

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

Subcase No. 63-2855

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

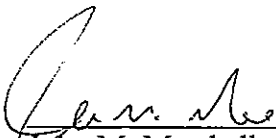
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

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

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

CLAIMANT/OBJECTOR:

The Amalgamated Sugar Co.



John M. Marshall

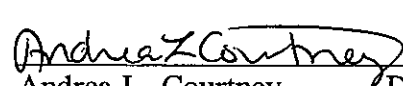
Attorney for Claimant/Objector

8/18/08

Date

DWR Concurrence:


Vicky D. Music Date
Senior Water Resource Agent

 7/9/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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:
GROUND WATER

Tributary:

QUANTITY:

4.500 CFS

2,064.200 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 9830 AF. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.

~~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

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

4.500 CFS 96.95 AFY

Industrial and manufacturing purposes associated with the production and processing of agricultural products.

~~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:

AK *RLM*
BASIS OF CLAIM - License *Jun*

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.

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.

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

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

CERTIFICATE OF MAILING

I certify that on August 18, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

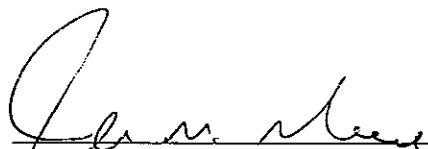
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

THE AMALGAMATED SUGAR CO.
Represented by:
JOHN M. MARSHALL
601 W. BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

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

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form