

**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

SUBCASE: 95-17080

STANDARD FORM 5

Case No. 49576

**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:

Carmon Tristar LLC


Ken Sewell
Chief Operating Officer

9/4/19
Date

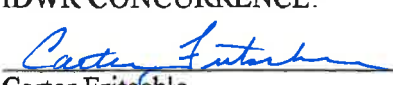
OBJECTOR:

United States of America on behalf of the
USDA Forest Service

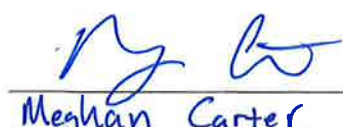

David L. Negri

9/9/19
Date

IDWR CONCURRENCE:


Carter Fritschle
Manager, Adjudication Section

9-9-19
Date


Meghan Carter
Deputy Attorney General
Attorney for IDWR

9/9/19
Date

07/26/2019

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

RIGHT NUMBER: 95-17080

NAME AND ADDRESS: CARMONA TRISTAR LLC
654 N STATE ST
JACKSON MS 39202

KS. DN

SOURCE: CAPE HORN CREEK

TRIBUTARY: OLD MAID 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: 07/02/1968

POINT OF

DIVERSION: T54N R02W S26 SWNW Within BONNER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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 BONNER County

T54N R02W S26 NWNW T54N R02W S26 SWNW

T54N R02W S27 NESE ~~T54N R02W S27 SWSE~~

FIRE PROTECTION same as INDUSTRIAL

The industrial use of water under this right in T54N, R02W, S26, NWNW is limited to the NWNWNW and SWNWNW of Section 26, T54N, R02W.

The place of use does not include federal land.

CT
ME

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): RP54N02W278400A, RP54N02W263150A & RP54N02W2772001A

CERTIFICATE OF MAILING

I certify that on September 9, 2019 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Coeur D'Alene-Spokane River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resource Div
550 W Fort St. MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

3. Carmona Tristar LLC
654 N State St
Jackson MS 39202



Signature of person or attorney mailing the form