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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.

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☒ 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.)

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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

[Signature]
Attorney signing in representative capacity

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



Karen Culbertson
Notary Public for Idaho

Residing at Idaho Falls, Idaho Boi 5-0

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 11/16, 2005, I mailed the original and copies of this form, including al 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:

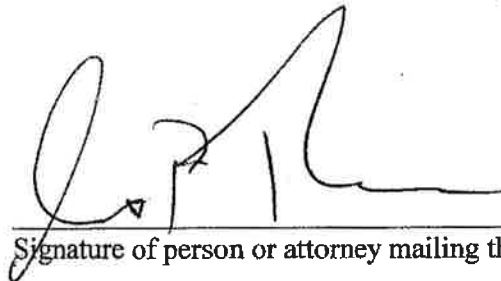
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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 SE¼NE¼SW¼ Sec. 14, Twp 10N, Rge 27E, B.M. BUTTE County

PLACE OF USE: POWER

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

State of Idaho
Department of Water Resources
Water Right License

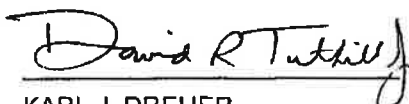
WATER RIGHT NO. 33-07093

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

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

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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
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

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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

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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 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

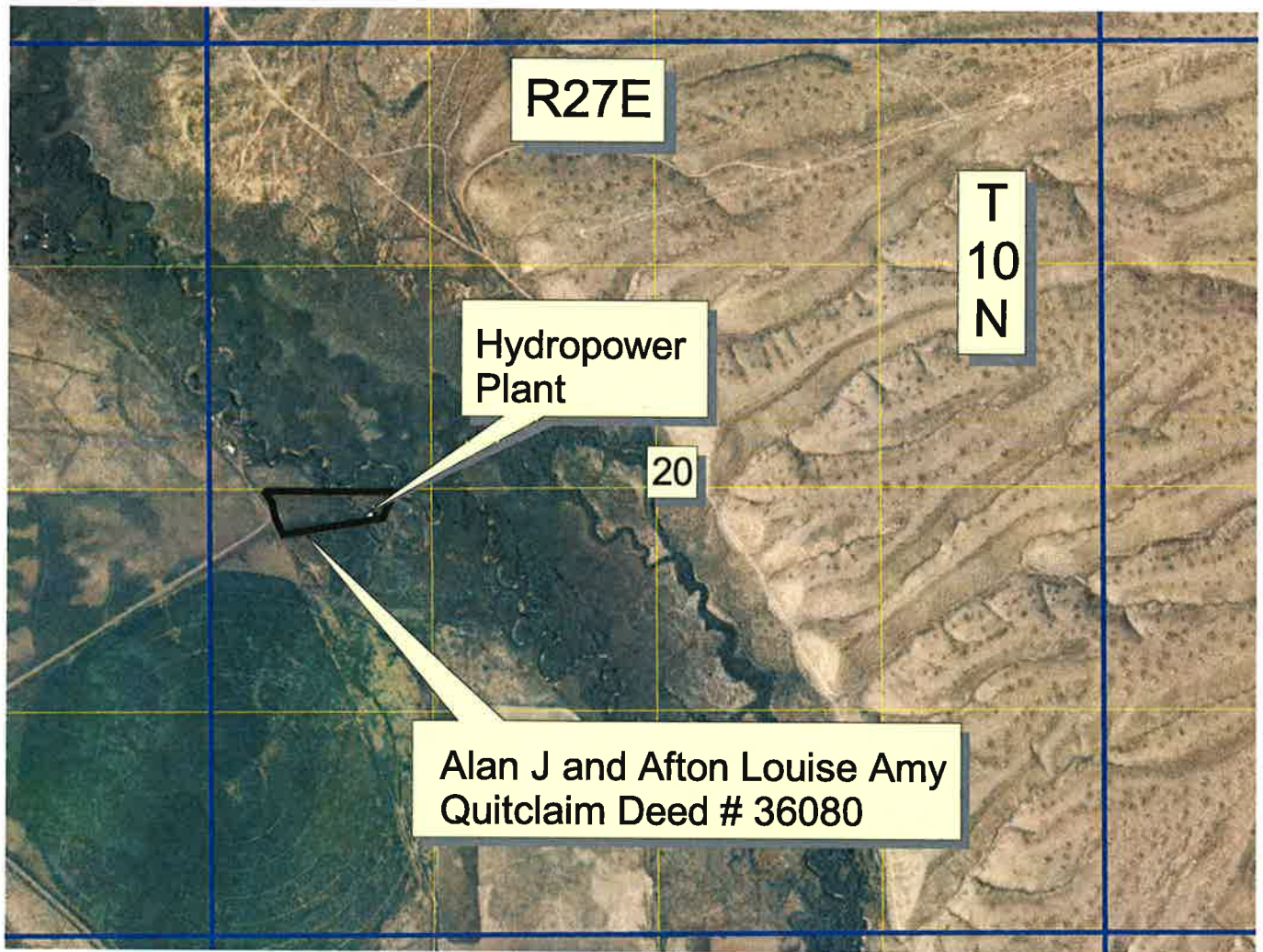
On this 24th day of July, 2000

before me, a notary public in and for said State, personally



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- Sections
- QQ
- GCDB10N27E GCDB



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 M. 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

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HOLDER

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
Idaho Falls

Serial Number
I-22581

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

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.

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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. Perry
(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)

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
PO Box 32, Howe, ID 83244 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No: 208-767-3374

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</u>	cfs	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

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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 Bonneville) 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

Alan J. Amy
Claimant's Signature (and title if claim is for an organization)

May

2005

Joyce Danie
Notary Public

Residing at Idaho Falls, Idaho

My commission expires: 9-12-06

FOR DEPARTMENT USE ONLY

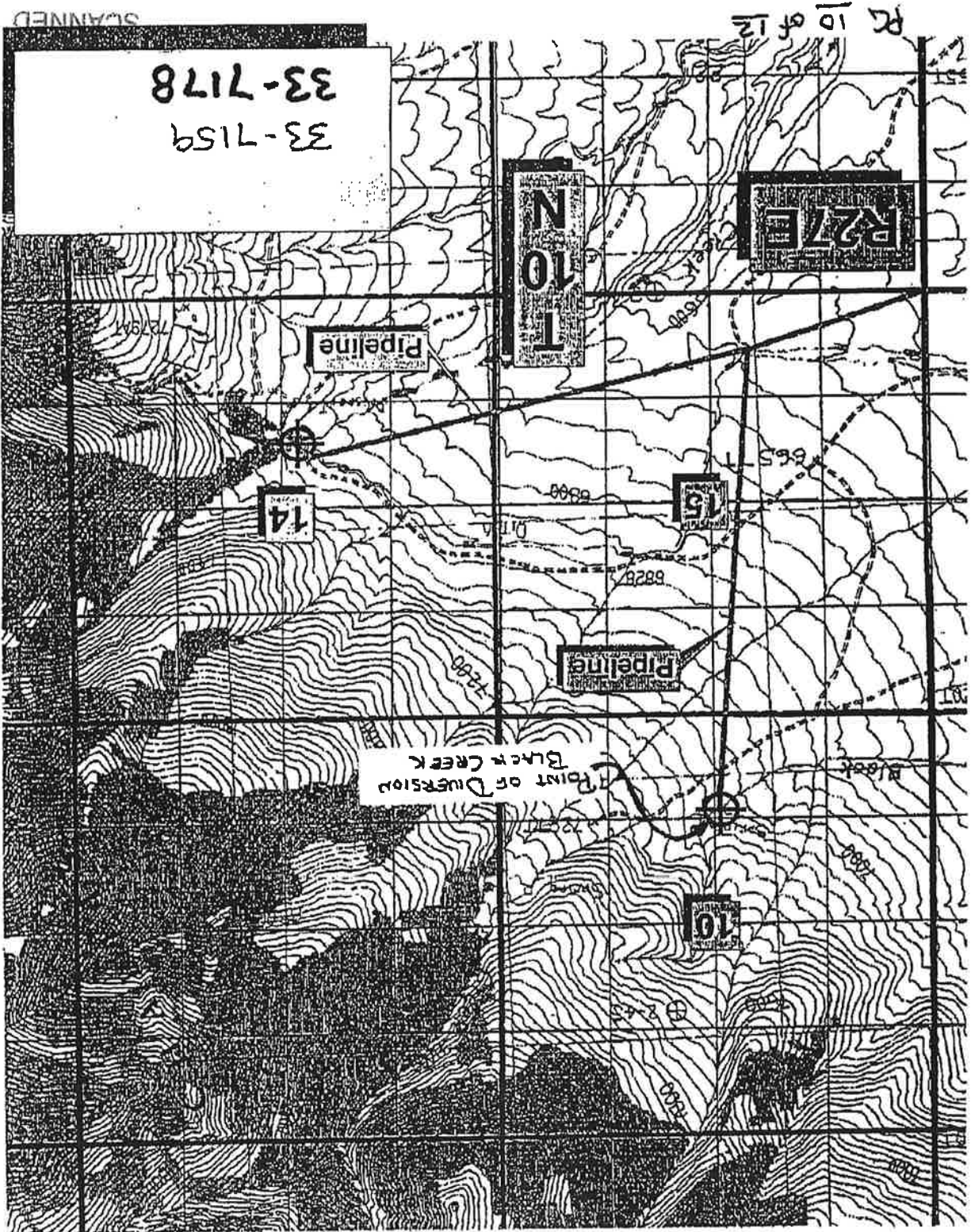
Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

