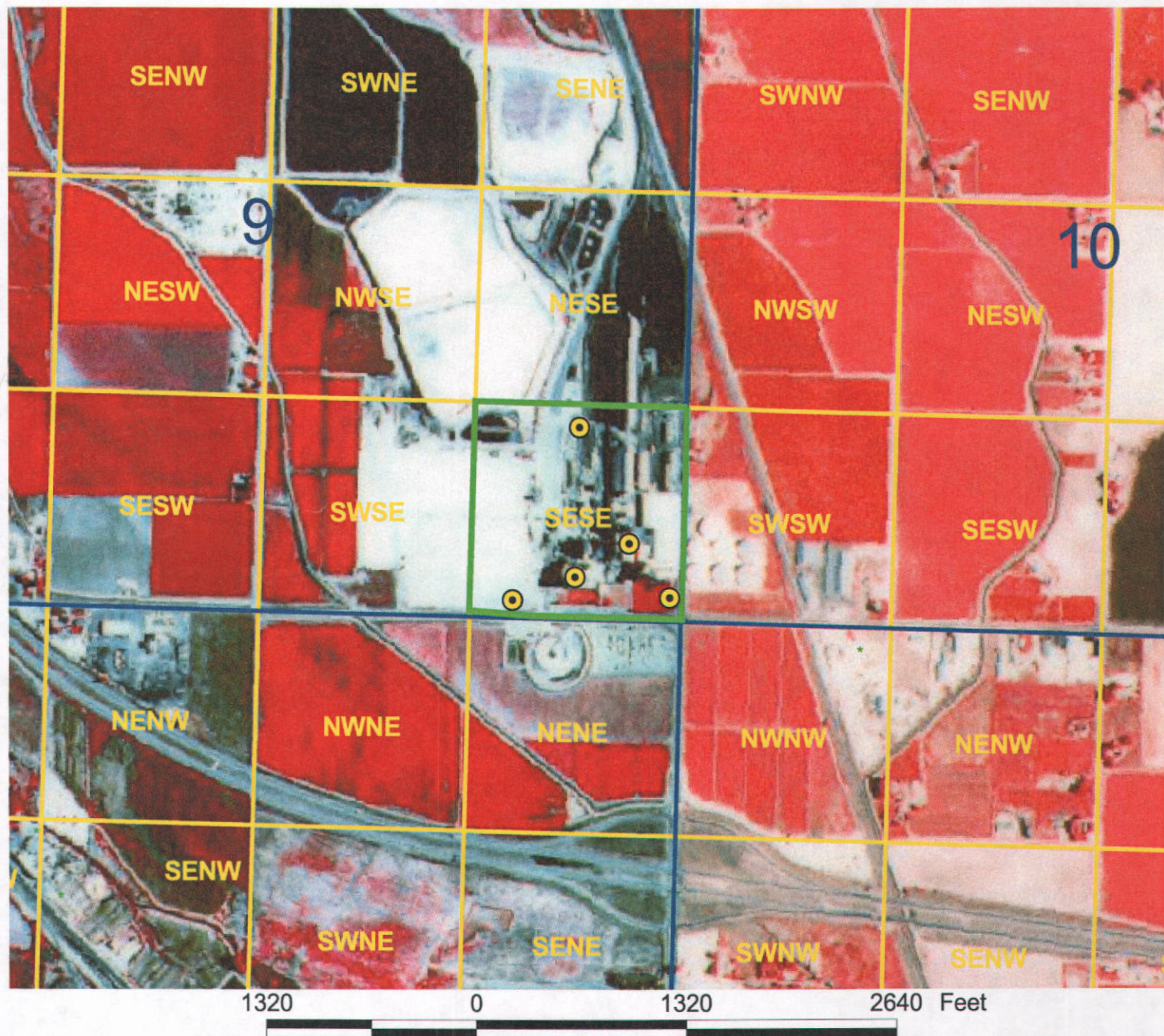




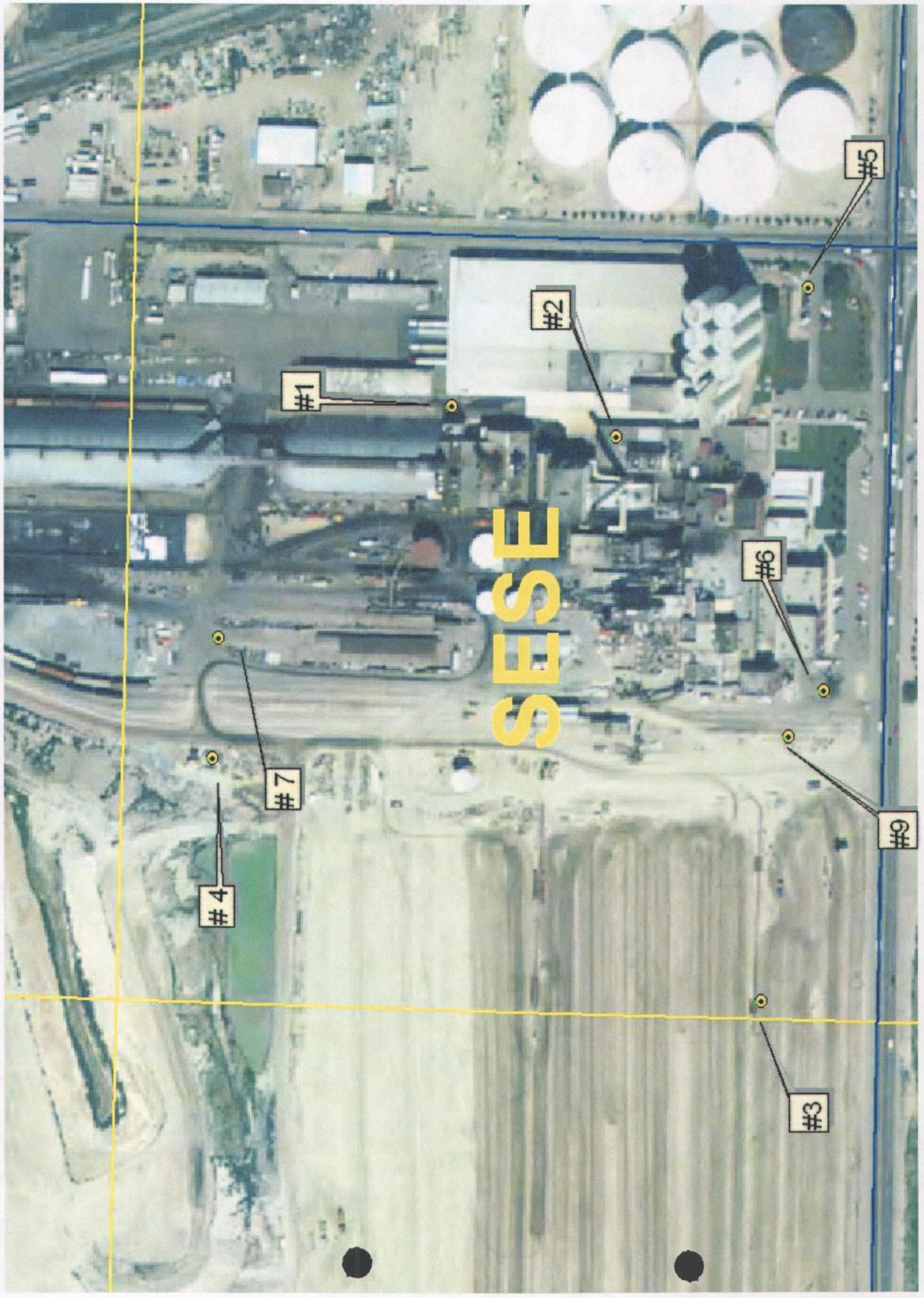
State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 9
Water Right: 63-2600



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006



CLAIMS/ LICENSES 63-2600, 63-2855 AND 63-2967 -- 2004 AERIAL OF AMALGAMATED SUGAR NAMPA PLANT.
BLOW UP OF SESE SECTION 9 T3N R2W AND MY GUESSE RE WHERE THE WELLS ARE LOCATED. NO WELL #8.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19375

This proof is for Completion of works

In Water District No.

1. Name of applicant Amalgamated Sugar Company, Ogden, Utah.

2. Source of water supply: Subterranean (six wells)

3. Location of point of diversion: Is in the SE¹ SE¹ of Section 9

T. 3 N. R. 2 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Manufacturing purposes

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres

under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation).

No	use	(Pump Rated)	Quantity	Depth	Pump	Casing	Total
1	Culinary use	2500	550	4' dia	8"		350
2	Plant	2000 GPM	540	10' "		24-16-12 =	540
3	"	2000	433	" "		24-16 =	433
4	"	2000	404	" "		24-16 =	404
5	"	2000	292	" "		24-12 =	292
6	"	2000	185	" "		24-15 =	185
							1220 414 + 1/2
							204

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

all deep well turbines 1-4" dia, (all Bingham DW turbines)

This examination was made on the 10 day of April, 1937

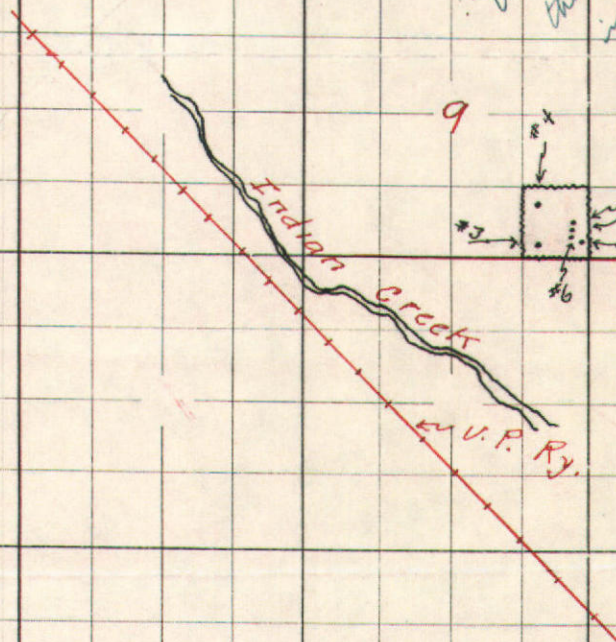
(Signed) E. H. Humphrey Examiner.

19375

↑ N.

Twp 3 N. R 2 W.

Well #3 is very close to
the 40 line probably in
the SW 1/4 SE 1/4 Sec 9.



9

10

Co. Road.

Paved Road

Nampa.

