

**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. 02-7065C
)
)
)
)
)
)
)

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/OBJECTOR

US Ecology Idaho, Inc.

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

OBJECTOR:

United States of America
Bureau of Land Management

David Negri 7/8/01
David Negri, Attorney Date

IDWR Concurrence:

 7-19-10

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: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.620 CFS 4.710
2.155.000 AFY 1,983.00

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Lot 3 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>8.620 CFS</u> 4.710 <u>2.155.000 AFY</u> 1,983.00

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 S28	SWNW	40.00	T04S R02E S28	SENW	40.00
T04S R02E S28	NESW	40.00	T04S R02E S28	NWSW	40.00
T04S R02E S28	NWSE	40.00	T04S R02E S29	SESW	40.00
T04S R02E S29	NESE	40.00	T04S R02E S29	SWSE	40.00
T04S R02E S32	NENW	40.00	T04S R02E S32	SENW	40.00
T04S R02E S32	NWSW	31.00			

431 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 § 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.

SF5 Right No. 2-7065C

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

Right ~~2-7065A~~ and 2-7065D is ~~are~~ also diverted through the point of diversion described above.

DN
JP

SF5 Right No. 2-7065C

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 O33
BOISE, ID 83724

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

US ECOLOGY IDAHO INC
300 E MALLARD STE 300
BOISE, ID 83706

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.620 CFS ~~4.710~~
2,155.000 AFY ~~1,983.00~~

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Lot 3 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>8.620 CFS</u> ~~4.710~~ <u>2,155.00 AFY</u> ~~1,983.00~~

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.

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T04S R02E S28	SWNW	40.00	T04S R02E S28	SENW	40.00
T04S R02E S28	NESW	40.00	T04S R02E S28	NWSW	40.00
T04S R02E S28	NWSE	40.00	T04S R02E S29	SESW	40.00
T04S R02E S29	NESE	40.00	T04S R02E S29	SWSE	40.00
T04S R02E S32	NENW	40.00	T04S R02E S32	SENW	40.00
T04S R02E S32	NWSW	31.00			

431 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Shurte, Jan

From: Courtney, Andrea
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

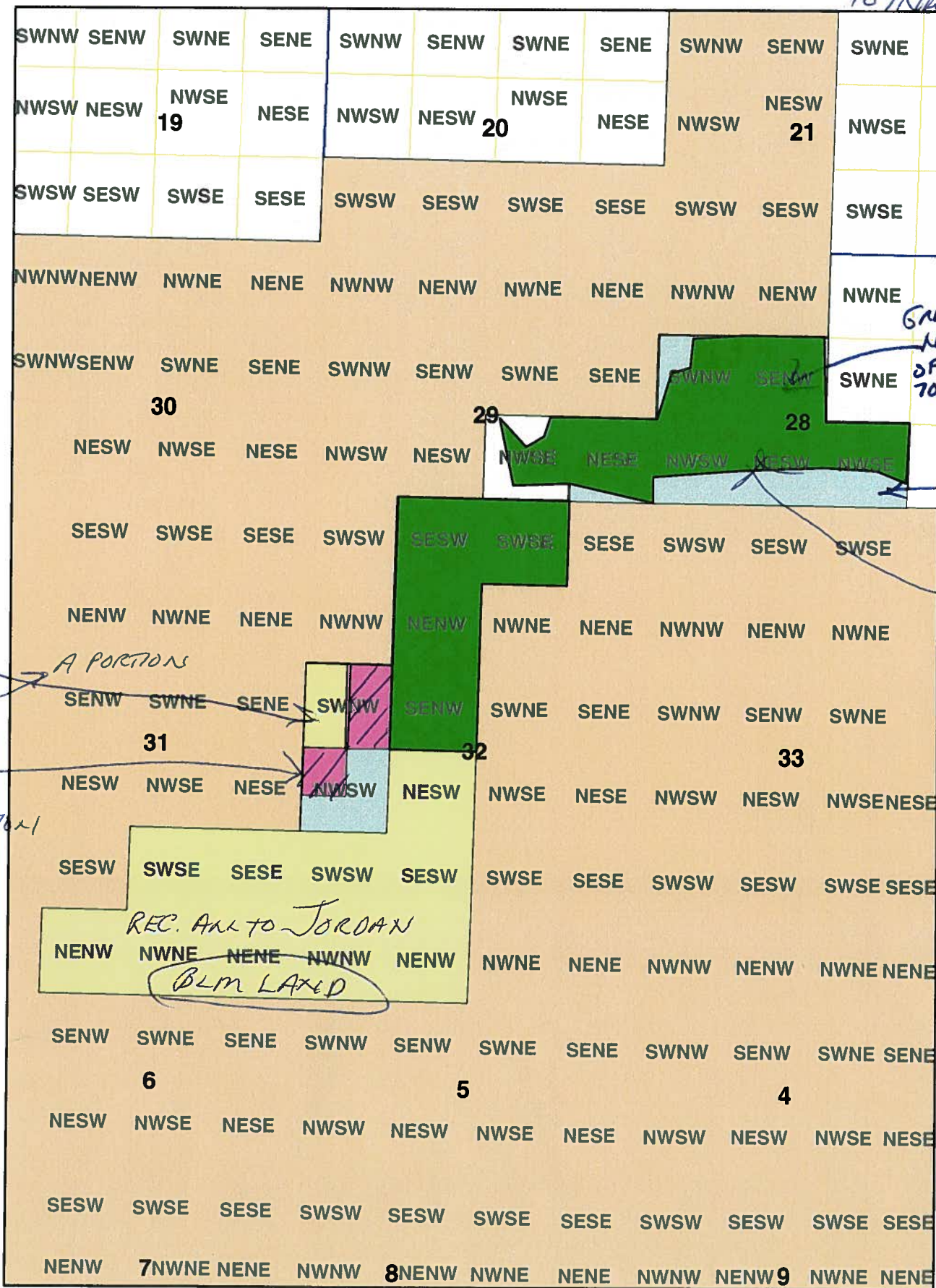
Boise, Idaho 83720-0098

Phone: (208) 287-4810

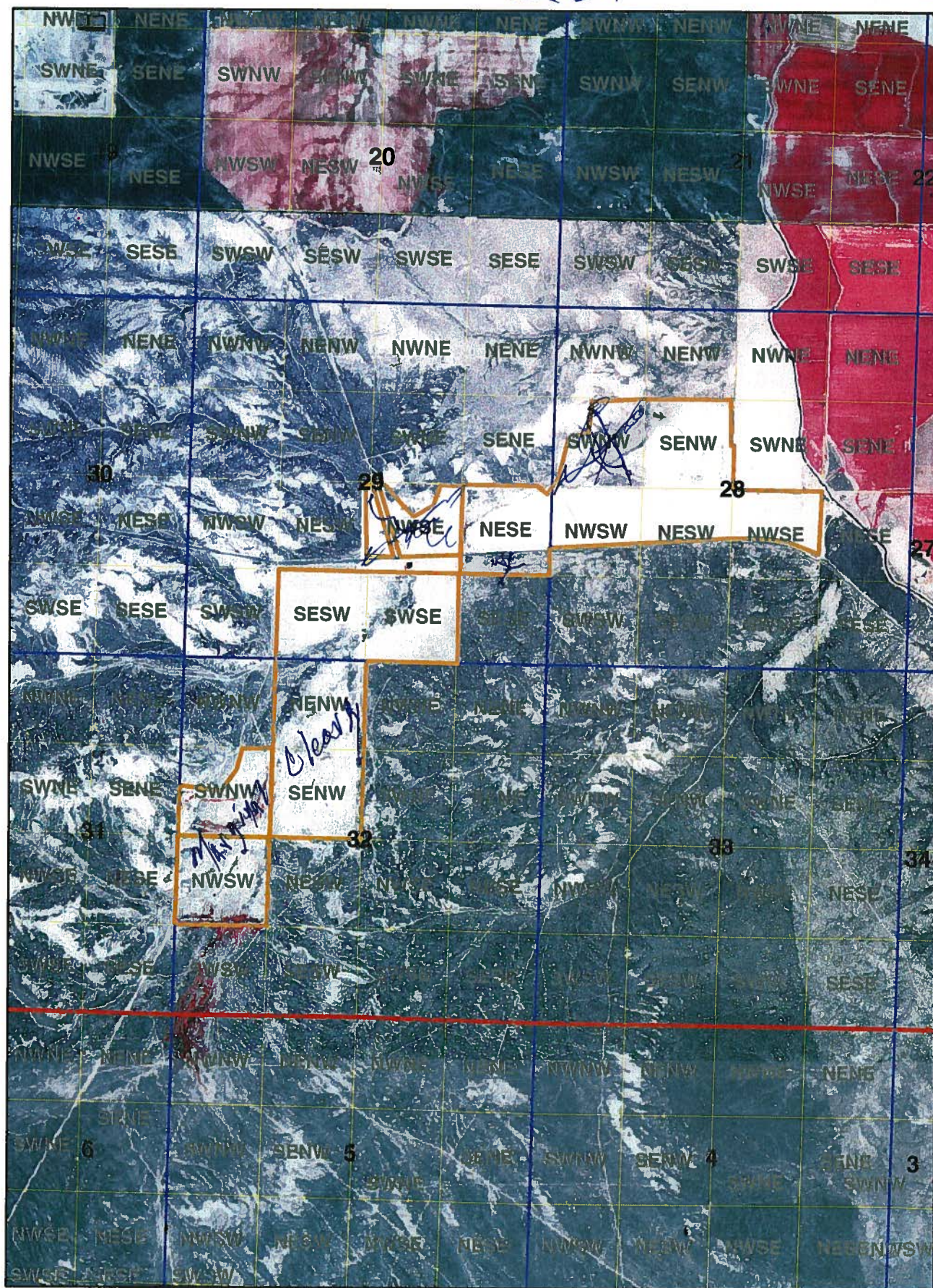
Fax: (208) 287-6700

GREEN - 7065C - SFS
 LT YELLOW - 7065A - REC
 LT BLUE - 7065C - REC

THAN - BLM
 PINK - JORDAN
 YELLOW - ECOLOGY/BLM B. - 31CFS
 TO INDUSTRIAL



Aug 6 1975
6076-75-131



80-152-3424

Shurte, Jan

From: Baxter, Garrick
Sent: Monday, March 08, 2010 4:57 PM
To: Shurte, Jan
Cc: Courtney, Andrea
Subject: FW: DRAFT Recommendation for 02-7065C (U.S. Ecology)
Attachments: 2-7065C Revised 4.doc

Jan,
You can copy the place of use condition from the attached document.
Garrick

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

From: Negri, David (ENRD) [mailto:David.Negri@usdoj.gov]
Sent: Friday, February 12, 2010 2:03 PM
To: Baxter, Garrick; Wayne Ipsen
Cc: dana@idahowaterlaw.com; fredric_price@blm.gov; Shaff, Don; Ridgeway, Renea
Subject: RE: DRAFT Recommendation for 02-7065C (U.S. Ecology)

Garrick and Don -- Thanks for putting this together. To make the BLM remark read slightly better, I'd add the two words I've added in upper case on the attachment. Not quite earth-shattering. We're good to go from the US' perspective. Thanks, again.

