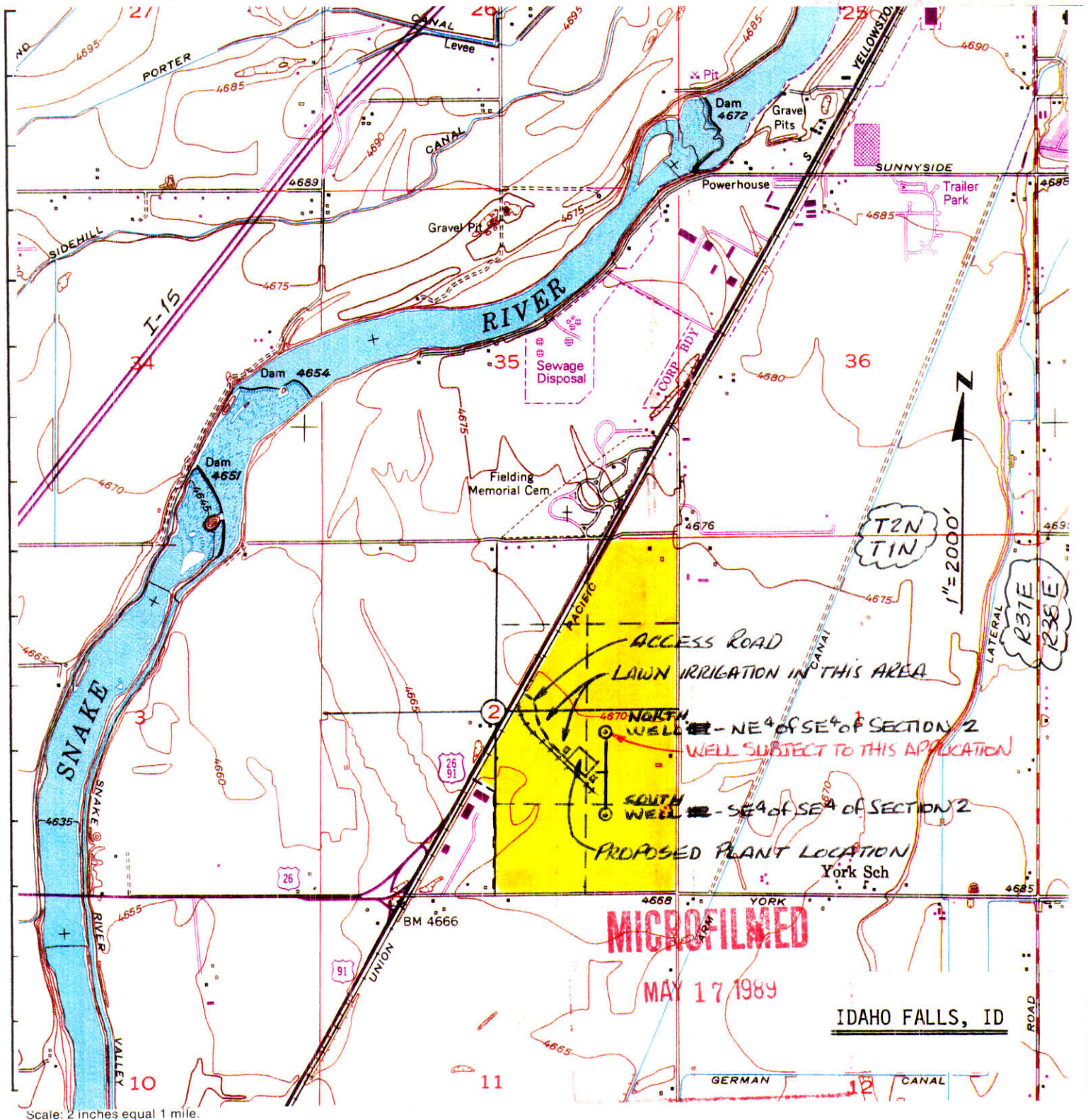


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Raymond E. Joff
 (Applicant)
 Vice President and Group Executive
 Anheuser-Busch Cos., Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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OCT 26 1992

Department of Water Resources

A. GENERAL INFORMATION

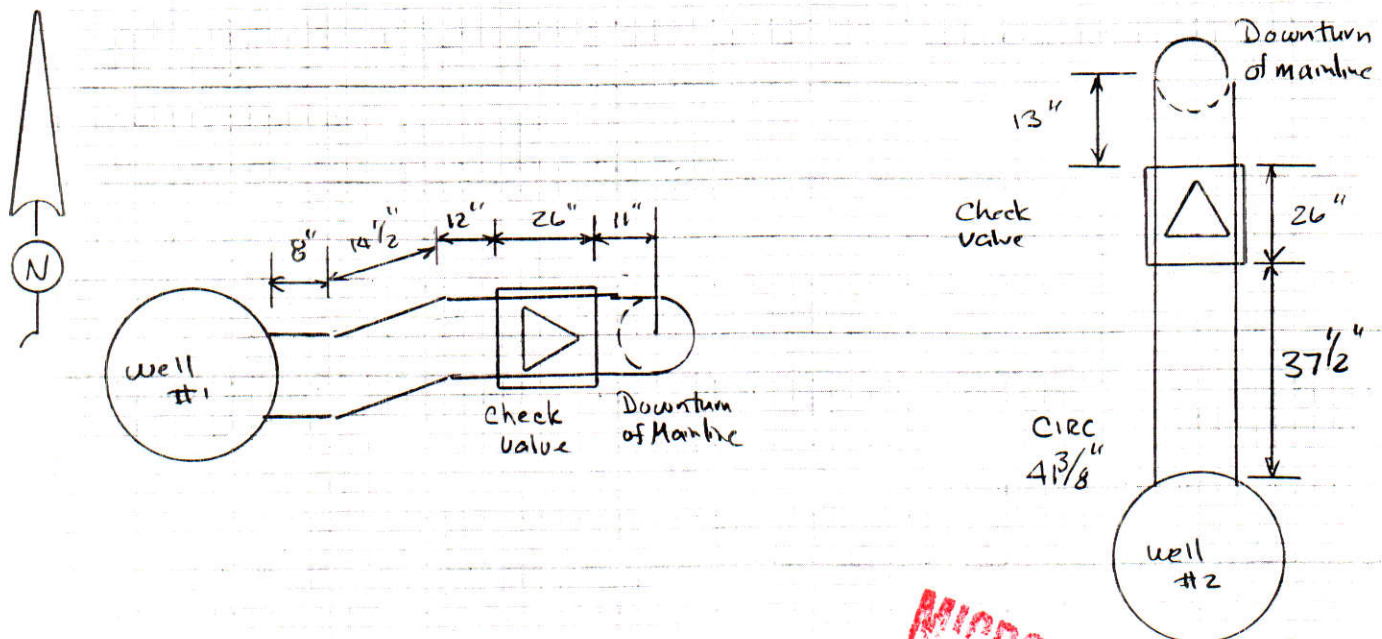
1. Owner: Busch Agricultural Resources Inc Permit No. 25-7485/7486
Current Address: One Busch Place, St. Louis, Mo. 63118-1852 Phone No. (314) 577-9987
2. Accompanied by: Gary Warren EXAM. DATE: 7 Aug 1992
Address: P.O. Box 51628 Idaho Falls Id 83405 Phone No. _____
Relationship to Permit Holder: Maintenance Supervisor
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: 25-7485/7486 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



- Exam Photos in File 25-7485 -

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

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Topographic map showing a section of the Snake River. Key features include:

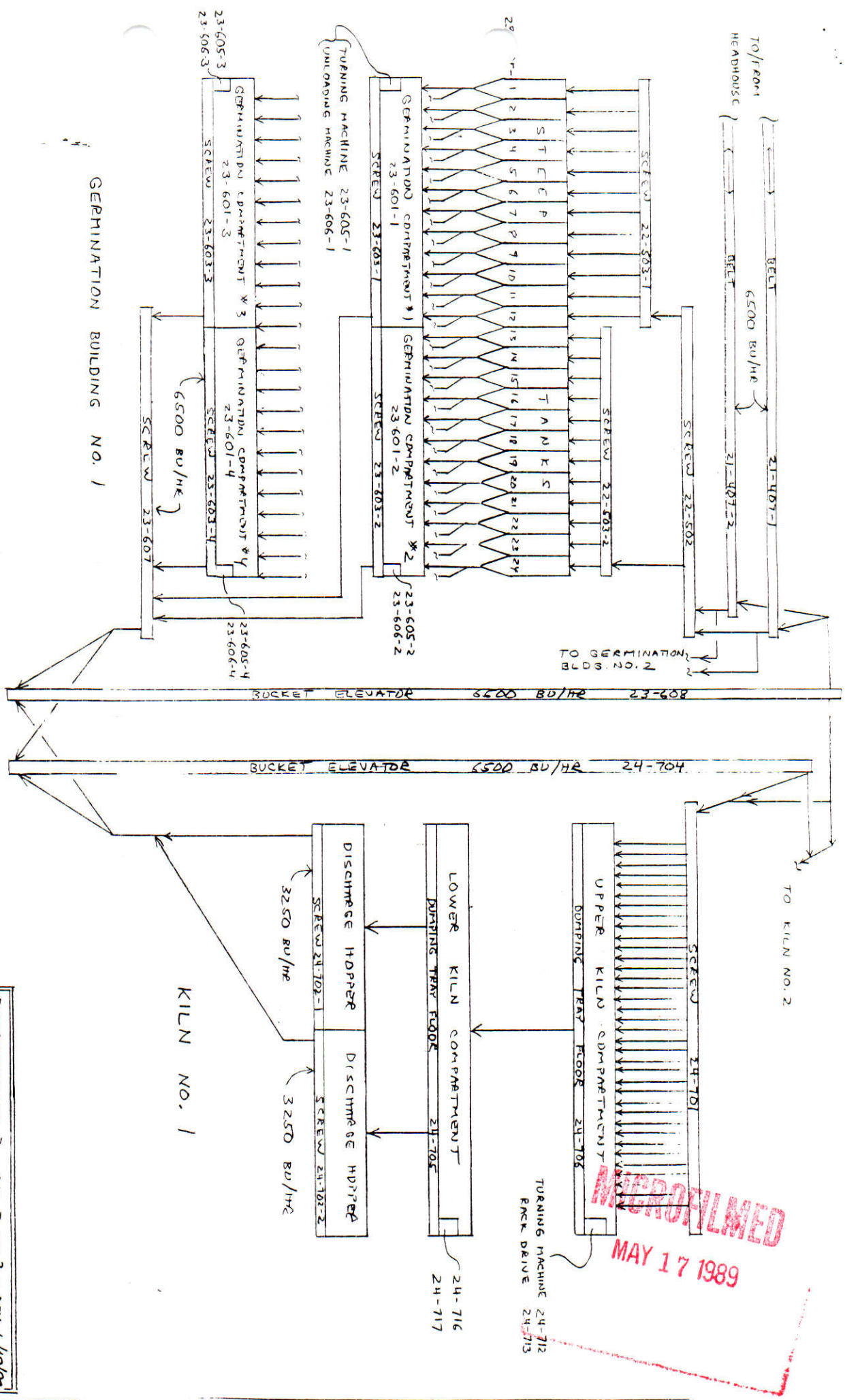
- Snake River**: Flows from the top left towards the center.
- Dam 4672**: Located on the river, with **Gravel Pits** nearby.
- Powerhouse**: Situated below the dam.
- Gravel Pit 35**: Located to the west of the dam.
- Sewage Disposal**: Indicated by a dashed line and dots.
- Fielding Memorial Cem.**: Located south of the river.
- ACCESS ROAD**: Handwritten label pointing to a road crossing the river.
- NORTH WELL** and **SOUTH WELL**: Handwritten labels near a well site.
- PLANT LOCATION**: Handwritten label near the well site.
- YORK SCH**: Handwritten label near the bottom center.
- Section 2**: Labeled in the center-right area.
- Section 35**: Labeled near the sewage disposal area.
- Section 36**: Labeled in the bottom right area.
- Canals**: Labeled include **CADAL**, **YELLOWSTONE**, **GERMAN**, and **CANAL**.
- Levee**: Located at the top left.
- SUNNYSIDE**: Labeled near the top right.
- Trailer Park**: Located near Sunnyside.
- Corp Bdy**: Handwritten label for a corporate boundary.
- BM 4666**: Benchmark located near the bottom left.
- Highways**: **26** and **91** are marked.
- Handwritten Annotations**:
 - T2N T1N**: Township and Range coordinates.
 - R37E R38E**: Range coordinates.
 - NW 1/4 of SE 1/4 of SECTION 2**: Specific land parcel.
 - SE 1/4 of SE 1/4 of SECTION 2**: Another specific land parcel.
 - PLANT LOCATION**: Repeated handwritten label.
 - YORK SCH**: Repeated handwritten label.
- Scale**: **1" = 2000'** is written vertically on the right.
- Stamp**: A red stamp reads **MAY 16 1995** and **25-7485/7486 IDAHO FALLS, ID**.

25-~~7485~~/7486

IDAHO FALLS, ID

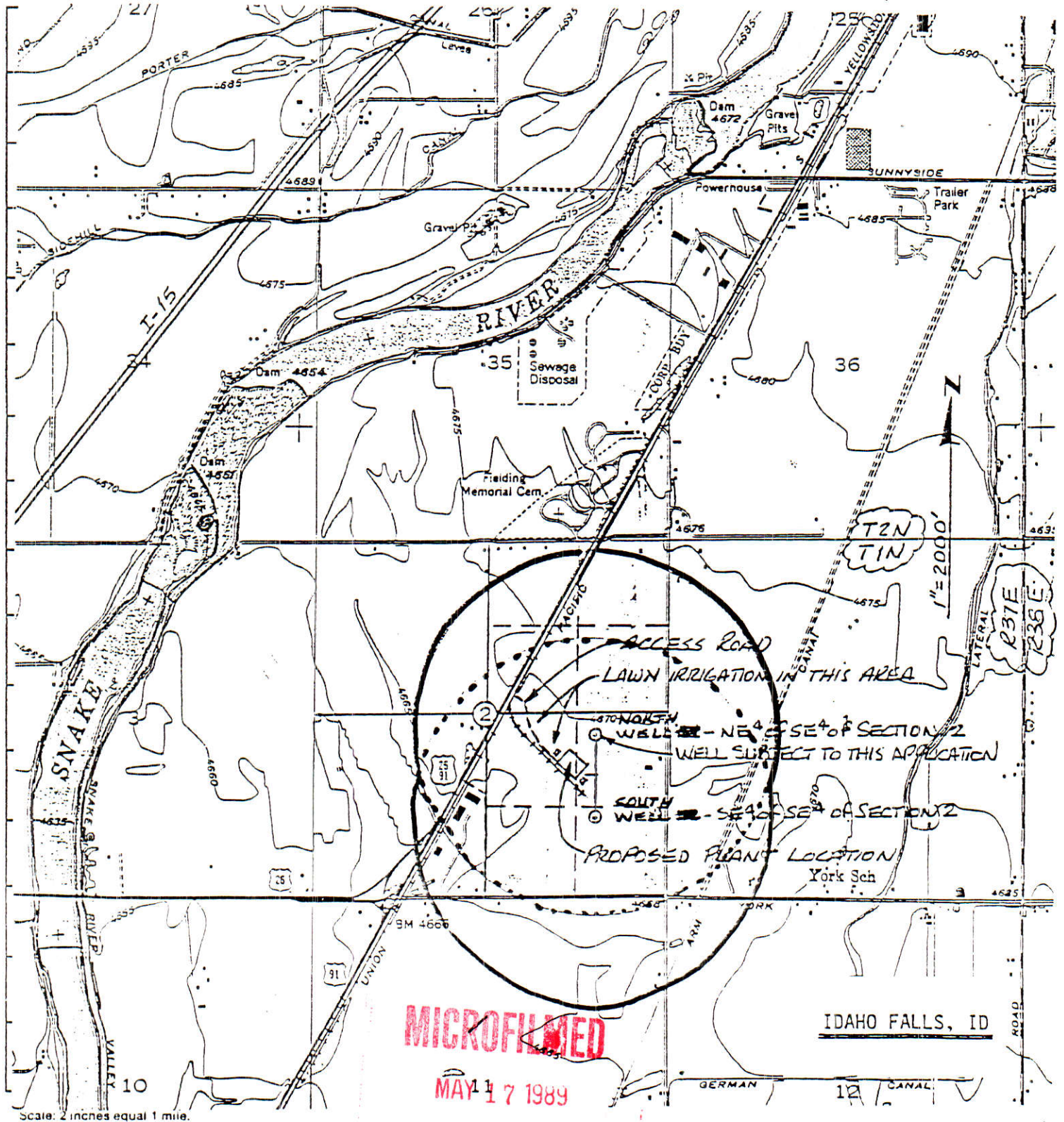
MAY 16 1995





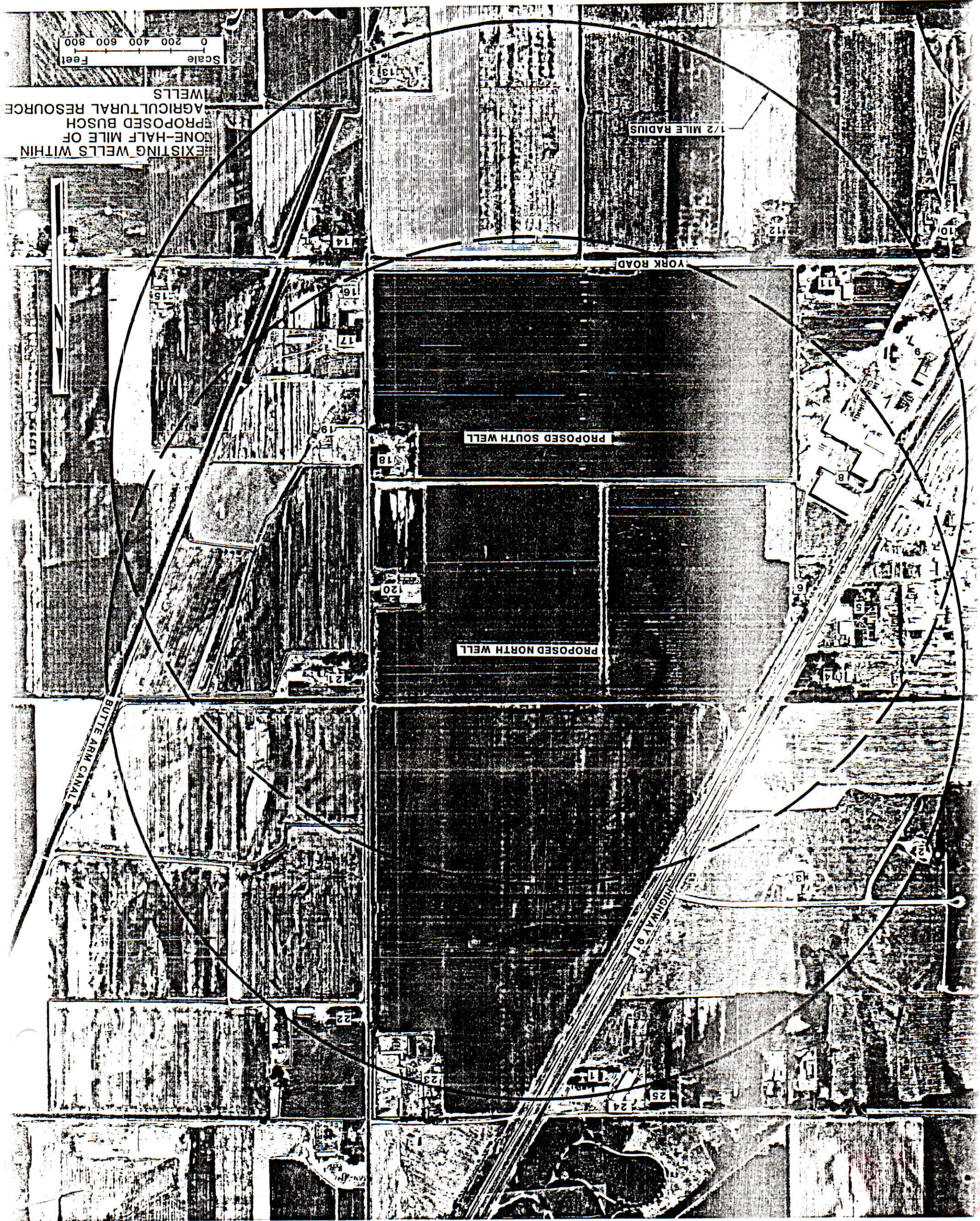
ATTACHMENT 2 - SH. 2 OF 3 - REV. 1/19/89

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Samuel E. Laff



25-07486

BUSCH AGRICULTURAL RESOURCES INC.
C/O CLIFFORD MAHIN, P.E.
ANHEUSER-BUSCH COS. INC
ONE BUSCH PLACE
ST. LOUIS, MO 63118

Source: GROUNDWATER

Diversion Pt:

NWNESE Sec 2 T 01N R 37E

Use: INDUSTRIAL

(6.000 CFS)

Date Filed: 2/01/1989

In: T01N R37E S02

NESE

NWSE

25-07486
BUSCH AGRICULTURAL RESOURCES
INC.
C/O CLIFFORD MAHIN, P.E.
ANHEUSER--BUSCH COS. INC
ONE BUSCH PLACE
ST. LOUIS, MO 63118
Source: GROUNDWATER
Diversion Pt: NWNESE Sec 2 T 01N R 37E
Use: INDUSTRIAL (6.000 CFS)
Date Filed: 2/01/1989
In: T01N R37E S02 NESE NWSE

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before MARCH 6,
1989.

R. Keith Higginson, Director

Published: February 16, 23, 1989

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07486

Priority: February 1, 1989

Maximum Diversion Rate:

6.00 CFS

Maximum Diversion Volume:

1954.7 AF

This is to certify, that BUSCH AGRICULTURAL RESOURCES INC

C/O CLIFFORD MAHIN

ANHEUSER-BUSCH COS INC

ONE BUSCH PLACE

ST LOUIS MO 63118-1852

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 1, 1989; and has submitted Proof of Beneficial Use on July 29, 1991. An examination indicates that the works have a diversion capacity of 13.280 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	6.00 CFS	1954.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 2, Township 01N, Range 37E
SESE , Sec. 2, Township 01N, Range 37E
BONNEVILLE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01N 37E 2

NESE

NWSE

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. Water used under this right if discharged directly into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Industrial use is for a malting plant facility.

RECORDED

MAY 16 1995

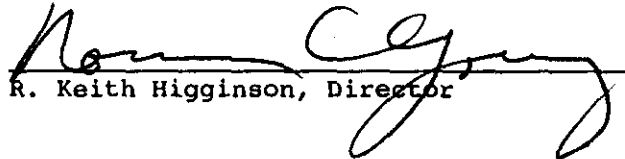
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07486

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 5th
day of May, 1995.

Acting for


R. Keith Higginson, Director



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State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07486

Date of Priority: February 1, 1989

Maximum Diversion Rate: 6.00 CFS

Maximum Diversion Volume: 1954.7 AF

Comes now BUSCH AGRICULTURAL RESOURCES INC
C/O CLIFFORD MAHIN
ANHEUSER-BUSCH COS INC
ONE BUSCH PLACE
ST LOUIS MO 63118-1852

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07486, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	6.00 CFS	1954.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 2, Township 01N, Range 37E
SESE , Sec. 2, Township 01N, Range 37E
BONNEVILLE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01N 37E 2

NESE

NWSE

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MAY 16 1995

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 5th day of May, 1995.

Jeffrey C. Hedberg
(Signature)
attorney-in-fact for
Anheuser-Busch Cos, Inc.

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

WATER RIGHT NO. 25-07486

For Department Use Only

Preliminary check by _____ Fee 50.00 Received by JW # C032597 Date 5-5-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R Keith Higginson, of the Department of Water Resources hereby approve the above Application for Permit No. 25-07486 with the following:

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. Water used under this right if discharged directly into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Industrial use is for a malting plant facility.

Witness my hand this 5th day of May, 1995.

R. Keith Higginson
R. Keith Higginson, Director

RECORDED
MAY 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

"north well"

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Busch Agricultural Resources, Inc. Phone (314) 577-4424
Post office address c/o Clifford Mahin, P.E., Anheuser-Busch Cos. Inc., One Busch Place,
St. Louis, MO 63118
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 1N Range 37E B.M. Bonneville County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 6.0cfs for industrial purposes from January 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.0 and/or (b) 1950
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. See Attachment "A"
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 22 inches; proposed depth of well is app. 100 feet
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year). for entire project. Construction to begin in
Spring 1989. Water will be required for various project purposes throughout the
construction phase of 1-2 years, with full flow required upon plant start-up.

