

AMENDED CB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 28 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) The Amalgamated Sugar Company LLC (TASCO) Phone 208-383-6500

2. MAILING ADDRESS 1951 S. Saturn Way, Suite 100 City Boise

State Idaho Zip 83709 Email mdalton@amalsugar.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed.
- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 36-2237 (Well #2); 36-8364 (Tare Lab Well)

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.54 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
9S	23E	27		SE	NW		Minidoka	Ground Water	Tare Lab Well
9S	23E	27		SE	NW		Minidoka	Ground Water	Well #2

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Wells, pumps, and pipes. A measuring device and lockable controlling works can be installed.

- b. Who owns the property at the point(s) of diversion? TASCO
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Chris M. Bromley
Print name and title if applicable

5/27/14
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid see original Date _____ Receipted by _____ Receipt # _____

Preliminary review completed by _____ Date _____

AMENDED CB

TASCO POINT OF DIVERSION MAP FOR POINT OF DIVERSION
APPLICATION FOR TRANSFER FOR WATER RIGHT NOS. 36-2237 AND 36-8364



Map generated 4/29/2014 with IDWR's mapping tool.

Map includes: ESPA model grid, PLSQQ, and POD layers.

Yellow POD is where IDWR's GIS layer has the wells located.

Red PODs are approximate locations of the wells.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08364

Priority: June 10, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:

0.22 CFS
4.7 AF

This is to certify, that THE AMALGAMATED SUGAR CO

RT 1 BOX 700

PAUL ID 83347

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 10, 1988; and has submitted Proof of Beneficial Use on January 8, 1990. An examination indicates that the works have a diversion capacity of .530 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.22 CFS	0.5 AF

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 27, Township 09S, Range 23E
MINIDOKA County

PLACE OF USE: INDUSTRIAL
TWN RGE SEC

09S 23E 27 SENW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. When water used under this license 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.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
7. Industrial use is for a Tare laboratory.

MICROFILMED

SEP 21 1992

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 36-08364

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14th
day of SEPTEMBER, 1992.

Acting for *R. Keith Higginson*, Director

RECORDED

SEP 21 1992

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02237

1998 JAN 15 AM 10:43

FILED

NAME & ADDRESS: THE AMALGAMATED SUGAR CO
C/O BASIL TUPY
PO BOX 1520
OGDEN UT 84402

SOURCE: GROUNDWATER

QUANTITY: 3.32 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.46 CFS, AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2137 AF.
COMBINED RIGHT NOS.: 36-02238, 36-04145, 36-02271 & 36-02272.

PRIORITY DATE: 11/14/1953

POINT OF DIVERSION: T09S R23E S27 SWSNW Within MINIDOKA County

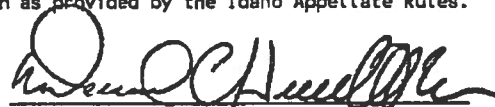
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	08-01 03-31	3.32 CFS
	COMMERCIAL	04-01 07-31	0.05 CFS

COMMERCIAL USE FOR PROCESSING SUGAR BEETS AT MINI-CASSIA PLANT.

PLACE OF USE:	COMMERCIAL	Within MINIDOKA County			
	T09S R23E S27	SWNW	SENW	NESW	NWSW
	COMMERCIAL				
	SAME AS OTHER USE				

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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☐ Change diversion point(s)☒ Add diversion point(s)☐ Ownership change1. **APPLICANT(S)** The Amalgamated Sugar Company LLC (TASCO)Phone 208-383-65002. **MAILING ADDRESS** 1951 S. Saturn Way, Suite 100City BoiseState Idaho Zip 83709 Email mdalton@amalsugar.com☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed.☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. **LIST WATER RIGHT NUMBER(S)** 36-2238 (Well #2); 36-8364 (Tare Lab Well)☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. **TOTAL AMOUNT OF WATER** transferred is 3.99 cubic feet per second and/or _____ acre-feet per annum.
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Signature of applicant or authorized agent

Chris M. Bromley

Print name and title if applicable

4/30/14
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by JJR

Date 5/1/2014

* Fee paid \$370 - Date 5-1-2014

Received by JJR

Receipt # S033986

Preliminary review completed by _____

Date _____

Page 2 of 2 * Plus: \$370- pd 5/5/2014 # S033991 by dm

**TASCO POINT OF DIVERSION MAP FOR POINT OF DIVERSION
APPLICATION FOR TRANSFER FOR WATER RIGHT NOS. 36-2238 AND 36-8364**



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Map includes: ESPA model grid, PLSQQ, and POD layers.

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Red PODs are approximate locations of the wells.

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

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MAY 05 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

cbromley@mchughbromley.com
208-287-0991

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

May 2, 2014

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

Re: TASC0 Application for Transfer of Water Rights – Point(s) of Diversion

Jana:

Please find enclosed a check in the amount of \$370, which should bring the total fees paid by TASC0 for its recent application for transfer up to \$740.

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

Sincerely,



CHRIS M. BROMLEY

Encl.

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MAY 01 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Candice M. McHugh, ISB # 5908
Chris M. Bromley, ISB # 6530
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for The Amalgamated Sugar Company LLC

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

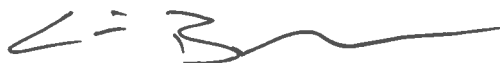
IN THE MATTER OF APPLICATION
FOR TRANSFER OF WATER RIGHT –
POINT(S) OF DIVERSION

NOTICE OF APPEARANCE

COMES NOW the law firm of McHugh Bromley, PLLC, and hereby makes an appearance as representatives of The Amalgamated Sugar Company LLC (TASCO), pursuant to Rule 200 of the Idaho Department of Water Resources' *Rules of Procedure*. IDAPA 37.01.01.200. This Notice of Appearance is limited to representing TASCO in the enclosed *Application for Transfer of Water Right – Point(s) of Diversion*.

RESPECTFULLY SUBMITTED this 30th day of April 2014.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY
Attorneys for TASCO

CERTIFICATE OF SERVICE

I certify that on this 30th day of April, 2014, I caused to be served a true and correct copy of the foregoing document upon the following persons by the method(s) indicated:

Idaho Department of Water Resources Southern Regional Office 650 Addison Ave. W., Ste. 500 Twin Falls, Idaho 83301-5858	☒ U.S. Mail, Postage Prepaid
--	--



CHRIS M. BROMLEY

McHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

cbromley@mchughbromley.com
208-287-0991

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

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MAY 01 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 30, 2014

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

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

To Whom it May Concern:

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 (TASCOCO). A check in the amount of \$370 is included as fees. Also included is a *Notice of Appearance* for my firm in this matter.

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

Sincerely,



CHRIS M. BROMLEY

Encls.