

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: A63-02967
Date Received: 11/16/1988 12-22-88
Receipt No: 5005005
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE AMALGAMATED SUGAR CO.
Address: P.O. BOX 1520
OGDEN, UT 84402

2. Date of Priority: NOV 12, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	9	SE	SE			CANYON

5. Description of diverting works:
5 WELLS & PUMPS TO PIPELINE NETWORK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.780		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/SUGAR REFINERY PLANT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	9	SE	SE		INDUST	

11. Place of use in counties: CANYON

A63-02967

Page 1

Date: 11/16/88

MICROFILMED
AUG 18 1992

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

13. Other Water Rights Used:
A63-02855, A63-02600

14. Remarks:
NAMPA PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 24567

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.

Paul J. Jany
Signature of Authorized Agent
CORPORATE ENVIRONMENTAL ENGINEER
THE AMALGAMATED SUGAR COMPANY
Title and Organization
16 November 1988
Date

State of Idaho)
County of Cassia) SS.

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

Rose M. Hansen
Notary Public

Seal

Residing at Burley, Idaho

My Commission Expires 3 August 1993

Receipt Details for ID S005005

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/22/1988 12:14:04 PM	12/22/1988	Southern	\$6,297.00	Check
Payer		AMALGAMATED SUGAR COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
88888			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$6,297.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
1	4045		\$123.00	Claim
36	2237		\$382.00	Claim
36	2238		\$427.00	Claim
36	2271		\$427.00	Claim
36	2272		\$450.00	Claim
36	4144		\$110.00	Claim
36	4145		\$150.00	Claim
36	4254		\$80.00	Claim
36	4255		\$80.00	Claim

36	8116	\$54.00	Claim
45	4237	\$80.00	Claim
47	2383	\$184.00	Claim
47	4051	\$52.00	Claim
63	2600	\$1,465.00	Claim
63	2855	\$500.00	Claim
63	2967	\$328.00	Claim
63	10232	\$200.00	Claim
47	2116	\$1,050.00	Claim
47	7093	\$155.00	Claim

[Print Report](#)

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 63-2967

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) 11/12/1953
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. _____

SCANNED
APR 11 2008

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Industrial purposes from 1/1 to 12/31 amount 2.78 or _____

For Irrigation purposes from 3/15 to 11/15 amount 2.78 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.78 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) Industrial:

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2W	9	12	34														Ind.	46
3N	2W	9														17	13		30
3N	2W	15						24											24
3N	2W	16	25	25															50

Total number of acres irrigated 150

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

12. Do you own the property listed above as place of use? Yes xxx No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

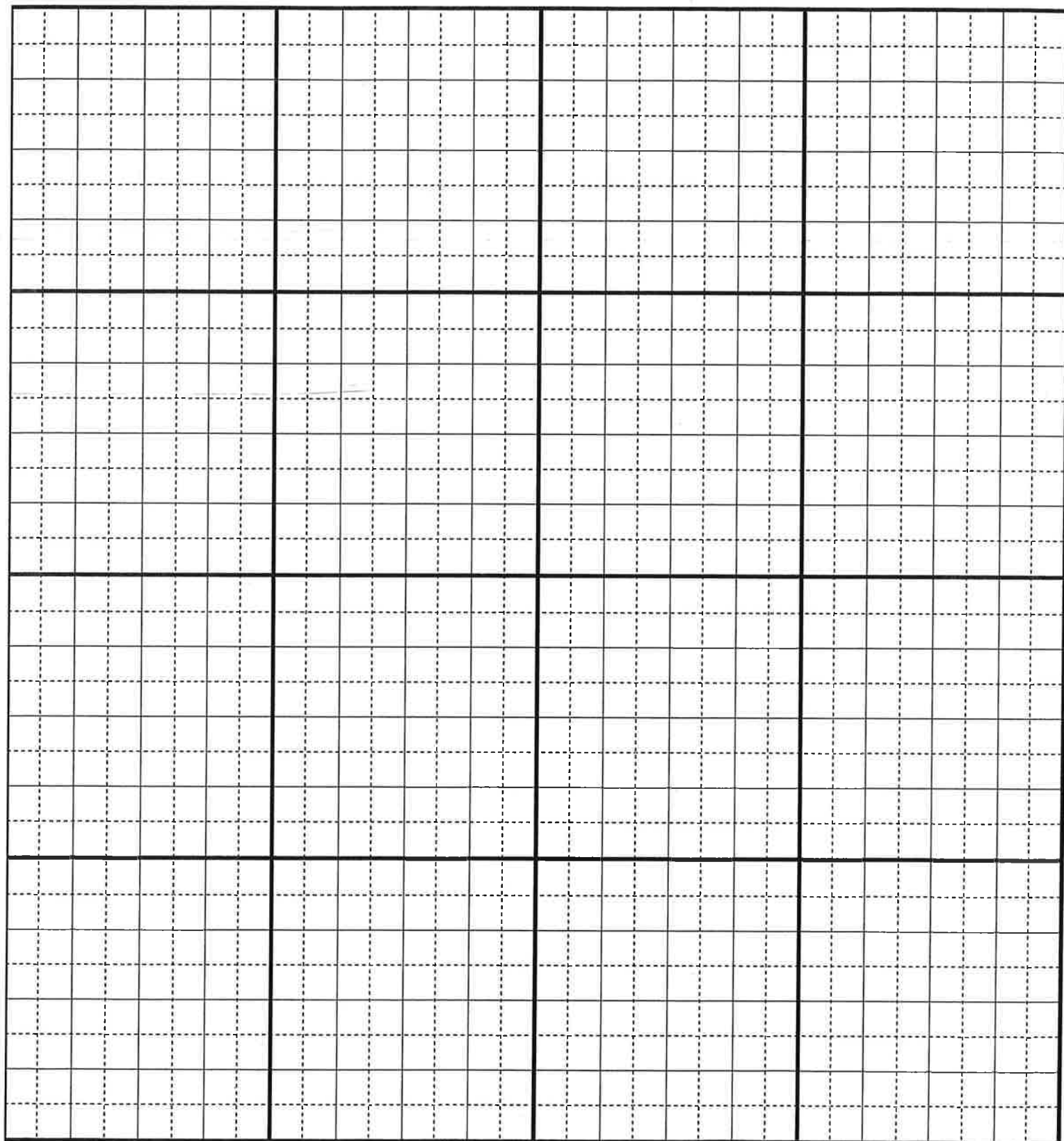
or None ()

14. Remarks:

Last Name Amalgamated Sugar Co. Ident. No. 63-2967

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 63-2967

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX

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

Number of attachments _____

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

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

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

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

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

Signature of Authorized Agent Stephan M. Hansen

Title and Organization General Counsel Date 9/22/06

State of Idaho _____)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____

22nd day of September 20 06

Notary Public Stephan 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 63-2967

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

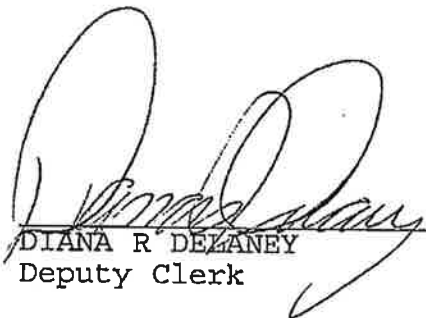
Water Right(s): 63-02600
63-02855 63-02967 63-10232

