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JAN 19 2006

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 18 2006

By _____ Clerk
_____ Deputy Clerk

Subcase No.: 33-07093 and 33-07159

ORDER GRANTING MOTIONS TO
FILE LATE NOTICE OF CLAIM

On May 27, 2005, the claimant filed a *Standard Form 4 Motion to File Late Notice of Claim* for each of the above-captioned water right numbers. No party opposed the *Motions*. The matter was referred to a Special Master with special instructions. On January 10, 2006, the Special Master issued a *Recommendation regarding "prejudice" on the Motion to File Late Notice of Claim* recommending that the *Motions to File Late Notice of Claim* be granted.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the *Findings of Fact and Conclusions of Law* contained in the *Special Master's Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Motions to File Late Notice of Claim* for water rights 33-07093 and 33-07159 are **granted**.

The original *Notices of Claim*, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED

Dated this 17th day of January, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on January 18,
2006, with sufficient first-class postage to the following:

AFTON AMY

ALAN J AMY

Represented by:
CURT R THOMSEN
2635 CHANNING WAY
IDAHO FALLS, ID 83404
Phone: 208-522-1230

BELL MOUNTAIN POWER

Represented by:
JUSTIN B OLESON
285 NW MAIN
PO BOX 1047
BLACKFOOT, ID 83221
Phone: 208-785-4700

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111 *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Alan J. "Jake" and Afton Amy, husband and wife
(Name of Claimant)
PO Box 32, Howe, ID 83244 Telephone No: 208-767-3374
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 11/08/1983
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Black Creek tributary to sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity	<u>0.800 cfs</u>	Use <u>power</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity		Use	Period of Use From to
Quantity		Use	Period of Use From to
Quantity		Use	Period of Use From to

4. 0.800 cfs TOTAL QUANTITY USED
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Govt Lot _____
Sec. 10 Township 10N Range 27E B M, Butte County; additional points
of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.) Give
sizes and capacities. Be specific. Describe any changes in the system and give the date of the change

Hydropower

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	27E	20						X											

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Diversion to penstock to hydropower plant to generate electrical power

NOTE: Include here the type and number of stock watered: _____

7. Remarks: Claim has already been verified by IDWR and has been used to generate power commercially since 1987. Late claim due to assignee failure to claim.
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available

State of Idaho)
County of Booneville) ss.

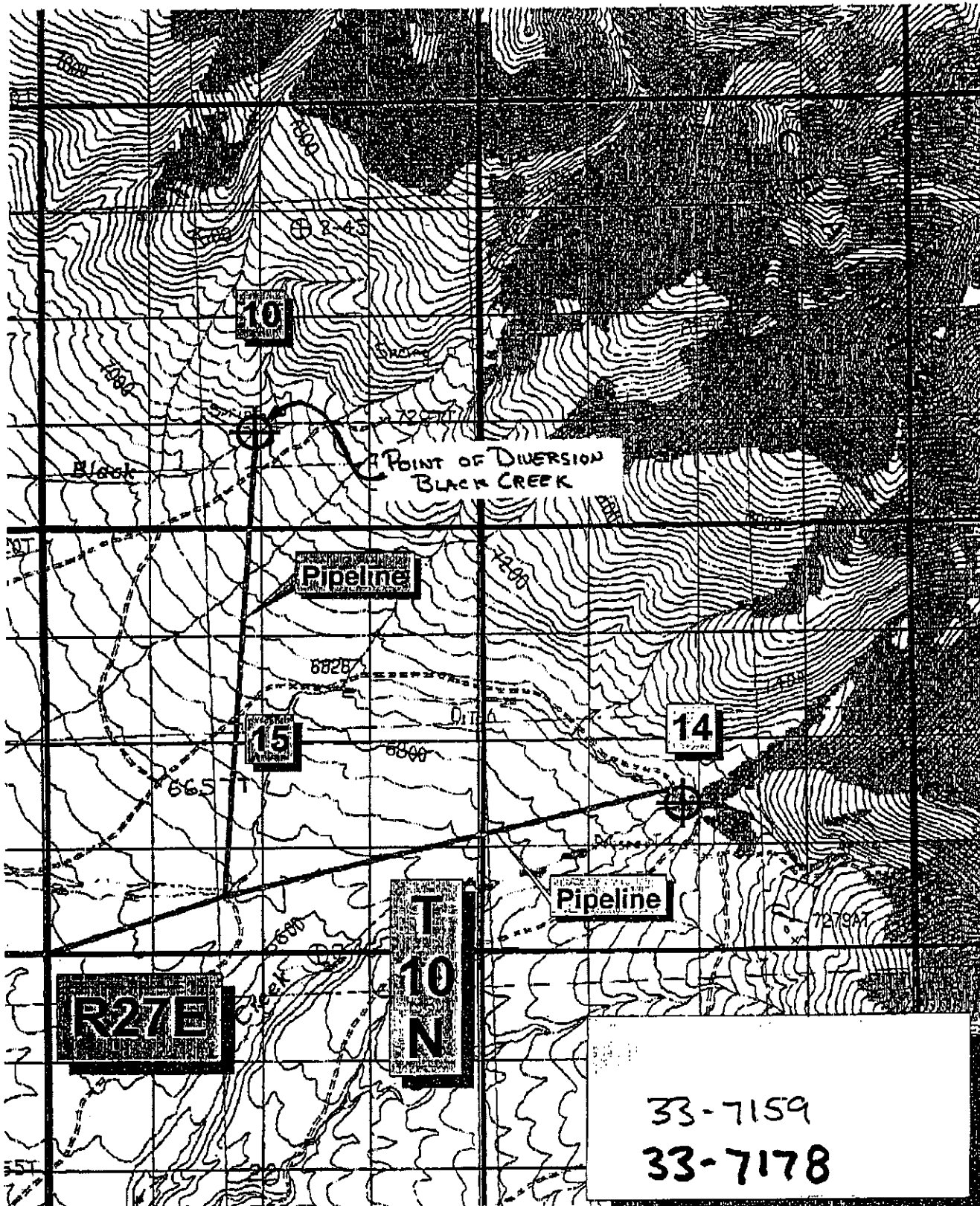
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 26th day of May, 2005
Alan J. Army
Claimant's Signature (and title if claim is for an organization)
Goyce Alansie
Notary Public
Residing at: Idaho Falls Idaho
My commission expires: 9-12-06

