



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 18, 2019

UEBERROTH FAMILY TRUST
PO BOX 100
LAGUNA BEACH CA 92652-0100

SUBJECT: Notice of Error Reply Response for Notice of Claim to a Water Right Numbers 95-9722 and 95-9780; Amended Claim 95-9679

Dear Mr. or Ms. Ueberroth:

In regard to the Notice of Error that you filed on the above water rights:

95-9722 – This claim has been recommended for 10 acres of irrigation with source of water being Sage Creek. I obtained aerial photos dated 1965 from the Hayden Public Library showing irrigation and these will suffice for evidence of irrigation with priority date of 1967.

95-9780 – We were unable to recommend this claim, filed for the irrigation of 3 acres north of Sage Creek, as I was not shown a diversion from an unnamed stream or irrigation at this site during the field exam dated August 23, 2016.

Following the submission of the Director's Report for Part 2 of Basin 95, if you locate additional evidence and wish to further pursue this water right, a Standard Form 1 (Objection) should be filed with the Court.

95-9679 – I am returning amended claim 95-9679 with the receipt for \$5.00 for the additional acreage. The recommendation for this claim has been submitted to the Adjudication Court and; consequently, additional forms will need to be filed with the Court before the amended claim can be accepted. This form is entitled "Motion to File Amended Notice of Claim", of which a copy is enclosed. If you decide against filing the Motion and would like a refund, please let us know.

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800. Also, information relative to this claim file may be viewed at www.idwr.idaho.gov.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Preliminary Recommendation for 95-9722
Copy of Aerial Photo Dated 1965
Amended Claim 95-9679 with Receipt Number N033994
Motion to File Amended Notice of Claim

01/18/2019

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-9722

NAME AND ADDRESS: UEBERROTH FAMILY TRUST
C/O MR AND MRS PETER UEBERROTH
PO BOX 100
LAGUNA BEACH CA 92652-0100

SOURCE: SAGE CREEK TRIBUTARY: SINKS

QUANTITY: 0.220 CFS

Right Nos. 95-9722, 95-9679 and 95-9464 are limited to a total combined diversion rate of 0.20 cfs for irrigation purposes.

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

PRIORITY DATE: 05/01/1967

POINT OF DIVERSION:

T53N R03W S36 NENW Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/01	0.200 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in KOOTENAI County

T53N R03W S36 NENW 3.00 T53N R03W S36 NWNW 6.70

T53N R03W S36 SWNW 0.30

STOCKWATER in KOOTENAI County

T53N R03W S36 NENW

10 ACRES TOTAL

Right Nos. 95-9722, 95-9679 and 95-9464 are limited to the irrigation of a combined total of 10 acres in a single irrigation season.

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

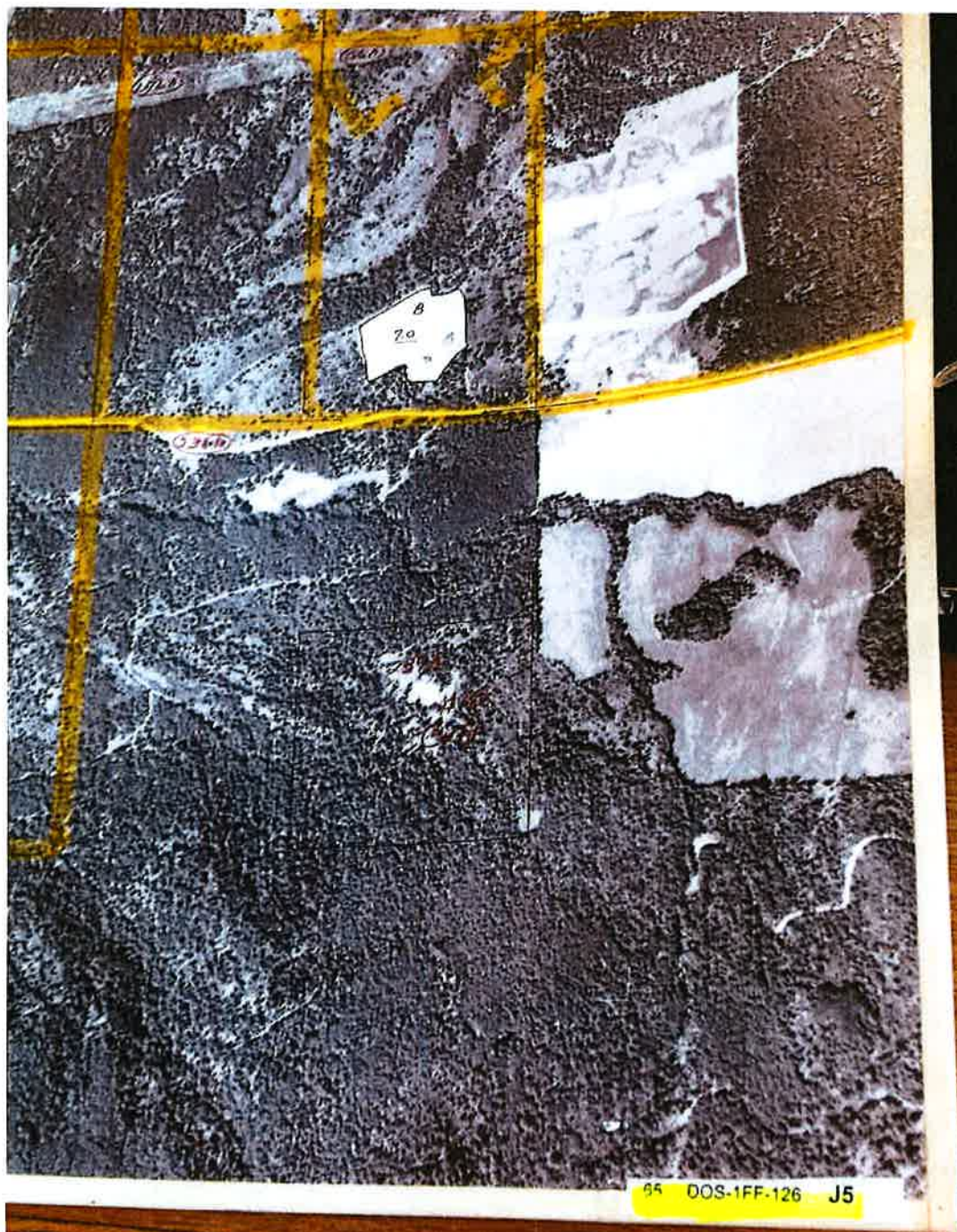
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 15 head mixed stock.