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

SCANNED

SEP 15 2006

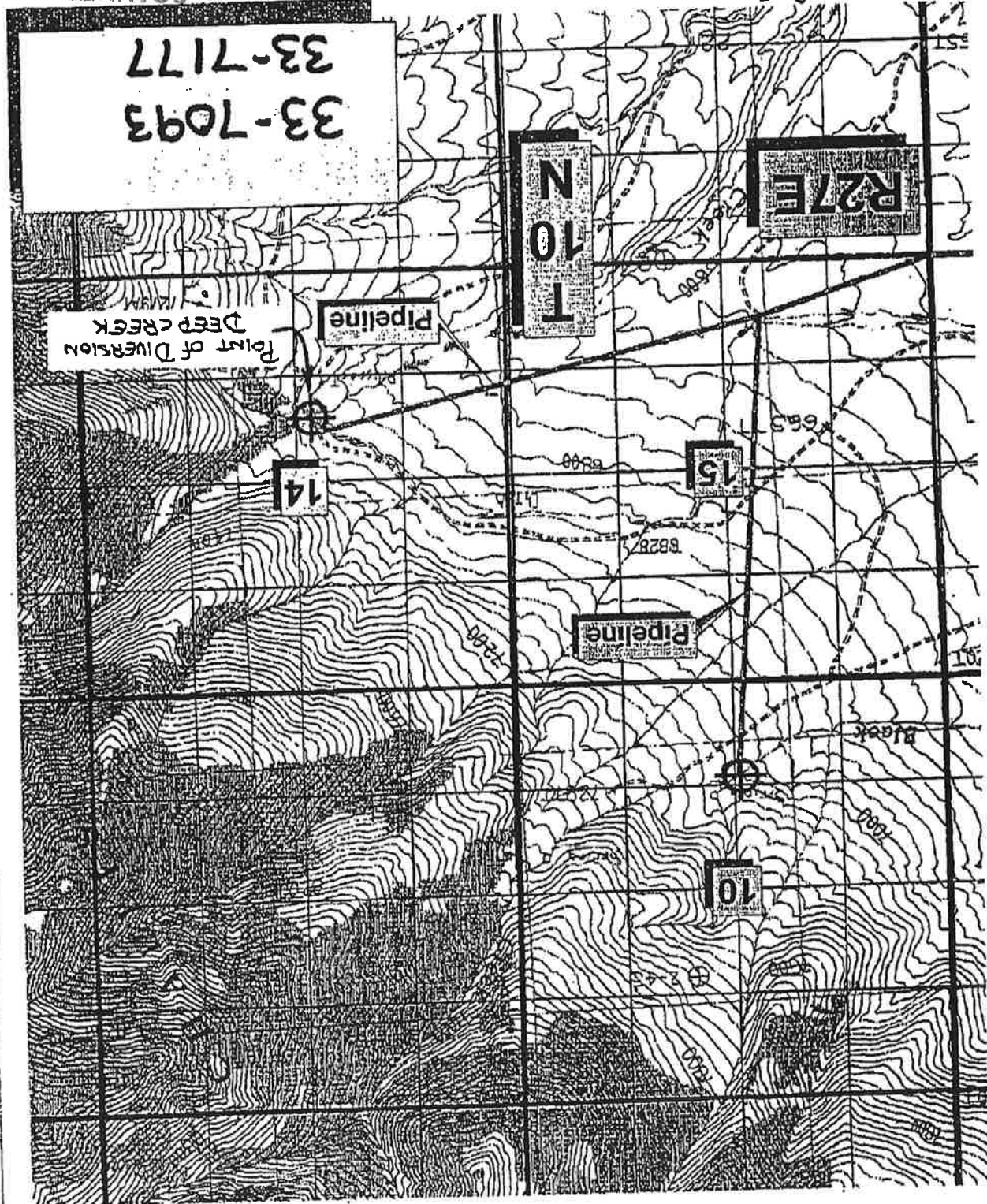
SEP 15 2006



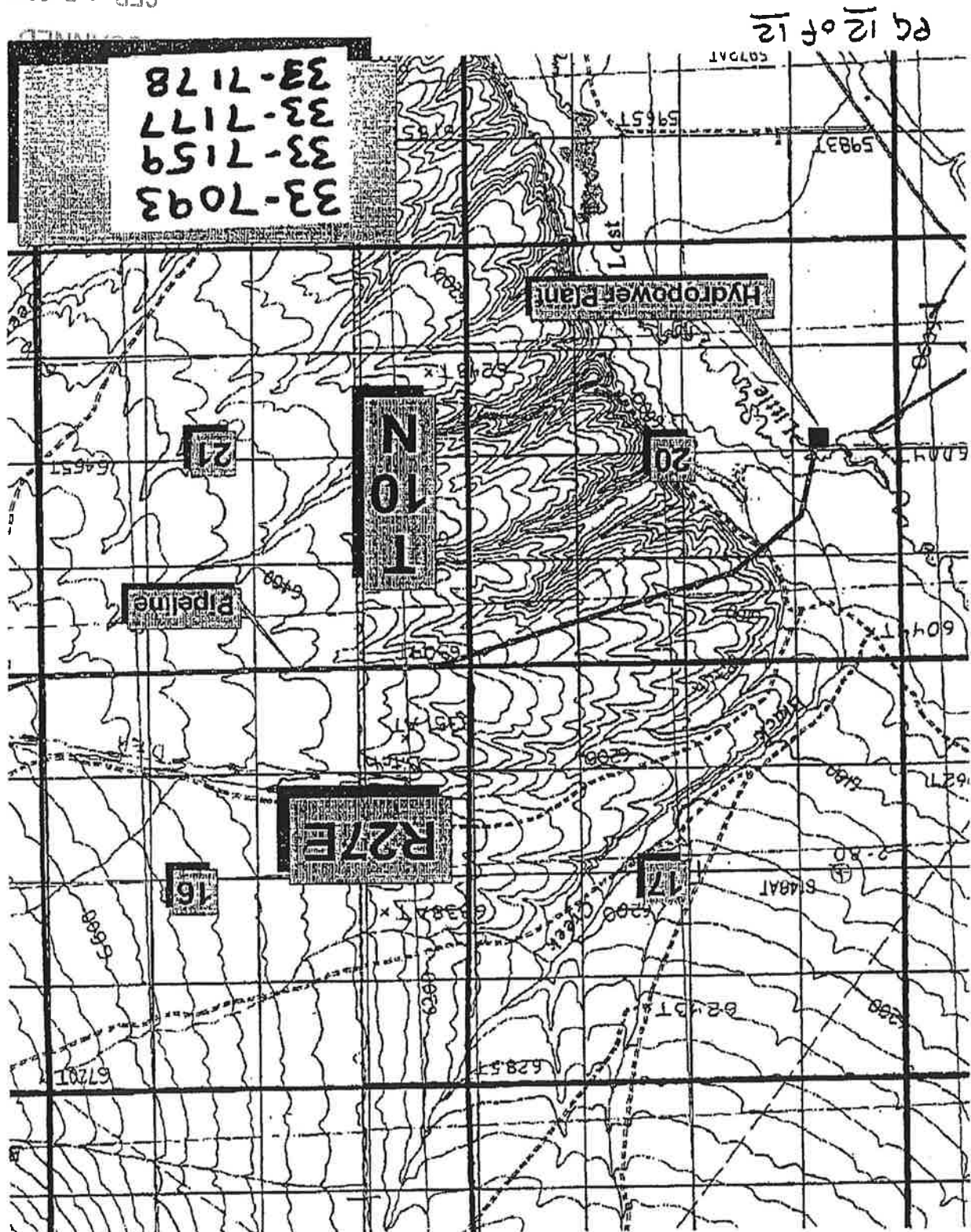
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PC 11 of 12



SEP 1 5 2006



**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

6-13-2006
Co 80116, Co 80117,
Co 82080
d.e. 9-19-06

**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.

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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.

