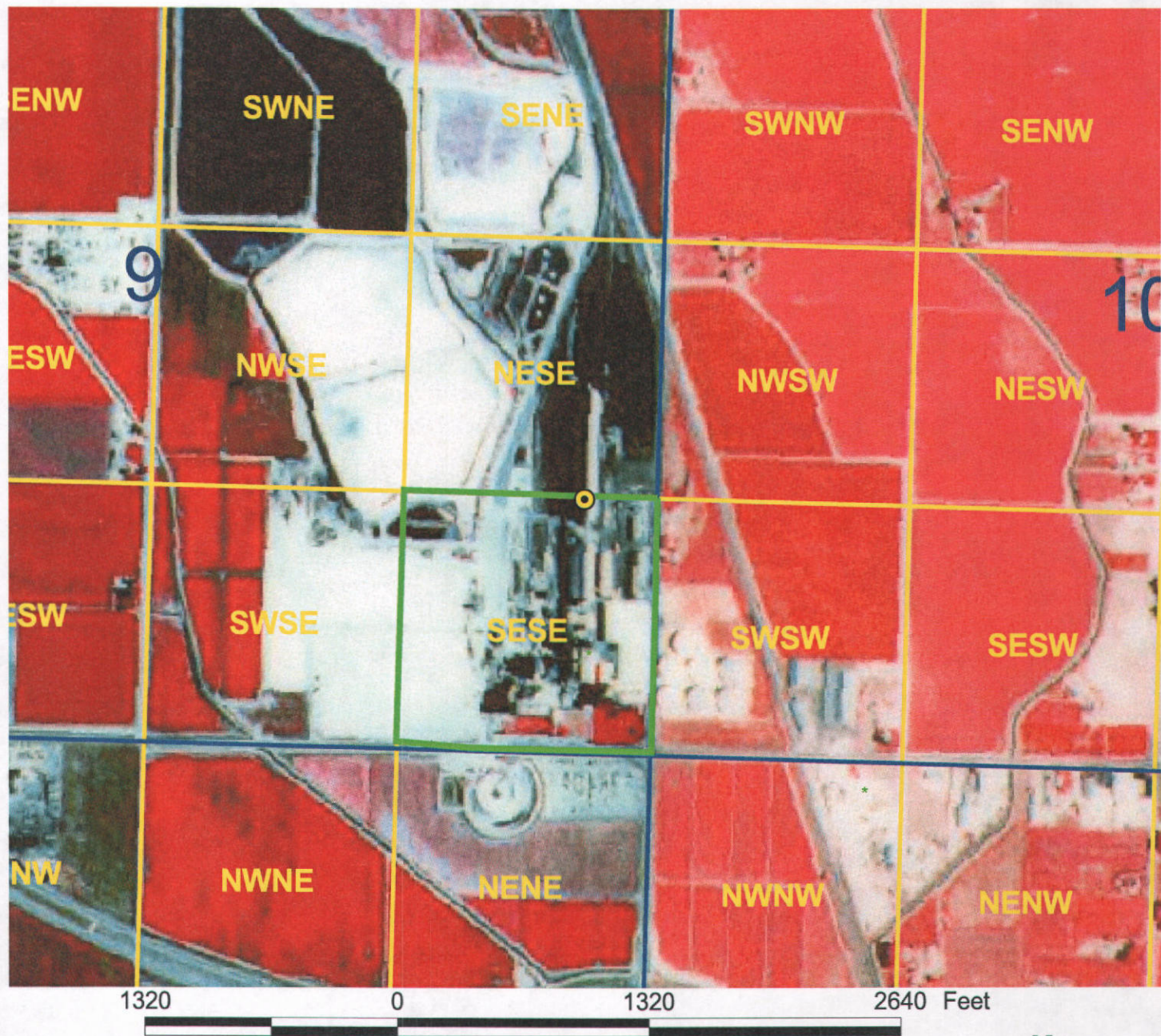




State of Idaho
Idaho Department of Water Resources
Western Region

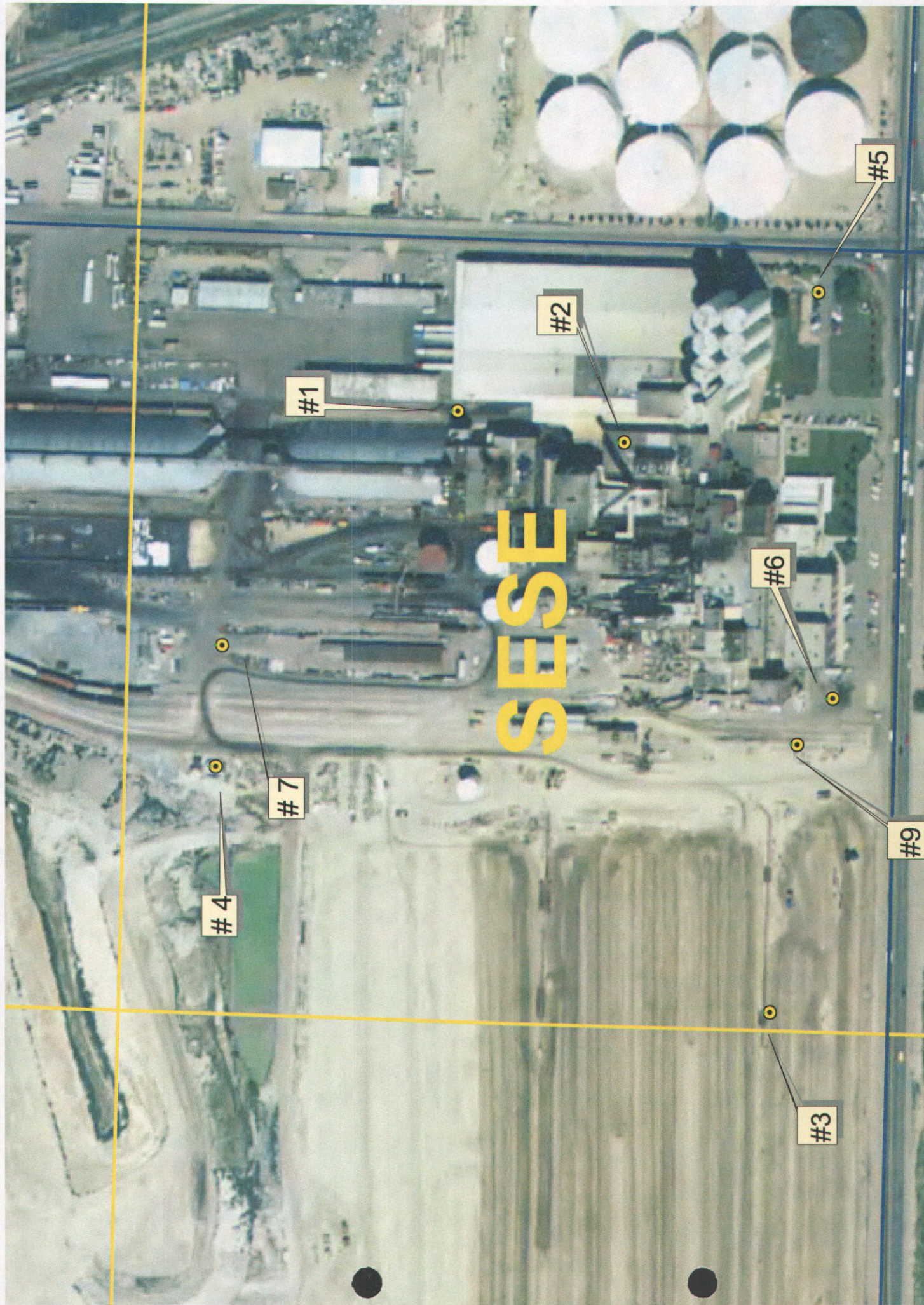
T3N R2W SECTION 9
Water Right: 63-2855



-  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 GUESS RE WHERE THE WELLS ARE LOCATED. NO WELL #8.

R-2W.

T.
3
N.

9



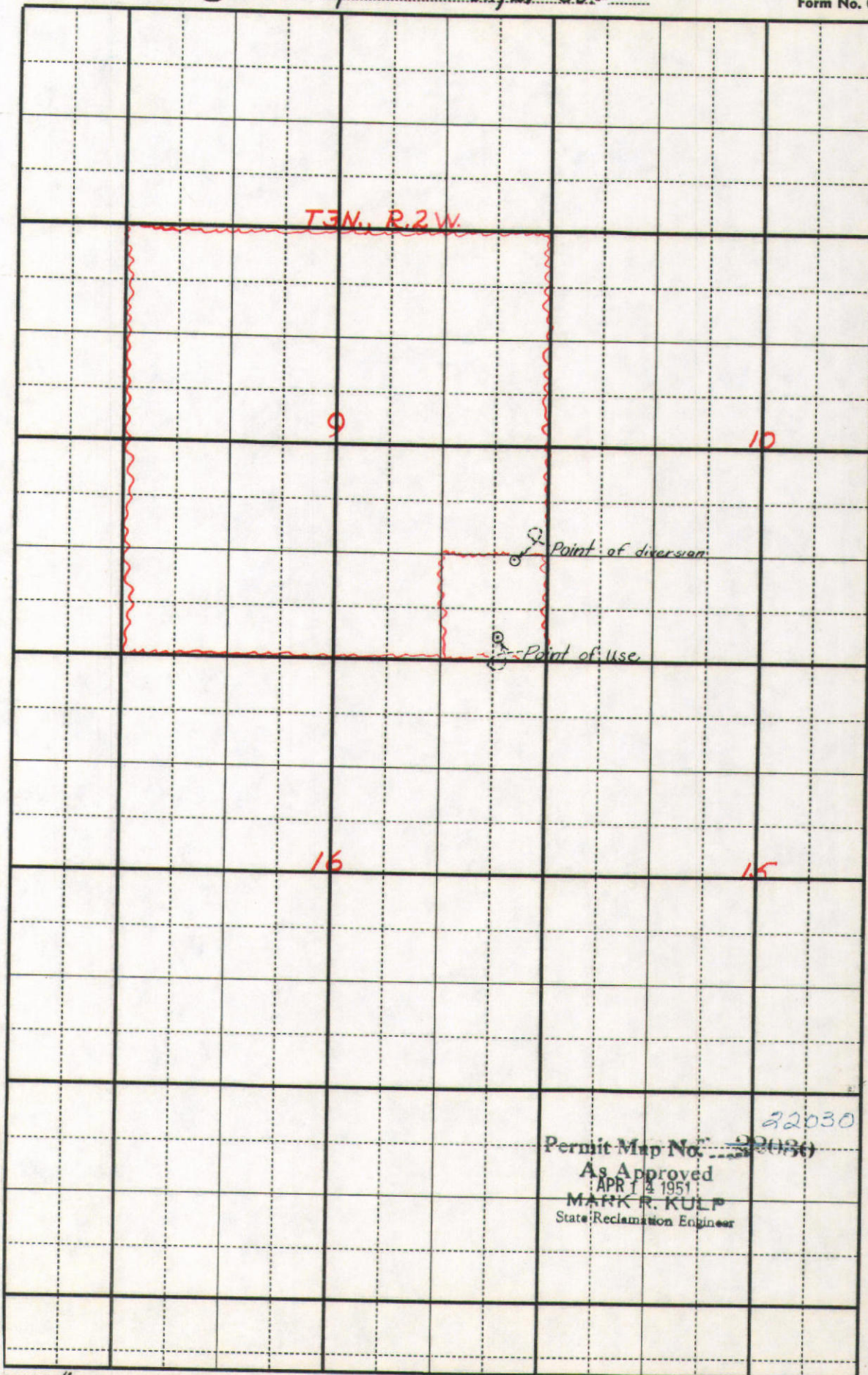
$Q = 4.5 \text{ cfs} = \text{amt of filling}$

This pump and motor has
capacity in excess of this
amount.

See Permit 245670 19370

NAME OF APPLICANT The Associated Sugar Co.

Form No. 0



SCALE: $\frac{1}{4}$ Inches Equal 1 Mile. Draw Plan In Ink.

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 63-2855

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) 04/07/1951
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 4.5 or _____
 For Irrigation purposes from 3/15 to 11/15 amount 4.5 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.5 (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:

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
			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.