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

From: Baxter, Garrick [mailto:Garrick.Baxter@idwr.idaho.gov]
Sent: Thursday, February 11, 2010 4:26 PM
To: Wayne Ipsen; Negri, David (ENRD)
Cc: dana@idahowaterlaw.com; fredric_price@blm.gov; Shaff, Don; Ridgeway, Renea
Subject: DRAFT Recommendation for 02-7065C (U.S. Ecology)

Wayne and David,
See attached settlement proposal from IDWR. Both issues are addressed in this draft. The draft recommendation has proposed language addressing the BLM objection. Also, assuming the order to show cause disallowing the A portion goes through, the Department is willing to increase the rate of flow. Please review and let me know what you think. Don retires in 15 days so it would be best if you could expedite your review.
Thanks,
Garrick

DON

US Ecology POU

Township	Range	Section	1/16 Sec	1/4 Sec	Acres	Owner	License Acres
T04S	R02E	28	SW	NW	28	Ecology	40
			SE	NW	38	BLM	40
			NE	SW	26	BLM	40
			NW	SW	29	Ecology	40
			NW	SE	25	BLM	40
		29	SE	SW	40	BLM	40
			NE	SE	38	Ecology	40
			SW	SE	40	BLM	40
		32	NE	NW	39	BLM	40
			SE	NW	40	BLM	40
			NW	SW	40	"Ecology"	40
					383		440

248 BLM
135 Ecology

} DON, SHOULD WE ALSO DETERMINE
HOW MUCH OF JORDAN'S LAND
WAS ACTUALLY BEING IRRIGATED
? SUBTRACT THAT FROM Ecology's
COUNT?

History

1982 Review

Owner error NWSE S29

Transfer

432 acres
-20 acres
-29 acres

383 acres
- 8

375

FROM THE 1987 PHOTO,
IT LOOKS LIKE
JORDAN/KETTERLING
IRRIGATED +/- 8 ACRES

-GARRICK

Status Johns 2-7318

2/25/2010 Don Shaff

The claimant by agreement with Idaho Fish and Game uses the right to irrigate BLM lands. A revised BLM agreement is in the works. Splits have been created (2-10296 and 2-10297) for a right to Johns and one for BLM but the data elements for each remains as a task depending on where the agreement settles.

Note: Acres new irig. ~~BLM~~ on BLM/F&G?
May need to add a remark between
the 2 splits.
File must hat 2.0.?

D R A F T

02/09/2010

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: ~~4.710~~ 7.78 CFS
~~1,983.00~~ 1675.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:
T04S R02E S22 SENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

~~4.710~~ 7.78 CFS
~~1,983.00~~ 1675.00 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 S28	SWNW	~~40.00~~ 28	T04S R02E S28	SESW	~~40.00~~ 38
T04S R02E S28	NESW	~~40.00~~ 26	T04S R02E S28	NWSW	~~40.00~~ 29
T04S R02E S28	NWSE	~~40.00~~ 25	T04S R02E S29	SESW	~~40.00~~ 34.00
T04S R02E S29	NESE	~~40.00~~ 38	T04S R02E S29	NWSE	13.00
T04S R02E S29	SWSE	~~40.00~~ 34.00	T04S R02E S32	NENW	~~40.00~~ 30.00
T04S R02E S32	SESW	40.00	T04S R02E S32	NWSW	~~31.00~~

~~431~~ 335 ACRES TOTAL

Use this language

The described place of use includes 240 irrigated acres within T04S R02E of Owyhee County purchased by the United States on December 13, 2004, with this water right retained by the claimant. Water right 02-7065C is currently not being used at the described place of use and is instead being leased to the Idaho Water Resource Board's water supply bank pursuant to Idaho Code § 42-1761. So long as the United States continues to own 240 acres of the described place of use, no resumption of use on the 240 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 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 ~~2-7065A and 2-7065D~~ are is also diverted through the point of diversion described above.

Draft from Ecology

DRAFT

02/09/2010

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

RIGHT NUMBER: 2-7065 **E**

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: ~~4.710~~ ~~7.78~~ ~~8.62~~ [W1] CFS
~~1,983.00~~ ~~1675.00~~ ~~2.155~~ [W2] AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION: T04S R02E S22 SENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

~~4.710~~ ~~7.78~~ ~~8.62~~ CFS
~~1,983.00~~ ~~1675.00~~ ~~2.155~~ 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 S28	SWNW	40.00- ~~28~~	T04S R02E S28	SENW	40.00 ~~38~~
T04S R02E S28	NESW	40.00- ~~26~~	T04S R02E S28	NWSW	40.00 ~~29~~
T04S R02E S28	NWSE	40.00- ~~25~~	T04S R02E S29	SESW	40.00
T04S R02E S29	NESE	40.00- ~~38~~	T04S R02E S29	NWSE	13.00
T04S R02E S29	SWSE	40.00- ~~34.00~~	T04S R02E S32	NENW	40.00
T04S R02E S32	SENW	40.00	T04S R02E S32	NWSW	31.00

431 ~~335~~ ACRES TOTAL

DO NOT
USE

The described place of use includes ~~240280~~ [W3] irrigated [W4] acres within T04S R02E of Owyhee County purchased by the United States on December 13, 2004, with this water right retained by ~~the claimant~~ US Ecology Idaho, Inc [W5]. As of the date of this partial decree, Water right 02-7065C is ~~currently~~ [W6] not being used at the described place of use and, but is ~~instead being leased to the~~ in the Idaho Water Resource Board's water supply bank pursuant to Idaho Code § 42-1761 *et seq.* So long as the United States continues to own ~~240-280~~ acres of the described place of use, no ~~resumption of use of the water right on these 240-280 acres is allowed absent express written authorization by the United States issued pursuant to proper delegation of authority and consistent~~ [W7] with regulation and THE applicable Land Use Plan [W8]. 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 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 ~~2-7065A~~ and 2-7065D are ~~is~~ also diverted through the point of diversion described above.

leave on 7065A + D

DRAFT

Received
From US Ecology
02/09/2010
2-17-10.

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

QUANTITY: 4.710 ~~7.78~~ 8.62 [W11] CFS
1,983.00 ~~1675.00~~ 2,155 [W12] AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION: T04S R02E S22 SENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.710 ~~7.78~~ 8.62 CFS
1,983.00 ~~1675.00~~ 2,155 AFY

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PLACE OF USE:

IRRIGATION in OWYHEE County

T04S R02E S28

SWNW E

40.00-28

T04S R02E S28

SENW

40.00 38

T04S R02E S28

NESW B

40.00-26

T04S R02E S28

NWSW

40.00 29

T04S R02E S28

NWSE B

40.00-25

T04S R02E S29

SESW

40.00

T04S R02E S29

NESE E

40.00-38

T04S R02E S29

NWSE

13.00

T04S R02E S29

SWSE B

40.00-34.00

T04S R02E S32

NENW B

40.00 39

T04S R02E S32

SENW

40.00

T04S R02E S32

NWSW

31.00 40

431 335 ACRES TOTAL

The described place of use includes 240-280 [W13] irrigated [W14] acres within T04S R02E of Owyhee County purchased by the United States on December 13, 2004, with this water right retained by the claimant US Ecology Idaho, Inc [W15]. As of the date of this partial decree, water right 02-7065C is currently [W16] not being used at the described place of use and, but is instead being leased to them the Idaho Water Resource Board's water supply bank pursuant to Idaho Code § 42-1761 et seq. So long as the United States continues to own 240-280 acres of the described place of use, no resumption of use of the water right on these 240-280 acres is allowed absent express written authorization by the United States issued pursuant to proper delegation of authority and consistent [W17] with regulation and the applicable Land Use Plan [W18]. 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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Shaff, Don

From: Baxter, Garrick
Sent: Monday, February 08, 2010 1:47 PM
To: Shaff, Don
Cc: Ridgeway, Renea
Subject: RE: US Ecology 2-7065

Hi Don,

I'm going back through old emails and came across this one. Can you please prepare a new recommendation consistent with your email here? Also, I believe that Chris had proposed a version earlier that dealt with the BLM/Ecology issues...I'll forward that email to you so we can combine the changes and put into one draft document. Let me know if you have any questions.

Thanks,
Garrick

From: Shaff, Don
Sent: Thursday, November 05, 2009 6:04 PM
To: Baxter, Garrick
Cc: Ridgeway, Renea
Subject: US Ecology 2-7065

I have looked at the files and the splits related to 2-7065. My conclusion is not much different than the one I reached in 1982.

I reviewed the license file and aerial photography from 1974, 1975, and 1980. Proof of Beneficial Use was submitted in 1974 and drew to a close the development under the permit. IDWR conducted a field examination in 1976. My review of the 1974 photography best represented where water was put to beneficial use. In 1975 and 1980 some tracts were either fallow, had grain crops earlier in the year and less irrigated in appearance than other parts of the place of use, or simply not irrigated in either of those years.

My conclusion from my review during the last couple of days is the full right was developed only for 432 acres and not 880 acres. Not all of the land presented in the proof was irrigated by the diversion of Snake River water. I will concede the quantity of water for the sum of the splits from the rights starts with 9.6 cfs and not a miner's inch per acre.

The splits from the base right gets more complicated. At the outset I applied a proportional rate (cfs) per acre to each initial split. Split 2-7065A would have 1.51 cfs for 68 acres on land Dan Jordan apparently owns. Split 2-7065B before the transfer is associated with land Ketterling otherwise would have owned with 8.09 cfs on 364 acres. EnviroSAFE bought some of the Ketterling land and succeeded to the split 2-7065B. The approved transfer for part of 2-7065B changed the use of 0.31 cfs formally with 29 acres from the place of use with this split now 2-7065D and has no argument, I believe. Consequently, the extent of the right for 2-7065C would be 7.78 cfs for 335 acres. Later Ecology, the successor to EnviroSAFE, sold much of the place of use to BLM which gained the land with the water right 2-7065C reserved to Ecology. Jordan has denied any interest in 2-7065A, and I consider the right either forfeited or abandoned with no quantity or acres otherwise going to any other user. The net result of the review is the quantity previously recommended for Ecology under 2-7065C is increased while the acre feet would be reduced from what was previously presented to 5.0 AF/acre of 1675 AF. Ecology still has the dilemma of describing the place of use to avoid the BLM ownership issue.

I will leave to you the decision of whether and how to present the results of my investigation to the parties during my absence through next week. I can participate after I return Monday 11/16.

Status US Ecology 2-7065C

2/26/2010 Don Shaff

The claimant sold part of the POU to BLM reserving the water rights years ago, and the water right is in the water bank. The trouble is you will find in the file questions arose over the POU on the license. Part of the license is gone besides 2-7065D Ecology has for commercial use from a past transfer. The matter is nearly settled with a remote chance the POU is at issue, and the POU remark is nearly settled. See Revised 6 in the Project folder to see most of the last take.

Mtg. w Garnick on Mon. 3-8-10
at 3:00.

Shaff, Don

From: Shaff, Don
Sent: Thursday, November 05, 2009 6:04 PM
To: Baxter, Garrick
Cc: Ridgeway, Renea
Subject: US Ecology 2-7065

I have looked at the files and the splits related to 2-7065. My conclusion is not much different than the one I reached in 1982.