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. See Attachment A

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
IN	37E	2													I	I			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

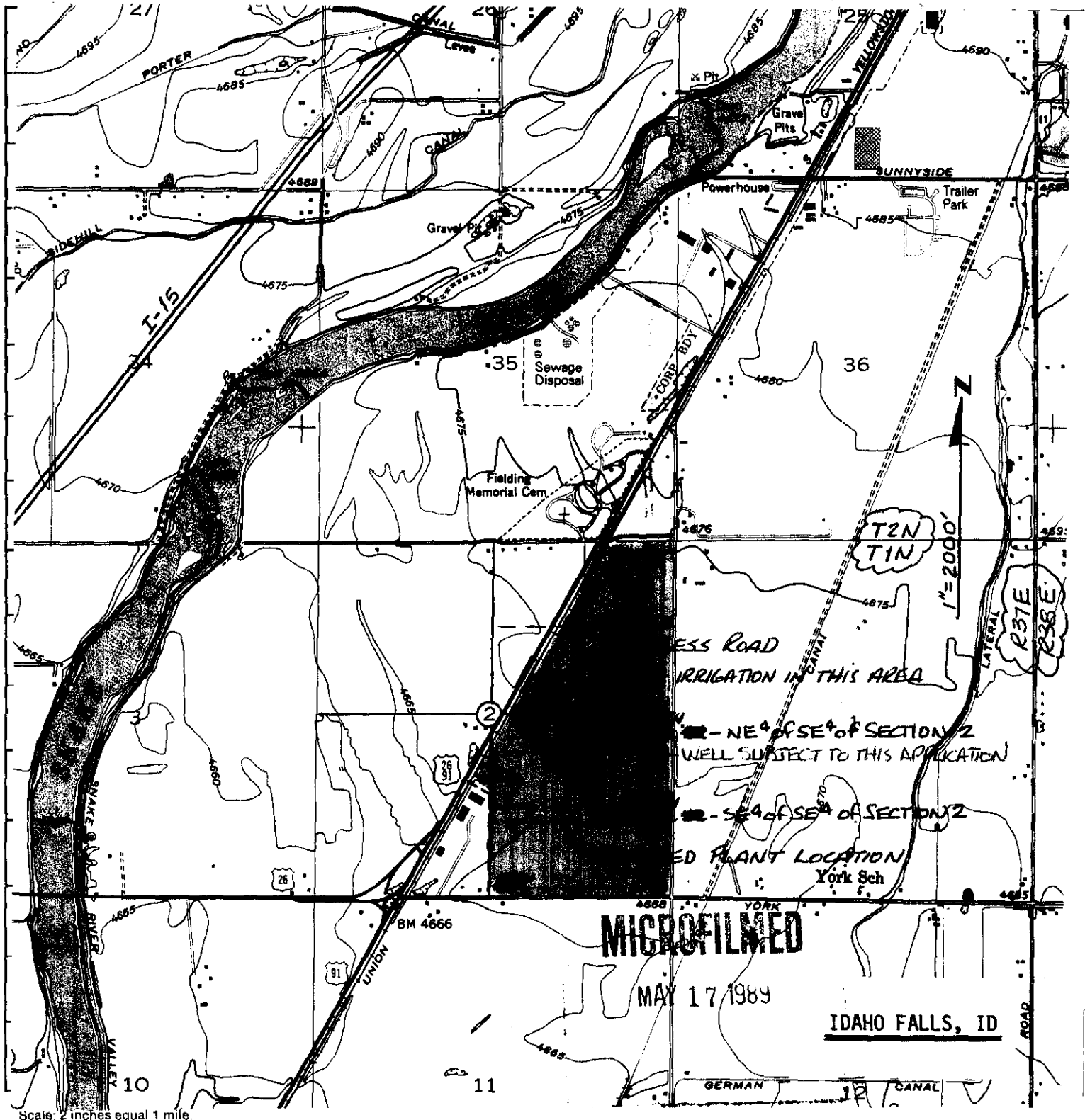
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: This water right is to be used in conjunction with a second ground-water right for the same size well to be located in the NW SE SE 1/4 section 2, T 1N R 37 E, application for which is being filed simultaneously with this application.

MAY 17 1989

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Raymond E. Joff
(Applicant)
Vice President and Group Executive
Anheuser-Busch Cos., Inc.

Proposed Priority 2/1/89

Received by HWS Date 2-1-89 Time 2:00 PM Preliminary check by HWS

Fee \$ 145^{xx} Received by HWS # ECOS667 Date 2-1-89

Publication prepared by GB Date 2-2-89 Published in Post Register 2/16, 2-23-

Publication approved KW Date 3/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 25-7486, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 94.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: SEE ATTACHED SHEET FOR CONDITIONS e thru k.

Witness my hand this 4th day of April, 1989.

J. Glen Saylor

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MAY 17 1989

ATTACHMENT TO CONDITIONS OF APPROVAL

FOR PERMIT NO. 25-7486

- e. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- f. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- g. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- h. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- i. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- j. In the event that water used under this permit should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses.
- k. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Witness my hand this 4th day of April, 1989.

J. Glen Saxton

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MAY 17 1989

ATTACHMENT A

(North Well)

In this application, Busch Agricultural Resources, Inc., a subsidiary of Anheuser-Busch Companies, Inc., seeks a reliable source of groundwater for use in a barley malting plant to be constructed south of Idaho Falls, Idaho. This application seeks a permit for one of two wells with the same capacity that will supply this use. This application is being filed simultaneously with an application for a well of the same capacity to be constructed about 1400 feet south of this well in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2, T 1N, R 37E, B.M. For purposes of convenience, the well subject to this application is termed the "north well"; the other will be referred to as the "south well."

The north well is to be capable of supplying 6 cfs, the average daily flows needed to operate the plant. However, it can provide only about one-half of the peak flow needed (about 5400 gpm, or 12 cfs) to supply operations in the initial phase. Both wells are integral parts of the project, although only one of them may be necessary in the first construction phase and thereafter when flows approaching the peak are not required. Diversions from the north well will total approximately 1950 acre-feet annually.

The completed plant will process 16 million bushels of barley annually, although its initial phase of operations will process 8 million bushels. Water from the north well will be used for washing, germinating and other purposes associated with the project. Approximately 95% of the water used in the plant will be discharged in the form of wastewater, which will be treated and returned to surface water sources tributary to the Snake River.

A small amount of the water produced from the north well will be used to irrigate approximately 8 acres of lawn and landscaped area associated with the plant (to the extent that water for this purpose is not supplied from the south well). The consumptive use for this purpose is expected to be approximately 12 acre-feet annually.

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MAY 17 1989

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. SAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
KENNETH R. McCLURE
CHAS. F. McDEVITT
LEO EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

*ALSO ADMITTED IN OREGON

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

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Department of Water Resources

February 23, 1989

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MAR 3 1989

Department of Water Resources
Eastern District Office

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Re: Anheuser-Busch applications

Dear Gary:

As you requested, the officers and directors of Busch Agricultural Resources, Inc. are:

Officers

Raymond E. Goff	Chairman of the Board
Donald W. Kloth	President
John A. Brussman	Vice President and General Manager
John L. Hayward	Secretary
JoBeth Brown	Assistant Secretary
Gerald C. Thayer	Treasurer
Richard N. Hill	Assistant Treasurer
Albert R. Wunderlich	Treasurer

Directors

Raymond E. Goff
A. J. Steinhubl
N. F. Norkaitis
Osmond Conrad
Donald W. Kloth
John A. Brussman
Gerhardt A. Kraemer
Richard T. Bennett
Melvin Anderson

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MAY 17 1989

Mr. Gary Spackman
February 23, 1989
Page 2

Please include this in the file of the applications we filed
for Busch on January 30, 1989. Thank you.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF:gc

cc: Cliff Mahin, P.E.
Sandy J. Cortopassi, Esq.

MAY 17 1989

Proof of Publication The Post-Register

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FEB 20 1989

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, Dick Hardy, first being duly sworn, depose and say: That I am the Asst. Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 16th day of February, 1989, last publication having been made on the 23rd day of February, 1989, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 27th day of February, 1989.

Dick Hardy
Deonk Napier
Notary Public

My commission expires September 30, 1994.

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

25-07485

BUSCH AGRICULTURAL RESOURCES INC.

C/O CLIFFORD MAHIN, P.E.
ANHEUSER-BUSCH COS., INC.

ONE BUSCH PLACE

ST. LOUIS, MO 63118

Source: GROUNDWATER

Diversion Pt: NWSE Sec 2 T 01N R 37E

Use: INDUSTRIAL (6.000 CFS)

Date Filed: 2/01/1989

In: T01N R37E S02 NESE NWSE

25-07486

BUSCH AGRICULTURAL RESOURCES INC.

C/O CLIFFORD MAHIN, P.E.
ANHEUSER-BUSCH COS. INC.

ONE BUSCH PLACE

ST. LOUIS, MO 63118

Source: GROUNDWATER

Diversion Pt: NWSE Sec 2 T 01N R 37E

Use: INDUSTRIAL (6.000 CFS)

Date Filed: 2/01/1989

In: T01N R37E S02 NESE NWSE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 6, 1989.

R. Keith Higginson, Director

Published: February 16, 23, 1989

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MAY 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 25, 2001

Ms. Jan Ferguson Klammer, Esq.
Anheuser-Busch Cos., Inc.
Executive Offices
Legal Dept., 202-6
1 Busch Plaza
St. Louis, MO 63118-1852

VIA FACSIMILE TO (314) 577-0776 AND FIRST CLASS MAIL

Re: Water Right Licenses Held by Busch Agricultural Resources, Inc.
(Licenses No. 25-07485 & No. [REDACTED])

Dear Ms. Ferguson Klammer:

Following a meeting on September 10, 2001, with Jeff Fereday representing Busch Agricultural Resources, my office has researched the status of the two water rights licenses held by Busch Agricultural Resources for water use at their malting plant near Idaho Falls, Idaho. Each license allows the diversion of up to 1,954.7 acre-feet of ground water per year for industrial purposes at a diversion rate up to 6.0 cubic feet per second. These licenses, issued in 1995, have a priority date of February 1, 1989.

Water diversion and usage reports for the malting plant have been submitted to the Department of Water Resources through the East Water Measurement District. The reports demonstrate that ground water has been diverted under both licenses and used each year for the past three years that reporting has been required. There are no existing or pending administrative actions before the department regarding the continued validity of the water rights, and both licenses continue to be considered valid by the department.

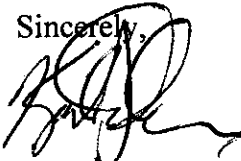
While the validity of the water rights does not appear to be an issue, further implementation of the conjunctive administration of surface and ground water rights could affect the use of the rights held by Busch Agricultural Resources. The department is presently updating its computer-based ground water model of the Eastern Snake Plain Aquifer to improve quantification of the effects of ground water withdrawals on the availability of water from hydraulically connected surface water sources for diversion and use by earlier priority rights. Based in part on this information, the department intends to adopt rules requiring that junior priority ground water rights be managed to protect senior priority surface water rights from

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OCT 2 2001

injury. The holders of junior priority ground water rights, such as Busch Agricultural Resources, will likely be required to provide appropriate mitigation to address injury to senior priority rights and eliminate the future potential for curtailment of the junior priority rights. Current plans are to have the new ground water model completed in 2003 and rules adopted in 2004.

On an interim basis during the next two years, perhaps longer, Busch Agricultural Resources can shield itself from potential delivery calls from holders of senior priority surface water rights by joining or contracting with the Bonneville-Jefferson Ground Water District for mitigation. The ground water district was formed for the purpose of obtaining and providing mitigation for its members. It is also one of the ground water districts that is finalizing a two-year, stipulated agreement with holders of senior priority surface water rights, or their representatives, under which the senior priority right holders agree not to exercise their priority against junior rights in exchange for certain considerations. I anticipate that at the appropriate time, the Bonneville-Jefferson Ground Water District will implement some other form of mitigation that could shield Busch Agricultural Resources from delivery calls over the long term. Alternatively, the company could develop and submit its own mitigation plan at some point in the future. If this latter approach is selected, a proposed plan would be processed and, if acceptable, approved by the department under Rule 43 of the "Rules for Conjunctive Management of Surface and Ground Water Resources," IDAPA 37.03.01.

If Busch Agricultural Resources chooses to begin the process of developing and submitting its own mitigation plan, please have the appropriate individual contact either Norm Young at the department's main office in Boise or Ron Carlson at the department's regional office in Idaho Falls for further assistance.

Sincerely,

Karl J. Dreher
Director

- c: Tim F. Jenson – Busch Agricultural Resources, Idaho Falls
- Jeff Fereday – Givens Pursley LLP, Boise
- Jay Engstrom – Idaho Department of Commerce, Boise
- Ron Carlson – Idaho Department of Water Resources, Idaho Falls
- Scott Turlington – Office of Governor Kempthorne

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OCT 02 2001

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AUG 26 1998

Department of Water Resources

CHANGE IN ADDRESS

RECEIVED

AUG 18 1998

Department of Water Resources
Eastern Region

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): A25-07485 A25-07486

[] Old Mailing Address: Busch Agricultural Resources Inc.

One Busch Place

St. Louis, MO 63118-1852

[✓] New Mailing Address: Busch Agricultural Resources Inc.

P.O. Box 51628

Idaho Falls, ID 83405

[✓] Telephone Number: (208) 522-5501

[] Signature of Claimant: *[Signature]*

[] Date: August 13, 1998

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry - WR 2, data phase

Date: 8.26.98

BY: *[Signature]*

MICROFILMED
OCT 02 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1995

BUSCH AGRICULTURAL RESOURCES INC
C/O CLIFFORD MAHIN
ANHEUSER-BUSCH COS INC
ONE BUSCH PLACE
ST LOUIS MO 63118-1852

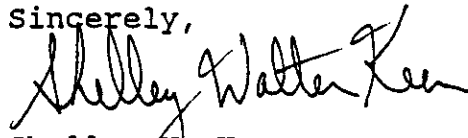
RE: WATER RIGHT NOS. 25-07485 AND 25-07486

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits along with copies of your approved Applications for Amendment.

Should you have any questions regarding these documents, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:rl

Enclosures

RECORDED

MAY 16 1995

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT, III
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
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CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

April 27, 1995

JAMES A. MCCLURE
OF COUNSEL
DAVID E. MABE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492

VIA HAND DELIVERY

Mr. Norman C. Young
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83729

Re: Proposed license nos. 25-07485 and 25-07486—Busch Agricultural
Resources, Inc. ("BARI")
Our file no. 60-19

Dear Norm:

As promised during our recent telephone conversation, I have drafted alternative language, set forth below in bold type, to address the long-pending issue concerning the proposed conditions in the licenses for BARI's malt plant ground water rights. I believe this change preserves the Department's desire not to bestow any unwarranted advantages on any party, and at the same time to avoid unfairly disabling any person from asserting legitimate claims or defenses based on future developments.

As you may recall, the remaining provisions of concern to BARI are items 5 and 6, which read as follows:

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface and groundwater rights.

UNRECORDED
MAY 16 1995

Mr. Norman C. Young
April 27, 1995
page 2

I propose to change these to read as follows:

5. **The Department has determined that there is unappropriated water available to serve the uses under this permit, and has no basis to conclude that its exercise will cause material injury to any senior water right. However, nothing in this license shall preclude any person who suffers material injury to a water right in the future, due to the exercise of the diversion and use permitted herein, from taking any appropriate action to prevent, or require mitigation for, such injury.**
6. **This license is subject, as are all other water rights in Idaho, to the Director's authority, exercised upon proper proceedings, to incorporate the use into a water district, to require mitigation, or to take other action needed to protect prior water rights.**

I hope this proposed language is acceptable to the Department, Norm, and that we can get this long-stalled matter completed.

Sincerely,

Jeff Fereday

Jeffrey C. Fereday

JCF/jf

cc: Jane Ferguson Klamer, Esq.
Mr. Tim Jensen

MICROFILMED
MAY 16 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 17, 1989

Gary Slette
Nelson, Rosholt, et. al.
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: PROCESSING PROCEDURE - NON-TRUST WATER AREA

Dear Mr. Slette:

Administration of the diversion and use of water under existing rights and consideration of pending water rights filings in the area upstream from Milner Dam (non-trust water area) on the Snake River was brought into sharp focus by the petitions you filed on behalf of the Twin Falls Canal Company, the North Side Canal Company and the American Falls Reservoir District. The petitions, which have subsequently been withdrawn, requested the Department of Water Resources (IDWR) to issue an order enlarging Water District 1 (Upper Snake River) by incorporating the ground water supply in the non-trust water area and/or to issue a moratorium on the issuance of or further action on permits or applications to appropriate ground water in the same area.

IDWR staff has given considerable internal review to the matter including a brief study conducted using the Snake River Plain Ground Water Model to predict the effect of additional diversions on the flow of the Snake River.

I have heard the arguments presented by ground water users who divert upstream from Milner Dam. I have also considered your concerns. Recommended action ranges from processing with no special considerations, similar to the pre-Swan Falls era, to the issuance of a moratorium rejecting all pending applications, preventing further development on existing permits and closing the non-trust water area to any further appropriation. While the matter is complex, I believe that the various concerns can be addressed by careful review and evaluation of the pending filings and by appropriately conditioning those applications receiving approval. I also believe that the appropriate forum in which to address the issues of the relative rights of present surface and ground water users is in the Snake River Basin adjudication.

The application processing procedure needs to consider the following principles and facts:

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MAY 16 1995

Gary Slette

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February 17, 1989

1. The average annual volume of water passing Milner dam is approximately 2 million acre feet which indicates there is substantial unappropriated water in the Snake River basin above Milner dam. Natural flows from above Milner, by statute, are not required to be managed to deliver any rights below Milner. There are times during the irrigation season each year, however, when the natural flows are fully appropriated at Milner. This indicates that new appropriations from both surface water and ground water sources tributary to the Snake River above Milner must be carefully evaluated and administered to prevent potential injury to senior surface water rights.

2. Many of the pending applications being considered by IDWR concern domestic, stockwater, commercial, municipal, industrial and non-consumptive uses. General opposition to permitting these uses has not been heard, perhaps since the uses are generally insignificant from a consumptive standpoint and are of benefit to most citizens and the general economy of the state. *

3. Consumptive uses of water exist in the non-trust water area which are not authorized by a water right. Some of these uses have existed for some time and do not represent "new" consumptive uses. Action to force termination of these uses may be required if pending applications for these uses are not considered.

4. Analysis of the pending applications and permits in the non-trust water area shows the following:

IRRIGATION USE

Applications	No.	Acres	Rate (cfs)
Irr > 1 cfs	173	43,953	627
Irr < 1 cfs	180	4,793	71
subtotal	353	48,746	698
Permits			
Irr > 1 cfs	53	27,445	378
Irr < 1 cfs	49	1,113	13
subtotal	102	28,558	391
TOTAL	455	77,304	1,089

DCMI USE

Applications	20	n/a	19
Permits	131	n/a	81
Total ISI			100

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Gary Slette

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February 17, 1989

Assumptions and limitations associated with this categorization include the following:

- a) DCMI filings with an irrigation component are included under the irrigation summaries. The DCMI component however, is also counted in the DCMI totals. As a result, the total number of filings in the table is slightly larger than the actual number.
- b) The numbers shown under the "permits" category above include uses which have already been developed, (i.e. not "new" acres) but proof either has not been submitted or was submitted after July 1, 1985.
- c) DCMI as used in connection with the non-trust water area simply means domestic, commercial, municipal and industrial uses and is not further defined by a time-related acre foot impact as in the trust water area.

5. Using the Snake Plain Ground Water Model, IDWR conducted a study to determine the effect of developing the additional acreage (47,000 acres was assumed) represented by applications and permits overlying the Snake Plain aquifer in the non-trust water area. The study showed a decrease in the annual discharge to the Snake River in the Blackfoot to Minidoka reach of 6,000 AF (8 cfs) at the end of 15 years after development and a decrease of 16,000 AF (22 cfs) after 60 years following development. For comparison purposes, the summertime discharge from the Snake Plain aquifer in this reach is about 3,000 cfs, so the decrease after 60 years of development would be 0.7 of one percent. The attached memo is a summary explanation of the study conducted.

6. Historically the flows entering the Snake River upstream from Milner dam have remained stable throughout the years. The vastness of the ground water system in the Snake Plain and the variability of numerous factors that influence recharge and discharge from the aquifer as well as the length of time required by the aquifer to respond to changes tends to provide long term stability to the flow rates entering the river from the aquifer.

7. Changes in availability of water for prior surface water rights by subsequent ground water appropriators may be detectable over time with an aggregate of uses, but the effect of any modest-sized individual new appropriation cannot be measured.

8. Proposed findings and conclusions in the Snake River Basin adjudication may include provisions relative to the legal relationship of existing ground water rights to prior surface water rights. In addition, the adjudication will identify uses which may not now be recorded and may identify additional rights or other constraints which must be considered in determining how the ground/surface water source must be managed.

9. The opportunity to protest a water right filing as applications are advertised is available to any person. Although pending applications which have already been advertised do not require

RECORDED
MAY 16 1995

Gary Slette

- 4 -

February 17, 1989

readvertisement. IDWR has a responsibility to consider all relevant criteria and conditions necessary to protect prior water rights.

10. Certain ground water appropriations have been proposed as a replacement supply for lands already irrigated with a surface water supply. In these cases, the overall amount of water consumed in the system is not changed.

11. All applications are approved "subject to prior rights". Lacking a showing of direct interference and with a finding of reasonable cause to believe that an appropriation can be made without interference, IDWR should be able to approve a permit to allow the applicant to attempt an appropriation without interference. It is important that existing rights not be placed in jeopardy of losing water to new uses by operation of law through adverse possession, waiver, equitable estoppel or estoppel by laches. *

12. Because of the prolonged delay associated with the Swan Falls matter and public perception that the agreement would allow further development in the non-trust water area, a straight forward processing approach in the non-trust water area is needed to preclude additional confusion, allow IDWR to effectively reduce the backlog of filings and restore public confidence in water management.

When considering these principals and facts in terms of my obligation to balance the protection of prior rights against the right to appropriate unappropriated waters of the state, the following procedure which IDWR will follow appears to be a reasonable compromise between the extreme positions which can be advocated by the parties and yet will protect the rights of all parties.

1. Existing permits will be allowed to be perfected under the usual statutory procedures, but IDWR will stringently require the timely start of construction and limit the time allowed on extension of time requests for existing permits. The intent of these actions is to establish tighter control over the amount of permitted but undeveloped appropriations so that administrative response to future changes in river flows can be more immediate.

2. Applications involving domestic, stockwater, commercial, municipal, industrial or non-consumptive uses will be processed as received in compliance with applicable statutes and the existing Water Appropriation rules. IDWR will not readvertise applications which have already been advertised. Large projects will correspondingly receive more detailed review, and, if necessary, jurisdiction will be reserved to incorporate the proposed appropriation into a water district, require streamflow augmentation or other action needed to protect prior surface water and ground water rights. *

3. Applications for irrigation will be processed under the existing Water Appropriation rules and regulations, but will be conditioned to either retain jurisdiction for future inclusion into a water district or to require future streamflow augmentation and to preclude future assertion that the ground water use has adversed or is to be administered separate from prior rights. A condition similar to the following may be imposed as a condition of permit approval as *

Irrigation

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MAY 16 1995

Gary Slette

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February 17, 1989

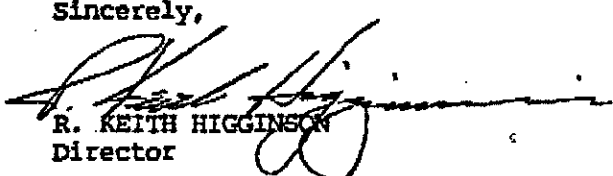
appropriate:

"The right to the use of water acquired under this permit shall be subject to all prior rights and shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference".

Even though applications will not be readvertised, upon request, I will provide reasonable information to any person as processing of filings continues, in order that concerns relative to specific filings can be brought to the attention of IDWR.

Please feel free to contact me if you have questions.

Sincerely,



R. KEITH HIGGINSON
Director

c: Sen. Laird Noh
Rep. Reed Hansen
Rep. Stan Hawkins
Rep. Douglas R. Jones
Rep. Golden C. Linford
Rep. Mack Neibaur
W. J. Anderson, Esq.
Randy Budge, Esq.
Kent W. Foster, Esq.
Roger D. Ling, Esq.
Richard Smith, Esq.
Charles Brockway
Eastern Region IDWR
Southern Region IDWR
Attendees of Public Info. Meetings

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MAY 16 1985

SUMMARY STUDY EXPLANATION

SWAN FALLS NON-TRUST WATER AREA

GENERAL EXPLANATION:

As a result of petitions filed by several surface water user organizations who divert surface water at Milner Dam, seeking either a moratorium on additional groundwater development in the non-trust water area or the inclusion of groundwater uses into Water District 1, the Idaho Department of Water Resources (IDWR) conducted a study in late January 1989, to determine the effect of additional groundwater development on the flows of the Snake River. The study was conducted by assuming certain groundwater depletion in the area and running the Snake River Plain Ground Water Model (model) to determine the effects on the river.