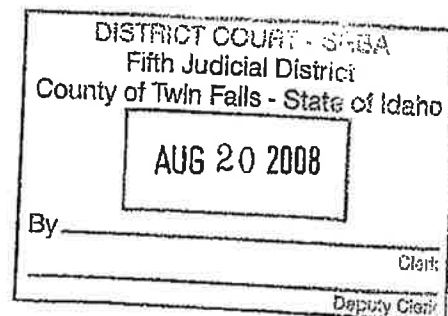
On August 20, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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. DELANEY
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

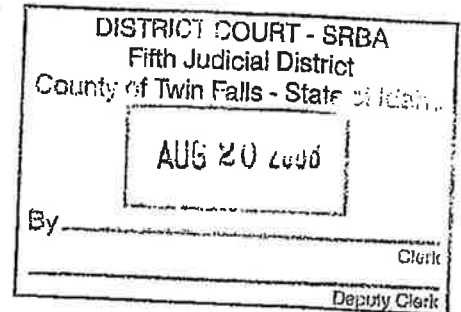
A handwritten signature in cursive script, appearing to read "Diana R Delaney".
DIANA R DELANEY
Deputy Clerk

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
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02967



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

SOURCE: GROUND WATER

QUANTITY: 2.78 CFS
1275.20 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: 11/12/1953

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
	Industrial	01-01 TO 12-31	2.78 CFS 1275.20 AFY

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

PLACE OF USE: Industrial Within Canyon County
T03N R02W S09 SESE

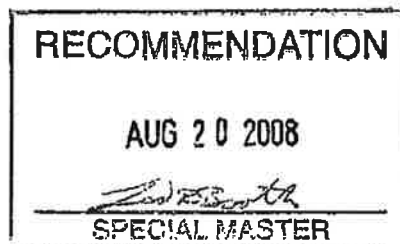
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-02967 File Number: 01977

PAGE 1
Aug-19-2008

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

Case No. 39576

) ORDER SETTING SUBCASE(S)
) 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

Page 1 5/04/08

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

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

RECEIVED
AUG 19 2008
DEPARTMENT OF
WATER RESOURCES

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

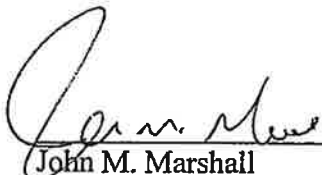
In Re SRBA	)	Subcase No. 63-2967
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

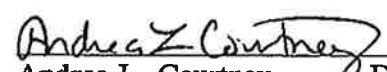
CLAIMANT/OBJECTOR:
The Amalgamated Sugar Co.


John M. Marshall
Attorney for Claimant/Objector

8/18/08
Date

DWR Concurrence:


Vicky L. Music Date
Senior Water Resource Agent


Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-2967

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST
BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.780 CFS

1,275.200 AFY

~~59.890 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: 11/12/1953

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

ATC
RLM
June

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

2.780 CFS 1,275.20 AFY

~~59.89 AFY~~

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

~~Industrial use is for processing sugar beets into refined sugar.~~

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

PLACE OF USE: INDUSTRIAL within CANYON County
T03N R02W S09 SESE

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

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

EXPLANATORY MATERIAL:

BASIS OF CLAIM - License

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

Right Nos. 63-2600, 63-2855 and 63-10232 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.

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

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

~~Point of diversion is referred to as Well No. 9.~~

OK
VLM
Jmm

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:

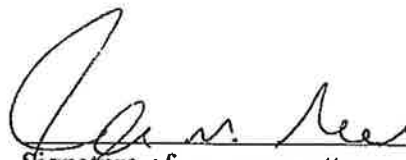
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

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

RIGHT NUMBER: 63-2967

NAME AND ADDRESS:

THE AMALGAMATED SUGAR CO
3184 ELDER ST

BOISE ID 83705

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.780 CFS

1,275.20 AFY

~~59.890 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:

11/12/1953

POINT OF DIVERSION:

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

T03N R02W S9 SESE
Within CANYON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

2.780 CFS

1,275.20 AFY

~~59.89 AFY~~

Industrial use is for processing sugar beets into refined sugar.

SCANNED
APR 11 2008

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

PLACE OF USE: INDUSTRIAL within CANYON County
T03N R02W S09 SESE

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

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

EXPLANATORY MATERIAL:

BASIS OF CLAIM - License

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

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

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

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

Point of diversion is referred to as Well No. 9.

COPY

RECEIVED

JUN 19 2000

DEPARTMENT OF
NATURAL RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-2967

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: The Amalgamated Sugar Company

Address: 3184 Elder Street

Boise, Idaho 83705

Daytime Phone: (208) 383-6500

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

601 W. Bannock Street

P.O. Box 2720

Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Amalgamated Sugar Company

Address: 3184 Elder Street

Boise, Idaho 83705

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: No volume limit, no combined use limit.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: As claimed.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

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

F. VERIFICATION (Must be Completed)

Sate of Idaho)
) ss.
County of Ada)

John M. Marshall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

John M. Marshall
(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: 10-15-2013

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:

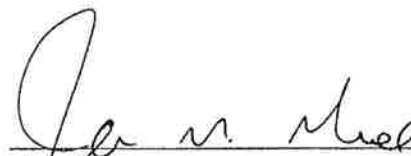
Name: The Amalgamated Sugar Company
Address: 3184 Elder Street
Boise, Idaho 83705

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 Elguren
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

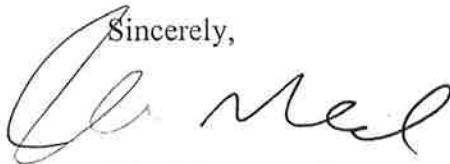
Dear Department of Water Resources:

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\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: 63-2967

THE AMALGAMATED SUGAR CO
3184 ELDER STREET
BOISE ID 83705
Telephone Number: (208) 383-6500

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity, Point of Diversion, Purpose of Use

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

Quantity: Volume limit should be 827 AF, combined volume limit should be 8,921 AF

Point of Diversion: 6 points of diversion in the listed quarter / quarter

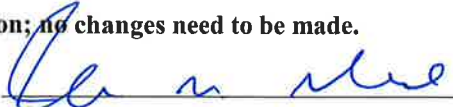
Purpose of Use: Volume limit should be 827 AF; strike language purporting to describe the industrial use.

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

See correspondence from John Marshall dated September 22, 2006.

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

Date: 10/30/06

Signature: 

Printed Name: John Marshall

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

05/26/2006

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

RIGHT NUMBER: 63-2967

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.780 CFS
59.890 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: 11/12/1953

POINT OF DIVERSION:

T03N R02W S9 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	2.780 CFS 59.89 AFY
Industrial use is for processing sugar beets into refined sugar.		

