

THOMSEN STEPHENS
LAW OFFICES

Alan C. Stephens*
Curt R. Thomsen (*Challis Office*)
James D. Holman**
*Also Member of Wyoming Bar
**Also Member of Nebraska Bar

RECEIVED
JUN 13 2006
DEPARTMENT OF
WATER RESOURCES

J. Michael Wheeler
Michael J. Whyte
T. Jason Wood
Brian L. Boyle

June 9, 2006

DONALD V SHAFF MPA
ADJUDICATION BUREAU CHIEF
DEPARTMENT OF WATER RESOURCES
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

**RE: Snake River Basin Adjudication
Late Notices of Claim to Water Right Nos. 33-7093 and 33-7159**

Dear Mr. Shaff:

This will follow up your letter of January 30, 2006 to Mr. and Mrs. Amy and to myself regarding the noted water rights, and our conversations subsequent to the letter concerning the claims.

You have advised that notwithstanding the NO. 243 claim forms submitted to the court in support of the motion to file late claims (granted by the court), Amys should submit an additional notice of claim to IDWR per the forms submitted.

Enclosed are claims for Rights 33-7093 and 33-7159. There are other rights involved which are apparently properly noticed in the proceeding (33-7178 and 33-7177). If there are any problems with these additional rights, please give me a call at your earliest convenience.

The flat filing fee of \$50.00 per claim has already been submitted and you advised that there is an additional fee of \$3.00 per kilowatt capacity on the plant. The kilowatt capacity as listed on the nameplate is 650 kilowatts and a check in the amount of \$2,275.00 is enclosed herewith for that fee.

Donald V. Shaff, MPA

June 9, 2006

Page 2

Please contact me further if there are any questions or concerns about the documentation. Thank you for your consideration.

Sincerely,


Curt R. Thomsen

CRT:clm
4201-001\Shaff Ltr

Enclosures

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 33-7093
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Alan "Jake" Amy and/or
Afton Amy, Husband and Wife Phone (208) 767-3374

Mailing Address PO Box 32 - Howe, ID Zip 83244

2. Date of Priority (Only one (1) per claim) 04/10/1981

3. Source of water supply (a) Deep Creek
which is tributary to (b) sinks

4. a. Location of existing point of diversion is: Township 10N Range 27E Section 14,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Butte

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Hydropower project -- Diversion to penstock to power plant.

See attached maps.

- 6 Water is claimed for the following purposes: Hydropower Generation
(both dates are inclusive) (cfs) (acre feet)
- For Hydropower purposes from 01/01 to 12/31 amount 5.00 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- 7 Total quantity claimed (a) 5.00 (cfs) and/or (b) _____ (acre feet)
- 8 Total consumptive use claimed is _____ acre feet per annum. N/A - Non-consumptive
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Hydropower
10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	27E	20								P									

