

**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

) Subcase Nos. 02-7065A
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Randy Ketterling

Date

OBJECTOR:

United States of America
Bureau of Land Management

David Negri, Attorney

Date

OBJECTOR:

US Ecology Idaho, Inc.

Wayne R. Ipsen 6/28/10
Wayne R. Ipsen Date

IDWR Concurrence:

Jan Shurte 2-19-10
Jan Shurte Date
Senior Water Agent

Andrea Courtney Date
Deputy Attorney General

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: .40 CFS 4.580
100 AFY 1,932.00

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 Lot 3 SENW Within OWYHEE CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>.40 CFS</u> 4.580 <u>100 AFY</u> 1,932.00

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 in OWYHEE County

T04S R02E S31	SWSE	40.00	T04S R02E S31	SESE	40.00
T04S R02E S32	SWNW	20.00	T04S R02E S32	NESW	40.00
T04S R02E S32	SWSW	40.00	T04S R02E S32	SESW	40.00
T05S R02E S05 Lot 3	NENW	40.00	T05S R02E S05 Lot 4	NWNW	40.00
T05S R02E S06 Lot 1	NENE	40.00	T05S R02E S06 Lot 2	NWNE	40.00
T05S R02E S06 Lot 3	NENW	40.00			

20 ACRES TOTAL ~~420 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

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

RANDY J KETTERLING
609 17TH ST
RUPERT, ID 83350

Signature of person or attorney mailing the form

Shurte, Jan

From: Courtney, Andrea
Sent: Monday, May 03, 2010 1:09 PM
To: Shurte, Jan
Cc: Ridgeway, Renea
Subject: FW: recommendations for SF5s 02-7065A & 02-7065C

Jan~

I agree with your conclusion. Thanks for taking another look at it.
Andrea

From: Shurte, Jan
Sent: Friday, April 23, 2010 8:12 AM
To: Courtney, Andrea
Subject: RE: recommendations for SF5s 02-7065A & 02-7065C

Andrea,

I agree that this right was recommended in the Director's Report and is still attached to the land. If we could be shown some evidence (such as the deeds or legal documents) that Mr. Jordan officially abandoned his water rights in the court case they speak of below, I believe it would be against Department policy to disallow this water right based on abandonment with only Don's memo mentioning what Mr. Jordan told him over the phone.

Don spoke with me about this before he left and it was also his opinion that the water right's D portion must still be recommended lacking sufficient evidence of abandonment. Once the decree is issued, then the water users have 5 years to put the water to beneficial use and at the end of that time period other water users would have to prove the water right abandoned/forfeited due to the non-use of the water for over 5 years.

Jan

From: Courtney, Andrea
Sent: Thursday, April 22, 2010 4:34 PM
To: Shurte, Jan
Subject: FW: recommendations for SF5s 02-7065A & 02-7065C

Jan~

I'm on furlough tomorrow and then those B37 P3 Initial Hearings next week. Please email me your thoughts (see below). I responded to Wayne this afternoon telling him I am not aware of anything besides the attached. I am still unconvinced it is strong enough to show abandonment.
Andrea

From: Courtney, Andrea
Sent: Thursday, April 15, 2010 5:16 PM
To: Shurte, Jan
Cc: Ridgeway, Renea
Subject: FW: recommendations for SF5s 02-7065A & 02-7065C

Jan~

Let me know your thoughts on how Wayne is interpreting Don's memo. It is not the same thing as an executed waiver of interest or a judicial admission, etc., but I will consider it more next week and see if it's wise to read into it (you can tell by the way I phrased that that a change in my interpretation is unlikely).

Hope Bob is feeling better soon. Please let me know if you need anything. William and I are mobile all weekend!
Andrea

From: Wayne Ipsen [mailto:WIPSEN@usecology.com]
Sent: Thursday, April 15, 2010 1:28 PM
To: Courtney, Andrea
Subject: RE: recommendations for SF5s 02-7065A & 02-7065C

Andrea,

Attached is a memo from Don Shaff written after speaking to Mr. Jordan in 2007, in which he implies that Jordan does not consider himself an owner of any portion of 2-7065 A or C. Are you aware of any additional documentation to support Mr. Jordan's position as recalled by Don?

Thanks.

Wayne

From: Courtney, Andrea [mailto:Andrea.Courtney@idwr.idaho.gov]
Sent: Thursday, March 18, 2010 5:29 PM
To: Wayne Ipsen
Cc: Shurte, Jan; Ridgeway, Renea
Subject: RE: recommendations for SF5s 02-7065A & 02-7065C

Wayne~

Thanks for noting the addition needed on the POU remark in -7065C. We will make that change. As for the A portion, the Department has not received a written intent to abandon the right from Ketterling/Jensen. Please let me know if you find evidence of abandonment (and that is a terrifically high standard) but perhaps in the litigation there is some finding or admission of such, and then the Department could re-evaluate the recommendation on the A portion. Absent compelling evidence, the Department intends to circulate an SF5 (settlement document) for the A portion with elements presented in the 3/10/2010 attachment.
Andrea

From: Wayne Ipsen [mailto:WIPSEN@usecology.com]
Sent: Wednesday, March 17, 2010 4:39 PM
To: Courtney, Andrea
Cc: Shurte, Jan
Subject: RE: recommendations for SF5s 02-7065A & 02-7065C

Andrea,

With the exception of changing US Ecology, Inc. to US Ecology Idaho, Inc. in the place of use description, the recommendation for 2-7065C looks pretty good. My recollection is that there was some litigation between Envirosafe and Ketterling/Jensen a number of years ago over the diversion system and Ketterling/Jensen ended up giving up the A-portion. Let me get back you on the A-portion after I look back at the file.

Thanks.

Wayne

From: Courtney, Andrea [mailto:Andrea.Courtney@idwr.idaho.gov]
Sent: Wednesday, March 10, 2010 2:30 PM
To: Negri, David (ENRD); Wayne Ipsen
Cc: Shurte, Jan; Ridgeway, Renea
Subject: recommendations for SF5s 02-7065A & 02-7065C

David and Wayne~

Attached please find the proposed recommendations for the SF5s to resolve these two subcases. (Jan took ill this morning so she has not signed off on them, but I do not anticipate she will have any revisions. I will let you know as soon as I hear one way or the other from her.) If these are acceptable to your clients, we'll put them in SF5s for your signatures. If you have questions or comments, please contact me as I am assuming responsibility for Garrick's Basin 02 subcases after this week.

Thanks.

Andrea

<<SF5-2-7065A.RTF>> <<SF5-2-7065C.RTF>>

Andrea L. Courtney

Deputy Attorney General

Idaho Department of Water Resources

322 East Front Street

P.O. Box 83720

Boise, Idaho 83720-0098

Phone: (208) 287-4810

Fax: (208) 287-6700

Memorandum

To: 2-7065~~A~~

From: D. Shaff

Date: December 18, 2007

Subject: Telephone Conversation

Dan Jordan called this morning in response to the IDWR letter and BLM package he received recently. He said conveyances, deeds, and some litigation resulted in ~~was~~ separating any interest in 2-7065 he may have had from his land years ago. He will not file a change of ownership or claim to a water right for any interest in any part of 2-7065. He is willing to respond to questions or help, if needed, to resolve the objections to 2-7065A and 2-7065C but does not believe the settlement requires him as a party. He will not join as a party or sign any settlement of the water right~~(s)~~ in which he has no interest.

Shurte, Jan

From: Wayne Ipsen [WIPSEN@usecology.com]
Sent: Wednesday, March 17, 2010 4:39 PM
To: Courtney, Andrea
Cc: Shurte, Jan
Subject: RE: recommendations for SF5s 02-7065A & 02-7065C

Andrea,

With the exception of changing US Ecology, Inc. to US Ecology Idaho, Inc. in the place of use description, the recommendation for 2-7065C looks pretty good. My recollection is that there was some litigation between EnviroSAFE and Ketterling/Jensen a number of years ago over the diversion system and Ketterling/Jensen ended up giving up the A-portion. Let me get back you on the A-portion after I look back at the file.