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S09 SESE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

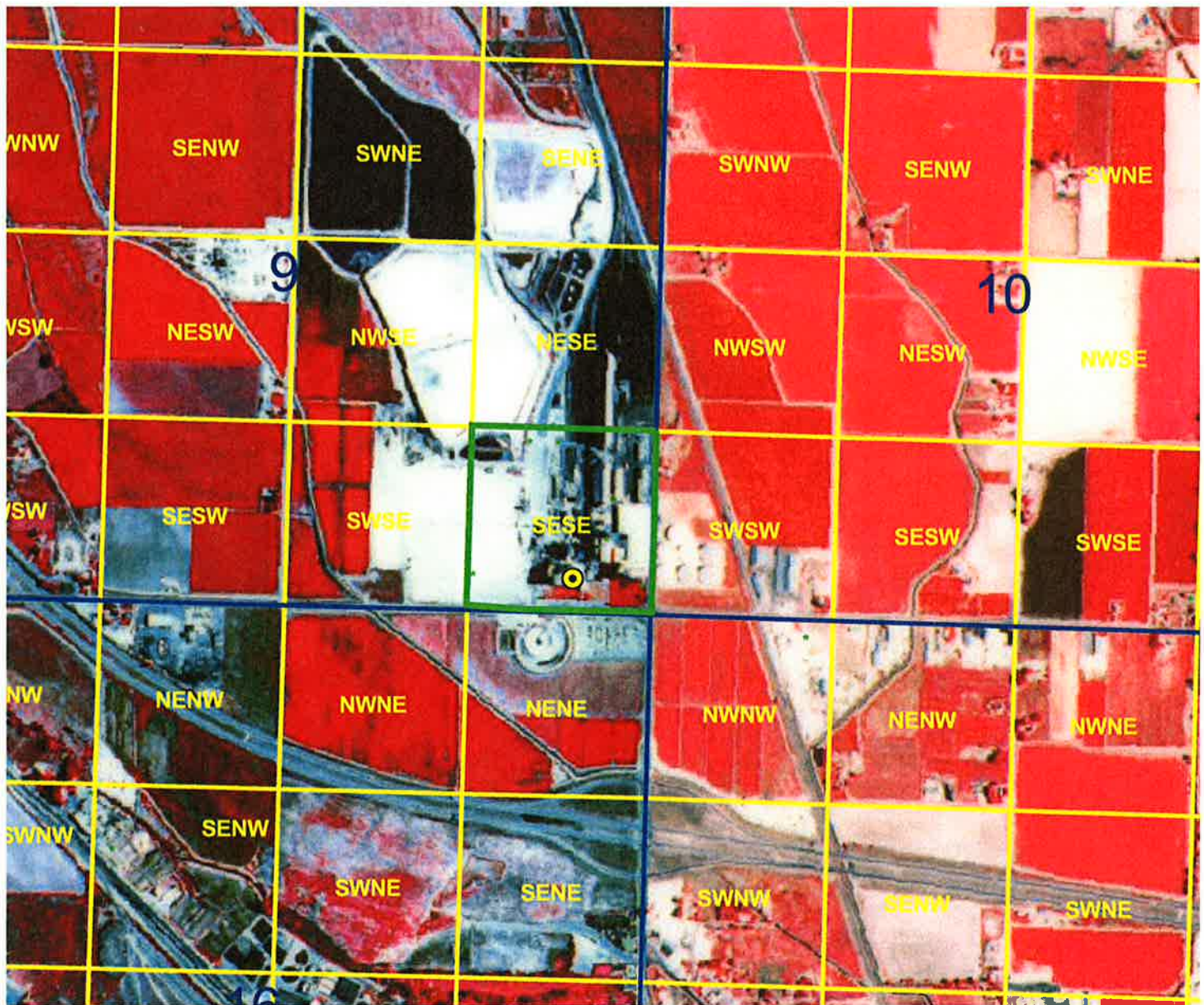
Point of diversion is referred to as Well No. 9.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 9
Water Right: 63-2967



1320 0 1320 2640 3960 Feet



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2967 V1

WATER RIGHT NUMBER: 63-2967 V1

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

Priority Date: 11/12/1953

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	2.780 CFS	59.89 AF
	<u>Total Diversion:</u>	2.780 CFS	59.89 AF

Location of Point(s) of Diversion

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

Place of Use

INDUSTRIAL Within CANYON County

T03N R02W S09 SESE

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 21.43 cfs and to a total combined annual diversion volume of 1136.68 AF. Combined Right Nos.: 63-2600, 63-2855, 63-2967 and 63-10232.
2. Industrial use is for processing sugar beets into refined sugar.
3. 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.
4. Point of diversion is referred to as Well No. 9.
5. Physical address of place of use is 138 E. Karcher Rd., Nampa, Idaho.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2967 V1

Comments:

1. vmusic 5/26/2006 POD

Comment: WELL NO. 9 NO POD OVERLAPS. USED GPSed LOCATION PROVIDED BY CLAIMANT

2. vmusic 5/26/2006 POU

Comment: NAMPA SUGAR PLANT. LICENSES 63-2600, 63-2855 AND 63-2967 ALL LICENSED FOR INDUSTRIAL USE - SAME POU.

3. vmusic 5/26/2006 AFA

Comment: SEE MEMO IN FILE FOR CALCULATIONS. CLAIMANT REFUSED TO PROVIDE HISTORICAL ANNUAL VOLUME INFORMATION.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/6/2006 4:02:12 PM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Source	5/26/2006 10:26:35 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/26/2006 10:26:52 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	5/26/2006 10:27:24 AM	vmusic	Updated shape for Active POU
Use	5/26/2006 10:27:56 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
POD	5/26/2006 10:25:19 AM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2967 V1

Season	5/26/2006 10:28:48 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR STANDARD FOR USE
Contacts	5/26/2006 10:23:59 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: LICENSE
General	5/26/2006 10:24:14 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/26/2006 10:24:32 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Quantity	5/26/2006 10:29:58 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - SEE MEMO IN FILE RE BASIS FOR CALCULATIONS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2967 V1

Summary	5/26/2006 10:34:28 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/9/2006 6:16:11 PM	vmusic	Updated shape

Water Supply Bank:

Music, Vicky

From: Music, Vicky
Sent: Monday, October 16, 2006 12:34 PM
To: John Marshall (E-mail); 'KQUINNEY@amalsugar.com'; 'jmccreedy@amalsugar.com'
Subject: Amalgamated Sugar LLC SRBA claims 63-2600, 63-2855 and 63-2967

Attached is the Department's response to John Marshall's letter dated 9/22/06. A hardcopy to John will follow by mail.



Amal Sugar
10-16-06 ltr.pdf

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

SCANNED
APR 11 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 16, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

John Marshall
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701

RE: ANNUAL VOLUME DATA
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear John,

Regarding your correspondence dated September 22, 2006, the information you provided continues to overstate the volume of water historically used by your client, Amalgamated Sugar LLC, pursuant to the water rights referenced above. The affidavits from the license files that you cite as providing detailed documentation of the volume of water used for industrial purposes state only the water is used from September until February of each year. They do not state that the water was pumped at maximum capacity and continuously, 24 hours a day, 7 days a week during the 5 or 6 months a year that constitute the yearly beet campaign. In fact, the language used plainly states that this 5 or 6 month time period is the only time during the year that water is used for industrial purposes. There is no mention of water being used during the non-campaign season or "intercampaign". Additionally, you provide no information regarding the basis of the 4.5 afa you use to estimate the water volume during the intercampaign.

Finally, the amended claims do not provide documentation of the system changes occurring prior to 1987. Please provide information regarding the changes so that IDWR can evaluate whether the changes qualify as accomplished transfers.

In sum, unless Amalgamated Sugar LLC submits information regarding the annual volume used and the system changes, there is no reason to change the preliminary recommendations made based on minimum well design parameters. The preliminary recommendations your client were sent last week reflect the recommendations IDWR intends to make to the SRBA Court when the Basin 63, Part 3 Director's Report is filed in early December, 2006.

Sincerely,


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

cc: John McCreedy [via e-mail], Ken Quinney [via e-mail]

Music, Vicky

From: Tuthill, Dave
Sent: Monday, October 02, 2006 5:15 PM
To: Music, Vicky; Spencer, Nick
Cc: Harvey, Becky
Subject: RE: SRBA Claims - The Amalgamated Sugar Company LLC

Vicky,

Thanks for sharing the letter from John Marshall.

