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MAY 07 2010

DEPARTMENT OF
WATER RESOURCES

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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 78-12343
	)	Subcase 78-12344
	)	
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.

XX, 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:

Through objection resolution it became apparent to file this late claim.

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.

Please see the attached.

X I have attached:

✓ A fully completed Notice of Claim (available from IDWR).

78-12343, 78-12344

- ✓ 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 \$50.00 for these two late claims at \$25 each.

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 August 17, 2010 at 1:30 p.m.

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:

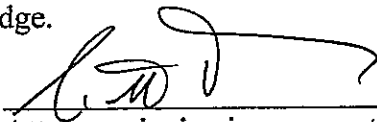
2 x \$25 = \$50

VERIFICATION (must be completed)

State of Idaho)
)ss:
County of Ada)

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

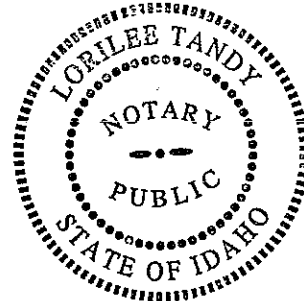
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents and believe that the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



Attorney signing in representative capacity

Subscribed and sworn to before me on: 5-6-10

Lorilee Tandy
Notary Public for State of Idaho
Residing at: Boise, ID
My Commission Expires: 4-22-16



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 6 day of May, 2010, 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:

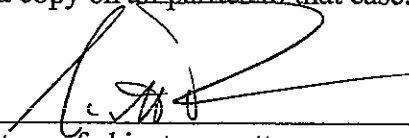
IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

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 objector or attorney
Mailing on Objector's behalf

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 78-12344
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 07 2010

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

LIGHTFORCE USA INC Phone: 208-476-9816
1040 HAZEN LN
OROFINO ID 83544

2. Date of Priority: 01/18/1922

3. Source: GROUSE CREEK

Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	01E	15	SW SW	IDAHO	Ending Point
23N	01E	15	SE SW	IDAHO	Beginning Point

5. Description of diverting works:

Instream stockwater

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

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

8. Non-irrigation uses:
1000 Sheep

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	15	SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	

10. Place of use in counties: IDAHO

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

12. Other Water Rights Used:

13. 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 _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

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

Attorney Title of _____ Organization

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

_____ of _____ Title Organization

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

[Signature]
Signature of Authorized Agent

Attorney for Lightforce USA, Inc. Title and Organization ID Bar #497

5-5-2010
Date

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 78-12343

Date Received:

Receipt No:

Received By:

RECEIVED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

MAY 07 2010

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

LIGHTFORCE USA INC Phone: 208-476-9816
1040 HAZEN LN
OROFINO ID 83544

2. Date of Priority: 11/03/1905

3. Source: GROUSE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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7. Total Quantity Appropriated is:
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8. Non-irrigation uses:
1000 Sheep

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	16	SE	SW	STOCKWATER	
			SW	SE	STOCKWATER	

10. Place of use in counties: IDAHO

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Number of attachments: 0

For Organizations:

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

Attorney of _____
Title Organization

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

_____ of _____
Title Organization

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

[Signature]
Signature of Authorized Agent

Attorney for Lightforce USA, Inc ID Bar #4197
Title and Organization

5-5-2010
Date