

RECEIVED

MAY 31 2005

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 39576

Subcase 33-7093

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Alan J. "Jake" Amy and Afton Amy, husband and wife

My name is Curt R. Thomsen

My address is 2635 Channing Way, Idaho Falls, ID 83404.

My phone number is 208-522-1230 or 208-362-0085.

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Mr. and Mrs. Amy entered into a hydropower development agreement and ground lease with New Energy Inc. (Now Bell Mountain Power) in 1986 and the water right involved was assigned to New Energy. Amy's did not receive a Notice to file a claim and assumed that New Energy had taken all necessary steps to file required notice in the SRBA proceeding. In April, 2005 Amys first received notice from IDWR that a claim had not been filed in the SRBA and are now taking the necessary steps to file such a claim. There is an existing hydropower project (Amy Ranch Hydropower Project) which has been constructed and is using the right, and has continuously used the right to generate power since January, 1987. Amys will become the owners of the Project when the ground lease ends in January, 2007, and must preserve their right and claim in order to operate. Attached is IDWR documentation relating to the right and its proof of use.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. §42-1414. To determine this amount, contact IDWR at (800)451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800)451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$50.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on August 16, 2005 at 1:30 p.m.
(Insert Date and Time)

At the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

STATE OF IDAHO)
County of ADA) ss.

CURT R THOMSEN, being first duly sworn upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Attorney signing in representative capacity

SUBSCRIBED AND SWORN to on oath before me this 24 day of May, 2005.



Notary Public for Idaho

Residing at Idaho Falls, Idaho 83405

My Commission Expires: Jun 30 2009

INSTRUCTIONS FOR MAILING

You must file this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 6, 2005, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

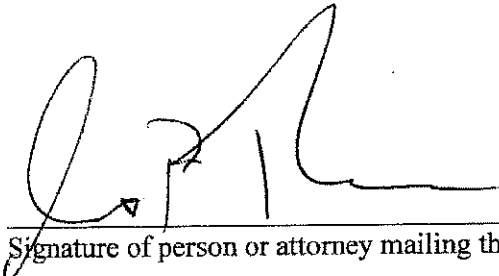
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 33-7093

WATER RIGHT NUMBER: 33-7093

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALAN J AMY PO BOX 32 HOWE, ID 83244 (208)767-3374
Current Owner	NEW ENERGY INC C/O DAVID SNEDIGAR 4577 N CLEAR LAKES GRADE BUHL, ID 83316

Priority Date: 04/10/1981

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
DEEP CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	1/01 to 12/31	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of DiversionDEEP CREEK
B.M.

NE1/4SW1/4

Sec. 14, Twp 10N, Rge 27E,

BUTTE County

Place of Use

POWER

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

Conditions of Approval:

1. REINSTATED 9-28-1987.
2. 005 Use of water under this right is subject to control by the watermaster of State Water District No. & DISTRICT.
3. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
4. 08A This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is

cause

for immediate cancellation of this right.

5. 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 33-7093

6. 017 This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

Remarks:

Comments:

Dates and Other Information:

Permit Proof Due Date: 7/1/1987
Permit Proof Made Date: 7/22/1987
Permit Approved Date: 7/8/1981
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 7/23/1992
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 33
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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) 4-10-1981
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)
deep 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>5.000 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. 5.000 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 14 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

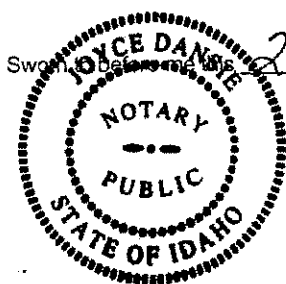
NOTE: Include here the type and number of stock watered: _____

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 Blaineville) 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, before me this 26th day of May, 2005.

