

MAR 28 2024

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Amalgamated Sugar Company Phone 208-383-6500
 2. **MAILING ADDRESS** 1951 S. Saturn Way, STE 100 City Boise
 State Idaho Zip 83709-2924 Email legaladmin@amalsugar.com

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 47-2383; 47-7093

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

4. **TOTAL AMOUNT OF WATER** transferred is 2.39 cubic feet per second and/or 1261.0 acre-feet per annum.
 (diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x		NE	NW	NW	26	10S	17E	Twin Falls	Ground Water	
		NE	NW	NE	26	10S	17E	Twin Falls	Ground Water	
		SW	SE	SW	26	10S	17E	Twin Falls	Ground Water	
		NW	NE	SW	26	10S	17E	Twin Falls	Ground Water	

6. GENERAL INFORMATION

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

See Attachment 1.

- b. Who owns the property at the point(s) of diversion? Amalgamated Sugar Company

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

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

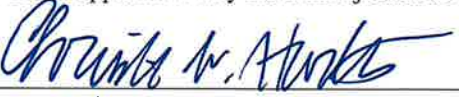
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

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


Signature of applicant or authorized agent

Christina Hardesty, General Counsel & Secretary
Print name and title if applicable

03/28/2024
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 3-28-2024

Fee paid \$660- Date 3-28-2024

Received by DM

Receipt # 5040149

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Water Right Report : 47-2383(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Attorney	MC HUGH BROMLEY PLLC	380 S 4TH ST STE 103	BOISE	ID	83702-7687
Attorney	BEEMAN & ASSOC PC	ATTN JOSEPHINE BEEMAN 1019 N 17TH ST	BOISE	ID	83702-3304
Current Owner	AMALGAMATED SUGAR COMPANY	1951 S SATURN WAY STE 100	BOISE	ID	83709-2924

Water Right Status

Priority Date : 12/6/1963
 Basis : Decreed
 Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	10S	17E	26	0	NW	NE	SW	TWIN FALLS	
GROUND WATER	10S	17E	26	0	SW	SE	SW	TWIN FALLS	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	01/01	12/31	1.34 CFS	503.00 AFA
TOTAL			1.34 CFS	503.00 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : INDUSTRIAL (TWIN FALLS county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10S	17E	26		NE	NW		

Conditions

Code Conditions

- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- R09 Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Dates

Licensed Date :
 Decreed Date : 3/31/2010
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : EXC
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

Water Right Report : 47-7093(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Attorney	MC HUGH BROMLEY PLLC	380 S 4TH ST STE 103	BOISE	ID	83702-7687
Attorney	BEEMAN & ASSOC PC	ATTN JOSEPHINE BEEMAN 1019 N 17TH ST	BOISE	ID	83702-3304
Current Owner	AMALGAMATED SUGAR COMPANY	1951 S SATURN WAY STE 100	BOISE	ID	83709-2924

Water Right Status

Priority Date : 4/15/1970
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	10S	17E	26	0	NE	NW	NE	TWIN FALLS	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	01/01	12/31	1.05 CFS	758.00 AFA
TOTAL			1.05 CFS	758.00 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : INDUSTRIAL (TWIN FALLS county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10S	17E	26		NE	NW		

Conditions

Code Conditions

C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

TWIN FALLS PLANT, WELL NEAR SCALEHOUSE.

R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Dates

Licensed Date :
 Decreed Date : 6/1/2010
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date :
 Protest Deadline Date :

Other Information

State or Federal : S
 Water District Number : NWD
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

Attachment 1

6. General Information

a. A new well will be installed on Amalgamated Sugar Company's property. The well will be tied into the existing approved culinary water system. The new well will be installed with a water meter on the outflow line to measure the flow. The well will be located in a locked well house and will be gated for controlled access to the well. A mag meter will be installed on the existing well to the south to measure that wells flow.





0005498477

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005498477

Date Filed: 12/4/2023 1:39:33 PM

B0860-1157 12/04/2023 1:39 PM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:

Entity Name: Amalgamated Sugar Company
Foreign Name (name in home jurisdiction): Amalgamated Sugar Company
The file number of this entity on the records of the Idaho Secretary of State is: 0000021080
Address: 1951 S SATURN WAY
STE 100
BOISE, ID 83709-2924

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: OREGON
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W3361

The registered agent on record is:

Registered Agent: CORPORATION SERVICE COMPANY
Commercial Registered Agent
Physical Address:
1305 12TH AVE RD
NAMPA, ID 83686
Mailing Address:
1305 12TH AVE RD
NAMPA, ID 83686

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
JOHN MCCREEDY	President	~~1951 S SATURN WAY~~ ~~STE 100~~ ~~BOISE, ID 83709~~
CRAIG HANKS	Treasurer	1951 S SATURN WAY STE 100 BOISE, ID 83709
Francis Malecha	President	1951 SATURN ROAD SUITE 100 BOISE, ID 83709
Christina Hardesty	Secretary	1951 SATURN ROAD SUITE 100 BOISE, ID 83709

The annual report must be signed by an authorized signer of the entity.

Job Title: General Counsel & Secretary



Christina Hardesty

Sign Here

12/04/2023

Date



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 24, 2024

AMALGAMATED SUGAR COMPANY
1951 S SATURN WAY STE 100
BOISE, ID 83709-2924

RE: Transfer No. 88862
Water Right No(s). 47-2383, 47-7093

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **5/2/2024** and **5/9/2024**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 20, 2024**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 24, 2024 12:45 PM
To: Times News
Subject: LEGAL NOTICE - Account No. 164-60002276
Attachments: Times News cover letter.docx; Times News ad.docx

Good afternoon,

Attached please find **(1)** legal notice being submitted for publication on May 2nd & 9th, 2024. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under Account No. 164-60002276.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 24, 2024

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 88862
Water Right No(s). 47-2383, 47-7093

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before **May 20, 2024**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88862**

AMALGAMATED SUGAR COMPANY, 1951 S SATURN WAY STE 100, BOISE, ID 83709-2924 has filed Application No. 88862 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-2383, 47-7093; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (well) to two industrial ground water rights with a total flow rate of 2.39 cfs. The existing PODs for each right will be added to the other right and post transfer each right will have four authorized PODs. The new well will be located approximately 1.0 mile south and 0.2 mile east of the intersection of Kimberly Road and Eastland Drive in Twin Falls.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 20, 2024**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on May 2nd & 9th, 2024

TRANSFER SYNOPSIS

Date: March 29, 2024
To: Amalgamated Sugar Company Transfer #88862 File
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to add a new point of diversion (well) to two industrial ground water rights with a total flow rate of 2.39 cfs. The existing PODs for each right will be added to the other right and post transfer each right will have four authorized PODs. The new well will be located approximately 1.0 mile south and 0.2 mile east of the intersection of Kimberly Road and Eastland Drive in Twin Falls.

The transfer will be advertised and subject to protest. Watermaster comments will not be sought as the rights are excluded from the water district.

The rights in the transfer are:

47-2383	1.34 cfs	503.0 AF
47-7093	1.05 cfs	758.0 AF

FEE MEMORANDUM

Date: March 29, 2024
To: Amalgamated Sugar Company Transfer #88862 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on March 28, 2024, and its purpose is to add points of diversion to two industrial ground water rights with a total flow rate of 2.39 cfs, so, from the transfer fee schedule, a \$660.00 fee will be applicable. The fee was paid by check #2793566 from Amalgamated Sugar Company at the time of filing. The IDWR receipt number is S040149.