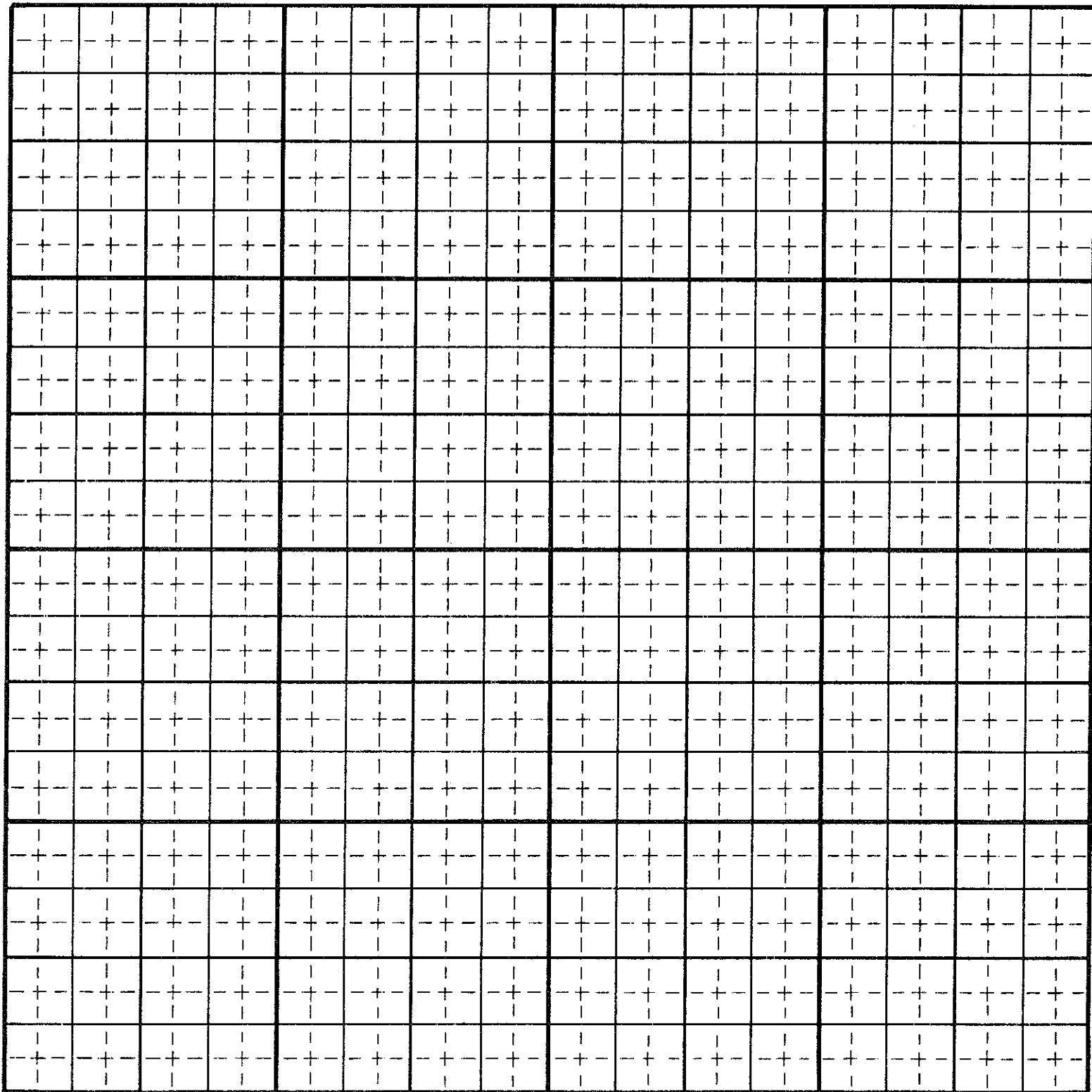
Total number of acres irrigated _____

- 11 In which county (ies) are lands listed above as place of use located? Butte
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()
14. Remarks:
Formal change of ownership from New Energy, Inc. back to Amys is already
on file with IDWR.
See attached info regarding use and licenses.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See attached maps



Last Name AY

Ident No. 33-7093

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Amy J. "Jake" Amy
Amy J. "Jake" Amy
Amy J. "Jake" Amy

Date 3-20-06

Date 3-20-06

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

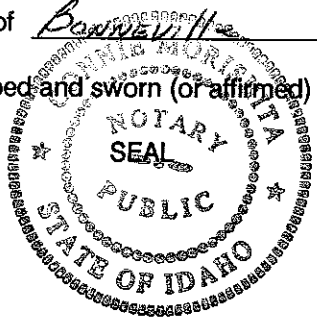
Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Bonneville)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20th day of March 2009



Notary Public Bonnie Morrisette

Residing at Idaho Falls

My Commission Expires 5/23/2009

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Curt R. Thomsen, Thomsen Stephens Law will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

