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OCT 09 2007

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

) Subcase No. 33-7159
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)
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)
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STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

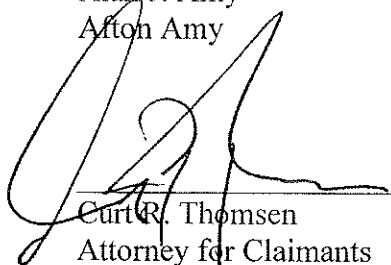
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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(s):

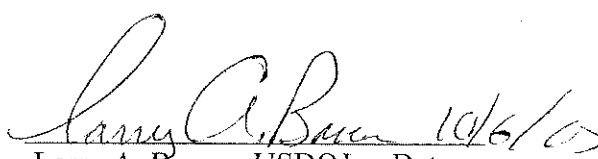
Alan J. Amy
Afton Amy


Curt R. Thomsen
Attorney for Claimants

9-14-07
Date

OBJECTOR(s):

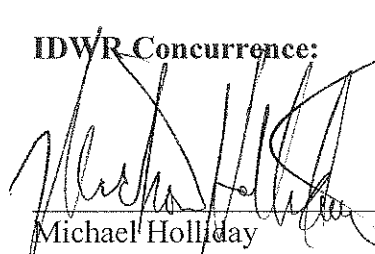
Bureau of Land Management


Larry A. Brown, USDOJ
Attorney for BLM FWP

10/6/07
Date

STANDARD FORM 5 – 33-7159

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent 9/21/2007



Garrick L. Baxter 9/15/07
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 33-7159
NAME AND ADDRESS: ALAN J AMY
PO BOX 32
HOWE ID 83244

AFTON AMY
PO BOX 32
HOWE ID 83244

MWA
FWP
AB
CRO
JG

SOURCE: BLACK CREEK
QUANTITY: 0.800 CFS
578.00 AFY
TRIBUTARY: LITTLE LOST RIVER

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.

Rights 33-2034, 33-7159, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 3.8 cfs.

PRIORITY DATE: 11/08/1983

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.

POINT OF
DIVERSION:

T10N R27E S10 NWSESW NESESW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	0.800 CFS 578.00 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: POWER in BUTTE County

T10N R27E S20 NWNW NWSW

AB

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

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.

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.

Fwp

13

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CRF

Rights 33-2034, 33-7179, and 33-7178 are also diverted through the point of diversion described above.

The issuance of this right does not grant any right-of-way or easement across the land of another.

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

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.

MWA

CERTIFICATE OF MAILING

I certify that on 10/6, 2007, 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:

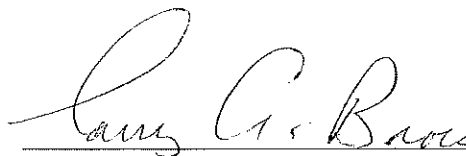
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

AFTON AMY
ALAN J AMY
Represented by:
CURT R THOMSEN
2635 CHANNING WAY
IDAHO FALLS, ID 83404

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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



Signature of person or attorney mailing the form