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APR 29 2019

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	95-9679
	)		(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 Virginia Ueberroth, Trustee, Ueberroth Family Trust

My address is P.O. Box 100, Laguna Beach, CA 92652-0100

My phone number is: work 949-233-1055 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:

Point of Diversion was incorrect. The correct Point of Diversion is:

NE 1/4 of NW 1/4, Section 36, T53N, R03W, BM

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

Kootenai County Property Map showing Point of Diversion

Amended Notice of Claim to a Water Right

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 \$ 5.00.

Virginia Uberroth

(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 April 26, 2019, 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

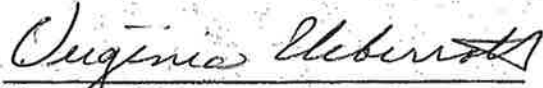
2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

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

A handwritten signature in cursive script, appearing to read "Virginia Hebert", written over a horizontal line.

Signature of Movant or attorney
mailing on Movant's behalf

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DEPARTMENT OF
WATER RESOURCES

Form 211 07/2011 Print Form as a 2 page, single sided document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) Uberroth Family Trust Phone 949-233-1055Name connector (check one): ☐ and ☐ or ☐ and/orMailing address P.O. box 100 City _____State CA Zip 92652-0100 Email: _____I am the owner of Water Appropriation Permit No. 95-9679 and request that the permit be amended as follows:☒ Change point of diversion☐ Add point of diversion☐ Change period of use☐ Change nature of use☐ Change place of use☐ Other _____1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
53N	03W	36			NE	NW	Kootenai	Unnamed Stream	

2. Period and nature of use:

☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.Amount 0.3 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount 0.02 cfs for Stock Water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)3. Place of use or land to be irrigated: ☒ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

4. **Property ownership:** ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

- a. Who owns the property at the point of diversion? Uberroth Family Trust, Applicant
- b. Who owns the land to be irrigated or place of use? Uberroth Family Trust, Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

5. **Describe the proposed change in narrative form:**

Original Notice of Claim was not correct in the point of Diversion. It listed the Point of Diversion as the SW1/4, NW1/4, Section 36, T53 N, R03W, BM. The correct Point of Diversion is NE1/4, NW1/4, Section 36, T53 N, R03W, BM

6. **Map:** ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. **Signature:**

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Virginia Ueberroth
Signature of applicant or authorized agent

Virginia Ueberroth
Print name (and title, if applicable)

4/16/2019
Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

FOR DEPARTMENT USE ONLY

Received by _____

Date _____

Receipted by _____

Date _____

Receipt No. _____

Reviewed by _____

Date _____