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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>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 02-7065C

) (US Ecology Idaho, Inc.)

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 US Ecology Idaho, Inc., 300 E. Mallard, Suite 300, Boise, Idaho, 83706, for 4.71 cfs from the Snake River to irrigate 431 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 5, 2007, objecting to place of use. US Ecology filed an *Objection* the same date objecting to quantity. On July 22, 2010, US Ecology and the BLM, with IDWR's concurrence, filed a *Standard Form 5* amending the quantity, adding a remark under place of use and amending explanatory material.

Conclusions of Law

US Ecology Idaho, Inc., 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 02-7065C*.

DATED July 29, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 02-07065C

NAME AND ADDRESS: US ECOLOGY IDAHO INC  
300 E MALLARD STE 300  
BOISE, ID 83706

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.62 CFS  
2155.00 AFY

PRIORITY DATE: 05/14/1970

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 8.62 CFS<br>2155.00 AFY |

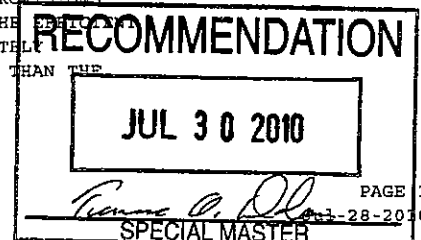
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated 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 S28     | SWNW 40.0<br>SENW 40.0<br>NESW 40.0<br>NWSW 40.0 |
|               | S29               | SESW 40.0<br>NESE 40.0<br>SWSE 40.0              |
|               | S32               | NENW 40.0<br>SENW 40.0<br>NWSW 31.0              |
|               | 431.0 Acres Total |                                                  |

The described place of use includes 280 acres within T04S R02E of Owyhee County purchased by the United States on December 13, 2004, with this water right retained by US Ecology Idaho, Inc. As of the date of this partial decree, water right 02-7065C is not being used at the described place of use, but is in the Idaho Water Resource Board's water supply bank pursuant to Idaho Code Section 42-1761, et seq. So long as the United States continues to own 280 acres of the described place of use, no use of the water right on these 280 acres is allowed absent express written authorization by the United States issued pursuant to proper delegation of authority and consistent with regulation and the applicable Land Use Plan. The holder of the water right agrees that the lack of such authorization shall not be construed to be a taking, in whole or part, of the water right.

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  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

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Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

Fifth Judicial District  
of Twin Falls - State

JUL 30 2010

By \_\_\_\_\_

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 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

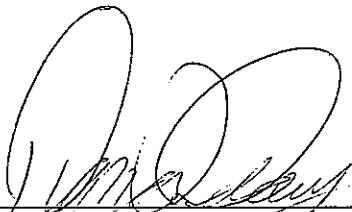
Water Right(s): 02-07065C

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

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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 02-07065C

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

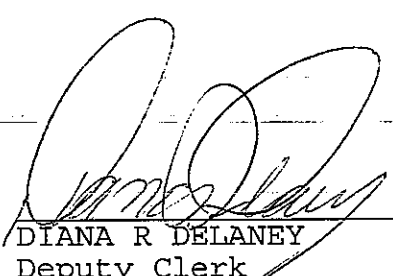
UNITED STATES OF AMERICA

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

CERTIFICATE OF MAILING

PAGE 1  
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



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DIANA R DELANEY  
Deputy Clerk