

AMENDED DIRECTOR'S REPORT

Subcase Nos. 95-9464 and 95-9722

In Re CSRBA

Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources

Gary Spackman, Director

Craig Saxton, Manager, Adjudication Section

May 27, 2020

DESCRIPTIVE SUMMARY

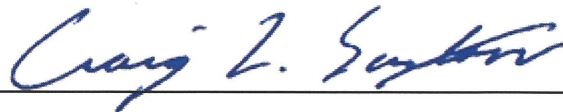
This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources (IDWR).

DISCUSSION

On August 2, 2018, IDWR filed a Director's Report for the Ueberroth Family Trust's Water Right No. 95-9464 for fire protection, irrigation, recreation and stockwater purposes. On February 26, 2019, IDWR filed a Director's Report for the Ueberroth Family Trust's Water Right No. 95-9722 for irrigation and stockwater purposes. No objections or responses were filed for either right, and the objection and response deadlines have passed.

An Amended Claim was filed on April 20, 2019, to overlapping Water Right No. 95-9679 by the Ueberroth Family Trust to amend the point of diversion element listed in the original claim now necessitating changes be made to the combined use conditions for Water Right Nos. 95-9464 and 95-9722.

The Director submits for filing with the Court Amended Director's Reports for the aforementioned subcases (see attached recommendations).

A handwritten signature in blue ink, reading "Craig L. Saxton", is positioned above a horizontal line.

CRAIG L. SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on May 28, 2020, I served the original and/or copies of this Amended Director's Report – Water Right Nos. 95-9464 and 95-9722, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication ☒ Regular Mail
253 Third Avenue North ☐ Hand-Delivered
P.O. Box 2707 ☐ Facsimile
Twin Falls, Idaho 83303-2707

2. Copies to:

Director of IDWR ☐ Overnight Mail
PO Box 83720 ☐ Regular Mail
Boise, ID 83720-0098 ☒ Hand-Delivered
☐ Facsimile

Kootenai County Courthouse ☐ Overnight Mail
PO Box 9000 ☒ Regular Mail
Coeur d'Alene, ID 83816-9000 ☐ Hand-Delivered
☐ Facsimile

Chief, Natural Resources Div ☐ Overnight Mail
Office of the Attorney General ☒ Regular Mail
State of Idaho ☐ Hand-Delivered
PO Box 83720 ☐ Facsimile
Boise, ID 83720-0010

United States of America ☐ Overnight Mail
Represented by: ☒ Regular Mail
US Department of Justice ☐ Hand-Delivered
Environment & Natl' Resources ☐ Facsimile
550 West Fort Street, MSC 033
Boise, ID 83724

Ueberroth Family Trust ☐ Overnight Mail
c/o Mr. and Mrs. Peter Ueberroth ☒ Regular Mail
PO Box 100 ☐ Hand-Delivered
Laguna Beach, CA 92652-0100 ☐ Facsimile

Tori Harris
Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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 rights listed below are limited to a total combined diversion rate of 0.30 cfs for irrigation purposes. Combined Right Nos.: 95-9464, 95-9679, 95-9722

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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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 SWNW 0.30 T53N R03W S36 NENW 3.00
T53N R03W S36 NWNW 6.70
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.~~

The rights listed below are limited to the irrigation of a combined total of 10 acres in a single irrigation season. Combined Right Nos.: 95-9464, 95-9679, 95-9722

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

Parcel No. 53N03W364000

Stockwater use is for 15 head mixed stock.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-9464

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SAGE CREEK

QUANTITY: 0.060 CFS
17.00 AFY

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

~~Right Nos. 95-9464 and 95-9679 are limited to a total combined diversion rate of 0.15 cfs for irrigation.~~

The rights listed below are limited to a total combined diversion rate of 0.30 cfs for irrigation purposes. Combined Right Nos.: 95-9464, 95-9679, 95-9722

PRIORITY DATE: 05/22/2001

POINT OF DIVERSION: T53N R03W S36 NENW Within KOOTENAI County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE		QUANTITY
DIVERSION TO STORAGE	01/01	12/31	0.010 CFS
FIRE PROTECTION STORAGE	01/01	12/31	2.00 AFY
IRRIGATION	04/01	10/31	0.050 CFS 15.00 AFY
IRRIGATION FROM STORAGE	04/01	10/31	2.00 AFY
IRRIGATION STORAGE	01/01	12/31	2.00 AFY
RECREATION STORAGE	01/01	12/31	2.00 AFY
STOCKWATER FROM STORAGE	01/01	12/31	2.00 AFY
STOCKWATER STORAGE	01/01	12/31	2.00 AFY

Recreation storage is for fishing and swimming.

Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

PLACE OF USE:

IRRIGATION in KOOTENAI County
T53N R03W S36 NENW 2.50 T53N R03W S36 NWNW 2.50

STOCKWATER FROM STORAGE in KOOTENAI County
T53N R03W S36 NENW T53N R03W S36 NWNW

RECREATION STORAGE in KOOTENAI County
T53N R03W S36 NENW T53N R03W S36 NWNW

FIRE PROTECTION STORAGE in KOOTENAI County
T53N R03W S36 NENW T53N R03W S36 NWNW

IRRIGATION FROM STORAGE same as IRRIGATION
5 ACRES TOTAL

~~Right Nos. 95-9464 and 95-9679 are limited to the irrigation of a combined total of 5.0 acres in a single irrigation season.~~

The rights listed below are limited to the irrigation of a combined total of 10 acres in a single irrigation season. Combined Right Nos.: 95-9464, 95-9679, 95-9722

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel No. 53N03W364000

Stockwater use is for 10 head mixed stock.