

RECEIVED

AUG 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 20 2008	
By _____	Clerk _____
Deputy Clerk _____	

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02600,
) 63-02855, 63-02967, and 63-10232

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

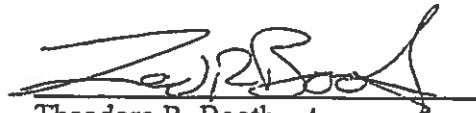
On June 19, 2007, the claimant of the water rights, the Amalgamated Sugar Company, through its attorney John M. Marshall, filed objections to the *Director's Report*, asserting that the rights should not have combined use limits or annual volume limits, and that the points of diversion were incorrectly recommended. On August 19, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02600, 63-02855, 63-02967, and 63-10232 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

Aug 20, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 20 2008	
By _____	Clerk
Deputy Clerk	

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

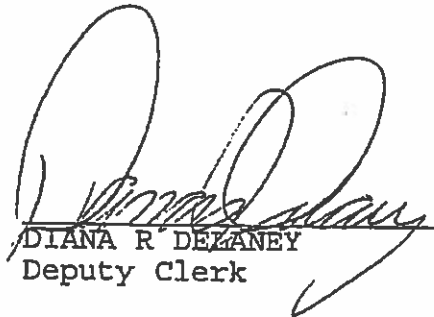
Water Right(s): 63-02600
63-02855 63-02967 63-10232

On August 20, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

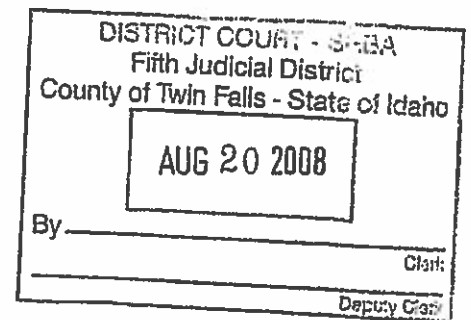
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 20, 2008.



DIANA R. DEZANEY
Deputy Clerk



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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-02600
63-02855 63-02967 63-10232

CERTIFICATE OF MAILING

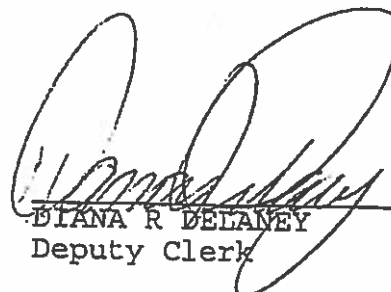
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THE AMALGAMATED SUGAR CO
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
08/20/08

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-10232

DISTRICT OF IDAHO Fifth Judicial District County of Twin Falls - State of Idaho
AUG 20 2008
By _____ Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 3.00 CFS
675.00 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.

PRIORITY DATE: 04/23/1984

POINT OF DIVERSION: T03N R02W S09 SESE Within Canyon County
SESE
SESE
SESE
SESE
SESE
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.00 CFS 675.00 AFY

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R02W S09	NENE 12.0 NWNE 34.0 NWSE 17.0 SWSE 13.0 S15 NWNW 24.0 S16 NENE 25.0 NWNE 25.0 150.0 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. I.C. SECTION 42-1412(6).

RECOMMENDATION
AUG 20 2008
<i>[Signature]</i>
SPECIAL MASTER

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

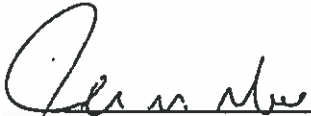
In Re SRBA	)	Subcase No. 63-10232
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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 L. Music 7-11-08
Vicky L. Music Date
Senior Water Resource Agent

Andrea L. Courtney 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: 63-10232

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST
BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

3.000 CFS

675.000 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: 04/23/1984

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

ATK VLM
Jmm

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

3.000 CFS

675.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

PLACE OF USE: IRRIGATION within CANYON County

T03N R02W S09 NENE 12.0
T03N R02W S09 NWNE 34.0
T03N R02W S09 NWSE 17.0
T03N R02W S09 SWSE 13.0
T03N R02W S15 NWNW 24.0
T03N R02W S16 NENE 25.0
T03N R02W S16 NWNE 25.0

150 ACRES TOTAL

ATL VLM Jmm

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.

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

Right Nos. 63-2600, 63-2855 and 63-2967 are also diverted through the points of diversion described above.

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

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

Use of this right is combined with water from Pioneer Irrigation District.

~~Right No. 63-2600 is also diverted through point of diversion described above.~~

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:

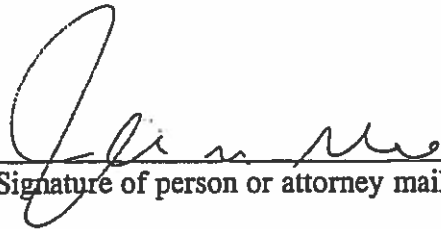
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:13
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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) ORDER SETTING SUBCASE(S)
Case No. 39576) FOR INITIAL HEARING
_____) SUBCASE NOS: 63-02600 63-02855
63-02967 63-10232

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 02:45 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

(Order Setting Initial Hearing)

Page 2
5/04/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

THE AMALGAMATED SUGAR CO

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

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

RIGHT NUMBER: 63-10232

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST
BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

3.000 CFS
675.000 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: 04/23/1984

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:

IRRIGATION

03/15 11/15

3.000 CFS

675.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

PLACE OF USE: IRRIGATION within CANYON County

T03N R02W S09 NENE 12.0

T03N R02W S09 NWNE 34.0

T03N R02W S09 NWSE 17.0

T03N R02W S09 SWSE 13.0

T03N R02W S15 NWNW 24.0

T03N R02W S16 NENE 25.0

T03N R02W S16 NWNE 25.0

150 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 - License

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

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

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

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

Use of this right is combined with water from Pioneer Irrigation District.

Right Nos. 63-2600, 63-2855 and 63-2967 are also diverted through the points of diversion described above.

~~Right No. 63-2600 is also diverted through point of diversion described above.~~

COPY

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

In Re SRBA

Casc No. 39576

A. Subcase 63-10232
(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 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.

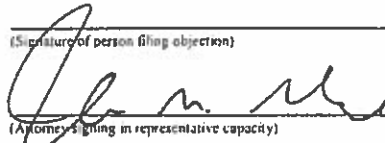
E. **REASONS SUPPORTING OBJECTION(S):** Right should be decreed consistent with water right license and with additional points of diversion pursuant to Idaho Code § 42-1425.

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)

(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:

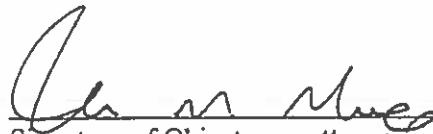
Name: The Amalgamated Sugar Company
Address: 3184 Elder Street
Boise, Idaho 83705

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
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
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

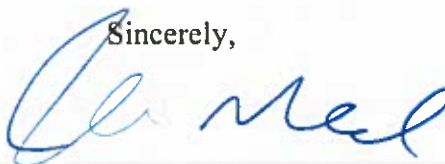
Dear Department of Water Resources:

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: 63-10232

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

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

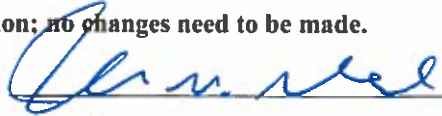
Quantity: Combined diversion volume should be 8,921 AF
Point of Diversion: 6 points of diversion in the listed quarter / quarter

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

See correspondence from John Marshall dated September 22, 2006.

