

MEMORANDUM

To: Water Right File: 37-22252, 37-22313, 37-22318, 37-22323
From: Ashley Ritter
Date: February 28, 2022
Re: Annual Reporting Requirements Review

Intro

On January 28, 2022, the Idaho Department of Water Resources (IDWR) received the Aquifer Recharge and Pumping Report for 2021, Dry Lot LLC ("Report"), with regards to the above-mentioned water rights (37-22252 is a license, 37-22313, 37-22318, 37-22323 are included in transfer 74449). The report was submitted by Erick Powell with Brockway Engineering on behalf of the right holder, Dry Lot LLC.

Water right 37-22252 condition two (2) states:

"By January 31 of each year the right holder shall report to the Department:

- a) The volume of water diverted from the authorized points of diversion for each month of the prior calendar year,
- b) The number and location (by subdivision lot number) of the acres of land irrigated in connection with the right during the prior calendar year, and
- c) The number and location (by subdivision lot number) of the homes served domestic water from the authorized points of diversion pursuant to other rights during the prior calendar year."

Transfer 74449 (includes 37-22313, 37-22318, and 37-22323) condition five (5) requires the amount of water injected for ground water recharge to be reported and submitted annually.

Review of report

Dry Lot LLC rights 37-22313, 37-22318, and 37-22323 authorize the recharge of up to 75.4 acre-feet (AF) of water from the Big Wood River through the adjacent Hiawatha Canal and Valley Club golf course irrigation system. Water right 37-22252 authorizes the extraction of irrigation water from the existing Valley Club Home Owners Association's (HOA) wells for the irrigation of up to 27.5 acres anywhere within 99 currently platted subdivision lots.

It is reported that in 2021, 226.6 AF (a decrease of 120.8 AF over 2020) of water was pumped from the Valley Club HOA wells (East & West wells combined) for domestic and irrigation uses associated with 58 residences (individual lot numbers and monthly diversion volumes included in Report) within the Valley Club subdivision. (Water right 37-21337 also uses the Valley Club wells as diversion points and estimated usage was 4.4 AF). The Report noted that the reason for the decrease in volume pumped when compared to 2020 is likely due to efforts to remedy leaks within the water distribution system, and that the HOA installed two new in-line flow meters on the two wells' delivery lines in July 2021.

The total diversion volume associated with the irrigation of 34 lots (under water right 37-22252) was reported as 70.7 acre-feet with the irrigation of 25.8 acres (which requires 75.4

acre-feet to be infiltrated when all 27.5 acres are irrigated). In 2020, 29.8 AF were recharged before June 1st and 40.8 AF of water was recharged from June 1st through July 17th in the two Dry Lot LLC Basins (total of 70.7 AF).

Dry Lot LLC daily infiltration volumes were submitted attached to the 2021 Aquifer Recharge and Pumping Report.

Conclusions

The 2021 Aquifer Recharge and Pumping Report for water rights 37-22252, 37-22313, 37-22318, and 37-22323 has been reviewed, and reporting requirements for the above water rights have been satisfied



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 28th, 2022

Mr. Manuel Rauhut
Idaho Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

JAN 28 2022

DEPARTMENT OF
WATER RESOURCES

RE: Annual Report: Aquifer Recharge and Pumping Report for 2021, Dry Lot LLC, License 37-22252

Dear Mr. Rauhut,

Please see the attached yearly report outlining Dry Lot LLC's activities on the aquifer recharge and pumping project for 2021 at the Valley Club HOA recharge site north of Hailey, Idaho. This report is submitted to comply with the reporting conditions required under water right license 37-22252 and Transfer 74449 in the name of Dry Lot LLC. A hard copy will follow in the mail.

Please review this report at your convenience. If you have any questions or comments, please do not hesitate to contact me at (208) 736-8543.

Sincerely,

G. Erick Powell, Ph.D., P.E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Mr. Woody Friedlander- Dry Lot LLC
Mr. Travis Thompson
Mr. Kevin Lakey- Water District 37 Watermaster

