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JUL 28 2017

DEPARTMENT OF
WATER RESOURCES

LEWIS & CLARK COUNTY
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 27 2017

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

Clerk

Deputy Clerk

In Re CSRBA

Case No. 49576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 94-07100, 94-
) 07840, 94-07841, 94-07844, 94-07845, and
) 94-07847

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area and filed its *Director's Report for Basin 94 Water Rights* on February 25, 2016. The *Director's Report* contained a recommendation for the elements of these water rights.

On July 27, 2016, the Fat Bastard Cattle Co., LLC, filed objections to the *Director's Report* for these water rights.¹ At the Initial Hearing held on July 10, 2017, Objector Fat Bastard Cattle Co., LLC, motioned the court to withdraw its objections. There were no objections to this motion and the motion to withdraw objections was granted.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 94-07100, 94-07840, 94-07841, 94-07844, 94-07845, and 94-07847 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 27, 2017



THEODORE R. BOOTH

Special Master

Coeur d'Alene-Spokane River Basin Adjudication

¹ Water right 94-07181 (partial decree issued February 15, 2017) was identified as an uncontested overlapping water right.

DEPARTMENT OF
WATER RESOURCES

In Re CSRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 94-07100

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DEPARTMENT OF
WATER RESOURCES

In Re CSRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 49576	)	
<u> </u>	)	Water Right 94-07840

NAME AND ADDRESS: FAT BASTARD CATTLE CO LLC
 PO BOX 53
 HARRISON, ID 83833-0053

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/2006

POINT OF DIVERSION: T48N R03W S25 SWNE Within Kootenai County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:	Domestic	Within Kootenai County
	T48N R03W S25	SWNE SENW
		NESW NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

RECOMMENDATION

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SPECIAL MASTER

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Water Right 94-07845

CSRBA -PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 94-07845 File Number: 00096

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Water Right 94-07847

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 27 2017	
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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 94-07100

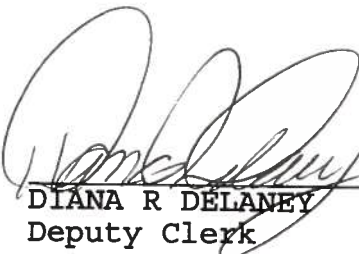
94-07840 94-07841 94-07844
94-07845 94-07847

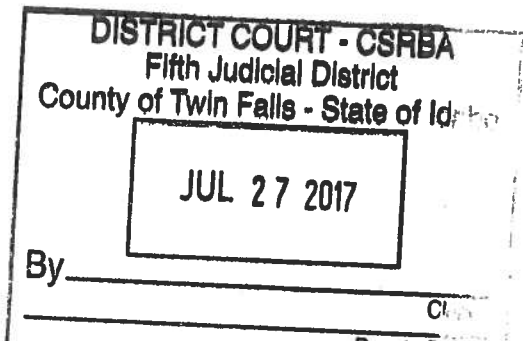
On July 27, 2017, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to CSRBA Administrative Order 1 (A01), Section 18a.

Pursuant to CSRBA Administrative Order 1 (A01), Section 18a, 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 July 27, 2017.


DIANA R DELANEY
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)

CERTIFICATE OF MAILING

Water Right(s): 94-07100
94-07840 94-07841 94-07844
94-07845 94-07847

CERTIFICATE OF MAILING

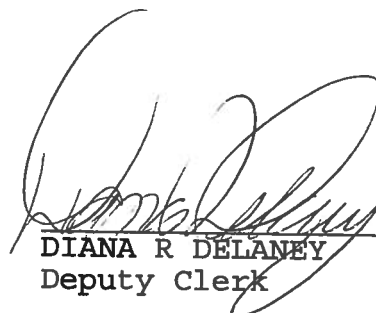
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 27, 2017, with sufficient first-class postage prepaid to the following:

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

FAT BASTARD CATTLE CO LLC
Represented by:
GREGORY GEORGE
1900 NORTHWEST BLVD STE 110
COEUR D'ALENE, ID 83814
Phone: 208-511-1500

FAT BASTARD CATTLE CO LLC
PO BOX 53
HARRISON, ID 83833-0053

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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