I AGREE with this proposed recommendation: no changes need to be made.

Date: 10/30/06

Signature: 

Printed Name: John Marshall

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

05/25/2006

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

RIGHT NUMBER: 63-10232

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS
675.000 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: 04/23/1984

POINT OF DIVERSION:

T03N R02W S9 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

3.000 CFS
675.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R02W S09	NENE	12.00	T03N R02W S09	NWNE	34.00
T03N R02W S09	NWSE	17.00	T03N R02W S09	SWSE	13.00
T03N R02W S15	NWNW	24.00	T03N R02W S16	NENE	25.00
T03N R02W S16	NWNE	25.00			

150 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 - License

Use of this right is combined with water from Pioneer Irrigation District.

Right No. 63-2600 is also diverted through point of diversion described above.

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10232 V1

WATER RIGHT NUMBER: 63-10232 V1

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

Priority Date: 04/23/1984

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>
IRRIGATION	03/15 to 11/15	3.000 CFS	675.00 AF
	<u>Total Diversion:</u>	3.000 CFS	675.00 AF

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within CANYON County

T03N R02W S09	NENE	12.0	T03N R02W S09	NWNE	34.0
T03N R02W S09	NWSE	17.0	T03N R02W S09	SWSE	13.0
T03N R02W S15	NWNW	24.0	T03N R02W S16	NENE	25.0
T03N R02W S16	NWNE	25.0			

Total Acres: 150

Conditions of Approval:

1. 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.
2. W40 Use of this right is combined with water from Pioneer Irrigation District.
3. 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.
4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. F05 Right No. 63-2600 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10232 V1

6. The physical address of the place of use is 138 E. Karcher Rd., Nampa, Idaho.

Remarks:Comments:

1. vmusic 5/25/2006 POD

Comment: WELL NO 6. ALSO LICENSED UNDER 63-2600

2. vmusic 5/25/2006 AFA

Comment: SEE MEMOS IN FILE - CLAIMANT REFUSES TO SUBMIT INFORMATION FROM WHICH TO CALCULATE AFA

3. vmusic 9/9/2006 POD

Comment: USED GPSed LOCATIONS PROVIDED BY CLAIMANT

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			02/13/2006	lharris	Active
Contacts	5/25/2006 3:21:12 PM	vmusic			Active
Priority Date	5/25/2006 3:21:27 PM	vmusic			Active
POD	5/25/2006 3:23:50 PM	vmusic			Active
Source	5/25/2006 3:27:09 PM	vmusic			Active
POU	5/25/2006 3:27:29 PM	vmusic			Active
Use	5/25/2006 3:29:20 PM	vmusic			Active
Season	5/25/2006 3:29:45 PM	vmusic			Active
Quantity	5/25/2006 3:30:39 PM	vmusic			Active
Summary			05/25/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/13/2006 8:55:48 AM	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?
POD	9/9/2006 5:41:17 PM	vmusic	Updated shape
POD	5/25/2006 3:23:51 PM	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? (Yes) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10232 V1

Use	5/25/2006 3:29:20 PM	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? (No) 13. Is a Purpose of Use remark and/or condition required?
Contacts	5/25/2006 3:21:12 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: LICENSE
General	5/25/2006 3:21:27 PM	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	5/25/2006 3:26:40 PM	vmusic	Updated shape
Source	5/25/2006 3:27:09 PM	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? (No) 11. Is a Source remark and/or condition required?
POU	5/25/2006 3:27:29 PM	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?
Season	5/25/2006 3:29:46 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10232 V1

Quantity	5/25/2006 3:30:40 PM	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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - SEE LICENSE FILE
Summary	5/25/2006 3:37:18 PM	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?
POU	5/25/2006 3:28:56 PM	vmusic	Updated shape for Active POU

Water Supply Bank:

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", written over the typed name.

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

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

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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



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 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</u> <u>in</u>	<u>Seque</u> <u>nce</u>	<u>Basis</u>	<u>Priority</u> <u>Date</u>	<u>Rate</u> <u>(cfs)</u>	<u>Volume</u> <u>g(a)</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.



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.

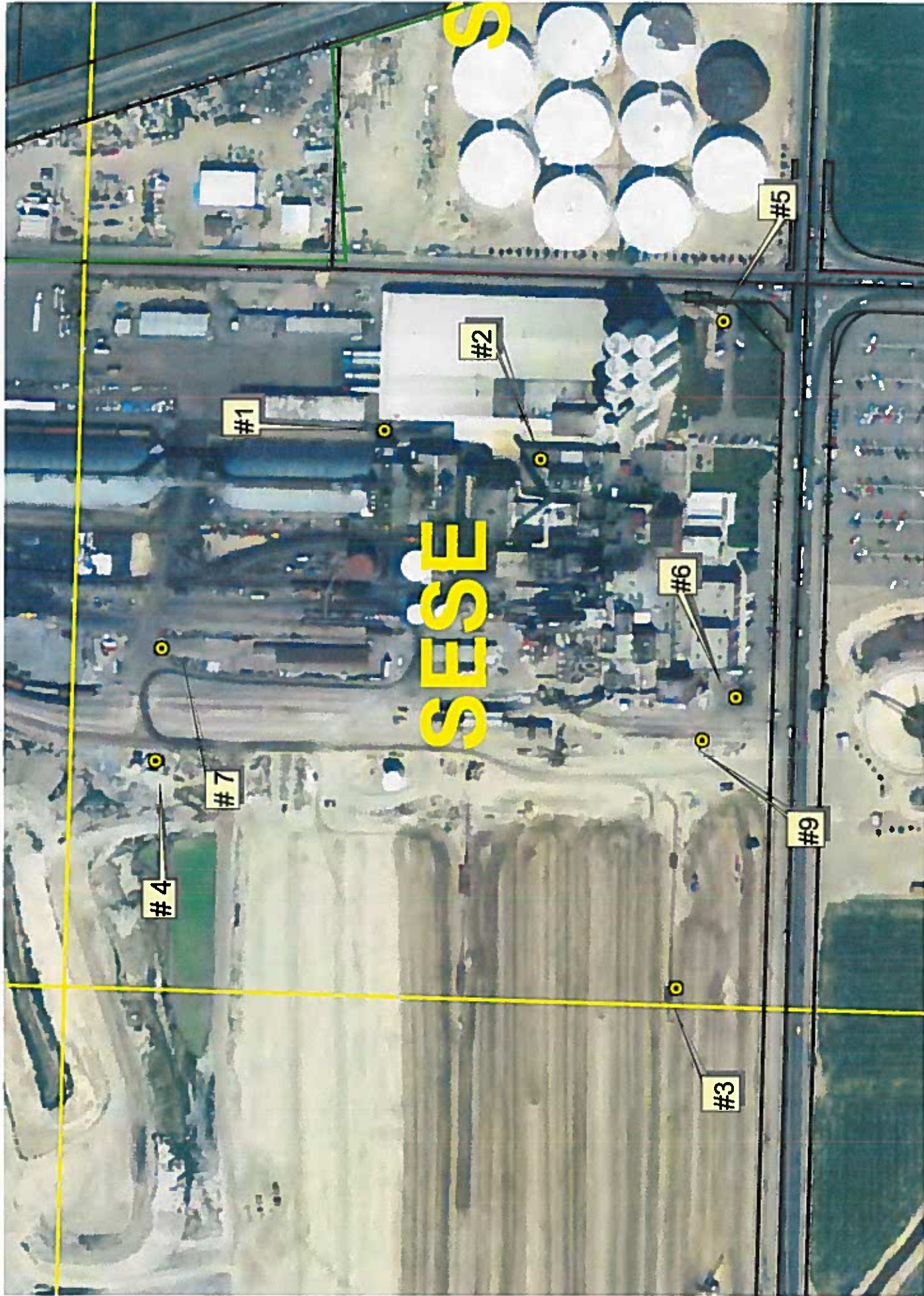
If I do not hear from you by April 28, 2006, the water use as claimed may not be recommended to the SRBA court for decree.