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 63-2600

Date Received _____

Receipt Number _____

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

RECEIVED

SEP 25 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) The Amalgamated Sugar Company Phone (208) 383-6500
Mailing Address 3184 Elder Street, Boise, Idaho Zip 83705
2. Date of Priority (only one (1) per claim) 11/09/1942
3. Source of water supply (a) groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 3N Range 2W Section 9,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Canyon
Additional points of diversion if any: Seven (7) wells in this location.
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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes

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

For Industrial purposes from 1/1 to 12/31 amount 14.15 or _____

For Irrigation purposes from 3/15 to 11/15 amount 3.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 14.15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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
			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	
3N	2W	9	12	34														Ind.	46
3N	2W	9														17	13		30
3N	2W	15						24											24
3N	2W	16	25	25															50

Total number of acres irrigated 150

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

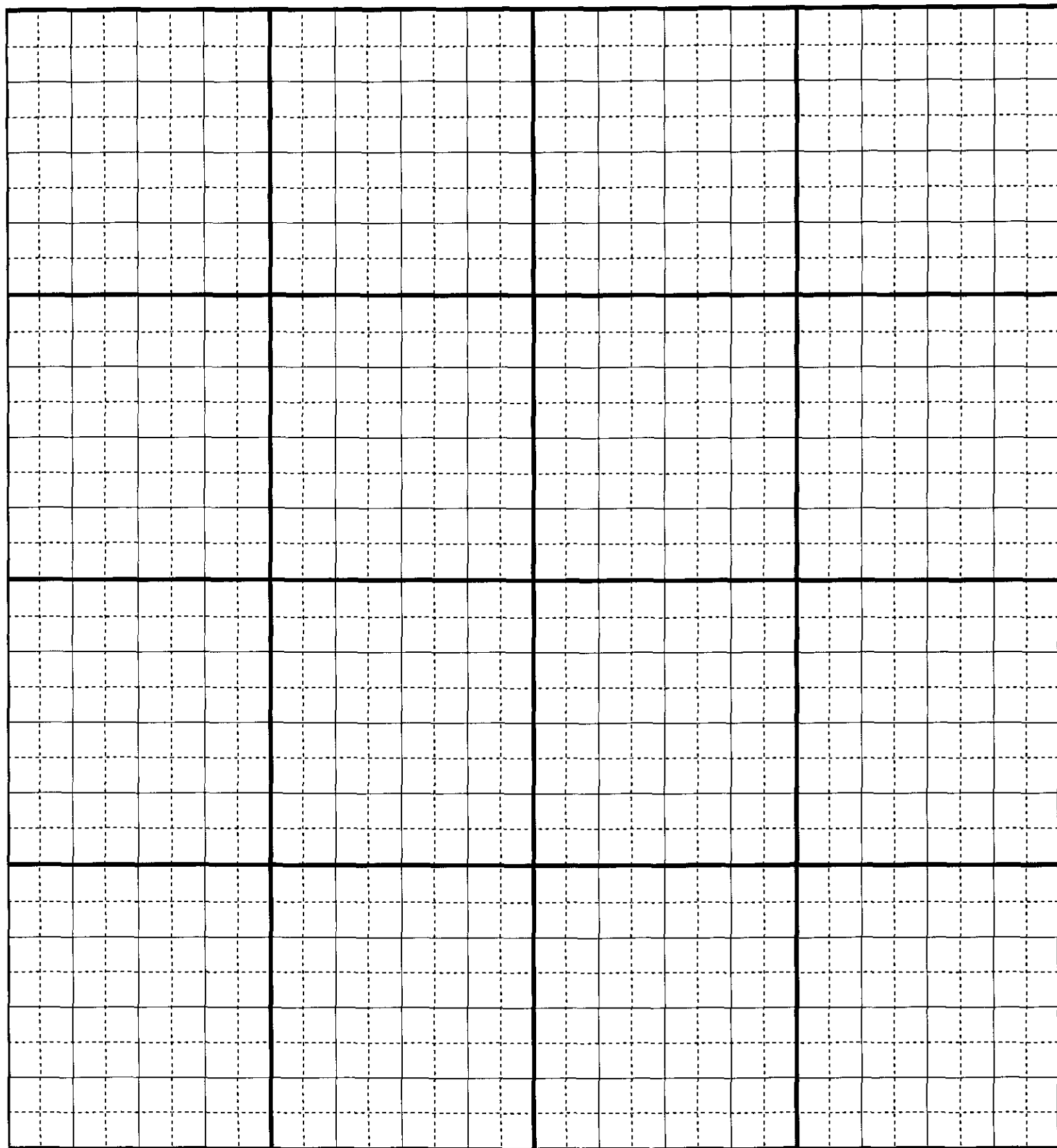
or None ()

14. Remarks:

Last Name Amalgamated Sugar Co. Ident. No. 63-2600

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

Scale: 2 inches equals 1 mile



Last Name Amalgamated Sugar Co. Ident. No. 63-2600

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

If applicable provide IDWR Water Right Number 63-2600

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 XX

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am General Counsel
Title

of The Amalgamated Sugar Co. LLC, that I have signed the foregoing
Organization

document in the space below as General Counsel of The Amalgamated Sugar Co. LLC
Title Organization

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

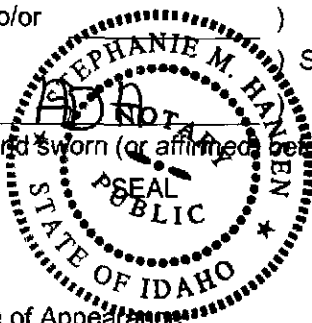
Signature of Authorized Agent Stephanie M. Hansen

Title and Organization General Counsel Date 9/22/06

State of Idaho/or _____)

County of ADON) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of September 20 06



Notary Public

Residing at Boise, ID

My Commission Expires 6/26/12

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Amalgamated Sugar Co. Ident. Number 63-2600

DEC 22 1988

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: A63-02600
Date Received: ~~11/16/1988~~ 12-22-88
Receipt No: 5005005 CT
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE AMALGAMATED SUGAR CO. 208-438-2115
Address: C/O BASIL TUPYI
P.O. BOX 1520
ODGEN, UT 84402

2. Date of Priority: NOV 09, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	9	SE	SE			CANYON

5. Description of diverting works:
5 WELLS & PUMPS TO PIPELINE NETWORK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	14.150		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
I/SUGAR REFINERY PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02W	9	SE	SE		INDUST	

11. Place of use in counties: CANYON

A63-02600

Page 1

Date: 12/20/88

MICROFILMED
AUG 18 1992

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

13. Other Water Rights Used:
A63-02855, A63-02967

14. Remarks:
NAMPA PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 19375

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 _____

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

AUG 18 1992

Receipt Details for ID S005005

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/22/1988 12:14:04 PM	12/22/1988	Southern	\$6,297.00	Check
Payer		AMALGAMATED SUGAR COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
88888			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$6,297.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
1	4045		\$123.00	Claim
36	2237		\$382.00	Claim
36	2238		\$427.00	Claim
36	2271		\$427.00	Claim
36	2272		\$450.00	Claim
36	4144		\$110.00	Claim
36	4145		\$150.00	Claim
36	4254		\$80.00	Claim
36	4255		\$80.00	Claim

36	8116	\$54.00	Claim
45	4237	\$80.00	Claim
47	2383	\$184.00	Claim
47	4051	\$52.00	Claim
63	2600	\$1,465.00	Claim
63	2855	\$500.00	Claim
63	2967	\$328.00	Claim
63	10232	\$200.00	Claim
47	2116	\$1,050.00	Claim
47	7093	\$155.00	Claim

[Print Report](#)

RECEIVED

FEB 13 2008

WATER RESOURCES
WESTERN REGION

John M. Marshall
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Fax: (208) 388-1300

Attorneys for The Amalgamated Sugar Company LLC

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. 63-2600, 63-2855, 63-2967,
63-10232

AFFIDAVIT OF KENT QUINNEY

STATE OF IDAHO)
) ss.
County of Ada)

KENT QUINNEY, being first duly sworn upon oath, deposes and says as follows:

1. I am the Plant Manager for The Amalgamated Sugar Company LLC's (the "Company") sugar processing facility in Nampa, Idaho (the "Nampa Plant"). I have held this position for 4.5 years.

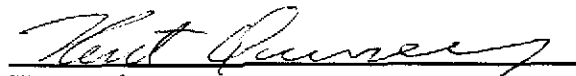
2. I have worked at the Nampa Plant for 23 years, beginning in 1984. During the timeframe around November 1987, I worked at the Nampa Plant as a Project Engineer. In my capacity as Project Engineer, I designed and procured new water systems and made modifications to existing water systems within the Plant.

3. I recollect the ground water wells and the water diversions and uses made by the Company for its industrial processes and irrigation at the Nampa Plant during the timeframe around November 1987.

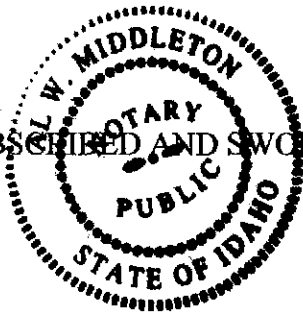
4. During this time, the Company had eight ground water wells, numbered 1-7 and 9, at the Nampa Plant. Well number 8 was never drilled. Of these wells, seven were functional. Well number 1 was not functioning at that time, and the Company later abandoned this well.

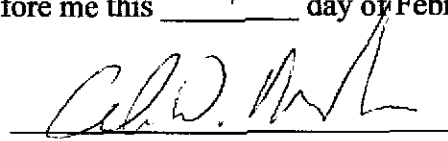
5. During the November 1987 timeframe, all seven of the functional wells were plumbed to allow any one of them to supply water for all of the industrial processes and the irrigation associated with the Nampa Plant.

DATED this 4th day of February 2008.


Kent Quinney

SUBSCRIBED AND SWORN to before me this 4 day of February 2008.




NOTARY PUBLIC FOR IDAHO

Residing at: 8304 W. Thor Dr., Boise, ID

My Commission Expires: 2/21/2012

RECEIVED

FEB 13 2008

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
William C. Cole
Michael C. Creamer
Amber N. Dina
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

WATER RESOURCES
WESTERN REGION

Angela M. Reed
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

February 12, 2008

VIA U.S. MAIL

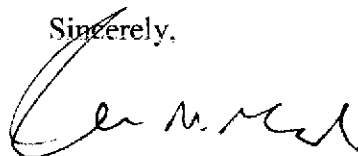
Vicky L. Music
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: The Amalgamated Sugar Company LLC SRBA Claims

Dear Vicky:

Enclosed please find the Affidavit of Kent Quinney, the Plant Manager for The Amalgamated Sugar Company LLC's sugar processing plant in Nampa, Idaho. The purpose of the affidavit is to provide the requested information supporting the Company's claim to seven points of diversion pursuant to the accomplished transfer statute (I.C. § 42-1425) for water rights 63-26700, 63-2855, 63-2967 and 63-10232. The affidavit should be the final piece of information needed to wrap up these claims. Please contact me with any questions.