Claimant's Signature (and title if claim is for an organization)

Notary Public

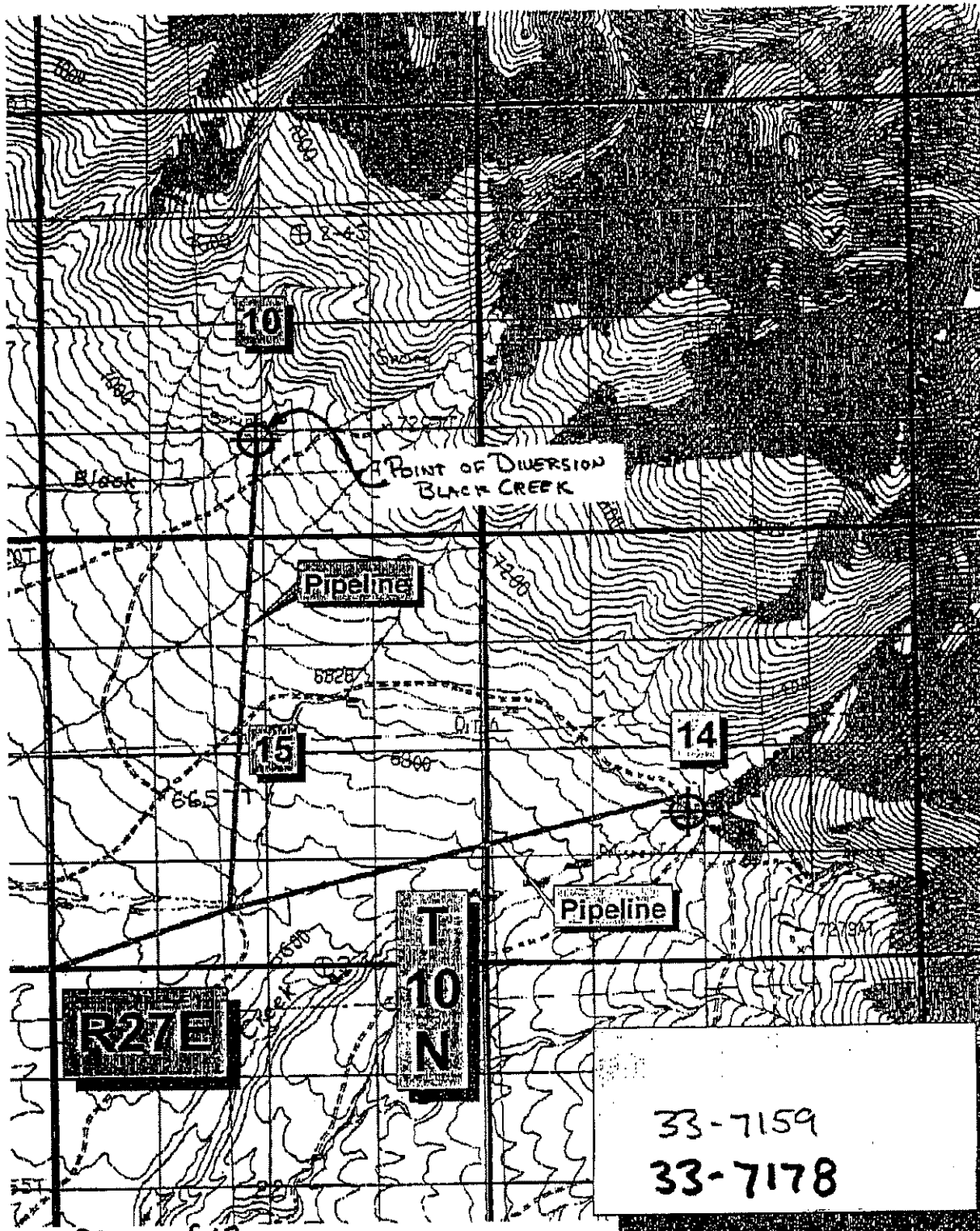
Residing at