Sincerely,

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

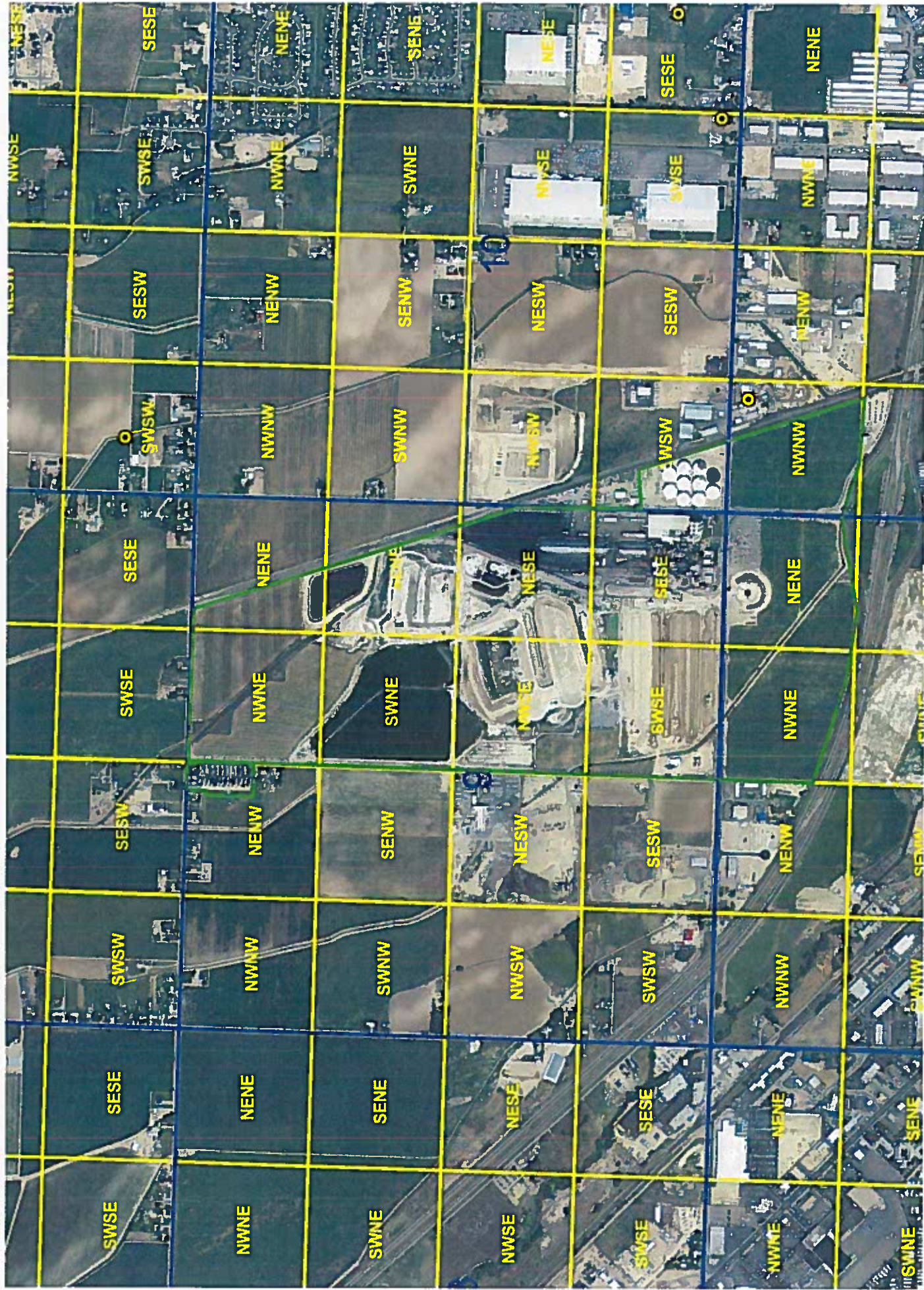
Enclosures: Notice of claim reports

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.



AMALGAMATED SUGAR APPROX WELL LOCATIONS BASED ON LICENSE

FILES 63-2600, 63-2855, 63-2967 AND 63-10232. THERE IS NO WELL # 8 REFERENCED IN THE FILES. IT MAY HAVE BEEN THE REPLACEMENT WELL FOR #2.



AMALGAMATED SUGAR

466-3541

4-14-06 TCT plant - 1m → Glen Patrick, Inv. Engineer @ Wapiti
4-17-06 Threat → UT
Amdt SUBARV
Plant

- 1- need locations of wells - GPS
63-2600 well # 2-6 replacement well for # —
(well #1 - domestic) drilled 1993
63-2855 well # 7
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 ↓ licence

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

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

B- What is estimate based on?

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

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

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-10232**

02/13/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I0232	Claim	03N	02W	9	NE	NE		IRRIGATION	12/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	9	NE	NE		IRRIGATION	12/150	AMALGAMATED SUGAR CO
I0257	Claim	03N	02W	9	NE	NE		INDUSTRIAL		OLDCASTLE PRECAST INC
I0232	Claim	03N	02W	9	NW	NE		IRRIGATION	34/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	9	NW	NE		IRRIGATION	34/150	AMALGAMATED SUGAR CO
I0232	Claim	03N	02W	9	NW	SE		IRRIGATION	17/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	9	NW	SE		IRRIGATION	17/150	AMALGAMATED SUGAR CO
I0232	Claim	03N	02W	9	SW	SE		IRRIGATION	13/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	9	SW	SE		IRRIGATION	13/150	AMALGAMATED SUGAR CO
I0232	Claim	03N	02W	15	NW	NW		IRRIGATION	24/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	15	NW	NW		IRRIGATION	24/150	AMALGAMATED SUGAR CO
I0722	Claim	03N	02W	15	NW	NW		COMMERCIAL		INTERMOUNTAIN FARMERS ASSN
I0722	Water Right	03N	02W	15	NW	NW		COMMERCIAL		INTERMOUNTAIN FARMERS ASSN
I0232	Claim	03N	02W	16	NE	NE		IRRIGATION	25/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	16	NE	NE		IRRIGATION	25/150	AMALGAMATED SUGAR CO
I0232	Claim	03N	02W	16	NW	NE		IRRIGATION	25/150	THE AMALGAMATED SUGAR CO
I0232	Water Right	03N	02W	16	NW	NE		IRRIGATION	25/150	AMALGAMATED SUGAR CO

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10232

WATER RIGHT NUMBER: 63-10232

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMALGAMATED SUGAR CO ATTN: BASIL TUPYI PO BOX 250 NAMPA, ID 83651

Priority Date: 04/23/1984

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>
IRRIGATION	3/15 to 11/15	3.000 CFS	675.00 AF
	<u>Total Diversion:</u>	3.000 CFS	675.00 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

IRRIGATION

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	12.0	34.0												17.0	13.0	76.0	
03N	02W	15					24.0											24.0	
03N	02W	16	25.0	25.0														50.0	

Total Acres: 150

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:Comments:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10232

Priority: April 23, 1984

Amount:

3.00 CFS

675.0 AFA

This is to certify, that AMALGAMATED SUGAR CO.