Sincerely,



John M. Marshall

JMM

Enclosure

cc: Client (w/encl)

S:\Clients\3781\71JMM ltr to Music re affidavit.DOC

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

RIGHT NUMBER: 63-2600

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST

BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

14.150 CFS

6,490.100 AFY

~~304.840 AFY~~

The rights listed below are limited to a total combined diversion rate of 21.43 cfs and to a total combined annual diversion volume of ~~1136.68 AF~~ 9830 AF. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.

PRIORITY DATE:

11/09/1942

POINT OF DIVERSION:

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

~~5 points of diversion located in T3N, R2W, S9, SESE.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

14.150 CFS 6,490.10 AFY

~~304.84 AFY~~

Industrial use is for processing sugar beets into refined sugar.

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

PLACE OF USE: INDUSTRIAL within CANYON County
T03N R02W S09 SESE

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 Nos. 63-2855, 63-2967 and 63-10232 are also diverted through the points of diversion described above.

Points of diversion are referred to as Well Nos. 2, 3, 4, 5, 6, 7 and 9.

7 points of diversion located in T3N, R2W, S9, SESE.

Right includes accomplished change in points of diversion pursuant to Section 42-1425, Idaho Code.

Physical address of the place of use is 138 E. Karcher Rd., Nampa, Idaho.

~~Right No. 63-10232 is also diverted through one of the points of diversion described above.~~

~~Points of diversion are referred to as Well Nos. 2, 3, 4, 5 and 6.~~

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

COPY

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 63-2600

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: The Amalgamated Sugar Company

Address: 3184 Elder Street

Boise, Idaho 83705

Daytime Phone: (208) 383-6500

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

601 W. Bannock Street

P.O. Box 2720

Boise, Idaho 83701

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

Name: The Amalgamated Sugar Company

Address: 3184 Elder Street

Boise, Idaho 83705

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: No volume limit, no combined use limit.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: As claimed.
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: _____

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):** Right should be decreed consistent with water right license and with additional points of diversion pursuant to Idaho Code § 42-1425.

F. VERIFICATION (Must be Completed)

Sale of Idaho)
) ss.
County of Ada)

John M. Marshall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

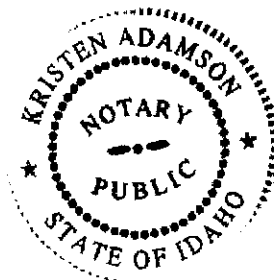
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Handwritten Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Kristen Adamson
Notary Public for Idaho
Residing at: Middleton, ID
My Commission Expires: 6-15-2013

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 June 18, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

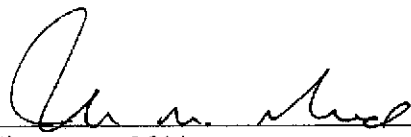
Name: The Amalgamated Sugar Company
Address: 3184 Elder Street
Boise, Idaho 83705

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney
mailing on Objector's behalf

Music, Vicky

From: Courtney, Andrea
Sent: Friday, August 17, 2007 10:20 AM
To: 'John M Marshall'
Cc: Tuthill, Dave; Music, Vicky; Shurte, Jan; Harvey, Becky
Subject: Amalgamated Sugar 63-2600 et al.

John-

IDWR has completed its review of the calculation used in the Basin 45 processing plant for determining theoretical volume and thus proposes the following formula for calculating the combined volume of Amalgamated's three licensed rights for the Nampa plant:

Total cfs for the three licensed rights x 1.98 (a conversion factor (from cfs to AF)) x days in the campaign = AFY1.

Total cfs for the three licensed rights x 1.98 x (remaining days of the year / 3) = AFY2.

So AFY1 + AFY2 = the grand total volume limit for the three licensed rights combined. With 5.5 months of campaign days, the grand total comes out to a maximum of 9830 AFY. (Your 9/22/06 letter stated the campaign lasted five months but at the meeting on 5/15/07 I believe Kent said it lasted 5.5 months. Please let me know if it is indeed 5 months.)

While IDWR would prefer a volume based on historical data, it is willing to use this formula, representing a reasonable theoretical volume in the absence of production volume data from Amalgamated. I do need to make clear that IDWR is not willing to consider recommending a volume of greater than 9830 AFY without concrete proof of use.

If you have any questions about the calculation, please let me know. We look forward to hearing from you after you have discussed the calculation with your client. Hopefully this will resolve the issue and we can prepare SF5s in advance of the initial hearings.
Andrea

And/ Gears 455

03-2600

$$14.15 \text{ CB} / 21.43 = (-.66) (9830) = 6490.6$$

~~6513~~
Rg

03-2855 4.5 Cfs / 21.43

$$\begin{pmatrix} .209 \\ (.21) \end{pmatrix} (9830) = 2064.16$$

2004.3

Comparison

$$\begin{aligned} (21.43)(1.98)(165) &= 6994.1001 & 9829.90 \\ (21.43)(1.98)(200/3) &= & 9830 \\ (21.43)(1.98)(66.67) &= 2928 & \\ & \underline{9820.21} & \end{aligned}$$

non- "

03-2967

$$2.78 / 21.43 = (-.1291) (9830) \quad 1275.19$$

dark
well # 1 sq
gate

03-2600
03-2855
03-2967

6490.6
2064.2
1275.2
9830

inf 03-2967
10232

Wells 2,3,4,5,6,7,9

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

John M. Marshall
DIRECT DIAL: 208 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debra K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

Angela M. Reed
H. Barton Thomas, LL.M.
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

October 30, 2006

Idaho Department of Water Resources
Regional Office
2735 Airport Way
Boise, Idaho 83705

RECEIVED
NOV 01 2006
WATER RESOURCES
WESTERN REGION

Re: Notice of Error Replies
GP File No. 3781-71

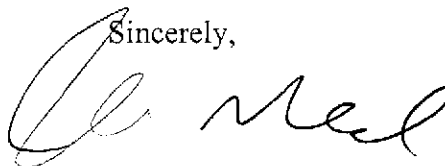
Dear Department of Water Resources:

Enclosed please find a Notice of Error Reply for the following water rights:

- 63-10232
- 63-2967
- 63-2855
- 63-2600

If you have any questions regarding the enclosed documents, please call me at the number listed above.

Sincerely,



John M. Marshall

JMM:amm

cc: John McCreedy
Kent Quinney

Enclosures

SAClients\3781\71JMM to IDWR with error replies.DOC

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-2600

THE AMALGAMATED SUGAR CO
3184 ELDER STREET
BOISE ID 83705
Telephone Number: (208) 383-6500

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

Quantity, Point of Diversion, Purpose of Use

2. Describe the changes you wish to make in the proposed recommendation:

Quantity: Volume limit should be 6,080 AF, combined volume limit should be 8,921 AF
Point of Diversion: 6 points of diversion in the listed quarter / quarter
Purpose of Use: Volume limit should be 6,080 AF; strike language purporting to describe the industrial use.

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

See correspondence from John Marshall dated September 22, 2006.

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

Date: 10/30/06

SIGNATURE: _____

Printed Name: John Marshall

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

5/15/07

Amal Sugar mtg: John McCreedy, Kent
Quinn, DT, Vem, Andrea, Becky

① plant can line w/ volume calculated @ 24 hrs/day
x 5.5 months.

② 21.45 CF

max = 5.5 MO/YR.

2600
2855
2967
1023.2

~~max~~ 4630
1412
910
7012

(3)

rate

14.15

304.84

4.5

96.95

~~2.78~~

~~59.89~~

21.43

1136.68

switch from coal to company w/ env. regulations -
will need more H₂O CAA
Steam dryer to ↓ air emissions

DT advice

- 1- look @ B45 industrial facility to see how we "backed into" a annual volume
- 2- look @ data Amal Sugar submits
- 3- will meet again w/ TDWR

05/26/2006

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

RIGHT NUMBER: 63-2600

NAME AND ADDRESS: THE AMALGAMATED SUGAR CO
3184 ELDER ST
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 14.150 CFS
304.840 AFY

The rights listed below are limited to a total combined diversion rate of 21.43 cfs and to a total combined annual diversion volume of 1136.68AF. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.

PRIORITY DATE: 11/09/1942

POINT OF DIVERSION:

T03N R02W S9 SESE Within CANYON County

T03N R02W S9 SESE Within CANYON County

T03N R02W S9 SESE Within CANYON County

T03N R02W S9 SESE Within CANYON County

T03N R02W S9 SESE Within CANYON County

5 points of diversion located in T3N, R2W, S9, SESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	14.150 CFS 304.84 AFY
Industrial use is for processing sugar beets into refined sugar.		

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S09 SESE

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

Physical address of the place of use is 138 E. Karcher Rd., Nampa, Idaho.

Right No. 63-10232 is also diverted through one of the points of diversion described above.

Points of diversion are referred to as Well Nos. 2, 3, 4, 5 and 6.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 9
Water Right: 63-2600



1320 0 1320 2640 Feet



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

Music, Vicky

From: Music, Vicky
Sent: Monday, October 16, 2006 12:34 PM
To: John Marshall (E-mail); 'KQUINNEY@amalsugar.com'; 'jmccreedy@amalsugar.com'
Subject: Amalgamated Sugar LLC SRBA claims 63-2600, 63-2855 and 63-2967

Attached is the Department's response to John Marshall's letter dated 9/22/06. A hardcopy to John will follow by mail.



Amal Sugar
10-16-06 ltr.pdf

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 16, 2006

John Marshall
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RE: ANNUAL VOLUME DATA
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear John,

Regarding your correspondence dated September 22, 2006, the information you provided continues to overstate the volume of water historically used by your client, Amalgamated Sugar LLC, pursuant to the water rights referenced above. The affidavits from the license files that you cite as providing detailed documentation of the volume of water used for industrial purposes state only the water is used from September until February of each year. They do not state that the water was pumped at maximum capacity and continuously, 24 hours a day, 7 days a week during the 5 or 6 months a year that constitute the yearly beet campaign. In fact, the language used plainly states that this 5 or 6 month time period is the only time during the year that water is used for industrial purposes. There is no mention of water being used during the non-campaign season or "intercampaign". Additionally, you provide no information regarding the basis of the 4.5 afa you use to estimate the water volume during the intercampaign.

Finally, the amended claims do not provide documentation of the system changes occurring prior to 1987. Please provide information regarding the changes so that IDWR can evaluate whether the changes qualify as accomplished transfers.

