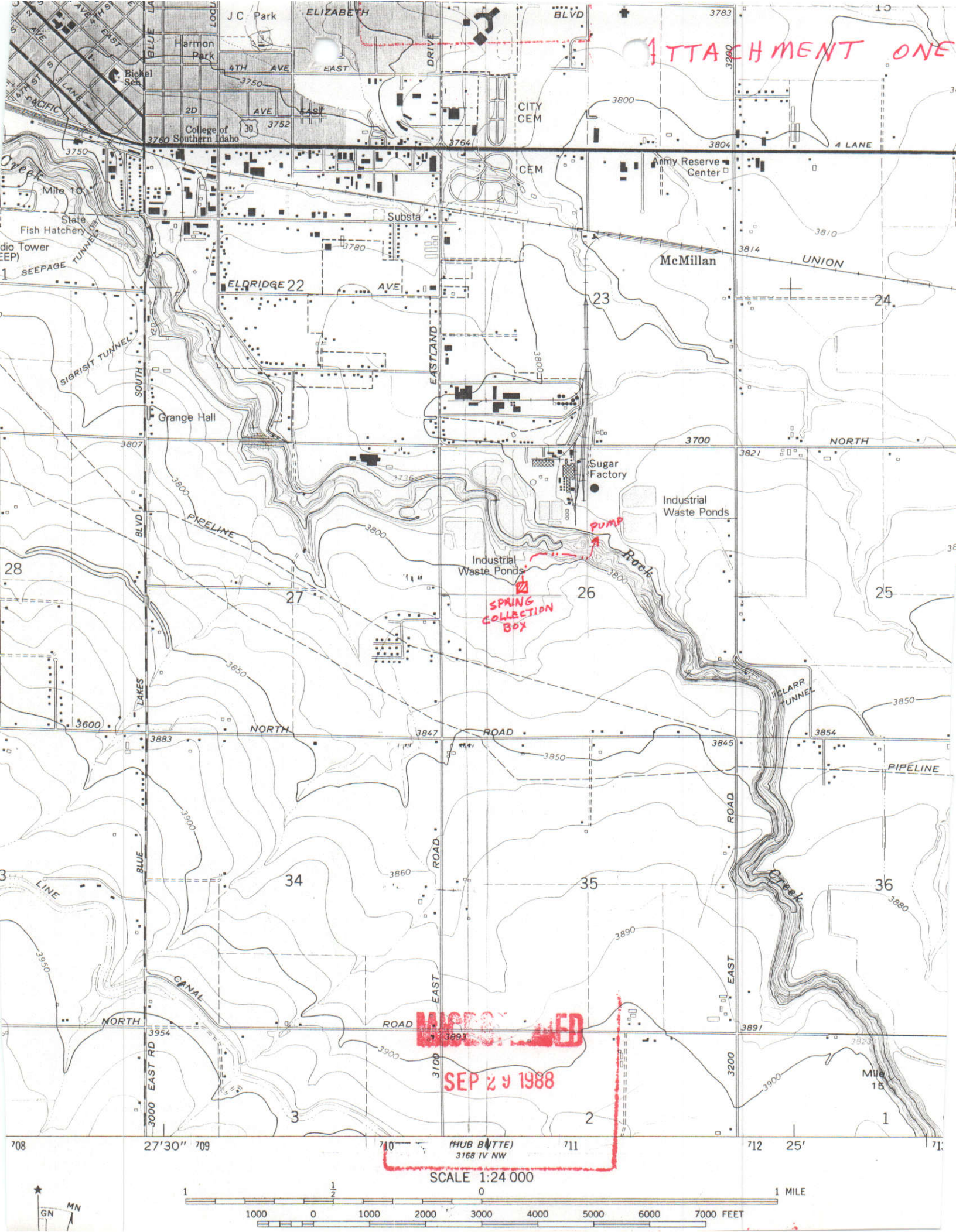




ATTACHMENT ONE

SPRING
COLLECTION
BOX

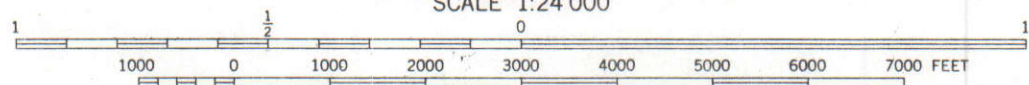
PUMP

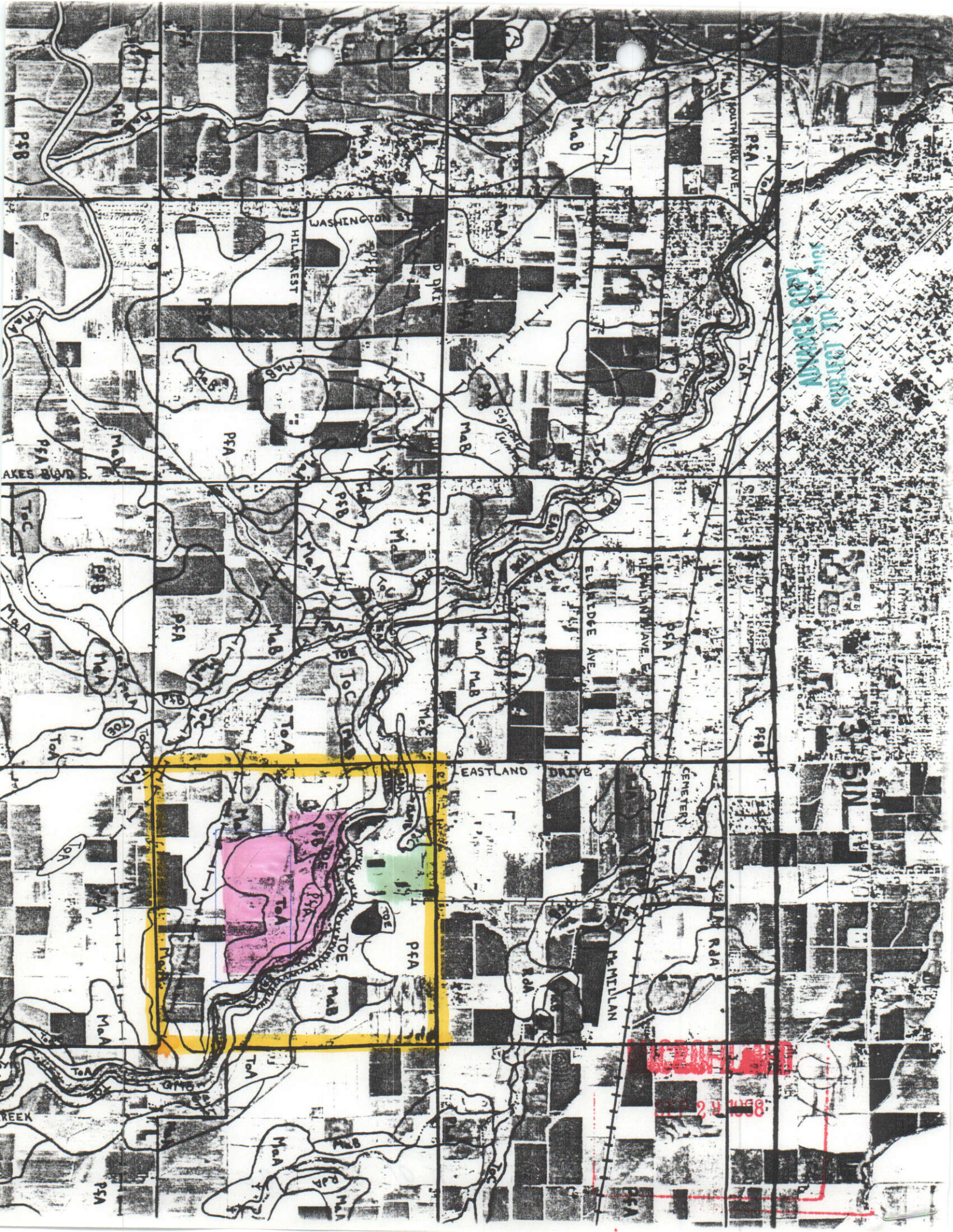
RECEIVED

SEP 29 1988

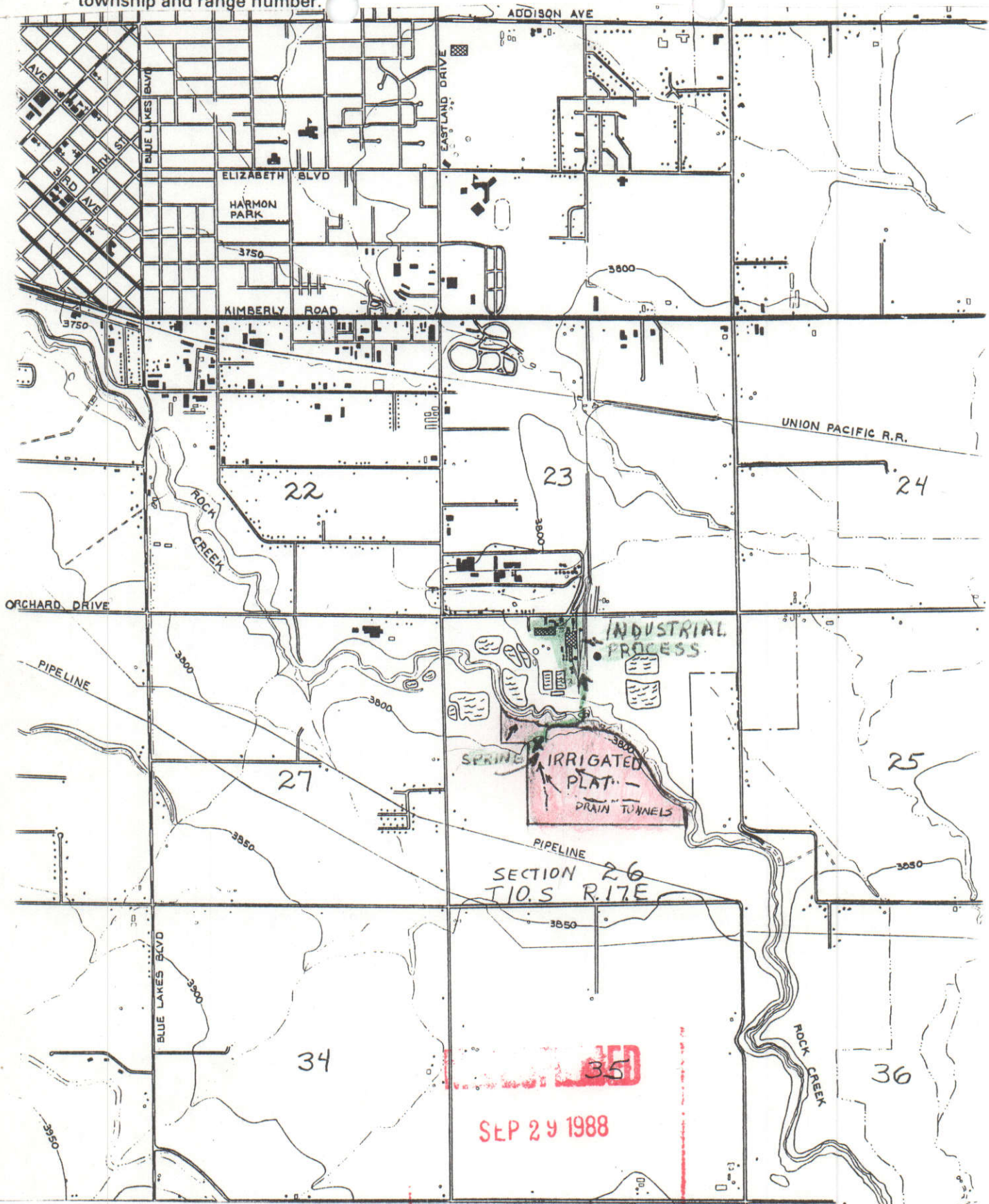
(HUB BUTTE)
3168 IV NW

SCALE 1:24 000





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.

George R. Holbr
(Applicant)

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:

47-8086

AMALGAMATED
SUGAR CO.

P.O. Box 127, Twin Falls,
ID 83303.

Source: SPRINGS &
DRAIN TUNNEL trib. to
ROCK CREEK

Diversion Pt: SWSNW
Sec 26 T 10S R 17E; 2
miles South & 2 miles
East of Twin Falls.

Use: INDUSTRIAL (1.0
CFS)

Date filed: 04/18/1988

In: NENW Sec 26 T 10S R
17E.

The permit (s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin
Falls, Idaho 83301 on or
before June 6, 1988

R. Keith Higginson,

Director

PUBLISH: Thursday,
May 19, and 26, 1988.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

RECEIVED

No 18626

JUN 16 1988

I, Linda Capps McSwire Department of Water Resources being first duly sworn upon
oath, depose and say that I am Pure Creek Southern Region Office of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated