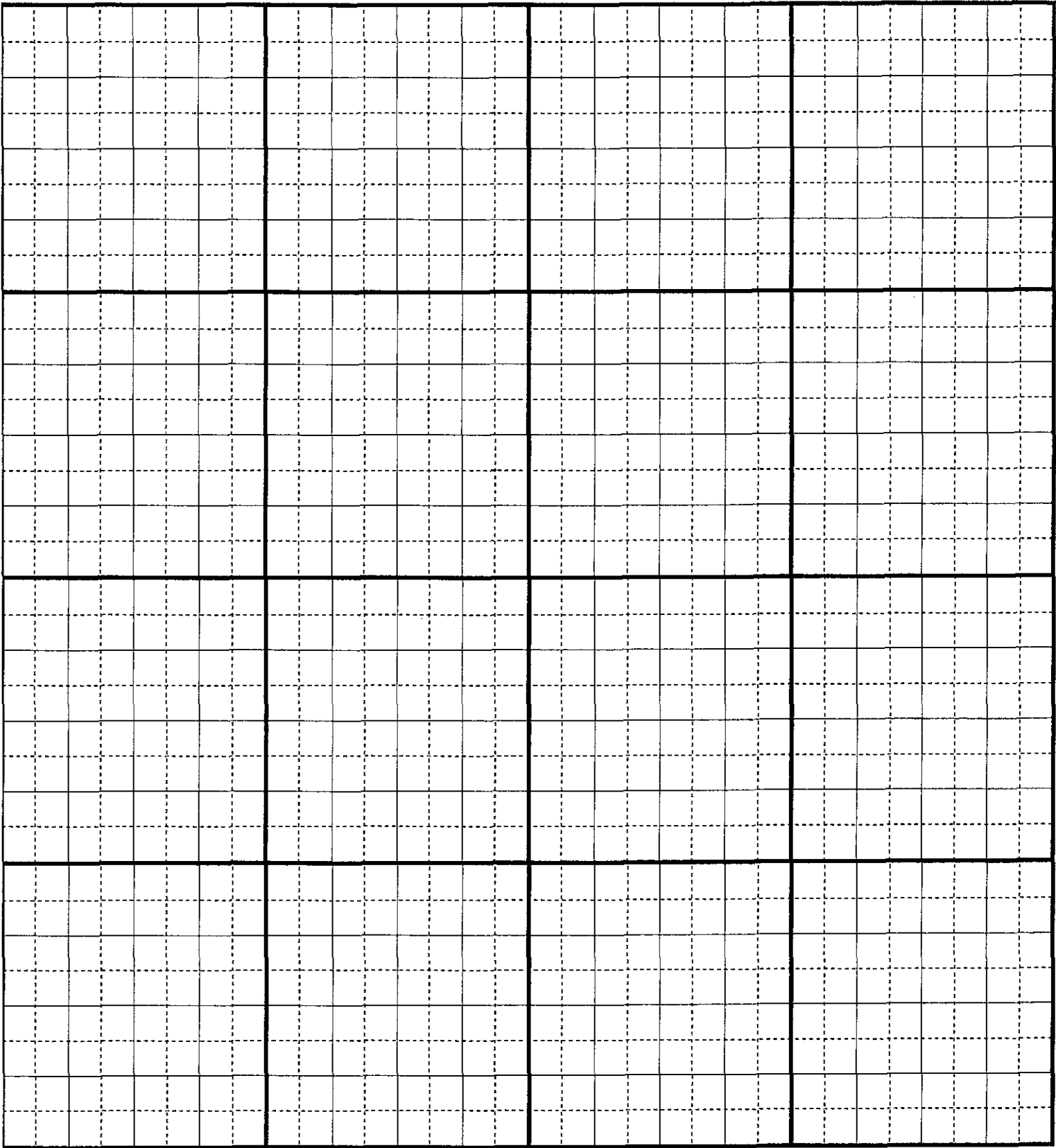
13. Describe any other water rights used at the same place and for the same purposes as describe above.

or None ()

14. Remarks:

Last Name Amalgamated Sugar Co. Ident. No. 63-2855

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile



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

If applicable provide IDWR Water Right Number 63-2855

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 Company LLC, that I have signed the foregoing
Organization _____

document in the space below as General Counsel of The Amalgamated Sugar
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 ADA

Subscribed and sworn (or affirmed) before me this

22 day of September 20 06

Notary Public Stephanie M. Hansen

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 63-2855

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: A63-02855
Date Received: ~~11/16/1988~~ 12-22-88
Receipt No: 5005005 C+
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE AMALGAMATED SUGAR CO.
Address: P.O. BOX 1520
OGDEN, UT 84402
2. Date of Priority: APR 07, 1951
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	9	SE	SE			CANYON
5. Description of diverting works:
5 WELLS & PUMPS TO COMMON PIPELINE SYSTEM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	4.500		
7. Total Quantity Appropriated is:
4.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
I/SUGAR BEET PROCESSING PLANT.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	9	SE	SE		INDUST	
11. Place of use in counties: CANYON

A63-02855

Page 1

Date: 11/16/88

MICROFILMED

AUG 18 1992

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

13. Other Water Rights Used:
A63-02967, A63-02600

14. Remarks:
NAMPA PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 22030

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am CORPORATE ENVIRONMENTAL ENGINEER of
Title
THE AMALGAMATED SUGAR COMPANY, that I have signed the foregoing
Organization
document in the space below as CORPORATE ENVIRONMENTAL ENGINEER of
Title
THE AMALGAMATED SUGAR COMPANY and that the statements contained in the
Organization
foregoing document are true and correct.

Basil J. Jany
Signature of Authorized Agent
CORPORATE ENVIRONMENTAL ENGINEER
THE AMALGAMATED SUGAR COMPANY
Title and Organization

16 November 1988
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of November 19 88

Seal

Residing at Rose M. Hansen
Burley, Idaho
My Commission Expires 3 August 1993

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](#)

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

RIGHT NUMBER: 63-2855

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST

BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

4.500 CFS

2,064.20 AFY

96.950 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:

04/07/1951

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

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

4.500 CFS

2,064.20 AFY

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

Right Nos. 63-2600, 63-2967 and 63-10232 are also diverted through points of diversion described above.

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

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.

~~Point of diversion is referred to as Well No. 7.~~

Music, Vicky

From: John M Marshall [JohnMarshall@givenspursley.com]
Sent: Thursday, February 21, 2008 10:06 AM
To: Music, Vicky
Subject: RE: RE: Amalgamated Sugar 63-2600 et al.

Thank you for the update.

- John

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

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, February 21, 2008 9:04 AM
To: John M Marshall
Cc: Courtney, Andrea
Subject: RE: RE: Amalgamated Sugar 63-2600 et al.

John - yes, I received your letter last week but have not had time to work on these files. I'll be in contact with you and Andrea about the SF5s in the next few weeks. Vicky M

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

From: John M Marshall [mailto:JohnMarshall@givenspursley.com]
Sent: Tuesday, February 19, 2008 11:15 AM
To: Music, Vicky
Cc: 'John McCreedy'; 'Kent Quinney'
Subject: RE: RE: Amalgamated Sugar 63-2600 et al.

Vicky,

Did you receive and have a chance to review my letter enclosing the Affidavit of Kent Quinney to substantiate the interconnection of Amalgamated's system? Please advise on the status. We are anxious to wrap these up with SF-5s as soon as possible.

- John

--- Original Message---

To: John M Marshall
Cc: Courtney, Andrea; Shurte, Jan
From: Vicky.Music@idwr.idaho.gov
Sent: 9/04/2007 11:07AM
Subject: RE: Amalgamated Sugar 63-2600 et al.