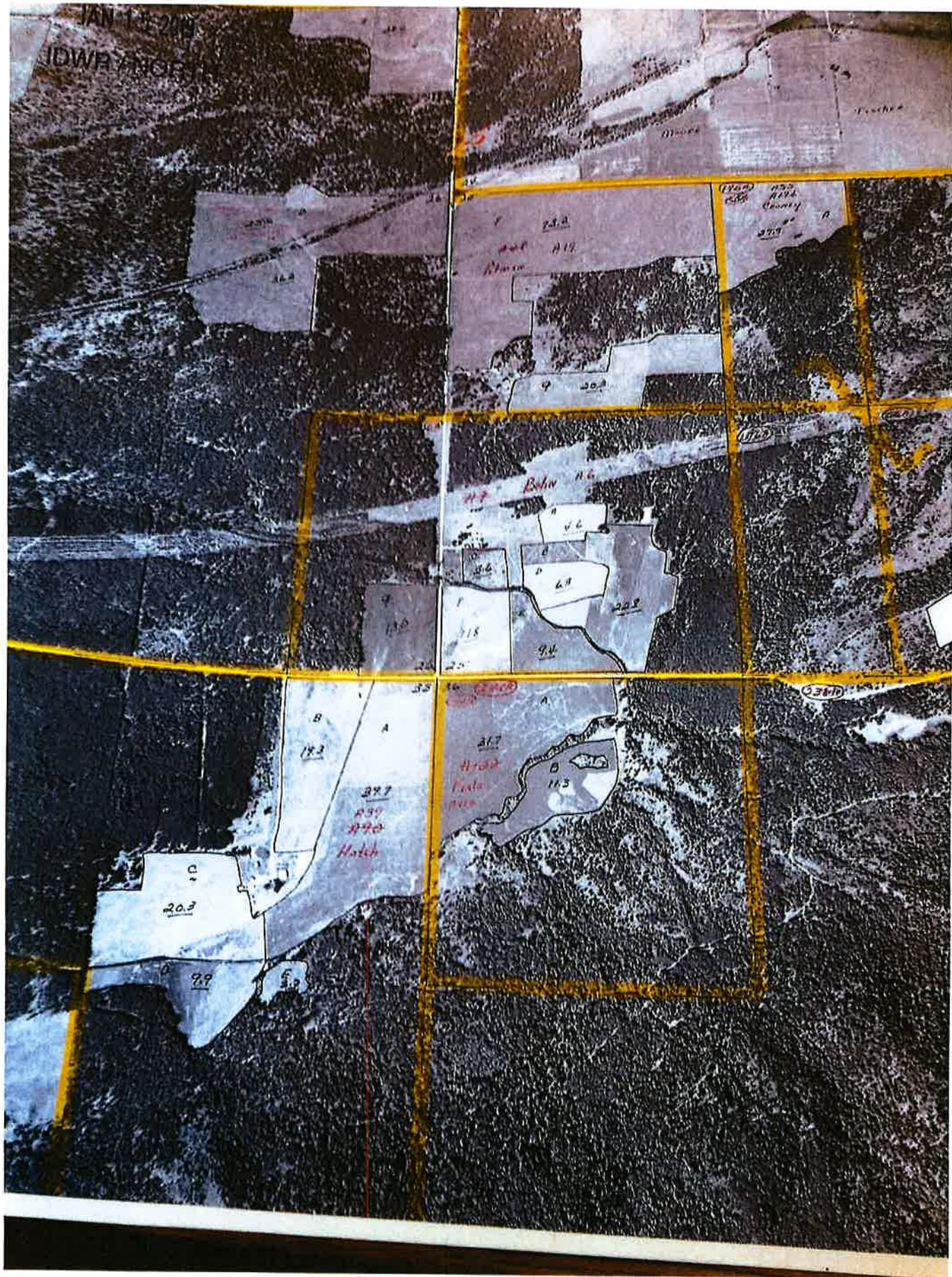
Parcel No. 53N03W364000



RECEIVED

JAN 1 1968

IDWFA/NOF



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

RECEIVED
JAN 11 2019
IDWR / NORTH

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 95-9679
Date Received: 4/29/2013
Receipt No: N029805
Claim Fee: \$55.00
Received By: _____

N033994
\$5.00
SK

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UEBERROTH FAMILY TRUST
C/O MR AND MRS PETER UEBERROTH
PO BOX 100
LAGUNA BEACH CA 92652-0100

Phone:

2. Date of Priority: 6/15/1918

3. Source:
UNNAMED STREAM

Trib. to:
SINKS

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
53N	03W	36	~~SW~~ NW NE		KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	3 /15	11/15	0.3		0
STOCKWATER	1 /1	12/31	0.02		0

7. Total Quantity Appropriated is:

0.3 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

MIXED STOCK CATTLE HORSES ETC.

9. Place of use:

IRRIGATION within KOOTENAI County

Township	Range	Section	¼	of	¼	Lot	Acres
53N	03W	36	NW		NW		5
53N	03W	36	SW		NW		5

Total Acres = 10

STOCKWATER within KOOTENAI County

Township	Range	Section	¼	of	¼	Lot	Acres
53N	03W	36	NW		NW		
53N	03W	36	SW		NW		

10. Do you own the property listed above as place of use? No

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

WE BELIEVE LISC. 95-9679 WAS ISSUED WITH ERRORS FOR THE POINT OF DIVERSION AND PLACE OF USE. PAGES 11 AND 49 OF THE DEPARTMENT FILE FOR THIS WATER RIGHT SHOW A STREAM RUNNING SE TO NW WITH THE CORRECT ROUTE OF THE STREAM AND QUARTER QUARTERS AND SECTION NUMBERS THAT ARE CORRECT. WE BELIEVE THE UNNAMED STREAM WE ARE CLAIMING IS THE SAME STREAM AS SHOWN ON PAGES 11 AND 49 OF THE BACKFILE. REMNAINS OF VERY OLD DITCHES ARE IN THE AREA THAT IS IRRIGATED FROM THE UNNAMED STREAM WE ARE CLAIMING AS PART OF LISC. 95-9679.

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the COEUR D'ALENE-SPOKANE River Basin

Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Trustee of Ueberroth Family Trust
Title Organization

that I have signed the foregoing document in the space below as

Trustee of Ueberroth Family Trust
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Virginia Ueberroth Date 1-11-2019

Title and Organization Ueberroth Family Trust, Trustee

Idaho Department of Water Resources Receipt

Receipt ID: N033994

Payment Amount \$5.00 Date Received 1/11/2019 11:31 AM Region NORTHERN
Payment Type Cash
Payer UEBERROTH, PETER
Comments NOTICE OF CLAIM TO A WATER RIGHT 95-9679 FOR 5 ACRES OF IRRIGATION

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5.00	NORTHERN ID ADJUDICATION FILING FEE	75503	0337	1		1155

Water Rights

Basin	Sequence	Split Suffix
95	9679	

Signature Line (Department Representative)

**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 _____
	)	(Insert water right number)
	)	
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 1*, Rules of Procedure.

My name is _____

My address is _____

My phone number is: work _____ 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 providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

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 \$ _____.

(Signature of person filing motion)

(Attorney signing in representative capacity)

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 _____, 20____, 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, ID 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, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Signature of Movant or attorney
mailing on Movant's behalf