

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

RIGHT NUMBER: 1-10483

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
1951 S SATURN WAY STE 100
BOISE ID 83709

5/31/2012

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

0.790 CFS

~~0.610 CFS~~

PRIORITY DATE:

05/18/1926

POINT OF DIVERSION:

~~T10S R23E S19 NENE~~
~~Within CASSIA County~~

T10S R23E S19 Lot 1 NENE
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

03/15 11/15

0.790 CFS

~~0.610 CFS~~

PLACE OF USE:

IRRIGATION within CASSIA County

T10S R23E S19 Lot 1 NENE 0.3

T10S R23E S19 Lot 2 SWNE 10.0

T10S R23E S19 SENE 20.0

T10S R23E S19 NESE 9.0

39.3 ACRES TOTAL

~~T10S R23E S19 Lot 1 NENE 0.5~~

~~T10S R23E S19 Lot 2 SWNE 11.0~~

~~T10S R23E S19 SENE 11.0~~

~~T10S R23E S19 NESE 8.0~~

~~30.5 ACRES TOTAL~~

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

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.

~~The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 19, 1968) and Aberdeen Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 1-4045.

Use of this right is combined with water from Burley Irrigation Dist.

12/27/2005

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

RIGHT NUMBER: 1-10483

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.610 CFS

PRIORITY DATE: 05/18/1926

POINT OF DIVERSION:

T10S R23E S19 NENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.610 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R23E S19 Lot 1 NENE	0.5	T10S R23E S19 Lot 2 SWNE	11.0
T10S R23E S19	SENE 11.0	T10S R23E S19	NESE 8.0

30.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 1-4045.

Use of this right is combined with water from Burley Irrigation Dist.

Water Right 1-10483

1

SCANNED
OCT 01 2006
PROFILED



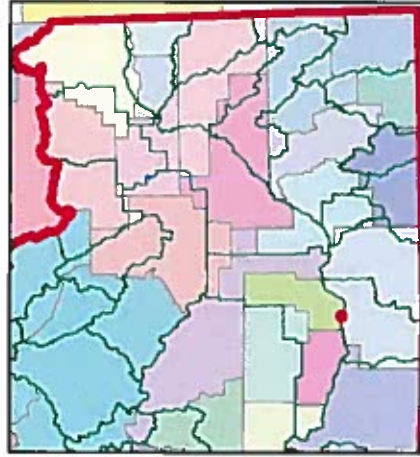
Idaho Department of Water Resources

Adjudication Recommendation

1-10483

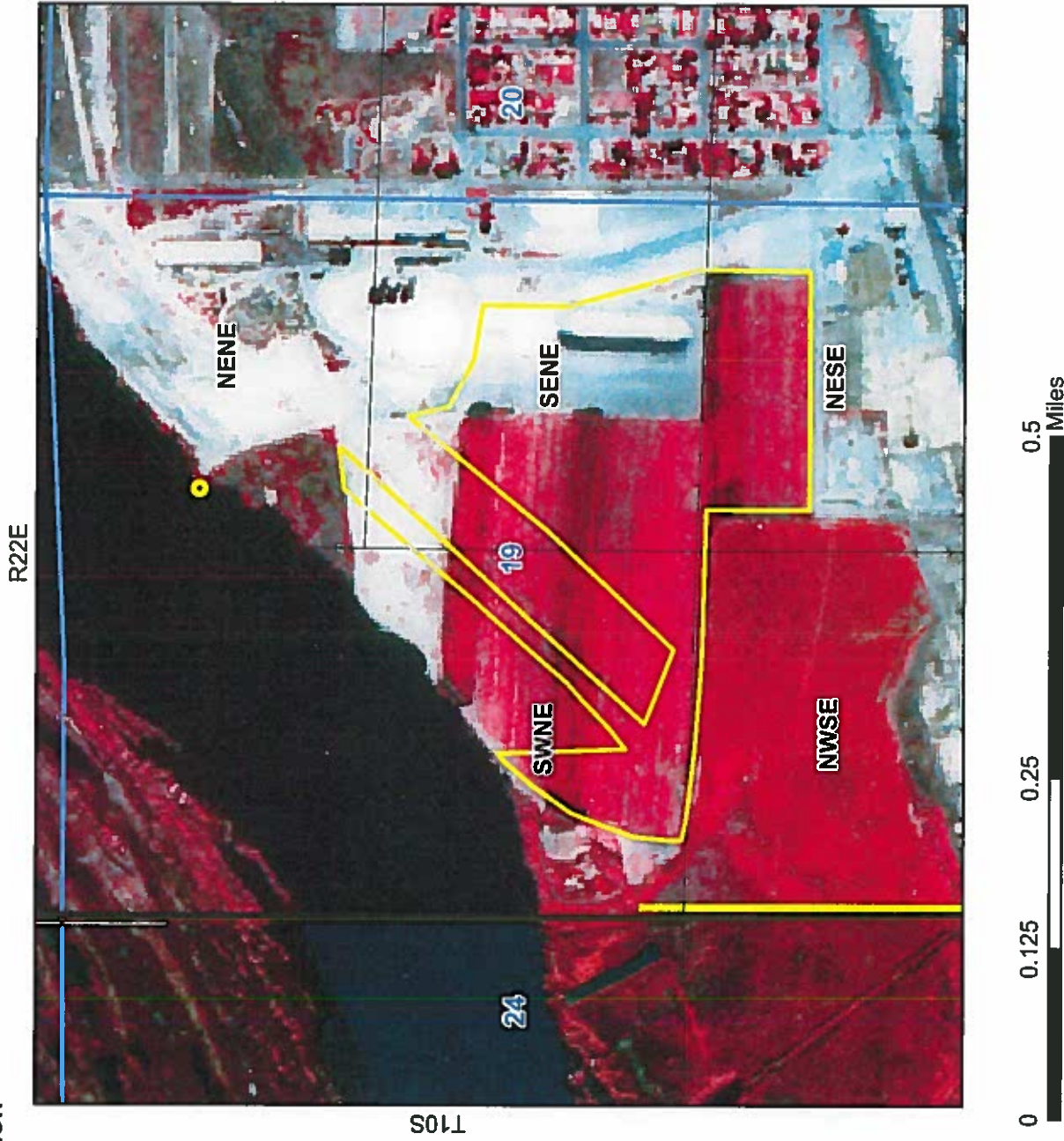
(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Cassia County
IDWR Basin 1

Prepared by Holliday, Michael
On May 31, 2012
1987/88 Aerial Photography



3-14

RECEIVED

MAR 15 2012

DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman (ISB # 1806)
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Attorneys for The Amalgamated Sugar Company LLC

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

In Re: SRBA	)	Subcase No. 01-10483
	)	
Case No. 39576	)	AFFIDAVIT OF NORMAN C. YOUNG
	)	IN SUPPORT OF TASCO'S MOTION TO
_____	)	ALTER OR AMEND SPECIAL
	)	MASTER'S REPORT

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Norman C. Young, after first being duly sworn upon oath, depose and state that:

1. I am over 18, a resident of the State of Idaho, and am employed by ERO Resources Corporation, a business consisting of natural resource and environmental consultants.