In sum, unless Amalgamated Sugar LLC submits information regarding the annual volume used and the system changes, there is no reason to change the preliminary recommendations made based on minimum well design parameters. The preliminary recommendations your client were sent last week reflect the recommendations IDWR intends to make to the SRBA Court when the Basin 63, Part 3 Director's Report is filed in early December, 2006.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/Western Region
Idaho Department of Water Resources

cc: John McCreedy [via e-mail], Ken Quinney [via e-mail]

Music, Vicky

From: Tuthill, Dave
Sent: Monday, October 02, 2006 5:15 PM
To: Music, Vicky; Spencer, Nick
Cc: Harvey, Becky
Subject: RE: SRBA Claims - The Amalgamated Sugar Company LLC

Vicky,

Thanks for sharing the letter from John Marshall.

While his letter does reduce the volume requested, it still appears to overstate the volume historically used. I find it unlikely that the wells were pumped at full capacity 24 hours per day throughout campaign.

I recommend that we reply to John that we find this analysis to be an overstatement of the volume. We are interested in determining a volume, but the analysis that John has provided needs to be refined for us to increase the volume beyond pumpage for 2 hours per day. We invite the submittal of additional information to assist in the determination of a more accurate volume, as we cannot assume pumpage at maximum volume for 5 months straight.

In the meantime, let's continue to recommend the two hour volume.

Dave

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

From: Music, Vicky
Sent: Tuesday, September 26, 2006 9:30 AM
To: Tuthill, Dave; Spencer, Nick
Cc: Harvey, Becky
Subject: FW: SRBA Claims - The Amalgamated Sugar Company LLC

Attached is the latest response from Amal re my request for information with which to calculate annual volume for the industrial uses.

Vicky M

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

From: Amanda McCurry [mailto:AmandaMcCurry@GivensPursley.com]
Sent: Friday, September 22, 2006 4:12 PM
To: Music, Vicky
Subject: SRBA Claims - The Amalgamated Sugar Company LLC

Ms. Music:

Enclosed please find correspondence from John Marshall regarding The Amalgamated Sugar Company LLC's water rights. I've attempted to send this email with attachments numerous times, and it keeps getting bounced back. I'm now attempting to send it without the attachments. The original letter including attachments will be sent in today's regular mail.

Please reply to let me know that you received the email and were successful in opening the attachment. Thank you.

Amanda McCurry
Assistant to John M. Marshall
Givens Pursley LLP
Direct Dial: (208) 388-1291

Music, Vicky

From: Amanda McCurry [AmandaMcCurry@GivensPursley.com]
Sent: Friday, September 22, 2006 4:12 PM
To: Music, Vicky
Subject: SRBA Claims - The Amalgamated Sugar Company LLC



JMM to Music.pdf

Ms. Music:

Enclosed please find correspondence from John Marshall regarding The Amalgamated Sugar Company LLC's water rights. I've attempted to send this email with attachments numerous times, and it keeps getting bounced back. I'm now attempting to send it without the attachments. The original letter including attachments will be sent in today's regular mail.

Please reply to let me know that you received the email and were successful in opening the attachment. Thank you.

Amanda McCurry
Assistant to John M. Marshall
Givens Pursley LLP
Direct Dial: (208) 388-1291
Facsimile: (208) 388-1300
E-Mail: AmandaMcCurry@givenspursley.com
www.givenspursley.com

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Music, Vicky

From: Music, Vicky
Sent: Friday, August 25, 2006 1:05 PM
To: 'KQUINNEY@amalsugar.com'
Cc: 'jmccreedy@amalsugar.com'
Subject: RE: Amalgamated Water Rights

Kent -

Attached is my letter response to the issues raised in your letter dated June 9, 2006, our May 2006 meeting, and in the other correspondence Amalgamated and I have exchanged over the past few months.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

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

From: Kent Quinney [mailto:KQUINNEY@amalsugar.com]
Sent: Friday, June 09, 2006 4:42 PM
To: Music, Vicky
Cc: Dean Delorey; Glen Patrick; Joe Huff; John McCreedy; Michael Dalton; JohnMarshall@givenspursley.com
Subject: Amalgamated Water Rights

Attached is our response to the water rights issues at Nampa. If you have any questions contact me by E-mail or call me.

Kent Quinney
Plant Manager
Amalgamated Sugar LLC
Nampa Factory
208.468.6826

8/25/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 25, 2006

Kent Quinney
Plant Manager
Amalgamated Sugar, LLC
3284 Elder St.
Boise, Idaho 83705

RE: Snake River Basin Adjudication Claim No(s): 63-2600, 63-2855, 63-2967 and
63-10232

Dear Kent,

This letter is in response to your letter to me dated June 7, 2006. Regarding your numbered issue number two, your assessment is incorrect. A fundamental of Idaho water law is that a water use can acquire a water right for a specific quantity of water for a specific beneficial use. A water user cannot put to beneficial use a quantity of water that is beyond the capacity of its water delivery system. During licensing of 63-2600 and 63-10232, Well # 3 was found to have a total capacity of 3 cfs. Using your logic, Amalgamated would have a right to a quantity of water, an additional 3 cfs, that simply does not exist and because it does not exist, cannot be put to beneficial use.

Regarding your numbered issue # 3, IDWR rejects Amalgamated's proposal to substitute a reduction in licensed rights due to lack of use of well # 2 and well # 7 for providing IDWR with historical annual volume data. I.C. §42-1427 provides the rationale and authority for IDWR to request this volume data now though the volume was not previously licensed.

In the absence of information regarding Amalgamated's historical annual volume of water used, I will use the only information available to me which are the minimum well design assumptions. I will calculate annual volume based on a diversion rate x 2 hours daily use x 5 days a week x 6 months a year. In addition, IDWR requests information regarding how long well # 2 has not been used.

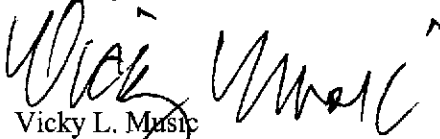
Your numbered issues # 4 and # 5 do not accurately reflect what I hoped to convey to you during our meeting. I.C. §42-1425 and I.C. §42-1426 are referred to as the accomplished transfer or "amnesty" statutes. The statutes were enacted to allow changes in water rights prior to the commencement of the SRBA (November 19, 1987), and made in violation of the mandatory transfer statutes, lawful. The statutes allow these changes to be recommended in the SRBA without going through the statutory transfer procedure. Changes made in water use after 1987 must be made by transfer application and approval.

Kent Quinney
Page 2 of 2
August 25, 2006

During our May 17, 2006 meeting, I explained that if the changes made to Amalgamated's delivery system and water uses were made prior to the SRBA, you could provide the required documentation of the changes and amend your claims. Then, I could possibly recommend Amalgamated's water rights as a permissible place of use (PPU) for both industrial and irrigation uses from a combined delivery system. However, if the changes were made after 1987, Amalgamated must apply for a transfer with the Department.

My in-house deadline for completing my recommendations in preparation for the Basin 63 Part 3 Preliminary Director's Report is September 22, 2006. If I do not receive annual volume data by September 1, 2006, I will submit my recommendations as described here and in prior communications with Amalgamated.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicky L. Music". The signature is stylized and cursive, with the first name "Vicky" being more prominent and the last name "Music" following in a similar script.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau/ Western Region

cc via electronic mail: John McCreedy

Vicky Music
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: The Amalgamated Sugar Co. - Nampa Factory
Water Right Claims # 63-2600, 63-2855, 63-2967 & 63-10232

Dear Vicky,

As mentioned in our letter dated 6/7/06, TASCO agreed to provide well locations for your files. We are presenting the locations of the process wells located at the Nampa facility.

UTM Locations of Groundwater Wells				
	Original Location		NAD 27	
	UTM Easting	UTM Northing	Longitude	Latitude
Well #1	534,315	4,828,013	116 34 29.31	43 36 22.48
Well #2	534,326	4,827,945	116 34 28.83	43 36 20.28
New #2	534,468	4,827,961	116 34 32.40	43 36 20.81
Well #3	534,127	4,827,913	116 34 37.7	43 36 19.3
Well #4	534,246	4,828,242	116 34 32.34	43 36 29.92
Well #5	534,512	4,827,928	116 34 20.54	43 36 19.70
Well #6	534,325	4,827,942	116 34 28.89	43 36 20.18
Well #7	534,332	4,828,281	116 34 28.49	43 36 31.17
Well #8	Well Never Existed.			
Well #9	534,275	4,827,954	116 34 31.11	43 36 20.58

If you have any questions, please call me at (208) 466-3541.

Sincerely;

Kent Quinney
Plant Manager.

cc: Boise Office-John McCreedy, Dean C. DeLorey, Corporate File
Nampa – Glen Patrick, Environmental File

Music, Vicky

From: Kent Quinney [KQUINNEY@amalsugar.com]
Sent: Friday, June 09, 2006 4:42 PM
To: Music, Vicky
Cc: Dean Delorey; Glen Patrick; Joe Huff; John McCreedy; Michael Dalton;
JohnMarshall@givenspursley.com
Subject: Amalgamated Water Rights

Attached is our response to the water rights issues at Nampa. If you have any questions contact me by E-mail or call me.

Kent Quinney
Plant Manager
Amalgamated Sugar LLC
Nampa Factory
208.468.6826

6/12/2006

Vicky Music
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Date 6/7/2006

Re: Amalgamated Sugar Nampa Factory
Snake River Claims

Dear Vicky,

Thank you for meeting with me to discuss our water rights issues. As we discussed, our processes have need for well water, 24 hrs/day, and 365 days per year. Also we discussed the fact that all of our wells are tied together such that we use them all for various processes.

