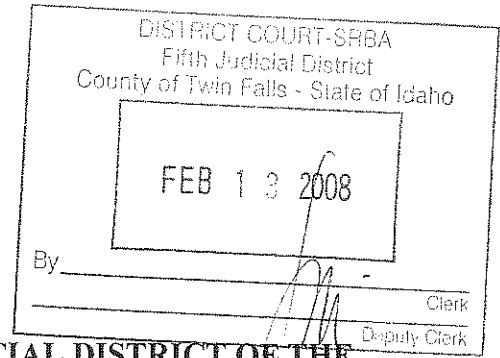




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right: 33-07093

)  
)  
)  
)  
On November 14, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

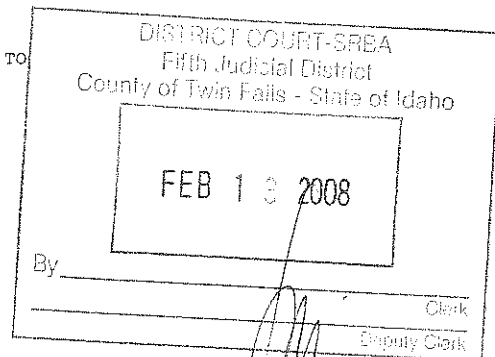
February 13, 2008

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
  
Water Right 33-07093



NAME AND ADDRESS: APTON AMY  
ALAN J AMY  
PO BOX 32  
HOWE, ID 83244

SOURCE: DEEP CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 5.00 CFS  
3620.00 APY

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 33-87, 33-2034, 33-7093, and 33-7177 when combined shall  
not exceed a total diversion rate of 10.8 cfs.

PRIORITY DATE: 04/10/1981

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 S14 SENESW Within Butte County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Power          | 01-01 TO 12-31 | 5.00 CFS<br>3620.00 APY |

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

PLACE OF USE: Power Within Butte County  
T10N R27E S20 NWSW

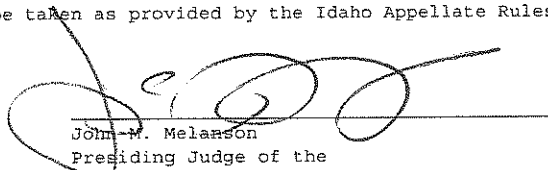
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2008 FEB 13 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 33-07093

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-07093 was mailed  
on February 13, 2008, with sufficient first-class postage prepaid  
to the following:

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

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

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

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
02/13/08