While his letter does reduce the volume requested, it still appears to overstate the volume historically used. I find it unlikely that the wells were pumped at full capacity 24 hours per day throughout campaign.

I recommend that we reply to John that we find this analysis to be an overstatement of the volume. We are interested in determining a volume, but the analysis that John has provided needs to be refined for us to increase the volume beyond pumpage for 2 hours per day. We invite the submittal of additional information to assist in the determination of a more accurate volume, as we cannot assume pumpage at maximum volume for 5 months straight.

In the meantime, let's continue to recommend the two hour volume.

Dave

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

From: Music, Vicky
Sent: Tuesday, September 26, 2006 9:30 AM
To: Tuthill, Dave; Spencer, Nick
Cc: Harvey, Becky
Subject: FW: SRBA Claims - The Amalgamated Sugar Company LLC

Attached is the latest response from Amal re my request for information with which to calculate annual volume for the industrial uses.

Vicky M

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

From: Amanda McCurry [mailto:AmandaMcCurry@GivensPursley.com]
Sent: Friday, September 22, 2006 4:12 PM
To: Music, Vicky
Subject: SRBA Claims - The Amalgamated Sugar Company LLC

Ms. Music:

Enclosed please find correspondence from John Marshall regarding The Amalgamated Sugar Company LLC's water rights. I've attempted to send this email with attachments numerous times, and it keeps getting bounced back. I'm now attempting to send it without the attachments. The original letter including attachments will be sent in today's regular mail.

Please reply to let me know that you received the email and were successful in opening the attachment. Thank you.

Amanda McCurry
Assistant to John M. Marshall
Givens Pursley LLP
Direct Dial: (208) 388-1291

Music, Vicky

From: Amanda McCurry [AmandaMcCurry@GivensPursley.com]
Sent: Friday, September 22, 2006 4:12 PM
To: Music, Vicky
Subject: SRBA Claims - The Amalgamated Sugar Company LLC



JMM to Music.pdf

Ms. Music:

Enclosed please find correspondence from John Marshall regarding The Amalgamated Sugar Company LLC's water rights. I've attempted to send this email with attachments numerous times, and it keeps getting bounced back. I'm now attempting to send it without the attachments. The original letter including attachments will be sent in today's regular mail.

Please reply to let me know that you received the email and were successful in opening the attachment. Thank you.

Amanda McCurry
Assistant to John M. Marshall
Givens Pursley LLP
Direct Dial: (208) 388-1291
Facsimile: (208) 388-1300
E-Mail: AmandaMcCurry@givenspursley.com
www.givenspursley.com

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Music, Vicky

From: Tuthill, Dave
Sent: Tuesday, May 23, 2006 9:34 AM
To: Music, Vicky
Cc: Shurte, Jan
Subject: RE: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Thank you for sending this to me, Vicky.

The basis for my recommendation that we use a two hour pumping rate is that this is the minimum design pumping rate for a well. In the case of Amalgamated Sugar it appears that we have received no information to support a recommendation for additional volume. Their letter states that "Our industrial processes continue to run 24 hours per day, 7 days per week, and in some instances, 365 days per year." However, this does not mean that their wells pump at maximum capacity for this period of time.

If we do not receive supporting information to substantiate an element of a water right (in this case volume diverted), our practice is to recommend the amount that we can support lacking any other information. I would anticipate that their wells run for at least two hours per day, six months per year. Lacking other supportive information, please make the SRBA recommendation for this amount. We remain very willing to review other information provided by Amalgamated Sugar to support an increase in this recommendation.

Please print this email as supporting information for the file.

Dave

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

From: Music, Vicky
Sent: Tuesday, May 23, 2006 8:46 AM
To: Tuthill, Dave
Subject: FW: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Hi Dave.

Jan suggested I send this response from Amalgamated Sugar to my request for annual volume info to you. Yesterday, I sent them an email telling them that I would be calculating the annual volume based on a 2 hour diversion time period per you rather than the 8 hour diversion period per Jan. This was their reply. Vicky M

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

From: Stephanie Hansen [mailto:SHANSEN@amalsugar.com]
Sent: Monday, May 22, 2006 3:17 PM
To: Music, Vicky
Subject: SRBA Claim Nos. 63-2600, 63-2855, and 63-2963

Vicky, the attached is for your review.

Stephanie

Stephanie M. Hansen
Administrative Assistant to John C. McCreedy,
VP of Administration, General Counsel & Secretary
and Craig Hanks, Treasury Manager
THE AMALGAMATED SUGAR COMPANY LLC
3184 Elder Street
Boise, Idaho 83705
Telephone: 208-383-6514
Facsimile: 208-383-6688

E-mail: shansen@amalsugar.com

This e-mail is confidential and is intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message from your computer. Thank you.



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

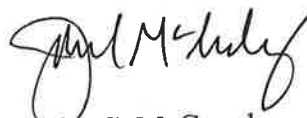
include any provision that allows IDWR to add a diversion volume limitation where one does not already exist on a license.

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

Music, Vicky

From: Music, Vicky
Sent: Monday, May 22, 2006 2:43 PM
To: 'jmccreedy@amalsugar.com'
Subject: Amalgamated Sugar SRBA claim nos. 63-2600, 63-2855 and 63-2963

John -

This e-mail is regarding IDWR's request to Amalgamated Sugar for historic water volume information developed under Amalgamated's licenses referenced above. The information is needed to further define and describe the quantity element of the industrial uses of these licensed groundwater rights. Specifically, this e-mail is to follow up on our conversation Friday, May 19, 2006, during which you told me a letter from Amalgamated to IDWR was forthcoming declining to provide the requested information. During that conversation, I indicated that I would calculate the annual volume based on an 8 hour workday. That guideline was pursuant to instructions from my supervisor, Jan Shurte.

Today, however, I received guidance from Dave Tuthill, former SRBA Bureau Chief and currently the head of the IDWR Water Management Division. He instructed me to use a 2 hour diversion period to calculate the annual volume of water used industrially by Amalgamated Sugar.

Lastly and in response to your inquiry [paraphrased here] as to the authority by which IDWR can, in the adjudication, add to elements of a previously licensed water right, I refer you to Idaho Code Section 42-1427. Description of water rights - Reporting and decreeing elements of a decreed or licensed water right.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2600, 63-2855 AND 63-2967
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM REVIEW – AMALGAMATED SUGAR LICENSES FOR
INDUSTRIAL USE
DATE: 5/19/2006
CC:

In the past couple of months, I have sent letters and exchanged phone calls and emails with Amalgamated Sugar pursuant to my request for information regarding annual volume. The claimant has 3 licenses for a groundwater use industrial use from several wells. The licenses do not have an annual volume component.

The correspondence culminated in a phone call today from John McCreedy in which he stated that Amalgamated Sugar would be sending me a friendly letter declining my request for annual volume information. He stated that he had consulted water attorneys and this was their advice. He asked for the authority IDWR relied upon to request the information and I direct him and his attorneys to Title 42.

I told him that because I had to recommend an annual volume, I would be calculating it based on an 8-hour workday, which is the guidance I received from IDWR Adjudication supervisors.

Mr. McCreedy said that the letter forthcoming from the company will contain the other information I requested regarding the well locations, wells still in use, etc.

Music, Vicky

From: John McCreedy [jmccreedy@amalsugar.com]
Sent: Monday, May 15, 2006 7:08 AM
To: Music, Vicky
Cc: Mike Dalton
Subject: Re: SRBA claims

Vicky:

Thanks for your e-mail and for the extension of time. We are still gathering the necessary information and would like to postpone our meeting scheduled for today for a few more days. I will give you a call no later than Wednesday of this week to reschedule and give you a progress report. Thanks for your consideration.

