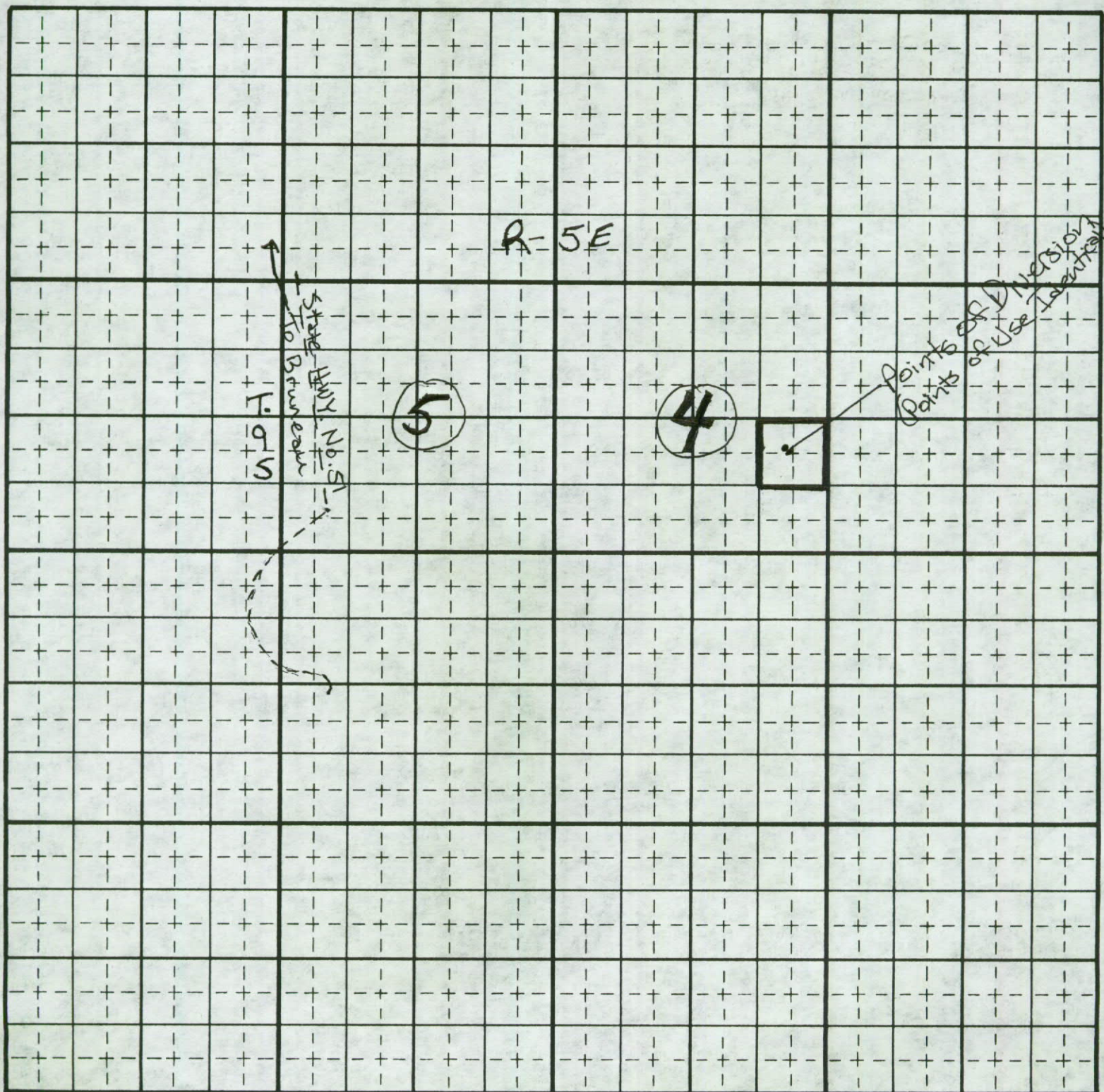


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 10 1992

Last Name EnviroSafe Services of ID, Inc. Incident No. 51-2159

Copies: White-State, Yellow-Claimant

State of Idaho License and Certificate of Water Right

Water License No. G-28781

Amount 0.28 c.f.s.