My commission expires: 9-12-06

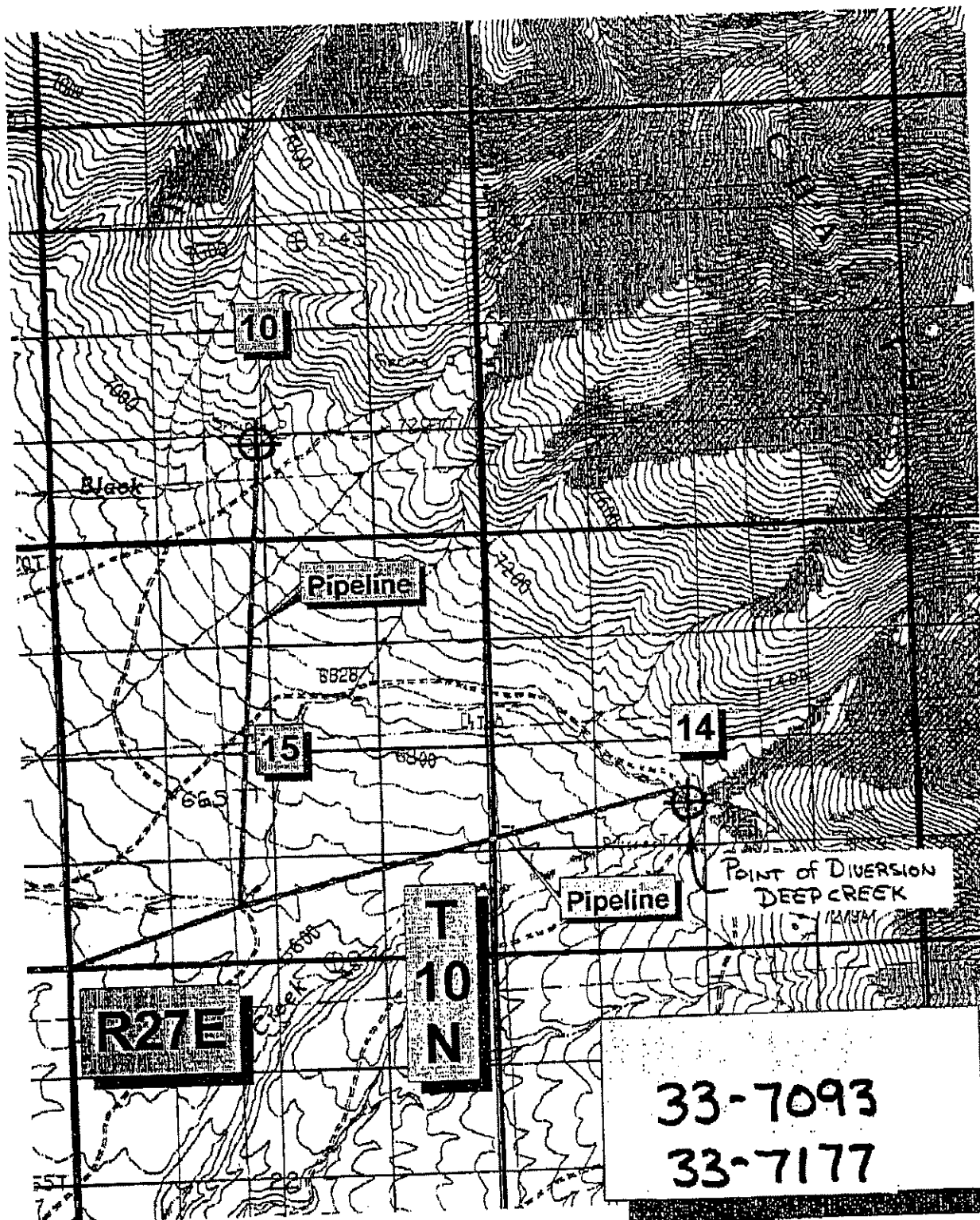
FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