ATTN: BASIL TUPYI

P.O. BOX 250

NAMPA, ID 83651

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 23, 1984, and has submitted proof to the Department of Water Resources on April 23, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 3.06 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>			<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>		
Irrigation			03/15 to 11/15	3.00 cfs	675.0 afa		
<u>LOCATION OF POINT OF DIVERSION(S):</u>			SESE, Sec. 9, Township 3N, Range 2W Canyon County				
<u>PLACE OF USE:</u> Irrigation							
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
3N	2W	9	NENE 12	NWNE 34	NWSE 17	SWSE 13	76
		15	NWNW 24				24
		16	NENE 25	NWNE 25			50

Total number of acres irrigated: 150

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 8th day of May, 1987.

MICROFILMED

Acting for the

Director

JUL 07 1987

#85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Amalgamated Sugar Company Phone 466-3541

Post office address Box 250, Nampa, Idaho 83651 · ATTN: Basil Tupy

2. Source of water supply Groundwater well which is a tributary of N/A

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 3 North

Range 2 West B.M. Canyon County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.0 for irrigation purposes from May 1 to October 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.0 CFS cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Groundwater well tied into existing irrigation piping.

b. Height of storage dam N/A feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 24 inches; proposed depth of well is 185 feet.
(Well has been developed)

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	2W	9	10	40												20	21		91
3N	2W	16	20	19															39
3N	2W	15						20											20

Total number of acres to be irrigated 150

c. Describe any other water rights used for the same purposes as described above.

150 inches water rights from Pioneer Irrigation District.

9. a. Who owns the property at the point of diversion Amalgamated Sugar Co.

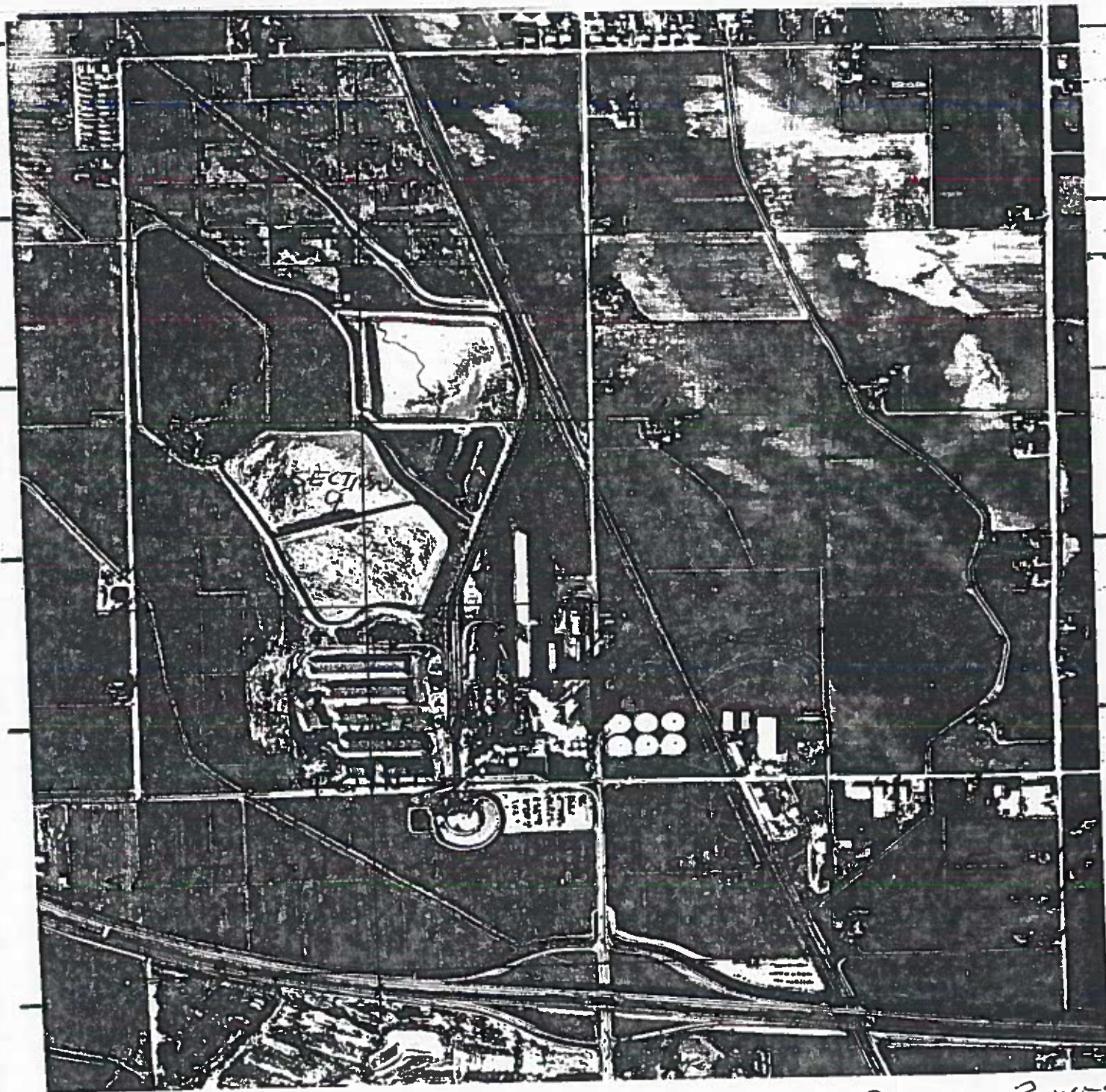
b. Who owns the land to be irrigated or place of use Amalgamated Sugar Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The groundwater well is presently used for industrial process and we would like to utilize the well to help satisfy summer irrigation demands.

V. J. J. J.

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



SECTIONS 9 & 16, TOWNSHIP 3 NORTH, RANGE 2 WEST

Scale: 2 inches equal 1 mile.

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

Basil J. Jupp
(Applicant)

Corporate Environment.
Engineer

RECORDED

Proposed Priority 4/23/84

MICROFILMED

Received by mr Date 4-23-84 Time 10:00 am
Preliminary check by 625 Fee \$ 251.344016
Receipted by SR Date 4/23/84
Publication prepared by jp Date 5/3/84
Published in Press-Tribune
Publication dates 5/10 & 5/17/84
Publication approved SP Date 5/13/84
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DDS tw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-10232, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 13th day of June, 1984.