Water District No.

Priority June 9, 1960

THIS IS TO CERTIFY that U.S.A., DEPT. OF ARMY, CORPS OF ENGINEERS of Walla Walla, Washington, made application for a permit to appropriate the public waters of the State of Idaho, dated June 9, 1960; that Permit No. G-28781 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.28 second feet, was issued thereunder on January 9, 1962, showing that said works were completed on the 24th day of February, 1961; and that on the 24th day of February, 1961, U.S.A., DEPT. OF ARMY, CORPS OF ENGINEERS

of Walla Walla, State of Washington, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells

, a tributary of subterranean flow, for the purpose of military use, under Use Permit No. G-28781 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7237, on the 9th day of January, 1962;

The right hereby confirmed dates from June 9, 1960;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 4, Tp. 9 S, R. 5 E, B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.28 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	5 E	4	NE 1/4 SE 1/4	For military use. 2 wells 90 feet apart, one for standby operation in case of failure of the other.	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

9th day of January, 1962

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

51 2159

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: A51-02159
Date Received: 1/19/1989
Receipt No: C005208 *lat.*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ENVIROSAFE SERVICES OF IDAHO, INC. 208-384-1500
Address: 1602 W. FRANKLIN ST.
BOISE, ID 83702

2. Date of Priority: JUN 09, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	05E	4	NE	SE			OWYHEE

5. Description of diverting works:
WELL, 4000' DEEP, 50 GMP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/INDUSTRIAL AND CHEMICAL PROCESSING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	05E	4	NE	SE		INDUST	

11. Place of use in counties: OWYHEE

A51-02159

Page 1

Date: 02/15/89

MICROFILMED
AUG 10 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28781

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 51-2159

Date Received 1-19-89

Receipt Number 6005208
1-19-89

RECEIVED

JAN 19 1989

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Envirosafe Services of Idaho, Inc. Phone (208) 384-1500Mailing Address 1602 W. Franklin St. Zip 837022. Date of Priority (Only one (1) per claim) 6/9/603. Source of water supply (a) Groundwater
which is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 9S Range 5E Section 4,
NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of OwyheeAdditional points of diversion if any: none

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

Well - Depth = 4000 ft.

Casing sizes and depths: 14" to 201.5'

10" to 400.2'

8" to 697.3'

6" to 2118.0'

Static water level at 340' depth

Withdrawal by 50 GPM pump

MICROFILMED

AUG 10 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from Jan 1 to Dec 31 amount .28 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7 Total quantity claimed (a) .28 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is non-consumptive acre feet per annum.
-discharge to surface

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc) Industrial and chemical processing

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	
9S	5E	4													I				

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? Owyhee

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 (X)

14 Remarks.

MICROFILMED

Last Name EnviroSafe Services of ID, Inc Ident No. 51-2159

AUG 10 1992
Copies White State, Yellow Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