I reviewed the license file and aerial photography from 1974, 1975, and 1980. Proof of Beneficial Use was submitted in 1974 and drew to a close the development under the permit. IDWR conducted a field examination in 1976. My review of the 1974 photography best represented where water was put to beneficial use. In 1975 and 1980 some tracts were either fallow, had grain crops earlier in the year and less irrigated in appearance than other parts of the place of use, or simply not irrigated in either of those years.

My conclusion from my review during the last couple of days is the full right was developed only for 432 acres and not 880 acres. Not all of the land presented in the proof was irrigated by the diversion of Snake River water. I will concede the quantity of water for the sum of the splits from the rights starts with 9.6 cfs and not a miner's inch per acre.

The splits from the base right gets more complicated. At the outset I applied a proportional rate (cfs) per acre to each initial split. Split 2-7065A would have 1.51 cfs for 68 acres on land Dan Jordan apparently owns. Split 2-7065B before the transfer is associated with land Ketterling otherwise would have owned with 8.09 cfs on 364 acres. EnviroSAFE bought some of the Ketterling land and succeeded to the split 2-7065B. The approved transfer for part of 2-7065B changed the use of 0.31 cfs formally with 29 acres from the place of use with this split now 2-7065D and has no argument, I believe. Consequently, the extent of the right for 2-7065C would be 7.78 cfs for 335 acres. Later Ecology, the successor to EnviroSAFE, sold much of the place of use to BLM which gained the land with the water right 2-7065C reserved to Ecology. Jordan has denied any interest in 2-7065A, and I consider the right either forfeited or abandoned with no quantity or acres otherwise going to any other user. The net result of the review is the quantity previously recommended for Ecology under 2-7065C is increased while the acre feet would be reduced from what was previously presented to 5.0 AF/acre of 1675 AF. Ecology still has the dilemma of describing the place of use to avoid the BLM ownership issue.

I will leave to you the decision of whether and how to present the results of my investigation to the parties during my absence through next week. I can participate after I return Monday 11/16.

Thanks,

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov

Happiness is a journey, not a destination.

D R A F T

10/06/2009

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
1,983.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:
T04S R02E S22 SENW Lot 3 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	4.710 CFS 1,983.00 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 S28	SWNW	40.00	T04S R02E S28	SESW	40.00
T04S R02E S28	NESE	40.00	T04S R02E S28	NWSW	40.00
T04S R02E S28	NWSE	40.00	T04S R02E S29	SESW	40.00
T04S R02E S29	NESE	40.00	T04S R02E S29	SWSE	40.00
T04S R02E S32	NENW	40.00	T04S R02E S32	SESW	40.00
T04S R02E S32	NWSW	31.00			

431 ACRES TOTAL

Water right 02-2065C is currently leased to the Idaho Water Resource Board's water supply bank pursuant to Idaho Code § 42-1761. Upon release from the water supply bank, the water right holder is required to file a transfer application pursuant to Idaho Code § 42-222 to continue diversion and use of the water. For purposes of a transfer application, the original place of use is as follows: Irrigation use for 431 acres within T04S R02E of Owyhee County.

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

D R A F T

10/06/2009

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
~~1,983.00~~ 755.0 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:
T04S R02E S22 SENW Lot 3 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	4.710 CFS ~~1,983.00~~ 755.0 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 S28	SWNW	40.00	~~T04S R02E S28~~	~~SENW~~	~~40.00~~
~~T04S R02E S28~~	~~NESW~~	~~40.00~~	T04S R02E S28	NWSW	40.00
~~T04S R02E S28~~	~~NWSE~~	~~40.00~~	~~T04S R02E S29~~	~~SESW~~	~~40.00~~
T04S R02E S29	NESE	40.00	~~T04S R02E S29~~	~~SWSE~~	~~40.00~~
~~T04S R02E S32~~	~~NENW~~	~~40.00~~	~~T04S R02E S32~~	~~SENW~~	~~40.00~~
T04S R02E S32	NWSW	31.00			

~~431~~ 151 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 ~~2-7065A~~ and 2-7065D are is also diverted through the point of diversion described above.



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

RECEIVED

DEC 07 2007

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 02-07065C
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: U.S. Ecology Idaho, Inc.
Address: 300 E. Mallard, Ste 300; Boise, Idaho 83706
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, 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.

Fredric W. Price
(Signature of person filing objection)

David M. Price, LAD
(Attorney signing in representative capacity)

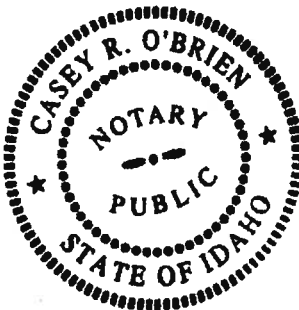
Subscribed and sworn to before me on: December 04, 2007

Casey R. O'Brien
Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 12-5, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: U.S. Ecology Idaho, Inc.
Address: 300 E. Mallard, Ste 300; Boise, Idaho 83706

Name:
Address: ;

Name:
Address: ;

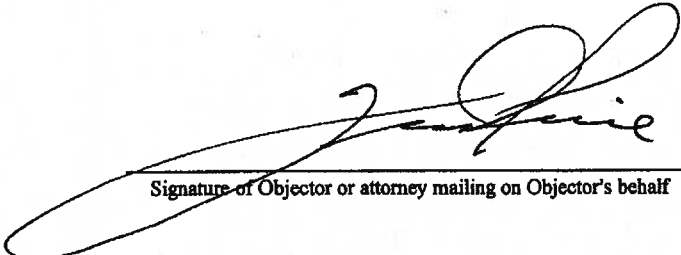
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
1,983.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF
DIVERSION: T04S R02E S22 SENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

4.710 CFS

1,983.00 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

BLM	T04S R02E S28	SWNW	40.00	T04S R02E S28	SENE	40.00	BLM
	T04S R02E S28	NESW	40.00	T04S R02E S28	NWSW	40.00	
BLM	T04S R02E S28	NWSE	40.00	T04S R02E S29	SESE	40.00	BLM
	T04S R02E S29	NESE	40.00	T04S R02E S29	SWSE	40.00	
	T04S R02E S32	NENW	40.00	T04S R02E S32	SENE	40.00	
	T04S R02E S32	NWSW	31.00				

431 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 2-7065A and 2-7065D are also diverted through the point of diversion described above.

POUs on BLM:

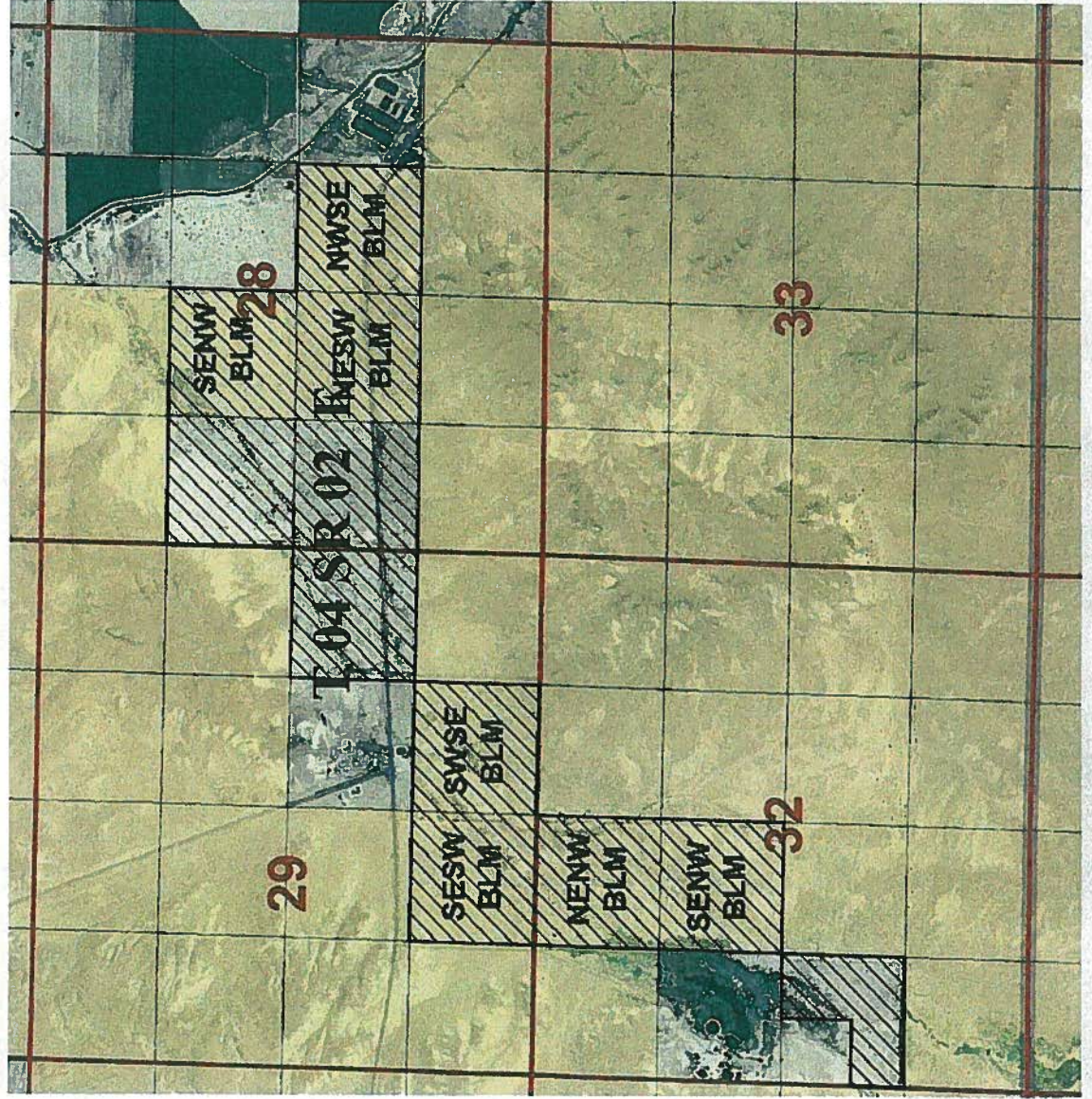
-The places of use recommended under this claim that describe BLM land are not authorized for agricultural uses.

-Remove from recommendation and adjust shapefile accordingly.

02-07065C; US Ecology Idaho Inc.

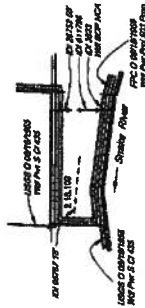
POUs on BLM:

- The places of use recommended under this claim that describe BLM land are not authorized for agricultural uses.
- Remove from recommendation and adjust shapefile accordingly.



