

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: 94-9447
) 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.

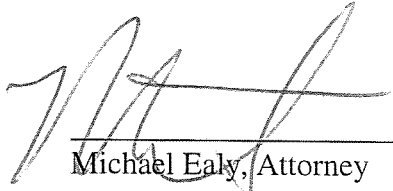
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT:

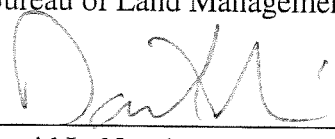
Carmona Tristar LLC

OBJECTOR:

United States of America
Bureau of Land Management

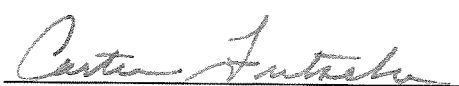

Michael Ealy, Attorney

7/11/2017
Date


David L. Negri, Attorney

7/11/17
Date

IDWR Concurrence:


Carter Fritschle
Manager, Water Rights Adjudication

7-11-17
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

7/11/17
Date

07/11/2017

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

RIGHT NUMBER: 94-9447

NAME AND ADDRESS: CARMONA TRISTAR 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 S29	NENE	T49N R03E S29	NWNE
T49N R03E S29	SWNE	T49N R03E S29	SENE
T49N R03E S29	NENW	T49N R03E S29	NWNW
T49N R03E S29	SWNW	T49N R03E S29	SENW
T49N R03E S29	NESW	T49N R03E S29	NWSW
T49N R03E S29	SWSW	T49N R03E S29 Lot 1	SWSW
T49N R03E S29	SESW	T49N R03E S29	NESE
T49N R03E S29	NWSE	T49N R03E S29	SWSE
T49N R03E S29	SESE	T49N R03E S30	NENE
T49N R03E S30	NWNE	T49N R03E S30	SWNE
T49N R03E S30	SENE	T49N R03E S30	NENW
T49N R03E S30 Lot 2	SWNW	T49N R03E S30	SENW
T49N R03E S30	NESW	T49N R03E S30 Lot 3	NWSW
T49N R03E S30 Lot 5	SWSW	T49N R03E S30	SESW
T49N R03E S30	NESE	T49N R03E S30	NWSE
T49N R03E S30	SWSE	T49N R03E S30 Lot 6	SWSE
T49N R03E S30	SESE	T49N R03E S30 Lot 7	SESE
T49N R03E S31	NENE		

FIRE PROTECTION same as INDUSTRIAL

This water right does not include any federal land.

MTE *CT* *no*
DN

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): RP49N03E300200, RPMC0633 & RP49N03E290200

The following rights are diverted through point(s) of diversion described above: 94-9446, 94-9448 and 94-9450.

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

ct
MB
AC
DN

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

Carmona Tristar LLC
Represented by:
Michael 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

S Cooley-Denney