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DEPT OF WATER RESOURCES  
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DEPARTMENT OF  
WATER RESOURCES

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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO.  
79296, WATER RIGHT NO. 36-2237 and  
36-8364.

**PETITION FOR RECONSIDERATION**

The Amalgamated Sugar Co., (TASCO) by and through its Attorney, Candice McHugh of the firm, McHugh Bromley, PLLC, hereby files this Petition for Reconsideration pursuant to Idaho Code §67-5243 and IDAPA 37.01.01.730.02 regarding Transfer No. 79296 dated July 2, 2014, modifying Water Right No. 36-2237 and Water Right No. 36-8364. TASCO requests that the following items be changed:

**Diversion Rate on Water Right No. 36-2237:**

The SRBA decree for Water Right No. 36-2237 listed two diversion rates with two periods of use: 3.32 cfs from 8/1 to 3/31 and 0.05 cfs from 4/1 to 7/31. A copy of the decree was attached to the Application for Transfer of Water Right. However, Transfer No. 79296 dropped the 0.05 cfs from 4/1 to 7/31. It appears that the 0.05 cfs from 4/1 to 7/31 was inadvertently dropped. The 0.05 cfs from 4/1 to 7/31 is important to the commercial operations of TASCO thus, TASCO requests that the 0.05 cfs from 4/1 to 7/31 be retained as there is no factual or legal basis that it was dropped and further requests that the transfer be corrected accordingly.

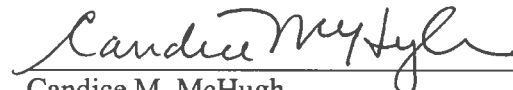
**Point of Diversion for Water Right Nos. 36-2237 and 36-8364:**

The Application for Transfer of Water Right sought a point of diversion down to only the quarter-quarter as reflected in the license for Water Right No. 36-8364. Although the SRBA decree for Water Right No. 36-2237 listed the point of diversion as the quarter-quarter-quarter more particularly described as SWSENW, Sec. 27, T92, R23E, the license for Water Right No. 36-8364 listed the point of diversion to the quarter-quarter more particularly SENW, Sec. 27, T9S, R23E. There is no legal requirement that the point of diversion be described down to the 10-acre tract and in this case, the Application for Transfer sought a point of diversion within a 40-acre tract which is acceptable under the law and is in accordance with how Water Right No. 36-8364 was licensed. Thus, TASCO requests that the point of diversion for Water Right Nos. 36-2237 and 36-8364 be described consistent with the Application for Transfer filed herein as the SENW, Sec. 27, T9S, R23E. Describing the point of diversion with this legal description will allow TASCO the most flexibility in the event that any of the wells associated with these water rights need replacing in the future.

Based on the foregoing, TASCO requests that Transfer No. 79296 be changed to add the 0.05 cfs from 4/1 to 8/31 on Water Right No. 36-2237 and describe the points of diversion for Water Right Nos. 36-2237 and 36-8364 as SENW, Sec. 27, T9S, R23E.

Dated this 15<sup>th</sup> day of July, 2014.

McHugh Bromley, PLLC

  
Candice M. McHugh