May 19, 1988, and ending with the issue dated
May 26, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

Linda Capps McSwire

May, 1988.

Brenda Parker

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-8086 IN THE)
NAME OF AMALGAMATED SUGAR COMPANY) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before August 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

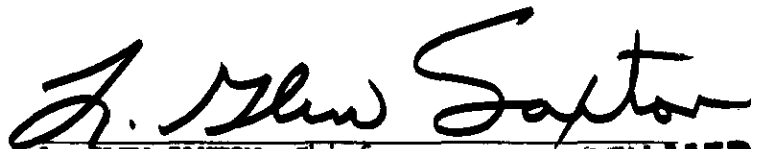
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on September 10, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-8086 be REINSTATED and the priority advanced to May 28, 1988.

Dated this 11th day of February, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

MAR 19 1991

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

IN THE MATTER OF PERMIT TO)
APPROPRIATE WATER NO. 47-8086 IN)
THE NAME OF AMALGAMATED SUGAR CO.)
_____)

This matter having come before the Department of Water Resources (Department) as a result of an inquiry by the permit holder, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. The Amalgamated Sugar Co. of Twin Falls, ID, filed an application for permit to appropriate water on April 18, 1988, proposing the use of 1.0 cubic-feet-per-second (cfs) for industrial purposes.

2. The application proposes diversion of surface water is that is tributary between Milner Dam and Swan Falls Dam, and is subject to the statutes and rules and regulations governing appropriation of trust water.

3. The application qualifies as an industrial use, and would not deplete flows at Murphy Gage below Swan Falls in excess of two acre-feet per day.

4. The Department approved the application as a permit to appropriate water on August 3, 1988.

5. One condition of the permit stated: "Consumptive use of water under this permit shall not exceed 2.0 acre-feet per day." Another condition, however, stated: "Use of water under this permit shall be non-consumptive."

MICROFILMED

SEP 29 1988

CONCLUSIONS OF LAW

1. The contract to implement the Swan Falls Agreement, adopted into the agreement, and incorporated into law by statutory reference, states that all consumptive water users for industrial purposes which do not deplete the water of the Snake River system above Swan Falls more than two acre-feet per day may continue perfection of a water right without interference from Idaho Power Company.