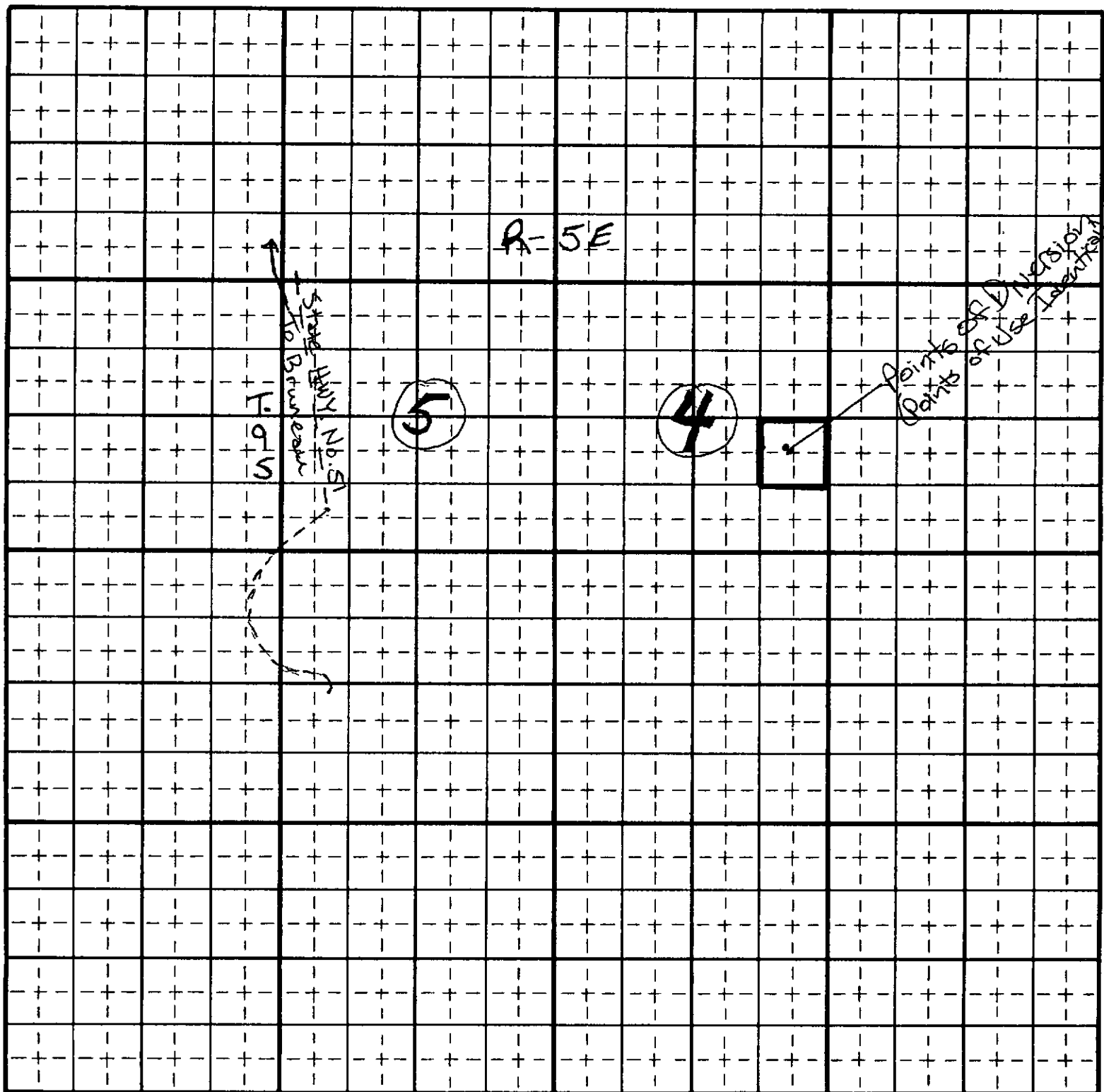
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 10 1992

Last Name Environmental Services of ID, Inc. Ident No 51-2159

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 51-2159

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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President and General Manager

Title

of Envirosafe Services of Idaho, Inc., that I have signed the foregoing

Organization

document in the space below as Vice President & General of Envirosafe Services of Idaho, Inc.

Title

Manager

Organization

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

Signature of Authorized Agent David L. Hodge

Title and Organization Vice President and General Manager Date 1/17/89
Envirosafe Services Of Idaho

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day of January 19 89

SEAL

Notary Public Paula DeVaney

Residing at Boise, ID

My Commission Expires 3/21/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Brian R. Hanson 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 [Signature]

Address _____

Date _____

MICROFILMED

AUG 10 1992

Last Name Envirosafe Services of Idaho Ident. Number 51-2159

Copies White-State, Yellow-Claimant

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME EnviroSafeCLAIM IDENT. NO. A51-02159DATE RECEIVED 1-19-89CK # 0005208

AMOUNT \$

YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Required Info? *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Required Info? *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Required Info? *
(b) Is a tributary to entered? (if required) ☐ YES ☒ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ Required Info? *
Is the period of use included? ☒ YES ☐ NO ☐ Required Info? *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☒ NO ☐ Required Info? *
Is the consumptive use correct? ☐ YES ☒ NO ☐ Required Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Required Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO ☐ Required Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☐ YES ☒ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO ☐ Required Info? *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ Required Info? *

Claim checked by: RatDate: 2/15/89Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)Receipt Prepared by: ?

