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Attorney for Lightforce, USA, Inc.

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

In Re SRBA	)	Subcase 78-12329
	)	
Case No: 39576	)	STANDARD FORM 4
	)	MOTION TO FILE:
	)	LATE NOTICE OF CLAIM
	)	
	)	
	)	

INSTRUCTIONS

This form is used to file a late Notice of Claim or 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 SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

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

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or 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.

I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

I am an attorney representing Lightforce, USA, Inc.

My name is Scott Rose

My address is 300 W. Main Street, Ste. 153, Boise, Idaho 83702

My phone number is: Work: (208) 342-2552 Home: (208) 860-1501

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

X I did not file a Notice of claim to the use of water in the SRBA because:

There are numerous sources and diversion points which required identification, including but not limited to, properly describing locations; and for the reason that the two claims before the SRBA are located on the same ranch and the prior owner who filed the two prior claims neglected to claim each of the water rights on the land. Resolving all water rights located on the same land at the same adjudication should promote justice and the Court's efficiencies.

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

X I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a

copy of your Notice of Claim.

Land Patent Records

X I have attached:

- ✓ A fully completed Notice of Claim (available from IDWR).
- ✓ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. 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 \$ \$25.00.

- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. 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 \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on September 16, 2008.

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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 must amend my Notice of Claim to the use of water in the SRBA 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:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (must be completed)

State of Idaho)
)ss:
County of Ada)

SCOTT ROSE, duly sworn, upon oath, deposes and says:

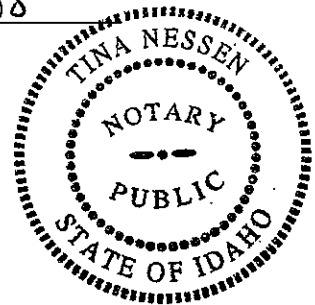
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Scott Rose
Attorney signing in representative capacity

Subscribed and sworn to before me on: June 23, 2008

Tina Nessen
Notary Public for Idaho
Residing at: Eagle
My Commission Expires: 5/13/14



INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SBRA Court. **FAX filings will not be accepted by the SBRA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on the 23 day of June, 2008, I mailed the original and copies of this

objection, including all attachment, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

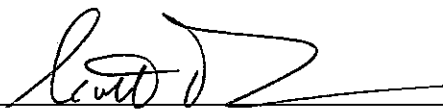
2. Copies to:

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

United States Department of Justice
Environmental & Nat'l Resources Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that case.



Signature of Attorney

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-12329

Date Received:

Receipt No:

Received By:

Claim NO: 78-12329

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

1. Name of Claimant(s)

LIGHTFORCE USA INC

Phone: 208-476-9816

1040 HAZEN LN
OROFINO ID USA 83544

2. Date of Priority: January 24, 1917

3. Source: SPRING FED CREEK Trib. To: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	Aliquot Parts	Lot	County of	Type
23N	01E	15	SE 1/4 SW 1/4		IDAHO	
			S 1/2			
23N	01E	16	S 1/2			

5. Description of diverting works:
CREEK

6. Water is used for the following purposes:

Purpose:	From	To	C.F.S.	(or) A.F.A
LIVESTOCK	01/01	12/31	0.23	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: STOCK WATER LIVESTOCK: 1,000

10. Place of use:

Township	Range	Section	Aliquot Parts	Lot	Use	Acres
23N	01E	15	S 1/2		STOCK WATER	
23N	01E	16	S 1/2		STOCK WATER	

11. Place of use in counties: Idaho

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim:

Beneficial use.

16. 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 Snake River Basin Adjudication." (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 76

For Organizations:

I do solemnly swear or affirm that I am Attorney for Lightforce USE

Title

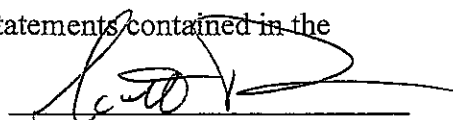
an Idaho Corporation, that I have signed the foregoing

document in the space below as Attorney of

Title

Lightforce USA Incorporated and that the statements contained in the

foregoing document are true and correct.


Signature of Authorized Agent

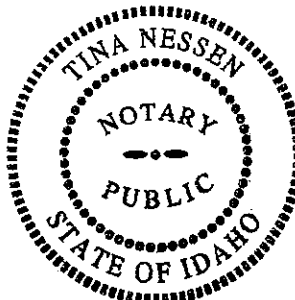
Attorney

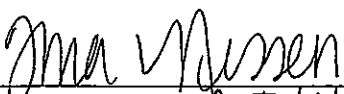
Title and Organization

6-23-08
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 23rd day
of June, 2008.




