

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ROCK CREEK HYDROPOWER, INC.,	)	
	)	Case No. CV-04-556-S-BLW
Plaintiff,	)	
	)	<b>JUDGMENT</b>
v.	)	
	)	
ENEL NORTH AMERICA, INC., a	)	
Delaware Corporation; CHI WESTERN	)	
OPERATIONS, INC., a Delaware	)	
Corporation; CHI-IDAHO, INC., a	)	
Delaware Corporation; CHI-MAGIC	)	
VALLEY, INC., a Delaware Corporation;	)	
ABC CORPORATIONS, PARTNERSHIPS,	)	
ASSOCIATIONS, COMPANIES, OR	)	
ENTITIES 1 - 10, whose true identities are	)	
unknown; and JOHN and JANE DOES	)	
1 - 10, whose true identities are unknown,	)	
	)	
Defendants.	)	
_____	)	

In accordance with the Memorandum Decision filed with this Judgment,

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND

DECREED, that the second motion for summary judgment filed by Rock Creek (Docket No. 81) is GRANTED and the Court declares as a matter of law that the Consent to Assignment and Ratification Agreement dated August 22, 1990, does not provide for subordination of Second Period royalties, and that Second Period

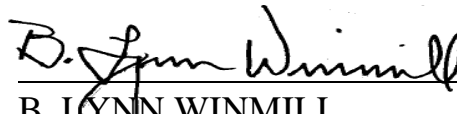
royalties shall be paid to Rock Creek in accordance with that contract without subordination effective April 2, 2005.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the request for summary judgment filed by CHI Finance LLC (Docket No. Unassigned) is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Clerk of the Court close this case.



DATED: **August 25, 2006**

  
B. LYNN WINMILL  
Chief Judge  
United States District Court