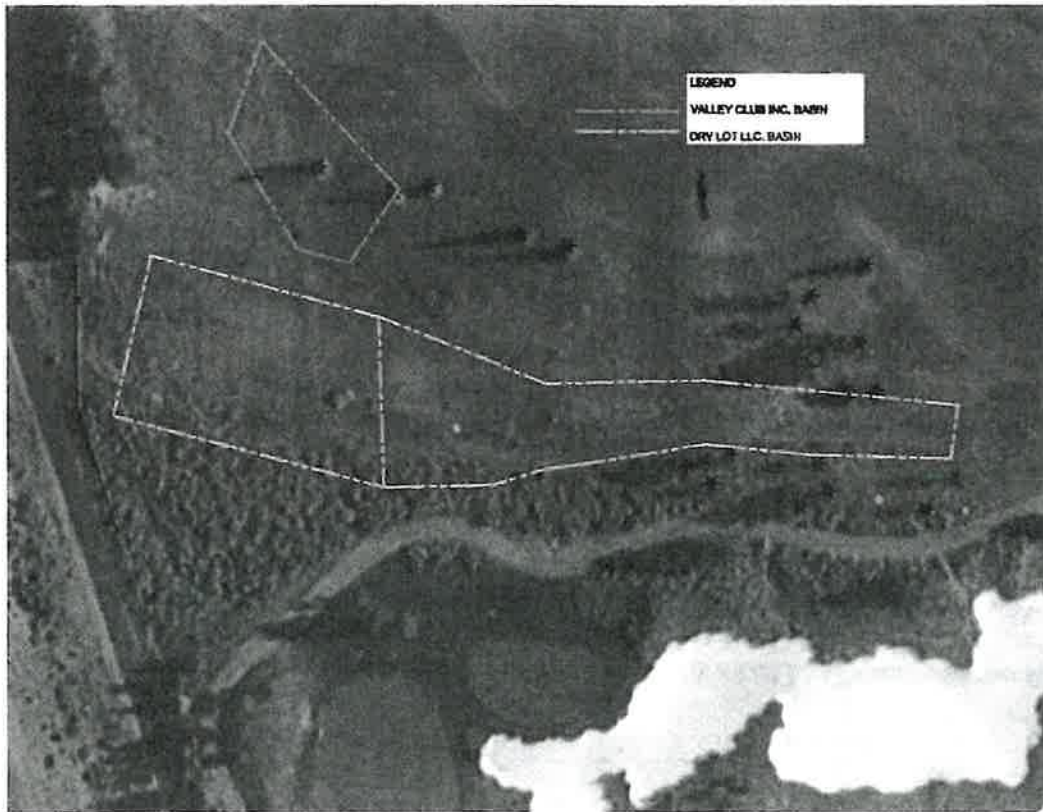
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STREET • SUITE 4

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**AQUIFER RECHARGE AND PUMPING
DRY LOT LLC
REPORT – 2021
January 2022**



**AQUIFER RECHARGE AND PUMPING
DRY LOT LLC
REPORT- 2021
January 2022**

Principal Authors: Zach Latham, M.S. Hydrologist
G. Erick Powell, Ph.D., P.E.

Prepared For: Dry Lot LLC

Prepared By: Brockway Engineering, PLLC
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OVERVIEW

This report documents activities and performance for the reporting year of 2021 at the Dry Lot LLC aquifer recharge site located at the Valley Club north of Hailey, Idaho (Figure 1). This report is prepared to comply with condition number two of Dry Lot LLC water right license 37-22252 and condition number five of Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323 issued by the Idaho Department of Water Resources (IDWR).