SPECIFIC EXPLANATION:

IDWR determined the number of acres shown on permits for which proof of beneficial use has not been filed and on applications within the non-trust water area overlying the Snake River Plain aquifer. The acreage used is representative to show the relative magnitude of discharge changes to the Snake River.

The acreage input to the model was assumed to be new or to be developed after the base conditions represented by the model of 1980 and totalled about 47,000 acres. This is a conservative assumption, since much of the acreage could have been developed prior to the 1980 base conditions used by the model.

Base conditions which have been previously determined by the model are the result of running the model 60 cycles (years) with average annual inputs (average diversion, river losses, precipitation, etc.) to identify near-equilibrium aquifer conditions.

Net withdrawals for permits and applications in the non-trust water area were applied to four locations representing the general locations of the potential new development.

Starting with 1980 base conditions for the water table, the model was run an additional 60 cycles assuming depletion for 47,000 acres.

Changes in the discharge to the Snake River from base conditions were computed at the 15th, 30th, 45th and 60th year. The changes predicted by the model are as follows:

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MAY 16 1995

Years after
Development

Changes in Aquifer Discharge
to Snake River

	<u>Blackfoot-Minidoka</u>		<u>Total</u>	
	<u>(KAF/yr)</u>	<u>(cfs)</u>	<u>(KAF/yr)</u>	<u>(cfs)</u>
15	-6.1	-8	-15	-21
30	-10.1	-14	-32	-44
45	-14.2	-20	-49	-68
60	-16.0	-22	-55	-76

By the 60th year, discharge to the river would be reduced by about 95% of the net new withdrawal. In the Blackfoot to Minidoka reach, average inflows would have declined about 22 cfs as a result of development of the permits and applications. For comparison purposes, total summertime inflow in this reach is approximately 3000 cfs.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

June 1, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

BUSCH AGRICULTURAL RESOURCES INC
C/O CLIFFORD MAHIN
ANHEUSER-BUSCH COS INC
ONE BUSCH PLACE
ST LOUIS MO 63118-1852

RE: WATER RIGHTS 25-07485 & 25-07486

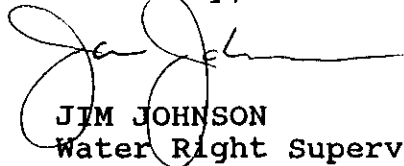
Dear Water Right Holder(s):

The above referenced water rights are still in the process of being licensed. However, before the licenses can be issued, both permits must be amended to reflect corrections in the point of diversion description. In 1993 we forwarded to you Applications for Amendment (for licensing purposes) so that both permits could be amended to correspond with the findings of the Department's field examiner.

Correspondence with legal representatives of Anheuser-Busch and further departmental administrative review resulted in several adjustments being made to the proposed licensing Amendments. Enclosed are copies of the two proposed Amendments.

Please review carefully and if you concur, sign the Amendments and return with the \$40.00 filing fees (\$20.00 for each Amendment) within 14 days. If you do not concur with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,



JIM JOHNSON
Water Right Supervisor

Enclosures

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MAY 16 1995

MEMORANDUM

Date: July 15, 1993
From: Jim Johnson
To: Files 25-07485 and 25-07486
Subject: Licensing

=====

In preparing the license to reflect the changes in Norm's letter of June 29, 1993, I noted that we still have not received an application for amendment of permit correcting the location of the point of diversion to the location found by the field examiner.

Per recommendation by Norm no action should be taken requesting the amendment for two weeks. This will allow time to see if the permit holder is going to respond to the June 29th letter.

No response was received, therefore, another request should be made for the application for amendment should be made.

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MAY 16 1995

WR0749NP
No. L25-07486

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 07/01/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BUSCH AGRICULTURAL RESOURCES INC C/O CLIFFORD MAHIN ANHEUSER-BUSCH COS INC ONE BUSCH PLACE ST LOUIS MO 631181852 (314) 577-9987	02/01/1989	INDUSTRIAL	01-01 12-31	6.00 CFS	1954.7 AFA
TOTAL DIVERSION:					6.00 CFS	1954.7 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 13.28 CFS

Point(s) of Diversion: T01N R37E S02 NW SE SE SE

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac						
01N	37E	2	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: BONNEVILLE

~~Non-Irrigation Uses: INDUSTRIAL~~

Other Rights: NONE

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.

Remarks: Water used under this right if discharged directly into a
natural channel or subsurface system shall meet Idaho Water
Quality Standards.
Industrial use is for a malting plant facility.

Dates: App. Received: 02/01/1989 Priority Date: 02/01/1989
Proof Due Date: 04/01/1994 Proof Made Date: 07/29/1991
Exam Made Date: 08/07/1992 Exam Sent to S.O.: 10/23/1992
Licensed Date:

Misc: Water District Number: Field Exam Fee:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 29, 1993

Jeffrey C. Fereday
GIVENS PURSLEY & HUNTLEY
277 North 6th Street
P.O. Box 2720
Boise, Idaho 83701

RE: PERMITS 25-07485 AND 25-07486 IN THE NAME OF BUSCH
AGRICULTURAL RESOURCES, INC.

Dear Mr. Fereday:

I have reviewed your letter dated June 17, 1993, together with your arguments objecting to conditions 5, 6, and 7 which IDWR proposes to include on licenses for the above referenced permits. You have also questioned the annual volume proposed to be included on each of the licenses.

With respect to proposed condition 5, in a telephone conversation with Mr. Mike Creamer of your office, I indicated that the condition does not affect the right of your client to assert that senior rights have been lost by operation of law where such loss is not alleged to have occurred because of the uses allowed under rights 25-07485 and 25-07486. The purpose of the condition is to reassure the senior surface right holders that issuance of the permit and use of the water will not deprive them of part of their valid water rights. Without the condition being made part of the permit, some of the right holders were concerned that they were at risk of progressively losing water to junior users unless they immediately took administrative and judicial actions to stop use by junior ground water pumpers thought to be depleting surface flows.

Your contention that the letter to the canal companies is not binding on your clients and that it does not apply to uses other than irrigation may be correct. Whether or not these conditions are required by the letter, IDWR has discretion to condition licenses as necessary to protect prior rights. Given the size of the water uses under your client's permits and the need to administer rights for all uses from the same source under a single priority list, condition 5 is necessary and appropriate and will be included in the license.

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MAY 16 1995

Jeffrey C. Fereday
Page 2
June 29, 1993

Condition 6 is, as you note, a subset of condition 3 which recites that your client's permits, like all other water rights in Idaho, are subject to prior rights. Whether or not condition 6 is attached to the licenses, operation of the priority system as needed to protect prior rights could require your client to either reduce diversions or take other actions such as providing replacement flows to offset depletions in surface flows caused by pumping of the wells. By acceptance of this condition on the license, your client is not foregoing the opportunity to contest the amount and nature of relief.

The effect of ground water pumping on senior surface water rights from the Snake River and tributaries is a significant issue at this time. As a result, the legislature has funded a study to determine the relationship of existing and potential ground water use on spring discharges and river flows. A part of this study is the development of management methods to allow mitigation or other actions to avoid losses to prior rights caused by junior ground water pumping. Dropping of condition 6 from permits and licenses at this time would be counter to this effort. Your clients did not contest the issuance of the permits with condition 6 being a part of the rights developed under the permits, and I am not disposed to remove or alter it at this time.

With respect to proposed condition 7, I understand your concern for not being able to control the quality of the discharge of the municipal treatment facility. However, a condition needs to be included should the system be changed to discharge directly to a natural stream. The department is agreeable to revising the condition to read essentially as it does on the permits as they were issued; i.e.,

Water used under this right if discharged directly into
a natural channel or subsurface system shall meet Idaho
Water Quality Standards.

The proposed volume amount of 1950 acre feet per year for each permit simply reflects "rounding" to an appropriate number of significant figures. However, I am agreeable to using the calculated amount without rounding. The licenses will be issued for 1954.7 acre feet per year as requested.

Sincerely,



NORMAN C. YOUNG
Administrator

RECORDED

c. IDWR Eastern Region

MAY 16 1995

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JUN 22 1993

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
CONLEY WARD
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

Department of Water Resources

JAMES A. MCCLURE
OF COUNSEL
DAVID E. MASE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

Phil *PIC*
Glen *144*

June 17, 1993

Mr. Norman C. Young
Idaho Department of Water Resources
1301 Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Busch Agricultural Resources Water
Right Permit Nos. 25-07485 and 25-07486
Our File: 60-10

Dear Norm:

Pursuant to your discussion with Mike Creamer several weeks ago, I am writing you on behalf of our client Busch Agricultural Resources, a subsidiary of Anheuser-Busch Companies, Inc. ("Anheuser-Busch") to explain its serious concerns regarding certain of the conditions proposed by the Department for the above-referenced water rights which are ready to go to license. For the reasons stated below, Anheuser-Busch is requesting that Conditions 5, 6 and 7 be removed from its final licenses, and that the total diversion volume permitted under the two rights be changed to 3909.5 acre-feet per year, or 1954.74 acre-feet per year for each licensed right.

By way of background, the malt plant has been operating in Idaho Falls, and diverting water under its permits, for approximately 18 months AT full capacity. The plant employs 44 full time employees. Anheuser-Busch's malting process requires a dependable, year-round supply of water. Anheuser-Busch has installed two wells equipped with 150 horsepower pumps. Based on the field examiner's Beneficial Use Field Report, the annual diversion for the malt plant would be limited to 3900 AFA for the two rights. Of this, only 5 to 10 percent

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June 17, 1993
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actually is consumed by the malting process; the balance is treated at the City of Idaho Falls' wastewater facility and then discharged to the Snake River.

Condition 7 Should be Deleted From the Licenses

Proposed Condition 7 provides that "[r]eturn water shall be treated to insure that the effluent meets Idaho Water Quality Standards." Because Anheuser-Busch discharges its water after use into a publicly owned water treatment facility, it reasonably cannot be the guarantor of the quality of its water when it ultimately is discharged into the Snake River by the City of Idaho Falls. Mike tells me that you agreed during your telephone conversation, that Condition 7 therefore could be removed. *My comment was directed toward changing the wording to require only if discharge is directly to a public water stream.*

Conditions 5 and 6 Should be Deleted From the Licenses

Proposed Condition 5 provides:

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Proposed Condition 6 provides:

The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

In your telephone discussion with Mike, you indicated that proposed Conditions 5 and 6 were included in the licenses because of commitments the Department apparently feels it made to the North Side Canal Company and the Twin Falls Canal Company ("Canal Companies") in February of 1989. We have reviewed the copy of Keith Higginson's February 17, 1989 letter to Gary Slette ("1989 Letter"), which you were kind enough to send us. After reading that letter, and in light of your conversation with Mike, it is apparent that proposed Conditions 5 and 6, if actually imposed, would be contrary to law and highly prejudicial to Anheuser-Busch's interests. They have no place in the Anheuser-Busch groundwater licenses. The remainder of this letter outlines the reasons for this conclusion.

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The 1989 letter apparently was intended to resolve concerns by the Canal Companies that the Department was issuing water right permits without adequately evaluating the availability of water to fill the new right or the impacts of new diversions on the Canal Companies' own rights at Milner. Although there never has been a court or administrative finding of fact to support their view, the Canal Companies take the position that the river above Milner is fully appropriated and that further groundwater development in the "non-trust water" area would injury their rights. The Canal Companies therefore protested numerous permit applications, and petitioned the Department for a moratorium on processing of new applications in the non-trust water area because of these concerns. However, as we understand the facts, the protests and petition were withdrawn prior to the Department's 1989 Letter.

We read the 1989 Letter to be the Director's confirmation that full development of then pending groundwater applications would have a minimal impact on senior surface diversions above Milner. We also read that letter as representing that in specifically limited circumstances the Department might exercise its discretion to impose special conditions on permits and licenses to appropriate non-trust water. However, as explained below, we do not believe that there are any circumstances under which it would be appropriate or legally permissible for the Department to include proposed Conditions 5 or 6 in Anheuser-Busch's licenses.

Anheuser-Busch Cannot be Bound by The Director's 1989 Letter

There are a number of reasons that Anheuser Busch is not bound by the Director's 1989 letter.

(i) First, and foremost, as a legal matter, the Department cannot, unilaterally, and by letter agreement with the Canal Companies, or anyone else, bind persons who are not parties to the agreement. If the 1989 Letter could be deemed a contract (and we do not believe it can be), Anheuser-Busch was not a party, or in privity with any party to it, and therefore is not bound by its terms.

(ii) The 1989 Letter was not the final decision of the Department in an adjudicative matter since the Canal Companies' protests and petition already had been withdrawn and those matters were closed. Therefore, the 1989 Letter does not constitute a quasi-judicial order that could bind anyone.

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(iii) Even if the 1989 Letter were a valid order, an administrative order can bind only the parties to the particular proceeding, and over whom the Department has acquired jurisdiction.

(iv) Most fundamentally, the 1989 Letter cannot provide any legal basis for the Department to prohibit an appropriator—Anheuser-Busch in this instance—from asserting any defense (such as the Canal Companies' forfeiture of water rights) that might be available to it in the future.

From Mike's conversation with you I understand that since 1989, the Department routinely has included proposed Conditions 5 and 6 in permits and licenses to appropriate water from the non-trust water area. The Department takes the position that the Director's statements to the Canal Companies in the 1989 Letter are "agency statements of general applicability," which, under Idaho law, amount to rules. Such "rules," however, can legally be imposed only after public notice and an opportunity for public comment has been given as required by Chapter 52 of Title 67, Idaho Code. The fact that such conditions would be imposed in non-trust water permits and licenses never has been published by the Department, so the 1989 Letter does not have the authority of a rule.

In our review of the Idaho Code and the Department's published rules, we found nothing that authorizes the Department to impose Conditions 5 or 6 in any license. Water Appropriation Rule 6 (the conditions the Department may impose) states that the Director may condition permits "to retain jurisdiction to insure compliance with the design, construction and operation provisions of the permit." The Rule also allows the Director "to condition permits to insure that established minimum stream flows and prior rights. . . are not injured." There is nothing to suggest that Anheuser-Busch will not comply with the operation provisions of its licenses, and Condition 3 already states that the license is subject to all prior rights.

The Idaho Code authorizes the Department to determine, among other things, whether a proposed appropriation will reduce the quantity of water available to other rights, or will adversely affect the public interest, or is contrary to the conservation of water. Based on the Director's findings on these issues, he may issue the permit, refuse to issue the permit, or grant the permit with conditions. I.C. § 42-203A. We are not aware that the Director has made any findings on these matters with respect to the Anheuser-Busch water permits that could support the imposition of proposed Conditions 5 and 6. We are certain that no such findings could ever be made with respect to Condition 5.

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Thus, it does not matter whether one analyzes the proposed Conditions as deriving from a contract, from an administrative order, or from a rule; their general application by the Department, without notice and an opportunity to comment, without appropriate findings or without joinder of persons who are to be bound by the Department's decision is contrary to Idaho law.

Condition 5 Would Deprive Anheuser-Busch of a Fundamental Element of its Water Right.

Condition 5 cuts at the heart of an appropriator's fundamental rights under prior appropriation law. By requiring that the non-trust water appropriator accept a license that bars him from claiming, in the appropriate future case, that any other water right (such as the Canal Companies' rights) has been lost through forfeiture, abandonment, estoppel, or otherwise, the appropriator is denied one of the most important components of his water right—the ability to defend it against curtailment by asserting the basic law of prior appropriation, including all defenses offered by the doctrine. A licensee should not be asked to accept such a condition. Anheuser-Busch should retain the right to object to the validity and extent of other water right claims in the SRBA, or to injurious transfers or changes of other rights.

!!!
Condition 5, which completely exviscerates the licensee's ability to question whether the stream actually is fully appropriated, is inconsistent with Condition 6, by which the Department which retains jurisdiction to impose augmentation requirements to protect existing rights where a source is fully appropriated.

As we understand the facts, the Department's attempt, in Condition 5, to force a licensee to waive the estoppel and related defenses against a senior right holder is intended to protect the Canal Companies from the kinds of problems Idaho Power Company faced in the Swan Falls dispute. But the problem Idaho Power faced was the same problem *any* senior appropriator faces when it attempts to curtail junior rights. The junior rights always are entitled to discover facts about, and assert, forfeiture, (partial forfeiture) abandonment, waiver, estoppel and other similar arguments in making their case.

More importantly, by imposing proposed Condition 5 the Department unilaterally presumes facts, circumstances and parties that have not yet been brought before it or a court, and permanently undercuts the license holder's ability

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to respond to whatever those facts and circumstances turn out to be in a particular case.

Issues of forfeiture and abandonment may well come to the fore with respect to many water rights claimed in the SRBA—including some claimed by the Canal Companies or others in the above-Milner area. Should it become necessary to protect the Company's interests, Anheuser-Busch must remain entitled to assert its legal rights. Ironically, we have heard the Deputy Attorney General represent to Judge Hurlbutt that the Department likely will be reporting the Canal Companies' water rights as less than claimed because the Canal Companies may have forfeited or abandoned some portion of them. Anheuser-Busch should be allowed to advance these issues according to its own judgment and the facts as presented in a given case.

Condition 5 is Not Required By the Terms of the 1989 Letter.

Even if the Department could bind all non-parties to the terms of the 1989 Letter, on their face these terms do not apply to Anheuser-Busch's appropriation, which is for a small quantity of groundwater for industrial purposes which will be returned to the Snake River largely unconsumed.

The 1989 Letter proposed using language that was virtually identical to that in proposed Condition 5, but only with respect to applications to appropriate water *for irrigation*. It makes no mention of using the condition in permits for industrial uses like Anheuser-Busch's:

Applications *for irrigation* will be processed under the existing Water Appropriation rules and regulations, *but will be conditioned* to either retain jurisdiction for future inclusion into a water district or to require future streamflow augmentation and to preclude future assertion that the groundwater use has adversed or is to be administered separate from prior rights. A condition similar to the following *may be imposed as a condition of permit approval as appropriate*:

The right to the use of water acquired under this permit shall be subject to all prior rights and shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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1989 Letter at 4-5 (emphasis added). Thus on its face, the 1989 Letter announced a condition that was to apply only to licenses for irrigation purposes. It would not impose proposed Condition 5 in Anheuser-Busch's permits or licenses.

Even in the irrigation context, and assuming for sake of argument that the letter actually did create some legitimate and enforceable duty or authority in the Department, it is apparent that the Department anticipated retaining its discretion to apply the estoppel condition when "appropriate." Again, we doubt that the Department ever has or could make findings that would support its use.

Condition 6 is Not Required by the Terms of the 1989 Letter

With respect to Condition 6, the 1989 Letter purports to impose the retained jurisdiction condition on DCMI uses only for "large projects," and then only "if necessary." While the Anheuser-Busch malt plant may be a large project in terms of the amount of material processed, the numbers of people it employs, and its contribution to the tax base of the Idaho Falls area, it is an undeniably small project in terms of the amount of water diverted and consumptively used. There is nothing about the nature, quantity or timing of Anheuser-Busch's water use or the malt plant operation to suggest that retained jurisdiction is remotely "necessary" for any purpose. In fact, given the minimal consumptive use, Anheuser-Busch's diversion arguably *enhances* the amount of water available to fill senior surface rights such as the Canal Companies'. Even if the Department were somehow bound by the 1989 letter, and could bind others like Anheuser-Busch, there is sufficient room for discretion in the 1989 Letter for the Director to determine that Condition 6 is not "necessary." Anheuser-Busch is confident that a review of the facts will show that no necessity exists here.

Condition 6 is equally inappropriate from a philosophical standpoint. We do not dispute that the Director has discretion to retain jurisdiction in an appropriate case to insure that any conditions of a water appropriation or transfer are workable and carried out. For example, where a change in place of use has been approved, it might be reasonable for the Director to retain jurisdiction for a sufficient period to confirm that the approval has provided for adequate return flow to protect other rights. In the case of an augmentation plan, it might be appropriate for the Director to retain jurisdiction, for a reasonably short period, to confirm that the plan in practice indeed does protect other rights.

However, the liberal use of retained jurisdiction, without some sideboards on its duration and purposes, allows well-meaning caution to impinge on the time-

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honored policy of investing water rights with a degree of security and certainty. The broad and ambiguous retained jurisdiction condition proposed for Anheuser-Busch's proposed licenses goes against this policy without offering any measurable administrative benefit over and above what is provided by Condition 3, which states that the right is subject to all prior rights.

The Diversion Volume for Each License Should be Increased

In reviewing the field examiner's report, and using his numbers, we calculated an annual diversion volume of 1954.74 acre-feet for each of the two rights. This would make the total annual diversion volume under the combined rights 3909.5 acre-feet. Please let us know if the field examiner had a reason to show the annual diversion for each right as 1950 acre-feet.

However, proposed Condition 7 and the discrepancy as to volume are minor matters. Our client's greatest concern is with proposed Conditions 5 and 6.

Conclusion

Anheuser-Busch objects to conditions by which it would waive one of its most important legal protections guaranteed under the appropriation doctrine—namely the right to object to the exercise of water rights that have been lost through non-use or otherwise, and the right to assert such a loss as a defense where a senior seeks to curtail the junior. As drafted, Condition 5 aims directly at such claims and defenses, and compounds the insecurity and uncertainty generated by Condition 6. The proposed conditions actually could immunize forfeited rights from being declared so, which is a result that plainly would run counter to the public interest and the concept of maximum beneficial use, a fundamental dictate of the appropriation doctrine.

New permits and licenses should not be impaired by conditions designed to protect the Canal Companies. They voluntarily withdrew their protests while the estoppel and forfeiture issues were fairly raised, and presumably that decision was made after reflection upon the consequences and risks of leaving the issues unresolved. By imposing the 1989 Letter's terms on all non-trust water permits and licenses, the Department removes all risk from the Canal Companies without a hearing or any facts, thereby depriving applicants of available defenses. The 1989 Letters also place all risk squarely on the applicant's shoulders. Swan Falls was not settled with a letter because, as is the case here, there were numerous holders of junior rights who were fully entitled to be heard. The Department

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should not attempt, by a condition in a license, to effectively bar a water right holder from having this same standing.

The Canal Companies retain the ability, through the statutory application/permit/license process, and in the SRBA, to defend their rights against any claim of estoppel (and even against a claim of "customary preference"). As the Deputy Attorney General argued, that is what the Canal Companies should have done when they recently brought their suit to enjoin the Department from granting any new permits in the non-trust water area. The Department makes that argument to the court, yet supports the opposite result when conditioning licenses.

Finally, the Department has no reason to feel obligated to honor the representations made in the 1989 Letter with respect to Anheuser-Busch's proposed licenses. The Canal Companies' recent lawsuit was founded in large part on their belief that the Department had failed to live up to the spirit of the 1989 Letter. The recent settlement of that lawsuit on new terms before Judge Hurlbutt has superseded any commitment the 1989 Letter might have created.

Anheuser-Busch is anxious to resolve these issues. We would appreciate it if you would let us know what your decision will be before any licenses are issued since if you disagree with the above analysis, I would like to discuss the matter with you in person. I look forward to hearing from you.

Sincerely,

Jeff Fereday

Jeffrey C. Fereday

JCF/MCC/sr

60\10\young.ltr

cc: Jane E. Klammer, Esq., Anheuser-Busch

I told creamer he was reading these conditions more broadly than we intended. of course the licensee can contest TFS right as being forfeited by non use but not because TFS was deprived of water by the licensee's pumping.

Handwritten signature

MS

MAY 16 1993

State of Idaho
Department of Water Resources

COPY

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07486

Date of Priority: February 1, 1989

Maximum Diversion Rate: 6.00 CFS
Maximum Diversion Volume: 1950.0 AF

Comes now
C/O CLIFFORD MAHIN
ANHEUSER-BUSCH COS INC
ONE BUSCH PLACE
ST LOUIS MO 631181852

BUSCH AGRICULTURAL RESOURCES INC

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07486, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	6.00 CFS	1950.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 2, Township 01N, Range 37E
SESE , Sec. 2, Township 01N, Range 37E
BONNEVILLE County

PLACE OF USE: INDUSTRIAL
TWN RGE SEC

01N 37E 2 NESE NWSE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19____.

(Signature)

RECORDED

MAY 16 1995

(Keep In File
for reference)

amendment objected to by Jeff Laredo -
whose firm represents Busch.

COPY

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07486

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 25-07486 with the following;

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. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
8. Industrial use is for a malting plant facility.

Witness my hand this _____ day of _____, 19____.

R. Keith Higginson, Director

MAY 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1993

Mike Cramer
2006 Bitterroot
Twin Falls, ID 83301

RE: Water Rights 25-07485 & 25-07486
Busch Agricultural Resources, Inc.

Dear Mike:

I am responding to your inquiry into the licensing of the above referenced rights. I am aware of your concerns regarding specific conditions proposed on the licensing amendments. The request for removal of these conditions on the license is being reviewed.

A minor change was made to condition number eight (8) according to your discussion with Pam Skaggs on this matter and a copy of the updated amendments are enclosed along with copies of the field examination for these rights.

