

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71184

This is to certify that: GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330
(208)934-8195

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-7051	WR/Decreed	08/27/1969	1.00 cfs	618 af	N/A	N/A	GROUND WATER
37-8903	WR/License	09/17/1999	1.67 cfs	630 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-7051	NO	NO	YES	NO	NO	NO
37-8903	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-7051	37-7051	1.00 cfs	618 af	N/A	N/A		N/A	N/A	N/A	N/A
37-8903	37-8903	1.67 cfs	630 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.67 cfs	1248 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of August, 2004



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 37-7051

WATER RIGHT NO. 37-7051
As Modified by Transfer No. 71184

In accordance with the approval of Transfer No. 71184, Water Right No. 37-7051 is now described as follows.

Right Holder: GLANBIA FOODS INC
 1728 S 2300 E
 GOODING ID 83330

Priority Date: August 27, 1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	1.00 CFS	618.0 AF
			1.00 CFS	618.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 36 Twp 05S Rge 15E GOODING County

GROUND WATER NWSWNW Sec. 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	36					X		X	X	X	X	X	X			X	X	
05S	16E	31											X	X			X	X	
													L 4						
06S	15E	1	X	X	X	X	X	X	X	X									
			L 1	L 2			L 3	L 4											
06S	15E	12	X	X	X	X	X	X	X	X					X	X	X	X	
06S	16E	6	X	X	X	X	X	X	X	X	X					X			
			L 1	L 2			L 3	L 4	L 5				L 6						
06S	16E	7						X	X			X	X						
								L 1	L 2			L 3	L 4						

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to the diversion and use of water under Transfer approval 71184, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications.
4. Right 37-8903 is also diverted through the points of diversion described above.
5. Commercial use is for a cheese and whey products manufacturing plant.

WATER RIGHT NO. 37-7051
As Modified by Transfer No. 71184

CONDITIONS OF APPROVAL

6. The commercial place of use authorized by this approval includes land in the SW1/4NW1/4 of Section 36, Township 5 South, Range 15 East, B.M., where the main commercial facility is located, and additional lands upon which wastewater may be applied to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the commercial facility as authorized by this water right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8903
As Modified by Transfer No. 71184

In accordance with the approval of Transfer No. 71184, Water Right No. 37-8903 is now described as follows.

Right Holder: GLANBIA FOODS INC
 1728 S 2300 E
 GOODING ID 83330

Priority Date: September 17, 1999

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	1.67 CFS	630.0 AF
			1.67 CFS	630.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 36 Twp 05S Rge 15E GOODING County

GROUND WATER NWSWNW Sec. 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	36					X		X	X	X	X	X	X			X	X	
05S	16E	31											X	X			X	X	
													L 4						
06S	15E	1	X	X	X	X	X	X	X	X									
			L 1	L 2			L 3	L 4											
06S	15E	12	X	X	X	X	X	X	X	X					X	X	X	X	
06S	16E	6	X	X	X	X	X	X	X	X	X					X			
			L 1	L 2			L 3	L 4	L 5				L 6						
06S	16E	7						X	X			X	X						
								L 1	L 2			L 3	L 4						

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. Prior to the diversion and use of water under Transfer approval 71184, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications.
5. Right 37-7051 is also diverted through the points of diversion described above.

WATER RIGHT NO. 37-8903
As Modified by Transfer No. 71184

CONDITIONS OF APPROVAL

6. Commercial use is for a cheese and whey products manufacturing plant.
7. The commercial place of use authorized by this approval includes land in the SW1/4NW1/4 of Section 36, Township 5 South, Range 15 East, B.M., where the main commercial facility is located, and additional lands upon which wastewater may be applied to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the commercial facility as authorized by this water right.
8. The right holder shall mitigate for the commercial use of water authorized under this right by discharging waste water from the manufacturing and processing plant into an unlined pond and causing the water to seep into the ground and/or by applying waste water from the manufacturing and processing plant to land authorized to be irrigated under Rights 37-7260, 37-7380A, 37-7380C, 37-7576, 37-7252A, 37-7252B and 37-7677, and reducing the amount of water diverted for irrigation purposes under those rights.
9. Water diverted under Right 37-7051 shall not be counted toward the mitigation requirement for this right. Therefore, the amount of water seeping from the pond combined with the amount of the reduction of water diverted under Rights 37-7260, 37-7380A, 37-7380B, 37-7576, 37-7252A, 37-7252B and 37-7677 shall equal or exceed the amount of water diverted under this right and Right 37-7051.
10. The right holder shall maintain records demonstrating compliance with the mitigation requirement for this right and shall provide those records to the Department upon request.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 20 04



Chief, Water Allocation Bureau