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: Rat Date: 2/15/89

Comments: _____

MICROFILMED

AUG 10 1992

DATE: 07/02/98
PAGE: 1

Audit: 07/02/98 MSCHULTE

NOTICE OF ERROR
REPLY CARD

RECEIVED

SEP 08 1998

WATER RESOURCES
WESTERN REGION

Print or type or write clearly, fill out this form completely and mail.

Return the reply card to IDWR by the deadline date if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 4, 1998

1. Water right number: 51-02159

2. Name: EnviroSAFE Services of Idaho, Inc.
Address: P. O. Box 400
Grand View, Idaho 83624

Daytime Telephone Number: (208) 834-2275

Evening Telephone Number:

3. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source):

Point of diversion; purpose of use.

4. Describe the change you wish to make in the proposed recommendation:

The comment in the point of diversion section should read, "Multiple points of diversion located in NESE, Section 4, T9S, R5E."

The following comment in the purpose of use section should be deleted:
"Industrial, chemical processing for stabilization of heavy metals."

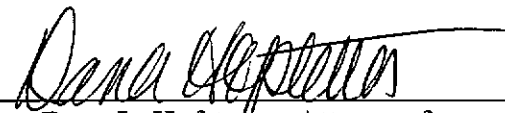
5. Give a brief explanation as to why you disagree with these portions:

The suggested revisions increase the accuracy of the water right description.

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: September 4, 1998

Signature: _____


Dana L. Hofstetter, Attorney for
EnviroSAFE Services of Idaho, Inc.

Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:26:43
01/28/94

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A51-02159

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE	Y		L. Werner	N	6	1-28-94	1-31-94	
PLACE OF USE	Y					L. Werner	L. Werner	
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS								

In-office

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

Same as licensed.

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:26:43
01/28/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-02159

LAST: U.S. DEPT. OF DEFENSE
ADDRESS: DEPT. OF THE ARMY
CITY: CORP OF ENGINEERS
PHONE NUMBER: 208-000-0000

FIRST:

STATE: WA ZIP: 99362

OWNER CODE: 0

LAST: ENVIROSAFE SERVICES OF IDAHO INC.
ADDRESS: 1602 W. FRANKLIN ST.
CITY: BOISE
PHONE NUMBER: 208-384-1500

FIRST:

STATE: ID ZIP: 83702

OWNER CODE: C

LAST: HANSON
ADDRESS: P.O. BOX 2527
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST: BRIAN R.

STATE: ID ZIP: 83701

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N
FIELD
EXAMINER

PO Box 16217
Boise ID 83715

A. AJ CLAIM: # A51-02159 PRIORITY DATE: 06-09-1960 STAGE: L
B. WR RECORD: # 51-02159 PRIORITY DATE: 06-09-1960 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

NOTES: See conversation memo dated 1-28-94

RECOMMENDED PRIORITY DATE: 06-09-1960
REVIEWED BY David Warner DATE 1-28-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A51-02159	09S	05E	4		NE	SE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
51-02159	09S	05E	4		NE	SE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
NONE NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y N	<u>WU</u>

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY	DIVERSION NAME
9S	5E	4	—	NE	SE	CLAY	
—	—	—	—	—	—	—	
—	—	—	—	—	—	—	
—	—	—	—	—	—	—	
—	—	—	—	—	—	—	
—	—	—	—	—	—	—	
—	—	—	—	—	—	—	

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: Linda Werner DATE: 1-28-94

SYSTEM DESCRIPTION: See licensing field exam for this information.