HOUSE DISTRICT 9

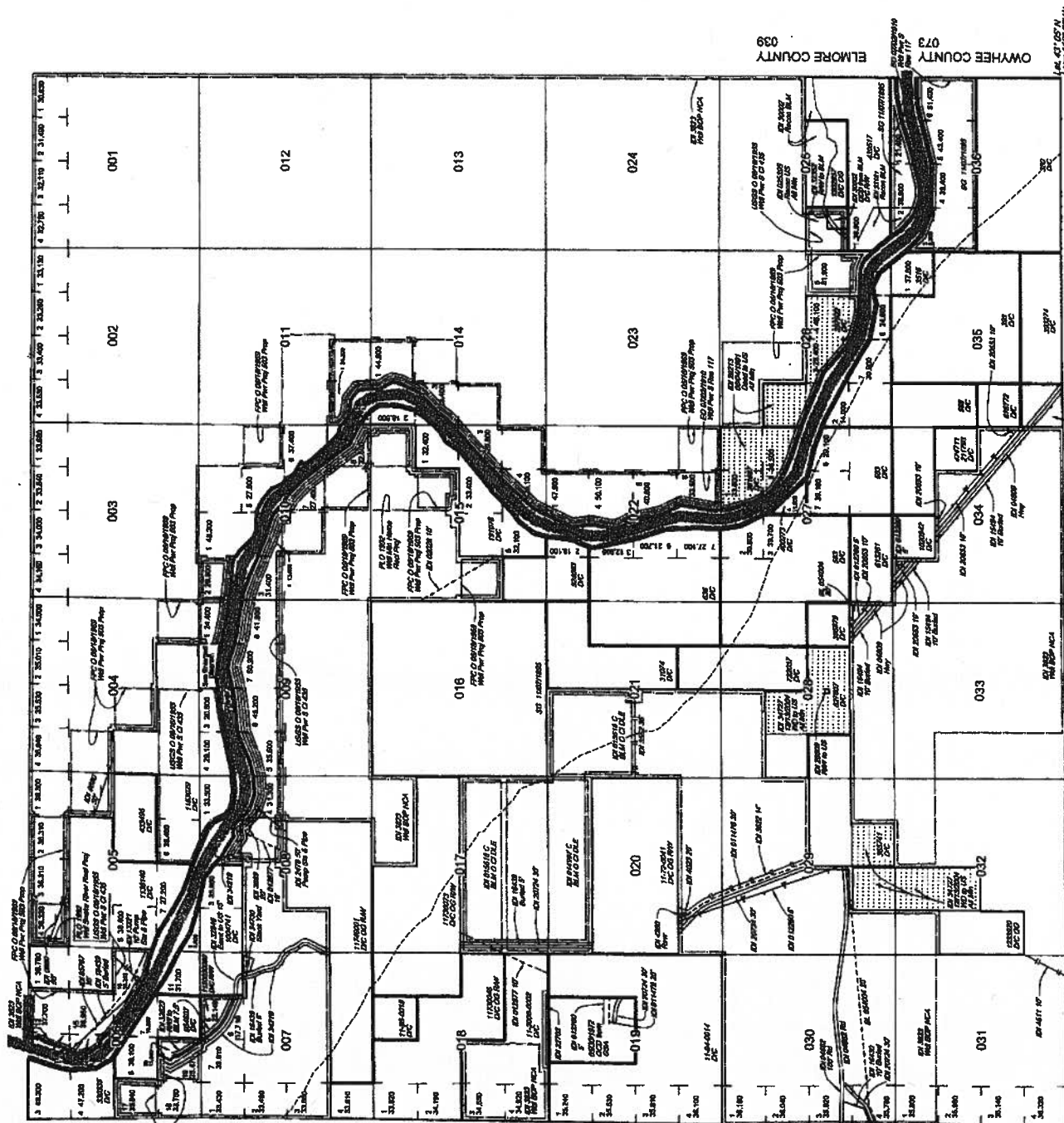
STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible][illegible]

Enlarged Diagram

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF:	D0604900000000000000000000000000000	PT: AT
CONTACTED TYP:	INT-60000	PT: URM
LAST OPERATOR:	86720000	
CHARGE FC:	DANCE RE	
POSTED TO PUBLIC RECORDS:	September 77, 2007	
PUBLIC AND LAND SURVEY EXTENSION PER:	N/A	
B/L COM ACQUISITION:	BLM 600000	
OTHER:	MA	
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, WGS 1983	
MATCH:		
LURE PLAYS:		

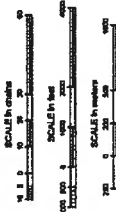
T. 4 S
R. 7 E

RESEARCH DESIGN

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Decision and summary poverty data. Record decision does not reflect the changes which may have been affected by future components of the or other bodies of water. Refer to additional surveys for additional information.

The relation shows on which weeks represent the last action taken, but may not be the effective date. See the National Index for the data

no warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or as original information is not warranted.



U.S. Bureau of Land Management - Idaho State Office
1367 S. Vinnet Way Boise, Idaho 83709
(208) 378-6000



RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

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 2-7065C

(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: US Ecology Idaho, Inc.

Address: 300 E. Mallard Dr., Suite 300
Boise, Idaho 83706

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: _____
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 2-7065A.

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. Stonmy Dr. Meridian, ID

My Commission expires: Aug. 18/2009

83646

12/28/2006

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

RIGHT NUMBER: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
1,983.000 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.710 CFS
1,983.00 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 S28	SWNW	40.00	T04S R02E S28	SENW	40.00
T04S R02E S28	NESW	40.00	T04S R02E S28	NWSW	40.00
T04S R02E S28	NWSE	40.00	T04S R02E S29	SESW	40.00
T04S R02E S29	NESE	40.00	T04S R02E S29	SWSE	40.00
T04S R02E S32	NENW	40.00	T04S R02E S32	SENW	40.00
T04S R02E S32	NWSW	31.00			

431 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 2-7065A and 2-7065D are also diverted through the point of diversion described above.

11/09/2005

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

RIGHT NUMBER: 2-7065C
NAME AND ADDRESS: US ECOLOGY IDAHO INC
300 E MALLARD STE 300
BOISE ID 83706

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
1,983.00 AFY

PRIORITY DATE: 05/14/1970

POINT OF DIVERSION:

T04S R02E S22 SENW Within OWYHEE County = lot 4 (BIM)

lot 3 = (PVT)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.710 CFS
1,983.00 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	✓	T04S R02E S28	SENW	40.0	BIM
T04S R02E S28	NESW	40.0	BIM	T04S R02E S28	NWSW	40.0	✓
T04S R02E S28	NWSE	40.0	BIM	T04S R02E S29	SESW	40.0	BIM
T04S R02E S29	NESE	40.0	✓	T04S R02E S29	SWSE	40.0	BIM
T04S R02E S32	NENW	40.0	BIM	T04S R02E S32	SENW	40.0	BIM
T04S R02E S32	NWSW	31.0	✓				

431 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 2-7065A and 2-7065D are also diverted through the point of diversion described above.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
PRIMEV BOMBS
02 1A
0004310839
NOV 18 2005
MAILED FROM ZIP CODE 83702

\$00.830

RECEIVED

NOV 29 2005

DEPARTMENT OF
WATER RESOURCES

02-7065C
02-7065D
Preliminary
Report

UNDELIVERABLE AS
ADDRESSED.
NO FORWARDING
ORDER ON FILE

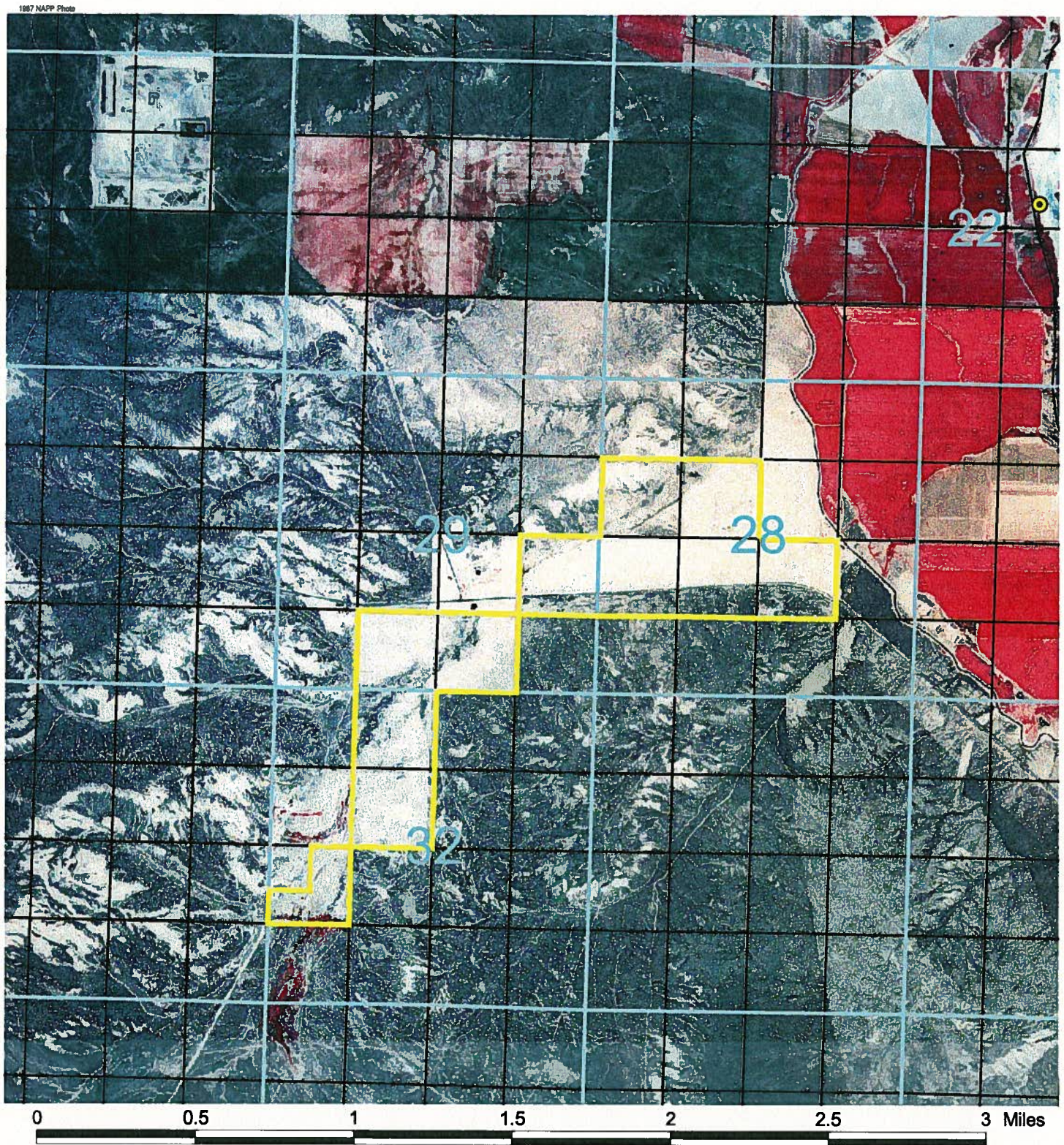


Not at this address

ENVIRONMENTAL SERVICES OF
IDAHO
2710 S. WILSON RD ST 100
BOISE ID 83705-6200

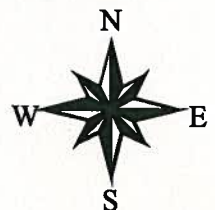
VF

Idaho Department of Water Resources



Claim Number: 02-07065C
Legal: T04S, R02E, S22, 28, 29 & 32
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: 2-7065C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.710 CFS
1,983.000 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

4.710 CFS

1,983.00 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	T04S R02E S28	SENW	40.0
T04S R02E S28	NESW	40.0	T04S R02E S28	NWSW	40.0
T04S R02E S28	NWSE	40.0	T04S R02E S29	SESW	40.0
T04S R02E S29	NESE	40.0	T04S R02E S29	SWSE	40.0
T04S R02E S32	NENW	40.0	T04S R02E S32	SENW	40.0
T04S R02E S32	NWSW	31.0			

431 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

APPLICATION FOR TRANSFER OF WATER RIGHT 02-07065 PART 3

B.3. Changes in Nature of Use.

