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AUG 03 2017

DEPARTMENT OF
WATER RESOURCES

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	94-07150
	)		
Case No. 49576	)	STANDARD FORM 3	
	)		
	)	MOTION TO FILE AMENDED NOTICE OF	
	)	CLAIM	
	)		
INSTRUCTIONS			

This form is used to file an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** amended Notice of Claim.

By filing a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

■ I have read *CSRBA Administrative Order I*, Rules of Procedure.

My name is Ann Robison/Hecla Limited

My address is 6500 N. Mineral Drive, Suite 200; Coeur d'Alene, ID 83815-9408

My phone number is: work 208-769-4100 Home _____

☐ I am an attorney representing: _____
My name is: _____
My address is _____

My phone number is _____

- I must amend my Notice of Claim to the use of water in the CSRBA because:
I am filing this amended claim to correct the place of use. My original claim was filed 02/24/2016 and is based upon a license (94-7150). No other person will be injured by this change because the property is owned by Hecla and no one else has authorization to use the property. The place of use includes an accomplished change pursuant to I.C. 42-1425. The place of use error did not come to our attention until recently. The amendment to the place of use does not seek to "enlarge" the license

During initial hearing scheduled 7/11/2017, it came to our attention that the place of use recommended by IDWR does not match the place of use of our ponds. This amendment seeks to correct the place of use to correctly reflect what is on the ground. This amendment also seeks to add "The place of use under this right does not include federal public lands" remark to resolve the objection filed by BLM.

- I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

The following documents are attached:

- 1) Amended Notice of Claim
- 2) IDWR Recommended Claim Map,
- 3) Amended Notice of Claim Map
- 4) Historical Imagery, Ponds present prior to 01/01/2006 cutoff in I.C. 42-1425 (2)

I have attached:

- A fully completed amended Notice of Claim (available from IDWR).
- Any additional claim filing fee required pursuant to I.C. §42-1414(2). To Determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.00.

INSTRUCTIONS FOR MAILING

You must mail this motion to the Clerk of the court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 1, 2017, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

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

2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents, and any party granted participation. Attach a list of names and addresses.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

Unites States Department of Justice
Environment and National Resources Division
Natural Resources Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724-0101

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, Idaho 83720-0010



Signature of Movant or attorney
Mailing on Movant's behalf