A. ROOT WATER RIGHT NUMBERS: A51-02159

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	05E	4	NE	SE	ENVIROSAFE SERVICES OF IDAHO		A51-02159	/	51-02159	/	N/A

TOTAL ACRES A51-02159

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

FIELD EXAMINER N

POU COUNTY: ONYHEE

NOTES:

Water used in a chemical process to stabilize heavy metals

RECOMMENDATIONS:

TOTAL ACRES: 1-28-94

REVIEWED BY: Phyllis Warner

DATE: 1-28-94

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A51-02159 INDUSTRIAL	FROM 01-01 TO 12-31	.280 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.280 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
51-02159 INDUSTRIAL	FROM TO	.280 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.280 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>AW</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>AW</u>
	Y	<u>AW</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐)

Y(☒) N(☐)

Explain in notes, below.

NOTES:

1-1 to 12-31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.280 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.280 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

FIELD DATABASE EXAMINER

B. MEASUREMENT METHOD N/A FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = _____ AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N()
2 P/D IN NESE, S4, T9S, R5E.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)
EQ2: Two POD's located in NESE, Sec. 4, T9S, R5E

RECOMMENDATIONS:										
REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE						
INDUSTRIAL	01-01 12-31	DATABASE EXAMINER 0.280	DATABASE EXAMINER	DATABASE EXAMINER						
		0.28		0.0						
TOTAL FOR THIS RIGHT					0.280	0.28			0.0	
REVIEWED BY: <i>Shirley Werner</i>					DATE: 1-28-94					

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
(X)
()
()
()

NEEDS
REVIEW
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-02159
TOTAL DIVERSION RATE OF WR SPLITS

DATA
0.280

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-02159	0.280	-		51-02159	0.280
TOTAL CFS		0.280				0.280

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

FIELD
EXAMINER

DATABASE
Y

NOTES:

AUTHENTICATION

SIGNATURE Linda Warner

DATE: 1-28-94

NAME OF FIELD EXAMINER: Same

TITLE: Sr. WR Agent

ADJUDICATION MEMORANDUM

CLAIM NO.: A51-02159

SUBJECT: Water usage

EMPLOYEE: Amida Werner

DATE: 1-28-94

David Hodge, Emvorsafe, called today in response to my letter of 1-25-94.

This well is currently used for industrial usage in that water is used to in a chemical process to stabilize ^(reca) ~~reca~~ heavy metals. No additional quantity of water is being used.

They anticipate closing the site within 2 years. At which time the well may be used to monitor water quality. He will keep us apprised of the situation.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 25, 1994

David Hodge
Envirosafe Services of Idaho, Inc.
PO Box 16217
Boise, ID 83715

Dear Mr. Hodge:

Enclosed you will find a copy of Notice of Claim to a Water Right, number A51-02159, for the Envirosafe site in Owyhee county. I am also enclosing a map referencing the site location. Please review this information to determine if this is, in fact, the claim appurtenant to the wells that are no longer in usage.

I would appreciate it if you would advise me as to the status of this usage as soon as possible. Our Department is in the process of reviewing all claims filed in basin 51 and will be submitting our recommendations to the Court this spring.

Also, please let me know the I.D. number of the Snake river water right acquired from Harold Steiner for this usage. This will allow me to be sure our records are up to date on this matter.

Thank you for your prompt assistance in this matter.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

CONVERSATION MEMORANDUM

DATE 1-25-94

FILE A51-02159

NAME OF PARTY David Hodge
EMPLOYEE Linda Warner

RE: _____

Number of wells used

Water used

Acquired W.R. from Harold Stunier -
Snake river, for use instead of wells
from above license.

P.O. Box 16217

Boise 83715

Send him a map & copy of
claim so he can verify correct site
location

State of Idaho License and Certificate of Water Right

Water License No. G-28781

Amount 0.28 c.f.s.

Water District No.