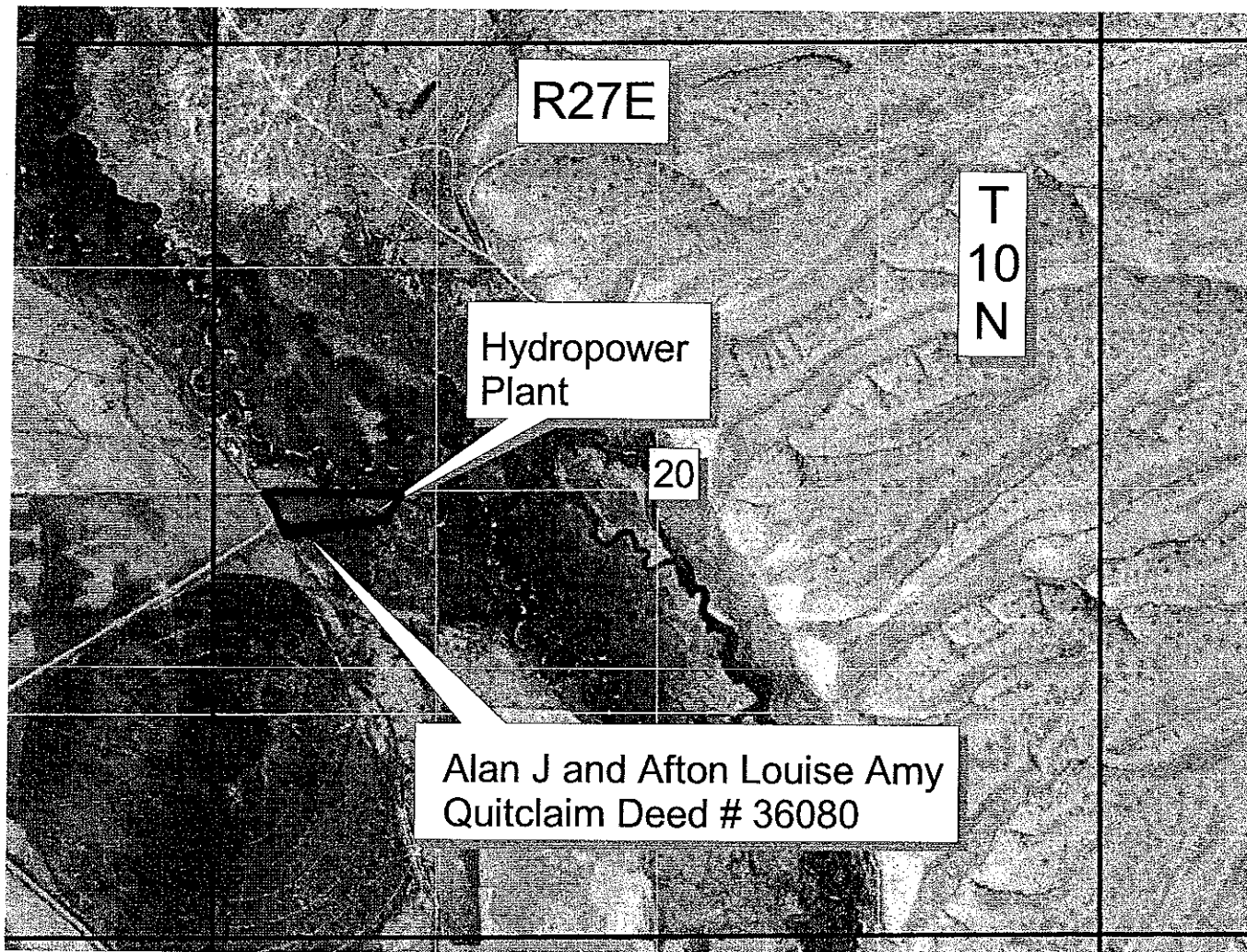
Signature _____

Address 2635 Channing Way - Idaho Falls, ID 83404

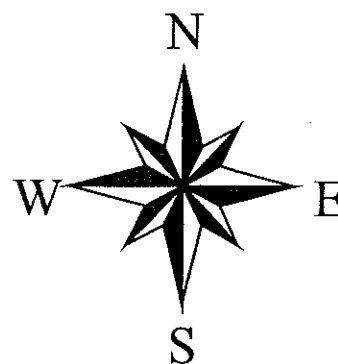
Date _____

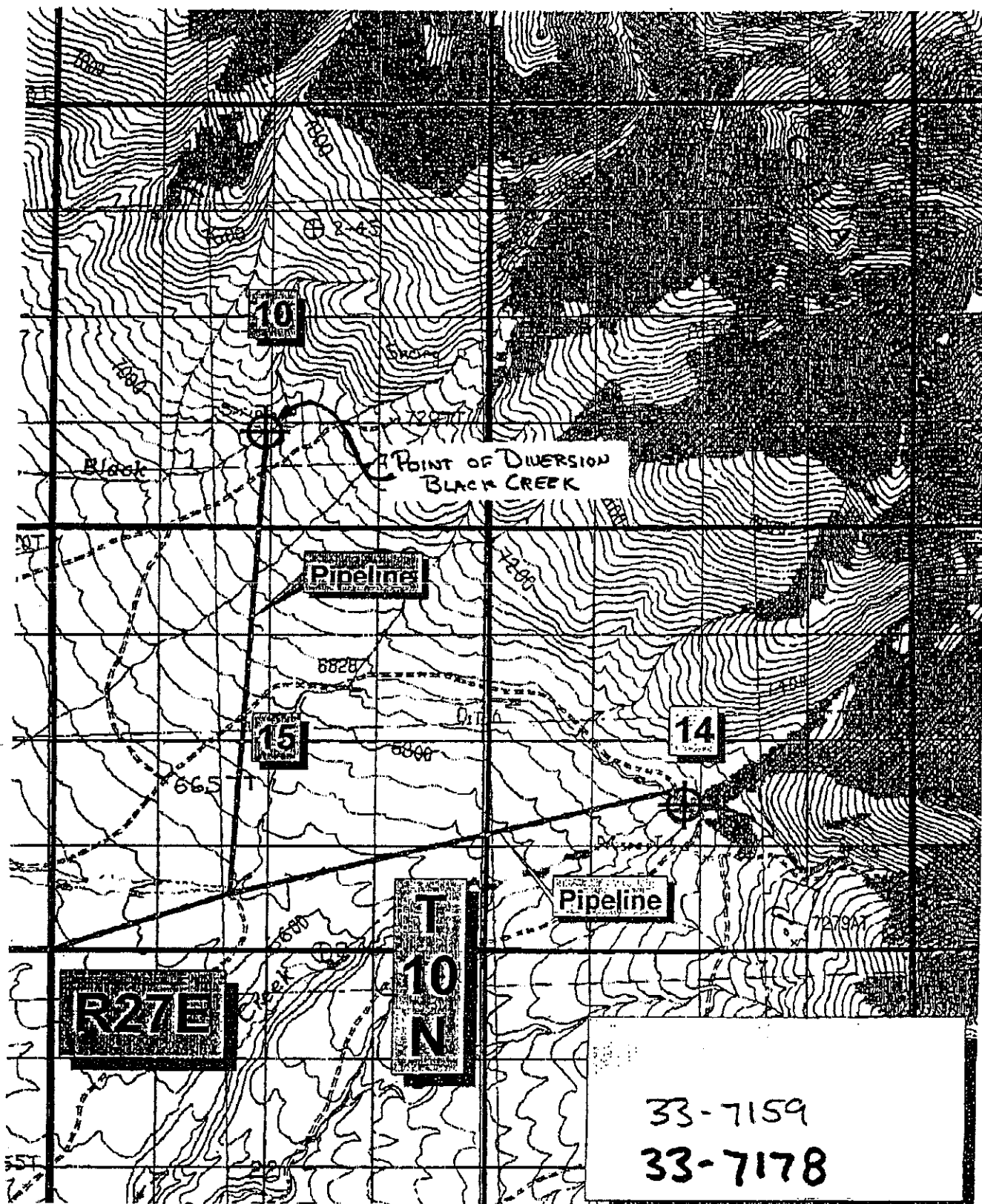
Last Name Amy Ident. Number 33-7093

Copies White-State, Yellow-Claimant



-  Sections
-  QQ
-  GCDB10N27E GCDB

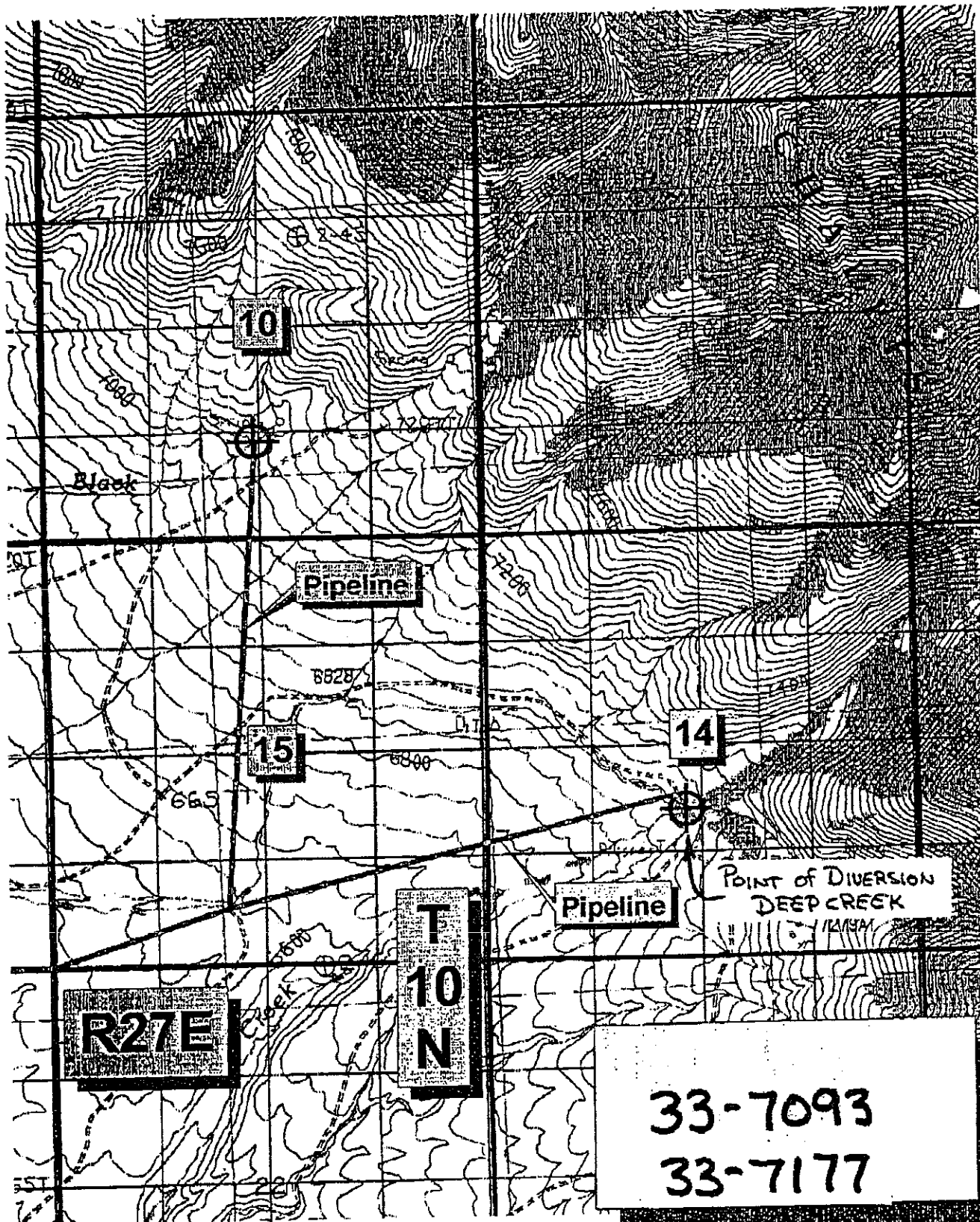




PG 10 of 12

SCANNED

JAN 20 2006



PG 11 of 12

SCANNED

May 25 05 09:16
Curt R. 1th
JAN 20 2006

QUITCLAIM DEED

36080

7-25-2000

For Value Received

Birch Creek Ranches, L.L.C., an Idaho Limited Liability Company
do hereby convey, release, remise and forever quit claim unto

Alan J. Amy and Afton Louise Amy, Husband and Wife

whose current address is

the following described premises, to-wit:

PIO ?

Part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 20 Township 10 North, Range 27 East of the Boise Meridian, Butte County, Idaho described as follows