If you have any further questions regarding this matter, please contact me directly at 327-7947.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

Enclosures

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MAY 16 1995

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FEB 26 1993

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

Department of Water Resources, MCCLURE
OF COUNSEL
DAVID E. MABE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER
* ADMITTED ONLY IN UTAH
& WASHINGTON, D.C.

February 25, 1993

Ms. Pamela Skaggs
Water Resource Agent
Idaho Department of Water Resources
1301 No. Orchard
Statehouse Mail
Boise, ID 83720-9000

Re: Busch Agricultural Resources, Inc.
Water Right Nos. 25-07485, 25-07486

Dear Ms. Skaggs:

This is to confirm our telephone conversation today regarding the above-referenced water rights, which now are ready to go to license. As we discussed, Anheuser-Busch Co., Inc. received your correspondence containing Applications for Amendment for Licensing Purposes on February 18, 1993.

It is my understanding from our conversation that the amendments proposed in the Applications would reflect the inclusion of an additional point of diversion for each right, such that the point of diversion for each right also will serve as an alternate point of diversion for all or a portion of the other. It also is my understanding that based on the field examiner's report, the legal description for the point of diversion for Right No. 25-07486 is to be amended to the NE 1/4, SE 1/4, Sec. 2, T1N, R37E, B.M. Please provide me with a copy of the field examiner's report so that Anheuser-Busch can compare the location shown in the report with what their records show to be the location of the wells.

Also, with respect to the conditions and remarks proposed to be contained in the license, I understand that upon your confirmation that after its use the water will be discharged into a municipal wastewater treatment facility, the Department will remove Condition #7. Condition #8 will state that the industrial use is for a marling plant facility.

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February 25, 1993

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With respect to Conditions #5 and #6, you have informed me that these are standard conditions in all licenses issued by the Department for rights in the non-trust water area. However, my concern with Condition #5 is that it may limit rights that Anheuser-Busch has, as a matter of statute and longstanding judicial precedent, to object to the appropriation, use or transfer of senior rights that have been lost through forfeiture, abandonment or otherwise.

I also have a concern about Condition #6 in which the Director retains jurisdiction of the right. By statute, rights on an adjudicated stream may be incorporated into a water district. Under appropriate circumstances, the right might be so incorporated regardless of any retained jurisdiction. The reference to possibly requiring "streamflow augmentation or other action needed" to protect prior rights is ambiguous and calls into question the certainty of the right. I believe the language contained in Condition #3 which recites that the rights are "subject to all prior water rights" is sufficient to address this issue. Therefore, I believe that Conditions #5 and #6 are not appropriate and also should be deleted from the license when issued.

As per our discussion, you will hold the processing of these licenses and the applications for Amendments until I have had a chance to review the field examiner's report and confirmed the legal descriptions. I will be in trial in Twin Falls for approximately 2 more weeks and I expect to be able to finalize the applications soon thereafter.

I understand from you that this short delay beyond the 15 day time period referenced in your letter to Anheuser-Busch will not prejudice the ultimate issuance of the licenses to Anheuser-Busch.

I will contact you as soon as possible regarding the above issues. Thank you for your assistance, and don't hesitate to contact me either at 2006 Bitterroot Drive, Twin Falls, Idaho 83301 or through my secretary in Boise, Sherrie Rodgers.

Sincerely,

Dictated by Mr. Creamer
but mailed without
signature to avoid delay

Michael C. Creamer

MCC:sr

cc: Clifford Mahin (via telecopy)
Jane Ferguson-Klamer (via telecopy)
Jeffrey C. Fereday

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MAY 16 1995

CONVERSATION MEMORANDUM

DATE 2-25-93

FILE 25-7485 + 7486

NAME OF PARTY Mike Cramer (Livins Gursley/Boise)

EMPLOYEE Sam Skaggs

RE: Licensing Amendments

① Concerns about conditions #5-8 on amendment

non-trust, water quality & description language

② Will send him a copy of exams @ Livin Falls

address 2006 Bitterroot, TF, ID 83301 (Ph# 733-3941)

He will be delayed due to trial at least 2 weeks and

I have agreed to hold processing for his response.

HOLD until 3-25-93.

RECORDED

MAY 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 12, 1993

BUSCH AGRICULTURAL RESOURCES INC
C/O CLIFFORD MAHIN
ANHEUSER-BUSCH COS INC
ONE BUSCH PLACE
ST LOUIS MO 631181852

RE: WATER RIGHT NO. 25-07486

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

MAY 16 1995

LICENSE REVIEW CHECKLIST

Permit # 25-07486

Date 02-05-93
38

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance? _____
	☐	☒	Memo to Advance _____
	☐	☒	Order to Reinstate Needed? _____
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended? _____
	☐	☒	Disagree with Actual Measurement? _____
	☐	☒	<u>6.0 cfs (END)</u>
	☒	☐	Disagree with Theoretical? <u>300 x 8.8 x .7 = 12.07</u>
	☐	☒	Limited by Capacity? <u>13.28</u> <u>130' + (2.31 x 10)</u> (measured)
TOTAL VOLUME			Rate/ac <u> </u> AFA Irr. Season <u> </u>
			Standard Irr. Season _____
			Season Recommended _____
	☐	☒	Disagree with Examiner's Calculations? _____
	☐	☒	<u>1950 data (END)</u>
	☐	☒	Limited by Flow? _____
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u>
	☐	☒	<u>Intended</u> source _____
	☐	☒	Notice of Intent to Void. _____
P/D	☒	☐	Verify with Map <u>Add SESE</u>
	☐	☒	Amendment Needed? <u>Change NESE to NWSE</u>
	☐	☒	Is Overlap Analysis a Consideration? _____
P/U	☐	☒	Verify with Map _____
	☐	☒	Amendment Needed? _____
	☐	☒	Is Overlap Analysis a Consideration? _____
USES	☐	☒	Change(s) in Nature of Use? _____
	☐	☒	Amendment Needed? _____
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4? _____
	☒	☐	Non-Irr. Uses <u>IND/Malting Plant</u>
	☐	☒	Special Overlap Condition _____
	☐	☒	Other _____
CONDITIONS	☐	☒	Measuring Device _____
	☐	☒	W/Master Control _____
	☐	☒	Overlap _____
	☒	☐	Water Quality _____
	☐	☒	DATES/MISC _____
	☐	☒	Water Dist. _____
	☐	☒	App Rec'd _____
	☐	☒	Exam Made _____

COMMENTS: Amend P/D
Used an average of 10 psi / 120' SWL - Used 130' MDL - Supports Measurement

LICENSE AMEND ☒ SPECIAL PARAGRAPH

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BUSCH AGRICULTURAL RESOURCES INC C/O CLIFFORD MAHIN ANHEUSER-BUSCH COS INC ONE BUSCH PLACE ST LOUIS MO 631181852 (314) 577-9987	02/01/1989	INDUSTRIAL	01-01 12-31	6.00 CFS	1950.0 AFA
				TOTAL DIVERSION:	6.00 CFS	1950.0 AFA

Stage: LICENSE

Place of use Legal Description for: INDUSTRIAL

Other Rights: ~~NONE~~

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
049 - The Director retains jurisdiction of the right and any license
- subsequently issued to incorporate the use into a water district,
- require streamflow augmentation or other action needed to protect
- prior surface water and groundwater rights.
R09 - Return water shall be treated to insure that the effluent
- meets Idaho Water Quality Standards.

Remarks: Industrial use is for a malting plant.

Dates: App. Received: 02/01/1989 Priority Date: 02/01/1989
Proof Due Date: 04/01/1994 Proof Made Date: 07/29/1991
Exam Made Date: 08/07/1992 Exam Sent to S.O.: 10/23/1992
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/15/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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OCT 26 1992

Department of Water Resources

A. GENERAL INFORMATION

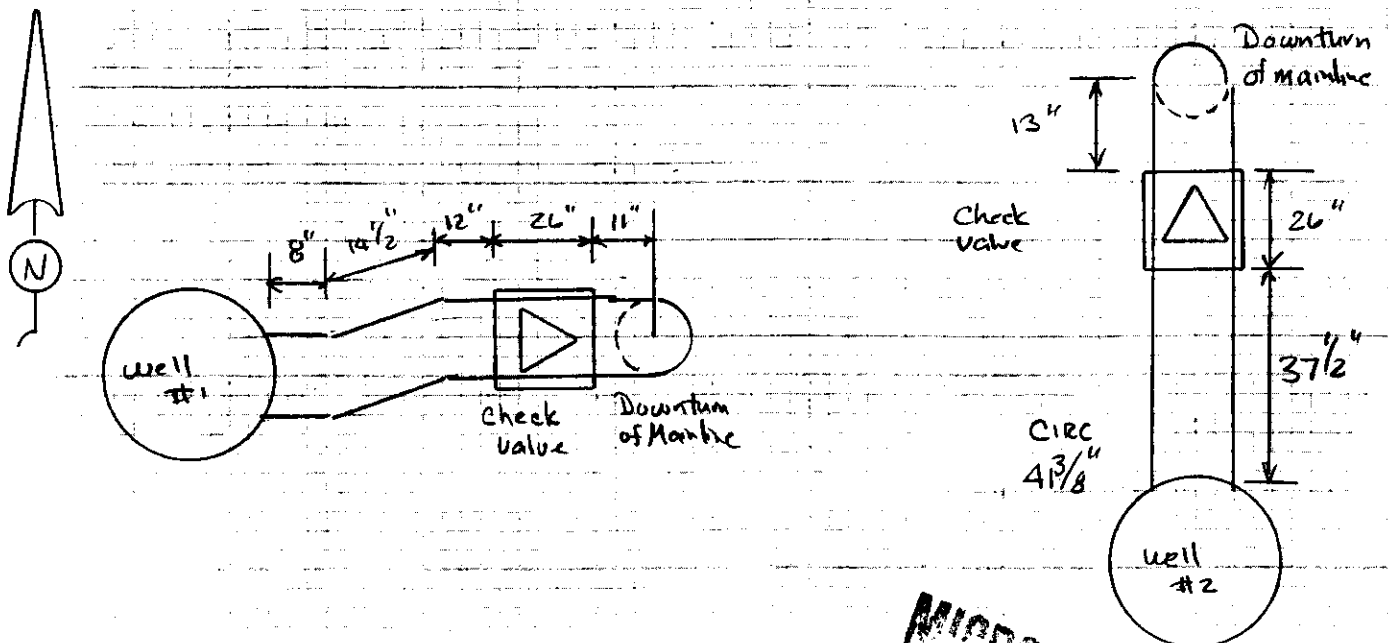
1. Owner: Busch Agricultural Resources Inc Permit No. 25-7485/7486
Current Address: One Busch Place, St. Louis, Mo. 63118-1852 Phone No. (314) 577-9987
2. Accompanied by: Gary Warren EXAM. DATE: 7 Aug 1992
Address: P.O. Box 51628 Idaho Falls Id 83405 Phone No. _____
Relationship to Permit Holder: Maintenance Supervisor
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: 25-7485/7486 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



- Exam Photos in File 25-7485 -

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Wells & pumps #1 & #2 pump to a holding tank thru separate mainlines. Water for the mating process is pumped from the holding tank into the plant

Current operating time for well is approximately 10 hr per day

Use to date: 48,151,600 gal for Month (31d) of May → Note: Plant not operating at full capacity.
48,179,300 gal for Month (30d) of June

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 WEST	GE	150	REG186054	Layne's Bowler	80-72213
#2 EAST	GE	150	VEG323028	Layne's Bowler	72277

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1			NW	SE	2	1N	37E	Bonneville	On site inspection / AICS compliance slide
#2			SE	SE	2	1N	37E	Bonneville	"

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
1N	37E	2													I	I			

MISSOURI

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
#1 Meter	Totalizing	Hersey	MHR Retro-Thrust	9015440	8"	
#2 Meter	Totalizing	Hersey	MHR Retro-Thrust	8027431	8"	

2. Measurements:

8.5 psi @ time of Exam

12.5 psi @ end of Exam

(1000 gal / 20.11 sec) (1000 gal / 20.11 sec) (2000 gal / 40.29) (2000 gal / 40.31 sec)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: $\left(\frac{1000 \text{ gal}}{20.11 \text{ sec}} \right) \frac{60 \text{ sec}}{\text{min}} = 2983.69 \text{ gpm} = 6.647 \text{ cfs} = Q_1$
 $\left(\frac{2000 \text{ gal}}{40.31 \text{ sec}} \right) = 2976.99 \text{ gpm} = 6.633 \text{ cfs} = Q_2$
 $Q_{\text{TOTAL}} = 13.28$
2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N / _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5) / (7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses: Permit @ 6.0 cfs and 1950 afa

(cfs) (#days)(1.9835) = afa

(6.0 cfs)(x days)(1.9835) = 1950 afa

days = 163.85 days @ 6 cfs / 24 hr

Year round operation:

163.85 day / 365 day = 0.4489 = 44.9% of time

Run time: 0.4489 (24 hr) = 10.8 hr / day

@ 6.0 cfs for 10.8 hr / day for 365 day / yr

$V = (6.0) \left(\frac{10.8}{24} \right) (365) (1.9835) = 1950 \text{ afa}$

Microfilm

MAY 16 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Two wells and pumps with separate mainlines into storage tank. Water is then pumped from the storage tank to be used in the matting process. Used water is discharged into the city of Idaho Falls Sewer system.

<<R17A>> The combined annual volume of water under this right and Right No. 25-7485 shall not exceed 3900 afa.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Industrial	1/1	12/31	6.0	1950
Totals:			6.0	1950

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name KEITH C. WILSON
Signature Keith C Wilson
Certification Date _____
Field Report Preparation Date _____

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MINNESOTA
MAY 16 1995

Capacity Volume:

$$V = \text{cfs} (\# \text{ days}) (1.9835) = (6.0)(365 \text{ d})(1.9835) = 4343.9 \text{ afa}$$

Current Volume: Plant not at capacity 48,179,300 gal in June 1992 (30 days)

$$V = \left(\frac{48,179,300 \text{ gal}}{30 \text{ days}} \right) \div 325850 \text{ gal/af} = 4.93 \text{ af/day}$$

$$V = 4.93 \text{ af/d} (365 \text{ d}) = 1799.45 \text{ afa}$$

at 1950 afa and 6.0 cfs / 24 hrs

$$V = \text{cfs} (\# \text{ days}) (1.9835)$$

$$1950 \text{ afa} = (6.0 \text{ cfs}) \# \text{ days} (1.9835)$$

$$\# \text{ days} = (1950 \text{ afa}) \div [(6.0)(1.9835)] = 163.85 \text{ days}$$

System operates 365 days/yr

$$\therefore 163.85 \text{ d} / 365 \text{ days} = 0.4489 \text{ or } 44.9\% \text{ of time}$$

$$\text{Time system operated} = 24 \text{ hrs} (0.4489) = 10.8 \text{ hrs/day}$$

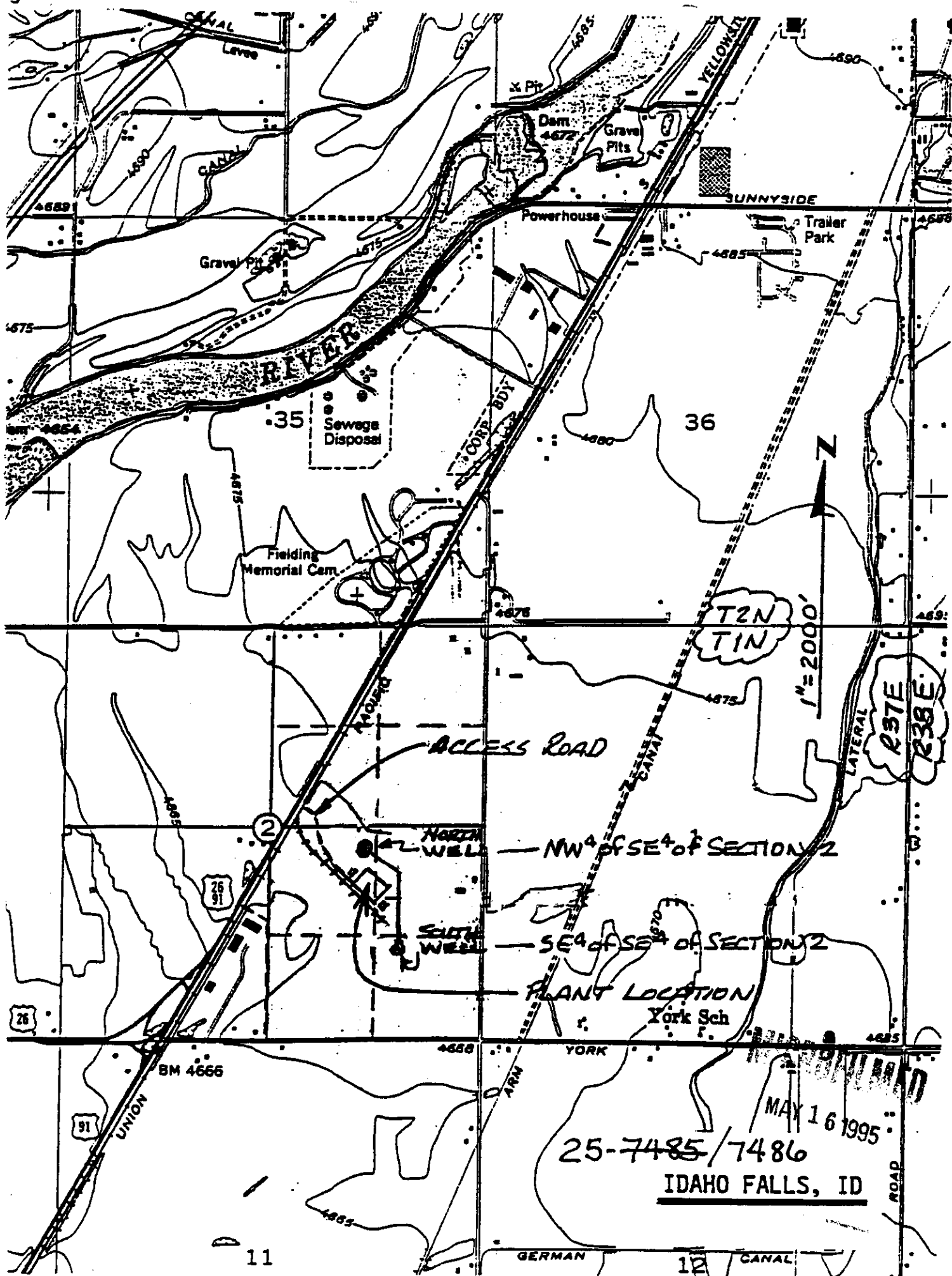
SINCE: According to Willis Wehrman plant Engineer
System operates $\approx$ 10 hr/day

RECOMMEND: $V = 1950 \text{ afa}$

25-7485/7486

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MAY 16 1995

1 project: show clearly the proposed point of diversion, place of use, section number, ge number.



November 15, 1991

BUSCH AGRICULTURAL RESOURCES INC.
C/O CLIFFORD MAHIN, P.E.
ANHEUSER-BUSCH COS. INC
ONE BUSCH PLACE
ST. LOUIS MO 63118

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07486

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Nina Shields
Secretary/Records Manager

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NOV 20 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 25-7486

Date 7-31-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☒ Copy in file? Drill permit no. 25-7486-6-200
3/1990 ☒ Amt paid for drilling permit? Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
225.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- Yes Measuring device or access port required?
No Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs flow meas
needs w.c. & D.P. OK
proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

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JUL 29 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 225.00
Date 7-29-91
Receipt No. 0021334
Received by myH

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 25-07486 Telephone No. (314) 577-99872. Name(s) of Permit Holder(s): Busch Agricultural Resources, Inc.3. Post Office Address: One Busch Place, St. Louis, MO 63118-18524. Source of Water: Groundwatera. If ground water, well driller's name: Cushman Drilling Service Date drilled: March 19, 1990

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Industrial6. Total rate and/or volume for which proof is submitted 6 cfs 1950 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes X No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? Yes No8. Fee Enclosed: \$ 225.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Patrick O'Connell(208) 522-5501

Name

Telephone No.

5755 S. Yellowstone Hwy, Idaho Falls, ID 83402

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MAILED7/28/91
DateJerry Wolfenbarger
Signature (and title if on behalf of a company or organization)

NOV 20 1991

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Anheuser-Busch Company
Address Western Malt Plant - Idaho Falls, Id.
Owner's Permit No. 25-89-E-064 25-7486

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☒ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
1/4" Inches	24" Inches	0 feet	42 feet
3/8" Inches	20" Inches	0 feet	146 feet
3/8" Inches	16" Inches	1 feet	256 feet
_____ Inches	_____ Inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☐ Factory ☒ Knife ☐ Torch
Size of perforation 3/8" inches by 3" inches

Number	From	To
50 perforations	246 feet	250 feet
75 perforations	230 feet	236 feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 14' Material used in seal: ☒ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port 2" Pipe on side of 16" Casing

7. WATER LEVEL

Static water level 120' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

- ☒ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2900	135'	36

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
24"	0	2	Clay		X
	2	42	Coarse Gravel		X
	42	94	Basalt		X
	94	143	Gravel	X	
	143	157	Basalt		X
	157	159	Cinders	X	
	159	180	Basalt		X
	180	185	Broken Basalt	X	
	185	190	Fairly Firm Basalt		X
	190	193	Broken Basalt	X	
	193	230	Basalt		X
	230	235	Porous Basalt	X	
	235	247	Firm Basalt		X
	247	250	Cinders	X	
	250	256	Basalt		X

2 wells were drilled one did not have a permit-

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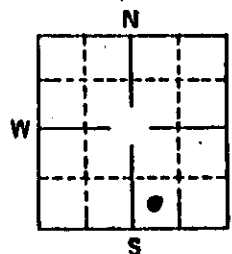
Department of Water Resources
Eastern District Office

10.

Work started 3/16/90 finished 6/3/90

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Bonneville

NW NE SE
SP 1/4 SW 1/4 Sec. 2, T. 1 N. R. 37 E.

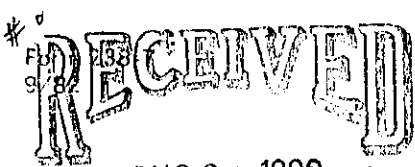
11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Jack Cushman Drilling Firm No. #94
1405 South Broadway
Address Blackfoot, Idaho Date 6/13/90

Signed by (Firm Official) Jack Cushman

and
(Operator) Nyle Bailey



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

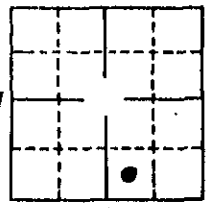
1. ~~Well~~ OWNER Water Resources
Name Anheuser-Busch Company
Address Western Malt Plant - Idaho Falls, Id.
Owner's Permit No. 25-89-E-064 25-7486

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE
☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☒ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED
☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
1/4 inches 24" inches + 0 feet 42 feet
3/8" inches 20" inches 0 feet 146 feet
3/8" inches 16" inches 1 feet 256' feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☐ Factory ☒ Knife ☐ Torch
Size of perforation 3/8" inches by 3" inches
Number From To
50 perforations 246 feet 250 feet
75 perforations 230 feet 236 feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 14' Material used in seal: ☒ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port 2" Pipe on side of 16" Casing

6. LOCATION OF WELL
Sketch map location must agree with written location.

Subdivision Name _____
Lot No. _____ Block No. NOV 20 1991
County Bonneville
SE 1/4 SW 1/4 Sec. 2, T. 1 N., R. 37 E.

7. WATER LEVEL
Static water level 120' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ of. Quality _____
Describe artesian or temperature zones below.

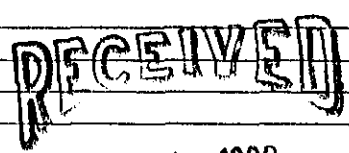
8. WELL TEST DATA
☒ Pump ☐ Bailer ☐ Air ☐ Other _____
Discharge G.P.M. Pumping Level Hours Pumped
2900 135' 36

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
24"	0	2	Clay		X
	2	42	Coarse Gravel		X
	42	94	Basalt		X
	94	143	Gravel	X	
	143	157	Basalt		X
	157	159	Cinders	X	
	159	180	Basalt		X
	180	185	Broken Basalt	X	
	185	190	Fairly Firm Basalt		X
	190	193	Broken Basalt	X	
	193	230	Basalt		X
	230	235	Porous Basalt	X	
	235	247	Firm Basalt		X
	247	250	Cinders	X	
	250	256	Basalt		X

10. Work started 3/16/90, finished 6/3/90

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.
Firm Name Jack Cushman Drilling Firm No. #94
1405 South Broadway
Address Blackfoot, Idaho Date 6/13/90
Signed by (Firm Official) Jack Cushman
and
(Operator) Wyle Bailey



Department of Water Resources
Eastern District Office

Form 225-1
9/89

Drilling Permit No. 23-001-1-004
Water Right Permit No. 7486
Injection Permit No. _____

State of Idaho
Department of Water Resources
D R I L L I N G P E R M I T

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OCT 13 1989

Department of Water Resources

1. Applicant Busch Agricultural Resources, Inc.
2. Mailing Address c/o Clifford Mahin, P.E., Anheuser-Busch Cos., Inc.,
One Busch Place, St. Louis, MO 63118 Telephone (314) 577-4424
(X) Well Owner () Well Operator () Other, specify _____
3. Proposed well location NE 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 2, Twp. 1N, Rge. 37E, County Bonneville,
Street Address of Well Site _____,
Lot, block and subdivision _____
4. Proposed use of well:
() Single family or stockwater use (less than 13,000 gallons per day)
() Irrigation (more than 1/2 acre)
() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
(X) Other (describe fully) Industrial
5. Well construction information:
A. (X) New well () Deepen () Replace - See Condition 9.
B. Proposed surface diameter 22" Maximum depth 500'
C. Anticipated bottom hole temperature:
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Construction Start Date 10-2-89
7. Anticipated Well Driller Cushman Drilling
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Marsha Johns Date 10/3/89
Title Secretary
Owner, Firm Representative, Other _____

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NOV 20 1991

ACTIO F DEPARTMENT OF WATER RESOURCE.

