

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 19 2010	
By _____	Clerk
_____	Deputy Clerk

**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

Subcase No. 78-10286

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR
Lightforce USA, Inc.

Scott L. Rose #4197 5-6-2010
Scott L. Rose, Attorney Date

IDWR Concurrence:

Carter Fritschle 5-17-10
Carter Fritschle Date
Section Manager, Adjudication Bureau

Andrea Courtney 5/17/10
Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on May 18, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

LIGHTFORCE USA INC
Represented by:
SCOTT L. ROSE
300 W MAIN, STE 153
BOISE, ID 83702

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Joni Harris
Signature of person mailing the form

04/22/2010

R
5-11-2010

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

RIGHT NUMBER: 78-10286

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

SOURCE: SPRINGS

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.040 CFS

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

~~Right Nos. 78-10286 and 78-12327 are limited to a total combined diversion rate of 0.04 cfs.~~

PRIORITY DATE: 11/28/1925

POINT OF
DIVERSION:

~~T23N R01E S16 NESWNE Within IDAHO County~~
T23N R01E S16 NENESE SWSWNE Within IDAHO County
T23N R01E S16 NENWSE SESWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER DOMESTIC in IDAHO County

~~T23N R01E S16~~ SWNE	T23N R01E S16	SENE
~~T23N R01E S16~~ NESE	T23N R01E S16	NWSE

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 -

~~Right No. 78-12327 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.~~

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.