FOR DEPARTMENT USE ONLY

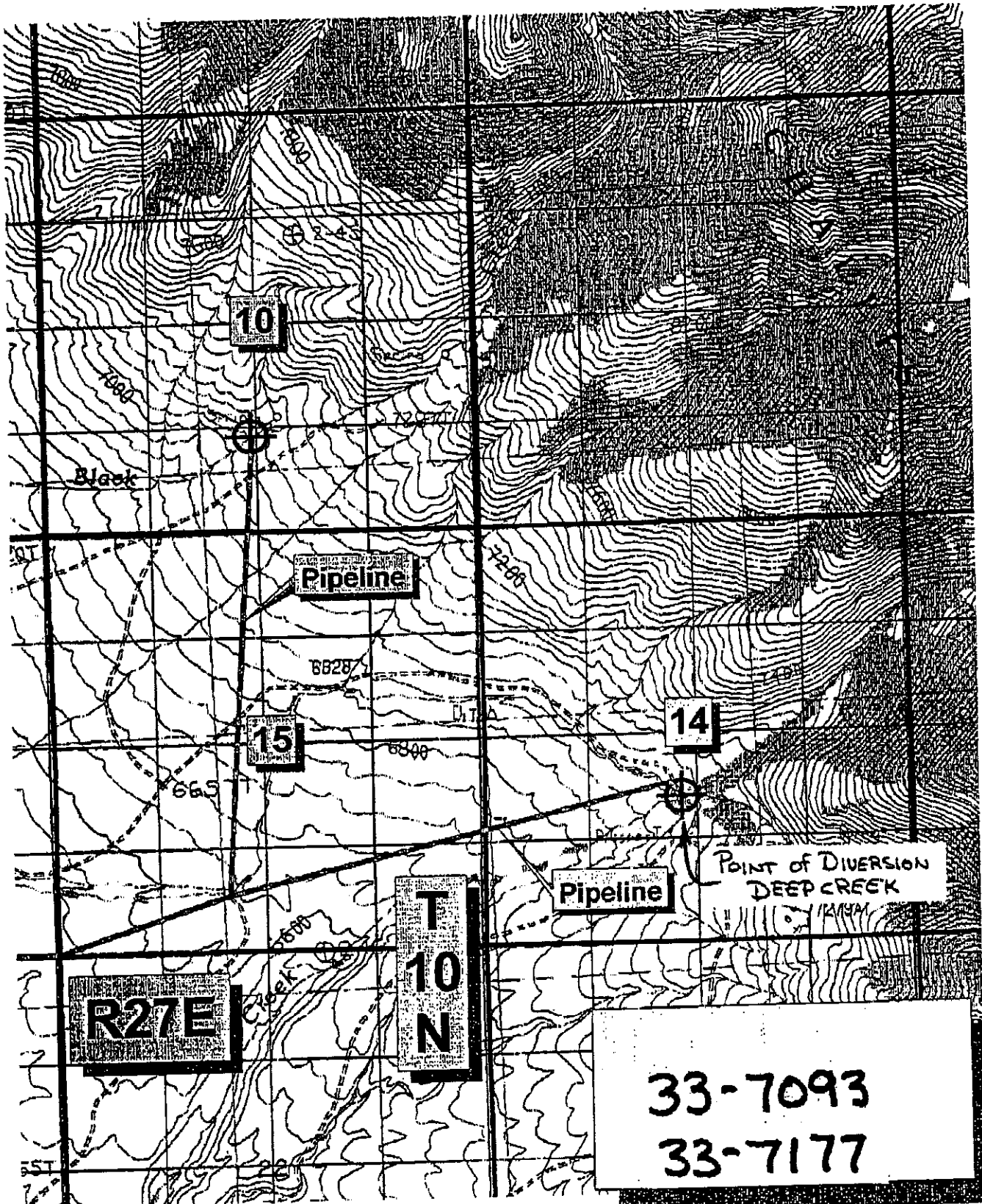
Received by _____ Date _____
Prelim. check by _____ Date _____
Fee 50% Receipt # C080116
Receipt prepared by MM Date 1-19-06

