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June 24, 2020

RECEIVED

JUN 29 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Denise Maline
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

RE: Applications for Permit No. 47-17716 (Drain Tunnel) & 47-17717 (Rock Creek)

Dear Ms. Maline:

This letter is in response to your May 28, 2020, letter regarding the above Applications for Permit regarding rule 40.05 additional information requirements.

1. 47-17716 (Drain Tunnel)

a. Existing Water Rights IDAPA 40.05.c

- 1) IDAPA 40.05.c.i – Applicant is the only user of water from the Drain Tunnel.
- 2) IDAPA 40.05.c.ii – N/A
- 3) IDAPA 40.05.c.iii – The use of water contained in the application has been ongoing for years and the Applicant has regulated the diversion and use of water through acceptable measurement and conveyance devices that allow for priority administration of the water rights that are located within the regulating Water District.

b. Sufficiency of Supply IDAPA 40.05.d

- 1) IDAPA 40.05.d.i – The expected water requirement for this proposed use is no more than 7 cfs at the peak and will average less than 5.4 cfs on average to be used during the summer months. Because it is from a surface source, the Applicant does not expect it to be volume limited. The water use will be for non-consumptive industrial use.
- 2) IDAPA 40.05.d.ii – The applicant has used this water for years from the Drain Tunnel and the flows from the drain tunnel have been above 7 cfs in recent past years. The applicant also has other water rights from Rock Creek and groundwater that are used within the facility.

c. Good Faith, Delay, Speculation IDAPA 40.05.e

- 1) IDAPA 40.05.e.i – Applicant owns all of the property at the place of use and points of diversion.
See Ex. A.
- 2) IDAPA 40.05.e.ii – There are no additional permits, licenses and approvals necessary.

d. Financial Resources IDAPA 40.05.f

- 1) IDAPA 40.05.f.i and ii – Applicant does not anticipate any additional financial costs as this use is not new to the facility. Amalgamated is a company with sufficient resources and has been diverting and using water for industrial purposes in the area for years

e. Local Public Interest IDAPA 40.04.g

- 1) IDAPA 40.05.g. – Applicant believes this proposed use is within the local public interest as the Applicant has been using this water for years for sugar beet processing operations. However, Applicant has requested and will submit any comment letters from the City of Twin Falls, Twin Falls Canal Company, the Idaho Department of Fish and Game and Idaho DEQ.

2. 47-17717 (Rock Creek)

a. Existing Water Rights IDAPA 40.05.c

- 1) IDAPA 40.05.c.i – N/A
- 2) IDAPA 40.05.c.ii – N/A
- 3) IDAPA 40.05.c.iii – The use of water contained in the application has been ongoing for years and the Applicant has regulated the diversion and use of water through acceptable measurement and conveyance devices that allow for priority administration of the water rights that are located within the regulating Water District.

b. Sufficiency of Supply IDAPA 40.05.d

- 1) IDAPA 40.05.d.i – The expected water requirement for this proposed use is no more than 7 cfs at this peak and will average less than that likely no more than 5.4 cfs on average to be used during the summer months. Because it is from a surface source, the Applicant does not expect it to be volume limited. The water use will be non-consumptive industrial use.
- 2) IDAPA 40.05.d.ii -- The applicant has used this water for years from Rock Creek and there is water available from the source at or above 7 cfs in recent past years ranging between 93 and 206 cfs during the summer months. The applicant also has other water rights from the drain tunnel and groundwater that are used within the facility.

c. Good Faith, Delay, Speculation IDAPA 40.05.e

- 1) IDAPA 40.05.e.i – Applicant owns all of the property at the place of use and points of diversion.
See Ex. A.
- 2) IDAPA 40.05.e.ii – There are no additional permits, licenses and approvals necessary.

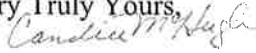
d. Financial Resources IDAPA 40.05.f

- 1) IDAPA 40.05.f.i and ii – Applicant does not anticipate any additional financial costs. Amalgamated is a company with sufficient resources and has been diverting and using water for industrial purposes in the area for years.

e. Local Public Interest IDAPA 40.05.g

- 1) IDAPA 40.05.g. – Applicant believes this proposed use is within the local public interest as the Applicant has been using this water for years to process sugar beets. However, Applicant has requested and will submit any comment letters from the City of Twin Falls, Twin Falls Canal Company, the Idaho Department of Fish and Game and Idaho DEQ.

If you have any other questions regarding this matter, please let me know and thank you for your time and attention.

Very Truly Yours,

Candice M. McHugh

Enclosures

DEED

FOR VALUE RECEIVED,

ZOLLINGER COLD STORAGE CORPORATION, a Utah Corporation
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto

THE AMALGAMATED SUGAR COMPANY, a Utah Corporation 2404 Washington Blvd.
grantee, the following described real estate, to-wit: whose address is: Ogden, Utah 84401

Township 10 South, Range 17, East of the Boise Meridian, Twin Falls County,
Idaho

Section 26: S1SW1

SUBJECT TO: Twin Falls County Highway Right of Way

Subject to Reservations in United States and State Patents, existing and
recorded rights-of-way and easements, zoning and building ordinances and
taxes and assessments as prorated between the parties hereto.

taxes and assessments for 1989

TOGETHER WITH 80 shares of Twin Falls Canal Company Waterstock.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee s
their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its
Secretary this 9th day of August 1989.

ZOLLINGER COLD STORAGE CORPORATION

By

William L. Zollinger
PRESIDENT.

ATTEST:

SECRETARY.

STATE OF IDAHO, COUNTY OF Weber

On this UTAH 10 day of August, 1989.

I, a notary public in and for said State, personally
advised William L. Zollinger and

known to me to
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, the day and year in this certificate
first above written.

UTAH

Notary Public

Residing at Davis County, Utah, Idaho
Comm. Expires 2-1-91

STATE OF IDAHO, COUNTY OF

TWIN FALLS, IDAHO

I hereby certify that this instrument was filed for record at
the request of FIRST AMERICAN TITLE COMPANY

at 25 minutes past 3:00 o'clock p.m.,
this AUG 11 1989 day of
19, in my office, and duly recorded in Book
of Deeds at page

RICHARD A. PENCE

Ex-Officio Recorder

By

William L. Zollinger
Deputy.

Fees \$ 300
Mail to:



First American Title Company of Idaho

INSTRUMENT No.

058632