

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79296

This is to certify that: **AMALGAMATED SUGAR CO**
1951 S SATURN WAY STE 100
BOISE, ID 83709

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-2237	WR/DECREED	11/14/1953	3.320 cfs	N/A	N/A	N/A	GROUND WATER
36-8364	WR/LICENSE	6/10/1988	0.220 cfs	4.7 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2237	NO	NO	NO	YES	NO	NO
36-8364	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2237	36-2237	3.320 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8364	36-8364	0.220 cfs	4.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.540 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 2nd day of July, 2014.



Southern Region Manager

SUPPORT DATA

IN FILE # 36-2237

Transfer No. 79296

WATER RIGHT NO. 36-8364**As Modified by Transfer No. 79296**

In accordance with the approval of Transfer No. 79296, Water Right No. 36-8364 is now described as follows:

Right Holder: THE AMALGAMATED SUGAR CO LLC
PO BOX 700
PAUL, ID 83347

Priority Date: 6/10/1988

Source: GROUND WATER

BENEFICIAL USE
INDUSTRIAL

From 1/01 **To** 12/31

Diversion Rate
0.220 cfs
0.220 cfs

Diversion Volume
4.7 af
4.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENW Sec 27 Twp 09S Rge 23E MINIDOKA County
GROUND WATER SWSENW Sec 27 Twp 09S Rge 23E MINIDOKA County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	27								X									

CONDITIONS OF APPROVAL

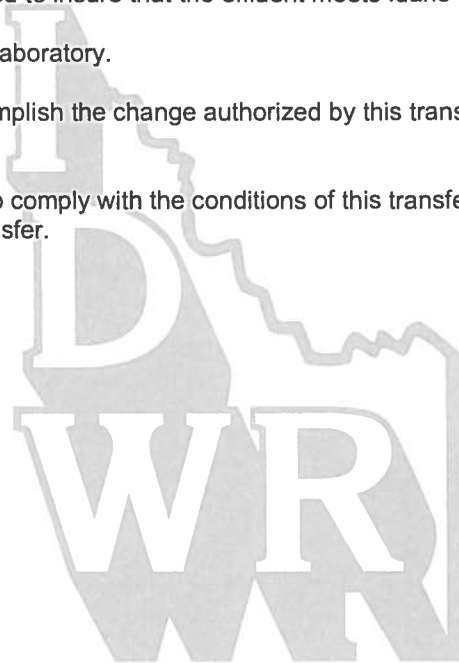
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. Rights 36-2237 and 36-8364 when combined shall not exceed a total diversion rate of 3.54 cfs.
3. Rights 36-2237, 36-2238, 36-4145, 36-2271, 36-2272 and 36-8364 when combined shall not exceed a total annual maximum diversion volume of 2141.7 af.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. Prior to the diversion and use of water under Transfer approval 79296, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 79296

WATER RIGHT NO. 36-8364
As Modified by Transfer No. 79296

CONDITIONS OF APPROVAL

6. This transfer does not authorize the construction of a new well.
7. When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
8. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
9. Industrial use is for a Tare laboratory.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 36-2237

As Modified by Transfer No. 79296

In accordance with the approval of Transfer No. 79296, Water Right No. 36-2237 is now described as follows:

Right Holder: THE AMALGAMATED SUGAR CO
1951 S SATURN WAY STE 100
BOISE, ID 83709

Priority Date: 11/14/1953

Source: GROUND WATER

BENEFICIAL USE
COMMERCIAL

From
8/01 to **To**
3/31

Diversion Rate
3.320 cfs
3.320 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSNW Sec 27 Twp 09S Rge 23E MINIDOKA County
GROUND WATER SWSNW Sec 27 Twp 09S Rge 23E MINIDOKA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	27							X	X	X	X							