Thanks.

Wayne

From: Courtney, Andrea [mailto:Andrea.Courtney@idwr.idaho.gov]
Sent: Wednesday, March 10, 2010 2:30 PM
To: Negri, David (ENRD); Wayne Ipsen
Cc: Shurte, Jan; Ridgeway, Renea
Subject: recommendations for SF5s 02-7065A & 02-7065C

David and Wayne~

Attached please find the proposed recommendations for the SF5s to resolve these two subcases. (Jan took ill this morning so she has not signed off on them, but I do not anticipate she will have any revisions. I will let you know as soon as I hear one way or the other from her.) If these are acceptable to your clients, we'll put them in SF5s for your signatures. If you have questions or comments, please contact me as I am assuming responsibility for Garrick's Basin 02 subcases after this week.

Thanks.

Andrea

<<SF5-2-7065A.RTF>> <<SF5-2-7065C.RTF>>

Andrea L. Courtney

Deputy Attorney General

Idaho Department of Water Resources

322 East Front Street

P.O. Box 83720

Boise, Idaho 83720-0098

Phone: (208) 287-4810

Fax: (208) 287-6700

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: .40 CFS 4.580
100 AFY 1,932.00

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 Lot 3 SENW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>.40 CFS</u> 4.580 <u>100 AFY</u> 1,932.00
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 in OWYHEE County

T04S R02E S31	SWSE	40.00	T04S R02E S31	SESE	40.00
T04S R02E S32	SWNW	20.00	T04S R02E S32	NESW	40.00
T04S R02E S32	SWSW	40.00	T04S R02E S32	SESW	40.00
T05S R02E S05 Lot 3	NENW	40.00	T05S R02E S05 Lot 4	NWNW	40.00
T05S R02E S06 Lot 1	NENE	40.00	T05S R02E S06 Lot 2	NWNE	40.00
T05S R02E S06 Lot 3	NENW	40.00			

20 ACRES TOTAL ~~420 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Sent to Loren 3/10/10

DRAFT

11/09/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A
NAME AND ADDRESS: RANDY J KETTERLING
609 17TH ST
RUPERT ID 83350

(actually Mr. Jordan
who will not submit a
change of ownership)

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.580 CFS 40
1.932-00 AFY 100

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Within OWYHEE County = lot 4 (B/M) + lot 3 (POT)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.580 CFS 40
1.932-00 AFY 100

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

RIGHT	SECTION	ACRES	MARK	RIGHT	SECTION	ACRES	MARK
T04S R02E S31	SWSE	40.0	B/M	T04S R02E S31	SESE	40.0	B/M
T04S R02E S32	SWNW	20.0	✓	T04S R02E S32	NESW	40.0	B/M
T04S R02E S32	SWSW	40.0	B/M	T04S R02E S32	SESW	40.0	B/M
T05S R02E S05	NESE	40.0	B/M	T05S R02E S05	NWNW	40.0	B/M = lot 4
T05S R02E S06	NENE	40.0	lot 1	T05S R02E S06	NWNE	40.0	lot 2 = 8/13
T05S R02E S06	NENW	40.0	lot 3				

420 ACRES TOTAL 20

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Rights 2-7065C and 2-7065D are also diverted through the point of diversion described above.

~~Disturbed~~
~~Forfeited~~
~~Seized~~

20 acres
in the SWNW
S. 32

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.580 CFS
1,932.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF
DIVERSION: T04S R02E S22 SENW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.580 CFS 1,932.00 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 in OWYHEE County

T04S R02E S31	SWSE	40.00	T04S R02E S31	SESE	40.00
T04S R02E S32	SWNW	20.00	T04S R02E S32	NESW	40.00
T04S R02E S32	SWSW	40.00	T04S R02E S32	SESW	40.00
T05S R02E S05 Lot 3	NENW	40.00	T05S R02E S05 Lot 4	NWNW	40.00
T05S R02E S06 Lot 1	NENE	40.00	T05S R02E S06 Lot 2	NWNE	40.00
T05S R02E S06 Lot 3	NENW	40.00			

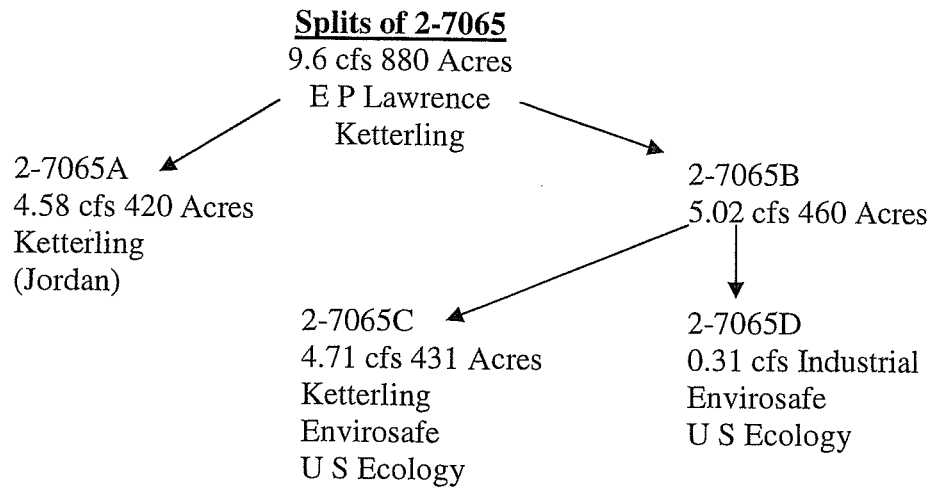
420 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Rights 2-7065C and 2-7065D are also diverted through the point of diversion described above.



Ecology conveyed 280 acres of land without any interest in 2-7065.

JORDAN - 20 acres + 1.4 cfs
5/AF/AC
A PORTION

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INDEXED
SERIALIZED

AT 5700312239

WARRANTY DEED

IDL-34727

For the true and actual consideration of \$84,000.00

U.S. ECOLOGY IDAHO, Inc., a Delaware Corporation

hereinafter called Grantor, whether one or more, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, as authorized by Section 203 of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1715), the following described real property situated in the County of Owyhee, State of Idaho, to wit:

Parcel I

In Township 4 South, Range 2 East, Boise Meridian, Owyhee County, Idaho,
Section 28: the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter,

Parcel II

In Township 4 South, Range 2 East, Boise Meridian, Owyhee County, Idaho,
Section 29: the Southeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter.

Parcel III

In Township 4 South, Range 2 East, Boise Meridian, Owyhee County, Idaho,
Section 32: the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter.

The parcel of land to which the above description applies contains 280 acres, more or less.

Grantor retains ownership of all existing water rights associated with the property, including, without limitation, Snake River water right number 02-07065C.

The acquiring agency is the United States Department of the Interior, Bureau of Land Management.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

IDL-34727

Page 1 of 2

Acknowledgement on Page 2

Instrument # 250279

MURPHY, OWYHEE, IDAHO

2004-12-15

04:21:53 No. of Pages: 2

Recorded for: ALLIANCE TITLE COMPANY

CHARLOTTE SHERBURN

Ex-Officio Recorder Deputy

Fee: 6.00

Index to: DEED WARRANTY

Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown of record, and that he will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 13 day of Dec , 2004

U.S. Ecology Idaho, Inc., a Delaware Corporation.