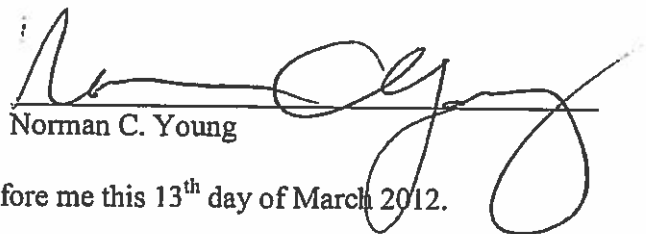
2. Attached hereto as Exhibits 1-10 are aerial photographs of TASCO's Cassia County property. I supervised the obtaining of these aerial photographs through the USGS Earth Explorer website.

3. I superimposed on all of the aerial photographs an outline of TASCO's place of use for 1-10483.

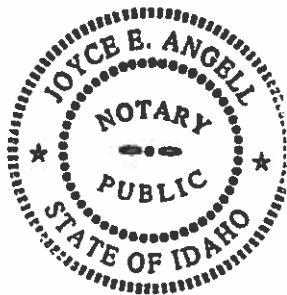
Exhibit No.	Year
1	1957
2	1962
3	1984
4	1985
5	1987
6	1992
7	2004
8	2006
9	2009
10	2011

FURTHER YOUR AFFIANT SAYETH NAUGHT.

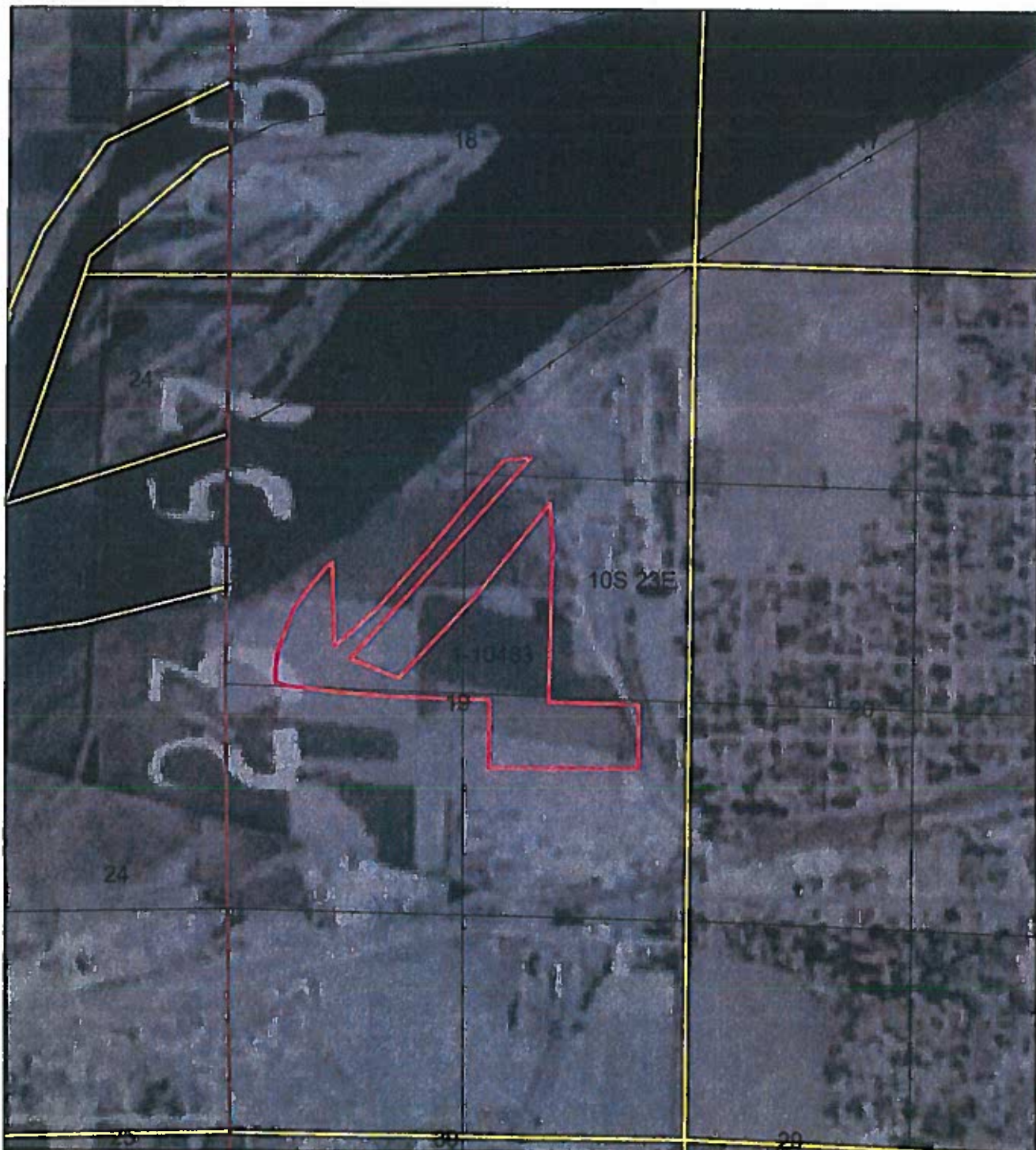
DATED this 13th day of March 2012.


Norman C. Young

SUBSCRIBED AND SWORN to before me this 13th day of March 2012.




