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AUG 13 2009

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 SRBA

Case No. 39576

A. Subcase 78-12329
(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior.
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-1414 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Lightforce USA, Inc. (Attn Jeff Huber)

Address: 1040 Hazen Lane; Orofino, ID 83544

Name: Scott L. Rose (attorney)

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

Name:

Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date See attached.
5. ☒ Point(s) of Diversion See attached.
6. ☒ Instream Flow Description See attached.
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. **Recommendation:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

The objection seeks to establish an instream beginning point of diversion in NESE, S15, T23N, R01E. This legal land description describes BLM land within the Sheep Mountain Allotment. The claimant is not authorized to graze public land within this allotment.

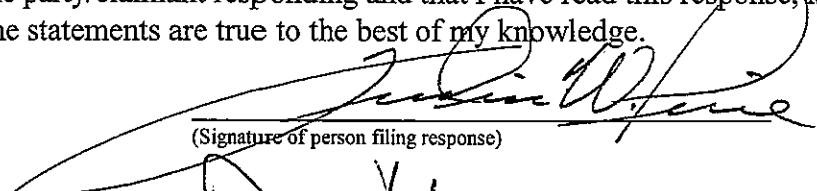
E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

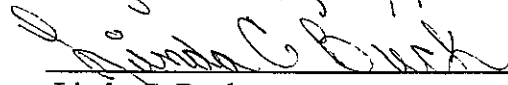
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

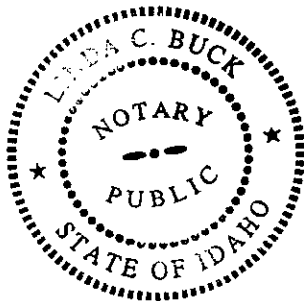

(Signature of person filing response)

David Li
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 10, 2009


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on Aug 11, 2009, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Lightforce USA, Inc.
1040 Hazen Lane; Orofino, ID 83544

3. One copy to the party who filed the objection at the following address:

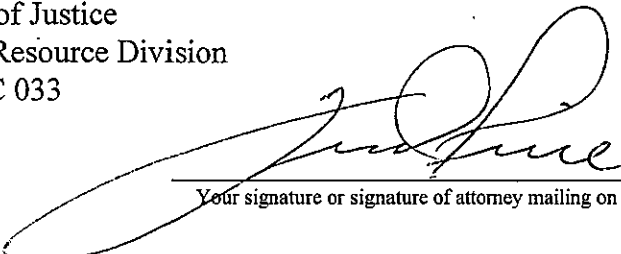
Lightforce USA, Inc. (Attn Jeff Huber)
1040 Hazen Lane; Orofino, ID 83544
Scott L. Rose (attorney)
300 W. Main St., Ste. 153; Boise, ID 83702

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney mailing on your behalf

Late & Misc Claims Director's Report 2009a

06/04/2009

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

RIGHT NUMBER: 78-12329

NAME AND ADDRESS: LIGHTFORCE USA INC
1040 HAZEN LN
OROFINO ID 83544

Objection seeks an instream beginning point on BLM within NESE, S15, T23N, R01E. Claimant is not authorized to graze public land within the Sheep Mountain Allotment.

SOURCE: GROUSE CREEK

TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 11/28/1925

POINT OF
DIVERSION:

T23N R01E S15 SESW Begin of Stream Flow Within IDAHO County
T23N R01E S16 SESW End of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
<u>PLACE OF USE: STOCKWATER in IDAHO County</u>		
T23N R01E S15 SWSW	T23N R01E S15	SESW
T23N R01E S16 SESW	T23N R01E S16	SWSE
T23N R01E S16 SESE		

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.