By

Stephen A. Romano
President

CORPORATE ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF ADAM

)
) SS:
)

On this 13 day of Dec , 2004 before me personally appeared Stephen Romano to me known to be the President of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Carol Ann Wilson
Notary Public in and for the
State of IDAHO

Residing at Boise
My commission expires: 29 July, 2008

Shaff, Don

From: Williams, Ray
Sent: Monday, December 17, 2007 8:50 AM
To: Shaff, Don
Subject: FW: 02-07065A; Claimant: Ketterling



02-07065A_Assessor.pdf



02-07065A_Ecology-OBJ.pdf



02-07065A_IDWR-Letter.pdf



02-07065C_BLM-OBJ.pdf



02-07065C_Ecology-OBJ.pdf



02-07065C_Deed-to-BLM.pdf

Don - fyi -

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Friday, December 14, 2007 4:06 PM
To: Brown, Larry (ENRD); jacob.haseman@usdoj.gov
Cc: Courtney, Andrea; Williams, Ray
Subject: Re: 02-07065A; Claimant: Ketterling

Larry,

RE: 02-07065A; Claimant: Ketterling

NEW OWNER:

There was one POU for 20 acres (out of 420 ac) recommended that describes private land: SWNW, S32, T04S, R02E. We are informed from the Owyhee County Assessor's Office that Daniel B. & Heather Jordan are the new owners of this private POU. I FedEx'd a copy of BLM's Objection to the Jordan's today along with the tax assessment showing they own 20 acres of the 420 ac recommended. A search Mr. Jordan on www.whitepages.com reveals an address in Murphy. I also FedEx'd a copy of BLM's objection to the whitepages address shown below. Perhaps Mr. Jordan should file a change of ownership for the 20 acres of private land irrigation within SWNW, S32, T04S, R02E.

BLM would oppose any change of ownership by a private entity for acres describing federal public land. The 400 acres recommended that describe federal public land were established in trespass by the original license holder E. P. Lawrence and I believe are void ab initio.

I notice from IDWR's web page that US Ecology Idaho, Inc. filed an objection to 02-07065A, so I included a copy of this objection in the packages sent to the two addresses listed below.

ASSESSOR'S OFFICE
Daniel B. & Heather Jordan
30911 State HWY 78
Oreana, Idaho 83650

WHITEPAGES
Dan & Heather Jordan
30911 Highway 78
Murphy, Idaho 83650-5046
(208) 834-2018

(See attached file: 02-07065A_Assessor.pdf) (See attached file: 02-07065A_Ecology-OBJ.pdf)

I just received a copy of a letter sent to Daniel Jordan by IDWR asking if he has an interest in water claims 02-07065A (Ketterling) and 02-07065C (US Ecology Idaho, Inc.) and to file change of ownership documents if he does. IDWR has a slightly different address (see below) than was provided to us by the Assessor's Office. I believe the reference to Hwy 79 and the zip code contain typos. I did not send a copy of BLM's Objection to this address. I included a copy of IDWR's letter to Jordan in the packages to the two addresses listed above.

IDWR LETTER:

Daniel Jordan
30911 State HWY 79
Oreana, Idaho 83659
(See attached file: 02-07065A_IDWR-Letter.pdf)

RELATIONSHIP TO 02-07065C, US Ecology Idaho, Inc.: none other than being split from the same parent license.

BLM also objected to 02-07065C (see attached). There is one private POU recommended that is now owned by Daniel Jordan: NWSW (31.0 acres), S32, T04S, R02E. Perhaps Mr. Jordan should file a change of ownership on this 31.0 acres provided his deed included appurtenances and does not reserve water. The 280.0 acres that describe federal public land need to come off this claim and be transferred elsewhere, as irrigation of public land is not authorized. BLM acquired what is now federal public land from US Ecology Idaho, Inc. on 12-13-2004 via a Warranty Deed (see attached). US Ecology retained water rights associated with the property, but irrigated agricultural use of public land is not authorized and cannot continue, therefore the water must be transferred elsewhere. Water claims 02-07065A and 02-07065C are separate and distinct portions of the original license 02-07065. They do not describe the same POUs nor should they.

I sent a copy of BLM's objection in 02-07065C to Mr. Jordan at the two addresses listed above. I noticed from surfing IDWR's website that US Ecology Idaho, Inc. has filed an objection to 02-07065C, therefore I included a copy of this objection in the packages sent to Mr. Jordan at the two addresses above.

(See attached file: 02-07065C_BLM-OBJ.pdf) (See attached file:
02-07065C_Ecology-OBJ.pdf)
(See attached file: 02-07065C_Deed-to-BLM.pdf)

Fred

"Brown, Larry (ENRD)"	
<Larry.Brown@usdoj.gov>	To
	<Fredric_Price@blm.gov>, <Casey_O'Brien@blm.gov>, <Sherman_Beazer@blm.gov>
12/11/2007 03:29 PM	cc
	"Courtney, Andrea" <Andrea.Courtney@idwr.idaho.gov>, "Williams, Ray" <Raymond.Williams@idwr.idaho.gov>
	Subject
	02-07065A; Claimant: Ketterling

Randy Ketterling called me and said he no longer owns any property in Owyhee County. I talked with him at length about the original water right. He said he doesn't recognize anything on the shapefile. Most of the POUs are on public land. He sold so long ago he doesn't know to whom he sold. He is going to try to track that info down and drop off a copy of the old deed to the Burley BLM office to get it to Fred so Fred can figure out who owns the intended place of use.

I note that the claim is based upon a license and that it is used sort of in conjunction with 02-7065C. BLM did not object to 7065C. Is the C right an expansion of the A right?

If so, is the A right supposed to have the same POUs as the C right? Perhaps we can figure out who owns the place of use by looking at the other rights in the string of rights connected to the root right 07065.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 12, 2007

DANIEL JORDAN
30911 STATE HWY 79
OREANA ID 83659

RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership
Notices of Claim to a Water Right #2-7065A and 2-7065C

Dear Mr. Jordan:

- We have been informed you may be the present owner of property with parts of the water rights referenced above. I have enclosed a Notice of Change in Water Right Ownership for you to complete and return. I have also enclosed a copy of our recommendations for those two water rights. If you are the owner of the tracts I have highlighted on our recommendations, please complete the Notice of Change in Water Right Ownership and send it to my attention. I have enclosed a postage-paid envelope for your convenience.

Because these two water rights have objections filed in the SRBA, I have also enclosed two Standard Forms 2 (SF2), Response to Objection, for your possible use. Any Response you file must be filed with the SRBA Court no later than February 5, 2008, as shown in the enclosed Notice of Director's Report.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss

Enclosures:

Notice of Change in Water Right Ownership
(2) Standard Forms 2
Postage-paid Return Envelope
Notice of Director's Report - Basin 2

cc: U.S. Ecology
USDA Bureau of Land Management

SCANNED

DEC 12 2007

Wayne Ippen
Dana Haffstetter

Garrick Baxter
Ranae Ridgway

6-10-08

Utter Water Co. Carson City Corp.