Chart

4049 AF = 4.60 AF/acre allowed by License 02-07065
880 acres

Assume consumptive use in pending transfer application = 90.8 AF
No. of acres required to account for 90.8 AF consumptive use: from Allen and Brockway:
3.13 AF/acre is IR for alfalfa at Grandview Station.

90.8 AF = 29 acres
3.13 AF/acre

"D"

"C"

	Entire Right	Envirosafe portion before transfer	Envirosafe after transfer	Irrigation after transfer
Rate of Flow	9.6 cfs	5.02 cfs	✓ 0.31 cfs	4.71 cfs
Consumptive Volume	3.13 AF/acre (880 acres) = 2754.4 AF	3.13 AF/acre (460 acres) = 1439.8 AF	90.8 AF	3.13 AF/acre (431 acres) = 1349 AF
Diversion Volume	4049 AF	4.60 AF/acre (460 acres) = ✓ 2116 AF	4.6 AF/acre (29 acres) = <u>133.4 AF</u>	4.6 AF/acre (431 acres) = <u>1982.6 AF</u>

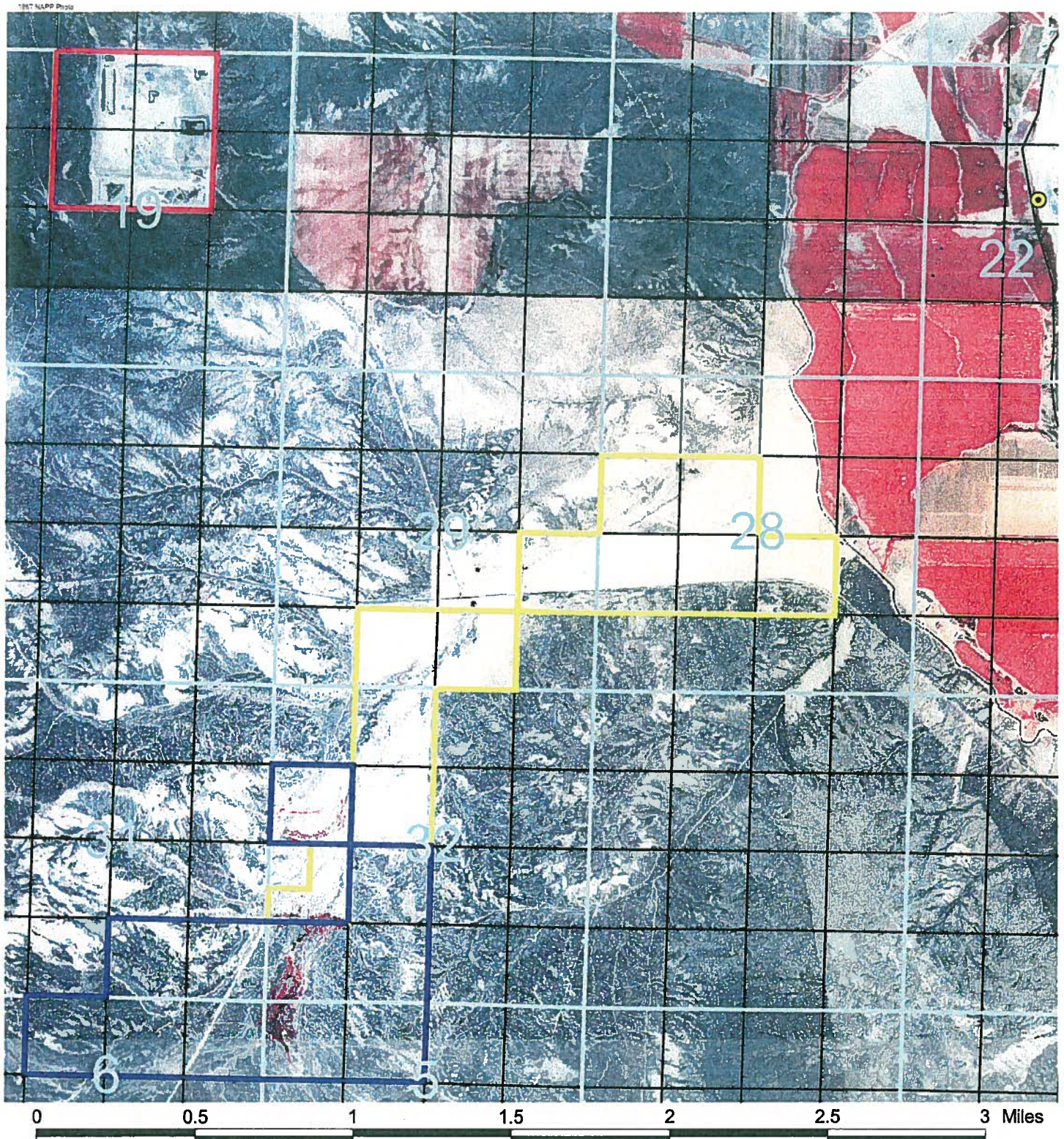
transfer app
3973 p/s
 $(.31 \text{ cfs}) \times (60 \text{ min/hr}) \times (60 \text{ min/hr}) \times (1.48 \text{ ft}^3/\text{sec}) \times (365 \text{ days/yr}) \times (13560 \text{ ft}^3) \Rightarrow 114.5 \text{ of}$
 $(.31 \text{ cfs}) \times \left(\frac{9 \text{ gpm}}{.02 \text{ cfs}} \right) = 140 \text{ gpm}$
"should" have been closer to 90 of tanker truck conveyance is to be used after transfer 4106 limit @ 130.5 of

MICROFILMED

SEP 18 1992

Attachment 'B'

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



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7065 Priority May 14, 1970 Amount 9.60 cfs

THIS IS TO CERTIFY, that E. P. LAWRENCE
of Oreana, Idaho, has complied with the terms and conditions of Permit
No. 02-7065 issued pursuant to Application for Permit dated May 14, 1970,
and has submitted proof to the Department of Water Resources on November 5, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 16.26 cfs of water from the Snake River,
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:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct 31</u>	<u>9.60</u> cfs and	<u>4,049 acre feet or</u>
	from		<u>5.0 af per acre</u>
	from		

(both dates inclusive)

Subject, however, to the condition that no more than 9.60 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 confirmed is for the purpose
aforementioned and 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 SE1/4NW1/4 of Sec. 22,
Twp. 4 S, Rge. 2 E, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	
			SEE LAND LIST ATTACHMENT																

Total number of acres irrigated 880

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

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, 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 restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of

July, 19 76.

SEP 1 1976

Director



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

MICROFILMED
SEP 19 1986

need to
send copy 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
SEP 19 1996

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>

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 ~~DRINKING WATER~~
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7065

I.D. No.

Map No.

\$ 10 ~~78~~ 8

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 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 9/100 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 8.64 Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 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 SC1: 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	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
		8	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)

Organization

(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

a notary public, personally appeared Randy Ketterling before me 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

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

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.
\$ 10.00	342
Fee Paid	Receipt No.

Notice is hereby given that Randy &/or Lois Ketterling

(Name of Claimant)

Oreana Route, Murphy, ID 83650

(Mailing Address)

Telephone No. 834-2739

(Zip Code)

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 <u>9.60 cfs</u>
(CFS, GPD, AF) | Use <u>irrigation</u>
(Domestic, Irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Both dates inclusive) |
| Quantity <u>9/80</u>
(CFS, GPD, AF) | Use _____
(Domestic, Irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, Irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, Irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
- (4) 9.60 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NW 1/4
Sec. 22, Twp. 4S, Rge. 2E, B.M., Owyhee County
- Additional Points: _____
- 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

- (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							40	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 no. of acres 880

- 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 3, 1981

(Date)

Individual

Randy Ketterling

(Signature of Claimant)

Organization

(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 1981

Notary Public residing at Idaho

SEP 17 1968

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

APR 11 1968

Department of Water Resources
Western Region Office

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 1/4 NW 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 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	28							40	40	40	40				40			200
		29												40	40		40		120
		32					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 _____
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.

J. Glen Saxton
Chief, Operations Bureau

For Department Use Only

Received by RG Date 4-11-88 Time _____ Preliminary check by Jim
Fee \$ 50.00 Received by GW #000339 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 16^{2.6} 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 IRRIGATION BUTTE 2534-77-134 3424-80-15

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____

57-22-18

State of Oregon

THIS IS TO CERTIFY THAT

Application for a permit to appropriate the

water of the

of the

in the

County of

State of Oregon

has been made

and the

same has been

approved by the

Board of

Water Control

Commission

on the

21st day of

April

1956

at

Oregon

U.S.A.

made proof to the satisfaction of the

of the right to use the water of 2 wells

for the purpose of irrigation

in the

County of

State of Oregon

has been made

and the

same has been

approved by the

Board of

Water Control

Commission

on the

21st day of

April

1956

The Point of Diversion is located at the

in the

County of

State of Oregon

not exceed 0.17 cubic feet per second.

Description and location of use:

No.	Range	Sec.	Acreage	No. of Wells	No. of Acres
1	4 S.	2 E.	30	10	30
2				10	30
3				10	30
4				10	30
5				10	30
6				10	30
7				10	30
8				10	30
9				10	30
10				10	30
11				10	30
12				10	30
13				10	30
14				10	30
15				10	30
16				10	30
17				10	30
18				10	30
19				10	30
20				10	30
21				10	30
22				10	30
23				10	30
24				10	30
25				10	30
26				10	30
27				10	30
28				10	30
29				10	30
30				10	30

RECEIVED

NOV 04 2004



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office

3948 Development Avenue

Boise, Idaho 83705

<http://www.id.blm.gov/offices/lard>



**In Reply Refer To:
IDI-33354
2200**

November 1, 2004

**Chad Hyslop
Marketing & External Affairs Director
American Ecology Corporation
300 East Mallard, Suite 300
Boise, ID 83706**

RE: Existing water rights associated with US Ecology Idaho's 280 acres

Dear Mr. Hyslop;

The Bureau of Land Management (BLM) is preparing to purchase 280 acres of land from your subsidiary, US Ecology Idaho, located near Highway 78, west of Grand View, Idaho. The subject property description is attached hereto as Attachment A. As stated in the "Warranty Deed" for the purchase of this Property, US Ecology Idaho, as Grantor:

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

We understand that it is US Ecology Idaho's express intention to retain all existing water rights and sell these water rights to other parties at some later date. We agree to this condition.

We also understand that during future sale(s) of the water rights by US Ecology Idaho, the Idaho Department of Water Resources or another party may request that the BLM sign a document which clarifies that the agency has no right, title, or interest in water

rights that existed at the time of the Property's sale by US Ecology Idaho to the BLM. We agree to sign such documents in a timely manner, if requested, and to cooperate in any other manner to the extent necessary to allow US Ecology Idaho to successfully sell the existing water rights.