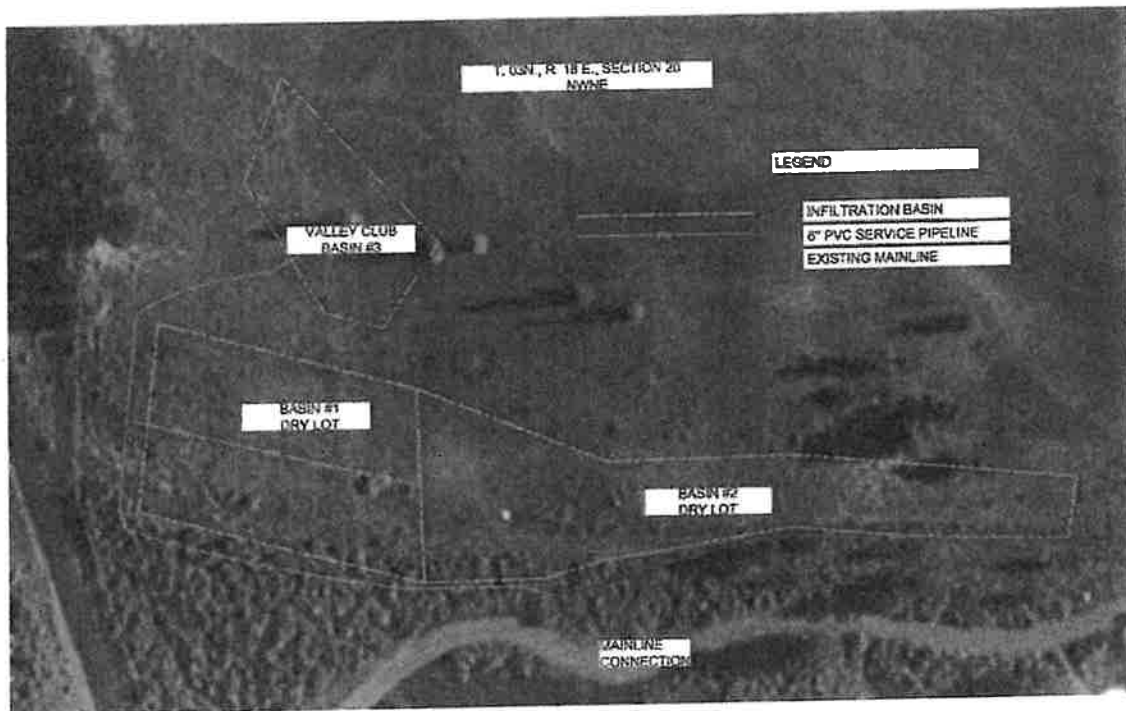


Figure 1: Locations of Dry Lot LLC and Valley Club Infiltration Basins.

Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323 authorize the recharge of up to 75.4 acre-feet of water from the Big Wood River through the adjacent Hiawatha Canal and Valley Club golf course irrigation system. Dry Lot LLC water right 37-22252 authorizes the extraction of irrigation water from the existing Valley Club Home Owners Association's wells in T.03N R.18E SEC.20 SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ for the irrigation of up to 27.5 acres within the place of use.

IDWR Permit No. 37-22252 in the name of Dry Lot LLC was approved on August 8th, 2010 authorizing 27.5 acres of irrigation. Planning and design of the infiltration system was coordinated with The Valley Club Inc. The design of the system was revised to add an additional recharge volume to accommodate a proposed project by The Valley

Club Inc. for enhanced golf course irrigation (see Figure 1). Proof of beneficial use of 37-22252 was filed with IDWR on June 11th 2015 and the water right permit was licensed as permitted on September 1st 2015 for the irrigation of 27.5 acres using 75.4 acre-feet of water.

This report has been drafted on behalf of Dry Lot LLC includes the following information: location of facilities, basin recharge, compliance summary and conclusions.

LOCATION OF FACILITIES

Facilities associated with the Dry Lot LLC and The Valley Club Inc. infiltration basins are located in T.3N R.18E SEC.20 NWSE. Infiltration basin recharge water is diverted from the Valley Club Inc.'s irrigation system, flows through a 6" delivery line into an Orival OR-04-PE 100 micron mesh filter, and can enter either of the two Dry Lot LLC or one Valley Club Inc. infiltration basins. Basin layout was designed and constructed to meet the required area for infiltration, as well as to meet physical constraints such as accommodating for existing irrigation piping and golf course irrigation facilities. An infiltration basin facility overview is shown in Appendix A.

BASIN RECHARGE

Condition of approval #2 on Dry Lot LLC water right license 37-22252 requires submittal of an annual report by January 31, of each year to include the following:

- a) The volume of water diverted from the authorized points of diversion for each month of the prior calendar year,
- b) The number and location (by subdivision lot number) of the acres of land irrigated in connection with this right during the prior calendar year and
- c) The number and location (by subdivision lot number) of the homes served domestic water from the authorized points of diversion pursuant to other water rights during the prior calendar year.

Water right transfer no. 74449 is also conditioned such that the daily volume of water recharged is reported to IDWR. Dry Lot LLC daily infiltration volumes are attached to this report. Table 1 shows the flow meter readings and diversion volumes from the Valley Club Owners Association Inc.'s (HOA) wells during 2021. Table 2 shows the subdivision lots that were irrigated using Dry Lot LLC water right 37-22252 during 2021. Table 3 shows the subdivision lots that were served domestic water from the Valley Club HOA's wells under water rights 37-8613A and 37-8810 during 2021.