Beginning at a point that is N 89°57'25"E 306.12 feet along the east-west centerline through the section from the West Quarter corner of said Section 20, said West Quarter corner being N 00°03'17"E 2636.13 feet from the Southwest corner of said Section 20, and running thence N 89°57'25"E 781.28 feet along said east-west centerline, thence S 25°27'10"W 173.00 feet, thence S 80°23'40"W 600.00 feet to an existing fence line, thence N 21°10'43"W 110.00 feet along said existing fence line extended to a point on a curve on the southerly line of an existing County Road thence along said southerly line the following two (2) courses: (1) 95.80 feet along said curve to the left, Curve Data: Delta = 54°40'10" Radius = 100.40 feet, Chord bearing N 14°05'52"W 92.21 feet; thence (2) N 35°56'19"W 81.48 feet to the point of beginning

(Parcel contains 3.22 acres)

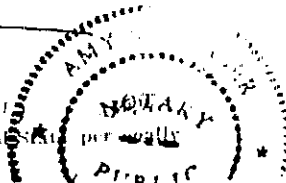
together with their appurtenances

Dated: 7/24/2000

Alan J. Amy
Afton Louise Amy

STATE OF IDAHO, COUNTY OF

On this 24th day of July 2000, I, _____, a Notary Public in and for said State, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.



Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07093

Priority: April 10, 1981

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 3,620.0 AF

It is hereby certified that NEW ENERGY INC
C/O DAVID SNEDIGAR
1026 E 1000 N
SHELLEY ID 83274

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 20, 1981; and has submitted Proof of Beneficial Use on July 22, 1987. An examination indicates that the works have a diversion capacity of 19.51 cfs of water from:

SOURCE

DEEP CREEK

Tributary: LITTLE LOST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	5.00 CFS	3,620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK SE 1/4 NE 1/4 SW 1/4 Sec. 14, Twp 10N, Rge 27E, B.M. BUTTE County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 20											X						

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Page 2

State of Idaho
Department of Water Resources
Water Right License

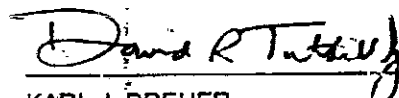
WATER RIGHT NO. 33-07093

CONDITIONS OF APPROVAL CONTINUED

- 6 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33
- 7 Rights 33-87, 33-2034, and 33-7177 are also diverted through the point of diversion described above.
- 8 Rights 33-87, 33-2034, 33-7093 and 33-7177 when combined shall not exceed a total diversion rate of 10.8 cfs.
- 9 Rights 33-87, 33-2034, 33-7093, 33-7159, 33-7177, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 14.0 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of August, 2005


for **KARL J. DREHER**
Director

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07177

Priority: April 29, 1991

Maximum Diversion Rate: 5.50 CFS
Maximum Diversion Volume: 3,980.0 AF

It is hereby certified that NEW ENERGY INC
C/O DAVID SNEDIGAR
1026 E 1000 N
SHELLEY ID 83274