Notary Public in and for the State of Idaho
Residing in Boise, Idaho
My Commission Expires: 7-29-14



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

Image Source: 1957



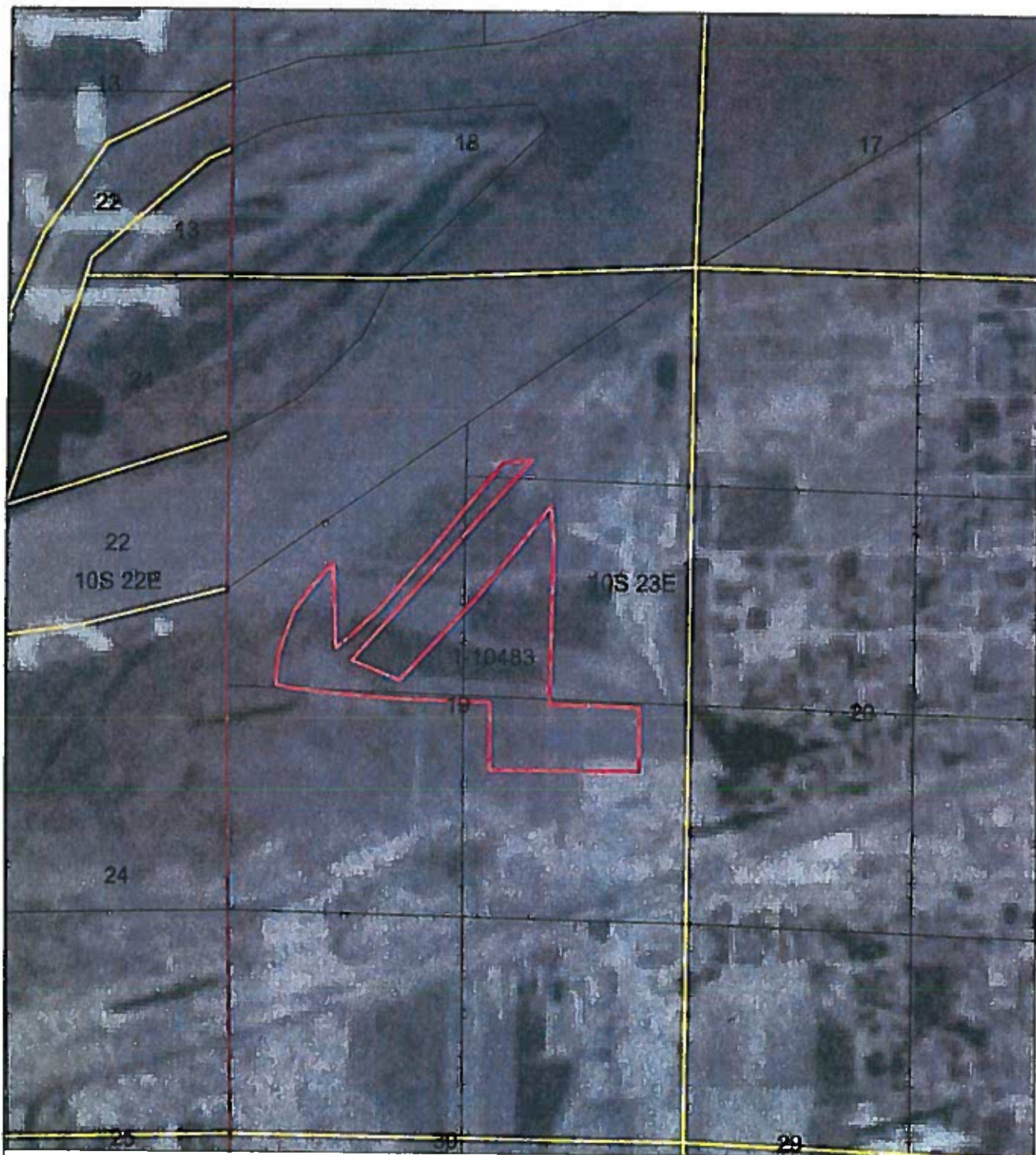
0 1,000 2,000 feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO

Exhibit 1



T10S, R23E, Section 19, Cassia County, Idaho

Legend

 01_10483

Image Source: 1962



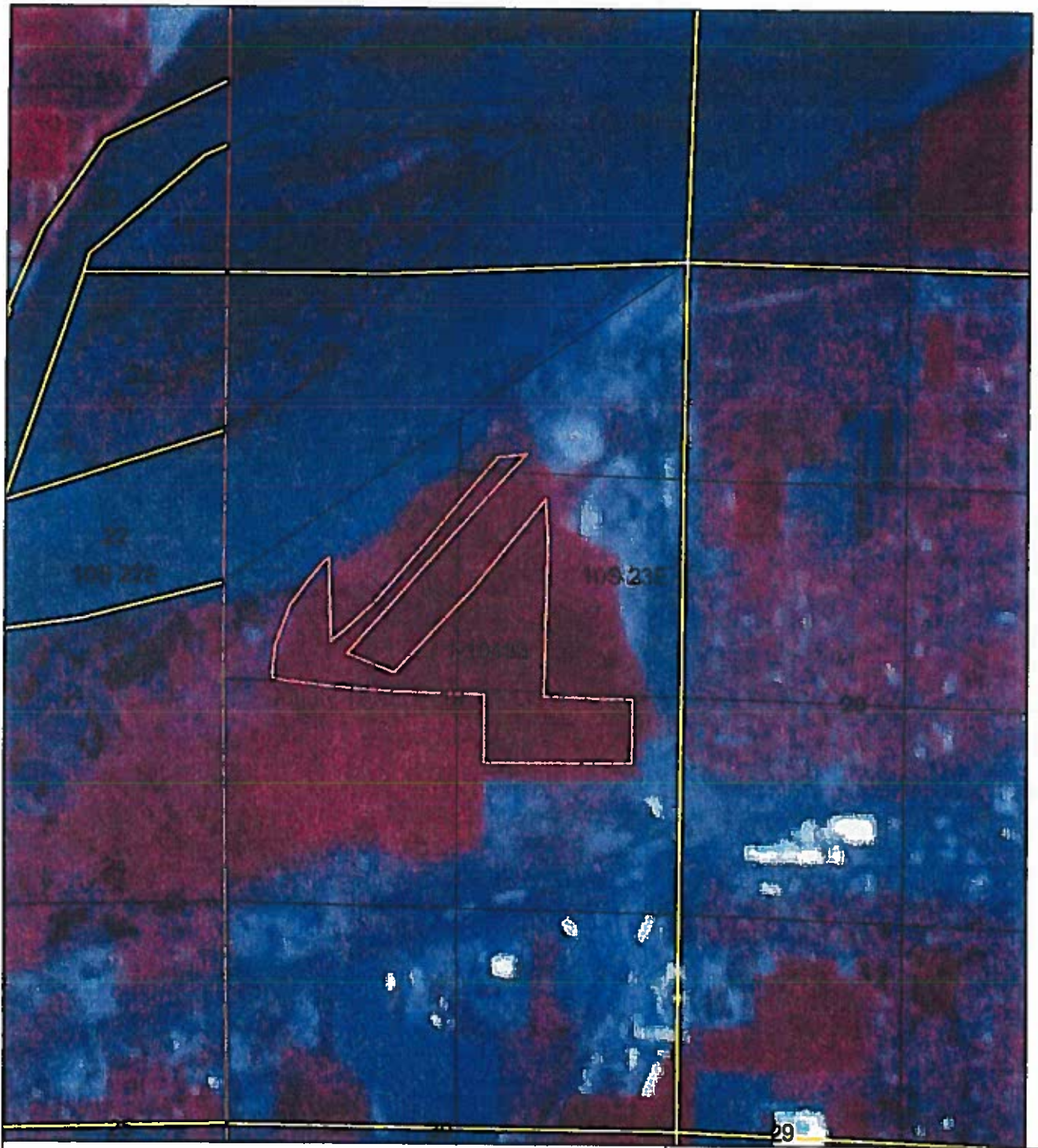
0 1,000 2,000 feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO

Exhibit 2



T10S, R23E, Section 19, Cassia County, Idaho

Legend

 01_10483

Image Source: NHAP 1984



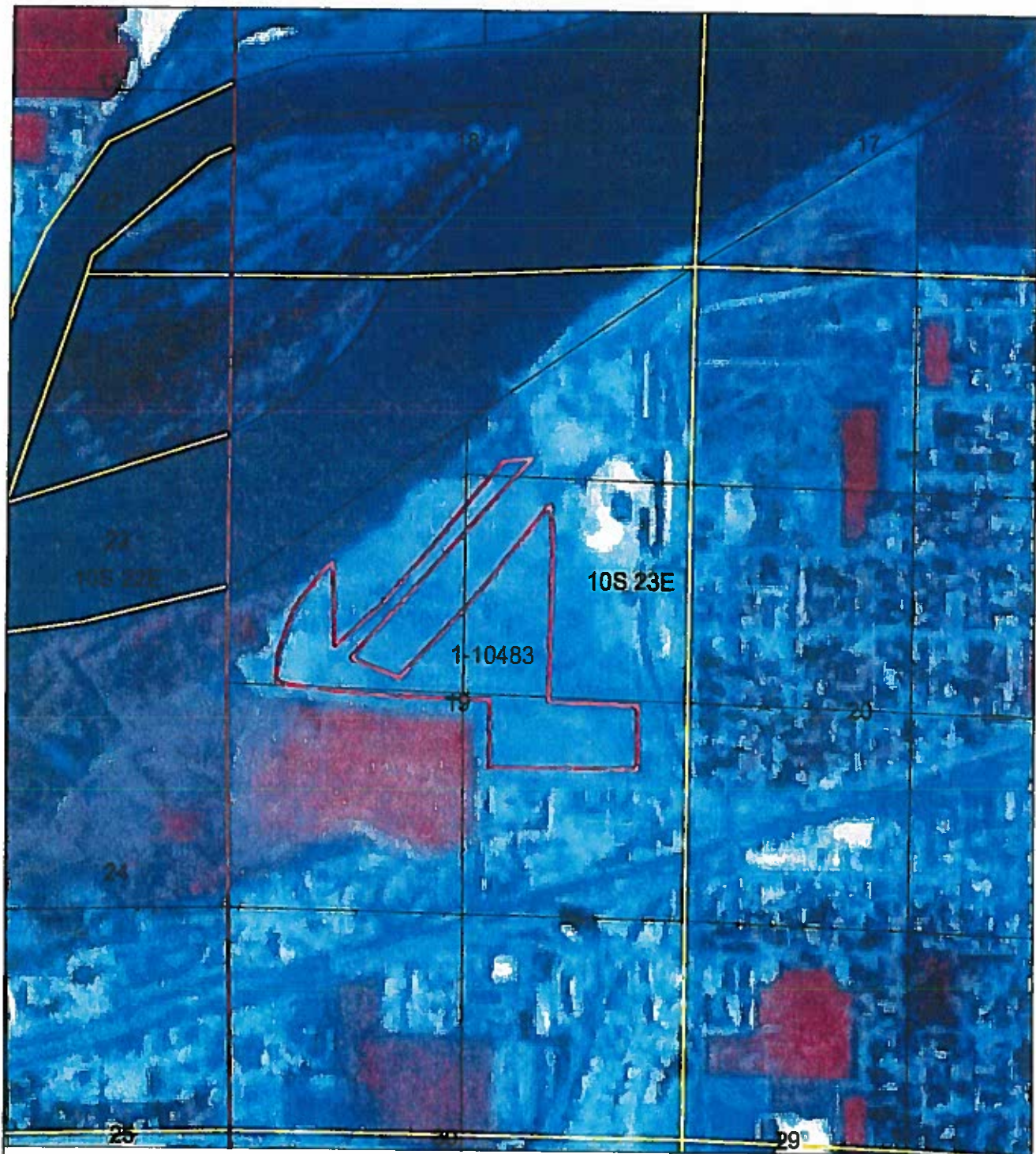
Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012