CONDITIONS OF APPROVAL

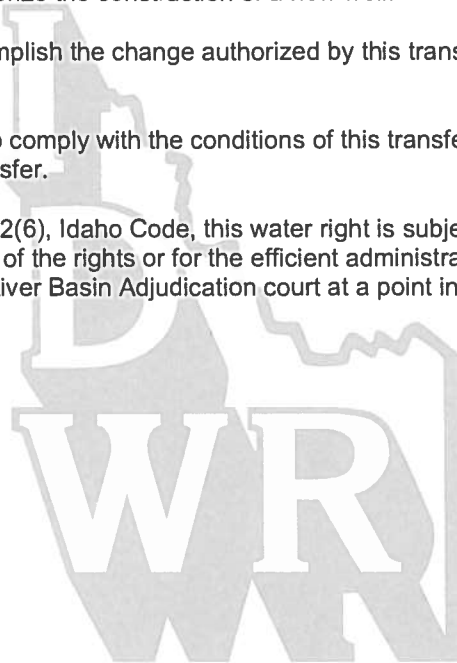
- Commercial use for processing sugar beets at mini-cassia plant.
- Rights 36-2237, 36-02238, 36-04145, 36-02271 & 36-02272 when combined shall not exceed a total diversion rate of 4.46 cfs and a total annual maximum diversion volume of 2137 af.
- Rights 36-2237, 36-2238, 36-4145, 36-2271, 36-2272 and 36-8364 when combined shall not exceed a total annual maximum diversion volume of 2141.7 af.
- Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
- Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

WATER RIGHT NO. 36-2237

As Modified by Transfer No. 79296

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 79296, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. This transfer does not authorize the construction of a new well.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 7, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 79296 (Amalgamated Sugar Company)**

Re: **APPROVED Transfer No. 79110 (Ronald Hruza)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) and APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 3, 2014

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

Re: Transfer No: 79296
Water Right No(s): 36-2237, 36-8364

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

MCHUGH BROMLEY PLLC
380 S 4TH ST. STE 103
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79296
Water Right No(s): 36-2237, 36-8364

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

MCHUGH BROMLEY PLLC
380 S 4TH ST. STE 103
BOISE ID 83702

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

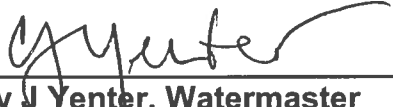
Application No: 79296
Water Right No: 36-2238
Applicant Name: Amalgamated Sugar Co

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: June 18, 2014

Water District 130



Cindy J Yenter, Watermaster

MEMORANDUM

Date: May 30, 2014
To: Transfer79296 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes adding an existing well for ground water rights 36-2237 and 36-8364. The two existing wells have historically diverted up to 3.54 cfs for commercial and industrial uses at the sugar beet facility. There will be no physical changes to the existing operation that is located approximately 0.25-0.75 mi. north and 1.0 – 1.5 mi. east of the city of Paul.

All property and points of diversion involved with the application are located within the ESPA and Water District 130 so water master comments will be requested. The two existing wells have always been part of the commercial system and are located within the same model cell so an ESPA model analysis is not necessary. Recommend no advertisement.

Note, during review an error for the industrial volume for water right 36-8364 was discovered. The individual industrial use for the license is currently listed at 0.5 AF but the total diversion is 4.7 AF. After discussion and review of the backfile it was concluded that the 0.5 AF was an error at the time of licensing and will be corrected through the transfer process.

- **Authority to File:**
The applicant is listed as the current owner of water rights 36-2237 and 36-8364 according to IDWR records.
- **Water Right Validity:**
Water right 36-2237 was decreed on 1/15/1998 and water right 36-8364 was licensed on 9/14/1992. WMIS records show commercial and industrial use at the facility.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No hydrological impact anticipated. No model analysis needed.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:** No issues anticipated.
- **Effect on Agricultural Base of the Local Area:** No issues anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

M^CHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

cbromley@mchughbromley.com
208-287-0991

380 S. 4th St., Ste. 103
Boise, ID 83702

RECEIVED

MAY 28 2014

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

May 27, 2014

Cory Skinner
Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. W., Ste. 500
Twin Falls, Idaho 83301-5858

Re: Amended TASCOS Application for Transfer of Water Rights – Point(s) of Diversion

Cory:

Please find enclosed an *Application for Transfer of Water Rights – Point(s) of Diversion* filed by my firm on behalf of the Amalgamated Sugar Company LLC (TASCO). A check in the amount of \$740 was previously submitted to cover the cost of the transfer.

If you have any questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.