



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

Hattie Zobott
Brockway Engineering
2016 N Washington St
Suite 4
Twin Falls, ID 83301

Dear Mrs. Zobott:

As you recall, you contacted the Department regarding a proposal to utilize water collected in the East Valley Cattle dairy facility located northeast of Malta. This water apparently consists of wastewater and runoff water collected at the dairy site.

The Department's policy relating to land application of wastewater from a dairy or confined animal feeding operation is the wastewater may be applied to land having a full existing water right for irrigation. If wastewater from a dairy or confined animal feeding operation is applied to lands not having a full existing water right for irrigation, then the use of the wastewater on these lands must be described as a commercial use on the water right(s) covering the dairy or confined animal feeding operation. Currently, the commercial use for the East Valley Cattle dairy facility water rights only describes water use in Section 35, Township 11 South, Range 27 East. Therefore, the following would currently apply...

East Valley Cattle can utilize their stockwater and commercial water rights on land located within Section 35, Township 11 South, Range 27 East. If land application of commercial wastewater is to occur, it shall be limited to lands having a full existing water right for irrigation. Note that this would exclude lands within a permissible place of use boundary not currently authorized to be irrigated (lands outside the reported "206 area") and lands having expansion rights that are curtailed.

East Valley Cattle could file a transfer application to modify the authorized place of use of their commercial water rights to include lands where wastewater application will occur, including lands not having a full existing water right for irrigation. As you are aware, transfer applications are subject to public notice and protest and the comingling of the wastewater in the same delivery system as the irrigation rights associated with the property raises potential enlargement issues. Ideally, East Valley Cattle could identify specific lands for the land application of their wastewater and deliver the wastewater to these lands in a separate system, independent of their irrigation system and irrigation rights.

Your proposal also discusses the possibility of utilizing diffused surface water. While a water right may not be required to collect and use diffused surface water, such use will impact the water supply relied on by existing water rights in the basin. Comingling diffused surface water with wastewater and water under existing water rights may lead to enlargement and injury concerns that should be addressed through a public notice process resulting in conditions on existing water rights to control the diversion and use of all sources of water. If you have any questions, or if you want to discuss this matter further, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Southern Region Manager

TRANSFER 81940 APPLICANT'S EXHIBIT <u>2</u>