>> John - The remaining issue is whether we can describe the rights as being a part of a
>> combined system based on the accomplished transfer statutes. To be able to do this,
>> I need information that substantiates that the system was combined prior to 1987.
>> Vicky Music
>>

>> -----Original Message-----

>> **From:** John M Marshall [mailto:JohnMarshall@givenspursley.com]
>> **Sent:** Wednesday, August 22, 2007 6:06 PM

>> To: Courtney, Andrea
>> Cc: Tuthill, Dave; Music, Vicky; Shurte, Jan; Harvey, Becky
>> Subject: RE: Amalgamated Sugar 63-2600 et al.
>>
>>
>> Andrea,
>>
>> I have reviewed your email below with the folks at Amalgamated. They are
>> agreeable to the 9,830 AF volume and are anxious to wrap up their subcases with
>> SF-5s soon. If I recall correctly, we may still have some clean up work to do on
>> alternate points of diversion, with additional information needed from us. I will check
>> my file for status. If you don't mind, please check yours as well to see where we stand
>> on this issue. Thank you.
>>
>> - John
>>
>> -----Original Message-----
>> From: Courtney, Andrea [mailto:Andrea.Courtney@idwr.idaho.gov]
>> 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

COPY

RECEIVED

JUN 19 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 63-2855

(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)

Sate 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)

[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

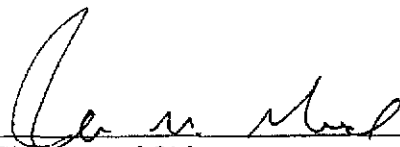
Boise, Idaho 83705

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

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. Melillo
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

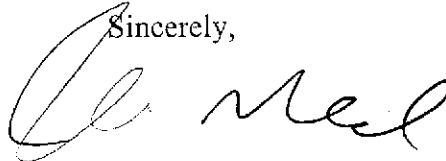
Dear Department of Water Resources:

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

S:\CLIENTS\3781\71\JMM 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: 63-2855

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:

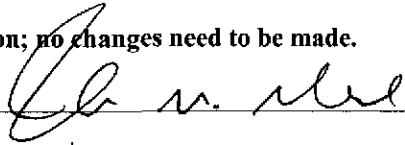
Quantity: Volume limit should be 1,339 AF, combined volume limit should be 8,921 AF
Point of Diversion: 6 points of diversion in the listed quarter / quarter
Purpose of Use: Volume limit should be 1,339 AF; strike language purporting to describe the industrial use.

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: 10/30/2006

Signature: 

Printed Name: John Marshall

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

05/26/2006

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

RIGHT NUMBER: 63-2855

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.500 CFS
96.950 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. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.

PRIORITY DATE: 04/07/1951

POINT OF DIVERSION:

T03N R02W S9 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	4.500 CFS 96.95 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

Point of diversion is referred to as Well No. 7.

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

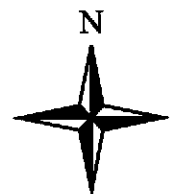


State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 9
Water Right: 63-2855



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2855 V1

WATER RIGHT NUMBER: 63-2855 V1

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

 BOISE, ID 83705
 (208)383-6500

Priority Date: 04/07/1951

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	01/01 to 12/31	4.500 CFS	96.95 AF
	<u>Total Diversion:</u>	4.500 CFS	96.95 AF

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 Within CANYON County

T03N R02W S09 SESE

Conditions of Approval:

1. E61 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. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.
2. Point of diversion is referred to as Well No. 7.
3. Industrial use is for processing sugar beets into refined sugar.
4. C18 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.
5. Physical address of the place of use is 138 E. Karcher Rd., Nampa, Idaho.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2855 V1

Comments:

1. vmusic 5/26/2006 AFA

Comment: SEE MEMOS IN FILE. CLAIMANT REFUSED TO SUBMIT HISTORICAL VOLUME INFORMATION.

2. vmusic 5/26/2006 POD

Comment: WELL NO 7. NO POD OVERLAPS. USED GPSd LOCATION PROVIDED BY CLAIMANT

3. vmusic 5/26/2006 POU OVERLAPS

Comment: 63-2600, 63-2855, 63-2967 ALL LICENSED FOR INDUSTRIAL USE AT NAMPA SUGAR BEET PROCESSING PLANT.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/6/2006 3:42:05 PM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Summary	5/26/2006 9:59:05 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	5/26/2006 9:48:36 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (Yes) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2855 V1

POU	5/26/2006 9:48:55 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	5/26/2006 9:49:30 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	5/26/2006 9:50:35 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR STANDARD FOR USE
Quantity	5/26/2006 9:51:20 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - SEE MEMO IN FILE FOR CALCULATIONS
POD	5/26/2006 9:46:17 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2855 V1

Contacts	5/26/2006 9:44:45 AM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: LICENSE
General	5/26/2006 9:45:01 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/26/2006 9:47:37 AM	vmusic	Updated shape
POU	5/26/2006 9:49:12 AM	vmusic	Updated shape for Active POU
POD	9/9/2006 6:30:13 PM	vmusic	Updated shape

Water Supply Bank:

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

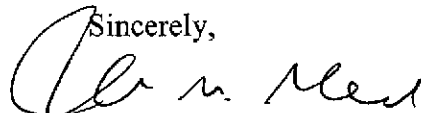
CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client and/or work product privilege. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender, please do not deliver, distribute or copy this e-mail, or disclose its contents or take any action in reliance on the information it contains.

produce the detailed information you request. Moreover, water use in the plant fluctuates over time based on technology and the amount of sugar it is allowed to produce for the U.S. market. However, the licenses themselves and information found in the license files, provides good evidence of the water use patterns at the time. The license files for all three of Amalgamated's industrial rights (63-2600, 63-2855 and 63-2967) include depositions filed with proof of beneficial use that indicate the licensed diversion rate was needed during the "campaign," which is the period following the sugar beet harvest when the plant is running at full capacity processing beets. Copies of the relevant pages are attached. As noted in the depositions, the campaign lasts for approximately five months and the quantity of water licensed was needed during the campaign. During the campaign, the plant is running 24 hours per day, 7 days per week. Accordingly, the available evidence suggests that the licensed diversion rates were needed at the plant continuously for at least five months out of the year. Using this information, and assuming a five month campaign season, the annual volume used under the rights is: 1) 63-2600 – 4,209 AF; 2) 63-2855 – 1,339 AF; and 3) 63-2967 – 827 AF.

We also know that water was used during the non-campaign season as well, a time period we refer to as the "intercampaign," to process sugar, which occupies the other 7 months of the year. We do not have actual data on the water use during the intercampaign from the times the rights were licensed. However, we can estimate that the daily average ground water diversion during the intercampaign is 4.5 cfs, which translates into a diversion volume of 1,871 AF during the 7 months of the intercampaign. This amount should be assigned to the most senior right, 63-2600, which brings the total annual diversion volumes of the rights to: 1) 63-2600 – 6,080 AF; 2) 63-2855 – 1,339 AF; and 3) 63-2967 – 827 AF.