J. Glen Sayton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 09 1987

Department of Water Resources

A. GENERAL INFORMATION

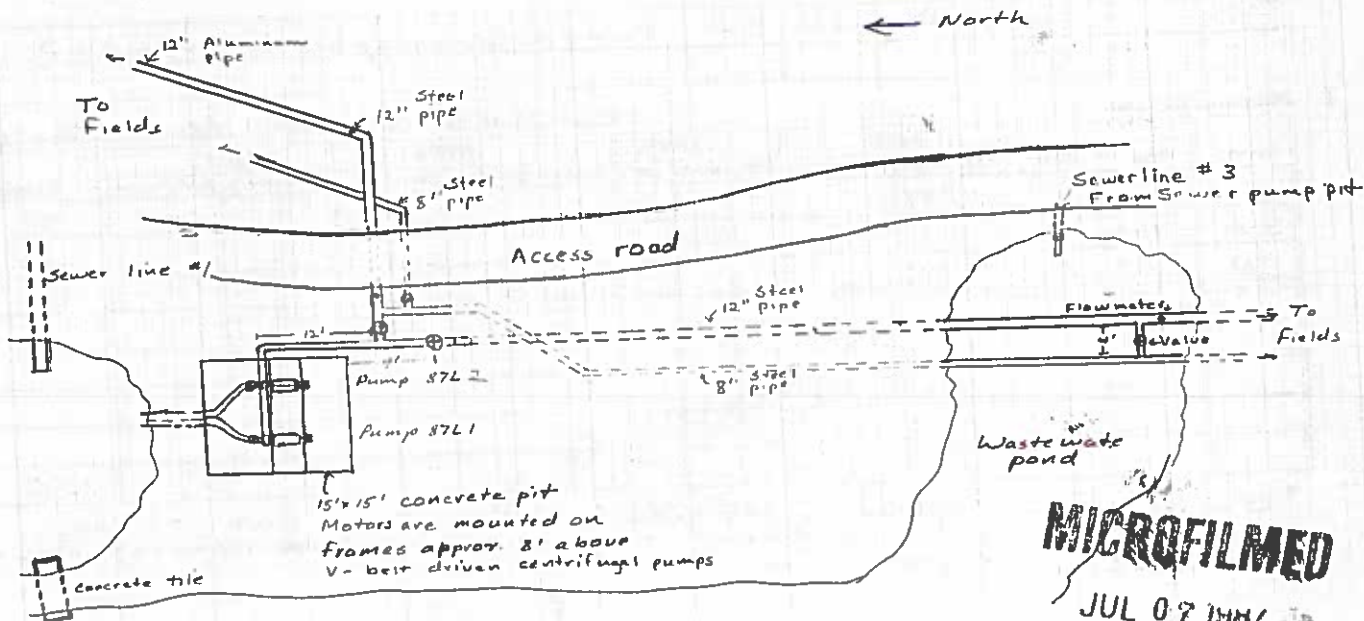
1. Owner: Amalgamated Sugar Co. Permit No. 63-10232
Current Address: P.O. Box 250, Nampa, ID 83651 Phone No. 466-3541
2. Accompanied by: Chris Mapes EXAM. DATE: 8-7-86
Address: same as above Phone No. 466-3541
Relationship to Permit Holder: Engineer Ext. 248
3. Source: Ground water & tributary to
Wastewater (Self contained)

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-2600, 63-2855, 63-2967 Amalgamated
Sugar's Industrial use 63-2891 Pioneer Irrigation ☒ Copies Attached
63-10026 DSS Farm service center - Adjacent Land
2. Other water rights with same point of diversion: 63-2600, 63-2855, 63-2967 Amalgamated
Sugar's wells ☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = 20'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system receives supplemental water from Amalgamated Sugar Co.'s well #6, which was examined for water right in 3-26-00. The water from well #6 is dumped into the sewer pump pit and gravity flows through sewer line 3 to the collection ponds. 2 40 H.P. centrifugal pumps then pump the water from the ponds through 12" pipelines to the fields for irrigation. The distribution

See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well #6	U.S. Electric Motor	50	873726	Bingham Turbine	10" Discharge
Pump 87L1	Toshiba	40	50401350	Carber	97895
Pump 87L2	Toshiba	40	50401354	Carber	97896

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#6			SE	SE	9	3N	2W	Canyon	Topographic Map & Aerial photo
87L1 87L2			NE	SE	9	3N	2W	Canyon	Topographic Map & Aerial Photo

6. Place(s) of Use:

Indicate Method of Determination Aerial Photo

Twp.	Rge.	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															76
3N	2W	15						24							17	13			24
3N	2W	16	25	25															50
																			150

* 32 acres are actually irrigated in this 1/4, but 7 acres were deleted to prevent the total acreage from exceeding 150 ac.

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rockwell International						
Flow meter	Propeller	Rockwell			12"	

2. Measurements:

Meter read 1375 gpm with only one 40 hp pump (8762) running. With both pumps running readings of 2300 gpm have been made according to the company's irrigator.

Applied for 3.0 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $\frac{1375 \text{ gpm}}{448.8} = 3.06 \text{ cfs}$

2. Alternate Method for Checking Purposes:

$$\frac{40(8.8)(8)}{8 + 231(30)} = 3.64 \text{ cfs}$$

$$\text{WELL} - \frac{50 \text{ HP}(8.8)(.8)}{62' + 2.31(0)} = \frac{352}{62} = 5.67 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (8)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 150 \times 4.5 = 675$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3 \times 168 \times 1.9835 = 999.7$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 675$$

2. Volume Calculations for Other Uses:

JUL 07 2007

H. REMARKS AND OVERLAP REVIEW ANALYSIS

system has risers with discharge hoses connected with trees to Nu-Flex polyethylene plastic "pipe". All of the fields are planted to hay. Canal water from Pioneer Irrigation District can also be dumped into the sewer pump pit as well as the plant's wastewater and used through the irrigation system. The wastewater is from ^{water} used to process sugar beets; the original source being the groundwater covered by water rights 63-2600, 63-2855 & 63-2967, a total of 21.43 cfs. The wastewater was used for irrigation prior to the supplemental use of the groundwater for irrigation. Diversion from wastewater pond is in ^{NE 4 SE 1/4} Sec 9 T3N R2W

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	5-1	10-15	3.0	675
Totals:			3.0	675

2. Recommended Amendments

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☒ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name Carter Fritschle
Signature Carter Fritschle
Certification Date _____
Field Report Preparation Date 8-7-86

[Signature] 8/1/86 875.5

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

<<R-17>> The maximum combined rate of diversion under this right and Right No. 63-2600, 63-2855 & 63-2967 shall not exceed 21.43 cfs

MICROFILMED

JUL 07 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2500 W. State Street, Boise, Idaho
2735 Airport Way

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:

~~BOISE, IDAHO 83705~~
~~2500 W. STATE STREET~~
(208) 334-2190
2735 Airport Way
Boise, ID 83705

January 7, 1987

MEMO

To: State Office

From: Jan Shurte *JS* *Des*

Subject: Source of Water for Permit No. 63-10232

The wastewater source being designated on the exam along with groundwater is included not as a new source, only for clarification of the water right. All the groundwater sources flow through the factory and into the waste system, then into the ponds.

The well under this right has been licensed under 63-2600 for industrial use with a flow of 2,000 gpm. (See attached sheet from exam for 63-2600).

This permit is for 3.0 cfs or 1346.4 gallons per minute which at a loss of efficiency over the years is probably accurate. The pipe from well #6 goes up from the pump and is attached to the ceiling of the factory, then empties into the sewer pump pit making a measurement impossible. Carter measured the flow at the pumps from the wastewater ponds. These pump directly onto the irrigated grounds. I feel 3.0 cfs is an accurate rate of flow for Well #6 and the pumps from the wastewater source (which were actually flowing 3.06 cfs).