Sincerely,

John Sullivan

John Sullivan
NCA Manager

Attachment

Attachment A
Legal Description of the US Ecology land to be purchased by BLM

Township 4 South, Range 2 East, Boise Meridian, Owyhee County, Idaho

Sec. 28: SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4

Sec. 29: SE1/4SW1/4, SW1/4SE1/4

Sec. 32: E1/2NW1/4

Containing 280.00 acres, more or less.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

WARRANTY DEED

IDI-34727

For the true and actual consideration of [REDACTED]

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 205 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.

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)

) ss:

COUNTY OF)

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 Henson

Notary Public in and for the

State of IDAHO

Residing at Boise

My commission expires: 29 July, 2005

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 ⁷⁸/₁₀₀

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 2.60 cfs 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 9160

Use

Period of Use From

(Mo., Day)

(Mo., Day)

(Both dates inclusive)

(CFS, GPD, AF)

(Domestic, irrigation, stock, etc.)

Quantity

Use

Period of Use From

(Mo., Day)

(Mo., Day)

(Both dates inclusive)

(CFS, GPD, AF)

(Domestic, irrigation, stock, etc.)

Quantity

Use

Period of Use From

(Mo., Day)

(Mo., Day)

(Both dates inclusive)

(CFS, GPD, AF)

(Domestic, irrigation, stock, etc.)

(4) 8.64 (CFS, GPD, AF) 2.60 cfs TOTAL QUANTITY CLAIMED.

(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NW (SE NW)
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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	28																	200 146
		29																	200 138
		32					40				40			40	40	40	40		280 148
58	2E	5					40	40									40	40	80
		8	40	40			40												80
																			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)

Organization

(Signature of Spouse)

State of Idaho

Organization

County of Owyhee

ss.

Seal

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

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 2-7065C
Date Received: 1/19/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

US ECOLOGY IDAHO INC Phone: (208)331-8400
300 E MALLARD STE 300
BOISE ID USA 83706

2. Date of Priority: 05/14/1970

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	Type
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	4/01	10/31	4.71	1982.6

7. Total Quantity Appropriated is:

4.71 C.F.S. and/or 1982.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	02E	28	SW NW	IRRIGATION	40
			SE NW	IRRIGATION	40
			NE SW	IRRIGATION	40

			NW	SW	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	200
04S	02E	29	SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	120
04S	02E	32	NE	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	31
					Section Acres	111
					Total Acres	431

11. Place of use in counties: OWYHEE

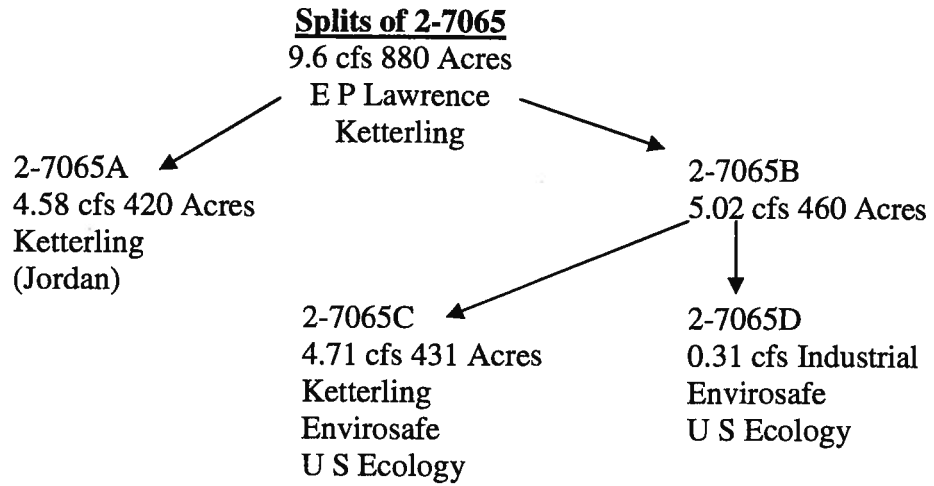
12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIM SPLIT PER CHANGE OF OWNERSHIP SUBMITTED 10-6-89.
ORIGINAL RIGHT A02-07065B SPLIT PER APPROVED TRANSFER 3973.

15. Basis of Claim: License



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

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INDEXED
SERIALIZED

AT-5100512239

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 205 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

Index to DEED WARRANTY

Fee: 6.00

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 3 day of Dec , 2004

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

By Stephen A. Romano
President

CORPORATE ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF ADA

)
) 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 Jensen
Notary Public in and for the
State of IDAHO

Residing at Boise

My commission expires: 29 July, 2008

12/02/2007 00:24 2084951483

ASSESSOR

PAGE 02/03

12/03/07

PMO100 - PARCEL MASTER INQUIRY

11:39:40

PARCEL: RP 04S02E322420 A

F9=MS
F17=DD

LEGAL DESCRIPTION

JORDAN, DANIEL B & HEATHER

E2SWNW,NWSW 32 4S 2E

30911 STATE HWY 78

OREANA ID 83650

ProVal Area Number 1

CODE AREA 24-0000 OWNER CD

PARC TYPE LOC CODE 4000

EFFDATE 1012005 EXPDATE

PREV PARCEL RP04S02E322420T

X	for	parcel	comments								
CAT	RY	QUANTITY	UN	VALUE	HO	MRKT	HO	EXMP	CB	MRKT	OTHER
3	2005	60000	AC	3600							

TOTALS

60000 Acres

3600

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

12/02/2007 00:24 2084951483
12/03/07

ASSESSOR
PMO100 - PARCEL MASTER INQUIRY

PAGE 03/03
11:40:13

PARCEL: RP 04S02E323750 A

F14=HO

F16=XP F17=DD

JORDAN, DANIEL
& SUYDAM, HEATHER MOORE

LEGAL DESCRIPTION

W2SWNW 32 4S 2E

30911 STATE HWY 78

OREANA ID 83650

30911 STATE HWY 78

ProVal Area Number 1

CODE AREA 24-0000 OWNER CD

PARC TYPE LOC CODE 4000

EFFDATE 2152006 EXPDATE

PREV PARCEL RP04S02E323750T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2006	1000	AC	14000	14000	7000		
18	2006	19000	AC	64800				
32	2006			5164				

TOTALS

20000 Acres

83964

14000

7000

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-07065C			57-10036v2		
02-07065D					
57-10035v2					
51-02159					
02-02267					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Envirosafe Services of Idaho, Inc.
4. New Owner/Claimant(s) US Ecology Idaho, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 300 East Mallard, Suite 300
- City, State and ZIP Code Boise, ID 83706
- New Telephone Number () 208-331-8400
5. Date you acquired the property Not applicable, name change only
see attached documentation

SCANNED
MAY 01 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)
- Stephen A. Poyner
Chairman, President and CEO

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>R Brown</u>	Date <u>3/2003</u>	Fee <u>0. -</u>
Receipted by _____	Date _____	Receipt No. _____
Processed by <u>APL/SM/AJ</u>	Date <u>4-30-2003</u>	WR _____ Date _____

Please process - R Brown - 4/29/03

SCANNED
MAY 01 2003

American Ecology

STEPHEN A. ROMANO
President and
Chief Executive Officer

March 31, 2003

Roxanne Brown
IDWR Western Region
1301 North Orchard
Boise, ID 83706
327-7925

Dear Ms. Brown:

On May 1, 2001 we changed the name of our subsidiary, Envirosafe Services of Idaho, Inc. to US Ecology Idaho, Inc. Attached is our application to change the name on our water rights to US Ecology Idaho, Inc., with supporting documentation from the Idaho Secretary of State.

Given that this is a simple name change only, we request expedited approval of this request.

Thank you for your consideration, and please call Chad Hyslop or me at 331-8400 if you have any questions.

Sincerely,



Stephen Romano
Chairman, President and CEO of US Ecology Idaho, Inc.

Attachment

SCANNED
MAY 01 2003

State of Idaho

Office of the Secretary of State

**AMENDED CERTIFICATE OF AUTHORITY
OF
ENVIROSAFE SERVICES OF IDAHO, INC.
File Number C 67012**

I, PETE T. CENARRUSA, Secretary of the State, hereby certify that an Application for Amended Certificate of Authority, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Authority to reflect the name change from ENVIROSAFE SERVICES OF IDAHO, INC. to **US ECOLOGY IDAHO, INC.** and attach hereto a duplicate of the application for such amended certificate.

Dated: May 1, 2001



Pete T. Cenarrusa
SECRETARY OF STATE

By *Shirley Daines*

SCANNED

MAY 01 2003

214

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

(Instructions on back of application)

To the Secretary of State of the State of Idaho:
Pursuant to Section 30-1-1504 Idaho Code, the undersigned Corporation hereby applies for an amended certificate of authority to transact business in the State of Idaho and for that purpose submits the following statement. Complete only applicable items.

1. A Certificate of Authority was issued to the corporation by your office on JUNE 16 1981
authorizing it to transact business in the State of Idaho under the name of _____
ENVIROSAFE SERVICES OF IDAHO, INC.
2. Its corporate name has been changed to US ECOLOGY IDAHO, INC.
3. The name which it shall use hereafter in the State of Idaho is US Ecology Idaho, Inc.
4. It has changed its jurisdiction of incorporation, without a change of corporate identity to
NO CHANGE

Dated: May 1, 2001US ECOLOGY IDAHO, INC.

(Corporation Name)

By Jeanette Noms Green
Jeanette Noms Green
Its Assistant Secretary
(specify capacity of signer)

Customer Acct #:

IDAHO SECRETARY OF STATE

(if using pre-printed label)

05/01/2001 09:57:00
CX: 84468 CT: 28168 IN: 394421

1 @ 28.00 = 28.00 AMEND CERT # 2
1 @ 28.00 = 28.00 EXPEDITE C # 3

C67012

206 621 8813 P. 03/04

C T CORPORATION SYSTEM

MAY 01 12:17

SCANNED
MAY 01 2003

State of Delaware
Office of the Secretary of State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ENVIROSAFE SERVICES OF IDAHO, INC.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "US ECOLOGY IDAHO, INC.", THE TWENTY-SEVENTH DAY OF APRIL, A.D. 2001, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF MAY, A.D. 2001.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1103598

DATE: 04-27-01

0915105 8320

010203135

P.02/04 206 621 8813

C T CORPORATION SYSTEM

APR-01-2001 12:17

SCANNED
MAY 01 2003

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: **A02-07065C**
Date Received: 1/19/1989
Receipt No: X777777
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	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	4.710		1982.60

7. Total Quantity Appropriated is:
4.710 C.F.S. (and/or) 1982.60 A.F.A.

8. Total consumptive use is 1349.0 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	28	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	02E	28	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
		32	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SW		IRR	31.0
Section Acres							111.0
Total Acres							431.0

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:
57-07103

14. Remarks:
CLAIM SPLIT PER CHANGE OF OWNERSHIP SUBMITTED 10-6-89.
ORIGINAL RIGHT A02-07065B SPLIT PER APPROVED TRANSFER 3973.