John

John C. McCreedy
General Counsel and Secretary
The Amalgamated Sugar Company LLC
3184 Elder Street
Boise, Idaho 83705
Phone: (208) 383-6500
Fax: (208) 383-6688

This e-mail is confidential and is intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message from your computer. Thank you.

>>> "Music, Vicky" <Vicky.Music@idwr.idaho.gov> 5/8/2006 10:49 AM >>>

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

5/22/2006

Court are accurate.

Please call with questions.

<<Amag Sugar table.xls>> <<AMALGAMATED SUGAR 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

5/22/2006

CONVERSATION MEMORANDUM

TO: CLAIM FILE NOS. 63-2600, 63-2855, 63-63-2967

FROM: VICKY L MUSIC, SR. WATER RESOURCE AGENT, IDWR /
WESTERN REGION

SUBJECT: PHONE CALL FROM MR. MCCREEDY, GENERAL COUNSEL FOR
AMALGAMATED SUGAR

DATE: 5/8/2006

CC:

Mr. McCreedy called because the letter sent to Amalgamated Sugar Nampa plant April 27, 2006, just arrived at his desk. He asked for an extension of time from the 5/5/06 date. We decided that the task would be assigned to someone, and either Mr. McCreedy or the employee assigned, would call me at 9 am Friday, 5/12/06. He called a Mike Dalton in and they mentioned the name Glen Patrick, Env Eng may be assigned and I told them that I left a voice mail message for him 4/14/06 that was not returned.

We discussed the info needed, most importantly, afa for the 3 licenses. I also have questions re the wells - some discrepancies in the license files, also what changes have been made to water use, etc, in prep for the recommendations being made to the court.

I told them I could email them my questions and an aerial if helpful. Today, I emailed a short table I made summarizing the rights and my comments, a list of questions and a 2004 aerial with my guess of where the wells are located.

VLM

Music, Vicky

From: Music, Vicky
Sent: Monday, May 08, 2006 10:50 AM
To: 'jmccreedy@amalsugar.com'
Subject: SRBA claims

Mr. McCreedy -

This e-mail is in response to our conversation Friday afternoon, May 5, 2006. During the conversation, you asked for an extension of time to provide information about Amalgamated Sugar's water use that I requested in my letter to Amalgamated Sugar dated April 27, 2006. We agreed on an extension to May 12, 2006.

Attached here are a couple of my working documents - a table summary and a list of questions regarding the 4 Amalgamated Sugar licenses I am reviewing in preparation to recommend to the Snake River Basin Adjudication [SRBA] Court in a few months. Also attached is a 2004 aerial with my best guess of the well locations based on information in the license files.

As I mentioned in the all correspondence with Amalgamated, the most important information needed is the annual volume of water used because this is a limiter on groundwater rights. The rest of my questions have to do with housekeeping and insuring that the information IDWR has in our database about the use, location of wells, etc. and changes made to the water use is accurate so that the recommendations IDWR makes to the Court are accurate.

Please call with questions.



Amag Sugar
table.xls



AMALGAMATED
GAR QUESTIONS.doc



amal2004.jpg

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

<u>Bas in</u>	<u>Seque nce</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volum e(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Misc info/status</u>
63	2600	License	11/9/1942	14.15		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. PODs are well #s 2 - 6. Well #1 is a domestic well. Current PODs are Wells # 2 - 5. #6 - use transferred to irrigation when 63-10232 was licensed. Need info to calculate AFA. Q/AFA combined use condition. Lic file says estimated flow for factory is 6500 gpm.
63	2855	License	4/7/1951	4.5		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. POD is well #s 7. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	2967	License	11/12/1953	2.78		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic POD 9s well # 9 . Capacity = 4.4 cfs. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	10232	License	4/23/1984	3	675	GROUND WATER	IRRIGATION	AMALGAMATED SUGAR CO (Current)	claimed as licensed. POD is well # 6.
				24.43 3 = 21.43					
									limit Q to 21.43 cfs for industrial uses for 3 licenses because Well # 6 now used for 63-10232. IS well # 8 replacement for #2?

DRAFT OF QUESTIONS RE AMALGAMATED SUGAR NAMPA PLANT
LICENSES/ SRBA CLAIMS

1 – Need to GPS or otherwise better located wells. Use 2004 aerial

2 – need to calculate afa for each of the 3 licenses: 63-2600, 63-2855, 63-2967 [not needed for license 63 -10232 which was licensed for irrigation – will use standard afa]

3 – Well # 6 was licensed in 1942 under 63-2600 but transferred to irrigation use under 63-10232 and no longer used for industrial. Confirm.

4 – Water used in Nampa plant

A - In 1942 when 63-2600 was licensed for 14.15 cfs, an estimate by company of the water need of the water was 6500 gpm. What was the time used in the factory – 6500 x 8 hour shift? 12 shift? 6 days / week? Seasonal fluctuations in water need?

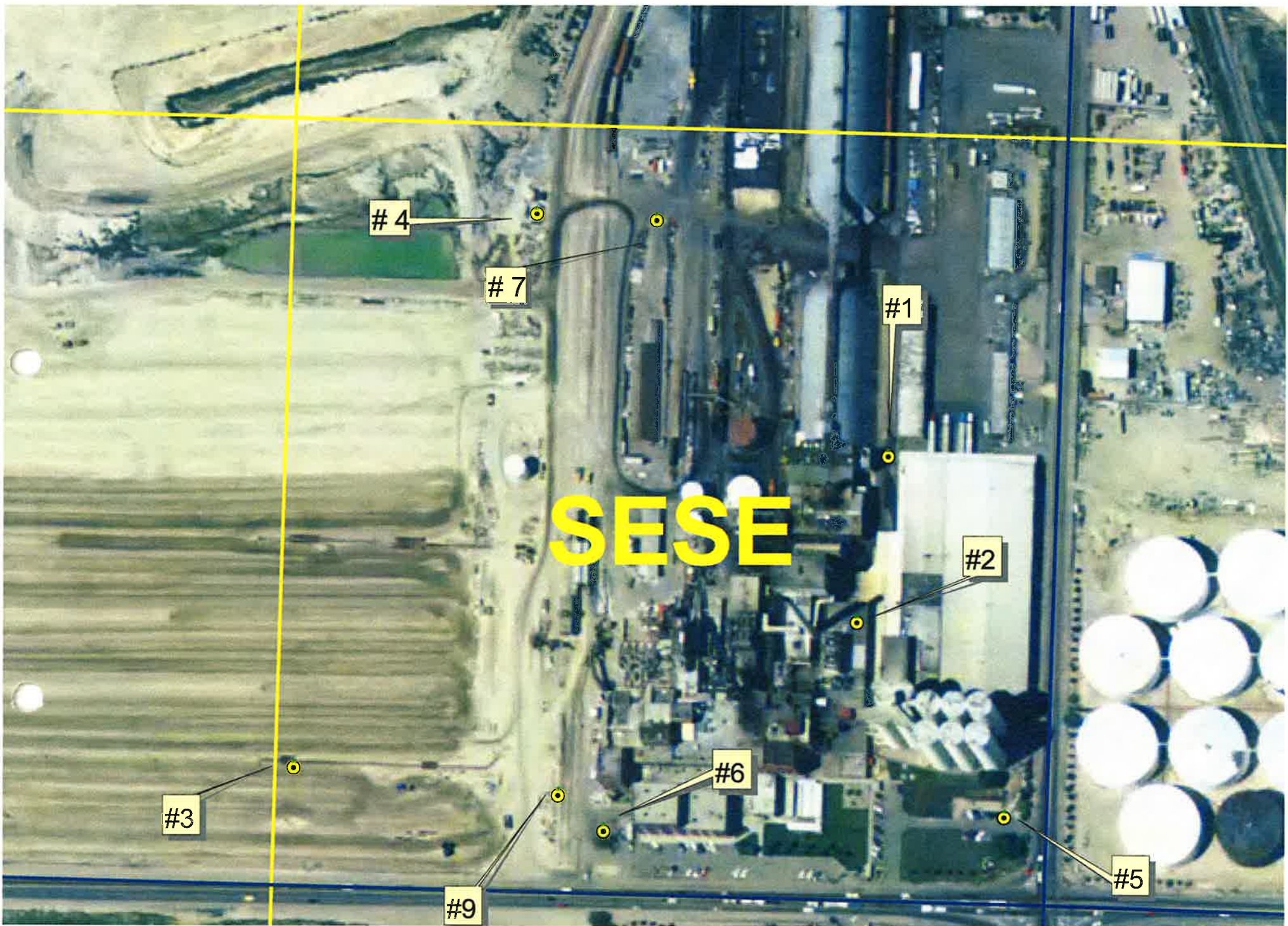
B – how did the factory's water needs change in 1951 when 63-2855 was licensed for additional 4.5 cfs?