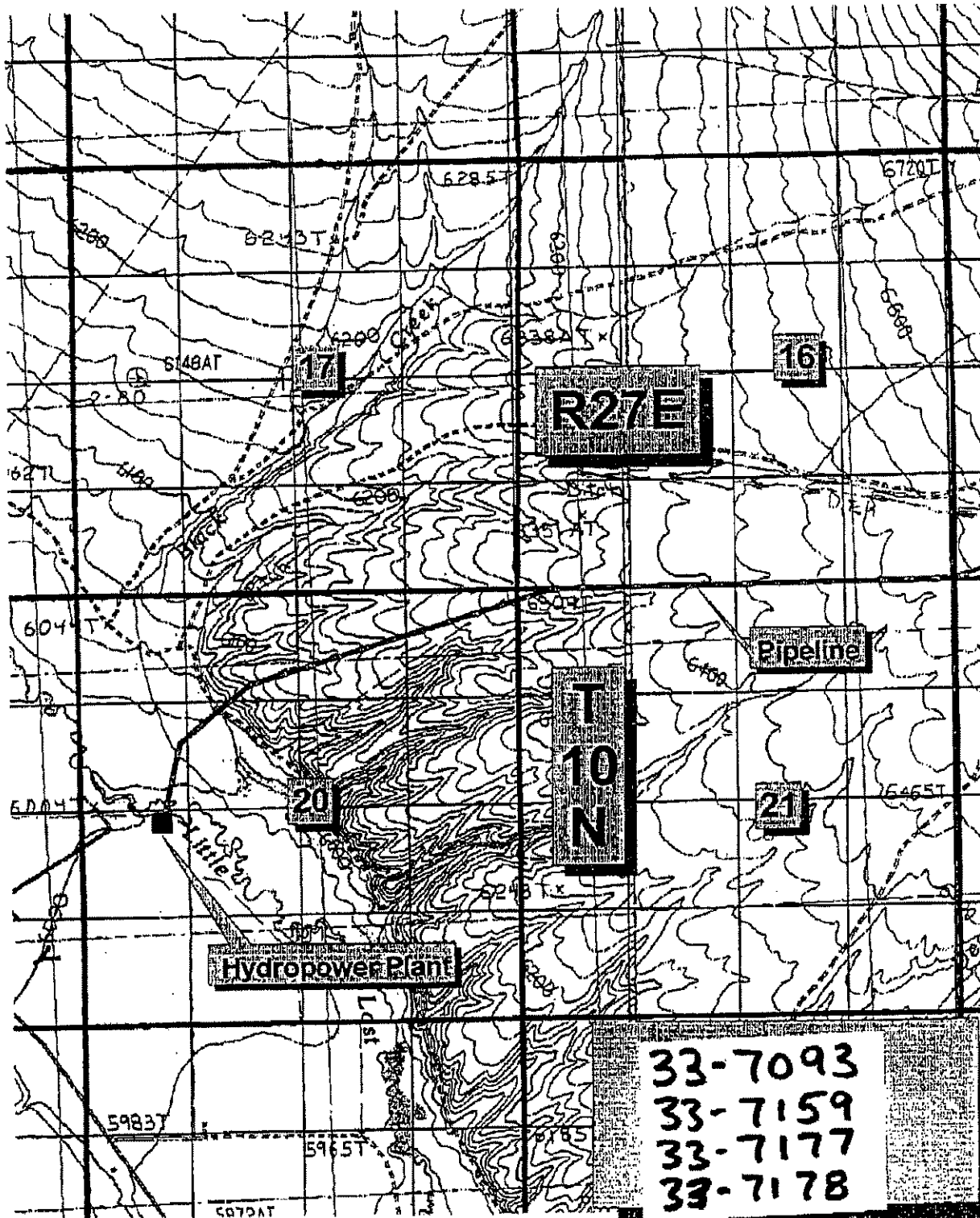
Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____



PG 10 of 12



PG 11 of 12



PG 12 of 12

late
excess

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
JAN 11 2006
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>33-07093</u>		100%	<u>33-07159</u>		100%

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$50-
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) New Energy, Inc. nka Bell Mountain Power
c/o Robert & Shirley Snedigar
321 Concorda Dr. - Tempe AZ 85282 *Robert Snedigar*
Shirley Snedigar
4. New Owner/Claimant(s) Alan "Jake" Amy and Afton Amy
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 32
- City, State and ZIP Code Howe, ID 83244
- New Telephone Number (208) 767-3374
5. Date you acquired the property Prior to 1981