Exhibit 3

14



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

Image Source: NHAP 1985

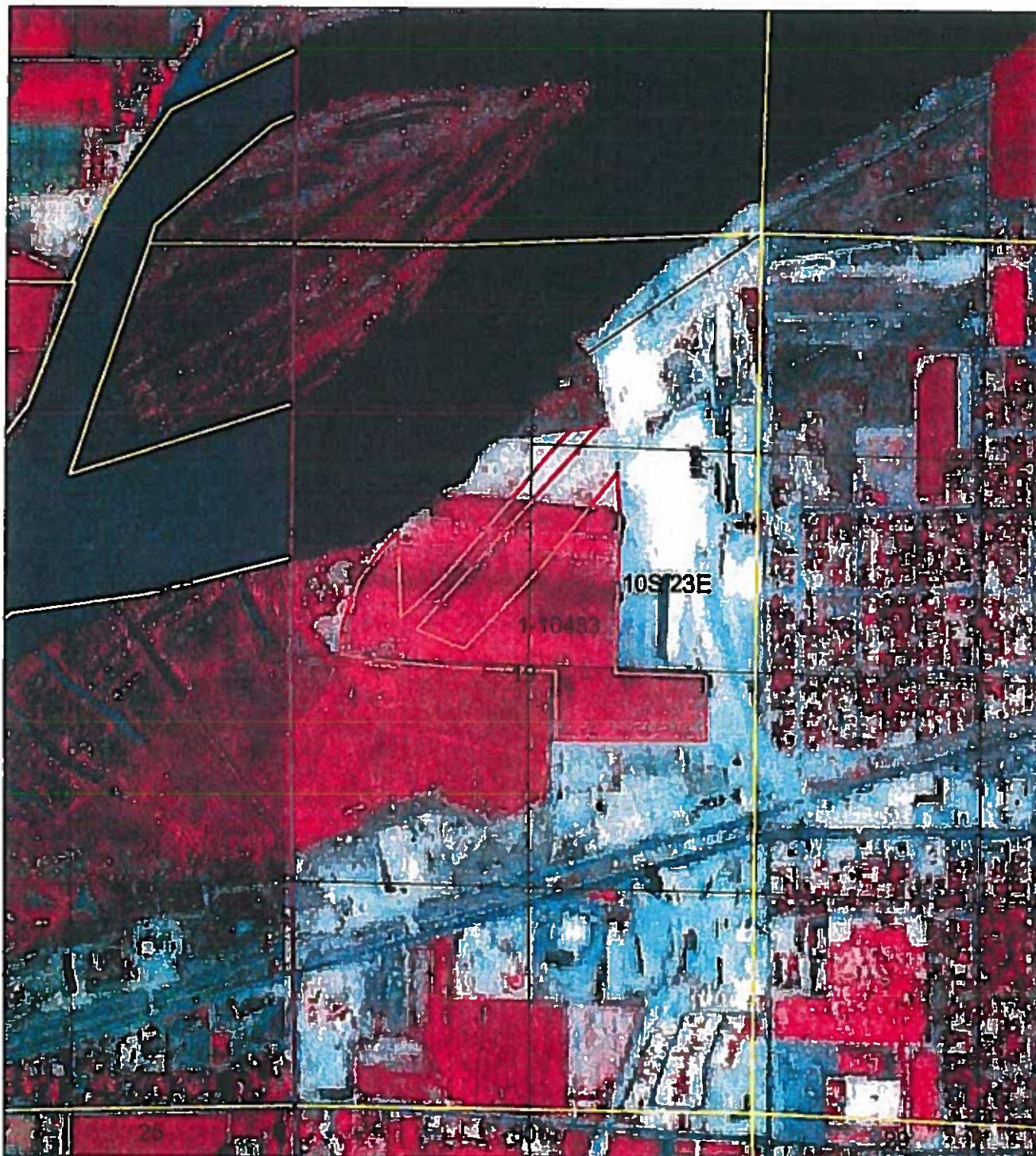


0 1,000 2,000 feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO
Exhibit 4



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

Image Source: 1987 (adjudication)



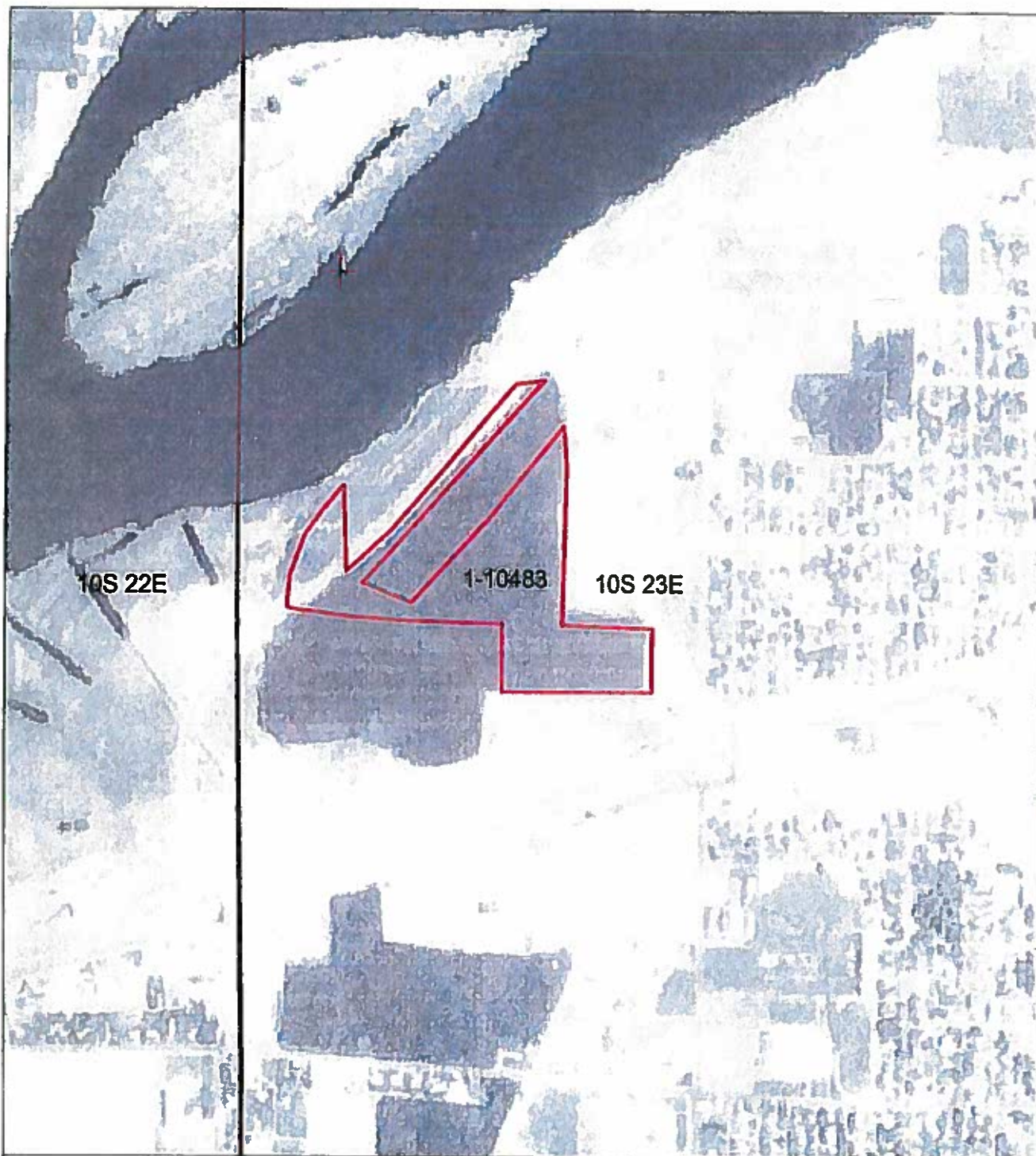
0 1,000 2,000 feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO

Exhibit 5



T10S, R23E, Section 19, Cassia County, Idaho

Legend

 01_10483

Image Source: NAPP 1992



0 1,000 2,000 feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERQ

Exhibit 6



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

Image Source: NAIP 2004



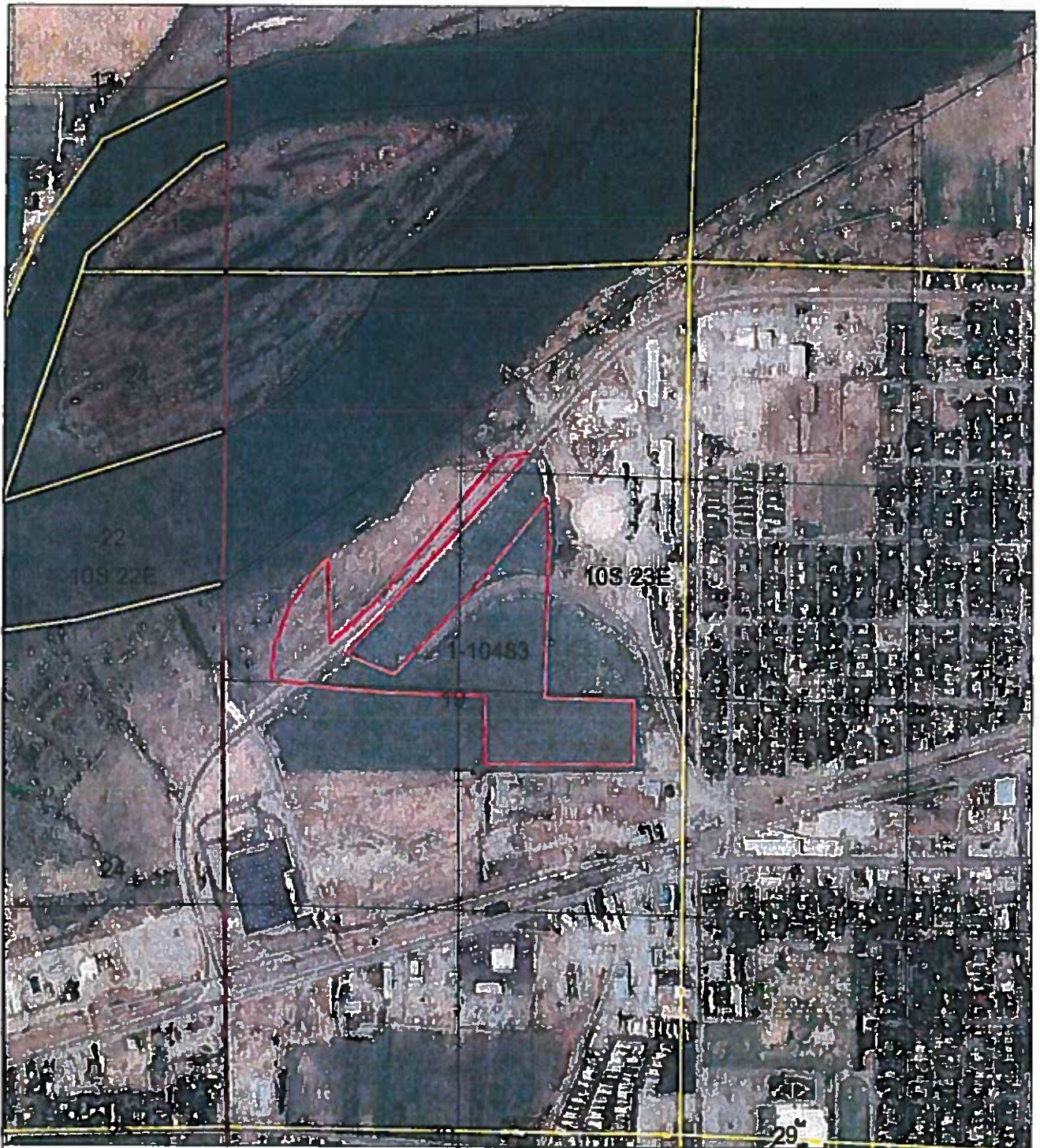
0 1,000 2,000
feet

Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO

Exhibit 7



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

Image Source: NAIP 2006

0 1,000 2,000 feet

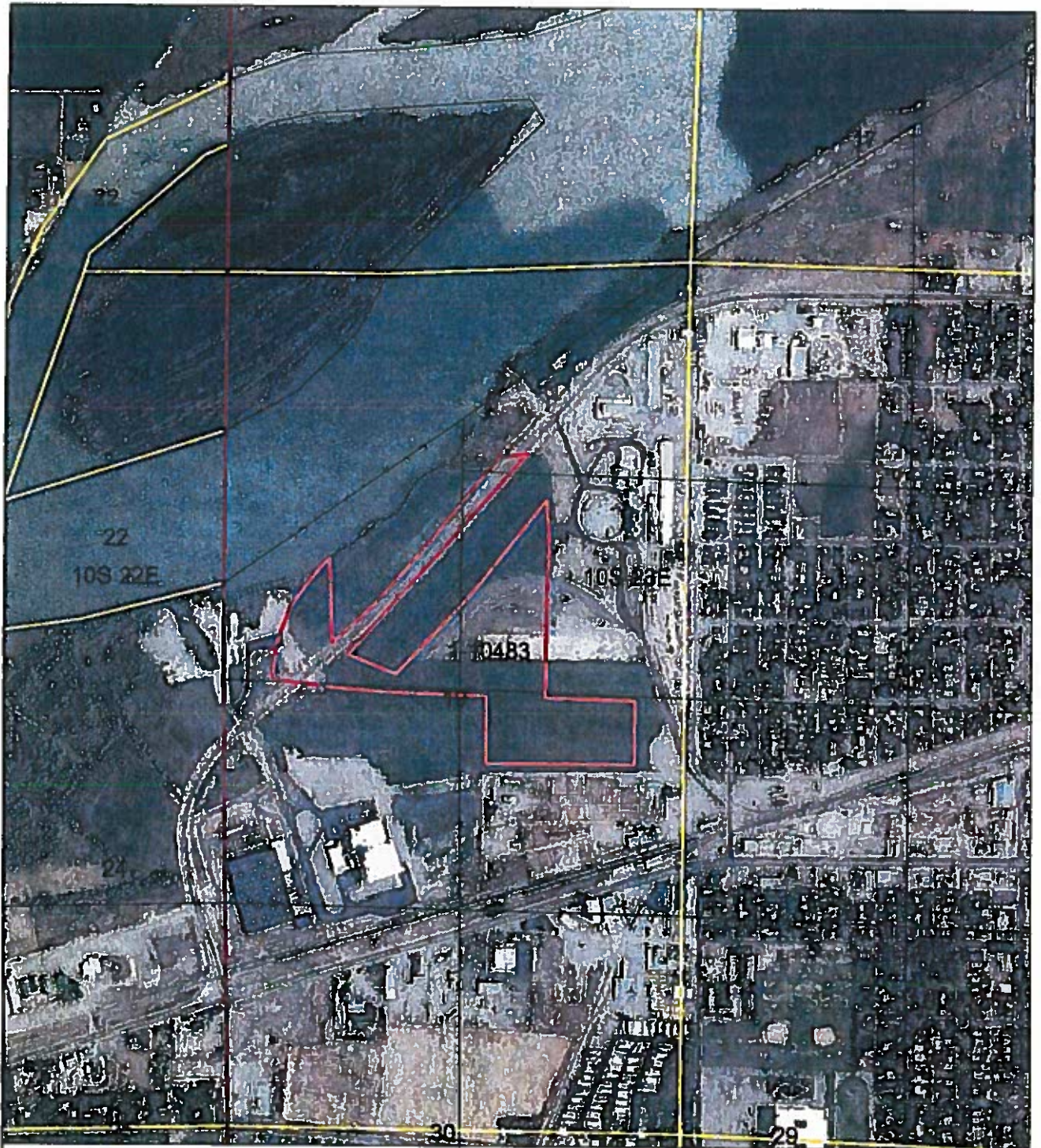


Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012

ERO

Exhibit 8



T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483

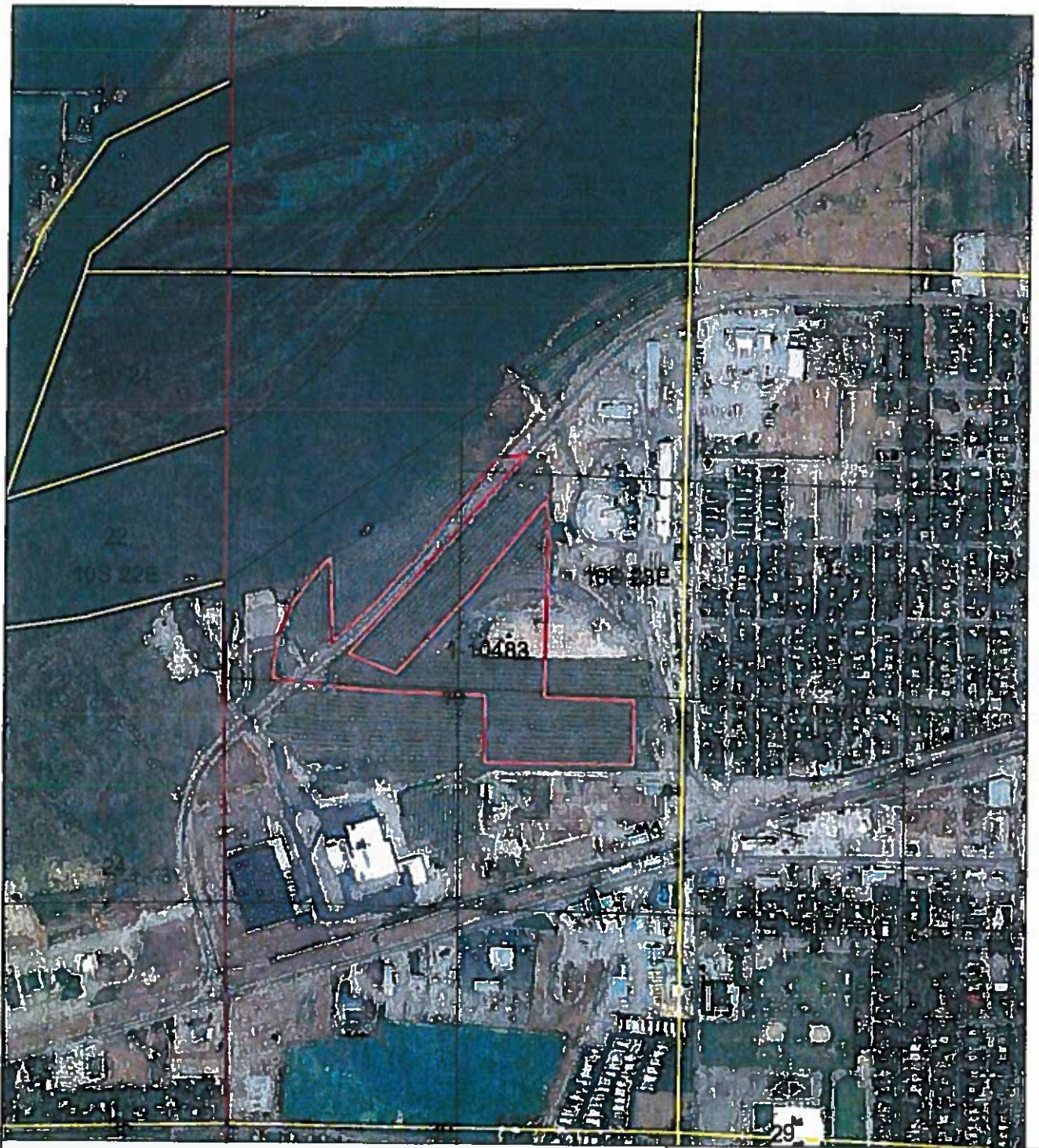
Image Source: NAIP 2009



Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012





T10S, R23E, Section 19, Cassia County, Idaho

Legend

01_10483



Image Source: NAIP 2011

0 1,000 2,000
feet

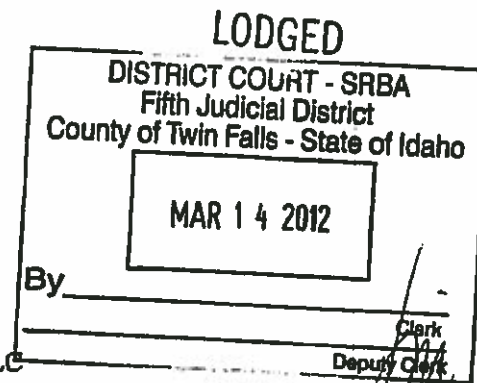
Figure 1
Amalgamated
Water Right 01-10483 POU

Prepared for: Beeman
File: 820 - Amalgamated
February 2012



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Attorneys for The Amalgamated Sugar Company LLC



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

In Re: SRBA	)	Subcase No. 01-10483
	)	
Case No. 39576	)	TASCO'S BRIEF IN SUPPORT OF
	)	MOTION TO ALTER OR AMEND
	)	SPECIAL MASTER'S REPORT

The Amalgamated Sugar Company, LLC (TASCO), by and through its counsel of record, Beeman & Associates, P.C., and pursuant to SRBA Administrative Order No. 1, Section 13a, and Rules 7(b)(1) and 7(b)(3), I.R.C.P., hereby submits its Brief in Support of Motion to Alter or Amend the January 17, 2012 Special Master's Report and Recommendation for water right 1-10483.

The motion and the information provided with this brief are presented to ensure that the Special Master's duty to accurately report water right recommendation to the SRBA Court is fulfilled for 1-10483, in accordance with *In Re SRBA*, 128 Idaho 246, 258, 912 P.2d 614, 626 (1995). Under this duty, the Special Master has the authority to review and make any necessary corrections to the January 17, 2012 recommendation.

The Motion to Alter or Amend the Special Master's Report was filed because:

- (1) The total irrigated acreage for 1-10483 may not have been included in the Special Master's Report and Recommendation.

- (2) The place of use for the recommended acreage may not be accurately shown in the Special Master's Report and Recommendation or the Idaho Department of Water Resources (IDWR) shape file. Any additional irrigated acreage would also change the IDWR shape file and the place of use in the Special Master's Report and Recommendation.