C – how did the factory's water needs change in 1955 when 63-2967 was licensed for an additional 2.78 cfs?

D – what is the current water need?

5 – Well # 2 quit producing in 1950. another well was drilled – which one replaced #2?

6 – what well was abandoned in 1995? See well log.



CLAIMS/ LICENSES 63-2600, 63-2855 AND 63-2967 -- 2004 AERIAL OF AMALGAMATED SUGAR NAMPA PLANT.
BLOW UP OF SESE SECTION 9 T3N R2W AND MY GUESS RE WHERE THE WELLS ARE LOCATED. NO WELL #8 .



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2006

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

RE: ANNUAL VOLUME DATA
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a printout of the claim(s) for your reference only.

These claims are licenses for industrial uses. At the time the rights were licensed, no annual volume component was required. However, to recommend these in the SRBA, IDWR must have additional information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources. Please call me as soon as possible at (208) 334-2190 with a contact name and phone number of a plant engineer or another employee knowledgeable about the water use at this facility.

If I do not hear from you by May 5, 2006, the water use as claimed may not be recommended to the SRBA court for decree.

Sincerely,

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

Enclosures: Notice of claim reports

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 17, 2006

THE AMALGAMATED SUGAR CO.
ATTN: BASIL TUPYI
P.O. BOX 1520
OGDEN, UT 84402

RE: ANNUAL VOLUME DATA
Snake River Basin Claim No(s): A63-2600, A63-2855 and A63-2967

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a printout of the claim(s) for your reference only.

These claims are licenses for industrial uses. At the time the rights were licensed, no annual volume component was required. However, to recommend these in the SRBA, IDWR must have additional information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources. Please call me as soon as possible at (208) 334-2190 with a contact name and phone number of a plant engineer or another employee knowledgeable about the water use at this facility.

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

Sincerely,

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

Enclosures: Notice of claim reports

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2967

WATER RIGHT NUMBER: 63-2967

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

BOISE, ID 83705
(208)383-6500

Priority Date: 11/12/1953

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	2.780 CFS	59.84
<u>Total Diversion:</u>		2.780 CFS	

Location of Point(s) of Diversion

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

Place of Use

INDUSTRIAL

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

Conditions of Approval:

1. NAMPA PLANT.

Remarks:Comments:

138 E
POU is Karcher Rd, Nampa ID
Q combined use condition, 21.43 cfs, 1136-bb afa w/ 63-2960, 63-2955, 63-2961
POD - well # 9
 $(2.78 \text{ cfs})(450) = 1251 \text{ gpm}$ Industrial use is for processing sugar beets
PURPOSE into refined sugar

*claimed as 11c.**not licensed*

466-3541

4-14-06 TCT plant - Inv. Eng. Rick, Inv. Engineer @ Wagon
4-17-06 Inv. Eng. UT
Amdt Subar
Plant

- 1- need locations of wells - GPS
63-2600 well # 2-6 replacement well for #
(well #1 - Domestic) drilled 1993
63-2855 well # 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 v license

- 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?

6- What well was abandoned in 1967 or 1968?

5-25-06

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

63-2000

licensed in 1942 for 14.15 from well #s 2, 3, 4, 5, 6. Well #6 also licensed for irrigation under 63-10232. Note in license that pump changed on well #6 between 63-2000 lic. exam & 63-10232 lic exam so the overlap conditions (limiting use of well #6) were waived due to system change. Hence, this is not reduced. limited w/ all 4 licenses to 21.43 cfs.

$$\frac{(14.15 \text{ cfs})(450 \text{ rpm})(60 \text{ min})(2 \text{ hrs/day})(5 \text{ days/wk})(26 \text{ wks/yr})}{99,333,000 / 325,850} = 304.84 \text{ afg}$$

63-2855

$$\frac{(4.5)(450)(60)(2)(5)(26)}{31,590,000 / 325,850} = 46.95 \text{ afg}$$

63-2967

$$\frac{(2.78)(450)(60)(2)(5)(26)}{19,515,000 / 325,850} = 59.89 \text{ afg}$$

These 3 rts + 63-10232 limited to 21.43 cfs & ~~461.08~~ 1136.68 afg
675 afg

<u>Bas in</u>	<u>Seque nce</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volum e(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Misc info/status</u>
63	2600	License	11/9/1942	14.15		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. PODs are well #s 2 - 6. Well #1 is a domestic well. Current PODs are Wells # 2 - 5. #6 - use transferred to irrigation when 63-10232 was licensed. Need info to calculate AFA. Q/AFA combined use condition. Lic file says estimated flow for factory is 6500 gpm.
63	2855	License	4/7/1951	4.5		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic. POD is well #s 7. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	2967	License	11/12/1953	2.78		GROUND WATER	INDUSTRIAL	AMALGAMATED SUGAR CO (Current)	claimed as licensed. Lic POD 9s well # 9 . Capacity = 4.4 cfs. Need info to calculate AFA. Q/AFA combined use condition. All wells are connected in common system.
63	10232	License	4/23/1984	3	675	GROUND WATER	IRRIGATION	AMALGAMATED SUGAR CO (Current)	claimed as licensed. POD is well # 6.
				24.43 3 = 21.43					
									limit Q to 21.43 cfs for industrial uses for 3 licenses because Well # 6 now used for 63-10232. IS well # 8 replacement for #2?

$$(21.43 \text{ cfs}) (4500 \text{ gpm}) = 9643.50 \text{ gpm for 3 licenses}$$

$$\text{AFA} = (21.43) (1.4835) (365) = 15514.84 \text{ afa}$$

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2967

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2600	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2855	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2967	Claim	03N	02W	9	SE	SE		INDUSTRIAL		THE AMALGAMATED SUGAR CO
2600	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO
2855	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO
2967	Water Right	03N	02W	9	SE	SE		INDUSTRIAL		AMALGAMATED SUGAR CO

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2967

WATER RIGHT NUMBER: 63-2967

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

Priority Date: 11/12/1953

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	/ to /	2.780 CFS	
	<u>Total Diversion:</u>	2.780 CFS	

