23	NENW	T48N R05E S23	NWNW
T48N R05E S23	SWNW	T48N R05E S23	SENW
T48N R05E S23	NESW	T48N R05E S23	NWSW
T48N R05E S23	SWSW	T48N R05E S23	SESW
T48N R05E S23	NESE	T48N R05E S23	NWSE
T48N R05E S23	SESE	T48N R05E S25	SWNW
T48N R05E S25	SENW	T48N R05E S25 Lot 3	NESW
T48N R05E S25	NWSW	T48N R05E S25	SESW
~~T48N R05E S25 Lot 3~~	~~NWSE~~	T48N R05E S25 Lot 5	SWSE
T48N R05E S26	NENE	T48N R05E S26	NWNE
T48N R05E S26 Lot 1	NWNE	T48N R05E S26	SWNE
T48N R05E S26	SENE	T48N R05E S26 Lot 7	SENE
T48N R05E S26	NENW	~~T48N R05E S26 Lot 2~~	~~NENW~~
T48N R05E S26 Lot 13	NENW	T48N R05E S26	NWNW
T48N R05E S26 Lot 3	NWNW	T48N R05E S26	SWNW
~~T48N R05E S26 Lot 4~~	~~SWNW~~	T48N R05E S26 Lot 5	SWNW
T48N R05E S26 Lot 14	SWNW	T48N R05E S26	SENW
T48N R05E S26	NESE	~~T48N R05E S26 Lot 8~~	~~NESE~~

T48N R05E S26	NWSE	T48N R05E S27	NENE
T48N R05E S27 Lot 3	NENE	T48N R05E S27 Lot 15	NENE
T48N R05E S27 Lot 16	NENE	T48N R05E S27	NWNE
~~T48N R05E S27 Lot 4~~	~~NWNE~~	T48N R05E S27	SWNE
T48N R05E S27	SENE	T48N R05E S27 Lot 8	SENE

FIRE PROTECTION same as INDUSTRIAL

This water right does not include any federal land.

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. RP48N05E220200, RP48N05E230350, RP48N05E231100, RP48N05E230700, RP48N05E221800, RP48N05E229300, RP48N05E229400, RP48N05E270400, RP48N05E270100, RP48N05E271400, RP48N05E263900, RP48N05E260800, RP48N05E267200, RP48N05E261000, RP48N05E260100, RP48N05E254100

Right No. 94-9455 is also diverted through point of diversion described above.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

MAR MC
CT DN

CERTIFICATE OF SERVICE

I hereby certify that on this 17TH day of JULY, 2017, I caused to be served a copy of the Standard Form 5 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

United States of America
Represented by:
US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

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

Signature of person delivering this document

Scooby-Denney