The approach described above for determining historic diversion volume represents a willingness on Amalgamated's part to significantly reduce the annual volume it believes it is entitled to under its rights using the best historic information available to us. We hope IDWR will agree with this approach and back away from its plan to calculate a volume using a 2-hour per day approach.

I have also included amended claims for each of Amalgamated's rights that reflect accomplished transfers made to the rights prior to the 1987 commencement date of the SRBA. Please contact me with any questions.

Sincerely,

John M. Marshall

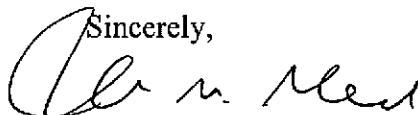
JMM/amm
Enclosures
cc: Client (w/encl)
S:\CLIENTS\3781\71UM ltr to Music re volume.DOC

produce the detailed information you request. Moreover, water use in the plant fluctuates over time based on technology and the amount of sugar it is allowed to produce for the U.S. market. However, the licenses themselves and information found in the license files, provides good evidence of the water use patterns at the time. The license files for all three of Amalgamated's industrial rights (63-2600, 63-2855 and 63-2967) include depositions filed with proof of beneficial use that indicate the licensed diversion rate was needed during the "campaign," which is the period following the sugar beet harvest when the plant is running at full capacity processing beets. Copies of the relevant pages are attached. As noted in the depositions, the campaign lasts for approximately five months and the quantity of water licensed was needed during the campaign. During the campaign, the plant is running 24 hours per day, 7 days per week. Accordingly, the available evidence suggests that the licensed diversion rates were needed at the plant continuously for at least five months out of the year. Using this information, and assuming a five month campaign season, the annual volume used under the rights is: 1) 63-2600 – 4,209 AF; 2) 63-2855 – 1,339 AF; and 3) 63-2967 – 827 AF.

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I have also included amended claims for each of Amalgamated's rights that reflect accomplished transfers made to the rights prior to the 1987 commencement date of the SRBA. Please contact me with any questions.

Sincerely,

John M. Marshall

JMM/amm
Enclosures
cc: Client (w/encl)
S:\CLIENTS\3781\71\JM ltr to Music re volume.DOC

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 17 1955
Department of Reclamation
RECEIVED

SEP 25 2006

WATER RESOURCES
WESTERN REGION

Permit No. 22030

Proof of Application of Water to Beneficial Use

Deposition of Holder and Completion of Works

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

Ans. SYLVESTER M. HEINER ~~##~~ ELECTRICAL
ENGINEER 1422 28 STREET 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. BOX 431 OGDEN UT.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit. #22030

Ans. APRIL 14 1951 - APRIL 14 1951

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

Ans. SUBTERANEAN FLOW FROM A WELL IN SE 1/4 OF
SE 1/4 OF SECTION 9 T-3N R-2W B.M. (NANPA FACTORY
WELL NO 7)

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. If sprinkler irrigation, give number and size of nozzles and operating pressure. CASING 30" 24" 420"

Ans. WORKS CONSIST OF DEEP WELL PUMP
PIPE LINE & SAND TRAP. PUMP SETTING
72'-1" TO BOWL; 5'-7" LENGTH OF PUMP; 18'-2"
LENGTH OF SUCTION PIPE. SOUND DEPTH 711 FT.
PUMP RATING 2500 GPM @ 93 FT 2 SING 75 HP
& 16" LINE WILL CONVEY 2500 GPM TO SAND TRAP

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 TO PROCESS
SUGAR BEETS INTO REFINED SUGAR &
BY PRODUCTS.

A2030

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

Ans. _____

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

Ans. 1500 G.P.H.

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 has been used Each Campaign
Since 1951 To process Sugar Beets Campaign
period includes Sept, Oct Nov DEC Jan & Feb.

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. _____

(Sign) Robert W. 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 Nampa County of Canyon State of Idaho, on this 15th day of November, A. D. 1955.

My commission expires October 13, 1956

22030

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.

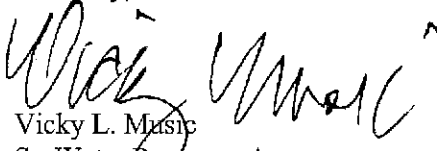
Your numbered issues # 4 and # 5 do not accurately reflect what I hoped to convey to you during our meeting. I.C. §42-1425 and I.C. §42-1426 are referred to as the accomplished transfer or "amnesty" statutes. The statutes were enacted to allow changes in water rights prior to the commencement of the 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 fluid and cursive, with the first name "Vicky" being more prominent than the last name "Music".

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



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

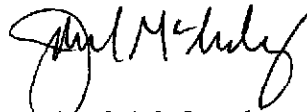
include any provision that allows IDWR to add a diversion volume limitation where one does not already exist on a license.

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

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

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

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.

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

<u>Bas in</u>	<u>Seque nce</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate/ cfs)</u>	<u>Volum e(aft)</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?

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?

