

01/05/2005

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

RIGHT NUMBER: 1-10437

NAME AND ADDRESS: AMCOR INC
PO BOX 51418
IDAHO FALLS ID 83405-1418

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.100 CFS

PRIORITY DATE: 03/01/1962

POINT OF DIVERSION:
T02N R37E S25 NENESW Lot 14 Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	03/01 09/30	2.100 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County
T02N R37E S25 Lot 3 NWSE

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: Beneficial Use

Commercial use is for gravel wash and dust abatement.



AMCOR *Precast*

P.O. Box 51418
Idaho Falls, ID 83405-1418
(208) 522-6150
FAX: (208) 522-9701

I, Jay Rowley, do hereby state that the Amcor Precast rock crushing plant located at 2240 South Yellowstone Hwy. has been operational since 1962. Water is pumped out of the Snake River to initially charge the settling ponds. The water is used to wash the crushed aggregates and sprinkle the stockpiles for dust abatement. The run off water is recaptured in the settling ponds and then recycled.

Jay Rowley
Jay Rowley

Amcor Production Manager (Retired)



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STATE OF IDAHO, COUNTY OF BINGHAM
Subscribed and sworn before me
this 9th day of Oct. 2003
Sandy Laydusek
Notary Public
Commission expires 02/28/05

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AMCOR *Precast*

a division of Oldcastle Precast, Inc.

MIKE MUELLER
Assistant Production Manager

P.O. Box 51418
Idaho Falls, ID 83405-1418
(208) 522-6150
FAX: (208) 522-9701
Watts: (800) 999-2240
www.oldcastle-precast.com



25-12481

This claim should be renumbered to 01.

From WMIS; A0000334

Pump from river for sand + gravel wash

10/3/2003

Met w/ Mike Mueller re: claim. Get back w/ him next week.

10/9/2003

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P/D N 265609
E 657421

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Met with Mike Mueller. Address + ownership info is correct. Mike said he would get EOP to me soon.

Water is diverted from Snake River to sump and lifted by two 25 HP pumps to process. I measured Q from one of the two 25 HP pumps. There is also a ~3 HP pump which sends water to five 22 GPM birds for dust control via a 1 inch line. I measured 5205 gallons over 10 minutes on one pump.

$$Q = (520.5)(2) / 448.83 = 2.32 \text{ cfs}$$

LOG NAME: AMCOR
START :10-09-2003 10:02
END :10-09-2003 10:12
INTERVAL:00:01:00

10-09 10:02:00
+1.403E+1 ft/s
+5.204E+2 gal/m
+TOTAL 0000000 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:03:00
+1.393E+1 ft/s
+5.167E+2 gal/m
+TOTAL 0000509 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:04:00
+1.404E+1 ft/s
+5.209E+2 gal/m
+TOTAL 0001028 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:05:00
+1.407E+1 ft/s
+5.218E+2 gal/m
+TOTAL 0001552 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:06:00
+1.407E+1 ft/s
+5.218E+2 gal/m
+TOTAL 0002073 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:07:00
+1.396E+1 ft/s
+5.179E+2 gal/m
+TOTAL 0002594 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:08:00
+1.391E+1 ft/s
+5.158E+2 gal/m
+TOTAL 0003112 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:09:00
+1.402E+1 ft/s
+5.202E+2 gal/m
+TOTAL 0003630 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:10:00
+1.395E+1 ft/s
+5.173E+2 gal/m
+TOTAL 0004149 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:11:00
+1.399E+1 ft/s
+5.190E+2 gal/m
+TOTAL 0004669 gal
-TOTAL 0000000 gal
ABNORMAL

10-09 10:12:00
+1.404E+1 ft/s
+5.207E+2 gal/m
+TOTAL 0005188 gal
-TOTAL 0000000 gal
ABNORMAL

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DIA 4.00
TK 0.054
STEEL
FLD 12

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10/9/2003

↑
sump

Two 25 HP pumps to process.
One 3 HP pump to sprinklers for
dust control.

N
↑

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10/9/2003

NW
↑

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10/9/2003 settling pond and pump which is used to recirculate water to process for use again. Operator says pond fills enough to be recirculated after 2 days.

P.O. Box 51418 • Idaho Falls, ID 83405-1418

Phone (208) 522-6150
Fax (208) 522-9701

May 28, 2003

Mr. Michel Holliday
Idaho Dept. of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, Id.
83402

Dear Mr. Holliday

We are in receipt of your letter addressing the priority date of our water right dating back to 2-15-1946. The commercial and agricultural operations on our property along the Snake River have been consistent and ongoing since 1946. This is very well known public and common knowledge that has been passed down from generation to generation and manager to manager. We cannot find anyone alive that can personally verify specifics relating to water rights issues, but to my knowledge, no water rights have ever been sold or forfeited. Please consider my notarized statement to these facts as evidence of our priority date.