2. Water flow of up to 1.0 cfs may be appropriated for industrial purposes without depleting river flows above Swan Falls more than two acre-feet per day.

3. The contract to implement defined industrial use of less than or equal to two acre-feet per day as "non-consumptive use", but some consumption naturally will occur with any industrial use.

4. A second condition on permit no. 47-8086 requiring that all use shall be non-consumptive, is overly restrictive, and should be stricken from the permit.

ORDER

IT IS HEREBY ORDERED that the second condition of permit no. 47-8086 requiring that all water use be non-consumptive, is removed and stricken from the permit.

IT IS FURTHER ORDERED that the last condition on the permit, requiring that consumptive use of water under the permit not exceed 2.0 acre-feet per day shall remain in force and effect.

RECORDED

SEP 29 1988

Dated this 14th day of September, 1988.

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

INDEXED

SEP 29 1988

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of September, 1988, I mailed a true and correct copy, postage prepaid, of the Order Modifying Conditions of Approval by U.S. Mail, postage prepaid, to Amalgamated Sugar Co., P.O. Box 127, Twin Falls, ID 83303.

Heidi Miller

HEIDI MILLER, Receptionist

INDEXED

SEP 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant AMALGAMATED SUGAR COMPANY Phone 733-4104
Post office address P. O. Box 127 TWIN FALLS, IDAHO 83303

2. Source of water supply SPRINGS & DRAIN TUNNEL which is a tributary of ROCK CREEK

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 10 SOUTH Range 17 EAST B.M. TWIN FALLS County; additional
points of diversion if any: Drainage Tunnels

4. Water will be used for the following purposes:

Amount 1.0 for Industrial purposes from Jan. 1st to Dec 31st (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) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Industrial Process: Collect and
contain water in concrete box and pipe via gravity, approximately 2000 feet, to existing
pumphouse near Rock Creek.

b. Height of storage dam N/A 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 N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? N/A

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

MICROFILMED

SEP 29 1988

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Industrial process water used for cooling and sugar processing

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
10S	17E	26					I												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? AMALGAMATED SUGAR COMPANY

b. Who owns the land to be irrigated or place of use? AMALGAMATED SUGAR COMPANY

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: Groundwater wells (permit #'s 47-7093 and 47-2383) have poor water quality and will be blended with spring water to upgrade overall water quality. Spring and drain tunnel water shall complement existing "Highline Irrigation Company" water rights.

FILED

SEP 29 1988

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

REFER TO
ATTACHMENT ONE

RECORDED
SEP 29 1988

Scale: 2 inches equal 1 mile.

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.

Basil J. J. J.
(Applicant)
Corporate Environmental Engineer

Proposed Priority 4/18/88
Received by ADN Date 4/18/88 Time 10:30am Preliminary check by ADN
Fee \$ B45.00 Receipted by M. Baldwin # 5000Y17 Date 4/21/88
Publication prepared by M. Baldwin Date 5/4/88 Published in Times News
Publication approved TG Date 6/22/88

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. 47-8086, 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 August 1, 19 90.

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: 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.

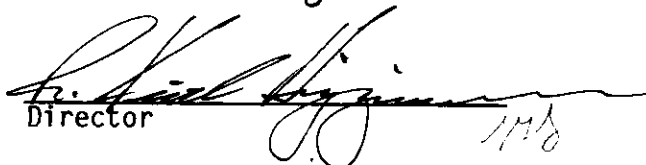
Use of water under this permit shall be non-consumptive.

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

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.

Consumptive use of water under this permit shall not exceed 2.0 acre feet per day.

Witness my hand this 3rd day of August, 1988.


Director

MICROFILMED

SEP 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- VOID - see corrected app. rec'd 4/18/88*
- Name of applicant AMALGAMATED SUGAR COMPANY Phone 733-4104
Post office address P. O. BOX 127 TWIN FALLS, IDAHO 83301
 - Source of water supply Springs & Drain Tunnel which is a tributary of Rock Creek
 - Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 10 South Range 17 East B.M. Twin Falls County; additional
points of diversion if any: Drainage Tunnels: SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$.
All in section 26 T10S R17E
 - Water will be used for the following purposes:
Amount 0.75 for Industrial purposes from Jan. 1st to Dec. 31st (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.75 for Irrigation purposes from April 1st to Oct. 31st (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)
 - Total quantity to be appropriated is (a) 2.50 and/or (b) _____
cubic feet per second acre feet per annum
 - Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Industrial Process: Collect and
contain water in concrete box and pipe via gravity to existing pumphouse
near Rock Creek. Irrigation; Allow water to flow overland from existing
drain tunnel discharges.
b. Height of storage dam N/A 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 N/A inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? N/A
 - Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

RECORDED

SEP 29 1988

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. Industrial Process Water used for cooling and sugar processing.