Split of License Qnt
POL

Ecology → BLM & 10 yrs
water in Water Bank
Describe POL

Dana will correspond with US on POL
remark

Solution Course
Affidavits

EP Lawrence
Ketterling

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 39576

A. Subcase 2-7065A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: US Ecology Idaho, Inc.

Address: c/o Wayne R. Ipsen
300 E. Mallard Dr. , Suite 300
Boise, Idaho 83706

Daytime Phone: 208-331-8400

Name & Address of Attorney, if any:

Wayne R. Ipsen
American Ecology Corporation
300 E. Mallard Dr., Suite 300
Boise, Idaho 83706
208-331-8400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Randy J. Ketterling

Address: 609 17th Street
Rupert, Idaho 83350

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)):

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Section E. below.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Section E. below.
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): There is a question as to the apportionment of water between this right and 2-7065C. A question also exists as to the place of use of this water right and the related number of acres.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

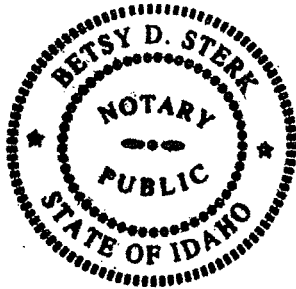
Wayne R. Ipsen, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Wayne R. Ipsen
Attorney signing in representative capacity

Subscribed and sworn to before me on: December 5, 2007



Betsy Sterk
Notary Public for the State of Idaho
Residing at: 1381 E. Stony Dr. Meridian, ID
My Commission expires: Aug. 18 109 83646

12/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A
NAME AND ADDRESS: RANDY J KETTERLING
609 17TH ST
RUBERT ID 83350

POUs on BLM:

-The Places of use on BLM are not
authorized.

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.580 CFS
1,932.00 APY

PRIORITY DATE: 05/14/1970

POINT OF
DIVERSION: T04S R02E S22 SENW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

4.580 CFS
1,932.00 APY

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 in OWYHEE County

BLM

T04S R02E S31	SWSE	40.00	T04S R02E S31	SESE	40.00
T04S R02E S32	SNNW	20.00	T04S R02E S32	NESW	40.00
T04S R02E S32	SWSW	40.00	T04S R02E S32	SESW	40.00
T05S R02E S05 Lot 3	NENW	40.00	T05S R02E S05 Lot 4	NWNW	40.00
T05S R02E S06 Lot 1	NENE	40.00	T05S R02E S06 Lot 2	NWNE	40.00
T05S R02E S06 Lot 3	NENW	40.00			

420 ACRES TOTAL

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

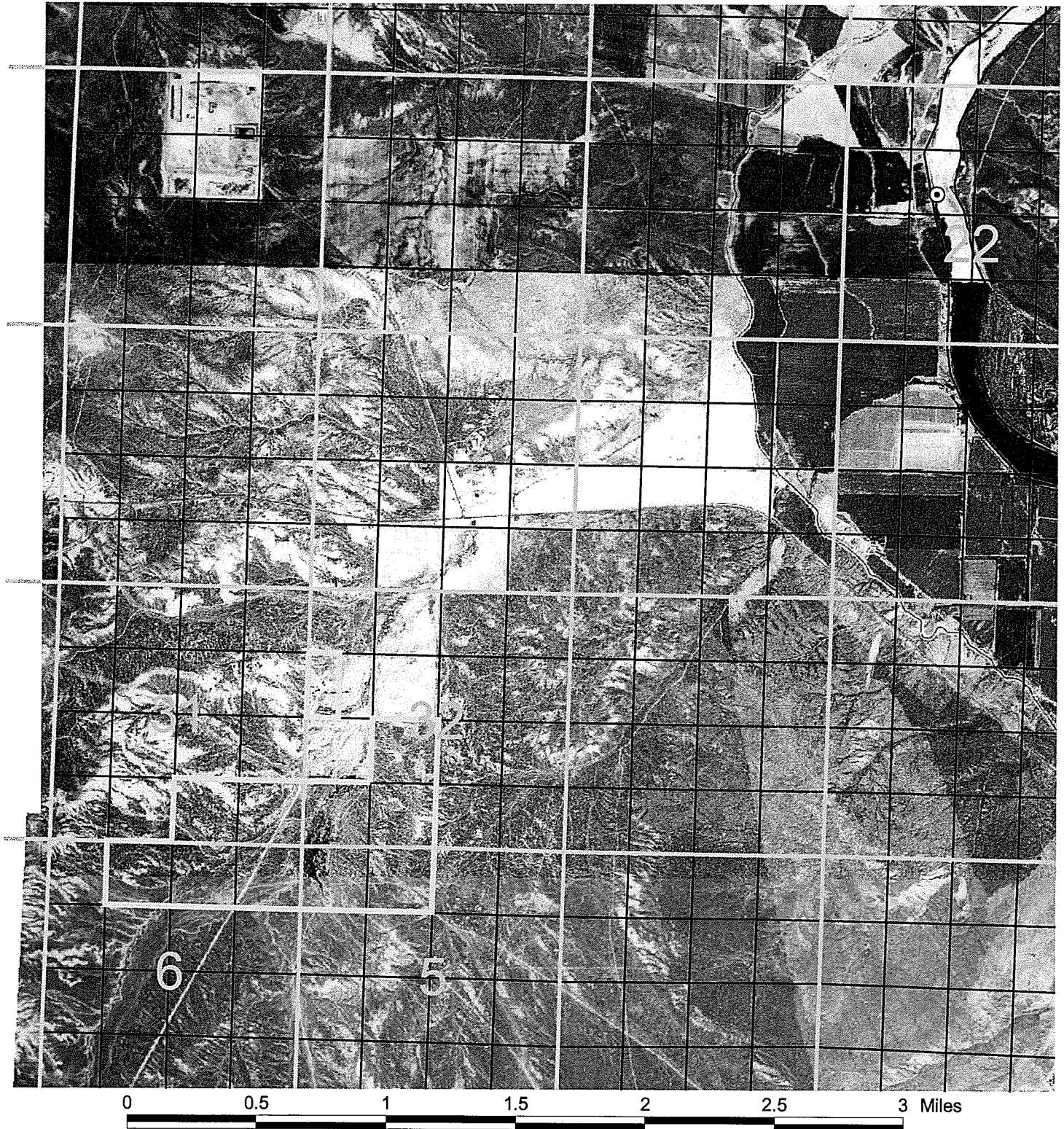
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Rights 2-7065C and 2-7065D are also diverted through the point of diversion described above.

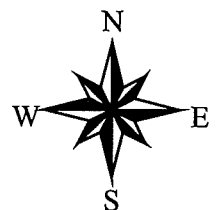
Idaho Department of Water Resources

1987 NAFF Photo



Claim Number: 02-07065A
Legal: T04S, R02E, S22, 32 & 33
T05S, R02E, S5 & 6
Reviewed By: SJR 3/7/05

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



03/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7065A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.580 CFS
1,932.000 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Within OWYHEE County

Rights 2-7065C and 2-7065D are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.580 CFS

1,932.00 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 S31	SWSE	40.0	T04S R02E S31	SESE	40.0
T04S R02E S32	SWNW	20.0	T04S R02E S32	NESW	40.0
T04S R02E S32	SWSW	40.0	T04S R02E S32	SESW	40.0
T05S R02E S05	NENW	40.0	T05S R02E S05	NWNW	40.0
T05S R02E S06	NENE	40.0	T05S R02E S06	NWNE	40.0
T05S R02E S06	NENW	40.0			