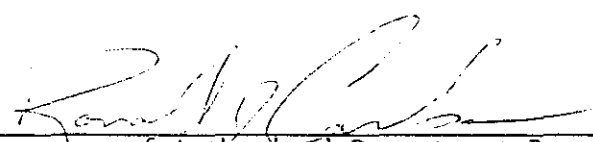
This Permit is approved . Date 9-29-89 .

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

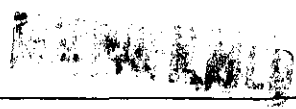
SPECIFIC CONDITIONS:


Signature of Authorized Department Representative

Eastern Regional Manager
Title

Receipt No. EO10981 Receipted by HWT Fee 100⁰⁰ Date 10-6-89

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date 

This extension is good for 60 days beyond the above extension approval date **NOV 20 1991**

25-7483
25-7486

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
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PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

RECEIVED
JUL 21 1989

TELECOPIER
(208) 343-9492

July 20, 1989

Department of Water Resources

*ALSO ADMITTED IN OREGON

Mr. Norman C. Young
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83701

RE: Anheuser Busch

Dear Norm:

Last Saturday I attended a ground-breaking ceremony near Idaho Falls for the new malting plant being constructed by Busch Agricultural Resources, Inc. As you know, this is the plant that many state and local officials, as well as many Idaho citizens, worked hard to attract to Idaho. A very significant part of that effort was the cooperation and diligence shown by the Idaho Department of Water Resources in evaluating and processing the groundwater permits necessary for the plant. As you know, BARI was most concerned about the ability to project an early ground-breaking date. The acquisition of permits and the reasonable assurance of a water supply was critical in that decision. I just want to express my appreciation to you, the Director and your staff in providing the type of prompt agency response that helped make this possible.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF/jb

cc: Mr. R. Keith Higginson

RECEIVED

NOV 20 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

April 4, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: Permit No. 25-7486

Busch Agricultural Resources, Inc.
c/o Jeff Fereday
Givens, McDevitt, Pursley, Webb, & Buser
277 N. 6th
Boise, ID 83702

Dear Permit Holder(s):

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the Department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

MICROFILMED

MAY 17 1989

Page 2

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:hm

Enclosure

RECEIVED

MAY 17 1985

RECEIVED

MAR 28 1989

Department of Water Resources
Eastern District Office

NOTICE TO PUBLIC OF NO SIGNIFICANT IMPACT
ON THE ENVIRONMENT
AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS

City of Idaho Falls
620 Park Avenue
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

(208) 529-1276

APR 06 1989

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

Department of Water Resources

On or about May 1, 1989, the above named City will request the Department of Commerce, State of Idaho, to release Idaho Community Development Block Grant (ICDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

Title: Anheuser-Busch Water System Improvements
Purpose: To construct a water line to the site of the barley malting plant to be constructed by Anheuser-Busch.
Location: E 1/2 of Section 2, T 1 N, R 37 E
Cost: Estimated to be \$455,800

Finding of No Significant Impact

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of human environment and accordingly the above-named City of Idaho Falls has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare an Environmental Impact Statement are as follows:

The project will not significantly affect the quality of human environment. The City of Idaho falls has the capacity to handle the wastewater generated by the project. The site was designated in the 1967 Comprehensive Plan as industrial. There are no known historic or prehistoric sites, critical habitats or endangered species, or prime or unique agricultural lands in the project area. The site is not in the flood channel or 100 year floodplain. Applicable water permits are being obtained from the appropriate agencies.

RECEIVED

MAY 17 1989

An Environmental Review Record respecting the within project has been made by the above-named City of Idaho Falls which documents the environmental review of the project and more fully sets forth the reasons why such statement is not required. This Environmental Review Record is on file at the above address and is available for public examination and copying on request at the Planning and Building Division, 620 Park Avenue, between the hours of 8:00 a.m. and Noon and

1:00 p.m. and 5:00 p.m. Monday through Friday.

Further environmental review of the project may occur prior to request for release of Federal funds.

Public Comments on Findings

All interested agencies, groups and persons who disagree with this decision are invited to submit written comments for consideration by the City to the Planning and Building Division, P. O. Box 50220, Idaho Falls, Idaho 83405-0220. Such written comments should be received at the above specified address on or before April 30, 1989. All such comments so received will be considered and the City will not request the release of ICDBG funds or take any administrative action on the within project prior to the date specified in the preceding sentence.

Release of Funds

City of Idaho Falls will undertake the project described above with Idaho Community Development Block Grant funds from the Department of Commerce, State of Idaho, under Title I of the Housing and Community Development Act of 1974. City of Idaho Falls is certifying to the Department that Thomas V. Campbell, in his official capacity as Mayor consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval the City of Idaho Falls may use the Block Grant funds and the State will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

The Department will accept an objection to its approval only if it is on one of the following bases:

- (a) that the certification was not in fact executed by the certifying officer; or
- (b) the grantee's environmental review record for the project indicates omission of a required decision finding or step applicable to the project or the environmental review process.

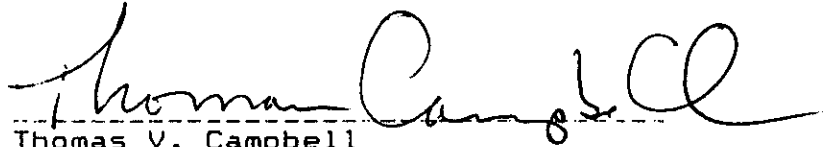
Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to:

MAY 17 1989

Idaho Department of Commerce
2nd Floor, Hall of Mirrors
700 W. State Street

Boise, Idaho 83720

Objections to the release of funds on bases other than those stated above will not be considered by the Department. No objection received after May 19, 1989, will be considered by the Department.

A handwritten signature in black ink, appearing to read "Thomas Campbell", with a large, stylized "C" at the end.

Thomas V. Campbell
Mayor of the City of Idaho Falls
City Hall
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

Pub. date: March 24, 1989

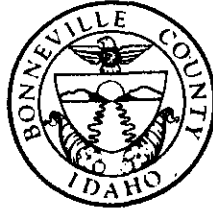
MAILED

MAY 17 1989

25-7486

BOARD OF COMMISSIONERS

CLYDE A. BURTENSHAW, Chairman, District #3
A. WYLIE SNARR, District #1
CLIFFORD V. LONG, District #2



605 NORTH CAPITAL AVENUE
IDAHO FALLS, IDAHO 83402
PHONE 208-529-1360

March 22, 1989

RECEIVED
MAR 27 1989

Department of Water Resources

Mr. L. Glen Saxton, Chief
Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Saxton:

We have received the letter dated March 7, 1989 from Jeffrey C. Fereday concerning the water right applications filed by Busch Agricultural Resources, Inc. to appropriate groundwater in Bonneville County. We did not oppose these applications, and we have no comment about them with respect to the granting of a permit. We have been in contact with Busch regarding their plans for their melting plant, and are well advised as to the project.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cliff Long", is written over a faint circular stamp.

Cliff Long, for the
Bonneville County Commission

cc: Mr. Clifford A. Mahin
Mr. Sandy J. Cortopassi

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MAY 17 1989

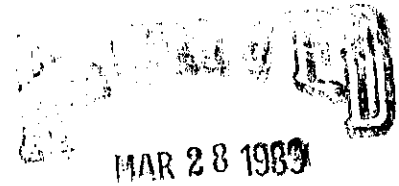


25.7486

City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
PHONE: (208) 529-1250



March 24, 1989

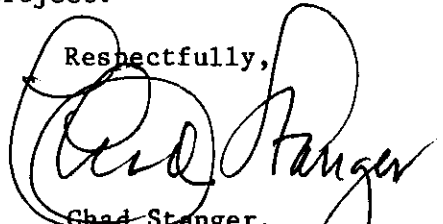
Department of Water Resources

Mr. L. Glen Saxton
Chief Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Saxton:

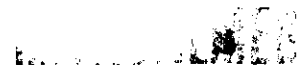
We have received the letter dated March 7, 1989, from Jeffrey C. Fereday concerning the water right applications filed by Busch Agricultural Resources, Inc. to appropriate groundwater in Bonneville County. As you know, we did not protest these applications, and we have no comment about them with respect to the granting of a permit. We have been in contact with Busch regarding their plans for their malting plant, and are well advised as to the project.

Respectfully,


Chad Stanger,
Director of Public Works

CS/dt
Eng. 3B

cc: Mr. Clifford A. Mahin
Mr. Sandy J. Cortopassi



MAY 17 1989

MEMORANDUM

TO: Files nos. 25-7485 and 25-7486 in the name of Busch
Agricultural Resources, Inc.
FROM: Gary Spackman *Gary*
DATE: March 16, 1989
RE: Informations submitted to satisfy Rule 4,5. of the Water
Allocation Rules and Regulations

On February 10, 1989, I wrote a letter to Jeff Fereday,
Attorney at Law, detailing information required under Rule 4,5.
which was not submitted with the applications.

Jeff prepared or caused to be prepared the information that
I requested. I have reviewed the information, and find it to be
adequate with the following exception:

Letters of comment from Bonneville County, Idaho Fish &
Game, Idaho Health and Welfare, Division of Environmental
Quality, and Irrigation and Canal Companies have been sought, but
we have not received any responses.

A question arose about whether an irrigation component must
be specifically listed in the application as a separate use.
This issue has been resolved by Norm Young in a letter dated
March 9, 1989.

In the February 10 letter, I suggested that Jeff Fereday
contact the Twin Falls Canal Company. In a later conversation, I
retracted the request for comment from Twin Falls Canal Company.

It appears that these rights are ready to process once the
letters of comment are received.

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MAY 17 1989

BUSCH AGRICULTURAL RESOURCES, INC.

$$\frac{1}{2} \times \frac{143}{\text{sec}} \times \frac{\text{acre}}{43560 \text{ ft}^2} \times \frac{60 \text{ sec}}{\text{min}} \times \frac{60 \text{ min}}{\text{hr}} \times \frac{24 \text{ hr}}{\text{day}} \times \frac{365 \text{ day}}{\text{yr}}$$

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☐ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☐ Yes ☒ No Groundwater
☐ Plat showing proposed well and any other wells &/or springs within $\frac{1}{2}$ mile radius - *Needed*
- ☐ Yes ☐ No Statement of design construction, or operation techniques which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

Water Requirements of Proposed Project

- ☒ Required diversion rate during peak use (Maximum rate) *Have*
☐ Required diversion rate during average use period
☒ Annual volume - *Have*
☒ Season of use
☐ Volume to be consumptively used/year - *Yes*

Quantity of Water Available from Source

- N/A* ☐ Flow rates for surface water sources available during peak and average water demand period
☐ Properties of aquifers - *Don't have this*
☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☐ Copies of deeds, leases, easements, and right-of-ways from *N/A*
- ☐ Power applications affidavit form 205/206 is required *N/A*
☐ Yes ☐ No Other needed permits, licenses, or approvals required. If yes, *NPDES permit - probably*

FINANCIAL RESOURCES

- ☐ Current certified financial statement - *Forego*
☐ Financial commitment letter/financial statement from committed party
☐ Project design/plans along with cost estimation to complete project - *Need*

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|--|--|---|
| ☐ City | ☒ Idaho Fish & Game | ☒ Irrigation District |
| ☒ County | ☒ Idaho Health & Welfare | ☒ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

COPY

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 2, 1989

Jeffrey Fereday
P.O. Box 2720
Boise, ID 83701

Dear Mr. Fereday:

I have received the two Busch Agricultural Resources applications for permit. In review I find that two areas need to be addressed. The time for development on Line 7 states 5 years. Only two years are granted unless a year by year development plan is submitted. If 5 years is distinctly required then a brief plan should be sent to my attention. Also since each application exceeds 5 cfs, a large diversion supplementary sheet needs to be completed (see enclosed).

I would suggest that you contact Gary Spackman at the Boise office with any questions on this supplementary sheet before returning it to me.

Currently the two applications will be kept in our Non-Trust Water Hold File until receipt of the needed information and until that time that regulations are in place which allow us to process applications in this particular area.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

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MAY 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 9, 1989

Jeffrey C. Fereday, Esq.
GIVENS McDEVITT PURSLEY
WEBB & BUSER
P.O. Box 2720
Boise, ID 83701

Re: Applications for Permit No. 25-7485 and 25-7486
(Busch Agricultural Resources, Inc.)

Dear Jeff:

This letter is in response to your letters dated February 14 and 17, 1989, in which you expressed concern that revising the above referenced filings to reflect a separate irrigation use component would mean an unacceptable delay to your client.

The proposed well locations are within the "non trust water area" and the applications are being processed by the department under procedures described in the February letter from Keith Higginson to Gary Slette of which you have been provided a copy. The letter provides that additional review and perhaps additional conditions of approval will be given to filings proposing large consumptive uses. Irrigation is a use that fits this category, and for this reason the department attempts to identify and consider irrigation uses under the more stringent procedures.

I am not aware of an official definition for the term "industrial use" in Idaho water law. Neither the statutes nor the rules for water appropriation include a definition. Experience indicates that industrial uses do often include irrigation of landscaping as a typical use for part of the water. Thus, inclusion of a "reasonable" amount of use for irrigation of landscaping can be considered part of an industrial use for water. Whether the requested eight acres is a "reasonable" amount for the proposed malting plant cannot be determined from the information now available to the department. Unless you were working from a set of final plans prepared by a landscape architect, I expect the value is an estimate. However, as long as the ultimate use for irrigation is only for appropriate landscaping and not for irrigation associated with crop production, parks, playing fields or similar large uses, it will be considered

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MAY 17 1989

Jeffrey C. Fereday, Esq.

Page 2

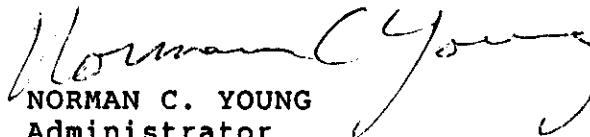
March 9, 1989

part of the industrial use. If your client intends to include some of these larger uses for irrigation, the filings can be amended after the permits are issued.

The department has not delayed processing of the filings because of this question. The required public notice has been published and the period for protest has elapsed without receipt of protest. I am not aware of anything that will prevent timely completion of our review process for the industrial use requested, assuming that the information needed under the water appropriation rules has been made available.

In response to another question raised in your letters, the submittal of the names of corporate directors does not require re-advertisement of the applications.

Very truly yours,



NORMAN C. YOUNG
Administrator
Water Management Division

NCY:dc

cc: IDWR Eastern Region
Water Right Permits Section

RECEIVED

MAY 17 1989

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
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CONLEY WARD
JAY L. WEBB

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

MAR 09 1989

March 8, 1989

*ALSO ADMITTED IN OREGON

Department of Water Resources

Mr. L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Anheuser-Busch water right application

Dear Mr. Saxton:

This responds to the request in the Department's February 2, 1989 letter from Harold W. Jones that we provide a year-by-year development plan for the Busch Agricultural Resources, Inc. ("BARI") proposed malting plant south of Idaho Falls. BARI expects full development of the initial phase of the project (8 million bushels/yr) to take three years. Beginning the third year (perhaps earlier), the market may dictate that design and construction begin quickly and move to rapid completion of an expansion, the size of which is now anticipated to be an additional 8 million bu/yr. The expected course of development will be as follows:

1989 -- Planning, permitting, design, and construction of a facility capable of processing eight million bushels per year. Both groundwater wells described in the applications will be needed during this period for production yield and quality analysis, to provide water for construction and fire protection, and for backup and emergency supply.

1990 -- Continue design and construction activities for the eight million bushel per year facility. Begin shakedown and startup of storage facilities. Well water will be used as in 1989.

1991 -- Complete shakedown and startup of malting facilities at the 8 million bu/year facility.

NOT RECORDED

MAY 17 1989

Mr. L. Glen Saxton.
March 8, 1989
Page 2

to achieve full use of the entire 12 cfs of groundwater from both wells by late 1991 to satisfy peaking and backup requirements at the eight million bushel per year facility, although experience has shown that such a schedule may not be achievable due to many factors. In 1991 (or sooner), BARI also expects to begin planning and design of a second eight million bushel per year capacity facility (again, if the market dictates).

1992 -- Full production of 8 million bu/yr facility and associated water use. This facility will operate 24 hours per day, 365 days per year. Continued design and construction activities related to the second eight million bushel per year capacity. If expansion plans proceed, a third equivalent groundwater source (and perhaps additional onsite storage facilities) will be needed for the peaking and backup needs of the expanded plant, although the two wells currently sought will provide the base supply.

1993 -- Full production of the 8 million bu/yr facility. Complete construction, shakedown and startup activities related to the expansion facility. Full operation of a 16 million bushel per year facility.

We hope that this provides you with the information you need to issue a permit allowing a five-year period for development. Please call me immediately if you have any questions.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF/gc

cc: Clif Mahin, P.E.
Sandy J. Cortopassi, Esq.
Harold W. Jones

RECEIVED
MAY 17 1989

February 27, 1989

Jeffrey L. Fereday
Attorney at Law
P.O. Box 2720
Boise, ID 83701

RE: Anheuser-Busch applications

Dear Mr. Fereday:

All of the information which was requested in my February 10, 1989 letter must be submitted prior to issuance of a permit for department review. Most of the information is not necessary at the time of filing for the application to be Acceptable. The application need not be readvertised because of the absence of information, except as it may be necessary to describe the proposed use.

I have reviewed your brief argument regarding the need to describe the irrigation component of the proposed use. I believe that an additional filing would protect your clients against future contests and would better describe the full use of the water proposed. I also believe that the irrigation use should be described as a separate component of use. I have forwarded your letter to the administrators in the department, however, and they ultimately must approve the applications.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

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MAY 17 1989

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
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JAY L. WEBB

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

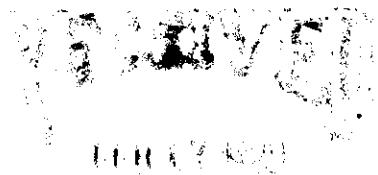
TELECOPIER
(208) 343-9492

February 17, 1989

*ALSO ADMITTED IN OREGON

Via Hand Delivery

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706



Re: Anheuser-Busch applications

Dear Gary:

On February 15, 1989, we received your letter of February 10, 1989. Your letter had not arrived by the time I mailed you my letter of February 14, 1989 following up our telephone conversations concerning the questions you had about the Anheuser-Busch applications. This letter is a response to your February 10 letter.

As to the first point on the first page of your letter, we certainly can provide the names and addresses of all of Anheuser's corporate directors and officers as soon as that is available to us. We trust that providing this information will not require republication of the applications and that it can be submitted as additional information to be placed in the applications' files or as non-published amendments to them. We will attempt to get you this information within the next several days. Please let me know if my presumptions are not correct concerning the need for publication on this point.

It appears that we disagree about the need to include the lawn irrigation use in a separate advertisement or new application. We hope that you can respond to the points we made in my February 14 letter concerning the irrigation-versus-industrial-use issue. In addition, you might wish to consider some additional points. First, you state, in point two on the first page of your letter, that "[t]he full nature of the

MICROFILMED

MAY 17 1989

Mr. Gary Spackman
February 17, 1989
Page 2

proposed beneficial use must be listed" (emphasis added). As you know, the Department's regulation on this issue, Rule 3,3,2,7, states that

The nature of the proposed beneficial use or uses of the water shall be listed. While the purpose may be described in general terms such as irrigation, industrial or municipal, a description sufficient to identify the proposed use or uses of the water shall also be included.

(Emphasis added.) We believe that our description comports with this regulation, even though one could argue that we have not listed the "full" nature of the proposed beneficial use because we have not literally listed each specific use to be made at the plant. Second, a further illustration of our point in this regard is the listing of purposes for a water right used for municipal purposes. Obviously such purposes would include a wide variety of final end uses, such as domestic and culinary, irrigation of lawns and many commercial and even industrial purposes; yet the description of the nature of use as municipal adequately describes the type of use being proposed. In any event, we still wish to hear from you about this question in response to my February 14 letter, and will work to take whatever steps are necessary to keep the application process on track while satisfying the Department's requirements.

Your letter's description of the additional information you would like to receive pursuant to Rule 4 obviously involves a substantial amount of work, most of which we have already begun. However, due to the applicant's keen interest in moving this process ahead as quickly as possible, there was not time to compile this information prior to filing the application. We recognize that it may need to be filed prior to granting of a permit or license.

Although the Company holds options on the plant site, it has not yet finally decided whether it will locate its plant in Idaho; the Company understandably would like to avoid further expense regarding the acquisition of a water supply until it has made that decision. Nonetheless, we of course will cooperate with the Department to produce all required information, but trust that this information gathering effort will not require republication or any new applications. Please let us know if it will.

MICROFILMED

MAY 17 1989

Mr. Gary Spackman
February 17, 1989
Page 3

Thank you for your consideration. Please let me know as soon as possible your position on these matters.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF:gc

RECEIVED
MAY 17 1989

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

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BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

February 14, 1989

*ALSO ADMITTED IN OREGON

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

RECEIVED
FEB 15 1989

Re: Anheuser-Busch applications

Department of Water Resources

Dear Gary:

This letter follows up our telephone conversations yesterday concerning Anheuser-Busch's two water right applications we filed with the Department on January 30, 1989. Both applications seek water for industrial purposes for operations at a proposed new malt plant. You have indicated that the proposed irrigation of eight acres of lawn and landscaped area at the plant, as described in Attachment A to both applications, may need to be listed, presumably in a new application, as a use separate from the industrial purposes. During your telephone conversation with Ed Miller and me yesterday, you responded to our question about water use for culinary, sanitary and other such purposes as perhaps requiring yet another listing (or a separate application) for domestic uses. This letter provides our position concerning the nature of use issue and requests a response.

The application states that it is for industrial purposes. In our view, these include all reasonable uses incident to the industrial endeavor described. The critical questions would appear to be whether the project actually is an industrial enterprise and whether the total amounts of diversions and proposed consumptive use are accurately described. Certainly, some of the water uses at this industrial plant may resemble or be the same as uses occurring in a domestic or agricultural irrigation setting. But we do not believe this should lead to the conclusion that the applications really are for these other types of use. To describe them as such could be misleading. We believe the appropriate focus is on what uses of water at the facility are incident to the industrial operation; such uses should be of the permit for industrial purposes.

MICROFILMED

MAY 17 1989

Mr. Gary Spackman
February 14, 1989
Page 2

In this case, we have described a malting plant which, in addition to the malting facilities themselves, presumably will have facilities such as a cafeteria, toilets, lavatories, showers, kitchens, utility sinks, fire control systems, hydronic heating systems, general utility supply lines, storage tanks and perhaps many others. It would not appear to be useful to list all of these specific uses that might occur at the plant, particularly when the overall amount of projected water need has been described. Indeed, it is conceivable that an applicant could be prejudiced by having listed specific types of use if the list proves not to be extensive enough. This is a problem we wish to avoid, if possible

The same goes for the irrigation of the landscaped grounds around the plant. This is a use typical of most large industrial installations. It would not be surprising to learn that many industrial water right holders actually use a small portion of their water for such a purpose. We thought it appropriate to describe this use in Attachment A to both applications primarily because, even though it would be a de minimis portion of the overall right, it presumably would have a slightly higher consumptive use component than the water used in other plant facilities. In our view, this application should not be seen as one proposing an irrigation use; the minor irrigation occurring here is merely incidental to the industrial activity.

When the Department evaluates the use made under the permits to determine the amount of water to be licensed, we certainly would anticipate that it might wish to describe the lawn irrigation. But we would hope that it still would be recognized as part of the industrial use license.

We would appreciate receiving from you a letter soon which spells out your position on this issue. We would appreciate an early opportunity to discuss with our client the filing of any supplemental material that the Department deems necessary.