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

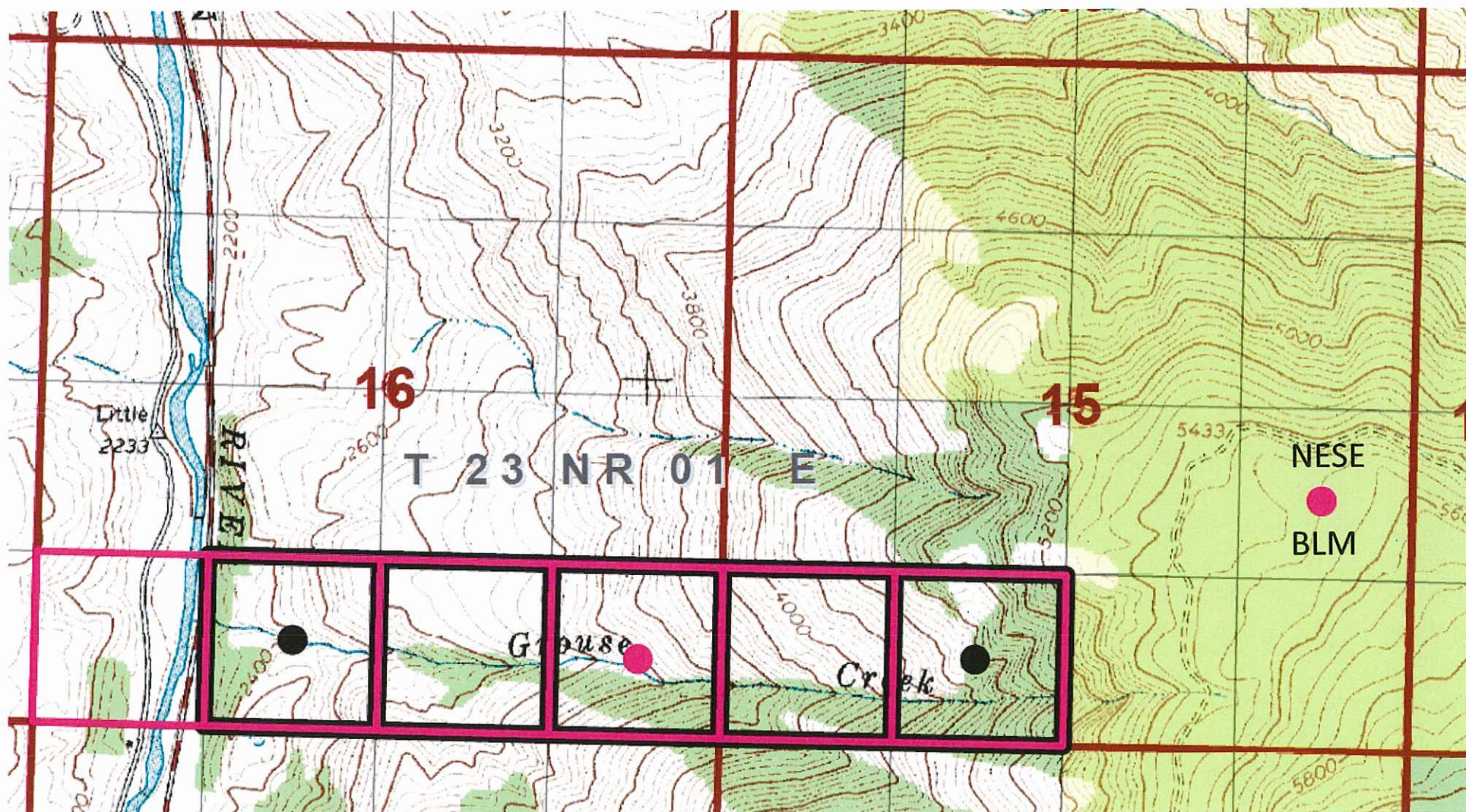
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The objection does not seek a place of use on BLM, perhaps this is a typographical error as the stream does not flow through the NESE, S15.

78-12329

Black = Recommended PODs and POUs.

Pink = PODs and POUs sought in objection.



IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

MT PLAT

[illegible]

