



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

SCOTT ROSE
300 MAIN ST, SUITE 153
BOISE ID 83702

Dear Mr. Rose,

On June 24, 2008, IDWR received several motions to file late claims in the name of Lightforce (78-12327, 78-12328, 78-12329, and 78-12341). After reviewing the claims, it appears that the intent of the claims is to claim more than the 4 water rights that were filed. In essence, based on the information I have, I think there should be more than 4 claims, and I thought it would be appropriate to amend the claims that were submitted for clarity.

I will go through each of the late claims filed individually below, but in general, the attachments represent my interpretation of what I think your client meant to claim. They do not necessarily represent what I would recommend were I to review these claims.

If you choose to amend any of the claims or file new ones, you will need to submit a motion to the court again to make sure the court has the most updated copies of the claims at the time of the hearing set for 9-16-08.

If you choose to file motions for the additional 5 claims as I am proposing, a \$25 filing fee will be applicable to each of the claims assuming your client's intent is to claim a de minimus water right.

78-12327:

78-12327 originally claimed 4 different springs: Spring #1, Spring #2, Spring #4, and Spring #9

The way the motion was filled out, it appeared that a separate claim form was filled out for each spring, but each of the claims were given the same number 78-12327. Unless the claims are interconnected into one system, it is appropriate to file separate claims for each spring. At least two of the springs (Spring #4 and Spring #9) needed to be separated out into its own claim due to different priority dates.

I propose amending 78-12327 to just claim use from spring #1. Then I have created the following claims for the remaining springs.

78-12343: spring #2 Attached with map
78-12344: spring #4 Attached with map
78-12346: spring #9 Attached with map (I cannot find spring #9 on the map
you submitted so I put it in the center of the 40 acre tract it was claimed in.)

Based on the claimed POU, the spring water would have to be piped a long way. The diversion works on the original claims says, "PIPES, TROUGHS, AND TANKS". Does the place of use represented on the claim seem accurate? Please note that the place of use for a stockwater right would be where the stock actually drink the water, rather than all the property the stock may graze on which is often a point of confusion.

Source: I updated the source to claim "Spring" which is tributary to the "Little Salmon Creek"

Diversion rate: The total diversion rate was claimed for 0.04 cfs despite that the individual diversion rate for stockwater was claimed at 0.23 cfs. I updated the total diversion rate to claim 0.23 cfs

78-12328:

This claim appeared to be for in stream stock. I have amended the claim to represent my interpretation of what I think the intent of the claim was and attached a map for your review.

I reduced the claimed diversion rate to 0.02 cfs because that is the greatest diversion rate that can be recommended for instream stock.

78-12329:

This claim appeared to be for in stream stock. I have amended the claim to represent my interpretation of what I think the intent of the claim was and attached a map for your review.

I reduced the claimed diversion rate to 0.02 cfs because that is the greatest diversion rate that can be recommended for instream stock.

78-12341:

78-12341 originally claimed 3 different springs: Spring #6, Spring #7, and Spring #8

The way the motion was filled out, it appeared that a separate claim form was filled out for each spring, but each of the claims were given the same number 78-12341. Unless the claims are interconnected into one system, it is appropriate to file separate claims for each spring.

I propose amending 78-12341 to just claim use from spring #6. Then I have created the following claims for the remaining springs.

78-12347: spring #7 Attached with map
78-12348: spring #8 Attached with map

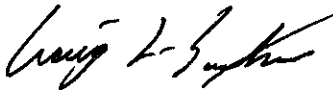
Based on the claimed POU, the spring water would have to be piped a long way. The diversion works on the original claims says, "PIPES, TROUGHS, AND TANKS". Does the place of use represented on the claim seem accurate? Please note that the place of use for a stockwater right would be where the stock actually drink the water, rather than all the property the stock may graze on which is often a point of confusion.

Source: I updated the source to claim "Spring" which is tributary to the "Little Salmon Creek"

Diversion rate: The total diversion rate was claimed for 0.04 cfs despite that the individual diversion rate for stockwater was claimed at 0.23 cfs. I updated the total diversion rate to claim 0.23 cfs

This is a lot of information so please contact me with any questions.

Respectfully submitted,



Craig L. Saxton
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Adjudication Bureau
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208-287-4916

Enclosure(s): Amended claim 78-12327 & map
Amended claim 78-12328 & map
Amended claim 78-12329 & map
Amended claim 78-12341 & map
New Claim 78-12343 & map
New Claim 78-12344 & map
New Claim 78-12346 & map
New Claim 78-12347 & map
New Claim 78-12348 & map