

01/26/2009

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12327

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

SOURCE: SPRING

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: 07/01/1982

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 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: DOMESTIC in IDAHO County

T23N R01E S16 SENW

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

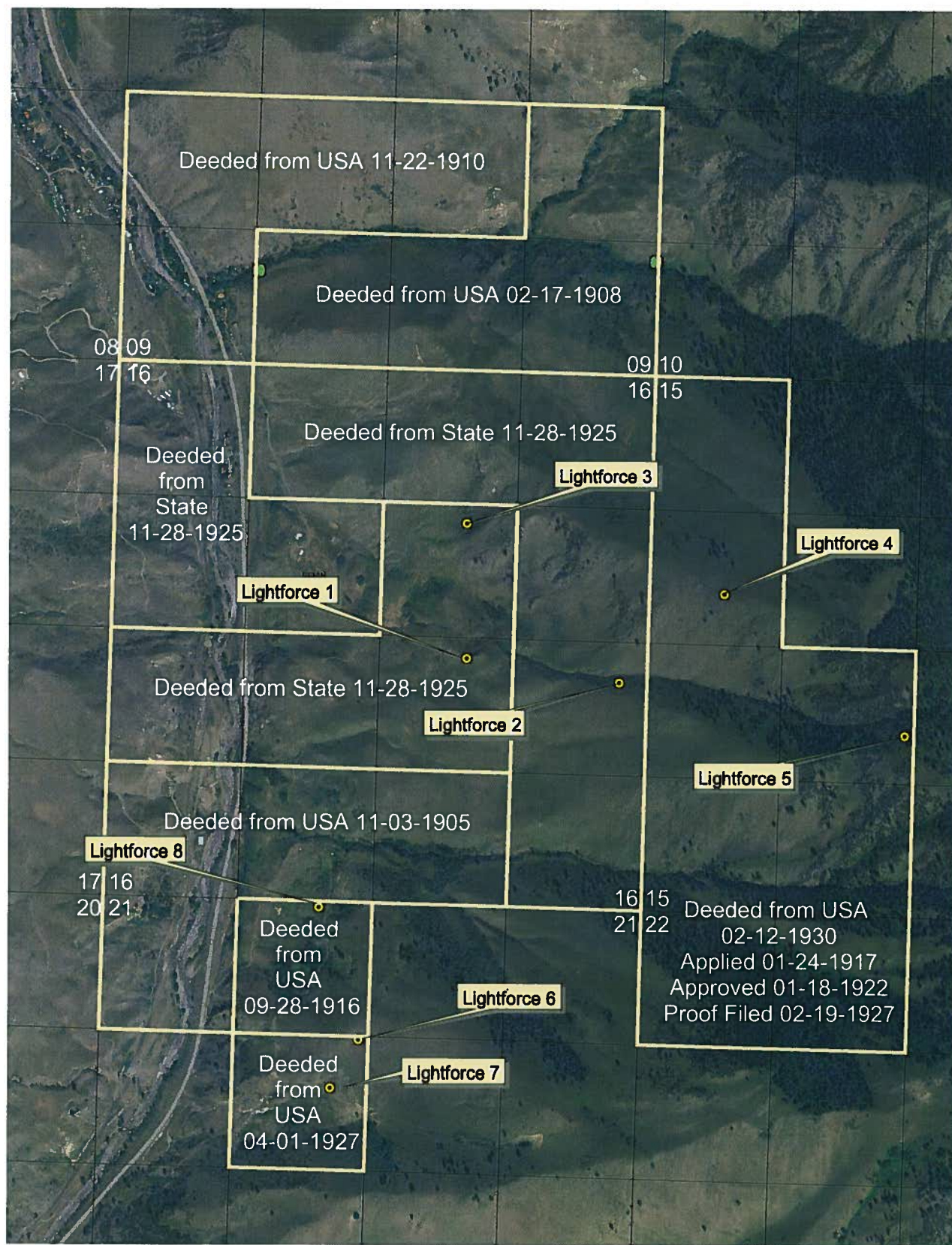
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

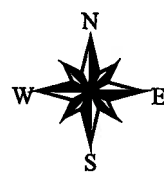
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Lightforce USA



2000 0 2000 4000 6000 Feet

**T23N R01E S15
S16 S21 & 22**



Evidence of Priority Date for 78-12327 and 78-10286

The land in the SENW of Section 16 in which the home is located was deeded from the State of Idaho to A. J. Woods on November 28, 1925.

The Idaho County Assessor's office was contacted on November 20, 2008 in an effort to determine when the house currently on the property was constructed. According to the Idaho County records, the house was constructed in 1982. There is no evidence that supports a domestic use prior to the construction of the current home on the property.

Settlement Proposal

*Idaho County assessor's
records show house
was constructed
in 1982.*

- A. Spring 1 is the main spring that feeds the house; the overflow runs to the pond.
- B. Spring 3 has a stock tank and overflow runs to spring/tank number 2 and is gravity fed and connected by a black poly pipe.
- C. Springs 2 and 3 overflow down to the pond and this pond is used for watering cattle when herding them into the corrals by the house.
- D. Spring 4 is used for stock tank and watering area.
- E. Springs 5 and 6 were modified by ITD in approximately 1996 after the floods and slides took place in this area. ITD modified them by placing diversion culverts near the sources of the spring and diverting to a central culvert that is sent under the highway.

Lightforce USA Land Patents and Conveyance of Property

T23N, R01E, S16 SENW – Location of house and stock pond originally claimed for 78-10286.

N1/2, N1/2 of SE and SESE conveyed to State of Idaho - 11/25/1903
NWNW and S1/2 of NW conveyed to A J Woods from State of Idaho for \$1524.00 -11/28/1925
S1/2 of SW and SWSE conveyed to John H Killoran - 11/3/1905
House was built in 1982 (according to Idaho County Assessor's records)

T23N, R01E, 15 SWNW and NESW – Location of springs and stock tanks for claim 78-10287

SW and W1/2 NW conveyed to Crofford and Lizzie Hoxie - 2/12/1930

T23N, R01E, S09 S1/2 of S1/2 – Instream domestic and stockwater use from Sheep Creek for claim 78-12328

W1/2 of SW, NESW and NWSE conveyed to Arty Hollenbeck - 11/21/1910
E1/2 of SE, SWSE and SESW conveyed to Edwin Nelson - 2/17/1908

T23N, R01E, S15 S1/2 of SW and S16 S1/2 of S1/2 – Instream domestic and stockwater use from Grouse Creek for claim 78-12329

SW and W1/2 NW of S15 conveyed to Crofford and Lizzie Hoxie - 2/12/1930
S1/2 of SW and SWSE conveyed to John H Killoran - 11/3/1905

T23N, R01E, S21 E1/2 NW – Location of springs claimed for claim 78-12341

NENW conveyed to Charles Galloway, John McGhee, William Goodale and David R Burgess - 9/28/1916
SENW conveyed to Harvey J Potter - 4/1/1927