At the end of our meeting there were still several issues unresolved:

1. IDWR needs GPS coordinates of all wells. Amalgamated will provide.
2. IDWR claims that water right no. 63-10232, for Well #6 irrigation use, is not an additional water right with an allowed use rate of 3 cfs. IDWR claims that the License only allows dual use of the same water rate for both irrigation and industrial, and therefore the Nampa Factory's current total water rights are 21.43 cfs. Amalgamated disagrees. The license for 63-10232 does not limit the right in this way, and it therefore adds an additional 3 cfs to our portfolio. Therefore our total current diversion rate under all of our rights is 24.43 cfs. Please supply me with any documents to support your claim.
3. The issue of annual volume determination is difficult, since the initial licenses did not have volume limits. The Factory has need for the well water 24 hrs per day/365 days per year. Currently the licenses are as follows:

License Number	Date Issued	Well Numbers	Rate (cfs)	Type	Daily Use	Volume (AF)
63-2600	1942	2-6	14.15	Industrial	24hrs	10,242
63-2855	1951	7	4.5	Industrial	24hrs	3,257
63-2967	1953	9	2.78	Industrial	24hrs	2,012
63-10232	1984	6	3.0	Irrigation	24hrs	675
Total			24.43			16,186 (5.27 billion gallons)

Amalgamated Sugar proposes the following solution:

We have not used Well #2 (claim 63-2600) for several years; therefore we can reduce the total annual volume under our combined rights by eliminating production from this well. The original well log showed a volume measurement of 1427 gpm or 3.2 cfs. Therefore Amalgamated is willing to reduce our total by 2,316 AF by lowering the authorized volumes from our most junior rights. Also, Well # 7 (claim # 63-2855), has been used sparingly, since it is too sandy for continual use. Well # 7 can still be used for watering roads, so we are willing to limit its use to: 8 hrs/day, which reduces its annual volume to 1,085 AF. Therefore the new proposed water rights becomes as follows:

License Number	Date Issued	Well Numbers	Rate (cfs)	Type	Daily Use	Volume AF
63-2600	1942	3-6	14.15	Industrial/Irrigation)	24hrs	10,242
63-2855	1951	7	4.5cfs	Industrial/Irrigation	8hrs	1085
63-2967	1953	9	2.76	Industrial/Irrigation	24hrs	371
63-10232	1984	6	0	Industrial/Irrigation	24hrs	0
						11,698 (3.81 billion gallons)

This reduces our potential water usage by 27 % or about 1.5 billion gallons per year.

4. The fourth issue is the need to convert all of our wells to a dual use for either irrigation or industrial. According to what you told me, Amalgamated would re-submit our 1988 claims and include dual use?
5. Since all the wells are tied together to provide water for different processes, the new decreed water rates and volumes, will not be limited to individual wells.

Amalgamated Sugar appreciates your cooperation and willingness to discuss the issues and resolve the matter. I look foreword to hearing from you.

Sincerely,

Kent Quinney
Plant Manager
Amalgamated Sugar Nampa Factory
208-468-6826

cc: John McCreedy Joe Huff
John Marshall Michael Dalton
Glen Patrick Dean Delorey

Music, Vicky

From: Tuthill, Dave
Sent: Tuesday, May 23, 2006 9:34 AM
To: Music, Vicky
Cc: Shurte, Jan
Subject: RE: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Thank you for sending this to me, Vicky.

The basis for my recommendation that we use a two hour pumping rate is that this is the minimum design pumping rate for a well. In the case of Amalgamated Sugar it appears that we have received no information to support a recommendation for additional volume. Their letter states that "Our industrial processes continue to run 24 hours per day, 7 days per week, and in some instances, 365 days per year." However, this does not mean that their wells pump at maximum capacity for this period of time.

If we do not receive supporting information to substantiate an element of a water right (in this case volume diverted), our practice is to recommend the amount that we can support lacking any other information. I would anticipate that their wells run for at least two hours per day, six months per year. Lacking other supportive information, please make the SRBA recommendation for this amount. We remain very willing to review other information provided by Amalgamated Sugar to support an increase in this recommendation.

Please print this email as supporting information for the file.

Dave

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

From: Music, Vicky
Sent: Tuesday, May 23, 2006 8:46 AM
To: Tuthill, Dave
Subject: FW: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Hi Dave.

Jan suggested I send this response from Amalgamated Sugar to my request for annual volume info to you. Yesterday, I sent them an email telling them that I would be calculating the annual volume based on a 2 hour diversion time period per you rather than the 8 hour diversion period per Jan. This was their reply. Vicky M

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

From: Stephanie Hansen [mailto:SHANSEN@amalsugar.com]
Sent: Monday, May 22, 2006 3:17 PM
To: Music, Vicky
Subject: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Vicky, the attached is for your review.

Stephanie

Stephanie M. Hansen
Administrative Assistant to John C. McCreedy,
VP of Administration, General Counsel & Secretary
and Craig Hanks, Treasury Manager
THE AMALGAMATED SUGAR COMPANY LLC
3184 Elder Street
Boise, Idaho 83705
Telephone: 208-383-6514
Facsimile: 208-383-6688

E-mail: shansen@amalsugar.com

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THE AMALGAMATED SUGAR COMPANY LLC

3184 ELDER STREET • BOISE, ID 83705
PHONE: (208) 383-6500 • FAX: (208) 383-6688

RECEIVED

MAY 24 2006

WATER RESOURCES
WESTERN REGION

May 22, 2006

Vicky L. Music
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Annual Volume Data*
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear Vicky:

This letter responds to your letter dated April 27, 2006, and follows our phone conversations from the past few days.

After further review and analysis, the Amalgamated Sugar Company LLC is respectfully declining to provide the volumetric information you requested in your letter dated April 27, 2006. There are several reasons for this decision. Since the date the water rights for the Nampa factory were issued in 1942, 1951, and 1953, the Nampa factory's operating capacity and season have both varied considerably as technology and processes have changed over time. Our industrial processes continue to run 24 hours per day, 7 days per week, and in some instances, 365 days per year. As the company explores new technologies and new products, its water demands will continue to change.

We believe adding volume limitations to our previously licensed water rights through the SRBA process would unnecessarily limit our existing rights. Amalgamated's industrial water rights currently allow the company to divert at licensed diversion rates without volume limits (other than the maximum volume that can be diverted using the licensed diversion rates). This provides Amalgamated flexibility to implement new manufacturing processes, including those that may divert greater volumes, without regard to the water demands of the prior technology.

Unlike irrigation rights, which by their nature have practical diversion volume limits defined by the irrigation season and good agricultural husbandry, industrial rights can vary widely over time in how they are used based on manufacturing processes, product demand and other factors. Additionally, Idaho Code section 42-1411 does not

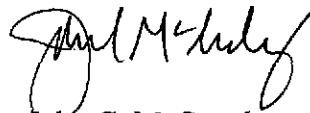
include any provision that allows IDWR to add a diversion volume limitation where one does not already exist on a license.

If IDWR is going to recommend a volume limitation for Amalgamated's rights, it should be based on the maximum diversion volume available under each right. These volumes are: 1) 63-2600 - 10,241 AF; 2) 63-2855 - 3,257 AF; and 3) 63-2967 - 2,012 AF.

We are continuing to work on compiling the other information you have requested. We also may file amended claims to recognize each of our wells as alternate points of diversion under all three of the ground water rights. If we elect to file amended claims, we will make every effort to do so by the end of this month.

Please contact me if you have additional questions at this time. We remain willing to meet with you to review the other information you have requested and to discuss this matter. Thank you.

Sincerely,



John C. McCreedy
VP of Administration, General Counsel
& Secretary

JCM/smh

cc: Kent Quinney-Nampa
Glenn Patrick-Nampa
Mike Dalton-Boise

Music, Vicky

From: Stephanie Hansen [SHANSEN@amalsugar.com]
Sent: Monday, May 22, 2006 3:17 PM
To: Music, Vicky
Subject: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963



music.01.doc

Vicky, the attached is for your review.

Stephanie

Stephanie M. Hansen
Administrative Assistant to John C. McCreedy,
VP of Administration, General Counsel & Secretary
and Craig Hanks, Treasury Manager
THE AMALGAMATED SUGAR COMPANY LLC
3184 Elder Street
Boise, Idaho 83705
Telephone: 208-383-6514
Facsimile: 208-383-6688
E-mail: shansen@amalsugar.com

This e-mail is confidential and is intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message from your computer. Thank you.



THE AMALGAMATED SUGAR COMPANY LLC

3184 ELDER STREET - BOISE, IDAHO 83705
PHONE: (208) 383-6500 - FAX: (208) 383-6688

May 22, 2006

Vicky L. Music
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Annual Volume Data*
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear Vicky:

This letter responds to your letter dated April 27, 2006, and follows our phone conversations from the past few days.

After further review and analysis, the Amalgamated Sugar Company LLC is respectfully declining to provide the volumetric information you requested in your letter dated April 27, 2006. There are several reasons for this decision. Since the date the water rights for the Nampa factory were issued in 1942, 1951, and 1953, the Nampa factory's operating capacity and season have both varied considerably as technology and processes have changed over time. Our industrial processes continue to run 24 hours per day, 7 days per week, and in some instances, 365 days per year. As the company explores new technologies and new products, its water demands will continue to change.

We believe adding volume limitations to our previously licensed water rights through the SRBA process would unnecessarily limit our existing rights. Amalgamated's industrial water rights currently allow the company to divert at licensed diversion rates without volume limits (other than the maximum volume that can be diverted using the licensed diversion rates). This provides Amalgamated flexibility to implement new manufacturing processes, including those that may divert greater volumes, without regard to the water demands of the prior technology.

Unlike irrigation rights, which by their nature have practical diversion volume limits defined by the irrigation season and good agricultural husbandry, industrial rights can vary widely over time in how they are used based on manufacturing processes, product demand and other factors. Additionally, Idaho Code section 42-1411 does not include any provision that allows IDWR to add a diversion volume limitation where one does not already exist on a license.

If IDWR is going to recommend a volume limitation for Amalgamated's rights, it should be based on the maximum diversion volume available under each right. These volumes are: 1) 63-2600 - 10,241 AF; 2) 63-2855 - 3,257 AF; and 3) 63-2967 - 2,012 AF.

We are continuing to work on compiling the other information you have requested. We also may file amended claims to recognize each of our wells as alternate points of diversion under all three of the ground water rights. If we elect to file amended claims, we will make every effort to do so by the end of this month.

Please contact me if you have additional questions at this time. We remain willing to meet with you to review the other information you have requested and to discuss this matter. Thank you.

Sincerely,

John C. McCreedy
VP of Administration, General Counsel
& Secretary

JCM/smh

cc: Kent Quinney-Nampa
Glenn Patrick-Nampa
Mike Dalton-Boise

Y:\Legal\data\wp\Amalgamated\Environmental\music.01.doc

Music, Vicky

From: Music, Vicky
Sent: Monday, May 22, 2006 2:43 PM
To: 'jmccreedy@amalsugar.com'
Subject: Amalgamated Sugar SRBA claim nos. 63-2600, 63-2855 and 63-2963

John -

This e-mail is regarding IDWR's request to Amalgamated Sugar for historic water volume information developed under Amalgamated's licenses referenced above. The information is needed to further define and describe the quantity element of the industrial uses of these licensed groundwater rights. Specifically, this e-mail is to follow up on our conversation Friday, May 19, 2006, during which you told me a letter from Amalgamated to IDWR was forthcoming declining to provide the requested information. During that conversation, I indicated that I would calculate the annual volume based on an 8 hour workday. That guideline was pursuant to instructions from my supervisor, Jan Shurte.

