

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: 94-9446
) STANDARD FORM 5

) STIPULATED ELEMENTS OF A WATER
) RIGHT

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

RECEIVED
JUL 11 2017

DEPT. OF WATER RESOURCES

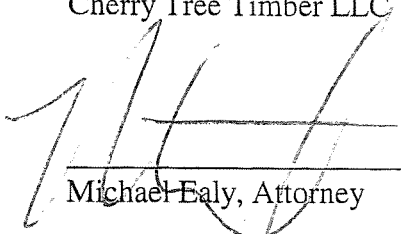
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert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

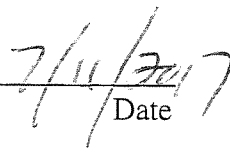
The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended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

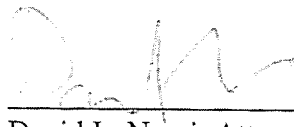
Cherry Tree Timber LLC

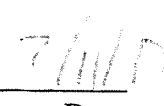

Michael Ealy, Attorney


Date

OBJECTOR:

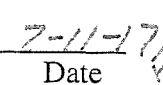
United States of America
USDA Forest Service


David L. Negri, Attorney


Date

IDWR Concurrence:


Carter Fritschle
Manager, Water Rights Adjudication


Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR


Date

07/11/2017

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

RIGHT NUMBER: 94-9446

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

SOURCE: SWINNERTON GULCH CREEK

TRIBUTARY: MONTGOMERY 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: 07/30/1968

POINT OF
DIVERSION: T49N R03E S28 SWNW Within SHOSHONE County
T49N R03E S33 NWNE 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

T49N R03E S19	NESW	T49N R03E S19	SESW
T49N R03E S19	NESE	T49N R03E S19	NWSE
T49N R03E S19	SWSE	T49N R03E S19	SESE
T49N R03E S20	NENE	T49N R03E S20	NWNE
T49N R03E S20	SWNE	T49N R03E S20	SENE
T49N R03E S20	SWNW	T49N R03E S20	SENW
T49N R03E S20	NESW	T49N R03E S20	NWSW
T49N R03E S20	SWSW	T49N R03E S20	SESW
T49N R03E S20	NESE	T49N R03E S20	NWSE
T49N R03E S20	SWSE	T49N R03E S20	SESE
T49N R03E S28	NENE	T49N R03E S28	NWNE
T49N R03E S28	SWNE	T49N R03E S28	SENE
T49N R03E S28	NENW	T49N R03E S28	NWNW
T49N R03E S28	SWNW	T49N R03E S28	SENW
T49N R03E S28	NESW	T49N R03E S28	NWSW
T49N R03E S28	SWSW	T49N R03E S28	SESW
T49N R03E S28	NESE	T49N R03E S28	NWSE
T49N R03E S28	SWSE	T49N R03E S28	SESE

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(s): RP49N03E194900, RP49N03E200200 & RP49N03E280200

The following rights are diverted through point(s) of diversion described above: 94-9447, 94-9448 and 94-9450 .

11/17/77

11/17/77

ct

on

CERTIFICATE OF SERVICE

I hereby certify that on this 11TH 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

Stooley-Denney