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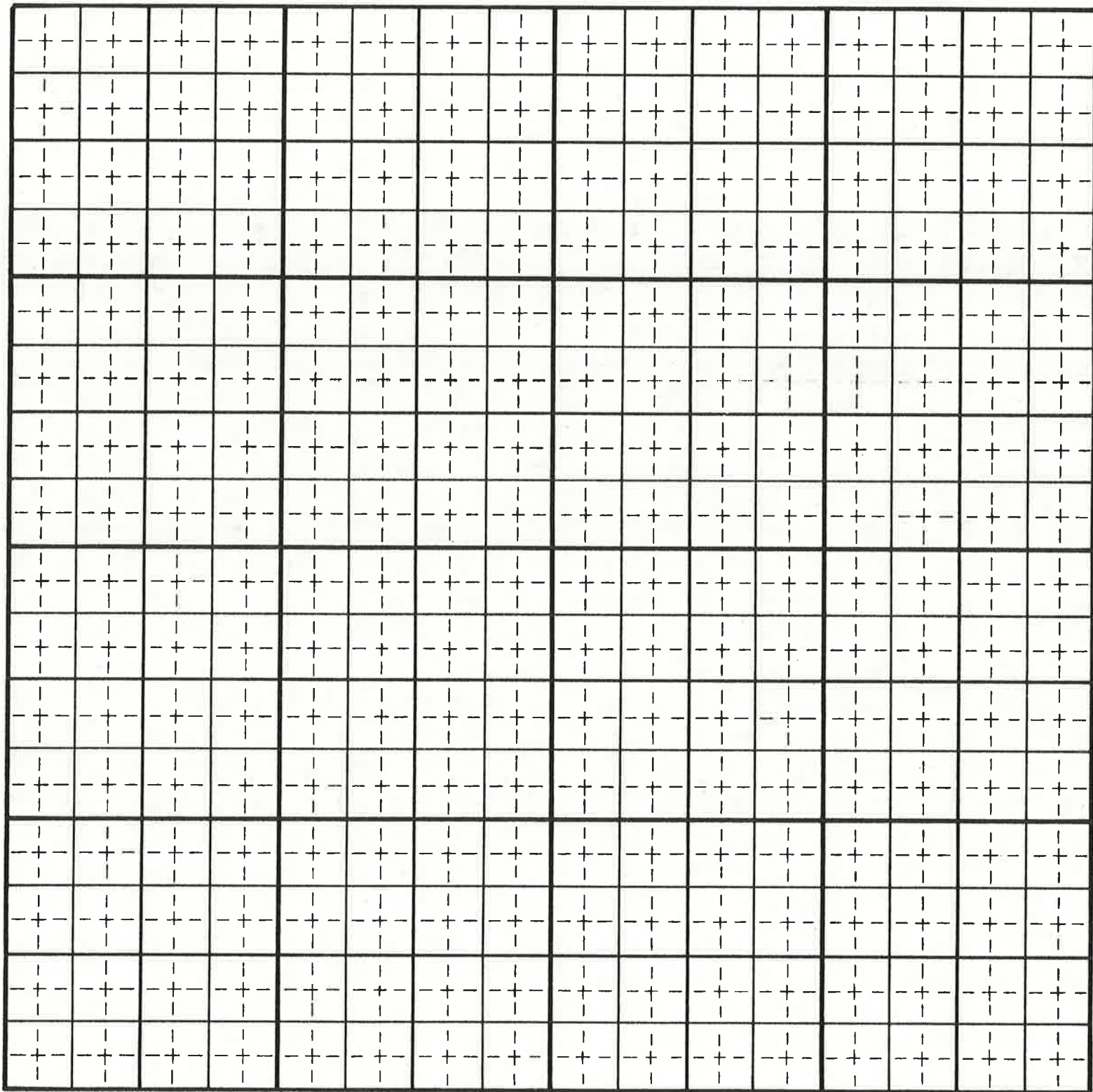
Last Name Amys Ident No. 33-7093

Copies: White -State, Yellow-Claimant

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



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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) _____

Alan "Jake" Amy
Afton 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 _____ of _____
Title Organization

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

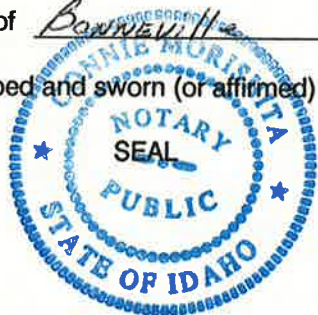
Signature of Authorized Agent _____

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 Morisita

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

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