Thank you,



Bruce Davis
General Manager



Patricia S. Olsen
Notary



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RECEIVED
JUN 13 2003

Department of Water Resources
Eastern Region



AUG 03 2001

May 1, 1991

Amcor Inc.
James A. Clark
P.O. Box 51418
Idaho Falls, ID 83405

RE: Evidence of Priority

Dear Mr. Clark:

The Notice of Claim identified with the numbes shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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AMCOR Inc.
James A. Clark

Page 2

Please submit the required evidence supporting the priority date by June 3, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12481
AMCOR INC.
P.O. BOX 51418

IDAHO FALLS

ID 83405

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4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

AMCOR

CLAIM ENT. NO.

A25-12481

DATE RECEIVED

7/14/89

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ ☐ *
2. Is a priority date entered? ☒ ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ ☐ *
3. (a) Is a source entered? ☒ ☐ *
- (b) Is a tributary to entered? (if required) ☐ N/A ☒ ☐ *
4. Is the legal description of the p.d. sufficient? ☒ ☐ *
5. Is there a description of the diverting works? ☒ ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ ☐ *
- Is the period of use included? ☒ ☐ *
- Is a quantity claimed for each use? ☒ ☐ *
7. Is a total quantity claimed entered? ☒ ☐ *
8. If required is a consumptive use entered? ☐ N/A ☒ ☐ *
- Is the consumptive use correct? ☐ N/A ☒ ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ N/A ☒ ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ ☐ *
11. Is (are) the county(ies) entered? ☒ ☐ *
12. Is the ownership of p.u. checked? ☒ ☐ *
13. Are other water rights listed or "none" indicated? ☒ ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ N/A ☒ ☐ *
15. Is the basis of the claim indicated? ☒ ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ N/A ☒ ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ ☐ *
20. Is the fee enclosed correct? ☐ Exempt ☒ ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ N/A ☒ ☐ *
22. Should this claim be data entered? ☒ ☐ *

Claim checked by:

TU

Date:

7/25/89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

SS-7-26-89

Date:

Date:

Date:

Checked by:

Date:

Comments:

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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 1-10437
Date Received: 2/10/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A0110437



1. Name of Claimant(s)

AMCOR INC Phone: (208)522-6150

PO BOX 51418
IDAHO FALLS ID USA 83405-1418

2. Date of Priority: 02/15/1946

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	37E	25	NW SW NE	BONNEVILLE	

5. Description of diverting works:

WELL, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	03/01	09/30	2.1	

7. Total Quantity Appropriated is:
2.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
TO RUN ROCK CRUSHER FOR MFG

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	37E	25	SW NE	COMMERCIAL	

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11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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NOV 19 2004

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AUG 03 2001

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

RENUMBERED TO 01-10437

Ident. Number: ~~A25-12481~~

Date Received: 7/14/1989

Receipt No: E009476

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AMCOR INC. 208-522-6150
Address: P.O. BOX 51418
IDAHO FALLS, ID 83405

2. Date of Priority: FEB 15, 1946

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	37E	25	NW	SW	NE		BONNEVILLE

5. Description of diverting works:
WELL, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	03/01	09/30	2.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
TO RUN ROCK CRUSHER FOR MFG

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	25	SW	NE		COMMER	

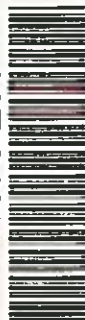
11. Place of use in counties: BONNEVILLE

A25-12481

Page 1

Date: 07/26/89

A2512481



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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN 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 A25-12481Date Received 7-14-89Receipt Number E009476/8

RECEIVED
JUL 14 1989

Department of Water Resources
Eastern District Office

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

Please type or print clearly

1. Name of Claimant (s) AMCOR INC. Phone (208) 522.6150Mailing Address PO BOX 51418 JOAN FALLS, ID Zip 834032. Date of Priority (Only one (1) per claim) FEB. 15, 19463. Source of water supply (a) SNAKE RIVER
which is tributary to (b) COLUMBIA RIVER4. a. Location of existing point of diversion is: Township 2N Range 37E Section 25,
NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BONNEVILLE COUNTY

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2-25 H.P. PUMPS

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For COMMERCIAL purposes from MARCH 1 to SEPT 30 amount 2.1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.1 (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.) RUN ROCK CRUSHER - FOR MF9.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	37E	25			C														

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X 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 described above.

or None (X)