MICROFILMED
JUL 07 1987

INTER-DEPARTMENT MEMO --- 1

FROM Jim Johnson

DATE March 27, 1987

TO File 63-10232

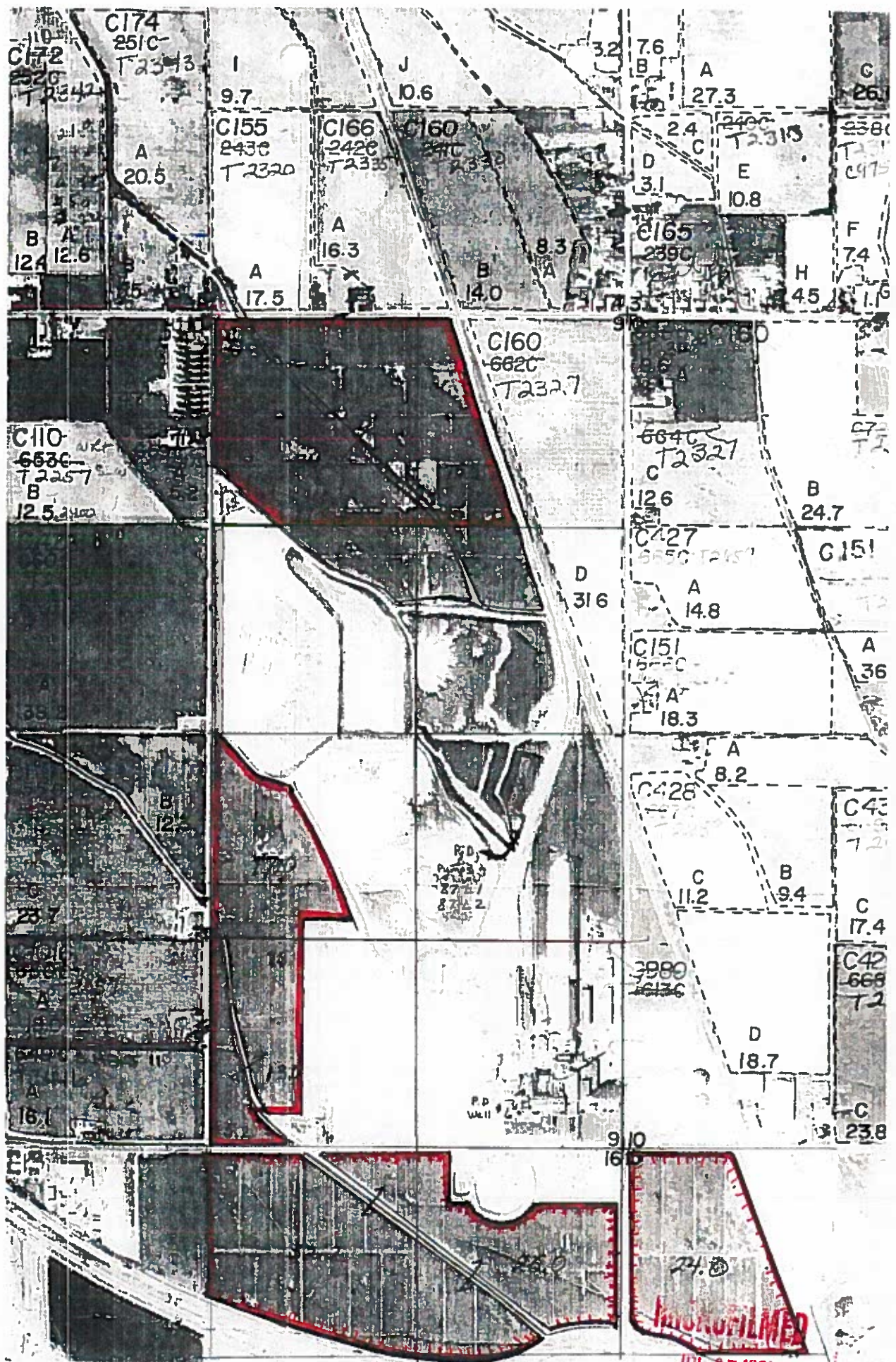
SUBJECT Field Exam Review

A review of the motor serial numbers on well #6 (the source of water for this right) showed that the motor must have been changed after the exam was made on Right 63-2600. Therefore, the overlap review conditions that normally would be used are waived because the system has been changed. Also, based upon the examination system narrative, item #3, it appears that well #6 is only used for irrigation at the present time.

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JUL 07 1987

SIGNATURE



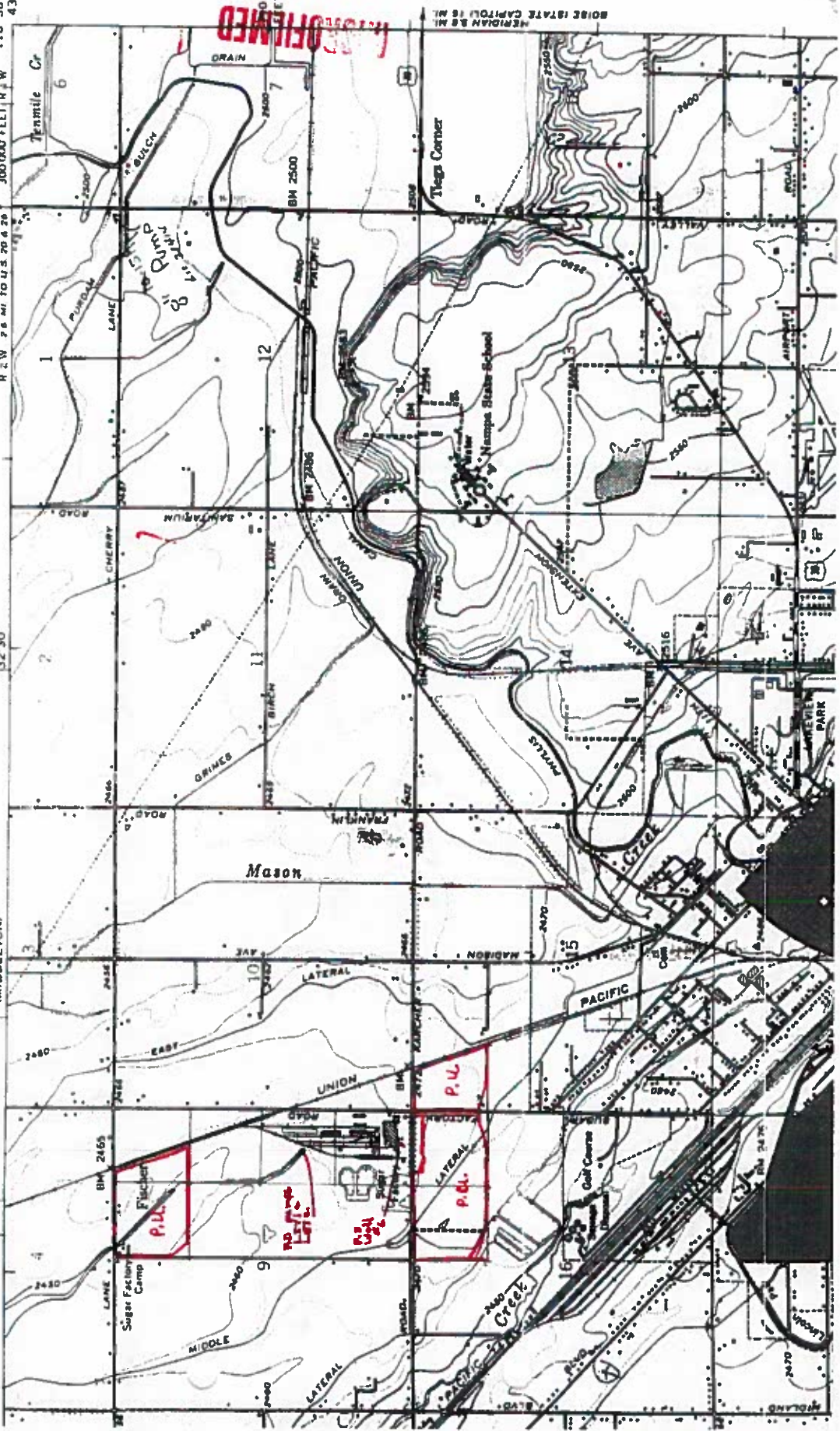
NAMPA QUADRANGLE
IDAHO-CANYON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