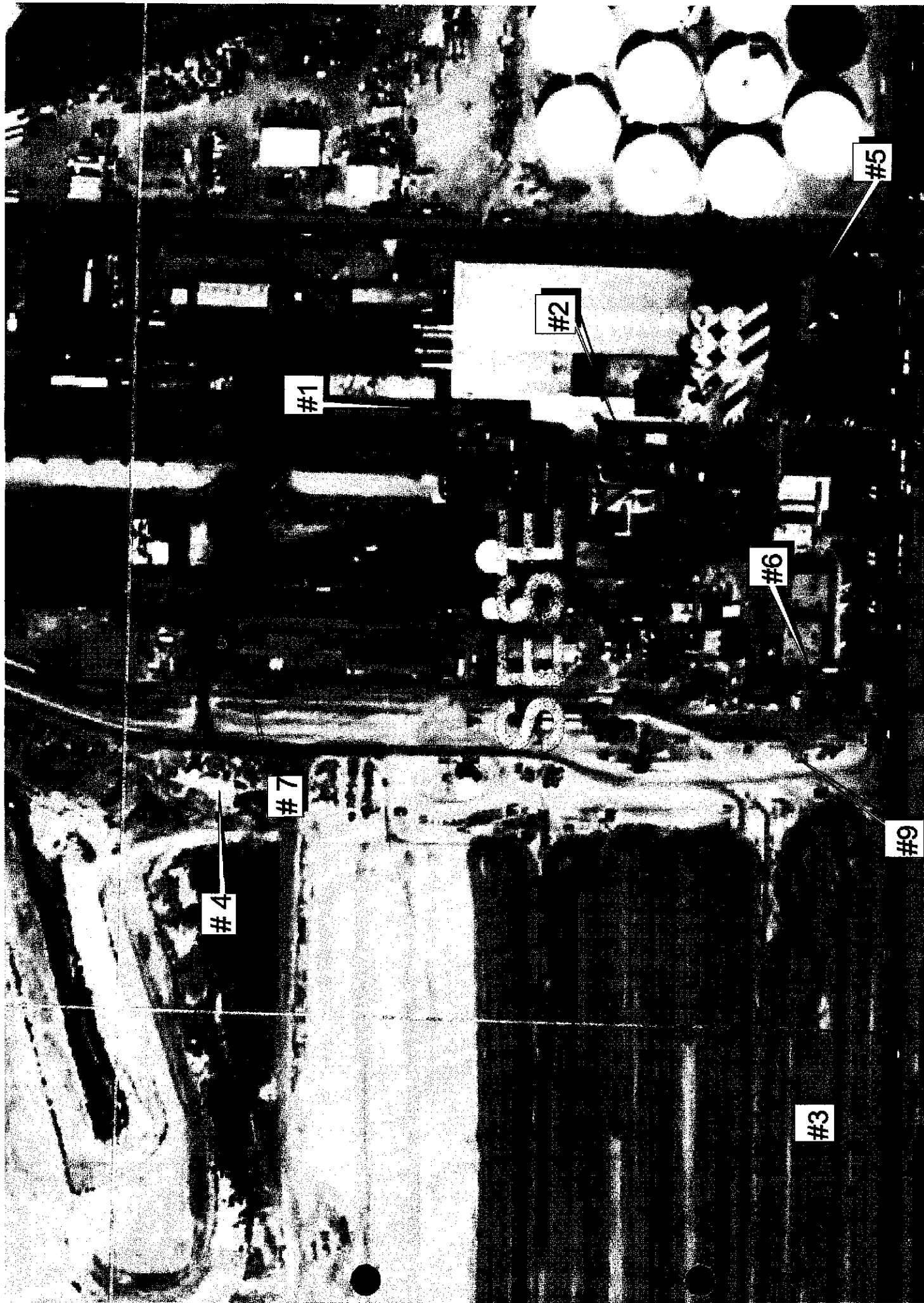
B – how did the factory's water needs change in 1951 when 63-2855 was licensed for additional 4.5 cfs?

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.



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.



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 27, 2006

THE AMALGAMATED SUGAR CO.
3184 ELDER ST
BOISE, ID 83705

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 May 5, 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.



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
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

Vicky

041 N1 1 805 I 01 04/19/08
RETURN TO SENDER
THE AMALGAMATED SUGAR COMPANY
3184 ELDER ST
BOISE ID 83705-4709
RETURN TO SENDER

041 N1 1 805 I 01 04/19/08

041 N1 1 805 I 01 04/19/08

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2855

WATER RIGHT NUMBER: 63-2855

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

Priority Date: 04/07/1951

Basis: License

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate
 INDUSTRIAL 1/01 to 12/31 4.500 CFS
 Total Diversion: 4.500 CFS

Annual Volume

96-95

not included

Location of Point(s) of Diversion

GROUND WATER
 CANYON County

SE1/4SE1/4

Sec. 9, Twp 03N, Rge 02W, B.M.

Place of Use

INDUSTRIAL

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

Conditions of Approval:

1. NAMPA PLANT.

Remarks:Comments:

$$(4.5 \text{ cfs})(450 \text{ gpm}) = 2025 \text{ gpm}$$

r/w well # 7

r/w 138 E Karver Rd, Nampa, ID

purpose Industrial use is for processing
 sugar beets into refined sugar

claimed as licensed

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

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

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

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

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

466-3541

4-14-00 TCT plant - 1m → KLM P. Dick, Inv. Engineer @ KLM
4-17-06 threat → UT
Amdt SUBAR
plant

- 1- need locations of wells - GPS
63-2600 well # 2-6 replacement well for # —
(well #1 - domestic) drilled 1993
63-2855 well # 1
63-2967 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 gpm.

A- How did this estimate change w/ 63-2855 & 63-2967?

B- What is estimate based on?

C- What is afa or wld hrs operated @ 6500 gpm,
days/year operated, seasonal fluctuations, etc.

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

6- What well was abandoned ... 1965? ...

5-25-06

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

63-2000

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 for that pump changed on well #6 between 63-2000 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.

$$\frac{(14.15 \text{ cfs})(450 \text{ ft}) (60 \text{ min})(2 \text{ hrs/day})(5 \text{ days/wk})(26 \text{ wks/yr})}{99333000 / 325850} = 304.84 \text{ afa}$$

63-2855

$$\frac{(4.5)(450)(60)(2)(5)(26)}{325850} = 3159000 / 325850 = 96.95 \text{ afa}$$

63-2961

$$\frac{(2.70)(450)(60)(2)(5)(26)}{325850} = 19515600 / 325850 = 59.89 \text{ afa}$$

These 3 rts + 63-10232 limited to 21.43 cfs & ~~461.68~~ afa
675 afa 1136.68

<u>Bas in</u>	<u>Seque nce</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate cfs</u>	<u>Volum e(aft)</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?

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

$$\text{flow} = (21.43) (1.0825) (365) = 15514.84 \text{ cfs}$$

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2855

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

**WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO**

24567

027222

Log No. _____
Rec. _____ 19____
Well No. _____
Permit No. 3-24567

DO NOT FILL IN

Owner THE AMERICAN SUGAR CO. Driller A. A. DURAND & SON
Address First Security Bank Bldg., Boise, Idaho Address Walla Walla, Wash. Lic. No. 47
Boise Meridian
Location of Well: SE 1/4 Sec. 9, T. 3 N, R. 2 W Boise County.
and 125 feet N, and 663.2 feet E/W from SE corner of SE 1/4 Sec. 9
Water will be used for irrigating sugar beets Total depth of well 324 ft.
Size of drilled hole 30" to 24" 6" to 300' 6" 30" = 130, 24" =
20" to 324' Weight of casing per linear foot 26.3, 20" = 20.1,
12" = 48.6
Thickness of casing 3/8" Casing Material Steel
Diameter, length and location of casing 450 ft. 20" casing 64 ft. 12" pipe, 15 ft. Johnson
Screen 7 ft. 12" pipe, 5 ft. (Casing 12" in diameter and under give inside diameter; casing over 12" in diameter
Johnson Screen, 10 ft. 12" pipe give outside diameter.)
& 25 ft. Johnson Screen Screen
Number and size of perforations Installed Johnson/located 462 feet to 477 feet
484 to 489 & 499 to to 324 ft.
from surface of ground.
Other Perforations: None
If flowing well, give flow in c.f.s. — or g.p.m. — and shut in pressure —
If nonflowing well, give depth of standing water from surface 5 ft. 7 inches
If flowing well, describe control works — (Type and size of valve, etc.)
On pumping test delivery was 1240 g.p.m. or — c.f.s. Drawdown was 84 ft. 5 inches feet
(3 Hr. 50 Min. @ 1240 G.P.M.)
Length of time pumped during check was 23 hr. 20 min. Water temp. 60 ° Fahrenheit.
Date of commencement of well 8/12/52 Date of Completion of well 5/5/53
Type of well rig Model 36-L Bucyrus-Erie Oil Field Spudder