Very truly yours,

Jeff C. Fereday

Jeffrey C. Fereday

JCF:gc

MAY 17 1989

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March 8, 1989

*ALSO ADMITTED IN OREGON

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

MAR 08 1989

Department of Water Resources

Re: Anheuser-Busch groundwater applications

Dear Gary:

I am enclosing the following documents for inclusion in the Department's file relating to the groundwater applications in Bonneville County that were filed on behalf of Busch Agricultural Resources, Inc. on January 30, 1989:

1. Copies of letters providing notice of the project to Bonneville County, the City of Idaho Falls, the Idaho Department of Health & Welfare, Idaho Department of Fish & Game, and the Idaho Irrigation District.
2. A copy of the air quality permit application for the proposed facility filed recently with the State of Idaho, and copies of documents relative to the preliminary plat and annexation agreement with the City of Idaho Falls. Please note that this facility will not require an NPDES pollution discharge permit because it will use the Idaho Falls city sewer system for waste disposal.
3. A plat showing all wells within a half-mile radius from the proposed points of diversion, prepared by J. M. Montgomery Engineers, along with an explanatory letter. (No springs were found.)

MICROFILMED

MAY 17 1989

Mr. Gary Spackman
March 8, 1989
Page 2

We trust that this satisfies the questions contained in your letter of February 10, 1989. Please call me immediately if you have any questions or if you need further information.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF/jkm
Enclosures

cc: Clif Mahin, P.E.
Sandy J. Cortopassi, Esq.

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(208) 343-9492

*ALSO ADMITTED IN OREGON

March 7, 1989

Bonneville County Commissioners
605 N. Capital Avenue
Idaho Falls, Idaho 83402

Dear Commissioners:

We are providing notice to you that we have filed two Applications for Permit with the Department of Water Resources for water rights in Bonneville County. Copies of the applications are enclosed.

If you have any comments regarding these applications please contact the Idaho Department of Water Resources and this office.

Very truly yours,

Jeffrey C. Fereday
Jeffrey C. Fereday

JCF:gc
Encls.

cc: Cliff Mahin, P.E.
Sandy J. Cortopassi, Esq.

MICROFILMED
MAY 17 1989

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(208) 343-9492

*ALSO ADMITTED IN OREGON

March 7, 1989

Idaho Department of Health & Welfare
State Administration
Division of Environmental Quality
450 W. State
Boise, Idaho 83702

Dear Sir or Madam:

We are providing notice to you that we have filed two Applications for Permit with the Department of Water Resources for water rights in Bonneville County. Copies of the applications are enclosed.

If you have any comments regarding these applications please contact the Idaho Department of Water Resources and this office.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF:gc
Encls.

cc: Cliff Mahin, P.E.
Sandy J. Cortopassi, Esq.

MICROFILMED

MAY 17 1989

LAW OFFICES
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TELEPHONE
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TELECOPIER
(208) 343-9492

March 7, 1989

City of Idaho Falls
P.O. Box 5220
Idaho Falls, Idaho 83405

Dear Sir or Madam:

We are providing notice to you that we have filed two Applications for Permit with the Department of Water Resources for water rights in Bonneville County. Copies of the applications are enclosed.

If you have any comments regarding these applications please contact the Idaho Department of Water Resources and this office.

Very truly yours,

Jeffrey C. Fereday
Jeffrey C. Fereday

JCF:gc
Encls.

cc: Cliff Mahin, P.E.
Sandy J. Cortopassi, Esq.

MICROFILMED

MAY 17 1989

LAW OFFICES
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(208) 343-9492

March 7, 1989

Stephen V. Goddard, Esq.
Deputy Attorney General
Idaho Department of Fish & Game
State Office
650 Walnut Street
Boise, ID 83707

Dear Steve:

We are providing notice to you that we have filed two Applications for Permit with the Department of Water Resources for water rights in Bonneville County. Copies of the applications are enclosed.

If you have any comments regarding these applications please contact the Idaho Department of Water Resources and this office.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF:gc
Encls.

cc: Cliff Mahin, P.E. (w/o encls.)
Sandy J. Cortopassi, Esq. (w/o encls.)

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MAY 17 1989

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*ALSO ADMITTED IN OREGON

March 7, 1989

Mr. Rone Clawson, President-Director
Idaho Irrigation District
496 E. 14th Street
Idaho Falls, Idaho 83404

Dear Mr. Clawson:

We are providing notice to you that we have filed two Applications for Permit with the Department of Water Resources for water rights in Bonneville County. Copies of the applications are enclosed.

If you have any comments regarding these applications please contact the Idaho Department of Water Resources and this office.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF:gc
Encls.

cc: Cliff Mahin, P.E.
Sandy J. Cortopassi, Esq.

MICROFILMED

MAY 17 1989



ANHEUSER-BUSCH COMPANIES

EXPRESS MAIL

February 10, 1989

Mr. Orville Green
State of Idaho
Air Quality Bureau
450 W. State Street
Boise, Idaho 83720

Re: Busch Agricultural Resources, Inc.
Idaho Falls Malt Plant

Dear Mr. Green:

The table below lists the flowrates, stack diameter and height for each of the seven baghouses at this proposed facility. This data was not available at the time the original application was filed:

Dust Collector	Velocity (FPM)	Flow (CFM)	Diameter (Ft)	Height (Ft)
System 100	3769	41,630	3.75	30
200	4375	32,600	3.08	30
300	3911	24,600	2.83	213
400	2161	11,300	2.58	30
500	2909	18,300	2.83	30
600	3221	24,000	3.08	30
700	239	750	2.00	10

If you have any questions concerning this information or the application previously submitted, please contact me at (314) 577-4168.

Sincerely,

ANHEUSER-BUSCH COMPANIES

Bob Lanham

Robert M. Lanham
Environmental Engineer

RML:cd

RL210

MICROFILMED

MAY 17 1989



ANHEUSER-BUSCH COMPANIES

February 1, 1989

bcc: J. L. Stein
L. W. Keith
J. V. Stier
C. A. Mahin
A. R. Biane
J. A. Brussman
T. L. Tangaro
J. A. Wolkowitz
S. A. Gulotta
J. E. Rochow-w/att.

Mr. Orville Green
State of Idaho
Air Quality Bureau
450 W. State Street
Boise, Idaho 83720

Re: Busch Agricultural Resources, Inc.
Idaho Falls Malt Plant

Dear Mr. Green:

Attached for your review is an application for a permit to construct a malt plant in Idaho Falls, Idaho. The basic processes involved in a malt plant are described in Attachment #1.

The major pollutants of concern from this operation are nitrogen oxides, from the combustion of natural gas, and particulate matter from grains handling and kilning operations. A list of fuel burning equipment is described in Table A.

TABLE A
BARI FUEL BURNING EQUIPMENT

<u>Reference No.</u>	<u>Description</u>
001	Boiler 60 MM BTU/hr
002	Kiln Heater 17 MM BTU/hr
003	" " "
004	" " "
005	" " "
006	" " "
007	" " "
008	" " "
009	" " "

NOTE: Sources 002-005 vent through a common stack
Sources 006-009 vent through a common stack

Natural gas usage is estimated at 710 MMCF per year. The grains handling system will have dust collected at several points. All dust collected will be ducted to a baghouse system (seven baghouses). These baghouses will have a 99% collection efficiency. A list of dust collection points is given in Table B.

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MAY 17 1989

February 1, 1989

TABLE B
DUST COLLECTION POINTS

- 1) unloading
- 2) silo bottoms
- 3) silo tops
- 4) barley transfer
- 5) clean barley transfer
- 6) malt cleaning, elevators
- 7) vacuum cleaning
- 8) sprouts cleaning

The only sources of particulate that are not controlled are the two kilns. The kilns are not amenable to control due to the high flowrates (575,000 cfm), and the size of the stack 8' X 106'. Emissions from the kiln are estimated to be 0.0018 lbs/bushel processed (this factor is from the enclosed source test report of a similar facility).

The only additional uncontrolled emission is sulfur dioxide. This is due to burning sulfuring pots under the kilns to prevent the formation of nitrosamines. Emissions from the sulfuring are estimated to be 56 tons/year.

A summary of total plant emissions is given in Table C. All combustion emission factors are taken from AP-42.

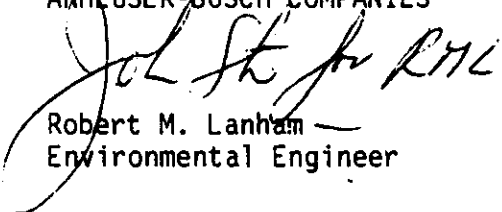
TABLE C
EMISSIONS SUMMARY

<u>Pollutant</u>	<u>Emissions (Tons/Yr)</u>
Particulate	60
Sulfur Dioxide	56
Nitrogen Oxides	50
Carbon Monoxide	12
Hydrocarbons	2

If you have any questions concerning this application, please contact me at (314) 577-4168.

Sincerely,

AMPEUSER-BUSCH COMPANIES


Robert M. Lanham
Environmental Engineer

RML21

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MAY 17 1989

STATE OF IDAHO
APPLICATION TO CONSTRUCT AN
AIR POLLUTION EMITTING FACILITY

FOR OFFICE USE ONLY

PERMIT NUMBER - - -

DATE RECEIVED

REVIEWER

AOCR

COUNTY

PLANT I.D.

SIC

PLANT ELEVATION ABOVE MSL (ft.)

ZONE

UTM COORDINATE (km)

NON-ATTAINMENT AREA ☐

NSPS ☐

PSD APPLICABLE ☐

NESHAPS ☐

SECTION 1: GENERAL INFORMATION

1. COMPANY AND DIVISION NAME

Busch Agricultural Resources, Inc.

2. ADDRESS

128.55 Flushing Meadow Drive, Suite 200B

COUNTY

St. Louis

NUMBER OF FULL-TIME EMPLOYEES

3. CITY

St. Louis

STATE

MO

ZIP CODE

63131

PROPERTY AREA AT SITE (ACREAGE)

180 acres

4. PERSON TO CONTACT

Robert M. Lankham

TITLE

Environmental Engineer

TELEPHONE NUMBER

(314) 577-4108

5. EXACT PLANT LOCATION (IDENTIFY LOCALITY)

See attached plot plan

6. GENERAL NATURE OF BUSINESS AND KINDS OF PRODUCTS

Malt plant

7. REASON FOR APPLICATION

☒ PERMIT TO CONSTRUCT
A NEW FACILITY

☐ EXISTING FACILITY
REGISTRATION

☐ PERMIT TO MODIFY AN
EXISTING SOURCE

☐ REGISTRATION
UPDATE

☐ PERMIT TO CONSTRUCT
A NEW SOURCE AT AN
EXISTING FACILITY

☐ CHANGE OF OWNER
OR LOCATION

☐ PERMIT TO
OPERATE

8. LIST ALL FACILITIES WITHIN THE
STATE THAT ARE UNDER YOUR CONTROL
OR UNDER COMMON CONTROL AND HAVE
EMISSIONS TO THE AIR. IF NONE
CHECK HERE ☐

NAME LOCATION

Elk Mountain Farms Bonanza Farm, ID

9. ESTIMATED CONSTRUCTION
START DATE

4/1/89

ESTIMATED COMPLETION
DATE

10. NAME AND TITLE OF OWNER OR
RESPONSIBLE OFFICIAL

Robert Lankham
REGISTERED

11. SIGNATURE

Robert M. Lankham

DATE

2/1/89

MAY 17 1989

STATE OF IDAHO
APPLICATION TO CONSTRUCT AN
AIR POLLUTION EMITTING FACILITY

FOR OFFICE USE ONLY

PERMIT NUMBER - - -

SECTION 2: FUEL BURNING EQUIPMENT
COMPLETE A SEPARATE PAGE FOR EACH UNIT

1. REFERENCE NUMBER (FOR APPLICANT'S USE) <u>001</u>	
2. EQUIPMENT MANUFACTURING AND MODEL NUMBER	3. RATED HEAT INPUT CAPACITY (BTU/HR) <u>60 MM</u>
4. BURNER UNIT TYPE (USE CODE) <u>9</u>	5. HEAT USAGE % PROCESS <u>38</u> % SPACE HEATING <u>62</u>
6. FUEL DATA FUEL TYPE (USE CODE) <u>1</u> PERCENT SULFUR _____ PERCENT ASH _____ PERCENT NITROGEN _____ PERCENT CARBON _____ PERCENT HYDROGEN _____ HEAT CONTENT <u>10361 Btu</u> (IN UNITS OF BTU/WT OR VOLUME) PERCENT MOISTURE _____	10. POLLUTION CONTROL EQUIPMENT TYPE <u>PRIMARY</u> <u>SECONDARY</u> MANUFACTURER _____ COST _____ MODEL NUMBER _____ % EFFICIENCY _____ (INDICATE IF MANUFACTURER GUARANTEED) FOR WET SCRUBBERS: WATER FLOW _____ GPM PRESSURE DROP _____ INCHES OF WATER FOR BAGHOUSE: AIR/CLOTH RATIO _____
7. FUEL CONSUMPTION MAXIMUM AMOUNT BURNED/HOUR <u>58.25 MCF</u> NORMAL AMOUNT BURNED/YEAR <u>203 MCF</u> FLY ASH REINJECTION? ☐ YES ☐ NO ☒ N.A.	11. *STACK DATA HEIGHT <u>95</u> FT EXIT DIAMETER <u>2.4</u> FT EXIT VELOCITY <u>3000</u> FPM EXIT GAS VOLUME <u>16,000</u> ACFM EXIT GAS TEMPERATURE <u>345</u> °F
8. FUEL CONSUMPTION PER QUARTER AS % OF ANNUAL JANUARY-MARCH <u>29</u> APRIL-JUNE <u>21</u> JULY-SEPTEMBER <u>21</u> OCTOBER-DECEMBER <u>29</u>	12. ESTIMATED EMISSIONS (AT MAXIMUM DESIGN CAPACITY) PARTICULATES <u>0.3</u> LB/HR <u>1.3</u> TONS/YR SULFUR DIOXIDE <u>0.03</u> LB/HR <u>0.2</u> TONS/YR CARBON MONOXIDE <u>2.0</u> LB/HR <u>89</u> TONS/YR VOLATILE ORGANIC COMPOUNDS <u>0.3</u> LB/HR <u>1.5</u> TONS/YR NITROGEN OXIDES <u>8.4</u> LB/HR <u>35.7</u> TONS/YR
9. OPERATING SCHEDULE HOURS PER DAY <u>24</u> DAYS PER WEEK <u>7</u> WEEKS PER YEAR <u>52</u>	
FUEL CODES 1. NATURAL GAS 2. OIL (SPECIFY ASTM GRADE NUMBER) 3. WOOD (SPECIFY CHIPS, BARK, SHAVINGS, SANDER DUST) 4. COAL (SPECIFY BITUMINOUS, ANTHRACITE, LIGNITE) 5. OTHER (SPECIFY)	BURNER CODES 1. SPREADER STOKER 2. CHAIN OR TRAVELING GRATE 3. HAND FIRED 4. CYCLONE FURNACE 5. WET BOTTOM (PULVERIZED COAL) 6. DRY BOTTOM (PULVERIZED COAL) 7. UNDERFEED STOKER 8. TANGENTIALLY FIRED 9. HORIZONTALLY FIRED 10. OTHER (SPECIFY)

*INDICATE ON A SEPARATE PAGE IF THIS IS A COMMON STACK WITH ANOTHER OPERATION OR PROCESS.
ALSO SO INDICATE IF MORE THAN ONE STACK IS USED WITH THIS FUEL BURNING UNIT AND SUPPLY

MICROFILMED

MAY 17 1989

STATE OF IDAHO
APPLICATION TO CONSTRUCT AN
AIR POLLUTION EMITTING FACILITY

FOR OFFICE USE ONLY

PERMIT NUMBER - - -

SECTION 2: FUEL BURNING EQUIPMENT
COMPLETE A SEPARATE PAGE FOR EACH UNIT

1. REFERENCE NUMBER (FOR APPLICANT'S USE) 002	
2. EQUIPMENT MANUFACTURING AND MODEL NUMBER	3. RATED HEAT INPUT CAPACITY (BTU/HR) 17 MM
4. BURNER UNIT TYPE (USE CODE) 9	5. HEAT USAGE % PROCESS % SPACE HEATING 100
6. FUEL DATA FUEL TYPE (USE CODE) <u>1</u> PERCENT SULFUR PERCENT ASH PERCENT NITROGEN PERCENT CARBON PERCENT HYDROGEN HEAT CONTENT <u>10301CF</u> (IN UNITS OF BTU/WT OR VOLUME) PERCENT MOISTURE	10. POLLUTION CONTROL EQUIPMENT TYPE <u>PRIMARY</u> <u>SECONDARY</u> MANUFACTURER COST MODEL NUMBER % EFFICIENCY (INDICATE IF MANUFACTURER GUARANTEED) FOR WET SCRUBBERS: WATER FLOW <u> </u> GPM PRESSURE DROP <u> </u> INCHES OF WATER FOR BAGHOUSE: AIR/CLOTH RATIO <u> </u>
7. FUEL CONSUMPTION MAXIMUM AMOUNT BURNED/HOUR <u>16.5 MCF</u> NORMAL AMOUNT BURNED/YEAR <u>55.9 MMCF</u> FLY ASH REINJECTION? ☐ YES ☐ NO ☒ N.A.	11. *STACK DATA HEIGHT <u>95</u> FT EXIT DIAMETER <u>8" x 12"</u> FT EXIT VELOCITY <u>478</u> FPM EXIT GAS VOLUME <u>575,000</u> ACFM EXIT GAS TEMPERATURE <u>90</u> °F
8. FUEL CONSUMPTION PER QUARTER AS % OF ANNUAL JANUARY-MARCH <u>29</u> APRIL-JUNE <u>21</u> JULY-SEPTEMBER <u>21</u> OCTOBER-DECEMBER <u>29</u>	12. ESTIMATED EMISSIONS (AT MAXIMUM DESIGN CAPACITY) PARTICULATES <u>0.08</u> LB/HR <u>0.4</u> TONS/YR SULFUR DIOXIDE <u>-</u> LB/HR <u>0.04</u> TONS/YR CARBON MONOXIDE <u>0.6</u> LB/HR <u>2.5</u> TONS/YR VOLATILE ORGANIC COMPOUNDS <u>0.1</u> LB/HR <u>0.4</u> TONS/YR NITROGEN OXIDES <u>2.3</u> LB/HR <u>10.1</u> TONS/YR
9. OPERATING SCHEDULE HOURS PER DAY <u>24</u> DAYS PER WEEK <u>7</u> WEEKS PER YEAR <u>52</u>	
FUEL CODES 1. NATURAL GAS 2. OIL (SPECIFY ASTM GRADE NUMBER) 3. WOOD (SPECIFY CHIPS, BARK, SHAVINGS, SANDER DUST) 4. COAL (SPECIFY BITUMINOUS, ANTHRACITE, LIGNITE) 5. OTHER (SPECIFY)	BURNER CODES 1. SPREADER STOKER 2. CHAIN OR TRAVELING GRATE 3. HAND FIRED 4. CYCLONE FURNACE 5. WET BOTTOM (PULVERIZED COAL) 6. DRY BOTTOM (PULVERIZED COAL) 7. UNDERFEED STOKER 8. TANGENTIALLY FIRED 9. HORIZONTALLY FIRED 10. OTHER (SPECIFY)

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MAY 17 1989

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STATE OF IDAHO
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SECTION 2: FUEL BURNING EQUIPMENT
COMPLETE A SEPARATE PAGE FOR EACH UNIT

1. REFERENCE NUMBER (FOR APPLICANT'S USE) <u>003</u>				
2. EQUIPMENT MANUFACTURING AND MODEL NUMBER		3. RATED HEAT INPUT CAPACITY (BTU/HR) <u>17 MM</u>		4. BURNER UNIT TYPE (USE CODE) <u>9</u>
				5. HEAT USAGE % PROCESS <u>100</u> % SPACE HEATING
6. FUEL DATA		PRIMARY SECONDARY		10. POLLUTION CONTROL EQUIPMENT
FUEL TYPE (USE CODE)		<u>1</u>		TYPE
PERCENT SULFUR				MANUFACTURER
PERCENT ASH				COST
PERCENT NITROGEN				MODEL NUMBER
PERCENT CARBON				% EFFICIENCY
PERCENT HYDROGEN				
HEAT CONTENT (IN UNITS OF BTU/WT OR VOLUME)		<u>10301 CF</u>		(INDICATE IF MANUFACTURER GUARANTEED)
PERCENT MOISTURE				FOR WET SCRUBBERS: WATER FLOW <u> </u> GPM
				PRESSURE DROP <u> </u> INCHES OF WATER
				FOR BAGHOUSE: AIR/CLOTH RATIO <u> </u>
7. FUEL CONSUMPTION		PRIMARY SECONDARY		11. *STACK DATA
MAXIMUM AMOUNT BURNED/HOUR		<u>16.5 MCF</u>		HEIGHT <u>95</u> FT
NORMAL AMOUNT BURNED/YEAR		<u>55.9 MMCF</u>		EXIT DIAMETER <u>6" x 12"</u> FT
FLY ASH REINJECTION? ☐ YES ☐ NO ☒ N.A.				EXIT VELOCITY <u>670</u> FPM
				EXIT GAS VOLUME <u>575,000</u> ACFM
				EXIT GAS TEMPERATURE <u>90</u> °F
8. FUEL CONSUMPTION PER QUARTER AS % OF ANNUAL				12. ESTIMATED EMISSIONS (AT MAXIMUM DESIGN CAPACITY)
JANUARY-MARCH <u>29</u>				PARTICULATES <u>0.48</u> LB/HR <u>0.4</u> TONS/YR
APRIL-JUNE <u>21</u>				SULFUR DIOXIDE <u>-</u> LB/HR <u>0.04</u> TONS/YR
JULY-SEPTEMBER <u>21</u>				CARBON MONOXIDE <u>0.16</u> LB/HR <u>2.5</u> TONS/YR
OCTOBER-DECEMBER <u>29</u>				VOLATILE ORGANIC COMPOUNDS <u>0.1</u> LB/HR <u>0.4</u> TONS/YR
9. OPERATING SCHEDULE				NITROGEN OXIDES <u>2.3</u> LB/HR <u>10.1</u> TONS/YR
HOURS PER DAY <u>24</u>				
DAYS PER WEEK <u>7</u>				
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FUEL CODES		BURNER CODES		
1. NATURAL GAS		1. SPREADER STOKER		
2. OIL (SPECIFY ASTM GRADE NUMBER)		2. CHAIN OR TRAVELING GRATE		
3. WOOD (SPECIFY CHIPS, BARK, SHAVINGS, SANDER DUST)		3. HAND FIRED		
4. COAL (SPECIFY BITUMINOUS, ANTHRACITE, LIGNITE)		4. CYCLONE FURNACE		
5. OTHER (SPECIFY)		5. WET BOTTOM (PULVERIZED COAL)		
		6. DRY BOTTOM (PULVERIZED COAL)		
		7. UNDERFEED STOKER		
		8. TANGENTIALLY FIRED		
		9. HORIZONTALLY FIRED		
		10. OTHER (SPECIFY)		