R 2 W 26 S 70 4 29 300 000 FEET R 1 W 116° 30' 43° 37' 30"

132° 30"

(MIDDLETON)

35'



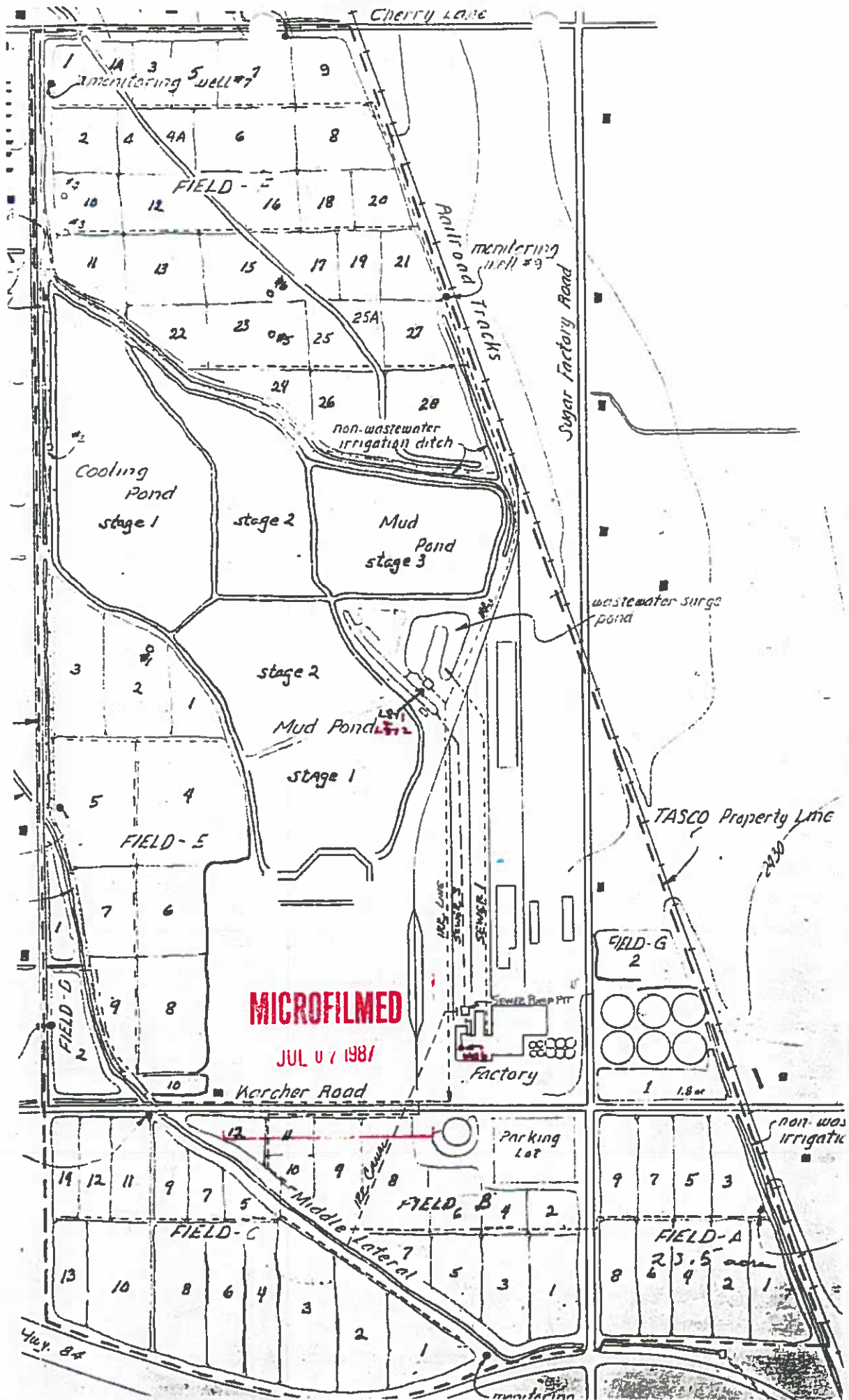
14230
14230
14230

38-9

9
10
11
16

FILED
JUL 07 1961

MOORE STATE CAPITOL 18 MI.
MERIDIAN 88 MI.



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 103-10232

Date: 2-06-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	2W	09	12	34												17	13		76
GIS				13	34												16	15		78
Claim	3N	2W	15						24											24
GIS									24											24
Claim	3N	2W	16	25	25															50
GIS				25	32															57
Claim																				
GIS																				