RECEIVED
JAN 25 2006

Department of Water Resources
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Alan J. Gandy
Alan J. Gandy

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by gc Date 2-2-06 Fee \$ 50-
 Received by gc Date 2-2-06 Receipt No. E031611
 Processed by _____ AJ Date _____ WR _____ Date _____

36080

7-25-2000

QUITCLAIM DEED

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 24°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°56'49"W 81.48 feet to the point of beginning

(Parcel contains 3.22 acres)

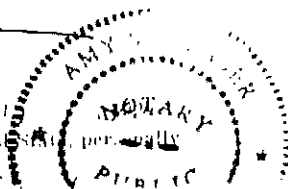
together with their appurtenances.

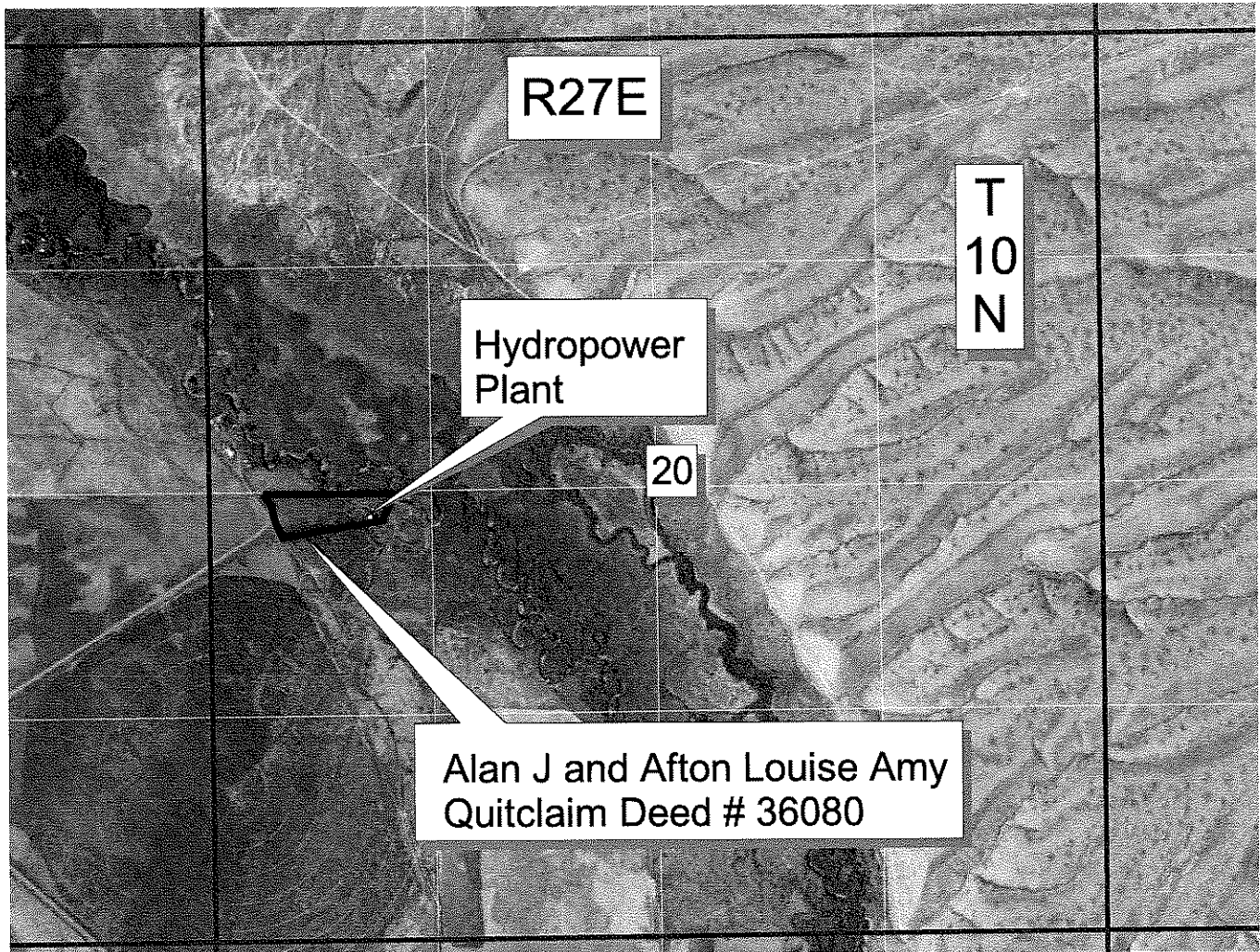
Dated: 7/24/2000

[Signature]
[Signature]

STATE OF IDAHO, COUNTY OF

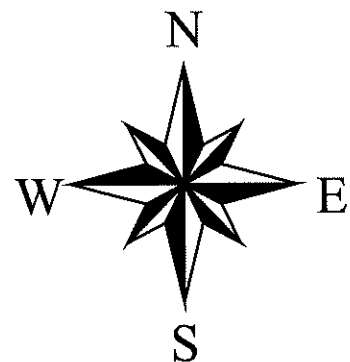
On this 24th day of July,
 before me, a notary public in and for said State, personally





0.3 0 0.3 0.6 Miles

 Sections
QQ
 GCDB10N27E GCDB



2800-15
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY NOTICE TO PROCEED

Right-of-Way or Temporary Use Permit (TUP) Serial Number

I-22581

Date

Issuing Office

Idaho Falls District

Right-of-Way or TUP name

Amy Hydro Project

Certified/Registered Mail-Return Receipt Requested

INSTRUCTIONS — Use Certified or Registered Mail or hand deliver. Send or give original to Holder. Distribute other copies as indicated after receipt date.

Holder:

In accordance with the terms and conditions of the above referenced right-of-way grant or TUP you are hereby authorized to proceed with the activities noted below in the locations specified. Map(s) are attached. ☐ Yes ☐ No

Activity	Location
Construction work on right-of-way I-22581 may proceed as approved in R/W grant.	T. 10 N., R. 27 E., B.M. Section 15: NE1/4SW1/4, S1/2S1/2, NE1/4SE1/4 Section 20: N1/2NE1/4, E1/2NW1/4 Section 21: N1/2N1/2 Section 22: NW1/4NW1/4

