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OCT 15 2019

DEPARTMENT OF  
WATER RESOURCES

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| DISTRICT COURT - CSRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| OCT 11 2019                                                                                |
| By _____<br>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

) SPECIAL MASTER'S REPORT AND  
) RECOMMENDATION; FINDINGS OF  
) FACT AND CONCLUSIONS OF LAW

) WATER RIGHT NO.: 95-16272  
)

I. FINDINGS OF FACT

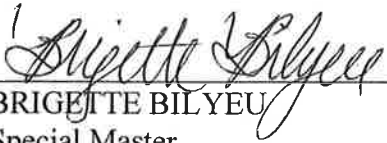
A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Cougar Crest Lodge LLC on January 14, 2019. The *Objection* was resolved on September 18, 2019 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 11, 2019.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Coeur d'Alene-Spokane River Basin Adjudication

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

DISTRICT COURT - CSRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

OCT 11 2019

In Re CSRBA

Case No. 49576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 95-16272

By

NAME AND ADDRESS: COUGAR CREST LODGE LLC  
608 NW BLVD STE 300  
COEUR D ALENE, ID 83814

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 09/30/2012

POINT OF DIVERSION: T50N R05W S24 LOT 6 (NESE ) Within Kootenai County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

Domestic use is for one home.

PLACE OF USE: Domestic Within Kootenai County  
T50N R05W S24 LOT 6 (NESE)

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.

RECOMMENDATION

OCT 11 2019

*Angelle Wilson*  
SPECIAL MASTER

Eric J. Wildman  
Presiding Judge of the  
Coeur d'Alene-Spokane River Adjudication

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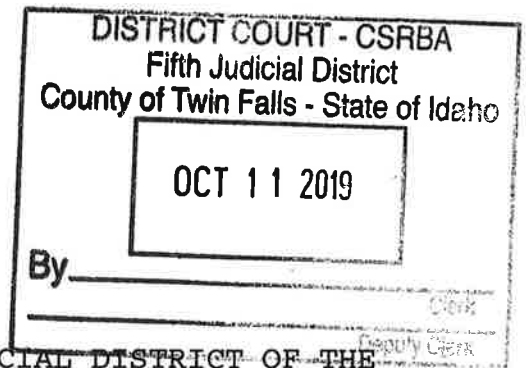
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA )  
Case No. 49576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 95-16272

On October 11, 2019, Special Master BRIGETTE BILYEU 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 October 11, 2019.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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WATER RESOURCES

|                                       |       |
|---------------------------------------|-------|
| DISTRICT COURT - CSRBA                |       |
| Fifth Judicial District               |       |
| County of Twin Falls - State of Idaho |       |
| OCT 11 2019                           |       |
| 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

CERTIFICATE OF MAILING

Water Right(s): 95-16272

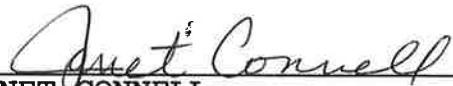
CERTIFICATE OF MAILING

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 October 11, 2019, with sufficient first-class postage prepaid to the following:

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

COUGAR CREST LODGE LLC  
FOSTER MANNING

Represented by:  
MICHAEL GREGORY EMBREY  
608 NORTHWEST BLVD STE 300  
COEUR D'ALENE, ID 83814  
Phone: 208-667-4000

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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10/11/19