Today, however, I received guidance from Dave Tuthill, former SRBA Bureau Chief and currently the head of the IDWR Water Management Division. He instructed me to use a 2 hour diversion period to calculate the annual volume of water used industrially by Amalgamated Sugar.

Lastly and in response to your inquiry [paraphrased here] as to the authority by which IDWR can, in the adjudication, add to elements of a previously licensed water right, I refer you to Idaho Code Section 42-1427. Description of water rights - Reporting and decreeing elements of a decreed or licensed water right.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2600, 63-2855 AND 63-2967
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM REVIEW ~ AMALGAMATED SUGAR LICENSES FOR
INDUSTRIAL USE
DATE: 5/19/2006
CC:

In the past couple of months, I have sent letters and exchanged phone calls and emails with Amalgamated Sugar pursuant to my request for information regarding annual volume. The claimant has 3 licenses for a groundwater use industrial use from several wells. The licenses do not have an annual volume component.

The correspondence culminated in a phone call today from John McCreedy in which he stated that Amalgamated Sugar would be sending me a friendly letter declining my request for annual volume information. He stated that he had consulted water attorneys and this was their advice. He asked for the authority IDWR relied upon to request the information and I direct him and his attorneys to Title 42.

I told him that because I had to recommend an annual volume, I would be calculating it based on an 8-hour workday, which is the guidance I received from IDWR Adjudication supervisors.

Mr. McCreedy said that the letter forthcoming from the company will contain the other information I requested regarding the well locations, wells still in use, etc.

CONVERSATION MEMORANDUM

TO: CLAIM FILE NOS. 63-2600, 63-2855, 63-63-2967

FROM: VICKY L MUSIC, SR. WATER RESOURCE AGENT, IDWR /
WESTERN REGION

SUBJECT: PHONE CALL FROM MR. MCCREEDY, GENERAL COUNSEL FOR
AMALGAMATED SUGAR

DATE: 5/8/2006

CC:

Mr. McCreedy called because the letter sent to Amalgamated Sugar Nampa plant April 27, 2006, just arrived at his desk. He asked for an extension of time from the 5/5/06 date. We decided that the task would be assigned to someone, and either Mr. McCreedy or the employee assigned, would call me at 9 am Friday, 5/12/06. He called a Mike Dalton in and they mentioned the name Glen Patrick, Env Eng may be assigned and I told them that I left a voice mail message for him 4/14/06 that was not returned.

We discussed the info needed, most importantly, afa for the 3 licenses. I also have questions re the wells - some discrepancies in the license files, also what changes have been made to water use, etc, in prep for the recommendations being made to the court.

I told them I could email them my questions and an aerial if helpful. Today, I emailed a short table I made summarizing the rights and my comments, a list of questions and a 2004 aerial with my guess of where the wells are located.

VLM

Music, Vicky

From: Music, Vicky
Sent: Monday, May 08, 2006 10:50 AM
To: 'jmccreedy@amalsugar.com'
Subject: SRBA claims

Mr. McCreedy -

This e-mail is in response to our conversation Friday afternoon, May 5, 2006. During the conversation, you asked for an extension of time to provide information about Amalgamated Sugar's water use that I requested in my letter to Amalgamated Sugar dated April 27, 2006. We agreed on an extension to May 12, 2006.

Attached here are a couple of my working documents - a table summary and a list of questions regarding the 4 Amalgamated Sugar licenses I am reviewing in preparation to recommend to the Snake River Basin Adjudication [SRBA] Court in a few months. Also attached is a 2004 aerial with my best guess of the well locations based on information in the license files.

As I mentioned in the all correspondence with Amalgamated, the most important information needed is the annual volume of water used because this is a limiter on groundwater rights. The rest of my questions have to do with housekeeping and insuring that the information IDWR has in our database about the use, location of wells, etc. and changes made to the water use is accurate so that the recommendations IDWR makes to the Court are accurate.

Please call with questions.



Amag Sugar
table.xls



AMALGAMATED
GAR QUESTIONS.doc



amal2004.jpg

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



CLAIMS/ LICENSES 63-2600, 63-2855 AND 63-2967 -- 2004 AERIAL OF AMALGAMATED SUGAR NAMPA PLANT.
BLOW UP OF SESE SECTION 9 T3N R2W AND MY GUESS RE WHERE THE WELLS ARE LOCATED. NO WELL #8.

DRAFT OF QUESTIONS RE AMALGAMATED SUGAR NAMPA PLANT
LICENSES/ SRBA CLAIMS

1 – Need to GPS or otherwise better located wells. Use 2004 aerial

2 – need to calculate afa for each of the 3 licenses: 63-2600, 63-2855, 63-2967 [not needed for license 63 -10232 which was licensed for irrigation – will use standard afa]

3 – Well # 6 was licensed in 1942 under 63-2600 but transferred to irrigation use under 63-10232 and no longer used for industrial. Confirm.

4 – Water used in Nampa plant

A - In 1942 when 63-2600 was licensed for 14.15 cfs, an estimate by company of the water need of the water was 6500 gpm. What was the time used in the factory – 6500 x 8 hour shift? 12 shift? 6 days / week? Seasonal fluctuations in water need?

B – how did the factory's water needs change in 1951 when 63-2855 was licensed for additional 4.5 cfs?

C – how did the factory's water needs change in 1955 when 63-2967 was licensed for an additional 2.78 cfs?

D – what is the current water need?

5 – Well # 2 quit producing in 1950. another well was drilled – which one replaced #2?

6 – what well was abandoned in 1995? See well log.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 17, 2006

THE AMALGAMATED SUGAR CO.
ATTN: BASIL TUPYI
P.O. BOX 1520
OGDEN, UT 84402

RE: ANNUAL VOLUME DATA
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a printout of the claim(s) for your reference only.

These claims are licenses for industrial uses. At the time the rights were licensed, no annual volume component was required. However, to recommend these in the SRBA, IDWR must have additional information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources. Please call me as soon as possible at (208) 334-2190 with a contact name and phone number of a plant engineer or another employee knowledgeable about the water use at this facility.

If I do not hear from you by April 28, 2006, the water use as claimed may not be recommended to the SRBA court for decree.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/Western Region
Idaho Department of Water Resources

Enclosures: Notice of claim reports

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2600

WATER RIGHT NUMBER: 63-2600

claimed as licensed

Owner Type Name and Address
Current Owner THE AMALGAMATED SUGAR CO
3184 ELDER ST

BOISE, ID 83705
(208)383-6500

Priority Date: 11/09/1942 ✓
Basis: License ✓
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31 ✓	14.150 CFS ✓	<i>201.64</i> not licensed
<u>Total Diversion:</u>		14.150 CFS	

5 rods

Location of Point(s) of Diversion
GROUND WATER SE1/4SE1/4 Sec. 9, Twp 03N, Rge 02W, B.M.
CANYON County

Place of Use
INDUSTRIAL

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02W	9													X

Conditions of Approval:

1. NAMPA PLANT.

Remarks:Comments:

VR ✓
POU = 13th E - Karcher Rd, Nampa, ID
Ebl Q (after combined use) remark: total of 21.45 cfs
1132.68 afa
(purpose) Industrial use is for processing sugar beets into refined sugar.

VR
Parcel # R3097700000.
F05 63-10232 diverted thru one of the POU's.

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2600, 63-2855, 63-2967 AND 63-10232
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: CLAIM REVIEW – ANNUAL VOLUME CALCULATIONS FOR THE
AMALGAMATED SUGAR LICENSES
DATE: 5/25/2006
CC:

Here are the annual volume calculations. Because the claimant refused to provide historical information regarding the volume used, Dave Tuthill instructed me to use the minimum well pumping design diversion period of 2 hours and the assumptions that the water was diverted 5 days a week, 6 month of the year.

63-2600 – licensed in 1942 from well nos. 2,3,4,5,6. Well no. 6 also licensed in 1984 for irrigation under 63-10232. Note in license file 63-10232 that pump on well 6 was changed between the licensing exams for 63-2600 and 63-10232 so that the overlap conditions [limiting the use of water from well no. 6 to the capacity] was waived due to system changes.

$[14.15 \text{ cfs}] [450 \text{ gpm}] [60 \text{ min/hr}] [2 \text{ hrs/day}] [5 \text{ days/wk}] [26 \text{ wks/yr}] = 99,333,000 \text{ gal per yr}$
 $/325,850 \text{ gal per af} = 304.84 \text{ afa}$

63-2855 – licensed in 1951 from well no. 7.

$[4.5 \text{ cfs}] [450 \text{ gpm}] [60 \text{ min/hr}] [2 \text{ hrs/day}] [5 \text{ days/wk}] [26 \text{ wks/yr}] = 31,590,000 \text{ gal per yr}$
 $/325,850 \text{ gal per af} = 96.95 \text{ afa}$

63-2967 – licensed in 1953 from well no. 9.

$[2.78 \text{ cfs}] [450 \text{ gpm}] [60 \text{ min/hr}] [2 \text{ hr/day}] [5 \text{ days/w}] [26 \text{ wks/yr}] = 19,515,600 \text{ gal per yr}$
 $/325,850 \text{ gal per af} = 59.89 \text{ afa}$

These recommendations for these 3 licenses for industrial use and 63-10232, the license for irrigation, will have the combined use condition which limits the quantity when combined to 21.43 cfs and 1136.68 afa.

VLM

<u>Bas in</u>	<u>Seque nce</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate (cfs)</u>	<u>Volum e(acf)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Misc info/status</u>
63	2600	License	11/9/1942	14.15		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. PODs are well #s 2 - 6. Well #1 is a domestic well. Current PODs are Wells # 2 - 5. #6 - use transferred to irrigation when 63-10232 was licensed. Need info to calculate AFA. Q/AFA combined use condition. Lic file says estimated flow for factory is 6500 gpm.
63	2855	License	4/7/1951	4.5		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. POD is well #s 7. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	2967	License	11/12/1953	2.78		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. POD 9s well # 9. Capacity = 4.4 cfs. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	10232	License	4/23/1984	3	675	GROUND WATER	IRRIGATION	AMALGAMATED SUGAR CO (Current)	claimed as licensed. POD is well # 6.
				24.43 3 = 21.43					
									limit Q to 21.43 cfs for industrial uses for 3 licenses because Well # 6 now used for 63-10232. IS well # 8 replacement for #2?

$$(21.43 \text{ cfs}) (450 \text{ gpm}) = 9643.50 \text{ gpm for 3 licenses}$$

$$\text{flow} = (21.43) (1.4835) (365) = 15514.84 \text{ cfs}$$

466-3541

4-14-06 JCT Clint. 1m → Glen Patrick, Inv. Engineer @ Wagon
4-17-06 JCT Clint → UT
Ama! SUBARU
plant

- 1- need locations of wells - GPS
63-2600 well # 2 - 6 replacement well for # —
(well #1 - domestic) drilled 1993
63-2855 well # 1
63-2961 well # 9
63-10232 well # 6

- 2- need info to calculate afa
have pump info / well info for

- 3- Is well #6 lic in 2600 & for irr in 10232)
still used for industrial? - no per ↓ license

- 4- lic file 63-2600 states an estimate of water
needed in the factory is 6500 bpm.