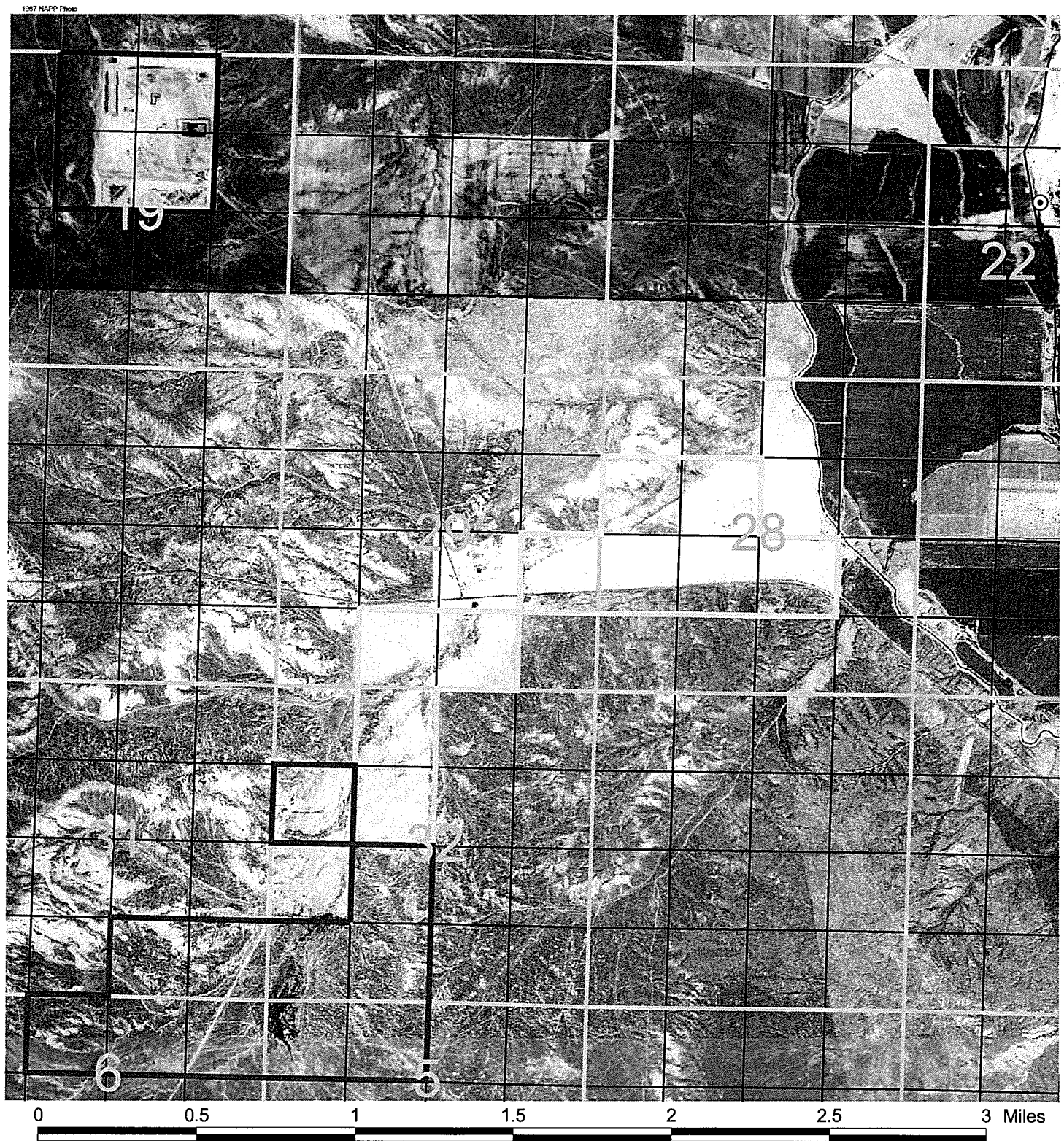
420 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

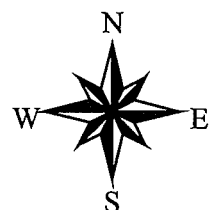
EXPLANATORY MATERIAL: License

Idaho Department of Water Resources



Claim Numbers: 02-07065 A, C, D
Legal: T04S, R02E, S19, 22, 28, 29, 31, 32
T05S, R02E, S5 & 6
T05S, R03E, S16 (addtl POD)
Reviewed By: SJR 3/7/05

- ⊙ 02_07065c_rec_pod.shp
- ▬ 02_07065a_claim_pou.shp
- ▬ 02_07065c_rec_pou.shp
- ▬ 02_07065d_claim_pou.shp
- ▬ Section Lines
- ▬ Quarter Quarter Lines



WATER RIGHT LICENSE

THIS IS TO CERTIFY, that E. P. LAWRENCE

Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

Don

OBS

Western AJ File

A02-07065A

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED
JAN 07 1993

Department of Water Resources
Western Regional Office

January 5, 1993

Randy and Lois Ketterling
Oreana Route
Murphy, ID 83650

NOTICE TO RESUME WATER USE

Re: Permit No. 02-07065A

Dear Permit Holder:

On April 11, 1998, the USDA Farmers Home Administration filed an Application for Extension of Time to Avoid Forfeiture of a Water Right (copy enclosed) in connection with the above referenced permit. Since that time, you have purchased the property irrigated under this permit. In any case, one of the conditions of approval of the application is that diversion and use of water be resumed on or before November 1, 1992. Enclosed is a form, when submitted, will notify the department that you have again established beneficial use to the extent indicated on the form.

Since the Department failed to properly notify you 60 days in advance, we will extend the resumption and notification date to April 1, 1993. Failure to resume the use of water and to notify the department will be cause for the water to revert back to the state and again be available for appropriation.

Please return the completed form on or before April 1, 1993.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: USDA Farmers Home Administration
Adjudication Bureau

MICROFILMED
SEP 19 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 2, 1989

Mr. Randy Ketterling
609 17th Street
Rupert, ID 83350

RE: Snake River Basin Adjudication

Dear Mr. Ketterling:

We are forwarding to you a data entered copy of the claim you filed for your property in Owyhee County.

We have interpreted the data from your claim in the process of data entry in a manner which we feel more accurately reflects the true status of your water right. This claim now is in conformance with your original license. Please review the enclosed claim to assure that these modifications are in agreement with your water right.

If you believe our data is incorrect or if you make any changes to this Notice of Claim, please sign the form, having your signature notarized, and return it to this office. Please feel free to contact this office if you have any questions.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db
Enclosure
A02-07065

REFILED
16 0 7 1992

need to

send app of claim.

he listed irrigation
season as 1/1 - 12/31

accepted for licensed
4/1 + 10/31. If he wishes
to change season to year
round, will need to put
in separate claim.

MICROFILMED

AUG 07 1992

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON DRAINAGE BASIN
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7065	
I.D. No.	Map No.
\$ 10 ⁷⁸ 0	342
Fee Paid	Receipt No.

Notice is hereby given that Randy &/or Lois Ketterling
(Name of Claimant)

Oreana Route, Murphy, ID 83650

(Mailing Address)

(Zip Code)

Telephone No. 834-2739

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 5/14/1970
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SNAKE RIVER tributary to COLUMBIA RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 9.60 cfs ⁸⁶⁴ Use irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity 9.60 Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 864 9.60 cfs TOTAL QUANTITY CLAIMED. NW (SE Lot 3 NW)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source Sec. 22, Twp. 4S, Rge. 2E, B.M., Owyhee 73 County
Additional Points: SCI: 2720(1) 475.3
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
2 - 100 HP motors - sprinkler system
PUMPS & PIPELINE
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	2E	28							20	40	38	20	40			20	40		200
		29												40	20	40			120
		32					40		20	40	40	40	40	40					280
		31														40	40		80
58	2E	5					40	40											80
		6	40	40			40												120

Total no. of acres 880 432

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7065

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

May 5, 1981

(Date)

Individual

Randy Ketterling
(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

County of Owyhee

ss.

Seal

(Signature of Authorized Agent)

On this 5th day of May, in the year 1981 before me
a notary public, personally appeared Randy Ketterling

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires Life

Notary Public residing at

Boise

RECEIVED
OCT 3 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 17 1988

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources
Western Regional Office

APR 11 1988

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder USDA, Farmers Home Administration
Post office address 2180 American Legion Blvd., Mountain Home, ID 83647
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
 - b. License No. 02-7065 issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Snake River tributary to the Columbia River
(Name of stream or source)
4. Date of priority of right May 14, 1970
5. Amount of water a. 9.60 c.f.s. and/or
b. 4,049 acre feet/annum
6. Water is used for irrigation from April 1 to October 31
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22
Township 4 South, Range 2 East, B.M., in Owyhee County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use: _____

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	2E	28							40	40	40	40				40			200
		29											40	40		40			120
		32					40		40	40	40	40	40	40					280
		31															40	40	80
5S	2E	5					40	40											80
		6	40	40			40												120

Total number of acres irrigated 880

9. Give last date when water was applied to beneficial use October 31, 1986
Length of extension of time requested 5 years, or until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Land is currently in Farmers Home Administration inventory. Because of a moratorium on sale of inventory property and FmHA's policy not to put land into production while in inventory it may jeopardize the water rights by non-use.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

USDA, Farmers Home Administration (Signature of Applicant)
by John P. Riker, Assistant County Supervisor
Subscribed and sworn to before me this 8th day of April, 19 88.