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated December 12, 1985; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 19.51 cfs of water from:

SOURCE

DEEP CREEK

Tributary: LITTLE LOST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	5.50 CFS	3 980.0 AF

LOCATION OF POINT(S) OF DIVERSION:DEEP CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 10N, Rge 27E, B.M. BUTTE County**PLACE OF USE:** POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 20										X							

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Page 2

State of Idaho
Department of Water Resources
Water Right License

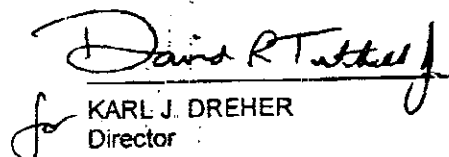
WATER RIGHT NO. 33-07177

CONDITIONS OF APPROVAL CONTINUED

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Rights 33-87, 33-2034, and 33-7093 are also diverted through the point of diversion described above.
9. Rights 33-87, 33-2034, 33-7093 and 33-7177 when combined shall not exceed a total diversion rate of 10.8 cfs.
10. Rights 33-87, 33-2034, 33-7093, 33-7159, 33-7177, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 14.0 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of August, 2005.


for **KARL J. DREHER**
Director

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07178

Priority: April 29, 1991

Maximum Diversion Rate: 2.70 CFS
Maximum Diversion Volume: 1,950.0 AF

It is hereby certified that NEW ENERGY INC
C/O DAVID SNEDIGAR
1026 E 1000 N
SHELLEY ID 83274

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 12, 1985; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 19.51 cfs of water from:

SOURCE

BLACK CREEK

Tributary: LITTLE LOST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	2.70 CFS	1,950.0 AF

LOCATION OF POINT(S) OF DIVERSION:BLACK CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Twp 10N, Rge 27E, B.M. BUTTE County**PLACE OF USE:** POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 20																	X

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07178

CONDITIONS OF APPROVAL CONTINUED

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Rights 33-2034, 33-7159, and 33-7179 are also diverted through the point of diversion described above.
9. Rights 33-2034, 33-7159, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 3.8 cfs.
10. Rights 33-87, 33-2034, 33-7093, 33-7159, 33-7177, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 14.0 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of August, 2005.


for **KARL J. DREHER**
Director

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07159

Priority: November 08, 1983

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 578.0 AF

It is hereby certified that NEW ENERGY INC
C/O DAVID SNEDIGAR
1026 E 1000 N
SHELLEY ID 83274

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 08, 1983; and has submitted Proof of Beneficial Use on July 22, 1987. An examination indicates that the works have a diversion capacity of 19.51 cfs of water from:

SOURCE

BLACK CREEK

Tributary: LITTLE LOST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	0.80 CFS	578.0 AF

LOCATION OF POINT(S) OF DIVERSION:BLACK CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Twp 10N, Rge 27E, B.M. BUTTE County**PLACE OF USE:** POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 20											X						

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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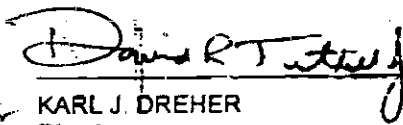
State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 33-07159

CONDITIONS OF APPROVAL CONTINUED

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 33.
7. Rights 33-2034, 33-7179, and 33-7178 are also diverted through the point of diversion described above.
8. Rights 33-2034, 33-7159, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 3.8 cfs.
9. Rights 33-87, 33-2034, 33-7093, 33-7159, 33-7177, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 14.0 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 3rd day of August, 2005.


for **KARL J. DREHER**
Director