- A- How did this estimate change w/ 63-2855 & 63-2961?
B- What is estimate based on?
C- what is afa or wld hrs operated @ 6500 bpm,
days/year operated, seasonal fluctuations, etc.

- 5- well #2 quit producing 1950 - another well drilled --
which one replaced #2?

- 6- What well was abandoned in 1995? see 1006

5-25-06

Amalgamated Sugar (AFA) calculations based on guidance from Dave T.

63-2600

licensed in 1942 for 14.15 from well #s 2, 3, 4, 5, 6. Well #6 also licensed for irrigation under 63-10232. Note in license file that pump changed on well #6 between 63-2600 lic. Exam # 63-10232 lic exam so the overlap conditions (limiting use of well #6) were waived due to system change. Hence, this is not reduced. Limited w/ all 4 licenses to 21.43 cfs.

$$\frac{(14.15 \text{ cfs})(450 \text{ rpm})(60 \text{ min})(2 \text{ hrs/day})(5 \text{ days/wk})(26 \text{ wks/yr})}{99,333,000 / 325,850 \text{ gal/af}} = 304.84 \text{ af/yr}$$

63-2855

$$\frac{(4.5)(450)(60)(2)(5)(26)}{31,590,000 / 325,850} = 46.95 \text{ af/yr}$$

63-2961

$$(2.78)(450)(60)(2)(5)(26) = 19,515,600 / 325,850 = 59.89 \text{ af/yr}$$

These 3 rts + 63-10232 limited to 21.43 cfs = ~~461.08~~ 1136.68 af/yr
675 af/yr

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2600

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2600	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2855	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2967	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2600	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO
2855	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO
2967	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2600

WATER RIGHT NUMBER: 63-2600

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMALGAMATED SUGAR CO 3184 ELDER ST BOISE, ID 83705 (208)383-6500

Priority Date: 11/09/1942

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	/ to /	14.150 CFS	
	<u>Total Diversion:</u>	14.150 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 9, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02W	9																	X

Conditions of Approval:Remarks:Comments:

State of Idaho License and Certificate of Water Right

Water License No. 19375 Amount 14.15 Second Feet
Water District No. Priority November 9, 1942

THIS IS TO CERTIFY that THE AMALGAMATED SUGAR COMPANY
of Ogden, Utah, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 9, 1942; that Permit No. 19375
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
17.33 second feet, was issued thereunder on April 24, 1951, showing that said works
were completed on the 25th day of November, 1947; and that on the
day of 4th, January, 1954.

THE AMALGAMATED SUGAR COMPANY
of Ogden, State of Utah, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of five
wells (sub. flow) a tributary of, for the purpose of manufacturing (refining
sugar), under Use Permit No. 19375 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
nine of Licenses at page 5223, on the 28 day of January, 1954.

The right hereby confirmed dates from November 9, 1942;
The Point of Diversion are
in the 1/4 SE 1/4 Sec. 9, Tp. 3 N., R. 2 W., B. M. County Canyon
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 14.15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			SE 1/4 Section 9, Township 3 North, Range 2 West, B. M. (Nampa Factory of the Amalgamated Sugar Company)		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
28th day of January, 1954.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Address all Communications to:
Mr. A. J. Forbes
The Amalgamated Sugar Company,
Ogden, Utah

Application No. 26970
Permit No. 19375
District No.

1. Name of Applicant: THE AMALGAMATED SUGAR COMPANY

Postoffice address: Ogden County: Weber State: Utah

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: Ogden, Utah, January 15, 1915.
(b) Amount of capital stock: \$9,250,000.00
(c) Amount paid in: \$7,889,316.50
(d) Names and addresses of directors: S. F. Ballif, Los Angeles; G. L. Becker, Ogden; E. G. Bennett, Ogden; H. A. Benning, Ogden; M. A. Browning, Ogden; E. L. Burton, Salt Lake City; R. H. Cottrell, Ogden; M. S. Eccles; Washington, D. C.; S. S. Eccles, Ogden; Boyd Hatch, N. Y. City; J. F. Scowcroft, Ogden.

II. The financial resources of the applicant are:

- (a) Cash on hand: As of Oct. 1, 1942 - \$1,163,506.24
(b) Treasury stock: \$60,683.50
(c) Bonds to be issued: None
(d) Other resources: Total assets - \$17,505,756.68

2. Quantity of water claimed: 17.33 cubic feet per second.

3. Source of water supply: Deep wells, Pumped (Well Nos. 1, 2, 3, 4, 5, & 6) /which is a tributary of Subterranean flow

4. Location of point of diversion: See map feet distant from the
corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 9 , T. 3 N. , R. 2 W. , B. M., County of Canyon

5. Water is to be used for: Manufacturing purposes

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: see map feet distant from corner of Section
T. , R. , B. M., in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 , T. 3 N., R. 2 W. , B. M.
(b) Amount of power generated: H. P., under feet head.
(c) Water is to be returned to Indian Creek at a point See map feet
distant from the corner of Section , T. , R. , B. M., in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 16 , T. 3 N. , R. 2 W. , B. M.

7. Estimated cost of works: \$ 65,000.00

8. Kind of works: Deep wells pumped thru pipe lines to collecting tank

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 17

Well #1-Domestic piping system of 4", 3", 2", 1 $\frac{1}{2}$ " & 1 $\frac{1}{4}$ " piping. Well #2-250 Ft. of pipe. Well #3-750 Ft. of 14" pipe. Well #4-950 Ft. of 14" pipe. Well #5-525 Ft. of 14" pipe. Well #6-275 Ft. of 12" pipe.

12. The time required for the completion of such work is five years.

13. The time required for the complete application of the water to the proposed use is six additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No. If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

THE AMALGAMATED SUGAR COMPANY

Applicant.

By A. J. Forbess /s/

Agent.

Date of first receipt at Department of Reclamation: November 9, 1942 - 9:00 A. M.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **19375**
 Recorded in Book 70 Page **19375** Approved November 9, 1942.
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$ to be filed on or before
 Work to begin on or before January 9, 1943 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before May 9, 1945.
 The whole of said work to be completed on or before November 9, 1947.
 Beneficial use of water appropriated in accordance herewith, to be made on or before November 9, 1953.

Witness my hand this 9th day of November, 1942.

E. V. BEEG /s/
 Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	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	
IN TESTIMONY WHEREOF, We,.....CHASE A. CLARK, Governor of the State of Idaho, and George H. Curtis, Secretary of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of November, 1942. Countersigned: By: <u>GEORGE H. CURTIS /s/</u> Secretary of State By: <u>CHASE A. CLARK /s/</u> Governor Permit No. 19375 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that THE AMALGAMATED SUGAR COMPANY of Ogden, County of Weber, and State of Utah, the holder of Permit No. 19375, issued upon Application No. 26870 bearing date of priority of November 8, 1942, authorizing the diversion of 17.33 second feet of the waters of Subterranean flow from six deep wells, County of Canyon, State of Idaho, for manufacturing purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 17.33 second feet of the waters of said wells; that the points of diversion of said waters are in the SE 1/4, SE 1/4 Section 9, Township 3 North, Range 2 West, B.M. and that the place of use of said waters is in the SE 1/4, SE 1/4 Section 9, Township 3 North, Range 2 West, B.M. Witness my hand this 24th day of April, A. D. 1951. Proof of Completion of Works made November 25, 1947. Certificate of Completion of Works issued April 24, 1951. MARK R. KULP State Reclamation Engineer. LICENSE ISSUED FOR 1/15 SEC. 77, # 5123																			

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19375This proof is for Beneficial Use In Water District No. _____

1. Name of applicant The Amalgamated Sugar Company, Ogden, Utah
2. Source of water supply Subterranean from wells Nos. 1, 2, 3, 4, 5 & 6
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9
T. 3 N. R. 2 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: _____

5. Water is used for: Manufacturing (Refining sugar)
6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of Use: Nampa factory of Amalgamated Sugar Company, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9,
Twp. 3 North, Range 2 West, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Largest part of water returns to Indian Cr. Flow quite
rapidly thru a box 4' w. depth 1 foot (approx)
Some discharged into Noble Drain.

Very difficult to get a measurement.
Estimate more water in the drains than they claim
from all their wells.

This examination was made on the 20 day of January, 19 54(Signed) E. H. Humphrey Examiner

19375

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19375

This proof is for Completion of works

In Water District No.

1. Name of applicant Amalgamated Sugar Company, Ogden, Utah.

2. Source of water supply: Subterranean (six wells)

3. Location of point of diversion: Is in the SE1 SE1 of Section 2

T. 3 N. R. 2 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Manufacturing purposes

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give number of acres

under cultivation in each forty-acre tract. (Describe manner, and place of use, if other than cultivation.)