My commission expires 12-01-91

Yvonne M. Clapier
Yvonne M. Clapier (Notary Public)
Residing at Mountain Home, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before November 1, 1992.

Witness my hand this 13th day of September, 19 88.

L. Glen Saxton
Chief, Operations Bureau

For Department Use Only

Received by RG Date 4-11-88 Time _____ Preliminary check by Jim

Fee \$ 50.00 Receipted by GW #0000339 Date 4/11/88 Publication prepared by _____

Published in _____ Dates _____

Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // Approval // Denial by Jim

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF Date 11/04/82
Right No. 02-7065 Claimant KETTERLING

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

- ☒ License
☐ Previous Statutory Claim.
☐ Permits, valid or lapsed. Number(s) if different than above _____
☐ Decree. Name & date _____
☐ Conveyance Loss Calculations. See printout included.
☐ Title abstract. ☐ In file. Or, Name & location _____
☐ County records. ☐ In file. Or, Name & location _____
☐ Affidavits. ☐ In file.
☐ Posted Notices, Water Locations Notices. ☐ In file.
☐ Deed Records. ☐ In file. Or, Name & location _____
☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____
☐ A.S.C.S. Records. Year & Photograph No. _____
☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____
☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.
☐ Other _____
☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File

Measurement 16²⁶ cfs. Amount recommended 864 cfs.
Type of measuring device: _____ Meter No. _____
Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. 1974 OQ 1974 OQ 1977 U-2 1980 U-2
CASTLE BUTTE JACKASS BUTTE 2534-77/134 3424-80-15.

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____

0122-15

[illegible][illegible]

for a room to appropriate the

[Handwritten notes in cursive script, mostly illegible due to extreme blurriness.]

1056 + 1057
+ 1058
+ 1059
+ 1060
+ 1061
+ 1062
+ 1063
+ 1064
+ 1065
+ 1066
+ 1067
+ 1068
+ 1069
+ 1070
+ 1071
+ 1072
+ 1073
+ 1074
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+ 1120
+ 1121
+ 1122
+ 1123
+ 1124
+ 1125
+ 1126
+ 1127
+ 1128
+ 1129
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Public Works of the State of Idaho, dated December 21, 1956; that same day, 1956, carrying capacity of _____, showing that said works were issued under said application; that Certificate of Completion of works with _____, 1964, showing that said works

[illegible]

17. If second fuel, was issued (transfered oil) by 11 19 63; and that on the 6th

10/20/2019 10:20:20 AM

Idaho,
State of
made proof to the satisfaction of the
vectors of 2 wells

... a tributary of subterranean flow ... of the Department of Reclamation ... under Use Permit No. C-26485 ... has been perfected in accordance with the laws of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho and entered of record in Volume ... and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume ... April 1, 1964

of 100000 at rate 10.24, on 11.11.1924, on 11.11.1924

25

The new study confirmed data from December 21

The Point of Diversion is located on the E. M. Ogilvie County To 5 S. R. 2 E.

in the NW 14 NW 14, Sec. 5, Tp. 5 S., R. 2 E.,
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

Flow	0.17	cubic feet per second.
not exceed		

relocation of use.

Description and location of use:			Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Twp.	Range	Sec.			
4 S.	2 E.	32	NE 1/4	40	5
			S 1/4	40	25
			SE 1/4	40	12
			SW 1/4	40	30
				40	

MEMO

TO: File 02-7065
FROM: Don Shaff *DS*
DATE: 11/04/82

The field examination performed to License this water right was done without the benefit of any aerial photography. Notes in the field report indicated other materials were used to determine the irrigated acreage. These materials apparently were inaccurate for this purpose. Aerial photography in 1974, 1977, and 1980 show that only 432 acres are irrigated within this described place of use. The diversion rate recommendation is correspondingly reduced to 8.64 cfs.

With the 16.26 diversion capacity of the two ¹⁰⁰~~one hundred~~ horse-power motors and pumps it is unlikely the successful irrigation illustrated by the photographs would be accomplished if 9.60 cfs ^{were applied}~~will apply~~ to 880 acres as was licensed. The photography shows that water has been concentrated on the 422 acres. The duty of the water closely reflects the recommended one inch per acre ^{rather} than the former approximate $\frac{1}{2}$ inch per acre.

Same P/D	02-7065	8 ⁶⁴	5/14/1970
	02-7090	6 ²	8/24/1971
	02-2267	4 ⁶⁶	1/20/1964
		<u>19</u>	<u>30</u>

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that E. P. LAWRENCE

and has submitted proof to the Department of Water Resources on November 5, 1974

tributary to the Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Subject, however, to the condition that no more than 9.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and entitled to for the purpose aforementioned is limited to the amount which can actually be beneficially used and shall not exceed 4,049 acre feet per year, said waters to be diverted within the SE 1/4 NW 1/4 of Sec. 22,
Twp. 4 S., Rge. 2 E., Br. 1. in the County of Owyhee

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Total number of cases reported 680

A measuring device of a type approved by the Department shall be maintained as part of the diverting works.

NOTE: Modifications to or releases from this license may be made within the limits of Executive Order 13526, 68 Stat. 1753, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