CASING RECORD

Diam. Casing	From Foot	To Foot	Length	Remarks — Scale, Grouting, Etc.
21" 6"	31' 6"	24' 6"	21'-0"	
24"	18' 5"	285	266' 0"	
20"	0	450	450' 0"	
16"	185	125' 11"	22' 11"	Note 20" casing was pulled apart which accounts for 16" casing & grout seal - See DNR L-34-18

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

See Attached Copy of Flow Report

SESE S. 9 3N 2W

WELL LOG

From Foot	To Foot	Type of Material	Drilling Time		Water-bearing Formation Am. Yes or No	Casing Perforated Am. Yes or No
			Hrs.	Mins.		
0	2	Top Soil				
2	6	Sandy Clay				
6	21	Sand & Gravel				
21	55	Loam				
55	66	Sand & Gravel				
66	135	Sandy Clay				
135	146	Hard Sand				
146	153	Sandy Clay				
153	167	Sand				
167	207	Sandy Clay				
207	214	Clay				
214	243	Sandy Clay				
243	261	Clay				
261	271	Yellow Hard Sand				
271	313	Clay				
313	316	Sandy Clay				
316	322	Sand				
322	331	Clay				
331	340	Fine Sand				
340	377	Clay				
If more space is required use Sheet No. 2						

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed A. A. DURAND & SON

By Paul A. Durand

License No. 47

Dated September 14, 1953

Subscribed and sworn before me this 14th day of September, 1953

Frederic B. Sheehy
Notary Public

Walla Walla, Washington

Residing at

My Commission expires January 13, 1955

Well Driller A. A. DURAND & SON
Paul Durand
 2400 MOORE
 Well Location WELL #3

Well Location Wichita

Franklin D. Jones, Jr.

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2855

WATER RIGHT NUMBER: 63-2855

<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: 04/07/1951

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 /	4.500 CFS	
	<u>Total Diversion:</u>	4.500 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. 22030.....

Amount 4.5 second feet

Water District No.

Priority April 7, 1951

THIS IS TO CERTIFY that AMALGAMATED SUGAR COMPANY

of Ogden, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated April 7, 1951; that Permit No. 22030 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.5 second feet, was issued thereunder on March 5, 1956, showing that said works were completed on the 15th day of November, 1955; and that on the 15th day of November, 1955, 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 a well,

spring (subterranean flow), for the purpose of manufacturing use, under Use Permit No. 22030 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 9 of Licenses at page 6665, on the 5th day of March, 1956;

The right hereby confirmed dates from April 7, 1951;

The Point of Diversion is located

in the SE 1/4, SE 1/4, Sec. 9, Tp. 3 N., R. 2 W., B. M. Canyon County

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 4.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			At the Amalgamated Sugar Co. Factory in the SE 1/4 Section 9, Township 3 North, Range 2 West, B.M., Canyon County, Idaho.		

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 5th day of March, 1956.

MARK E. KYLE

State Reclamation Engineer.

(SEAL)

No 22030
63-2855

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29754
PERMIT No. 22030
DISTRICT No.

Address all communications to A.J. Forbess
The Amalgamated Sugar Company,
Ogden, Utah

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:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 4.5

cubic feet per second.

3. Source of water supply: Subterranean flow from a well

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ 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:

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

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$20,000.00

8. Kind of works: Pump, well and pipe line

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

feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is None

additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

LICENSE NUMBER FOR 4.5" REC. FT.
 Page 545

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

Permit No. 22030

This proof is for Completion of works & Beneficial Use In Water District No. _____

1. Name of applicant THE AMALGAMATED SUGAR COMPANY, Box 431, Ogden, Utah.

2. Source of water supply: Subterranean from a well

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

T. 3 N. R. 2 W. County of Canyon (Well # 7)

4. Describe works as they exist, giving dimensions and capacities of same: Well is 20"

diameter by 711' deep. Water will flow from the surface if open. The lift is
93'4" when pumping. There is a 2 stage 18" pump in the well; column is 18".
Motor is a U. S. 75 hp., serial No. 653924. There is a 10" delivery pipe to the South
into a closed system. There is no house, nor concrete foundation. Pump and motor
rest on the casing. Motor is covered with a sheet metal cover against the weather.
operation is only in the late fall and winter when the weather is cool. Pump
is a Bingham Turbine, serial No. 14973.

5. Water is used for: Processing sugar beets

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

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: SE¹ SE¹ Section 9,

Twp. 3 North, Range 2 West, B. M.

See the map.

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

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

Remarks: This pump is tied in with all the other pumps and the system delivers
water to the tower which is used for fluming beets, cooling purposes and all other
uses necessary within the factory.

Some of the water is exhausted into Indian Creek and some into the Noble Drain.