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	
10S	17E	26							5	20	20					20			65
		26					I												

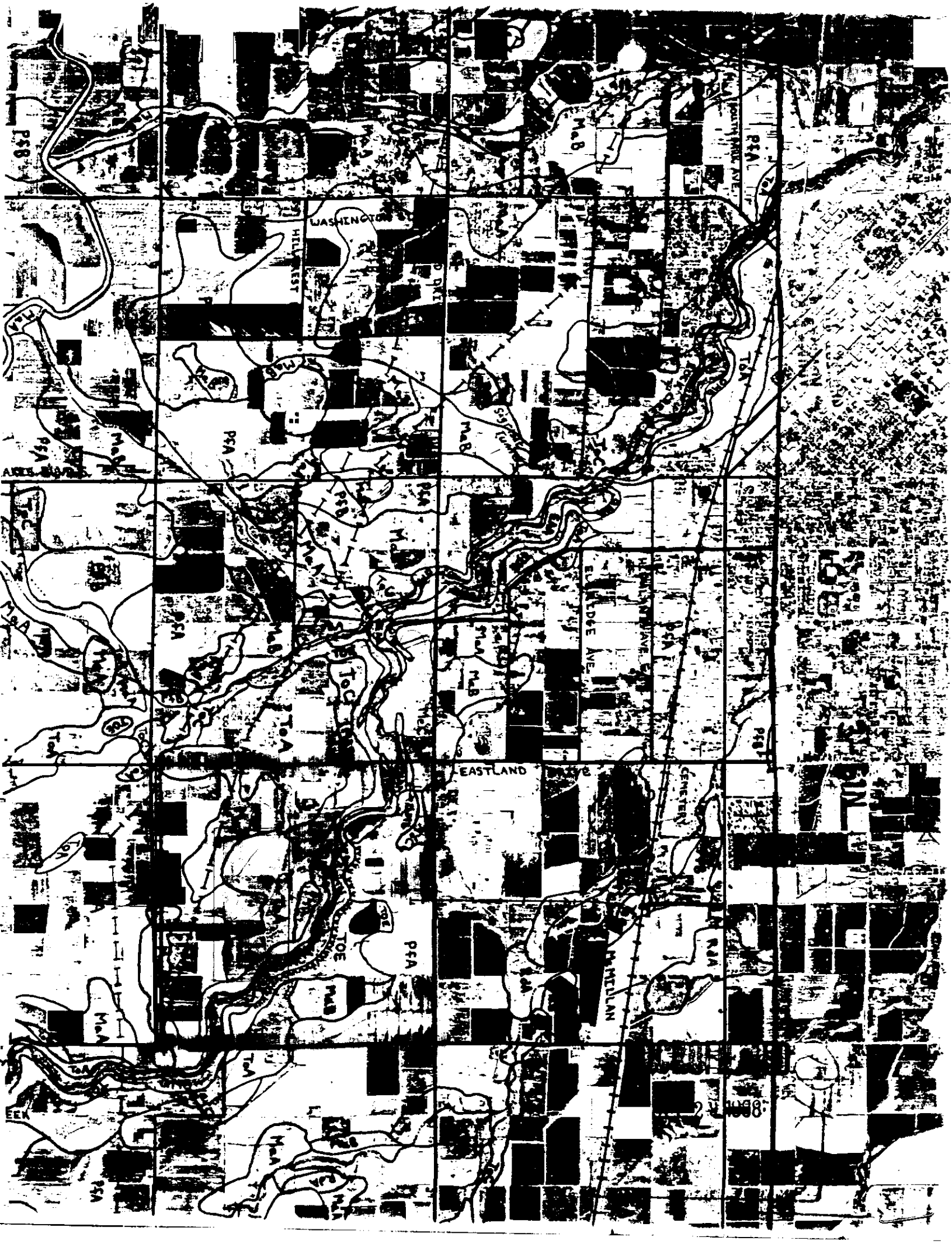
Total number of acres to be irrigated 65

10. Describe any other water rights used for the same purposes as described above. Highline Irrigation Company - 80 shares used for irrigation.