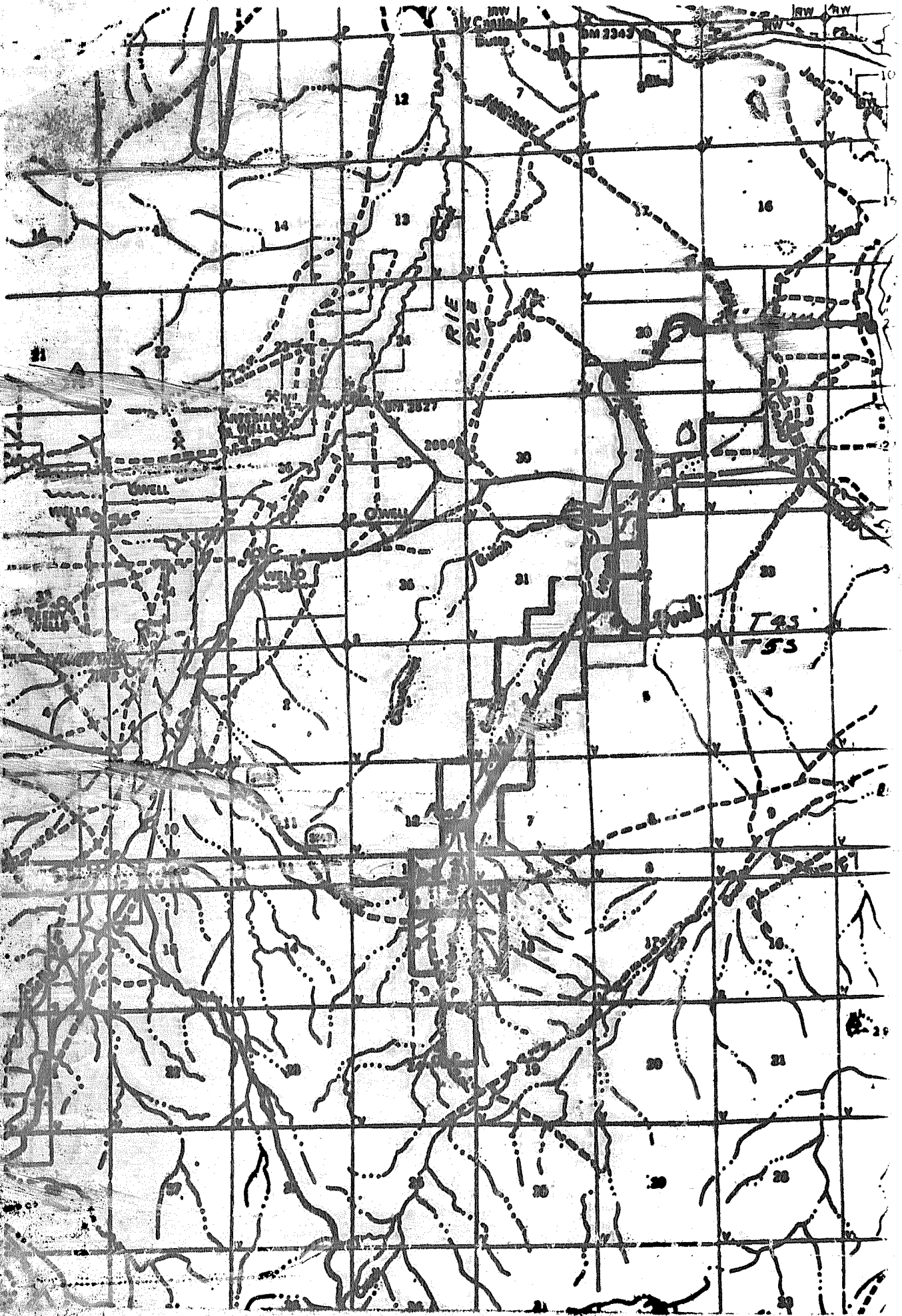
The right to the use of the water hereby confirmed is reserved and appurtenant to the land or place of use specified, as provided by the laws of Idaho.

Witness the seal and signature of the Minister, at _____, this _____ day of _____, 19 ____.

LAND LET ATTACHMENT

Description and location of place of use:

[illegible]



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: **A02-07065A**
Date Received: 1/19/1989
Receipt No: X777777
Received By: [Signature]

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

1. Name: RANDY J KETTERLING 208-436-9361
Address: 609 17TH ST
RUPERT ID 83350

2. Date of Priority: MAY 14, 1970

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	02E	22	SE	of	NW		OWYHEE

5. Description of diverting works:
4-100 HP PUMPS, 24" PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.580		1932.00

7. Total Quantity Appropriated is:
4.580 C.F.S. (and/or) 1932.00 A.F.A.

8. Total consumptive use is 1470.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	02E	31	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
		32	SW	NW	IRR	20.0
			NE	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
					Section Acres	140.0
05S	02E	5	NE	NW	IRR	40.0
			NW	NW	IRR	40.0
					Section Acres	80.0
		6	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			NE	NW	IRR	40.0
					Section Acres	120.0
					Total Acres	420.0

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:
57-02211B, 57-07249, 57-07460

14. Remarks:
CLAIM SPLIT PER CHANGE OF OWNERSHIP SUBMITTED 10-6-89.

15. Basis of Claim: LICENSE

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: _____

MICROFILMED
AUG 07 1992

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 _____

MICROFILMED
AUG 07 1992

CHANGE IN OWNERSHIP

[✓] Water Right Number(s): 02-7065 / 57-07103 / 57-02218

[✓] Name and Address of
Former Claimant: Randy J. Ketterling and Lois M. Ketterling
609 17th Street
Rupert, Idaho 83350

[✓] New Claimant(s): Envirosafe Services of Idaho, Inc.

[✓] New Mailing Address: 2710 Sunrise Rim Road, Suite 100
Boise, Idaho 83715-6217

New Telephone Number: (208) 384 - 1500

[✓] Does the change in ownership result in a splitting of the
water right claimed? yes XXX no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[✓] Attach proof of ownership
Describe proof attached: Recorded Warranty Deed

[] Signature of New Claimant(s): Daniel L. Hodge
Vice President & General Manager

Date: Oct 6, 1989

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

RECEIVED

OCT 06 1989

Department of Water Resources
Western Regional Office

MICROFILMED

AUG 07 1992

WARRANTY DEED

Case # 30122

FOR VALUE RECEIVED, Randy J. Ketterling and Lois M. Ketterling, Husband and Wife

the grantor , do hereby grant, bargain, sell and convey unto EnviroSAFE Services of Idaho, Inc., a Delaware Corporation

whose current address is Bareground Owyhee County

the grantee , the following described premises, in Owyhee County Idaho, to wit:

IN TOWNSHIP 4 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 28: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 29: SE $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

MICROFILMED

INDEXED

REQUEST OF
FEE \$300

BY
N. J. K.

DEPUTY

BARBARA JAYO
OWYHEE COUNTY RECORDER

SEP 8 4 17 PM '89

FILED-RECORDED

200229

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 8, 1989

Randy J. Ketterling
Randy J. Ketterling

Lois M. Ketterling by Randy J. Ketterling
Lois M. Ketterling att & info

STATE OF IDAHO, COUNTY OF Owyhee

On this 8th day of September, 19 89
before me, a notary public in and for said State,
personally appeared Randy J. Ketterling
Lois M. Ketterling

known to me to be the person whose name
subscribed to the within instrument, and acknow-
ledged to me that they executed the same.

Paul Graham
Notary Public
Residing at 0861 E
Comm. Expires 9/15/91
Idaho

MICROFILMED
AUG 07 1992

David L. Hodge
Vice President & General Manager

ENVIROSAFE SERVICES OF IDAHO, INC.
100. Boise, Idaho 83705
15 6217 • (208) 384-1500

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 02-07065 Adj. flag translation: Standard Water Right Number
+ - - - - - Twn Rng Sec Tract Lot Acres Code Description County

Total Acres: 880.0

- + - - Diversion Means -
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use -
- + - - - - - Remarks - - - - - No Remarks found.
- + - - - - - Conditions of Approval - - - - -
- + - - - - Decree Plaintiff - - - + + - - Decree Defendant - - - +
- + - - Microfilm Rolls -
- + - - Audit Fields - 11/13/81 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 - P
Start Work Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District -
Licensed Date - 02/17/1979 Appl Received - 00/00/0000 Transfer/Amended -
Decree Date - 00/00/0000

MICROFILMED
AUG 07 1992

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: A02-07065
Date Received: 1/19/1989
Receipt No: C005207
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ENVIROSAFE SERVICES OF IDAHO, INC. 208-384-1500
Address: 2710 SUNRISE RIM ROAD
SUITE 100
BOISE, ID 83715-6217

2. Date of Priority: MAY 14, 1970

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	02E	22	SE	NW			OWYHEE

5. Description of diverting works:
4-100 HP PUMPS, 24" PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	9.600		4049.00

7. Total Quantity Appropriated is:
9.600 C.F.S. (and/or) 4049.00 A.F.A.

8. Total consumptive use is 3080.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	02E	28	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

MICROFILMED

AUG 07 1992

A02-07065

Page 1

Date: 10/10/89

NOTE: SHOULD HAVE BEEN A SPLIT CLAIM
WHEN CHANGE OF OWNERSHIP WAS PRO-
CESSED - A SPLIT IS KETTERLING (ORIG. CLAIMANT
& R. SPLIT AS ENVIROSAFE (ACQUIRED) WHO KEPT THE R.D. AND