See Permit 19375

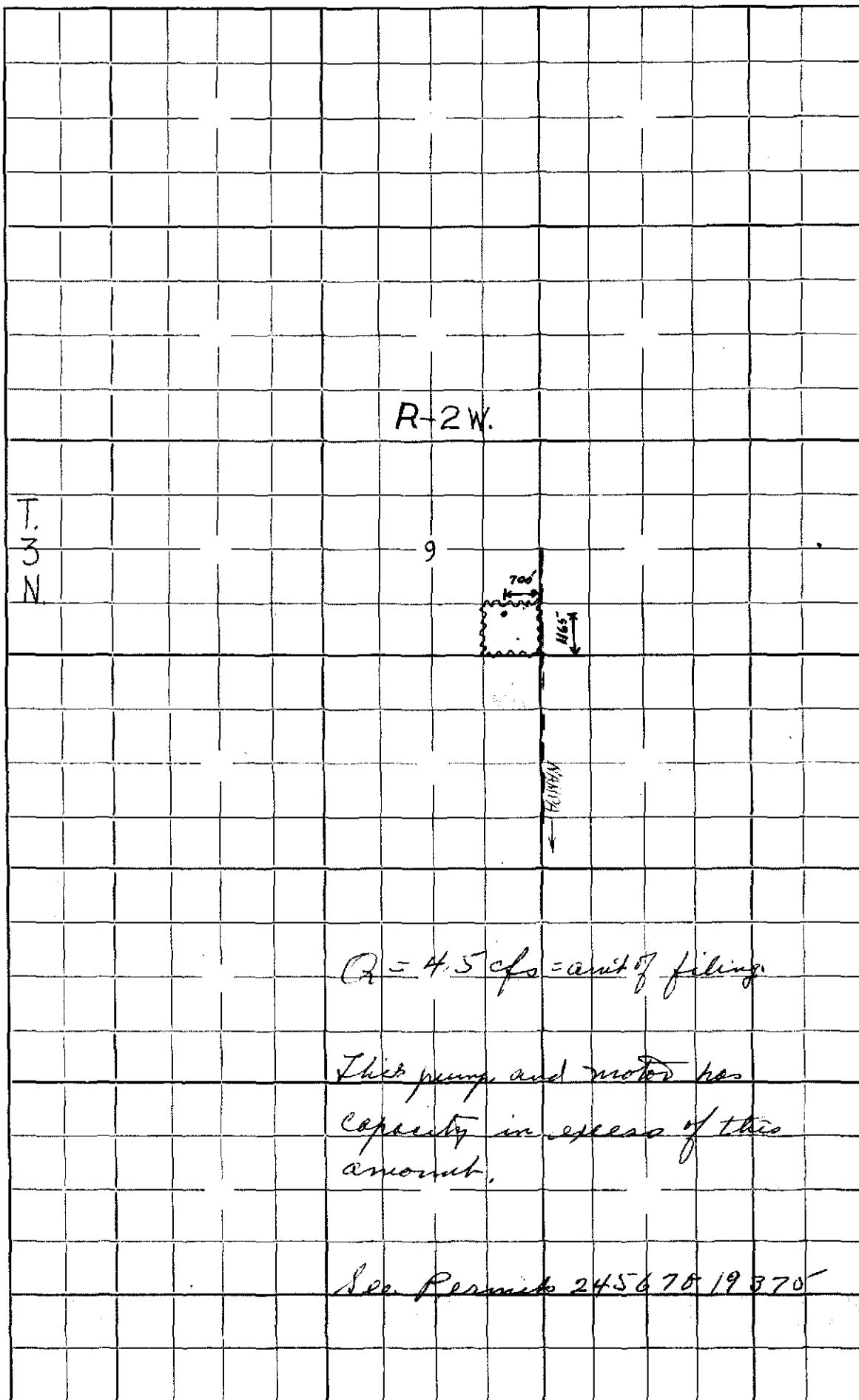
Pressure at pump was 9 pounds.

Height of lift to tank was 18'

This examination was made on the 23rd day of February, 19 56

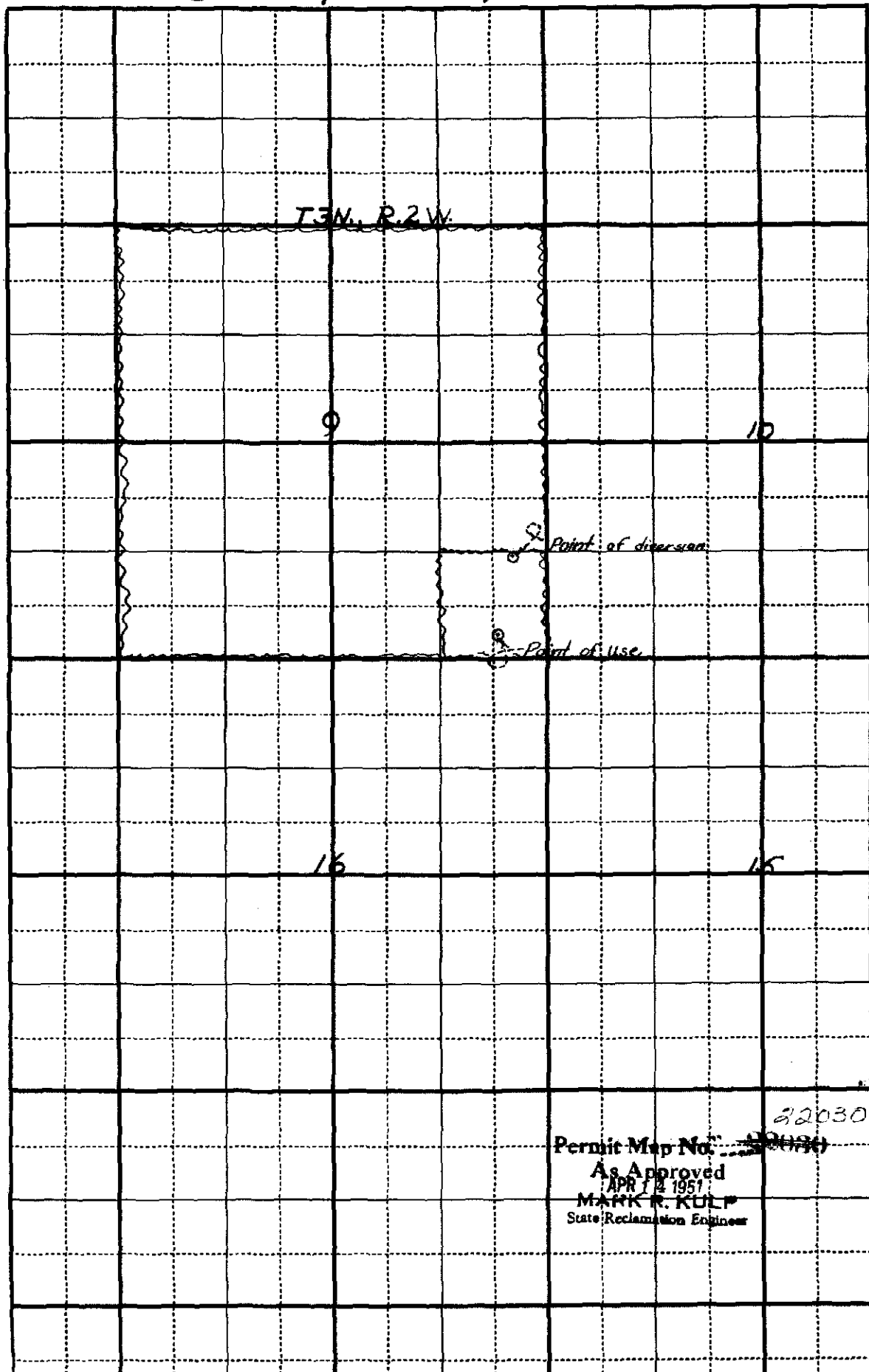
(Signed) E. H. Humphrey Examiner.

22030



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

22130



SCALE: 4 inches Equal 1 Mile. Draw Plan in Ink.

R-2W.

T.
3
N.

9



$Q = 4.5 \text{ cfs} = \text{amt of filling}$

This pump and motor has
capacity in excess of this
amount.

See Permit 245678 19370