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4. BURNER UNIT TYPE (USE CODE) <u>9</u>	5. HEAT USAGE % PROCESS <u>100</u> % SPACE HEATING
6. FUEL DATA FUEL TYPE (USE CODE) <u>1</u> PERCENT SULFUR PERCENT ASH PERCENT NITROGEN PERCENT CARBON PERCENT HYDROGEN HEAT CONTENT <u>10300 Btu/lb</u> (IN UNITS OF BTU/WT OR VOLUME) PERCENT MOISTURE	10. POLLUTION CONTROL EQUIPMENT PRIMARY SECONDARY TYPE MANUFACTURER COST MODEL NUMBER % EFFICIENCY (INDICATE IF MANUFACTURER GUARANTEED) FOR WET SCRUBBERS: WATER FLOW GPM PRESSURE DROP INCHES OF WATER FOR BAGHOUSE: AIR/CLOTH RATIO
7. FUEL CONSUMPTION MAXIMUM AMOUNT BURNED/HOUR NORMAL AMOUNT BURNED/YEAR <u>16.5 MCF</u> <u>55.1 MMCF</u> FLY ASH REINJECTION? ☐ YES ☐ NO ☒ N.A.	11. *STACK DATA HEIGHT <u>95</u> FT EXIT DIAMETER <u>6" x 10"</u> FT EXIT VELOCITY <u>678</u> FPM EXIT GAS VOLUME <u>575,000</u> ACFM EXIT GAS TEMPERATURE <u>90</u> °F
8. FUEL CONSUMPTION PER QUARTER AS % OF ANNUAL JANUARY-MARCH <u>29</u> APRIL-JUNE <u>21</u> JULY-SEPTEMBER <u>21</u> OCTOBER-DECEMBER <u>29</u>	12. ESTIMATED EMISSIONS (AT MAXIMUM DESIGN CAPACITY) PARTICULATES <u>0.48</u> LB/HR <u>0.4</u> TONS/YR SULFUR DIOXIDE <u>-</u> LB/HR <u>0.4</u> TONS/YR CARBON MONOXIDE <u>0.4</u> LB/HR <u>2.5</u> TONS/YR VOLATILE ORGANIC COMPOUNDS <u>0.1</u> LB/HR <u>0.4</u> TONS/YR NITROGEN OXIDES <u>2.3</u> LB/HR <u>10.1</u> TONS/YR
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1. REFERENCE NUMBER (FOR APPLICANT'S USE) <u>005</u>	
2. EQUIPMENT MANUFACTURING AND MODEL NUMBER	3. RATED HEAT INPUT CAPACITY (BTU/HR) <u>17 MM</u>
4. BURNER UNIT TYPE (USE CODE) <u>9</u>	5. HEAT USAGE % PROCESS <u>100</u> % SPACE HEATING
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7. FUEL CONSUMPTION MAXIMUM AMOUNT BURNED/HOUR <u>14.5 MCF</u> NORMAL AMOUNT BURNED/YEAR <u>55.9 MMCF</u> FLY ASH REINJECTION? ☐ YES ☐ NO ☒ N.A.	11. *STACK DATA HEIGHT <u>95</u> FT EXIT DIAMETER <u>6' x 12'</u> FT EXIT VELOCITY <u>420</u> FPM EXIT GAS VOLUME <u>575,000</u> ACFM EXIT GAS TEMPERATURE <u>90</u> °F
8. FUEL CONSUMPTION PER QUARTER AS % OF ANNUAL JANUARY-MARCH <u>29</u> APRIL-JUNE <u>21</u> JULY-SEPTEMBER <u>21</u> OCTOBER-DECEMBER <u>29</u>	12. ESTIMATED EMISSIONS (AT MAXIMUM DESIGN CAPACITY) PARTICULATES <u>0.08</u> LB/HR <u>2.4</u> TONS/YR SULFUR DIOXIDE <u>-</u> LB/HR <u>0.04</u> TONS/YR CARBON MONOXIDE <u>0.4</u> LB/HR <u>2.5</u> TONS/YR VOLATILE ORGANIC COMPOUNDS <u>0.1</u> LB/HR <u>0.4</u> TONS/YR NITROGEN OXIDES <u>2.3</u> LB/HR <u>14.1</u> TONS/YR
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SEAL - EXAMINER'S SIGNATURE IS LISTED IN NUMBER 11

STATE OF IDAHO
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PERMIT NUMBER - - -

SECTION 2: FUEL BURNING EQUIPMENT
COMPLETE A SEPARATE PAGE FOR EACH UNIT

1. REFERENCE NUMBER (FOR APPLICANT'S USE) <u>008</u>	
2. EQUIPMENT MANUFACTURING AND MODEL NUMBER	3. RATED HEAT INPUT CAPACITY (BTU/HR) <u>17 MM</u>
4. BURNER UNIT TYPE (USE CODE) <u>9</u>	5. HEAT USAGE % PROCESS <u>100</u> % SPACE HEATING
6. FUEL DATA FUEL TYPE (USE CODE) <u>1</u> PERCENT SULFUR PERCENT ASH PERCENT NITROGEN PERCENT CARBON PERCENT HYDROGEN HEAT CONTENT <u>10301CF</u> (IN UNITS OF BTU/WT OR VOLUME) PERCENT MOISTURE	10. POLLUTION CONTROL EQUIPMENT TYPE MANUFACTURER COST MODEL NUMBER % EFFICIENCY (INDICATE IF MANUFACTURER GUARANTEED) FOR WET SCRUBBERS: WATER FLOW <u> </u> GPM PRESSURE DROP <u> </u> INCHES OF WATER FOR BAGHOUSE: AIR/CLOTH RATIO <u> </u>
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REPROFILMED
MAY 17 1989

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1. REFERENCE NUMBER (FOR APPLICANT'S USE) 009																																														
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SECTION 3: PROCESSING & MANUFACTURING
OPERATIONS

COMPLETE A SEPARATE PAGE FOR EACH DISTINCT PROCESS OR MANUFACTURING OPERATION

1. UNIQUE REFERENCE NUMBER (TO BE ASSIGNED BY APPLICANT) 010		2. PROCESS OR OPERATION NAME																											
3. MAXIMUM RATED INPUT CAPACITY (TONS/HOUR*) 19.0	4. NORMAL FEED INPUT <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">TONS/HOUR</th> <th style="width: 50%;">TONS/YEAR</th> </tr> <tr> <td style="text-align: center;">19.0</td> <td style="text-align: center;">146,440</td> </tr> </table>	TONS/HOUR	TONS/YEAR	19.0	146,440	5. NORMAL PRODUCT OUTPUT <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">TONS/HOUR</th> <th style="width: 50%;">TONS/YEAR</th> </tr> <tr> <td style="text-align: center;">15.7</td> <td style="text-align: center;">137,348</td> </tr> </table>		TONS/HOUR	TONS/YEAR	15.7	137,348																		
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6. THROUGHPUT PER QUARTER AS % ANNUAL <table style="width: 100%;"> <tr> <td style="width: 70%;">JANUARY-MARCH</td> <td style="text-align: center;">25</td> </tr> <tr> <td>APRIL-JUNE</td> <td style="text-align: center;">25</td> </tr> <tr> <td>JULY-SEPTEMBER</td> <td style="text-align: center;">25</td> </tr> <tr> <td>OCTOBER-DECEMBER</td> <td style="text-align: center;">25</td> </tr> </table>		JANUARY-MARCH	25	APRIL-JUNE	25	JULY-SEPTEMBER	25	OCTOBER-DECEMBER	25	10. POLLUTION CONTROL EQUIPMENT <table style="width: 100%;"> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">PRIMARY</th> <th style="width: 20%; text-align: center;">SECONDARY</th> </tr> <tr> <td>TYPE</td> <td style="text-align: center;">Baghouse</td> <td></td> </tr> <tr> <td>MANUFACTURER</td> <td></td> <td></td> </tr> <tr> <td>COST</td> <td></td> <td></td> </tr> <tr> <td>MODEL NUMBER</td> <td></td> <td></td> </tr> <tr> <td>% EFFICIENCY</td> <td style="text-align: center;">99</td> <td></td> </tr> </table> (INDICATE IF MANUFACTURER GUARANTEED) FOR WET SCRUBBERS: WATER FLOW _____ GPM PRESSURE DROP _____ INCHES OF WATER FOR BAGHOUSE: AIR/CLOTH RATIO <u>10:1</u>			PRIMARY	SECONDARY	TYPE	Baghouse		MANUFACTURER			COST			MODEL NUMBER			% EFFICIENCY	99	
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*IF UNITS OTHER THAN TONS, PLEASE SPECIFY.

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STATE OF IDAHO
PERMIT TO CONSTRUCT AN
AIR POLLUTION EMITTING FACILITY

FOR OFFICE USE ONLY

PERMIT NUMBER

SECTION 8: MATERIAL TRANSPORT AND HANDLING

(See attached flow diagram)

DESCRIBE THE RAW MATERIAL AND PRODUCT TRANSPORT AND STORAGE.
DESCRIPTION SHOULD INCLUDE TRANSPORT EQUIPMENT AND A SKETCH OF THE SITE LAYOUT.

BELT CONVEYORS:

MATERIAL CONVEYED _____
NUMBER OF BELTS _____
AMOUNT CONVEYED _____ T/YEAR _____ AT _____ %MOISTURE
NUMBER OF TRANSFER POINTS _____
CONVEYORS ARE:

OPEN ☐ ENCLOSED ☐ IN A BUILDING ☐

TRANSFER POINTS ARE:

OPEN ☐ ENCLOSED ☐ IN A BUILDING ☐

PNEUMATIC CONVEYORS

MATERIAL CONVEYED _____
AMOUNT CONVEYED _____ T/Y AT _____ %MOISTURE
PRIMARY SEPARATOR
TYPE _____ EFFICIENCY _____
SECONDARY SEPARATOR
TYPE _____ EFFICIENCY _____

STORAGE

OPEN PILES

ANNUAL THROUGHPUT _____ T/Y CAPACITY _____ TONS
CHARACTERISTIC SIZE _____ (LENGTH BY WIDTH BY HEIGHT)

HOW LOADED

HOW WITHDRAWN _____ AT _____ T/H RATE

SILOS

SIZE 34' I.D. x 153' 6" (30 silos)
VENT CONTROL vented to baghouse

METHOD OF:

LOADING bucket elevator

UNLOADING belt and screw conveyors

MATERIAL TRANSPORT

TO PLANT

METHOD Railcar / Truck

MATERIAL Barley
RATE _____

RATE 146,440 T/Y

FROM SITE

METHOD Railcar

MATERIAL Malt

MAY 17 1989

RATE 137,346 T/Y

BARLEY & MALTING

MALTING OF BARLEY

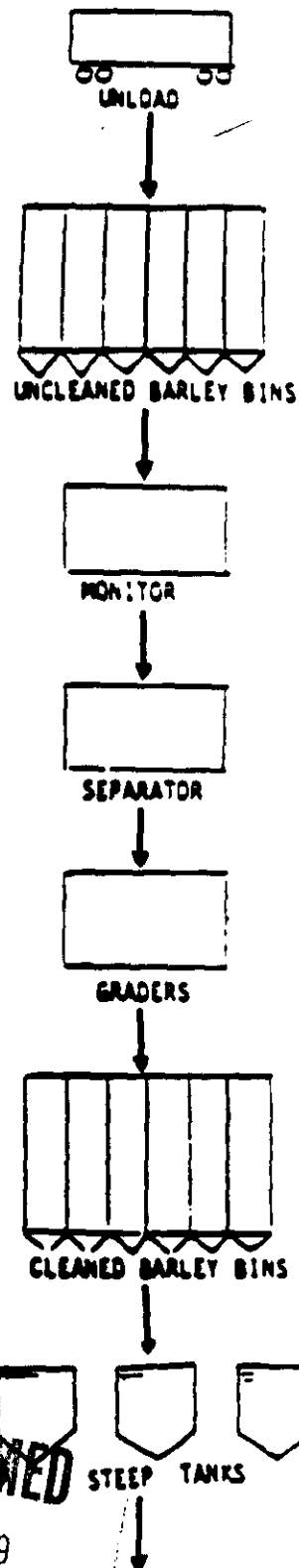
Beyond the selection of the proper varieties, it is important that this barley is carefully and uniformly malted to achieve consistent results in the final beer. There are five main steps in this malting process:

CLEANING AND SIZING

All barley must be cleaned to remove any broken and material other than barley. It is graded to segregate kernels of uniform size so that germination of each batch will proceed as nearly equal and can be well controlled. Likewise, varieties will never be mixed. (Very small grains will not be used for brewing but instead become "distillers' malt" for whiskey).

STEEPING

The graded barley is then repeatedly submerged in controlled temperature water to achieve the high moisture level necessary to begin germination. The steeping process takes approximately two days and also washes out impurities and undesirable lightweight kernels in addition to preparing for germination.



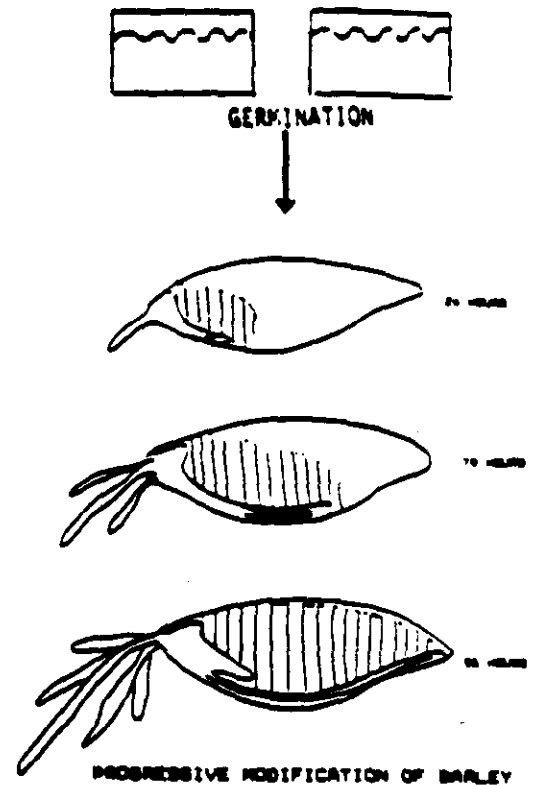
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BARLEY & MALTING

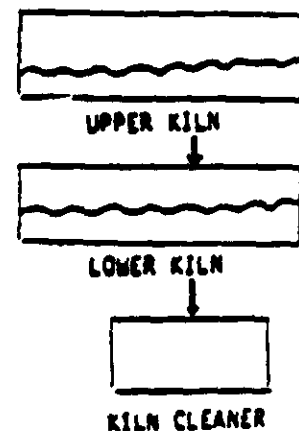
GERMINATION

The nearly saturated barley is now spread over a porous floor through which moist, cool air is continuously circulated. Roots begin to appear almost immediately, and inside the kernel the young barley plant starts pushing toward the top. The enzyme systems are becoming developed to feed the growing plant and are slowly converting the starches and the proteins which have been "stored" within the kernel. The germination period will continue for 4 to 5 days to achieve necessary development of the enzyme system.



KILNING

As the young plant is nearing or beginning to emerge from the kernel, it is also using up part of the starch in the kernel. The germinating grain is now moved to the kiln where it is slowly heated and dried to stop further growth. A specified series of temperatures is used to not only dry the malt, but achieve the desired flavor, aroma, and color in the malt as well.



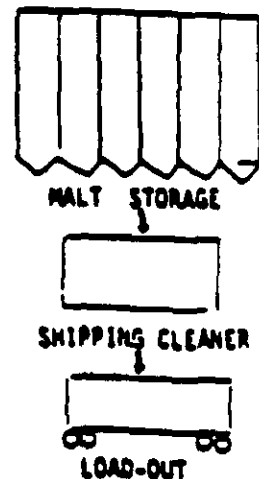
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BARLEY & MALTING

CLEANING AND STORAGE

The kilned malt may have roots or exposed sprouts still remaining which are now cleaned from the kernels. After the final cleaning, the malt will be stored for a number of weeks before it is used for brewing. This "stabilization" period is necessary to guarantee a consistent brewhouse performance from the malt.



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Report to
ANHEUSER-BUSCH COMPANIES

for

PARTICULATE MATTER EMISSION TESTS

No. 2 Malt Kiln
Manitowoc, Wisconsin

November 18 & 19, 1981

by

ENVIRONMENTAL TECHNOLOGY & ENGINEERING CORP

MICROFILMED

MAY 17 1989

SUMMARY

- 1 - The particulate matter emission rate from the No. 2 malt kiln heat exchanger discharge to atmosphere was 0.109 lb/hr. as averaged over an entire 24 hour drying cycle. At 365 days per year of operation this emission rate would be 955 lb/year - 0.4775 tons/year.
- 2 - The particulate matter emission rate from the three exhaust fans upstream from the heat exchanger was 0.308 lb/hr. as averaged over an entire 24 hour drying cycle.
- 3 - The air flow rate through the No. 2 malt kiln was 82,000 scfm as averaged over an entire 24 hour drying cycle. The highest air flow measurement obtained was 117,630 scfm; this was with three fans running early in the 135 °F drying phase of the cycle.

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SECTION 1

INTRODUCTION

1.0 GENERAL

On November 18 and 19, 1981, Environmental Technology & Engineering Corp personnel performed a particulate matter emissions test on the No. 2 malt kiln at the Busch Agricultural Resources plant in Manitowoc, Wisconsin. The purpose of this testing program was to characterize the particulate matter emissions from a malt kiln which incorporated a glass tube heat exchanger in the final discharge exhaust gas stream. The data obtained was to be used to estimate emissions from a similar type of new kiln which is being considered for construction at the Manitowoc plant site. Since the Manitowoc plant site is within what is currently classified a secondary nonattainment area for total suspended particulate (TSP), an annual particulate matter discharge of less than ten (10) ton per year would be required for any new source to avoid an emissions "offset".

The following sections of this report document the activities and results of this test program. The report presents all of the relevant data collected and discussions on the interpretation of the data are provided where appropriate. This report is intended both as a management tool for planning purposes and as documentation of existing operating conditions at the kiln tested. The report, therefore, includes much necessary detail. However, the results have been summarized in the SUMMARY section for those readers not wishing to be burdened by the details.

Extractive testing for particulate matter emissions was performed continuously for one (1) entire malt drying cycle which occurs over a period of 24 hours. Each day, 7 days per week, the drying cycle is repeated.

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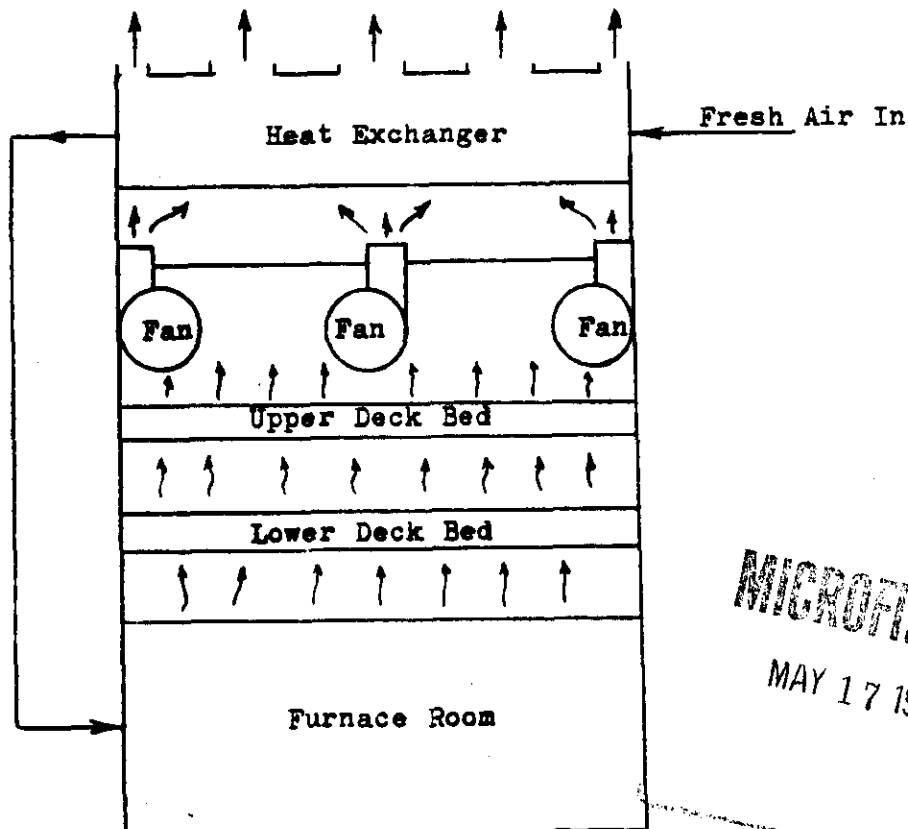
SECTION 2
PHYSICAL DESCRIPTION

2.0 DESCRIPTION

The No. 2 malt kiln dries approximately 4200 bushels of malt from 44 percent, by weight, moisture to 4 percent moisture each day (one cycle). The 24 hour drying cycle begins at 8:00 A.M. each day; the major aspects of the cycle are outlined below:

<u>Hour</u>	<u>Operation</u>	<u>Air Flow thru Heat Exchanger</u>
0 - 1½	Load & Level	98,000 cfm (1 Fan)
1½ - 2	Load & Level	0 cfm (Fans Off)
2 - 18½	135 °F Dry	108,000 cfm (3 Fans)
18½ - 22	185 °F Dry	54,000 cfm (1 Fan)
22 - 23	Cool	0 cfm (3 Fans Bypassed)
23 - 23½	Dump	0 cfm (Fans Off)
23½ - 24	Cool	0 cfm (2 Fans Bypassed)

A schematic diagram of the kiln air flow is shown below:



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Particulate matter concentration measurements were made at three (3) locations; at the three (3) fan exhausts upstream of the heat exchanger, at the five (5) heat exchanger exhausts to atmosphere, and near the fresh air inlet. The fan exhaust samples and the heat exchanger exhaust samples were collected isokinetically using the procedures outlined in EPA Method 17, Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method). The inlet air sample was taken to serve as a control and to flag any unusually high ambient air TSP concentrations which may have effected the kiln emission results.

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SECTION 3

RESULTS

3.1 HEAT EXCHANGER OUTLET

Isokinetic sampling was performed continuously for a period of 24 hours at each of the five heat exchanger exhaust points. A single control box and water vapor condenser was connected to a manifold which was then connected to five filter cassettes containing tared filters. Preliminary flow measurements indicated that a 0.25 inch probe tip diameter would be required to attain isokinetic sampling conditions, therefore, each filter cassette was modified to provide a $\frac{1}{4}$ inch sampling tip diameter (actual measured diameters were 0.255).

The total amount of particulate captured by the five filters and the standardized volume of exhaust gas sampled were used to compute the particulate concentrations in the final exhaust gas stream. The total exhaust gas flow rate was then used to establish the system emission rate in lb/hr. The results of these computations are summarized below:

Avg. 24 hr. Flow Rate	82,220	scfm
Particulate Concentration	0.000155	grains/scf
Particulate Emission Rate	0.109	lb/hr
	2.616	lb/day
	954.84	lb/year

These results show the particulate matter emissions from the No. 2 malt kiln are far below the 10 ton/yr limitation.

3.2 HEAT EXCHANGER INLET (FAN EXHAUSTS)

Isokinetic sampling was also performed continuously for a period of 24 hours at the fan exhausts upstream of the heat exchanger. However, since the particulate loading rate into the heat exchanger was a somewhat less critical determination, a single sampling train was moved from fan exhaust to fan exhaust; each exhaust was nominally sampled for a period of 4 hours after which the sampling train was moved to the next exhaust point - this sequence was then repeated.

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Again, the total amount of particulate captured by the filter and the standardized volume of fan exhaust gas sampled were used to compute the particulate matter concentrations in the fan exhaust gas streams. The total exhaust gas flow rate from the fans was then used to establish the heat exchanger inlet loading rate in lb/hr. The results of these computations are summarized below:

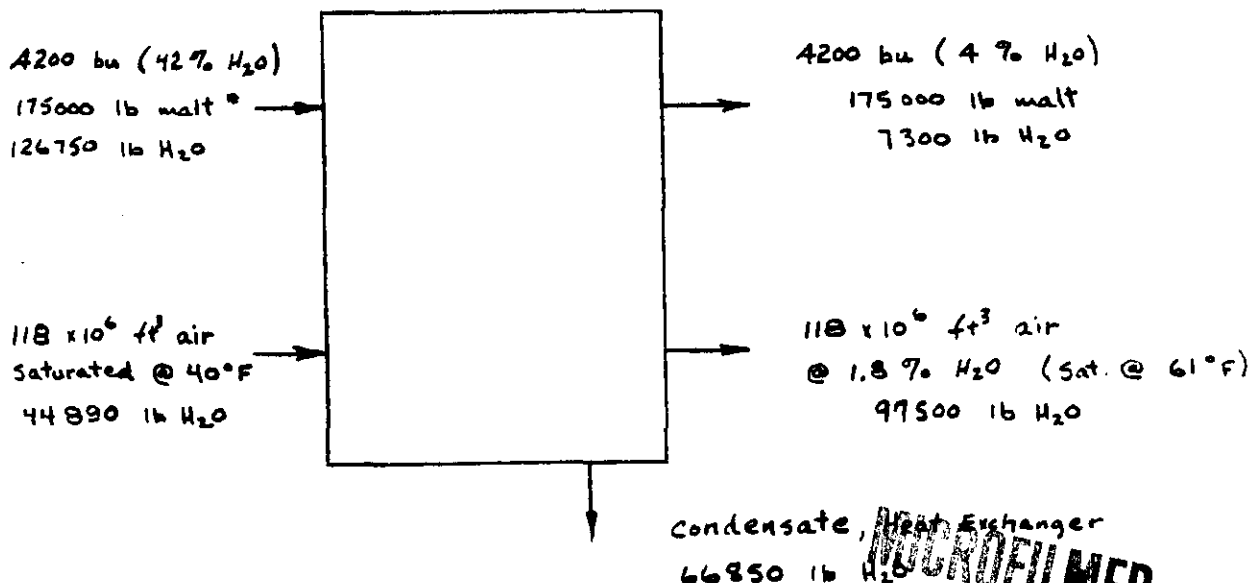
Avg. 24 hr. Flow Rate	81,200	scfm
Particulate Concentration	0.000443	grains/scf
Particulate Emission Rate	0.308	lb/hr
	7.400	lb/day
	2700.	lb/year

These results, when compared with the heat exchanger outlet results, show that the heat exchanger collects approximately 65 % of the particulate matter in the kiln exhaust gas stream.

Tables 3-1 and 3-2 are copies of the computer printouts which show more detailed information regarding the air flow rates and the particulate emission concentrations and emission rates.

3.3 WATER BALANCE

The following shows the approximate water balance for the drying kiln over a period of 24 hours:



* Dry malt, 41.66 lb/bu.