Location of Point(s) of Diversion

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

Place of Use

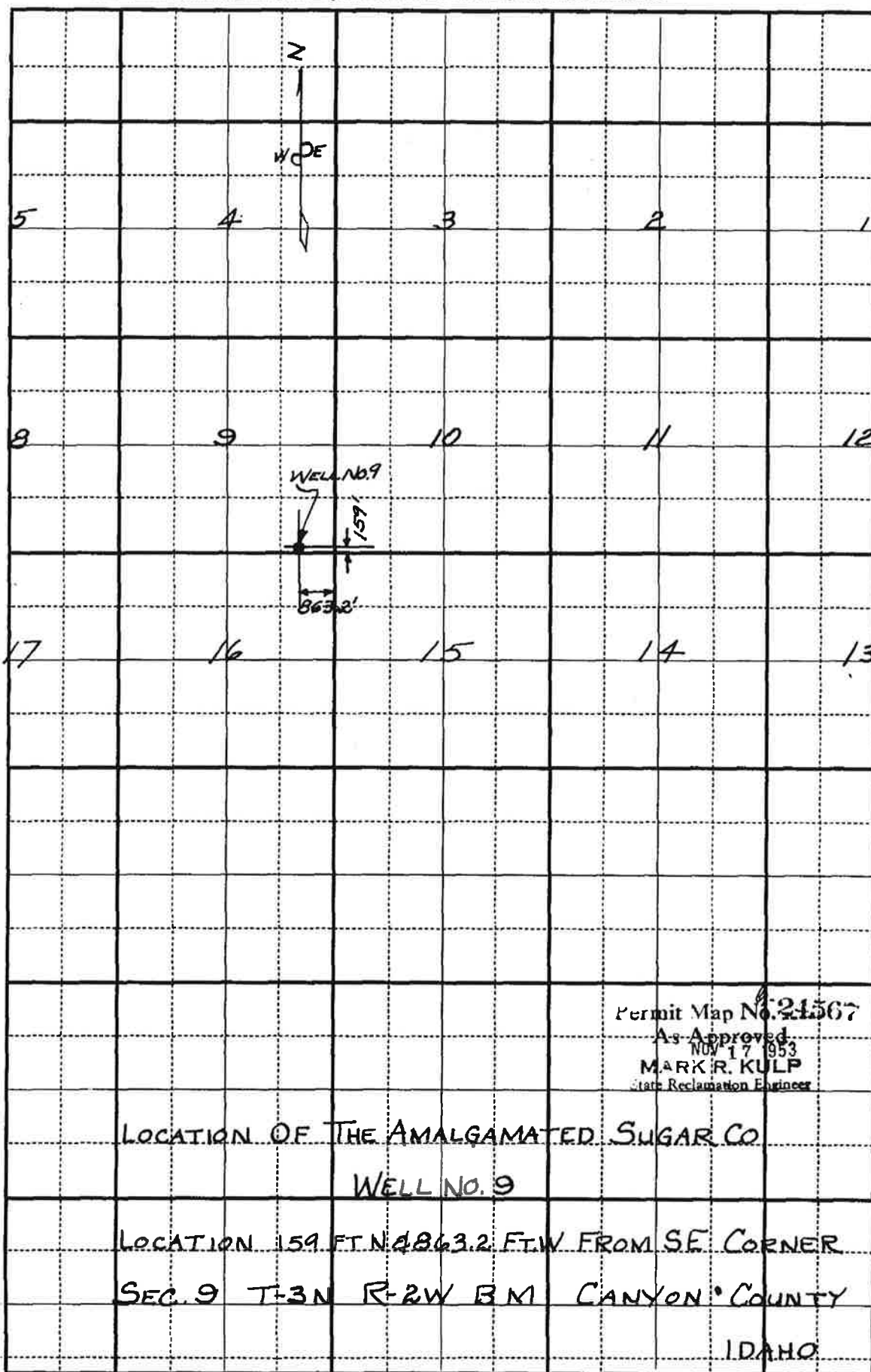
INDUSTRIAL

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

Conditions of Approval:Remarks:Comments:

NAME OF APPLICANT THE AMALGAMATED SUGAR CO.

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

24567

State of Idaho

License and Certificate of Water Right

Water License No. G-24567

Amount 2.78 second feet

Water District No.

Priority November 12, 1953

THIS IS TO CERTIFY that AMALGAMATED SUGAR COMPANY
 of Ogden, Utah, made application for a permit to appropriate the
 public waters of the State of Idaho, dated November 12, 19 53; that Permit No. G-24567
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.78 second feet, was issued thereunder on March 5, 19 56, showing that said works
 were completed on the 15th day of November, 19 55; and that on the 15th
 day of November, 19 55, Amalgamated Sugar Company

of Ogden, State of Utah, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well,
~~calculation of~~ (subterranean flow), for the purpose of processing sugar beets,
 under Use Permit No. G-24567 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 9 of Licenses at page 5666, on the 5th day of March, 19 56;
 The right hereby confirmed dates from November 12, 19 53;

The Point of Diversion is located

In the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Tp. 3 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 2.78 cubic feet per second.

Description and location of use:

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

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
 5th day of March, 19 56.

(SEAL)

MARK R. KILP

State Reclamation Engineer.

63 2967

State of Idaho
License and Certificate of Water Right

Water License No. 22030 Amount 4.5 second feet
Water District No. Priority April 7, 1951

THIS IS TO CERTIFY that AMALGAMATED SUGAR COMPANY
of Ogden, Utah, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 7, 19 51 ; that Permit No. 22030
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.5 second feet, was issued thereunder on March 5, 19 56, showing that said works
were completed on the 15th day of November, 19 55 ; and that on the 15th
day of November, 19 55, Amalgamated Sugar Company

of Ogden, State of Utah, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well,
~~subterranean flow~~ (subterranean flow), for the purpose of manufacturing use
under Use Permit No. 22030 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5665, on the 5th day of March, 19 56 ;
The right hereby confirmed dates from April 7, 19 51;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 9, Tp. 3 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.5 cubic feet per second.

Description and location of use:

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

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
5th day of March, 19 56.

(SEAL) MARK R. KULP
State Reclamation Engineer.

63-2967

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Nampa - Well No. 9

Application No. G- 32366
 Permit No. G- 24567
 District No.

1. Name of Applicant: THE AMALGAMATED SUGAR COMPANY
 Postoffice address: Box 431, Ogden County: State: Utah
2. Quantity of water claimed: 1250 GPM
 - (a) Rate of withdrawal in cubic feet per second 2.78 or Idaho
 Miners' inches 139 or gallons per minute 1250
 - (b) Annual withdrawal in acre feet per annum 675
3. Source of water supply: Three sand aquifers artificially gravel packed from 462 feet to 524 feet below ground level.
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9
 Twp. 3 N. , Rge. 2 W. , B.M. County of Canyon
5. Water is to be used for: Processing Sugar Beets
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9 , Twp. 3 N.
 Rge. 2 W. , B.M.
 - (b) Waste water or sewage effluent is to be returned to Indian Creek
 at a point in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16 , Twp. 3 N. , Rge. 2 W. , B.M.
7. Kind of works: Well and pump
8. Estimated cost of works: \$ 25,000.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is ~~years~~ work now complete.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: January 15, 1915 - Utah
 (b) Amount of capital stock: \$ 6,190,549.00 (c) Amount paid in: \$ 6,190,549.00
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$ 9/30/53 - \$6,547,716.17
 (b) Treasury stock: 139,146.75 @ \$10 par (c) Bonds to be issued: None
 (d) Other resources: Accounts and Notes Receivable, Advance and Prepaid Expenses, Land Sale Contracts, Factory Sites, Buildings, Machinery, Equipment, Farm Land, Water Rights, Etc.
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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.