Number of POD's 1

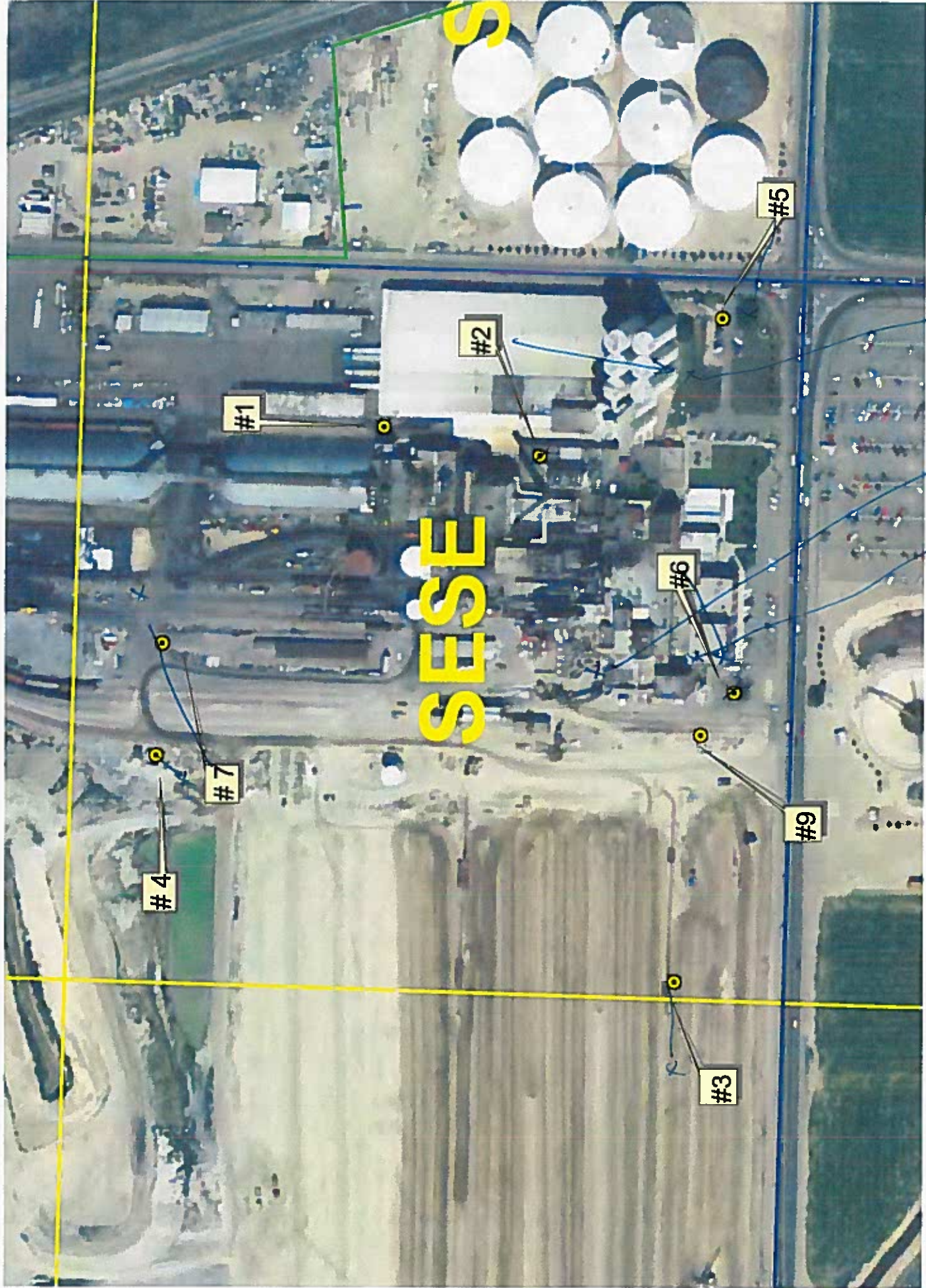
Total Claimed Acres: 150

Overlapping FOU Claim #'s:

Total GIS Acres: 159

COMMENTS:

POU - Per County data and irrigated field boundaries.
POD - Estimated



AMALGAMATED SUGAR APPROX WELL LOCATIONS BASED ON LICENSE FILES 63-2600, 63-2855, 63-2967 AND 63-10232

#1 verified
only one of four

<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?

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: A63-10232
Date Received: 11/16/1988 12-22-88
Receipt No: 5005005
Received By: C4

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 23, 1984

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	SE		CANYON

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	9	NE	NE		IRR	12.0
			NW	NE		IRR	34.0
			NW	SE		IRR	17.0

SCANNED
APR 11 2008

A63-10232

Page 1

Date: 11/16/88

MICROFILMED

AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	9	SW	SE		IRR	13.0
						Section Acres	76.0
		15	NW	NW		IRR	24.0
						Section Acres	24.0
		16	NE	NE		IRR	25.0
			NW	NE		IRR	25.0
						Section Acres	50.0
						Total Acres	150.0

11. Place of use in counties: CANYON

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: LICENSE

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 L. Loney
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

Ray M. Hansen
Notary Public

Seal

Residing at Burley, Idaho
My Commission Expires 3 August 1993

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 63-10232

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) 04/23/1984
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 Irrigation purposes from 3/15 to 11/15 amount 3 or 675

For Industrial purposes from 1/1 to 12/31 amount 3 or 675

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3 (cfs) and/or (b) 675 (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														I	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.

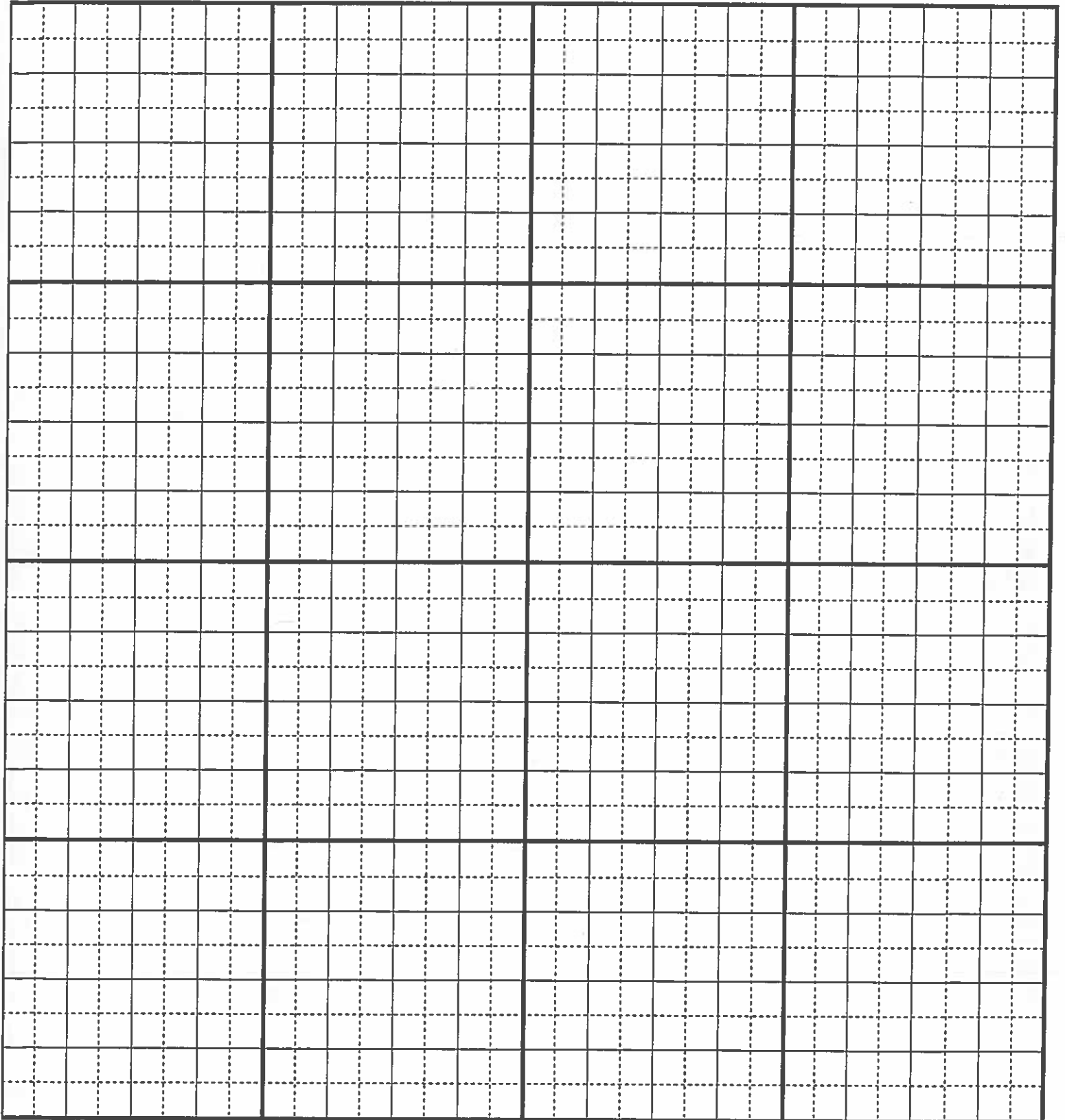
13. Describe any other water rights used at the same place and for the same purposes as describe above. _____ or None ()

14. Remarks: _____

Last Name Amalgamated Sugar Co. Ident. No. 63-10232

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 63-10232

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

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

Number of attachments _____

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

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

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

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

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

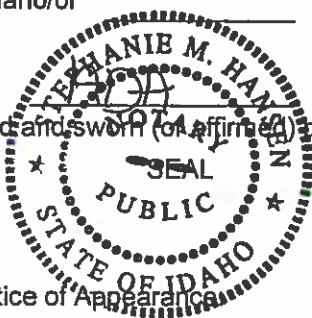
Signature of Authorized Agent Stephanie M. Hansen

Title and Organization General Counsel Date 9/22/06

State of Idaho/or)
) SS.

County of)

Subscribed and sworn (or affirmed) before me this



22nd 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 63-10232

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](#)