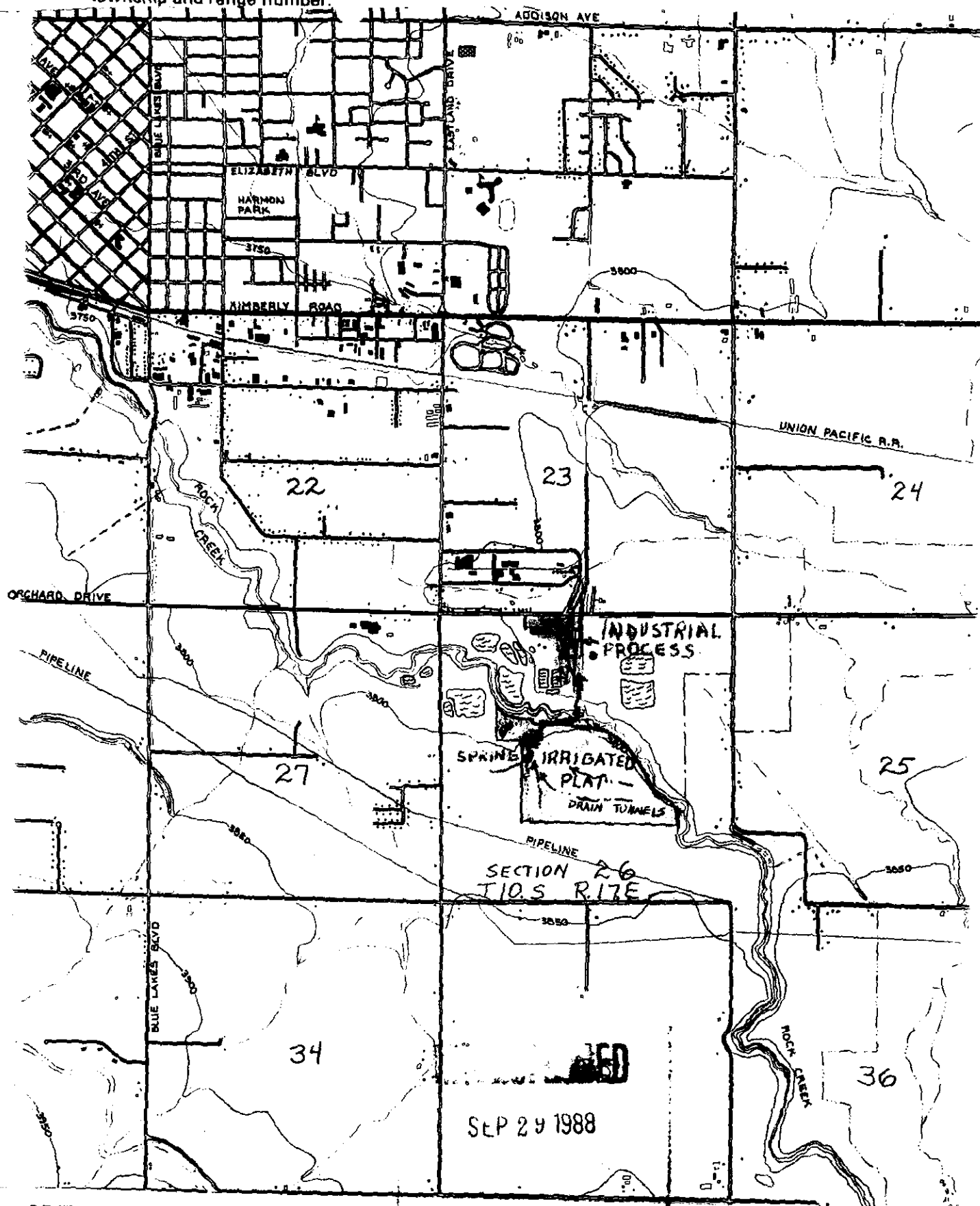
- Who owns the property at the point of diversion? Amalgamated Sugar Company
- Who owns the land to be irrigated or place of use? Amalgamated Sugar Company
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Groundwater wells (permit #'s 47-7093 and 47-2383) have poor water quality and will be blended with spring water to upgrade overall water quality. Spring and drain tunnel water shall complement existing "Highline Irrigation Company" water rights.

SEP 29 1988



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.

George R. Holby
(Applicant)

Received by M. Baldwin Date 3/21/88 Time 10:30 a.m. Preliminary check by ADN
Fee \$ 85 Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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:

RECEIVED

SEP 29 1988

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

47-0000

P.O. Box 127, Twin Falls,
ID 83430

**Source: SPRINGS &
DRAIN TUNNEL trib. to
ROCK CREEK**

**Diversion Pt: SWSNW
Sec 26 T 10S R 17E; 2
miles South & 2 miles
East of Twin Falls.**

Use: INDUSTRIAL (1.0
GFS)

Date filed: 04/18/1988

Lot NENW Sec 28 T 10S R

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 First Avenue East, Salt Lake City, Utah 84143 or at the following address: P.O. Box 3330, Ogden, Utah 84403.

1106

100-443887-1

May 18, and 20, 1966.

STATE OF IDAHO.

COUNTY OF TWIN FALLS

55

RECEIVED

Nº 18626

JUN 21 1998

I, Kenda Capps MSA Deposition being first sworn upon oath, depose and say that I am Pure Book Editor, Office of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks commencing with the issue dated

----- May 19 , 19 88 , and ending with the issue dated
----- May 26 , 19 88 .

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that the head of the editorial column of said combined newspapers, and in each issue thereof Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

26 day of

May, 1988

Brenda Parker

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

February 26, 1991

AMALGAMATED SUGAR CO.
P.O. BOX 127
TWIN FALLS, ID 833030000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08086

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED

MAR 19 1991

For Office Use Only
Fee Received 100.00
Date 9-10-90
Receipt # 008273
Receipt by J.D.
Reviewed by _____
Sent to region _____

STATE OF IDAHO

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 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.