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
SEP 19 1996

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 _____

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SEP 19 1996

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

**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	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	5.020		2117.00

7. Total Quantity Appropriated is:
5.020 C.F.S. (and/or) 2117.00 A.F.A.

8. Total consumptive use is 1610.0 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	28	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0

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SEP 19 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	02E	28	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
		32	NE	NW		IRR	40.0
			SW	NW		IRR	20.0
			SE	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	140.0
						Total Acres	460.0

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:
57-07103 & 57-02218.

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
SEP 19 1998

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
SEP 19 1996

Transfer No. 3973

APPROVED

Department of Water Resources
Name of applicant office ENVIROSAFE SERVICES OF IDAHO, INC. Phone 384-1500

Post Office address 2710 SUNRISE RIM ROAD BOISE, ID 83715-6217

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 02-7065D Priority 5/14/1970 Amount .31 ~~(cfs/ac-ft)~~ Nature of Use INDUSTRIAL Period of Use 1/1 to 12/31

 to

 to

 to

2. Total amount of water being transferred .31 cubic feet per second and/or acre-feet per annum.

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1**6. General Information:**

- a. Description of diversion system Pumps at Snake River send water into a buried mainline across Sections 22 and 21, T4S, R2E; mainline goes into open ditch and then pond on Harold & Dorothy Steiner's property (Section 20, T4S, R2E); from pond, water can be ditched or piped to Envirosafe's property in Section 29, T4S, R2E and then piped to place of use in Section 19, T4S, R2E.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Twenty-nine acres of land would be removed from irrigation. The only irrigation right for the remaining 431 acres is the 4.71 cfs of 02-7065 identified in Part I, B.1. of this transfer. Envirosafe is filing an application to lease the 4.71 cfs to the water supply bank (The lease will be for 5.02 cfs until this transfer is approved.)
- d. Remarks:
The industrial use of water will occur on property owned by Envirosafe in Section 19, T4S, R2E. The water is mixed with clay to increase the water content of the clay to enable use of the clay at Envirosafe's disposal facility.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 02-07065D

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 14th day of September, 19 92.

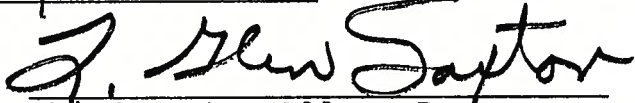
J. Glen Saylor
CHIEF, WATER ALLOC. BUREAU

MICROFILMED
SEP 19 1996

CONDITIONS OF APPROVAL
Transfer of Water Right No. 02-07065D

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands described herein.
5. A measuring device of a type approved by this department shall be maintained as a part of the diverting works.
6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Dated this 14th day of September, 1992.


Chief, Water Alloc. Bureau

MICROFILMED
SEP 19 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 02-70 65 issued by the Idaho Department of Water Resources.

(SRBA) Claim No. A02-7065A & A02-7065B on file with the Idaho Department of Water Resources.

*See attached
copies*

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Snake River tributary to Columbia River

4. Date or priority May 14, 1970

5. Water is used for the following purpose:

amount 9.6 cfs/4049 af for irrigation purposes from 4/1 to 10/31

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 9.6 cfs cubic feet per second and/or 4049 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	4S	2E	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	2E	28							40	40	40	40				40			200
		29												40	40		40		120
		32					40		40	40	40	40	40						280
		31															40	40	80
5S	2E	5					40	40											80
		6	40	40			40												120

Total acres 880

9. Describe any other water rights used for the same purpose as described above XXXX none

MICROFILMED
SEP 19 1998

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

yes If yes, describe land owned by Envirosafe was last irrigated October 31, 1986. An application to avoid forfeiture (attached) was filed April 8, 1988 by FHA and approved September 13, 1988. Beneficial use of water must resume on or before November 1, 1992.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(A02-7065B) (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 5.02/2116 af for irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	4S	2E	Owyhee	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	28							40	40	40	40				40			200
		29												40	40		40		120
		32					40		20	40		40							140

Total acres 460

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) (A02-7065A) current owner = Randy Ketterling

1. amount 4.58 cfs for irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	4S	2E	Owyhee	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	32							20		40		40	40					140
		31														40	40		80
5S	2E	5					40	40											80
		6	40	40			40												120

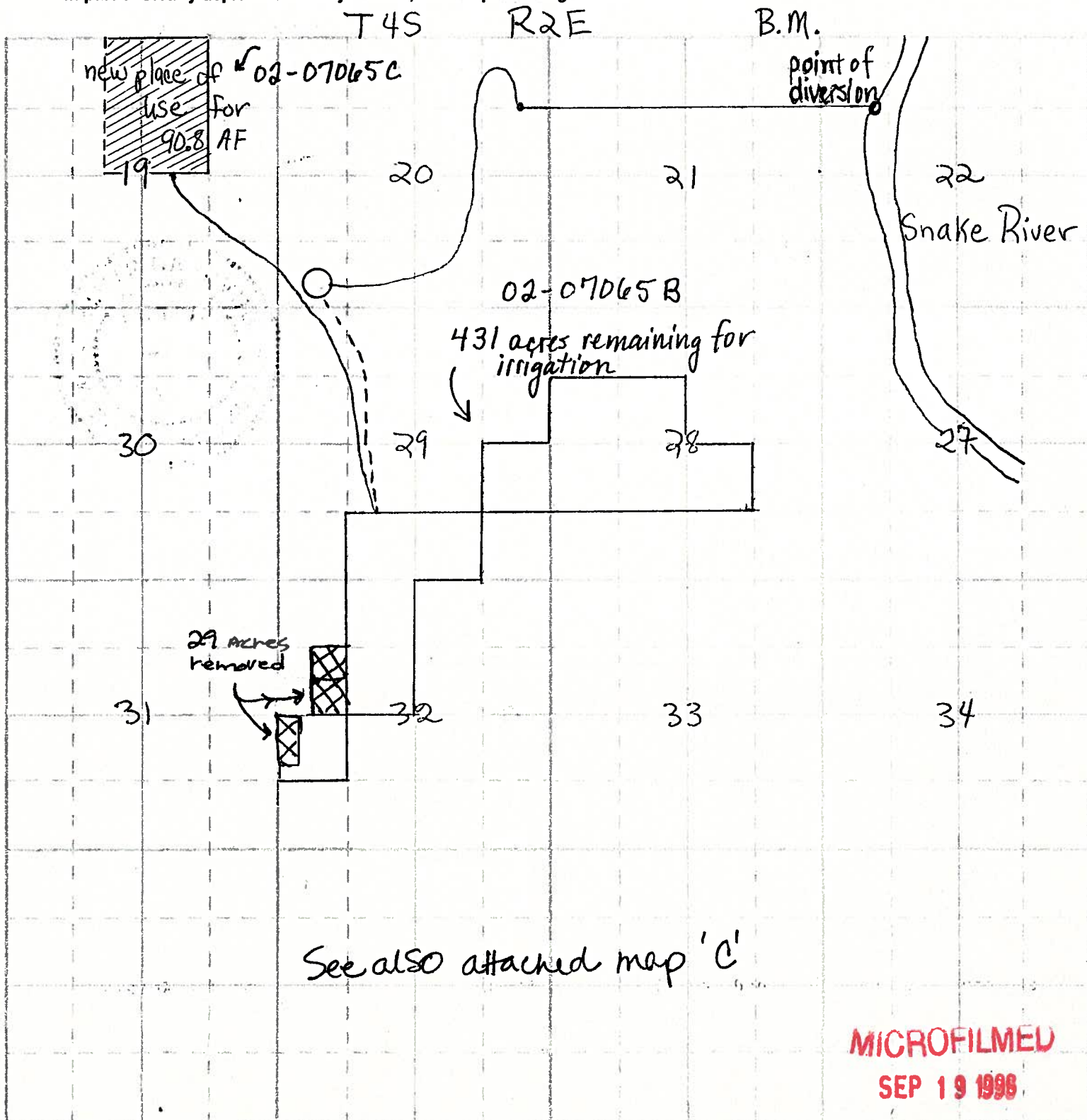
Total acres 420

MICROFILMED
SEP 19 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	industrial use	.31 cfs	12 hrs/day	Jan. 1 to Dec. 31
		90.8 af	year	to

2. Quantity and quality of return flows and location of discharge:

The water diverted will be completely used. No return flow. No discharge.

3. Describe effects on other water uses resulting from the proposed change:

4.71 cfs of flow, 1349 acre-feet of consumptive volume and 1982.6 acre-feet of diverted volume will be available for irrigation use after the transfer.

(see attached chart) Attachment 'B'

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

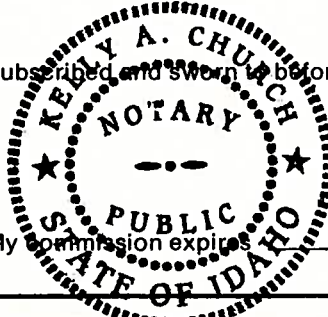
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 14th day of May, 1992.

Daniel L. Hodge
(Signature of Applicant)

Kelly R. Church
(Notary Public)

My commission expires 6/13/93


FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by _____ Date 5/14/92 Protest filed by _____

Prelim. check by cy4 Fee \$50.00

Received by JH Date 5-15-92

Published in Burgher Avalanche Copies of protest forwarded by _____

Pub. dates 7/1 & 7/8/92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DH

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 19 1998

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	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	Lot	Use	Acres
04S	02E	28	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

A02-07065

Page 1

Date: 10/10/89

MICROFILMED

SEP 19 1996

NOTE: SHOULD HAVE BEEN A SPLIT CLAIM
WHEN CHANGE OF OWNERSHIP WAS PRO-
CESSED - A SPLIT IS KETTERLING (ORIG. CLAIMAN
D SPLIT AS EVIDENCED BY DOCUMENTS FILED IN

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 _____

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): *David 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

SEP 19 1988

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 $\frac{1}{4}$ 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 $\frac{1}{4}$

200229

FILED-RECORDED

SEP 8 4 17 PM '89

BARBARA J. JACO
OWYHEE COUNTY RECORDER
BY M. J. J.
DEPUTY

REQUEST OF
DET. G.
FEE \$3.00

INDEXED

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SEP 19 1989

**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 02-7065

Date Received 1-19-89

Receipt Number C005207

1-19-89

**NOTICE OF CLAIM
TO A**

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

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 River

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

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 ()