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

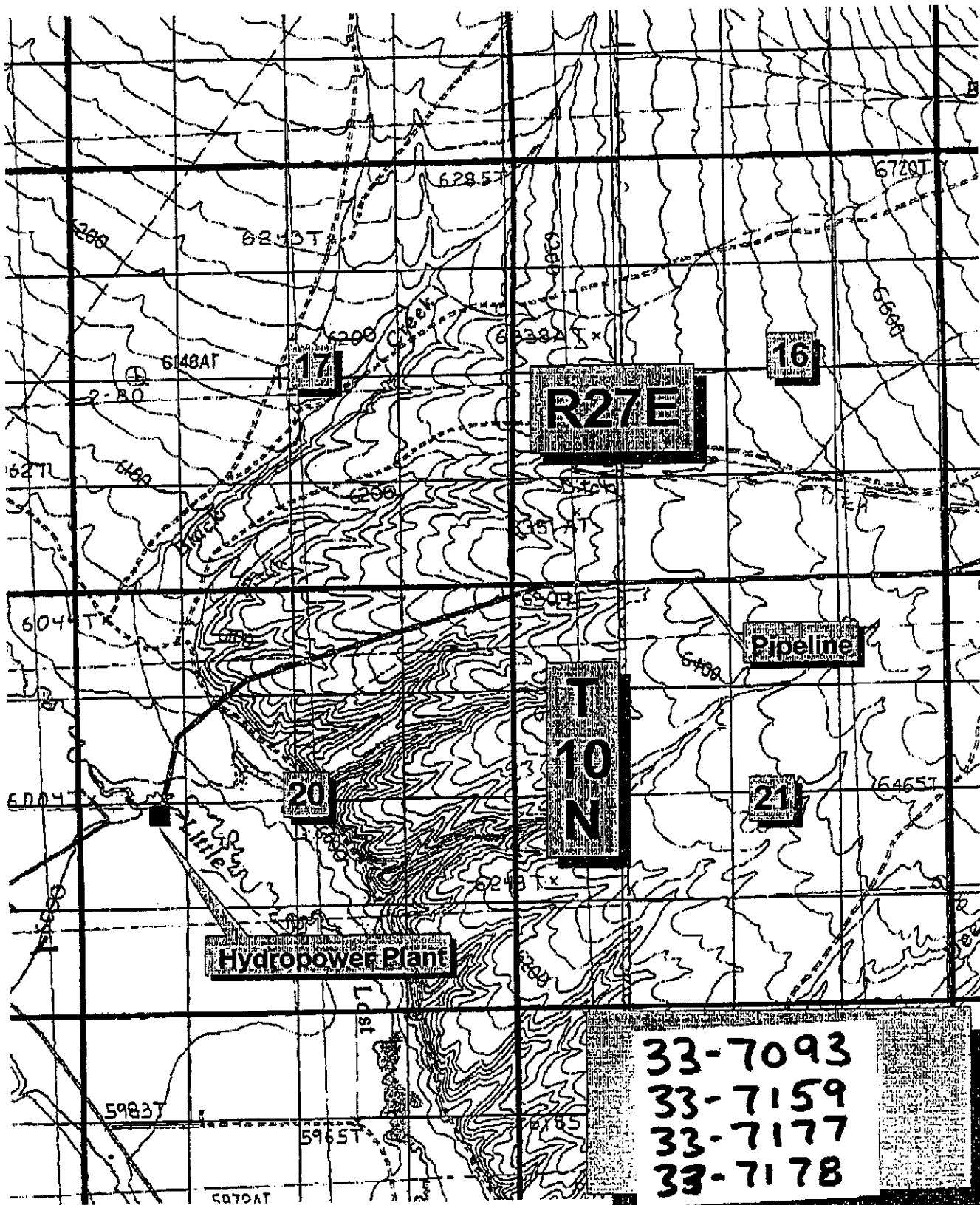


PG 10 of 12

33-7159
33-7178



PG 11 of 12



PG 12 of 12

Payment Amount \$50.00
 Date Received 1/19/2006 12:51:33 PM
 Region **State**
 Status

Payment Type
 Check Number 39034

Check

Comment	CLAIM TO A WATER RIGHT
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Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337		41503	1155

[illegible]

Signature Line (Dept. Representative)