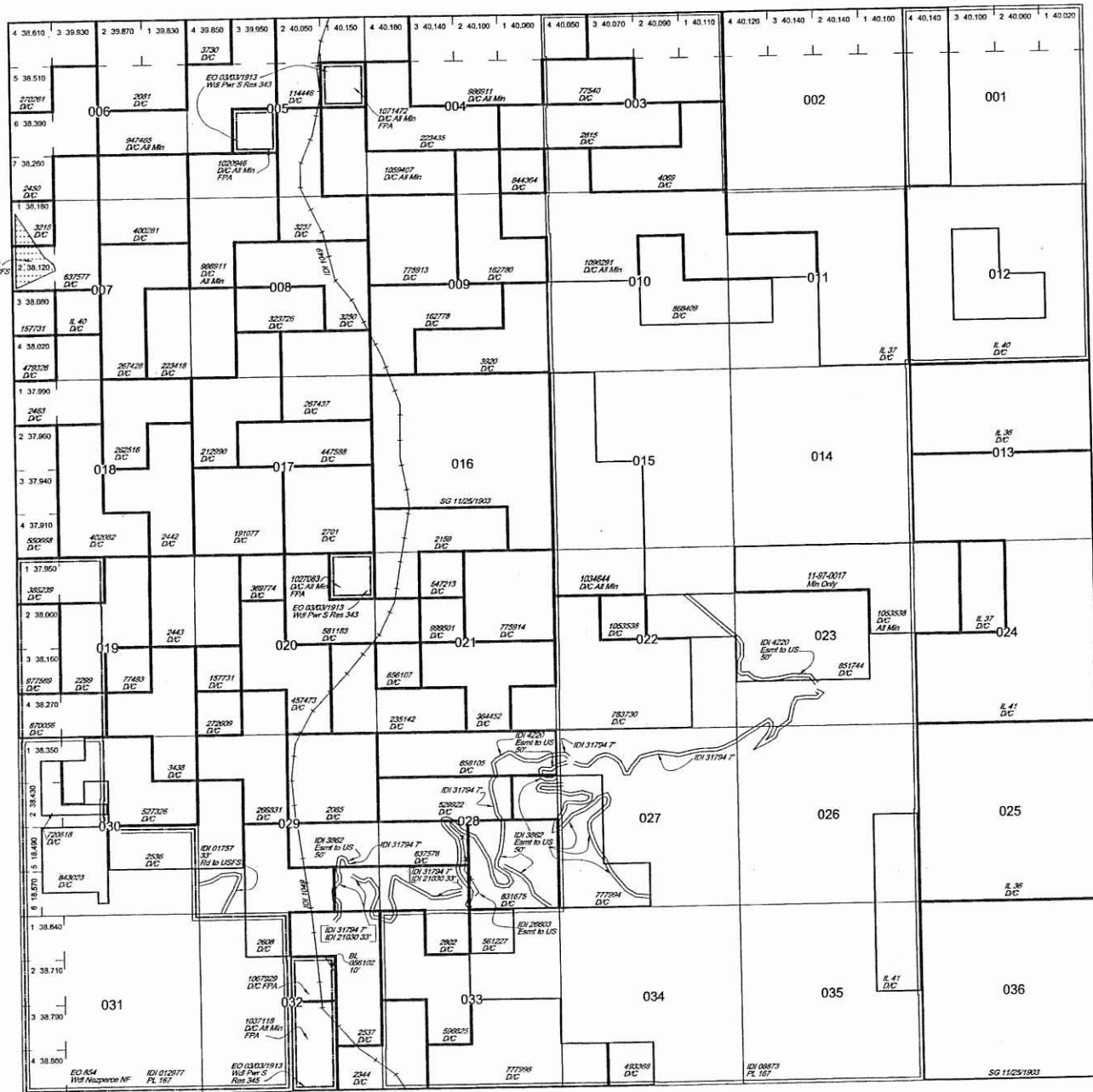
IDI 35518 R/W Road 7'

Sec 28: NE, NESW, S2SW, W2SE
Sec 32: N2NE
Sec 33: NWNW

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: ID0230N010EAMT00000.dwg	
CONVERTED TIF: 12/12/2005	BY: DWS
LAST UPDATED: 11/26/2007	BY: LFM
QAQC #1:	QAQC #2:
POSTED TO PUBLIC RECORDS: November 26, 2007	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GDSR ACQUIRED: 04/24/2005	
OTHER: N/A	
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Boisa Mar.
T. 23 N
R. 1 E



Lat 45° 17' N
Long 116° 17' W

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



Three horizontal scales are shown, each with a different unit of measurement:

- SCALE in chains:** The scale has markings at 10, 5, 0, 10, 20, 30, and 40. The unit 'chains' is indicated above the scale.
- SCALE in feet:** The scale has markings at 1000, 500, 0, 1000, 2000, and 3000. The unit 'feet' is indicated above the scale.
- SCALE in meters:** The scale has markings at 250, 0, 250, 500, and 1000. The unit 'meters' is indicated above the scale.