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
04S	02E	28	NW	SW		IRR	40.0	
			NW	SE		IRR	40.0	
							Section Acres	200.0
		29	SE	SW		IRR	40.0	
			NE	SE		IRR	40.0	
			SW	SE		IRR	40.0	
							Section Acres	120.0
		31	SW	SE		IRR	40.0	
			SE	SE		IRR	40.0	
							Section Acres	80.0
32	NE	NW		IRR	40.0			
	SW	NW		IRR	40.0			
	SE	NW		IRR	40.0			
	NE	SW		IRR	40.0			
	NW	SW		IRR	40.0			
	SW	SW		IRR	40.0			
	SE	SW		IRR	40.0			
					Section Acres	280.0		
05S	02E	5	NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
							Section Acres	80.0
		6	NE	NE		IRR	40.0	
			NW	NE		IRR	40.0	
			NE	NW		IRR	40.0	
							Section Acres	120.0
							Total Acres	880.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
57-02211B, 57-07249, 57-07460

14. Remarks:

CLAIMANT IS PREVIOUS OWNER OF PROPERTY ENCOMPASSING SUBJECT WATER RT. CLAIMANT SURRENDERED THE PROPERTY TO FARMERS HOME ADM. WHO IS NOW THE CURRENT OWNER. HOWEVER, FHA HAS OFFERED THE CLAIMANT THE OPPORTUNITY TO REPURCHASE THE LAND THROUGH A LEASEBACK/BUYBACK PROGRAM. CLAIMANT INTENDS TO REPURCHASE PROPERTY THROUGH PARTICIPATION IN THE PROGRAM OFFERED BY FHA, AND THEREBY CLAIMS PROPRIETARY INTEREST IN RETAINING THE ATTENDANT WATER RTS.

15. Basis of Claim: LICENSE

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 _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 02-7065

Date Received 1-19-89

Receipt Number C05207

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) Randy Ketterling Phone (208) 436-9361

Mailing Address 609 17th Street, Rupert, ID Zip 83350

2. Date of Priority (Only one (1) per claim) May 14, 1970

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 4S Range 2E Section 22,
SE 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any:

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 of5. 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. Water removed from system by
four 100 h.p. pumps; transported to place of use through 24" pipeline
and irrigation ditches

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Jan. 1 to Dec. 31 amount 9.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 9.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3,080 acre feet per annum.

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

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	
4S	2E	28							40	40	40	40				40			200
		29												40	40		40		120
		32				40		40	40	40	40	40	40						280
		31															40	40	80
5S	2E	5				40	40												80
		6	40	40		40													120

Total number of acres irrigated 880

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 _____ No X
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.
#57-02211B; 57-07249; 57-07460 or None ()

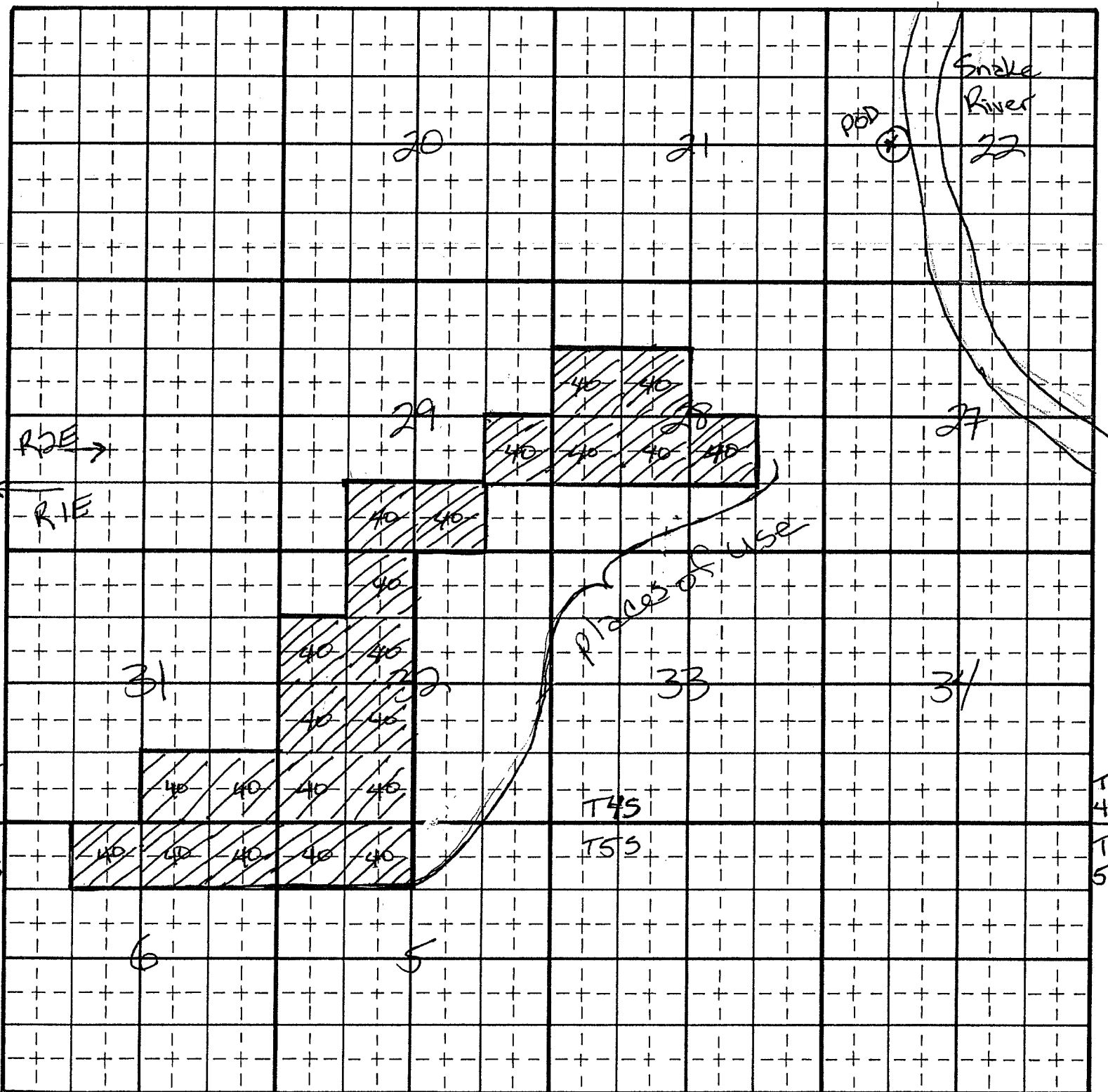
14. Remarks: Claimant is previous owner of property encompassing subject water right #57-7103; Claimant surrendered the property to Farmers Home Administration (FHA), who is now the current owner. However, FHA has offered the Claimant the opportunity to repurchase the land through a leaseback/buyback program. Claimant intends to repurchase property through participation in the program offered by FHA, and thereby claims proprietary interest in retaining the attendant water rights.

Last Name Ketterling Ident No. 02-7065

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

Scale: 2 inches equals 1 mile



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Last Name Ketterling

Ident No. 02-7065

Copies: White-State, Yellow-Claimant
AUG 07 1992

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

Decree _____

If applicable provide IDWR Water Right Number 02-7065

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 1

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

Signature of Claimant (s) Randy J. Ketterling Date 1-16-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

) SS.

County of Minidoka)

Subscribed and sworn (or affirmed) before me this 14 day of JANUARY 19 89

SEAL

Notary Public Wm. Schow

Residing at Rupert, Idaho

My Commission Expires 02 Feb. 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Ketterling Ident. Number 02-7065

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1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Ketterhings

CLAIM IDENT. NO.

A02-07065

DATE RECEIVED

1-19-89

CK #

CO05207

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
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 *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
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 N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
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 N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO *

Claim checked by:

LAT

Date:

2/14/89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

7

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

LAT

Date: 2/14/89

Comments:

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