

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. 78-12327

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
Phone: 208-342-2552

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

Holly Harris
Signature of person mailing the form

04/27/2010

rk
5-11-2010

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

RIGHT NUMBER: 78-12327

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

AK

SOURCE: SPRING

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.040 0.020 CFS

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

CA

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

PRIORITY DATE: 07/01/1982 11/28/1925

~~This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.~~

POINT OF
DIVERSION:

T23N R01E S16 NENWSE NESWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>DOMESTIC STOCKWATER</u>	01/01 12/31	0.040 0.020 CFS
~~Domestic use is for 1 home.~~		

PLACE OF USE:

~~DOMESTIC STOCKWATER in IDAHO County~~

T23N R01E S16 ~~SENW~~ SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

~~This right is based upon an enlargement of Right No. 78-10286 pursuant to Section 42-1426, Idaho Code.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use