2021		
DATE:	Gallons Pumped by East and West Wells (Gallons):	Cumulative Total Wells' Usage (Ac-Ft):
1/1/2021	-	0.0
1/2/2021	23,138.4	0.1
1/3/2021	18,166.8	0.1
2/1/2021	430,197.2	1.4
3/1/2021	428,851.4	2.8
3/31/2021	396,661.5	4.0
4/30/2021	1,624,259.1	9.0
5/31/2021	9,328,135.8	37.6
7/1/2021	15,779,059.0	86.0
7/7/2021	2,994,353.8	95.2
7/31/2021	12,878,938.6	134.7
9/6/2021	16,880,641.0	186.5
9/30/2021	8,788,215.4	213.5
11/1/2021	3,230,641.0	223.4
12/1/2021	462,851.2	224.8
1/1/2022	574,133.2	226.6
Total:	73,838,243	226.6

Table 1: Valley Club Homeowners Wells' Diversion Volumes for 2021.

2021		
Lot # Served Irrigation		
Water Under 37-22252 From		
Valley Club HOA Wells:		
2	53	96
6	54	97
15	56	97E
16	57	99
17	58	
22	61	
34	65	
36	67	
39	68	
43	78	
46	80	
48	85	
49	88	
51	92	
52	95	
TOTAL:		34

Table 2: Lots Receiving Irrigation Water from water right 37-22252 for 2021.

2021			
Lot # Served Domestic Water Under			
37-8613A & 37-8810 Valley Club HOA Wells:			
2	29	48	70
3	30	49	77
5	31	50	78
6	32	51	80
7	34	52	84
9	35	53	85
10	36	54	88
13	37	57	92
15	39	58	95
16	40	61	96
17	41	64	97
20	42	65	98
21	43	66	99
22	44	67	
26	46	68	
TOTAL:		58	

Table 3: Lots Receiving Domestic Water from Valley Club Owners Association Inc.'s Water Rights 37-8613A and 37-8810 during 2021.

In 2021, 226.6 acre-feet (a decrease of 120.8 AF over 2020) of water was pumped from the Valley Club HOA wells for domestic and irrigation uses associated with 58 residences. The reason for the decrease in volume pumped when compared with 2020 is likely due to efforts to fix leaks within the Owners Association's water distribution and delivery system. Additionally, the HOA installed two new in-line flow meters on the two wells' delivery lines in July of 2021.

It is important to note that water authorized to be diverted under 37-21337, owned by Village Green at the Valley Club Homeowners Assn. Inc., is also diverted through the two Valley Club HOA wells and the volume diverted in 2021 under this right is included in the 226.6 acre-foot volume reported here. An in-line meter was installed in October of 2019 at the upstream point of delivery for this right, so as to be able to determine the yearly volume pumped and delivered under 37-21337. For 2021, 4.4 acre feet under 37-21337 were diverted and used under the right.

The most recent publicly available aerial image is the 2019 NAIP image. An aerial image of the subdivision was flown in 2020 and this photo was used to calculate acres irrigated during 2021 under 37-22252 as the 2021 NAIP image is not yet publically available. 0.25 acres of irrigation occurred under 37-22252 on a lot owned by The Valley Club Inc. (Lot 97E) in 2021 (Figure 2); this lot is located directly east of Valley Club HOA Lot 97. Although this parcel is located outside of the current GIS shapefile in the IDWR database, this area can be added as discussed by Dry Lot LLC's legal counsel Travis Thompson and Shelley Keen. See the attached IDWR Memo dated 9/25/2015 that was previously submitted in the 2015 through 2020 annual reports. Brockway Engineering has confirmed that less than 28 acres were irrigated within the NWSW of Section 28 during 2021.

On all lots described in Table 2 with a residence (excludes Lot 56 and 97E) that were irrigating in the 2020 image, irrigation of 0.26 acres per lot (8.3 acres on 32 lots) is authorized and was assumed under 37-8613A during 2021. 1.0 acre of private irrigation is authorized and occurred under water right 37-4F on lot 57. Additionally, 25.8 total acres were irrigated under 37-22252 on the thirty four lots described in Table 2. 35.1 total acres of irrigation occurred on the lots described in Table 2 (including Lots 56 and 97E) under 37-22252, 37-8613A and 37-4F and are shown in Figure 3.

Between April 20th and May 31st 2021 29.8 acre feet were recharged in Dry Lot LLC basins 1 and 2. Between June 1st and June 30th, 27.7 acre feet were infiltrated and between July 1st and July 14th, 13.1 acre feet were infiltrated in Dry Lot LLC basins 1 and 2 for a total of 70.7 acre feet recharged in 2021. Both basins were turned off on July 14th, 2021 due to a lack of surface water availability under Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323.

Approved IDWR transfer no. 74449 is conditioned such that the recharge volume may not exceed 30 acre-feet before June 1st under 37-22313, 37-22318, and 37-22323.