THE AMALGAMATED SUGAR CO.

Applicant.

By A. J. Forbess, Chief Engineer

Agent.

Date of first receipt at Department of Reclamation: 4:30 p.m. November 12, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24567

Recorded in Book 87 Page 24567 Approved November 17, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before - -

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before November 17, 1955.

Witness my hand this 17th day of November, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of November, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
I	(d)	Names and Addresses of Directors					
		S. F. Ballif, Jr.,	140 Orange Drive, Los Angeles, California				
		A. E. Benning,	First Security Bank Building, Ogden, Utah				
		H. A. Benning,	First Security Bank Building, Ogden, Utah				
		M. A. Browning,	First Security Bank Building, Ogden, Utah				
		R. H. Burton,	160 South Main Street, Salt Lake City, Utah				
		R. H. Cottrell,	First Security Bank Building, Ogden, Utah				
		M. S. Eccles,	First Security Corporation, Salt Lake City, Utah				
		S. S. Eccles,	Mountain State Implement Company, Ogden, Utah				
		W. H. Harris,	First Security Bank Building, Ogden, Utah				
		Paul H. Ray,	921 Kearns Building, Salt Lake City, Utah				
		J. F. Scowcroft,	C/o John Scowcroft and Sons Company, Ogden, Utah				

Permit No. G-24567
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that AMALGAMATED SUGAR COMPANY of Ogden, County of Weber, and State of Utah the holder of Permit No. G-24567, issued upon Application No. G-32366 bearing date of priority of November 12, 1953, authorizing the diversion of 2.78 second feet of the waters of subterranean flow from a well, County of Canyon, State of Idaho, for processing sugar beets purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.78 second feet of the waters of said well; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 3 North, Range 2 West, B.M. and that the place of use of said water are described as follows, to-wit: At the Amalgamated Sugar Co. Factory in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 3 North, Range 2 West, B.M., Canyon County, Idaho.

Witness my hand this 5th day of March, A. D. 1956.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made November 15, 1955
Certificate of Completion of Works issued March 5, 1956.

PERMITS ISSUED FOR 2.78 SEC. 17.
Page 5666

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

Permit No. G-24567

This proof is for Completion of works & beneficial use In Water District No.

1. Name of applicant: THE AMALGAMATED SUGAR COMPANY, Box 431, Ogden, Utah
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9
T. 3 N. R. 2 W. County of Caryen (Well # 9)
4. Describe works as they exist, giving dimensions and capacities of same: Well is 20" diameter by 574' deep. H=6 $\frac{1}{2}$ ', lift is 67'2", column is 89' by 10" diameter. Pump is a Bingham 2 stage 18". Pump no. is 20841. Motor is a 75 hp U. S., Serial No. 960115. Pump and Motor sit on top of the casing. There is no house nor platform. Motor is covered with a sheet metal cover.
5. Water is used for: Processing sugar beets.
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
Place of use: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9;
Twp. 3 North, Range 2 West, B. M.
See the map

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

8. What large stream would the water here appropriated finally reach?
Remarks: The water is pumped into the tank, and system that is common for the whole of the plant, and used for all purposes necessary in the plant and some of the water is exhausted into Indian Creek and some into the Noble Drain.

See # 19375 & 22030

This examination was made on the 23rd day of February, 1956

S24567

(Signed) E. H. Humphrey
Examiner.

R-2W.

T.
3
N.

9



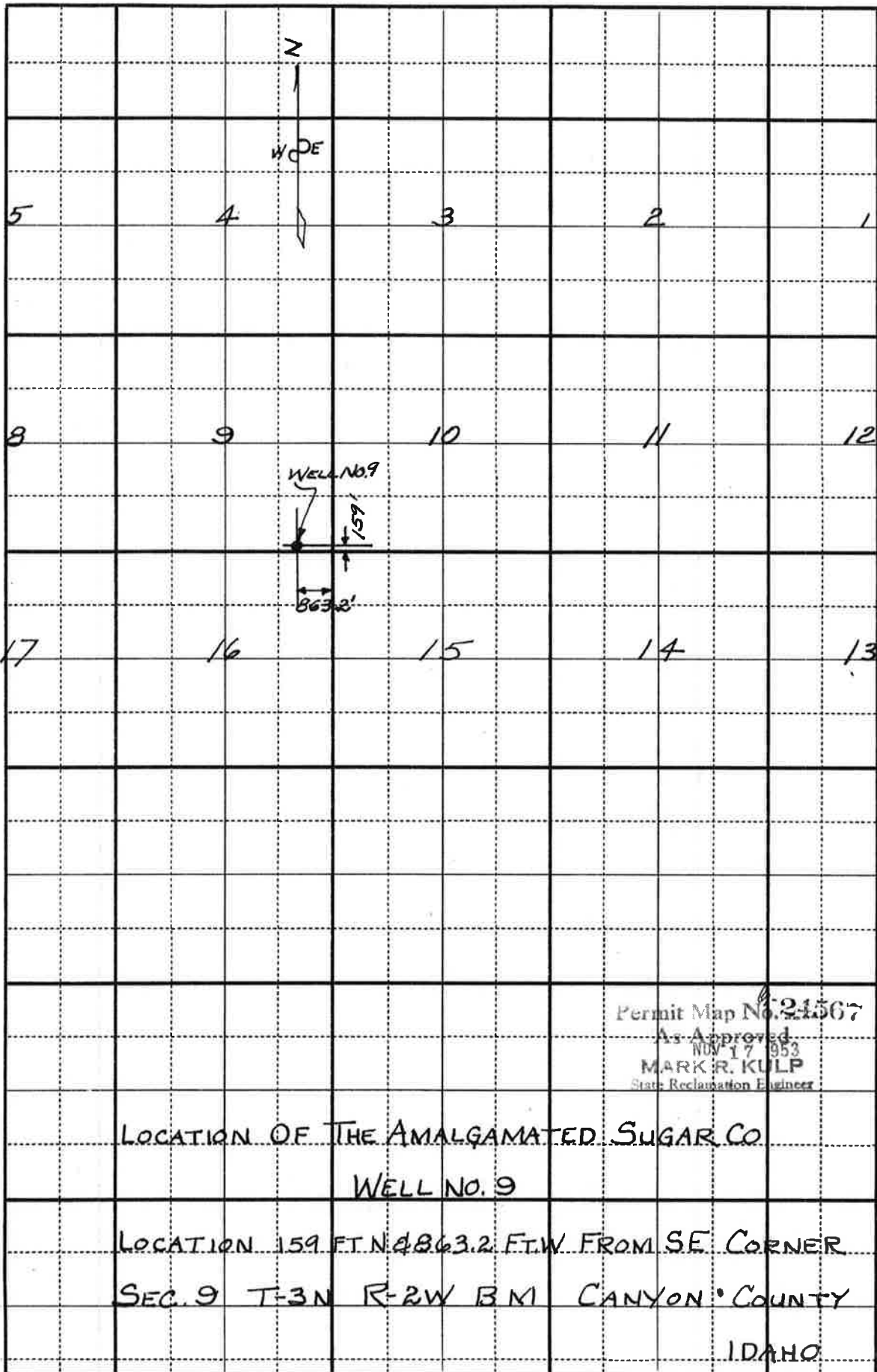
$Q = 2.78 \text{ cfs} = \text{amt of filling}$

This pump can deliver a
great deal more water than
this amount

Use is mostly non-consumptive

NAME OF APPLICANT The Amalgamated Sugar Co.

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

24567