14. Remarks:

Last Name _____ Ident No. _____

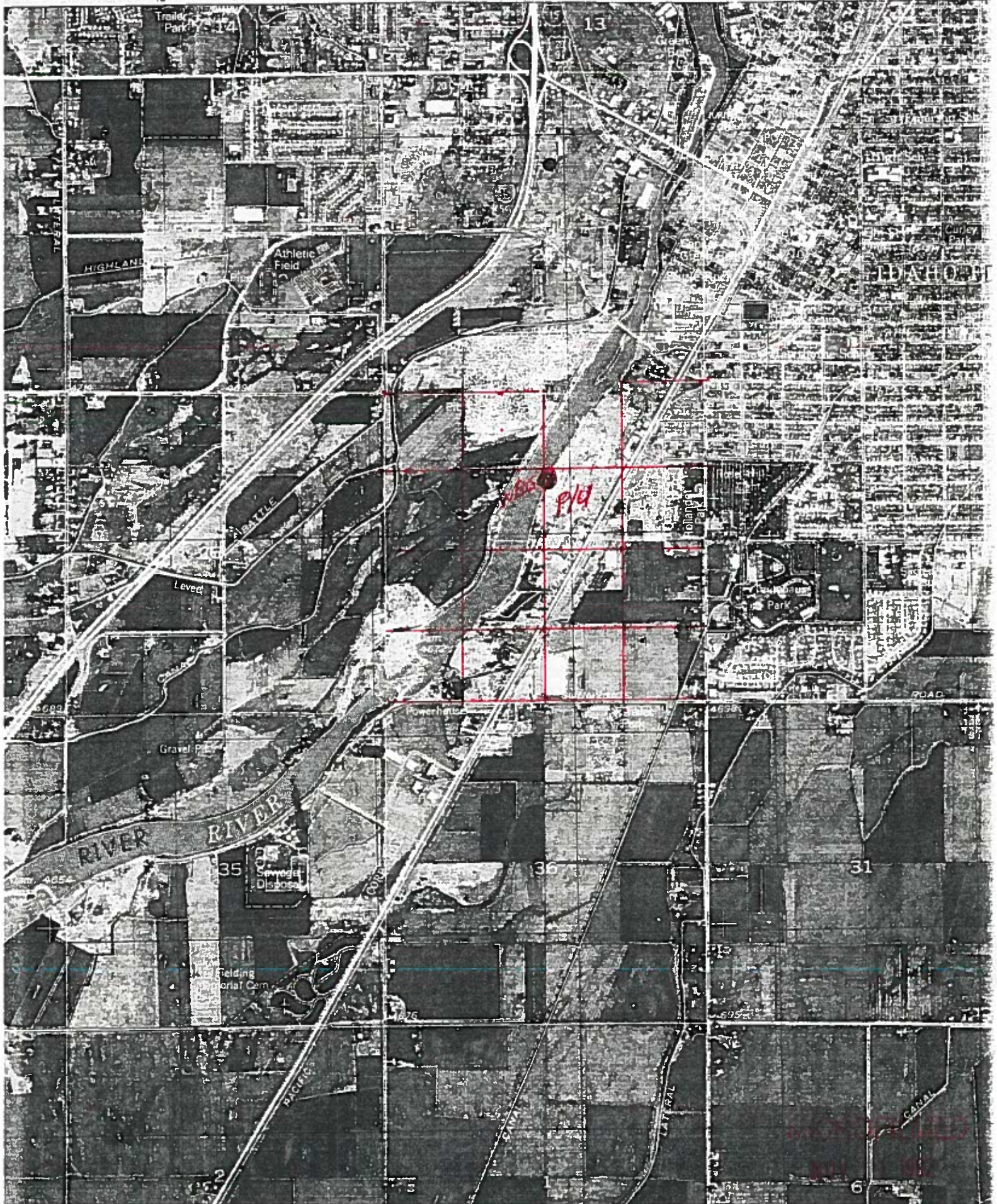
Copies: _____

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R37E R38E

5' 43 44 (IDAHO FALLS NORTH) 45 2' 30" 46 47



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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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 IDAHO DIV. MGR.

Title

of AMCOR INC. that I have signed the foregoing

Organization

document in the space below as IDAHO DIV. MGR. of AMCOR INC.

Title

Organization

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

Signature of Authorized Agent James A. Clark

Title and Organization IDAHO DIV. MGR. AMCOR INC. Date 7/13/89

State of Idaho/or IDAHO)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 13th day of July 1989

SEAL

Notary Public Linton D. Parponnet

Residing at Delich Fork, Idaho

My Commission Expires 08/23/94

Please Print Name LINTON D. PARPONNET

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White, State, Yellow, Claimant

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