Permit No. 47-08086

Name(s) of Permit Holder: THE AMALGAMATED SUGAR COMPANY

Post Office Address: P.O. Box 127, Twin Falls, Idaho 83301

Telephone No. 208 733-4104

Source of Water: Spring Water

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Industrial

Total rate and/or volume for which proof is submitted 1.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: October 1, 1988

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Fee enclosed \$ 100. Submitted Sept. 7, 1990
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

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

Basil Tupui 208 466-3541
(Name) (Telephone Number)

Box 250, Nampa, Idaho 83651
(Address)

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

MAILED

MAR 19 1991

2 Jan 91
Date

Basil Tupui
Signature of Permit Holder (and title, if appropriate)



THE AMALGAMATED SUGAR COMPANY

P. O. BOX 127 • TWIN FALLS, IDAHO 83303-0127 • PHONE (208) 733-4104

RECEIVED
JAN 03 1991

Department of Water Resources

January 2, 1991

L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: Permit No. 47-08086

Dear Mr. Saxton

Attached is a revised "Proof of Beneficial Use" for our Twin Falls facility, Permit No. 47-08086, correcting the water source. We trust the fees submitted earlier (September 7, 1990) are sufficient for processing, however please contact me should you need additional information.

Sincerely,

Basil Tupy P.E.

cc: Vic Jaro
Andy Kevan
George Hobbs
John Lemke

TFIDWR

RECEIVED

JAN 3 1991



THE AMALGAMATED SUGAR COMPANY

P.O. BOX 250 • NAMPA, IDAHO 83653 • PHONE (208) 466-3541

September 7, 1990

L. Glen Saxton
Idaho Department Of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Saxton:

Attached is a completed "Proof of Beneficial Use" with payment for our Twin Falls facility, Permit No. 47-08086.

Please contact me at (208) 466-3541, for the final-site inspection and analysis of flow volume.

Sincerely,

Basil Tupyja

Basil Tupyja, P.E.
Environmental Engineer

cc: George Hobbs, Nampa
✓ Vic Jaro, Twin Falls — 733-4104
Andy Kevan, Twin Falls

MICROFILMED

MAR 11

attachment
BT:ja

RECEIVED
SEP 10 1990

For Office Use Only
Amt. of Fee \$ 100.00
Date 9/10/90
Receipt No. 6018273
Received by [Signature]

STATE OF IDAHO

Department of Water Resources

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.

Permit No. 47-~~000~~ 08086 Telephone No. 208 466 3541

Name(s) of Permit Holder(s): The Amalgamated Sugar Company

Post Office Address: P.O. Box 127, Twin Falls, Idaho 83301

Source of Water: Groundwater well

If ground water, well driller's name: Todd Keim Date drilled: March 15, 1990

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Industrial Supply

Total rate and/or volume for which proof is submitted 1.0 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: April 1, 1990

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? X Yes No

Fee Enclosed: \$ 100 (See License Examination Fee Schedule)

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

Basil Tupyi 208 466 3541
Name Telephone No.

P.O. Box 250, Nampa, ID 83651
Address

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.

MAR 19 1991

Date 24 July 90 Signature (and title if on behalf of a company or organization) Basil Tupyi

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

August 13, 1990

AMALGAMATED SUGAR CO.
P.O. BOX 127
TWIN FALLS, ID 833030000

LAPSE NOTICE

RE: PERMIT NO. 47-08086

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

MICROFILMED

MAR 19 1991

CERTIFICATION OF MAILING

I hereby certify that on 8-15-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138794
May 31, 1990

AMALGAMATED SUGAR CO.
P.O. BOX 127
TWIN FALLS, ID 833030000

PROOF DUE NOTICE
RE: PERMIT NO. 47-08086

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED
MAY 31 1990

MAY 31 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 47-8086

DATE: 3-1-89

The above referenced permit is a DCMi use with a 1 cfs flow rate which has been on our Swan Falls process list for the past several months.

Water Appropriation Rule 2,8 states that DCMi uses which do not deplete the system containing trust water by more than 2 acre feet per day are presumed to satisfy the public interest requirements. Such filings therefore are exempt from any Swan Falls processing requirements or review under Section 42-203D. I had personally placed all DCMi uses with a rate of 1 cfs or more on the DCMi Swan Falls process list because I had misinterpreted the rule and rounded the 1 cfs rate to 2 acre feet. These filings will be removed from the process list.

The regional office should proceed to conduct a field examination of this permit and forward the exam report to the state office for licensing.

CC: Southern

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 8, 1988

AMALGAMATED SUGAR CO.
P. O. BOX 127
TWIN FALLS, ID 833030000

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 47-08086

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct you attention to the conditions of approval on the final page.

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.

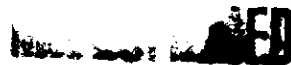
Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office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

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,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc
Enclosures



SEP 29 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
MICK HODGES

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700

RECEIVED

MAY 26 1988

May 25, 1988

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

RE: Amalgamated Sugar Company
Application Nos. 47-8086

Dear Loren:

The Twin Falls Canal Company Board of Directors has concerns about Application No. 47-8086 filed by Amalgamated Sugar Company.

The applicant should be aware that it establishes no right to the continued delivery of the water by Twin Falls Canal Company. This is strictly seepage water and subject to Twin Falls Canal Company's prior rights. There may be or may not be water at this point of diversion in the future if irrigation and seepage patterns change.