Based on the aerial photos attached to the March 13, 2012 Affidavit of Norman C. Young (in support of the Motion to Alter or Amend), TASCO has been able to determine that the shape file for 1-10483 does not include all of the irrigated acreage for water right 1-10483. In addition, the irrigated acreage is farmed as a single unit; however, it is unclear who the additional owners are. Granting the Motion to Alter or Amend will allow TASCO time to identify and notify the additional owners and to work with IDWR in formulating and making a recommendation to the Special Master.

TASCO respectfully requests that the Special Master grant the Motion which will allow further work regarding the information from Mr. Young's affidavit.

Although TASCO has requested a hearing, if there is no opposition to the motion, a hearing is not necessary.

Dated this 14th day of March 2012.

BEEMAN & ASSOCIATES, P.C.
Attorneys for The Amalgamated Sugar Company LLC

By Josephine P. Beeman
Josephine P. Beeman

12/19/2005

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

RIGHT NUMBER: 1-4045

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

PARENT

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.990 CFS

PRIORITY DATE: 05/18/1926

POINT OF DIVERSION:

T10S R23E S19 NENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.990 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

CLAIMED AMOUNTS

T10S R23E S19 Lot 1 NENE	1.6 (30)	T10S R23E S19 Lot 2 SWNE	24.0 (15)
T10S R23E S19 SENE	16.0 (16)	T10S R23E S19 NESE	8.0 (5)

49.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

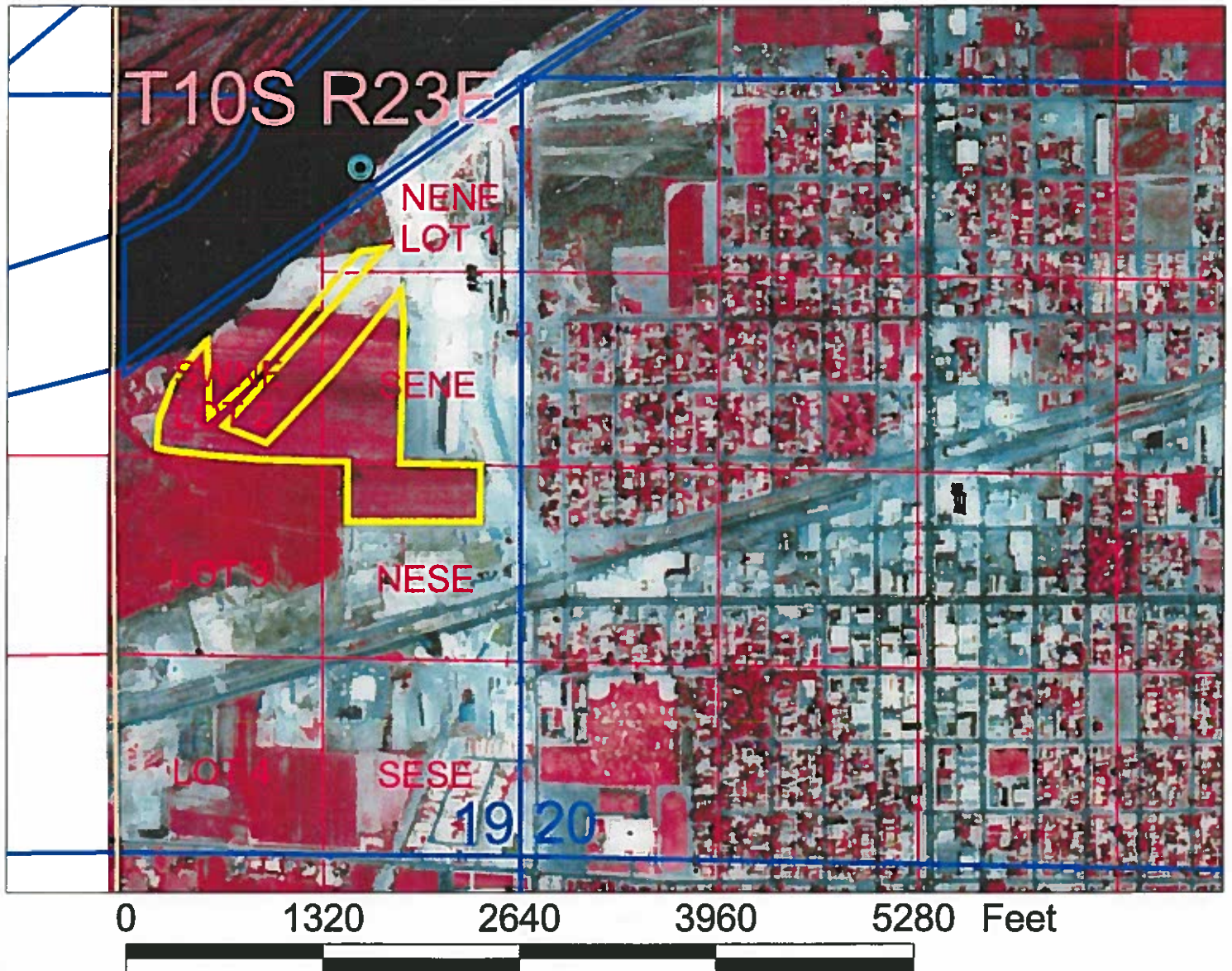
Use of this right is combined with water from Burley Irrigation Dist.

SPLIT INTO: 1-10483 & 1-10484



Department of Water Resources

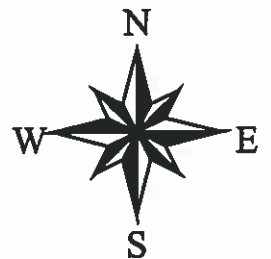
Claim No.: 01-10483



-  Amal sugar.shp
-  Point of diversion
-  Township/Range
-  Sections
-  QQ

SCANNED
OCT 01 2006

PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: December 2005

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 1-10483
Date Received: 12/22/1988
Receipt No: S005005
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE AMALGAMATED SUGAR CO Phone: (208)383-6500
3184 ELDER ST
BOISE ID USA 83705

2. Date of Priority: 05/01/1923

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
10S	23E	19	NE NE NE 1	CASSIA	

5. Description of diverting works:

PUMPING PLANT FROM RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	3.5	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	23E	19	NE	NE 1	IRRIGATION	30
			NW	NE 2	IRRIGATION	1
			SW	NE 2	IRRIGATION	15
			SE	NE	IRRIGATION	22
			NE	SE	IRRIGATION	5

Section Acres 73
Total Acres 73

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

BURLEY FACTORY IRRIGATION.

This right is a split from former right 1-4045 .

15. Basis of Claim: Statutory Claim

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 _____