Priority June 9, 1960

THIS IS TO CERTIFY that S. L. DEPT. OF ARMY CORPS OF ENGINEERS of Walla Walla, Washington made application for a permit to appropriate the public waters of the State of Idaho, dated June 9, 1960, that Permit No. G-28781 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.28 second feet, was issued thereunder on January 9, 1962 showing that said works were completed on the 24th day of February, 1961, and that on the 24th day of February, 1961, the ARMY CORPS OF ENGINEERS

of Walla Walla, State of Washington made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of wells, a tributary of, subterranean flow, for the purpose of military use under Use Permit No. G-28781 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 2737, on the 9th day of January, 1962. The right hereby confirmed dates from June 9, 1960.

The Point of Diversion is located in the NE 1/4, SE 1/4, Sec. 14, Tp. 9 S. R. 5 E. B. M. Owyhee County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.28 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	5 E	14	NE 1/4	For military use, 2 wells 90 feet apart, one for standby operation in case of failure of the other.	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 9th day of January, 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

01/27/89 00:19:45
Page 2

Water right number -	51-02159	Adj. flag translation:	Standard Water Right Number	
+ - - Audit Fields -	04/23/85	04/30/88	CONVERT	
+ - - - - -	- - - - -	- - - - -	Water Rights Dates and Flags Area	- - - - - +
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District
Licensed Date	- 06/21/1979	Appl Received	- 00/00/0000	Transfer/Amended
Decree Date	- 00/00/0000			

MICROFILMED
AUG 10 1992

OCT 14 '98 15:05 FR ENVIROSOURCE

D 15 956 5424 TO 92083888400

P.02/02

**ENVIROSAFE SERVICES OF IDAHO, INC.**VIA FACSIMILE

Mr. Mel Schulte
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RE: Snake River Basin Adjudication - Water Right No. 51-02159

Dear Mr. Schulte:

I understand that you requested documentation concerning Dana L. Hofstetter's representation of EnviroSafe Services of Idaho, Inc. in regard to the Notice of Error filed for Water Right No. 51-02159. This letter will confirm that Dana L. Hofstetter of the firm Beeman & Hofstetter, P.C. is authorized to represent our subsidiary EnviroSafe Services of Idaho, Inc ("ESI") with respect to the Notice of Error filed on ESI's Water Right No. 51-02159, as well as with respect all other matters pertaining to ESI before the Department of Water Resources.

If you have any further questions about this matter, please do not hesitate to call me.

Sincerely,

Michael R. Bramnick
Corporate Counsel

BEEMAN & HOFSTETTER, P.C.

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Phone: (208) 388-8900

Fax: (208) 388-8400

E-Mail: beehof@micron.net

FAX COVER SHEET

September 4, 1998

TO: IDWR, Western Fax: 334-2348

FROM: Dana Hofstetter

FILE NO.: 1837.1 (Envirosafe Services of Idaho)

**MESSAGE: Following is a Notice of Error Reply Card for
Water Right No. 51-02159.**

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 2

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL JOYCE AT (208) 388-8900.

ORIGINAL BY MAIL. YES X NO _____

**NOTICE OF ERROR
REPLY CARD**

Print or type or write clearly, fill out this form completely and mail.

Return the reply card to IDWR by the deadline date if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 4, 1998

1. Water right number: 51-02159

2. Name: EnviroSAFE Services of Idaho, Inc
Address: P. O. Box 400
Grand View, Idaho 83624

Daytime Telephone Number: (208) 834-2275
Evening Telephone Number:

3. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source):

Point of diversion; purpose of use.

4. Describe the change you wish to make in the proposed recommendation:

The comment in the point of diversion section should read, "Multiple points of diversion located in NESE, Section 4, T9S, R5E."

The following comment in the purpose of use section should be deleted:
"Industrial, chemical processing for stabilization of heavy metals."

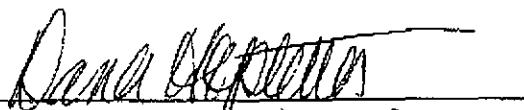
5. Give a brief explanation as to why you disagree with these portions.

The suggested revisions increase the accuracy of the water right description.

_____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: September 4, 1998

Signature: _____


Dana L. Hofstetter, Attorney for
EnviroSAFE Services of Idaho, Inc.

Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

RECEIVED

MAR 15 2001

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2001

Dana L. Hofstetter
Beerman and Hofstetter, P.C.
P.O. Box 1427
Boise, Idaho 83701-1427

Re: Water Right No. 51-02159 Environmental Services of Idaho, Inc. (ESII)

Dear Dana:

Your letter of December 14, 2000, requests a confirmation of Idaho Department of Water Resources' policy concerning the need for a water right for environmental monitoring purposes. I have reviewed the transfer application filed March 2, 1998 and its associated water right file and discussed the matter with you in a telephone conversation. Although the facts concerning the projects are different, the discussion concerning when a water right is needed, that was include in the August 19, 1996 letter enclosed with your recent letter, is relevant to the question you pose.

The 1996 letter responds to whether a water right is needed and can be issued for two pump-and-treat ground water cleanup projects. The letter describes that a water right is required and can be issued if: 1) there is an intent to establish a water right, 2) the water will be diverted, and 3) the water will be placed to a beneficial use. Because these factors were not satisfied by the diversion of water for the pump-and-treat projects, a water right could not be issued. However, because of the public interest in having ground water cleaned up, an agreement was offered to assure that the Department would not take enforcement action to prevent diversion of water unless the diversion was determined to injure other water rights.

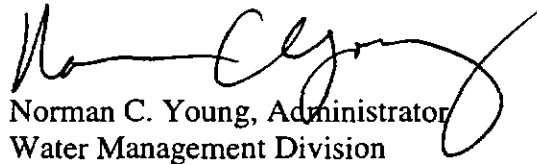
As we discussed, application of the policy described in the 1996 letter to the ESII project and entering into an agreement will make a water right unnecessary for the water quality monitoring project. However, ESII may choose to seek a water right to assure that the water quality monitoring can be continued in the future if state law, rules, or policy change; if third parties assert that the diversions are unauthorized; or the diversion of water for this purpose is found to injure existing or future uses of water under established water rights. For a water right to be approved ESII would need to establish that in this instance diverting ground water for monitoring purposes is a beneficial use of water.



Ms. Dana Hofstetter
March 13, 2001
Page 2

One final thought. If the diversion rate for this purpose does not exceed a diversion rate at 0.04 cfs or a volume of 2,500 gallons per day, the use would be exempt from water right permitting in accordance with Sections 42-227 and 42-111(1) (b), Idaho Code.

Sincerely,



Norman C. Young, Administrator
Water Management Division

c: Gary Spackman, Western Region

9-9-98

FAX 366-8400

1. Attorney of Record? None! Need!
 2. Site still open and operating? Yes but only as a monitoring site?
 3. POD₂ - How many uses?
 4. multiple monitoring wells? Use? - only as a monitoring site today uses.
 5. Has the license been abandoned? No! - a transfer is being processed to change the uses.
- must be monitored for 30 yrs per EPA & DEQ.

2) Not used for industrial ^{processing} ~~monitoring~~ of heavy metals and never was.

(Conversation memo dated 1-28-99 was faxed to Dana Hofstetter this date).

FAX received 10-15-98 naming Dana Hofstetter as attorney of record.

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: **A51-02159**
Date Received: 1/19/1989
Receipt No: C005208
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ENVIROSAFE SERVICES OF IDAHO INC 208-384-1500
Address: PO BOX 400
GRAND VIEW ID 83624

2. Date of Priority: JUN 9, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	05E	4	NE	SE			OWYHEE

5. Description of diverting works:
WELL, 4000' DEEP, 50 GMP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/INDUSTRIAL AND CHEMICAL PROCESSING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	05E	4	NE	SE		INDUST	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28781

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

ADJUDICATION MEMORANDUM

CLAIM NO.: A57-2218

SUBJECT: Chg in mailing address

EMPLOYEE: A51-2159 Linda Wanner

DATE: 11-7-94

Neil Brill, representative Emmonscoff called in
regard to withdrawn claims 57-10035 & 57-10036
at which time he said Emmonscoff had a new
mailing address: PO Box 400
Grand View ID 83624

Neil Brill is temporary contact person for water
rights. Also - John Wolf.