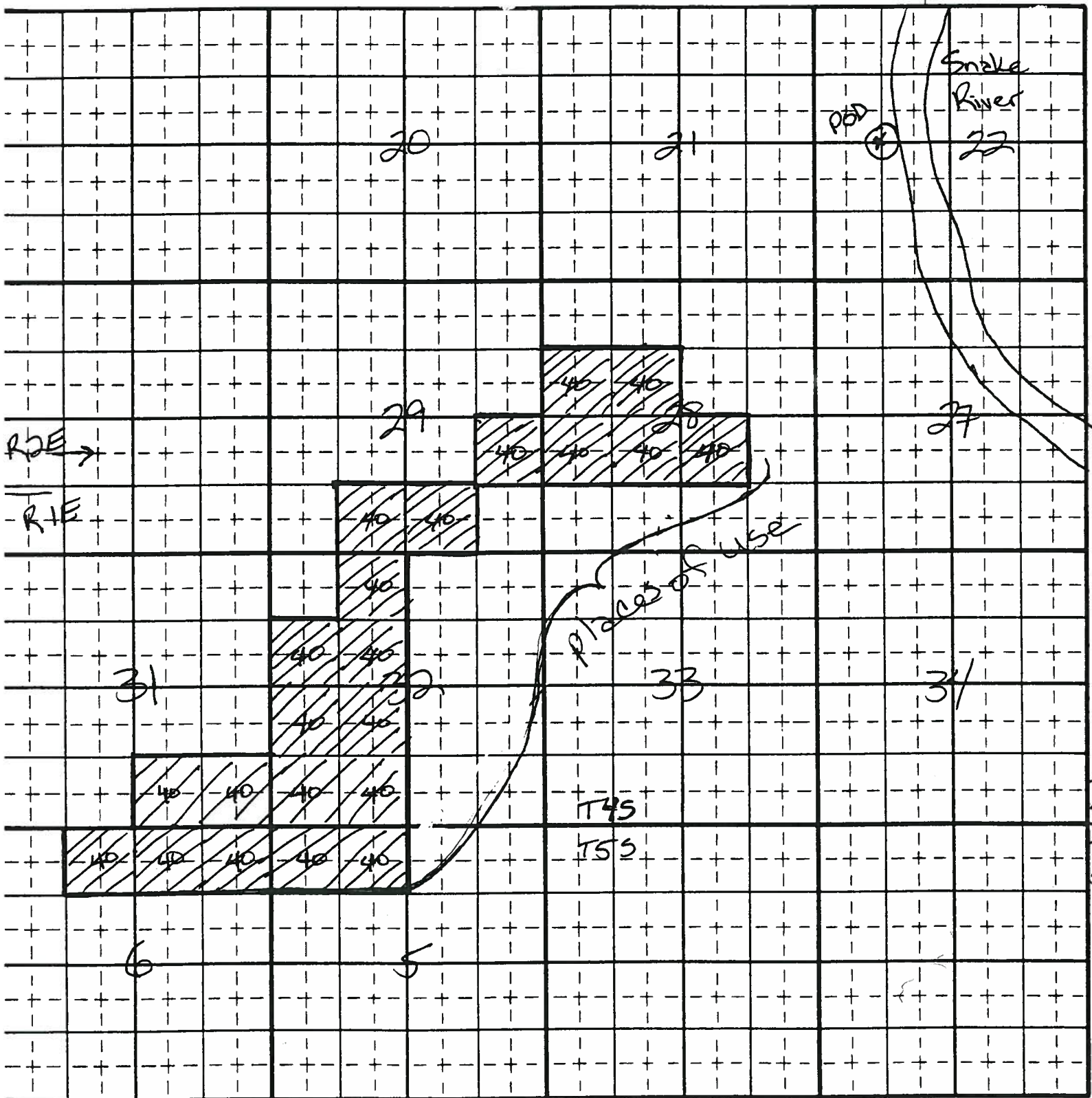
14. Remarks: Claimant is previous owner of property encompassing subject water right #57-7103; Claimant surrendered the property to Farmers Home Administration (FHA), who is now the current owner. However, FHA has offered the Claimant the opportunity to repurchase the land through a leaseback/buyback 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

Copies: White -State, Yellow-Claimant

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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SEP 19 1998

Last Name Ketterling

Ident No. 02-7065

Copies: White-State, Yellow-Claimant

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) Lenny 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 _____)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 16 day of January 19 89

SEAL

Notary Public L. J. Schorn

Residing at Reper, 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 _____

MICROFILMED
SEP 19 1998

Last Name Ketterling Ident. Number 02-7065

Copies White-State, Yellow-Claimant

CLAIMANT'S NAME Ketterhans CLAIM IDENT. NO. A02-07065DATE RECEIVED 1-19-89 CK # CO05207 AMOUNT \$ _____ YES ☒ NO ☐ Required Info? ☐

1. Is the name and address complete with zip code? ☒ ☐ *
2. Is a priority date entered? ☒ ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ ☐ *
3. (a) Is a source entered? ☒ ☐ *
- (b) Is a tributary to entered? (if required) ☐ N/A ☒ ☐ *
4. Is the legal description of the p.d. sufficient? ☒ ☐ *
5. Is there a description of the diverting works? ☒ ☐ *
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. ☒ ☐ *
- Is the period of use included? ☒ ☐ *
- Is a quantity claimed for each use? ☒ ☐ *
7. Is a total quantity claimed entered? ☒ ☐ *
8. If required is a consumptive use entered? ☐ N/A ☒ ☐ *
- Is the consumptive use correct? ☐ N/A ☒ ☐ *
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. ☐ N/A ☒ ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ ☐ *
11. Is (are) the county(ies) entered? ☒ ☐ *
12. Is the ownership of p.u. checked? ☒ ☐ *
13. Are other water rights listed or "none" indicated? ☒ ☐ *
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.) ☐ N/A ☒ ☐ *
15. Is the basis of the claim indicated? ☒ ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ N/A ☒ ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ ☐ *
20. Is the fee enclosed correct? ☐ Exempt ☒ ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ N/A ☒ ☐ *
22. Should this claim be receipted and data entered? ☒ ☐ *

Claim checked by: Lat Date: 2/14/89Claim 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: 2/14/89MICROFILMED
SEP 17 1989

Comments: _____

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that R. E. LAWRENCE

Department of the Interior
Bureau of Reclamation
Washington, D. C. 20250
Date of Revision: _____
Annual Volume: _____
4,049 more feet or
5.0 of per more

S.W. 1 E. 2 N. 2 E. 2 N. in the County of

Page	Range	DATE	TIME	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
SEA LAND TREATMENT																		
RESOL																		

Total number of cases treated 890

NOTE: Modifications to or opinions from this Honor must be made within the limits of Sections 40-222, Idaho Code, 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 sustained and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

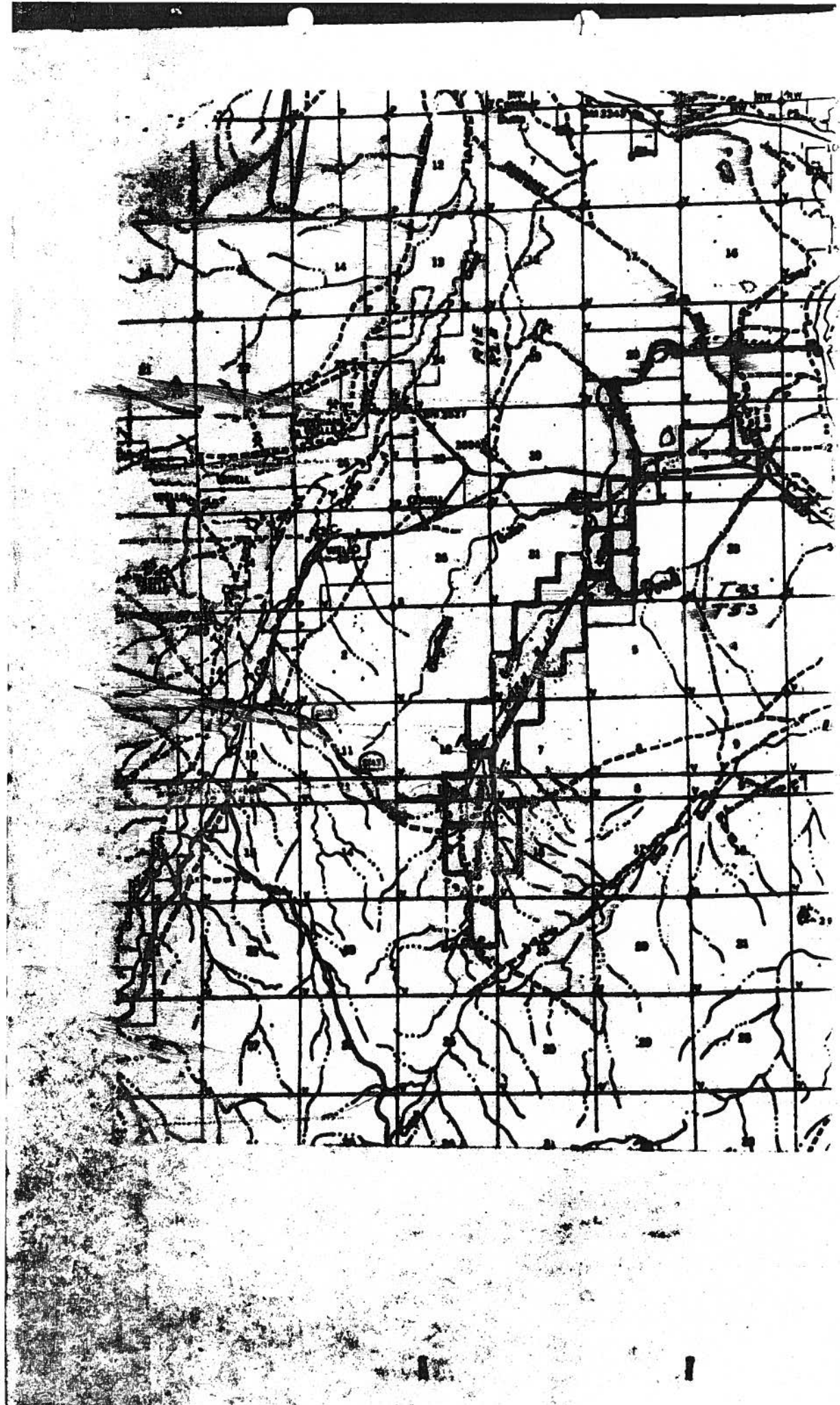
Witness the seal and signature of the Director, at Rome, Idaho, this 22 day of June 19 76

Experiments

License No. 02-7005
LAND LET ATTACHMENT

Description and location of place of use:

[illegible]



ADJUDICATION PROOF READING REPORT

3347124177

THE

59062-219

1

OWNER LAST NAME - KETTERLING
OWNER LAST NAME - KETTERLING
ADDRESS LINE 1 - GREENA RT.
ADDRESS LINE 2 -

ORIG OWNER - -

FIRST NAME - RANDY
FIRST NAME - LUIS

STATE - ID ZIP CODE - 83650

SOURCE - SNAKE RIVER

TRIBUTARY OF - COLUBIA RIVER

OF - COLUMBIA RIVER

Abstract

STAGE -

STATUS -

PRIORITY - 05-14-1970

334410 -

TOTAL DIV. RATE - 3.38%

FOURTH VOLUME -

09 JUL 78 16 44Z
FM JCRC TO SECDEF

WHEAT - 1570

110154 - 134

SECRET

3517 51-11 - 11-15 USE
INITIALS - 11-15
40 23 MARS - 11-15

NOTIFICATION - 1

USE DIV. RATE -

0 357 5.7 6.6

1975 - 1976

USE - IRRIGATION

DO PLACE OF

SE - TUN 045 RRG 02E S

107 MS35 136A

AC 40 TRACT NE

[illegible]

00 230 10

REF - TUN BAC ENG BCF

107 3570N 174W
107 3570N 174W

AC	20	TRAC1	50
AC	40	TRAC1	50

NOT A PART OF THE OFFICIAL RECORD OF THE HOUSE OF REPRESENTATIVES

FLYING

7500 001 043 AM1 - 35

TRACT 5ENW LOT

HC 40 TRACT NE

USE - IRRIGATION

PLACE OF

SE - TIN 045 RRG 02E 5