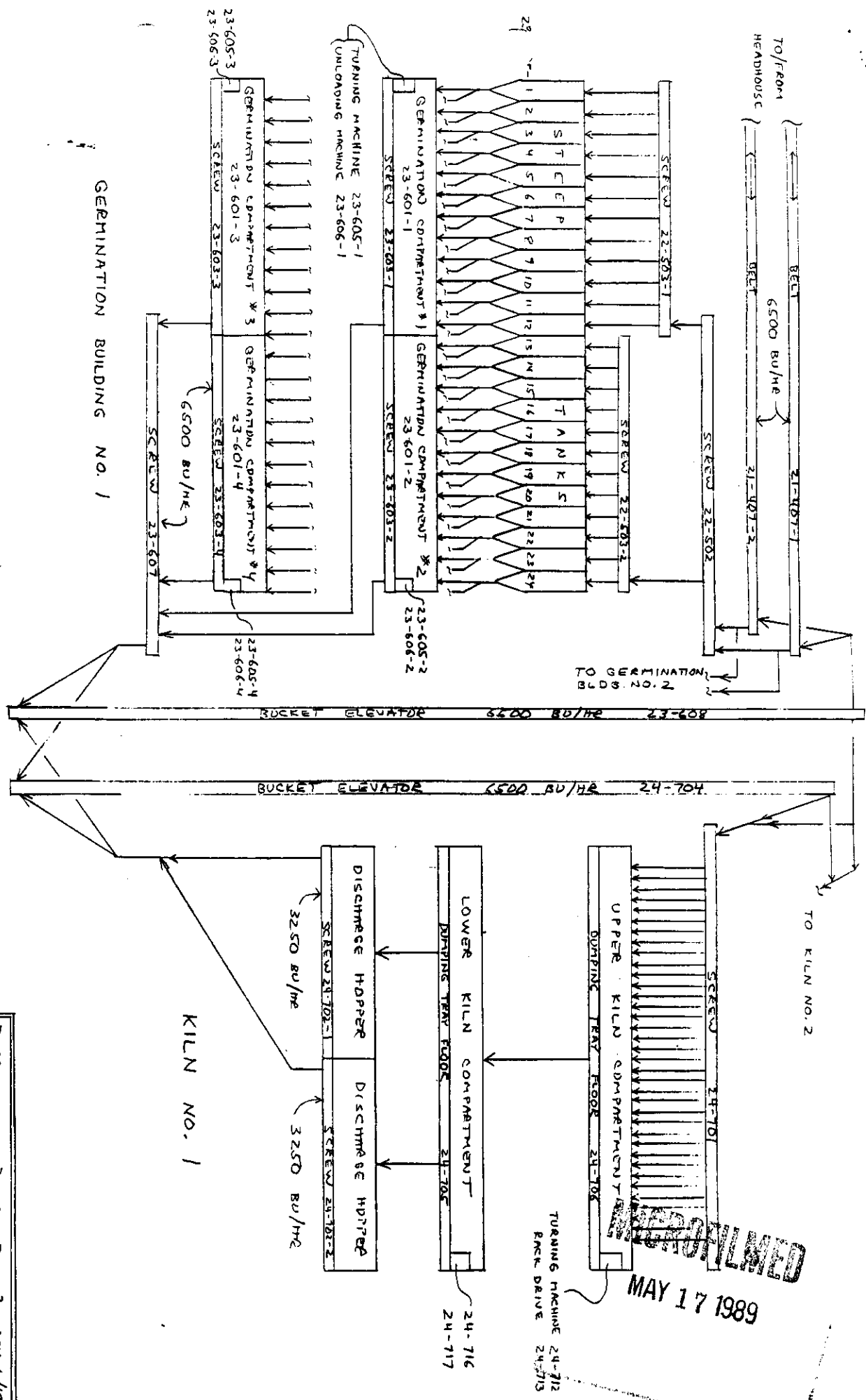
MAY 17 1989

3.4 AMBIENT AIR SAMPLE

The particulate matter concentration in the ambient air, as determined from the sample taken near the fresh air inlet, was 0.00007 grains per cubic foot. This concentration was approximately one-half that of the heat exchanger exhaust gas stream.

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RECORDED
MAY 17 1989

ATTACHMENT 2 - SH. 2 OF 3 - REV 1/19/87

161 Mallard Drive, Boise,
Idaho 83706 3974

JMM James M. Montgomery
Consulting Engineers Inc.

March 7, 1989



Givens, McDevitt, Pursley, Webb & Buser
Suite 200, Park Place
277 No. 6th Street
Post Office Box 2720
Boise, ID 83701

RECEIVED

MAR 7 1989

Attention: Mr. Jeffrey Fereday

Givens, McDevitt, Pursley,
Webb & Buser

Subject: Busch Agricultural Resources Wells

Dear Mr. Fereday:

At your request, I performed a field search of wells and springs located within one-half mile of the two proposed wells at the Busch Agricultural Resources plant site (SE 1/4, Sec. 2, T1N, R37E), two miles southeast of Idaho Falls. The area searched is identified on the enclosed map (photocopied from Harold Jones' (IDWR) letter of 2/10/89) and on the enclosed aerial photograph.

The field search consisted of visiting each residence and business in the search area on March 3. All homes and businesses in this area utilize groundwater for domestic use. The wells located in the search are listed in Table 1 and locations are plotted on the aerial photo. No springs were found during the search.

The residents interviewed indicated that agricultural irrigation in the searched area is entirely from surface water. This is not surprising, given the proximity of the Butte Arm Canal and groundwater pumping lifts in excess of 100 feet. However, groundwater is utilized for irrigation by residents (lawns and gardens) and a nursery. Groundwater is also used for stockwater.

A review of water rights by point of diversion on file with the Idaho Department of Water Resources lists six groundwater diversions within the searched area. This includes rights (or applications) for Robbins (0.06 cfs, 2.3 AF, domestic and irrigation), Crook (0.15 cfs, 20.2 AF, domestic, commercial, and irrigation), Pacific Container (0.04 cfs, commercial), Western Farm Services (0.1 cfs, commercial), and two (6.0 cfs each) for Busch Agricultural Resources.

I attempted to perform a review of unconstructed permitted wells in the searched area. IDWR does not have information on permitted wells that have not been constructed. I discussed this point with Gary Spackman (telephone conversation of 3/7/89), and he agreed that the field search and water rights search by point of diversion would be sufficient for these applications for permit. However, Lotwick Reece (IDWR) was able to perform a search of well permits by point of diversion. There are three permitted wells in the quarter-

MAR 17 1989

March 7, 1989

quarter sections located within one-half mile of the proposed Busch wells. Of these wells, two were located in the field search. These are: the Larry Schuldt well (permit No. 35-87-E-034) and the Pacific Container well (permit No. 25-87-E-040). The Wendle Searle well (permit No. 25-88-E-038) was not located in the field. However, it may have been identified in the field search by a different name; possibly either the Clay well (map No. 24) or Bob's Insulation well (map No. 25). The location for the Searle well is listed as the NW1/4, NE1/4 of Section 11. The well permit was approved on 6/20/88. Intended use for the Searle well is listed as domestic.



Adverse impacts to existing groundwater users in the area from pumping of the proposed wells are not anticipated. This is based on (1) the extremely high transmissivities of basalt aquifers in the area, (2) the proposed depth of the new wells, and (3) the conservative pump settings of most domestic wells. Production from large capacity municipal wells in Idaho Falls indicates that the basalt aquifers in this area have transmissivities in the range of 500,000 to 1,000,000 gpd/ft. Based on these transmissivities, long-term drawdowns at distances of 1/4-mile to 1/2-mile from the proposed well should be in the range of a few feet or less. In addition, the proposed wells will probably be drawing from deeper aquifers, rather than the more shallow aquifers utilized by domestic wells. As a result, drawdowns may not be detectable in the shallow aquifers tapped by the domestic users. Also, pump settings in domestic wells are generally 20 feet or more below the normal pumping level. Therefore, if a few feet of drawdown does occur, it will not impact domestic wells with proper pump settings.

Please feel free to call me if you have any questions concerning this search.

Sincerely,



Terry M. Scanlan

Attachments

File No.: 2108.0020

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MAY 17 1989

Table 1
Wells Located by Field Search - 3/4/89

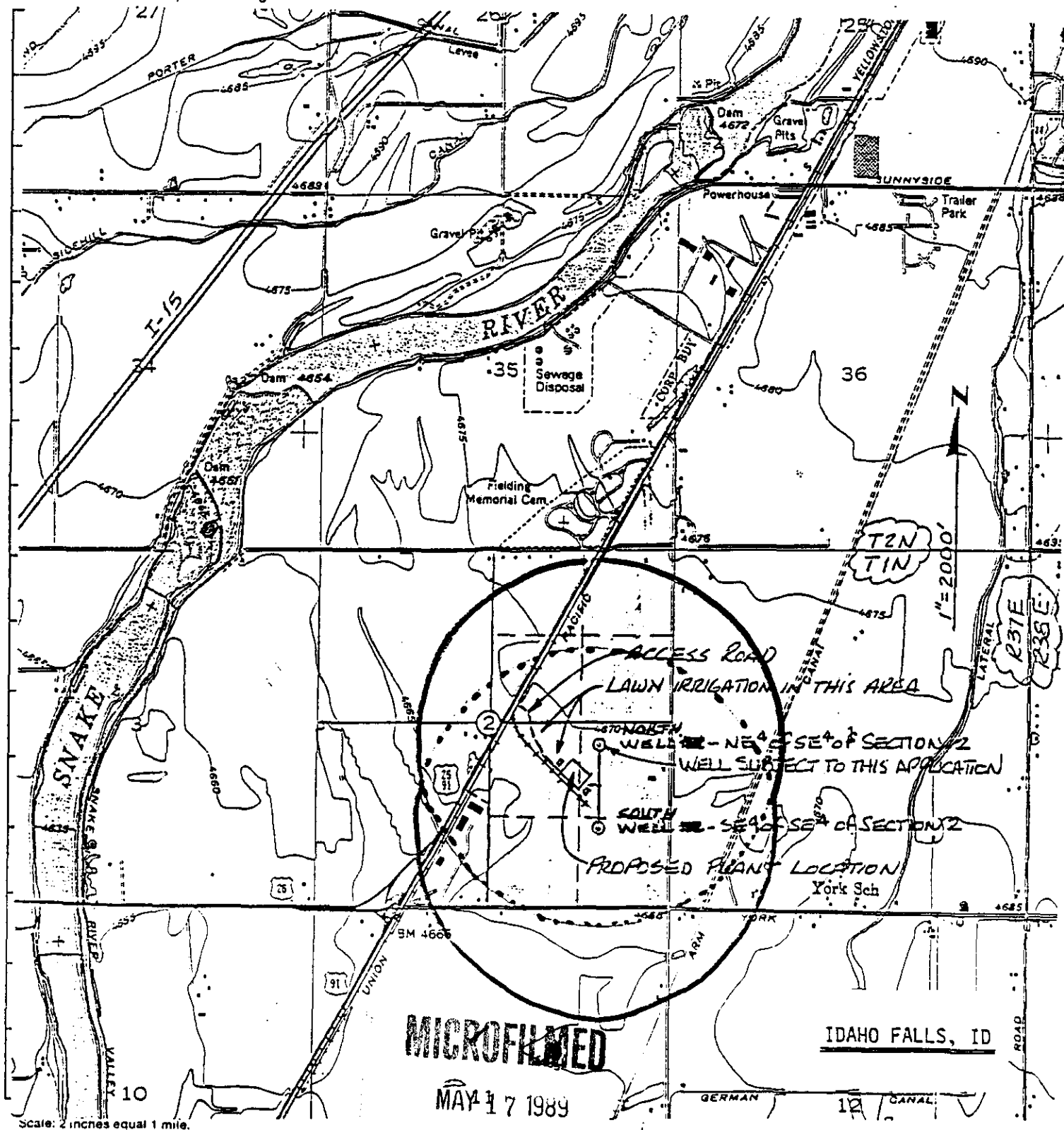
MAP NO.	OWNER	DEPTH (feet)	USE*	WATER RIGHT	COMMENTS
1	Ed Robbins		1	#25-07260 (0.06 cfs)	serves two homes
2	Northwest Fabrication	100 (?)	1	none	serves business
3	Phase Four (?)		1	none	assumed domestic well
4	Glenn Westergaard		1	none	serves two homes
5	John Crook (d.b.a. as Town and Country Gardens)	200	1,2,4	#25-07303 (0.15 cfs)	nursery and home
6	Nila Briggs		1	none	serves one home
7	Garland Pole Company	200-300	1,2	none	serves business
8	Longview Fibre Company / Pacific Container		1,2	#25-07420 (0.04 cfs)	serves business
9	Western Farm Service		1,2	#25-04250 (0.1 cfs)	serves business
10	Davenport	165	1,3	none	serves two homes
11	Ivan Schively		1	none	serves one home
12	Doyle Heyrand		1	none	serves one home
13	Gardner		1	none	assumed domestic well
14	E. Breiter	192	1	none	serves one home
15	Ray Procter		1	none	serves one home
16	Les Bartle	180	1,3	none	serves one home
17	Daniel		1	none	serves one home
18	Bertal Carlson	145	1	none	serves one home
19	Larry Schuldt	180	1,3	none	serves one home
20	Paul Palmer		1	none	serves one home
21	Jerry Gray		1	none	serves one home
22	Bitter		1	none	serves one home
23	L.B. Holden Ranch / Darwin Messick (?)		1,3 (?)	none	assumed domestic/stock well
24	Bob's Insulation	70	1	none	serves one business
25	Clay		1	none	serves one home

*1 = domestic, 2 = commercial, 3 = stock, 4 = irrigation

MAY 17 1989

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13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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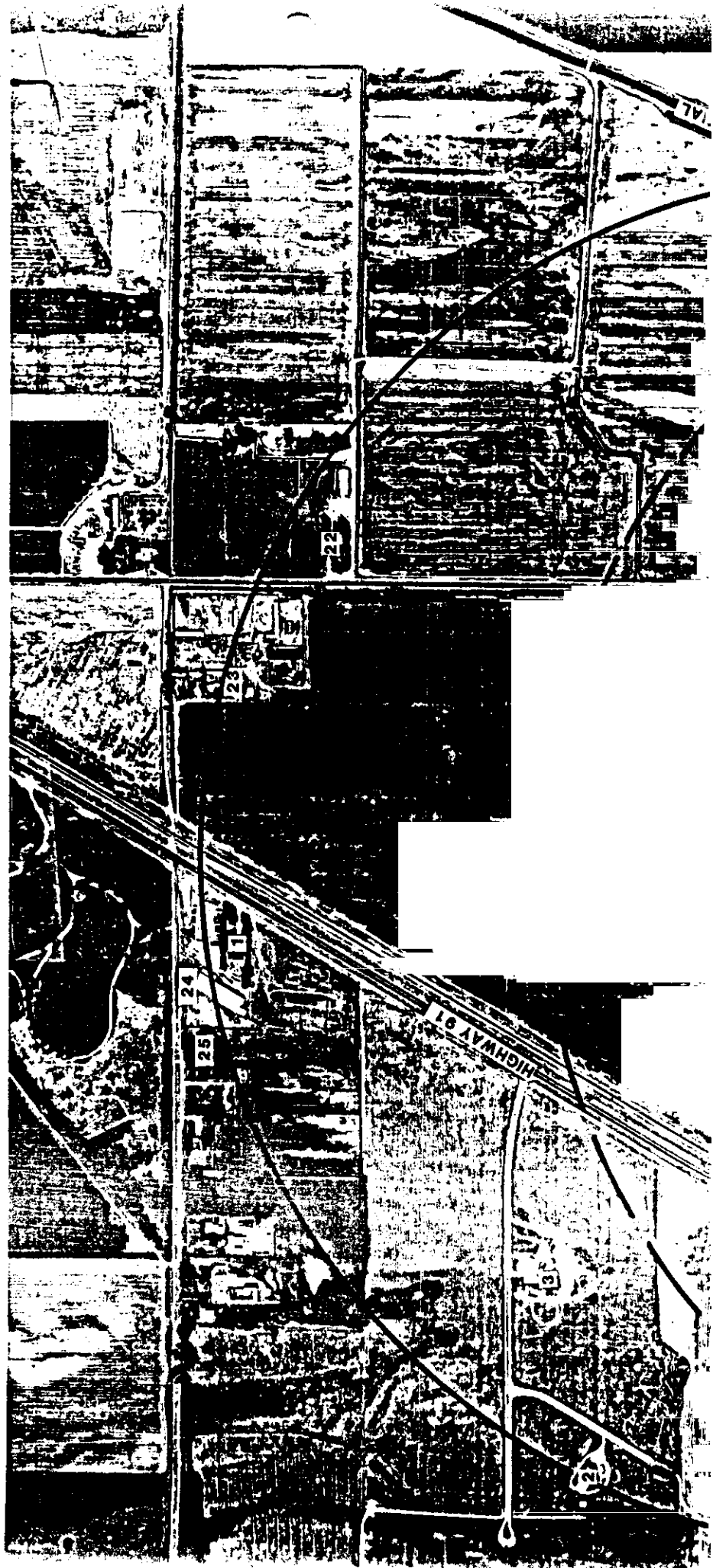
MAY 17 1989

IDAHO FALLS, ID

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.

Raymond E. [Signature]

Associate Agent



orm No. 202a
/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESSLAN FALLS HOLD
NON-TRUST AREA

APPLICATION FOR PERMIT ANALYSIS SHEET

257486

INITIAL REVIEW BY HWSDATE 2-1-89

APPLICATION NUMBER

Busch Agric. Res.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water Need 5 Year plan
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

+ Large Div SupplementaryDate Request MAR 14 1989**RECEIVED**

Department of Water Resources

PROCESSING

- ☒ Yes
- ☐ No
- I Form for advertising
- ☐ Yes
- ☒ No
- Statewide advertising
- ☒ Yes
- ☐ No
- Fee amount, receipt date & No. recorded on application

SEND COPIES TO

- ☐ Idaho Dept. of Health & Welfare
- ☐ Idaho Dept. of Fish & Game
- ☐ Idaho Dept. of Lands
- ☐ Adjudication Bureau Unit
- ☐ U.S. BLM
- ☐ U.S. Forest Service
- ☐ Water District
- ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

- ☒ Yes ☐ No
- Affidavit of publication received
- ☒ Yes ☐ No
- Application published correctly. If not, record action taken.
- ☒ Yes ☐ No
- Publication dates & paper, recorded on application
- ☐ Yes ☒ No
- Protests received
- Final date for protest 3-6-89
- ☐ Yes ☐ No
- Protests, dates, resolution of protest, recorded on application
- ☐ Yes ☒ No
- Recommendations attached
- ☐ Yes ☒ No
- Measuring device required
- ☒ Yes ☐ No
- Access port required
- ☒ Yes ☒ No
- Will water be delivered by watermaster? If yes, what Dist. 01-P05
- ☒ Yes ☐ No
- Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended 2-01-1989

By LWJ

Date 3-07-89

STATE OFFICE REVIEW P23, P05, P03, P17 46 26 48 49 01G 06A 09E

☐ See below for additional information

By KW

Date 3/14/89

ADDITIONAL INFORMATION

Conditions - LOGA > LOGE > LOGG

App. in NONTRUST water area.
ok to allow 5 yrs. to develop a project
of this size.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|--|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | ☐ Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

February 13, 1989

Busch Agricultural Resources, Inc.
c/o Clifford Mahin, P.E.
Anheuser-Busch Cos., Inc.
One Busch Place
St. Louis, MO 63118

Application for Permit No. 25-07486

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 25-07486. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

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MAY 17 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

February 10, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Jeffrey Fereday, Attorney at Law
P.O. Box 2720
Boise, ID 83701

Department of Water Resources
Eastern District Office

RE: Two applications to appropriate water in the name of Busch
Agricultural Resources, Inc.

Dear Mr. Fereday:

I have reviewed two applications in the name of Busch
Agricultural Resources, Inc., proposing diversion of 6 cfs each,
or a total of 12 cfs, for the operation of a malting plant south
of Idaho Falls.

The following information required for all applications
under Rule 3 of the Water Appropriation Rules and Regulations was
not included with the application:

1. The names and addresses of the corporate directors and
officers must be provided.
2. The full nature of the proposed beneficial use must be
listed. The application narrative describes an
irrigation use, but the purpose of use section (no. 4)
only describes industrial. The application is being
advertised as an industrial use without an irrigation
component. If you desire to irrigate from the wells the
applications must either be readvertised or a new
application must be filed.

Both of these applications individually exceed 5 cfs, and are
subject to the additional information requirements under Rule
4,5.:

1. Rule 4,5,3,1,2. requires submittal of a plat locating
the proposed well relative to all existing wells,
springs and permitted wells within one-half mile radius
of the proposed well. General location of the wells
within a forty acre tract as listed in the department's
database is not sufficient. Each existing well and
spring within a one-half mile radius must be identified
and located accurately on the plat. Proper location may
require a review of field examinations in the
department's records, and on-site inspection with rough
measurement to existing landmarks. An exception may be

MAY 17 1989

a unconstructed well authorized by a permit. Department files may contain a map, however, that locates the proposed point of diversion.

2. Some technical discussion of the aquifer in the immediate area should accompany the application. It should address water availability and possible impacts on other water users.
3. An applicant is required to submit copies of other needed permits, licenses and approvals. A discharge permit from the Division of Environmental Quality will probably be necessary. In the following paragraphs, we will request that you solicit comment from the Department of Health and Welfare, Division of Environmental Quality.
4. A project design with preliminary plan must be submitted to the department along with a cost estimate of construction.
5. Please seek letters of comment from Bonneville County; the Idaho Fish & Game; Idaho Health & Welfare, Division of Environmental Quality; and any Irrigation Districts or Canal Companies which may be affected by the withdrawal. This probably should include correspondence to the Twin Falls Canal Company. The Twin Falls Canal Company has been concerned about withdrawals from the Snake River Aquifer that could deplete water dedicated to satisfy its water rights.

Please contact me if you have any questions.

Sincerely,



Gary Spackman, Manager
Water Right Permits Section

cc: Eastern Region

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MAY 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 9, 1989

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 6, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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MAY 17 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following appli tion(s) have been filed to appropriate the public waters of the State of Idaho:

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MAY 17 1989

25-07486

BUSCH AGRICULTURAL RESOURCES INC.
C/O CLIFFORD MAHIN, P.E.
ANHEUSER-BUSCH COS. INC
ONE BUSCH PLACE
ST. LOUIS, MO 63118

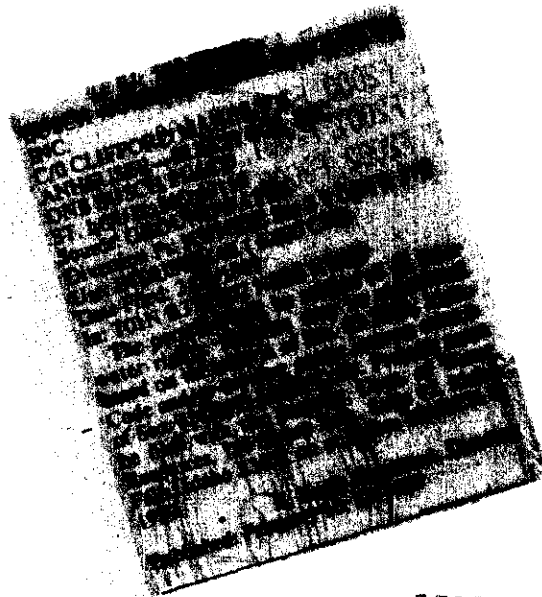
Source: GROUNDWATER

Diversion Pt: NWNESE Sec 2 T 01N R 37E

Use: INDUSTRIAL (6.000 CFS)

Date Filed: 2/01/1989

In: T01N R37E S02 NESE NWSE



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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 6, 1989.

R. Keith Higginson, Director

Published 2/16/1989 & 2/23/1989

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MAY 17 1989

LAW OFFICES
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CONLEY WARD
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SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

RECEIVED

FEB - 1 1989

Department of Water Resources
Eastern District Office

*ALSO ADMITTED IN OREGON

January 30, 1989

Via Hand Delivery

Mr. Norman C. Young
Resources Administrator
Idaho Department of Water
Resources
1301 N. Orchard
Boise, Idaho 83706

RECEIVED

JAN 30 1989

Department of Water Resources

Dear Norm:

I am enclosing for filing with the Department two well applications on behalf of Anheuser-Busch Companies, Inc. and our check in the amount of \$290.00 to cover the filing fee (two permits, each with 6.0 cfs at \$145.00 each). We would appreciate your processing these as soon as possible. Also, we would appreciate your including a notice in your publication of this application that any comments or copies of protests should be sent to my attention. Please let me know immediately if you have any questions or comments about the applications.

Sincerely,

Jeff Fereday

Jeffrey C. Fereday

JCF:gc
Encls.

cc: Mr. Raymond E. Goff
Clifford A. Mahin, P.E.
Sandy Cortopassi, Esq.

MICROFILMED

MAY 17 1989