Notary Public of Idaho
Residing at Eagle
My commission Expires 5/13/14

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received: _____

Receipt No: _____

Received By: _____

Claim No. 78-12329

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Grouse Creek

Please type or print clearly

1. Name of Claimant (s) Light Force USA, Incorporated Phone 208 476-9816

Mailing Address 1040 Hazen Ln. Orofino ID ZIP 83544
Street or Box City State

2. Date of Priority (Only one (1) per claim) 1/24/1917
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (a) Grouse Creek (surface)
which is tributary to (b) Little Salmon

4. a. Location of Point of Diversion is: Township 23 N, Range 1 E, Section _____,
_____, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Idaho

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township 23 N, Range 1 E, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of Idaho

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of
_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. _____

Last Name Light Force USA Ident No. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For livestock purposes from 1/1 to 12/31 amount .23 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .23 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Stockwater

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	15	15											X	X			X	X	4
23N	12	16											X	X			X	X	4

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Idaho

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

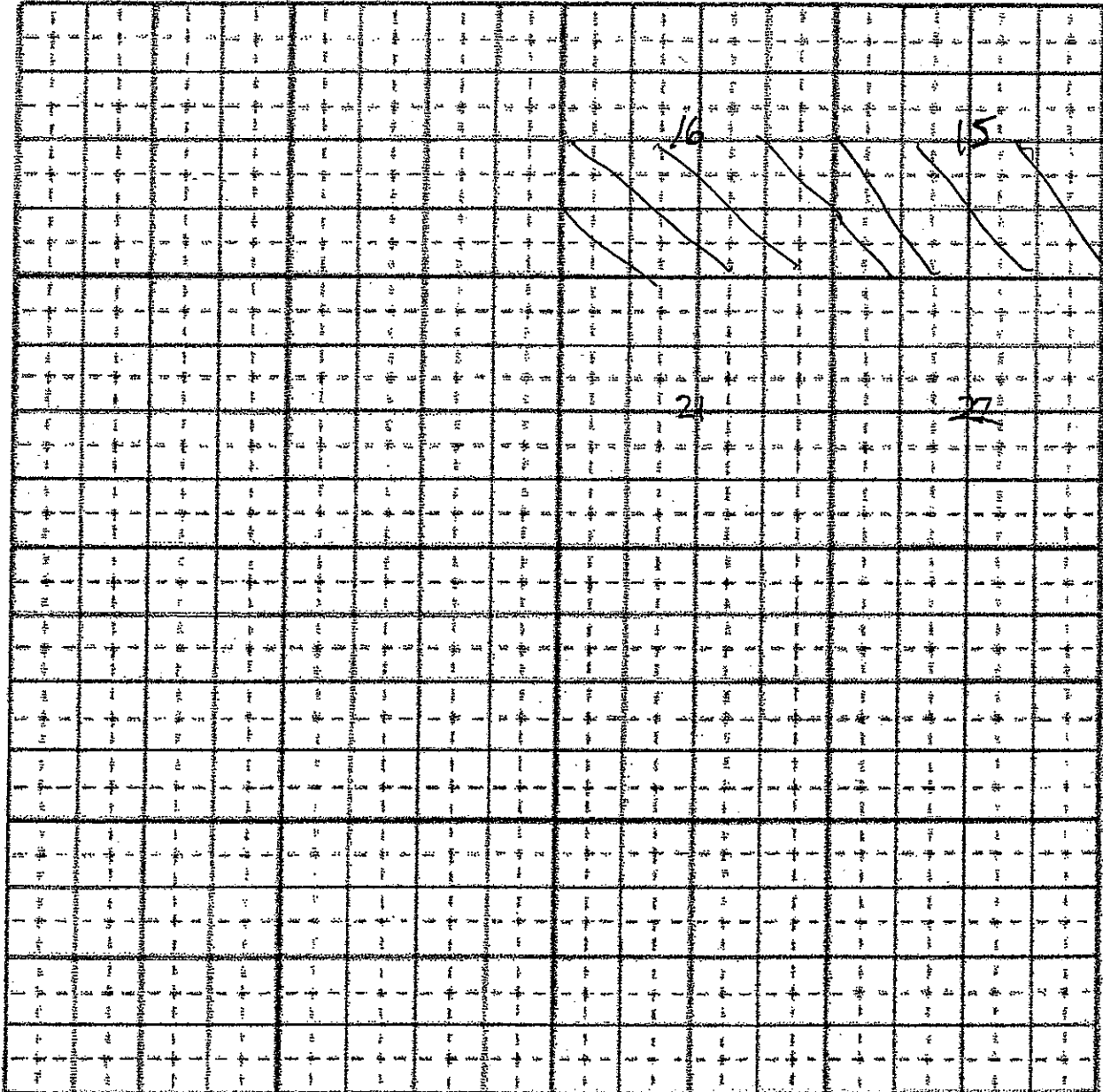
See Subcases 78-10286 and 78-10287 or None ()

13. Remarks: _____

Last Name Lightface UAT, Inc Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



Last Name Lightforce USA Inc Ident No. _____

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number: _____

15. 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 Snake 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: 76

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Scott Rose Date: 6-23-08

Date: _____

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

Attorney of Light Force USA, Incorporated

Title

Organization

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

Attorney of Light Force USA, Incorporated

Title

Organization

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

Signature of Authorized Agent Scott Rose Date: 6-23-08

Title and Organization Attorney and Light Force USA, Incorporated

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, Scott Rose, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott Rose

Address 300 W. Main St., Ste. 153, Boise ID 83702

Date 6-23-08

Last Name Light force USA Inc Ident No. _____