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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 30 2010
By _____ Clerk
Deputy Clerk

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	) Subcase 02-7065A
	) (Ketterling)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Randy J. Ketterling, 609 17th Street, Rupert, Idaho, 83350, for 4.58 cfs from the Snake River to irrigate 420 acres in Owyhee County from April 1 to October 31 with a priority date of May 14, 1970, based on a license.

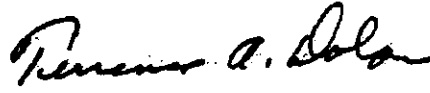
The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 4, 2007, objecting to place of use. US Ecology Idaho, Inc., filed an *Objection* on December 5, 2007, objecting to quantity and place of use.

A hearing was held on October 15, 2009, but the claimant failed to appear or contact the Court. An *Order to Show Cause* was issued for another hearing on March 11, 2010, and Mr. Ketterling was advised that his claim could be disallowed. Mr. Ketterling failed to appear again and an *Order on Show Cause Hearing* was entered on March 11, 2010, suggesting the BLM may file a *Standard Form 5* without Mr. Ketterling's signature which would be deemed to fully resolve all contested matters. On July 22, 2010, the BLM, with IDWR's concurrence, filed a *Standard Form 5* amending the quantity, point of diversion and place of use. The BLM and US Ecology filed an *SF-5* in related subcase 02-7065C.

Conclusions of Law

Mr. Ketterling is entitled to a partial decree adjudicating a water right as described in the SF-5 and the attached *Special Master Recommendation for Partial Decree for Water Right 02-7065A*.

DATED July 30, 2010.



TERRENCE A. DOLAN
Special Master
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 02-07065A

NAME AND ADDRESS: RANDY J KETTERLING
 609 17TH ST
 RUPERT, ID 83350

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.40 CFS
 100.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION: T04S R02E S22 LOT 3 (SENW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS
			100.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Owyhee County
 T04S R02E S32 SWNW 20.0
 20.0 Acres Total

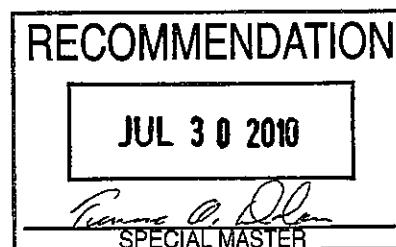
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
Presiding Judge of the
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

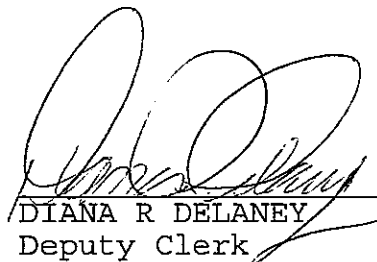
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
	)	Water Right(s): 02-07065A

On July 30, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 30, 2010.



DIANA R DELANEY
Deputy Clerk

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): 02-07065A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 30, 2010, with sufficient first-class postage prepaid to the following:

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

COURTESY COPY

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

UNITED STATES OF AMERICA

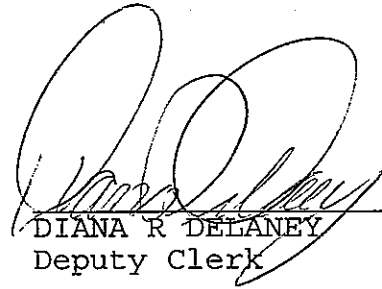
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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07/30/10

US ECOLOGY IDAHO INC
Represented by:
WAYNE R IPSEN
AMERICAN ECOLOGY CORP
300 E MALLARD DR SUITE 300
BOISE, ID 83706
Phone: 208-331-8400

RANDY J KETTERLING
609 17TH ST
RUPERT, ID 83350
Phone: 208-436-9361



DIANA R DELANEY
Deputy Clerk