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November 13, 2003

Mr. Cory Skinner,
Idaho Department of Water Resources
1341 Fillmore St. Ste 200
Twin Falls, Idaho 83301-3380

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Department of Water Resources
Southern Region

Re: Wastewater Permissible Place of Use

Dear Mr. Skinner:

Thank you for the assistance you rendered in addressing Glanbia's question regarding the permissible place of use relative to wastewater/non-contact cooling water resulting from the use of water pumped under water rights/permit 37-07051 and 37-8903. These water rights are for commercial water utilized at Glanbia's cheese and whey products manufacturing plant in Gooding, Idaho. Glanbia is in the process of expanding to additional property for its process wastewater land application treatment system. The additional property is agriculture land that has a full water right consisting of surface water and ground water. Water rights 37-07051 and 37-8903 currently identify the existing wastewater land application treatment site as the permissible place of use. The existing land application treatment site also has a full water right.

Glanbia desires to apply its non-contact cooling water and process wastewater to the new property (Wolfe Expansion) in the very near future. My inquiry pertaining to the water rights was: Does Glanbia have to submit an application for transfer of water rights to include the "Wolfe Expansion" in the **permissible place of use** for the wastewater originating from these water right sources? This letter is to confirm our November 13, 2003, conversation and your response, after having conferred with those over you, that the application of the wastewater **does not** require an application for transfer and modified permissible place of use in order to apply the wastewater to the Wolfe expansion even though the Wolfe expansion is not included as a permissible place of use on these water rights.

The answer and explanation was that application of the wastewater/non-contact cooling water is acceptable on the "Wolfe expansion" with out changing the permissible place of use as per the **ADMINISTRATOR'S MEMORANDUM** – Transfer Processing No. 24,

from Karl J. Dreher and Norman C Young, dated October 30, 2002. Under the title of "Land Application of Wastewater" on page 3 of this document, it states:

"An application for transfer is required for a proposed change in the place of use under a water right for industrial use, dairy use, or confined animal feeding operation that would allow land application of wastewater from that use or change the location of lands used for application of wastewater, except for wastewater from non-industrial uses when there is a full existing water right for irrigation of the place of use receiving wastewater. See Application Processing Memorandum No. 61 for additional information concerning wastewater from industrial uses."

Therefore, an application for transfer is **not** required for proposed change in the place of use under commercial water right uses when there is a full existing water right for irrigation of the place of use receiving its wastewater.

Accordingly, Glanbia will proceed toward applying the wastewater to the "Wolfe Expansion" without submitting an application for transfer to change the permissible place of use under water rights 37-07051 and 37-8903.

Again, I thank you for your timely response in checking into this permissible place of use issue for me and also for faxing me a copy of APPLICATION PROCESSING MEMO # 61.

If there is any misunderstanding or misrepresentation in this letter, please notify me as soon as possible.

Sincerely,



Rickie Del Warren
Environmental Director

Cc: Dave Thomas
Doug Larson
John Lanigan
Chuck Brockway