Authorized officer is:

Brent D. Jensen

Name

Area Manager, Big Butte R.A.

Title

Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative.

Tim Bozorth

Name of Authorized Officer's Representative

940 Lincoln Rd., Idaho Falls, ID 83401

Office, Street Address, City, State, Zip

529-1020

Office Phone Number

Home Phone Number (optional)

Tim A. Bozorth

Authorized Officer's or Representative's Signature

Date

Holders Acknowledgement when notice is delivered in person.

Alan J. Amy

Signature of Recipient

Amy Ranch Hydro Project

Firm Name

Alan J. Amy

Name of Recipient

Date

HOLDER

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Idaho Falls

Serial Number
I-22581

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Amy Ranch Hydro Project receives a right to construct, operate, maintain, and terminate a hydroelectric pipeline R/W on public lands (or Federal land for MLA Rights-of-Way) described as follows:

T. 10 N., R. 27 E., B.M.

Sec. 15: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 20: N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 21: N $\frac{1}{2}$ N $\frac{1}{2}$
Sec. 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$

- b. The right-of-way or permit area granted herein is 40 feet wide, 17,031 feet long and contains 15.6 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on _____, 50 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☐ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A & B, dated September 4, 1986, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Amy Ranch Hydro Project

Alan J. Remy
(Signature of Holder)

Brent S. Jensen
(Signature of Authorized Officer)

Owner
(Title)

Area Manager
(Title)

Sep-12-1986
(Date)

9-12-86
(Effective Date of Grant)