No.	one	(Pump Rated)	Quantity	Relief	Calving	Total
1	Subterranean	2500	550	4 disk	8"	350
2	Subterranean	2000 GPM	540	10"	24-12-12	540
3	"	2000	433	"	24-16	433
4	"	2000	404	"	24-16	404
5	"	2000	292	"	24-12	292
6	"	2000	185	"	24-15	185
						5022.0 414%

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

all deep well turbines 1-4 disk, (all Bingham River turbines)

98.5

24

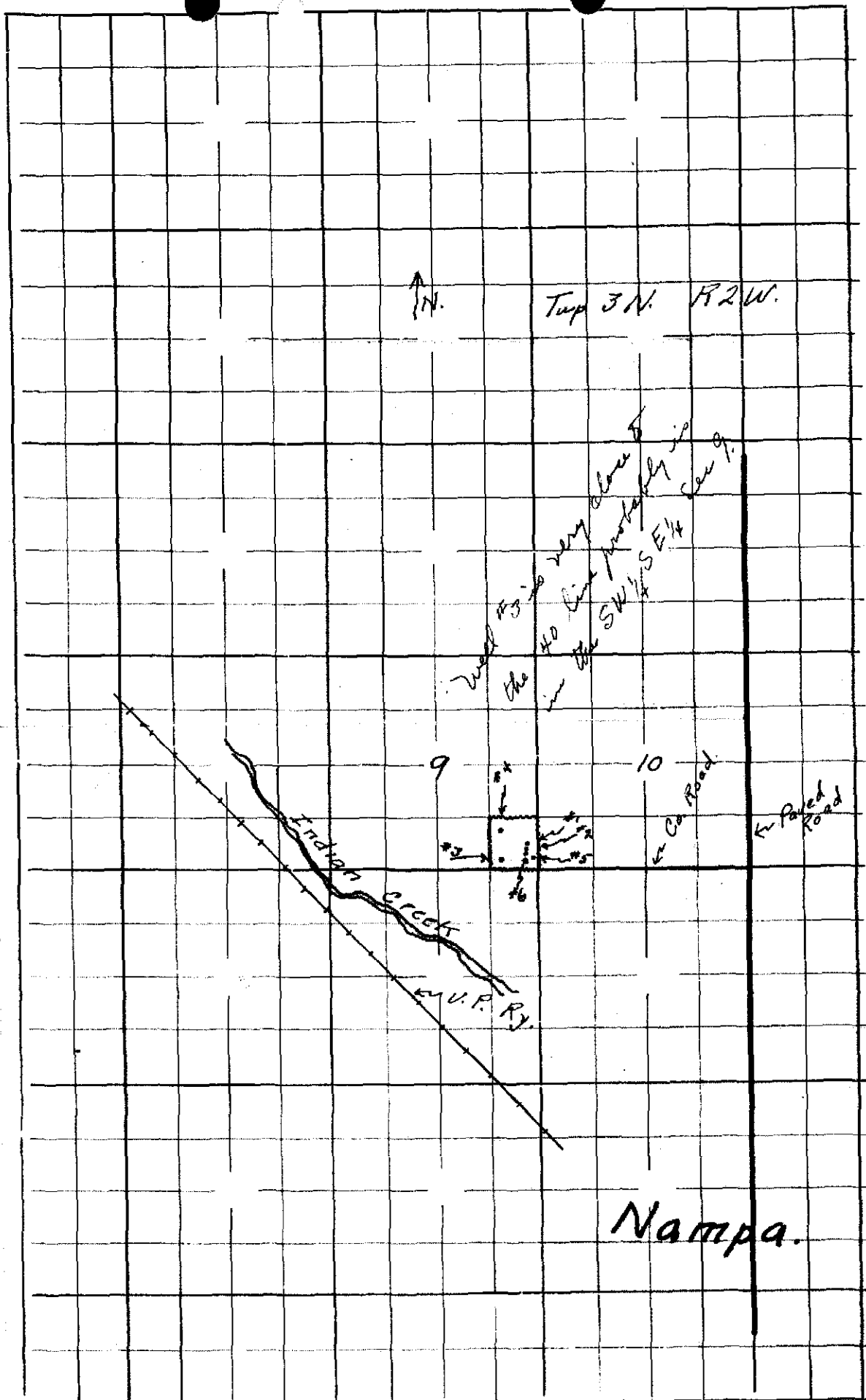
May

48

This examination was made on the 10 day of April, 1937

(Signed) E. H. Humphrey Engineer

19375



Nampa.

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

19375

Form 16.

Take from the
the top of the post is 31
made in the
in Harts publications
19375

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DEC 15 - 32

Nampa
FOR WELLS NO'S 1, 2, 3, 4, 5 & 6

Permit No. 19375

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address. SYLVESTER M. HENNA

Ans. THE AMALGAMATED SUGAR COMPANY
1ST SECURITY BANK BLDG. OGDEN UTAH

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. THE AMALGAMATED SUGAR CO. FIRST SECURITY BANK BLDG. OGDEN, UTAH
I AM EMPLOYED AS AN ENGINEER FOR THE ABOVE COMPANY

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 19375 NOV. 9 1942 PRIORITY NOV. 9 1942

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. DEEP WELLS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION
9, TOWNSHIP 3 N., RANGE 2 W., BOISE MERIDIAN, CANYON COUNTY
IDAHO

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. WELL NO. 1 DEPTH 550 FT. 8" CASING. 2500 GPM @ 175 FT. TDH. PUMP 1" DISCHARGE
WELL NO. 2 540 FT. DEPTH, 2 1/2" 14" 12" CASING. PUMP 2500 GPM @ 92 FT. TDH.
6-8" WELL NO. 3 446 FT. DEPTH, 2 1/2" 16" CASING. PUMP 2000 GPM @ 62 FT. TDH.
5-7" WELL NO. 4 404 FT. DEPTH, 2 1/2" 16" CASING. PUMP 2000 GPM @ 62 FT. TDH.
8-10" WELL NO. 5 292 FT. DEPTH, 2 1/2" CASING. PUMP 2000 GPM @ 62 FT. TDH.
10-9" WELL NO. 6 185 FT. DEPTH, 2 1/2" 16" CASING. PUMP 2000 GPM @ 62 FT. TDH.
TOTAL GPM 7777.7

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. THE WATER IS USED IN A BEET SUGAR
REFINING PLANT FOR REFINING SUGAR

19375

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. THE WATER IS PUMPED TO A CENTRAL TANK, THEN TO BAROMETRIC CONDENSERS, WASHERS, COOLERS ETC. USED IN THE PROCESS OF REFINING SUGAR

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 8000 G.P.M.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. THE WATER WAS USED STARTING IN SEPT. 1942 UNTIL FEB. 1943 AND IN THE SAME PERIOD EACH SUCCEEDING YEAR UNTIL THE PRESENT TIME. ESTIMATED AMOUNT 7800 G.P.M. IN 1942 6500 G.P.M. AT PRESENT

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. WE HAVE PERMIT NO. 624567 COVERING WELL NO. 9 & PERMIT NO. 22030 COVERING WELL NO. 7; WE PUMP APPROXIMATELY 1250 G.P.M. FROM NO. 9 & 1450 FROM NO. 7 TO SUPPLEMENT THE WATER FROM PERMIT NO. 19375

(Sign) Walter M. Heimer

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Maya, County of Blaine, State of Idaho, on this 4th day of January, A. D. 1954.

My commission expires Oct 12, 1956

Permit #19375

April 10 - 1957.
S. W. H.

Well #1

Total depth is 550 feet. 450 feet has 8" casing, balance has 6" casing.

This is a closed well and a closed system. Well and storage tanks are enclosed in a concrete house and pit combination. 10½' x 12' x 7½' h. is the size of the building. The East half (approx.) has a pit, tanks are part in the pit and part buried in the ground.

The motor sets vertical on the pump and casing, is a General Electric 20 h.p., 220/440, v., 50/25 amps., 1760 r.p.m., model 12F1331, #5447061

Pump is a Bingham #10165, 6" intake, 5" outlet to East, Deep well turbine

Line has a 5" check valve. Opens into 7" d. x 16' (approx.) steel pipe into pressure tanks, two large ones approx. 4' x 14' long.

Pump cuts in at 50 pounds pressure and out at 70 pounds.

From these tanks water is conducted by pipe to all parts of the plant for domestic and culinary purposes, and in addition furnishes water for the very large lawn surrounding the plant. Delivered thru a sprinkling system. There are approximately 175 workers at this plant when in full operation. It put out well over a million bags of sugar this year.

At the depth of the end of 8" casing, 447' this well was tested at 350 gal. per min. Temp. is given as 66°F.

Well #2

This well very abruptly quit producing in Nov. 1950. Could not get it to produce again. Drilling another well.

Well #3

Total depth 443 feet. Casing is 24" x 120' and 16" x 318' Perforated between 365 and 395 feet. Bottom sealed with concrete.

It sets in an open concrete lined pit, 8'4" x 13' 7" x 4'4" h. Concrete is 6" thick, no concrete in bottom of pit.

Temp. is 66°F. H is 10' 6" drawdown is to 46.67' on Oct 13, 1950

Motor is 50 h.p., U. S., 220/440 v., 126/63 amps., 1200 r.p.m. 60 cycle Serial #266491, It is an oil lube deep well turbine pump.

The pump is Bingham #102C19. It has 10" outlet ~~Immediate outlet of~~ ~~the pump is 6"~~. Into a 14" pipe line approx. 300 yards to central storage tank.

Protection is furnished the motor by a metal cap or cover.

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Permit # 19375

Well #4

It is 404' deep. Casing is 24" x 174.4' and 16" x 279.3'

H is 8' 10" and draws down to 46.04' Perforations 47' below 341' line.

Motor serial # 211237. All other specifications are the same as # 3.

Pump is a Bingham # 102H19. It sets on the casing approx. 2' above ground. The only protection is a metal hood over the top of motor.

This system is also a 10" into a 14" line to storage tank approx. 200 yds

The temp. is 64⁰F.. Pressure on the delivery side of the pump is 10^{1/2} lbs.

Well # 5

The motor number is 282250 and the pump is 102D19 otherwise this system duplicates #3.

Well depth is 292 feet. 24" casing x 236' 10", balance is 16" casing.

The bottom 37 feet is perforated.

H is 15 feet and drawdown is to 36.8 feet.

Temperature is 59 3/4⁰F.. Pressure on delivery side of pump is 9lbs.

Delivery is to the central tank approx. 150 yards distant.

Well #6

Motor #286243. Pump #102A19. Motor and pump same spec. as others.

No cover or protection except metal hood.

Pump and motor mtd on csg approx. 18" off ground.

Total depth is 185 feet. Csg 24" x 125' and 15" x 75'

14' perforations below 125'. 15' perforations below 156'.

Temp. is 58⁰F. Pressure on delivery side of pump is 9 lbs.

H is 16' and drawdown to 64.52' Delivery to NW approx. 150 yds.

19375

All systems are painted with aluminum paint.

All systems lift a total of 18 feet into the large storage tank from the surface of the ground.

With the exception of well #1 all of the water is non-consumptive use.

It is carried to the Southwest into Indian Creek after passing thru the plant. The point of return is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 16

There are four settling ponds one very large and three medium size that have been used in past years. At present the effluent flows right on thru and into Indian Creek.

Effluent is carried to head of the ponds thru a 30" steel pipe, at that point is an other separation that takes small chunks of beets out and recovers them for feed.

With exception of #1, all systems are duplicates as to pumps and motors.

The pump has a capacity of 2000 gpm @ 62 foot head and 1200 rpm.

Suction and discharge are both 10 inches.

Pump type = 18" VTM. List = 18" VTM-8

A. A. Durand & Son of Walla Walla Wn drilled the well.

Sugar Co. has a good blue print of well log.