While the Company has no objection to the use of the water because the use is nonconsumptive, the purpose of this letter is to advise that the Twin Falls Canal Company canal is mossed with chemical on an ongoing basis for operation and maintenance purposes above this location, and that applicant assumes the risk if it constructs fish facilities.

This water is available at this location because of past work the Company has done to alleviate seepage of farm ground. Applicant should be aware that it will be responsible for any seepage caused by its construction and ponding of the water, or if the applicant impedes the flow of water from the source, causing seepage to the lands of others.

To the extent that the water quality is degraded by applicant's use, I am sure that the applicant is aware of its water quality problem. We would anticipate that the company

SEP 29 1988

Mr. Loren Holmes
Idaho Department of Water Resources
May 25, 1988
Page - 2

is ever sued for alleged water quality violations concerning this waterway, that they will also look to this user.

Please do not consider this an official protest letter to the permit, but we request that this letter be included in the file.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:dcb
86451

cc: Amalgamated Sugar Company
P.O. Box 127
Twin Falls ID 83303

RECEIVED

SEP 19 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 5, 1988

Amalgamated Sugar Company
c/o Basil Tupy
P.O. Box 127
Twin Falls, ID 83301

Re: Application for Permit No. 47-8086

Dear Mr. Tupy:

The Department of Water Resources acknowledges receipt of the water right application for permit in behalf of Amalgamated Sugar Co.. The application has been assigned identification No. 47-8086. Please refer to this number in all further correspondence.

This office will be advertising the application in the Times News on 5/19 & 5/26/88. 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.

Enclosed please find your Receipt No. S000117 for the amount of \$54.50 (\$45.00 filing fee for application, \$9.50 for copies charge).

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

SEP 29 1988

FILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 5, 1988

Times News
P.O. Box 548
Twin Falls, ID 83301

Re: Notice of Application, 47-8086

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publications on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

SEP 29 1988

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8086

AMALGAMATED SUGAR CO.

P. O. BOX 127, TWIN FALLS, ID 83303

Source: SPRINGS & DRAIN TUNNEL trib. to ROCK CREEK

Diversion Pt: SWSENE Sec 26 T 10S R 17E; 2 miles South & 2 miles East of Twin Falls.

Use: INDUSTRIAL (1.0 CFS)

Date Filed: 04/18/1988

In: NENE Sec 26 T 10S R 17E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 6, 1988.

R. KEITH HIGGINSON, Director

Published 05/19 & 05/26.

POOR QUALITY

MICROFILMED

SEP 29 1988

181-3577

~4~NOTICE OF~
~APPLICATIONS~(DRY)
~WATER PERMIT~

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:~

~47-8086~

AMALGAMATED

SUGAR CO.~

P.O. Box 127, Twin Falls,
ID 83303.~

Source: SPRINGS &
DRAIN TUNNEL trib. to
ROCK CREEK~

Diversion Pt: SWSENW
Sec 26 T 10S R 17E; 2
miles South & 2 miles
East of Twin Falls.~

Use: INDUSTRIAL (1.0
CFS)~

Date filed: 04/18/1988~

In: NE1/4 Sec 26 T 10S R
17E.~

The permit (s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water

Resources, Southern
Region, 2148 Fourth
Avenue East., Twin
Falls, Idaho 83301 on or
before June 6, 1988~

R. Keith Higginson,
Director~

PUBLISH: Thursday,
May 19, and 26, 1988.~

OK
18

Correction called
5/17/88, 9:30 am

MAILED

SEP 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Apr-1988

Amalgamated Sugar Company
Attn: Basil Tupy
Rt.1 Bx 3000
Paul, Idaho 83347

RE: Application for Permit

Dear Basil:

Please find enclosed your check # 91312 in the amount of \$85.00 which I am returning to you because the amount exceeds the amount presently due the Department. The amounts presently due are:

\$45.00	Application for Permit for 1.0 cfs
9.50	Charge for computer abstract of 19 water rights @ \$.50 / right

\$54.50	Total amount due.
---------	-------------------

Please remit as soon as possible.

Sincerely,

Allen Merritt

Water Resource Engineer

Enc:

MAILED

SEP 29 1988



THE AMALGAMATED SUGAR COMPANY

ROUTE 1, BOX 3000, PAUL, IDAHO 83347

PHONE (208) 438-2115

Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

15 March 1988

Gentlemen:

Having recently purchased property south of Amalgamated Sugar Company's Twin Falls Factory, we wish to file for water rights held for irrigation but allowed to lapse by the previous owner. We also wish to file for water rights on Amalgamated property (adjacent to our recent land purchase) that would be used in our factory process.

Please process the application and call me at 438-2115
738-4104
should you require any additional information.

Sincerely,

Basil Tupy, P.E.
Corporate Environmental Engineer

BT/kb
cc: George Hobbs

RECEIVED

MAR 21 1988

Department of Water Resources
Sawtooth Region Office

RECEIVED

SEP 29 1988