During 2021, this condition was met. Additionally, a recharge volume of 75.4 acre-feet is authorized under 37-22252 when all of the 27.5 acres are irrigated under 37-22252. On the thirty four total lots, 25.8 acres were irrigated under 37-22252, requiring 70.7 acre-feet to be recharged. In 2021, excess water was not recharged as a lack of surface water supply precluded infiltration of the 75.4 acre-foot volume limit associated with Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323.

Document Path: F:\Projects\Valley Club H.O.A\GIS\ArcMap\Irrigation2020.mxd



Figure 2: Irrigation on Lot 97 and 97E under 37-22252 and 37-8613A.

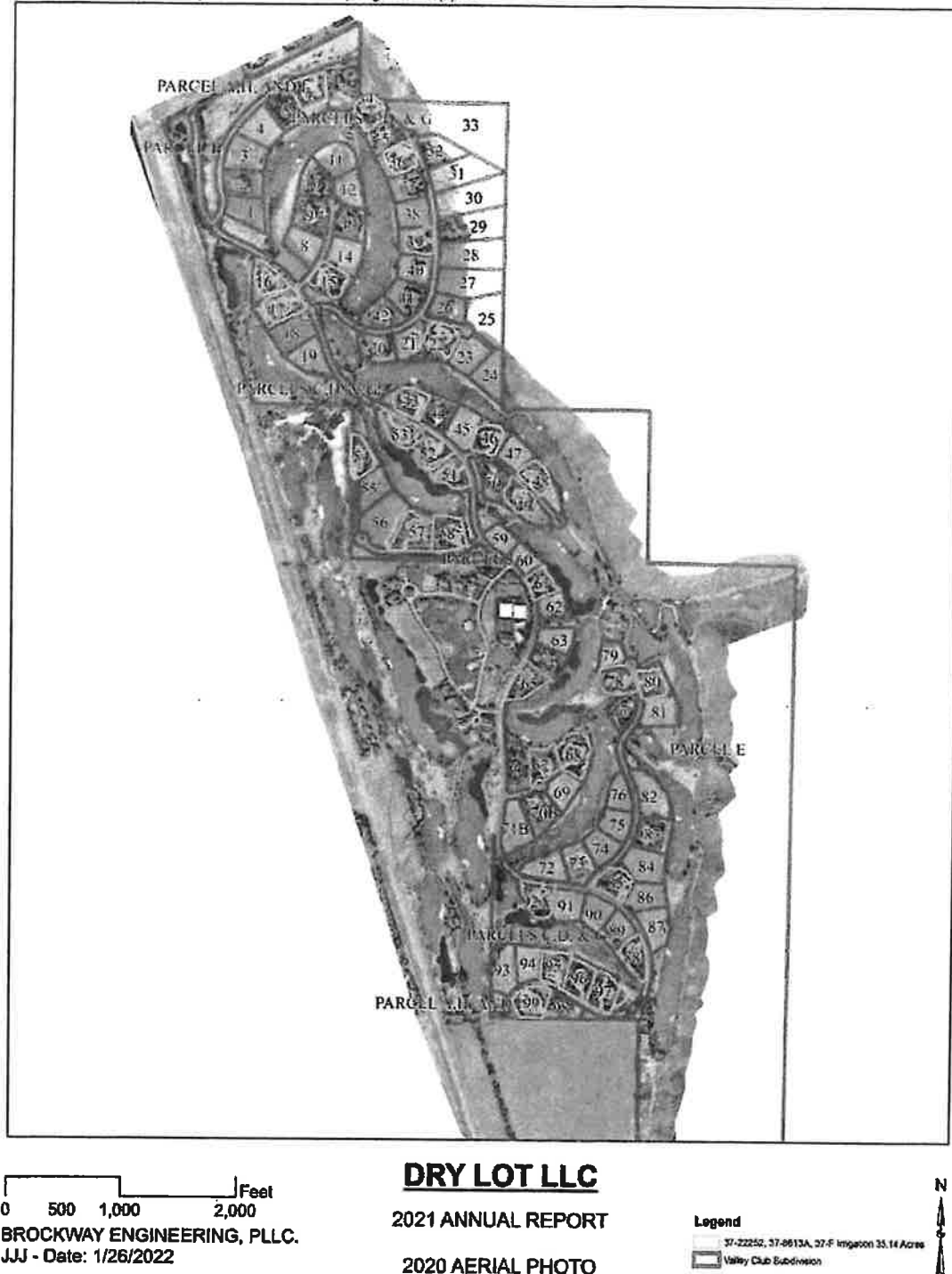


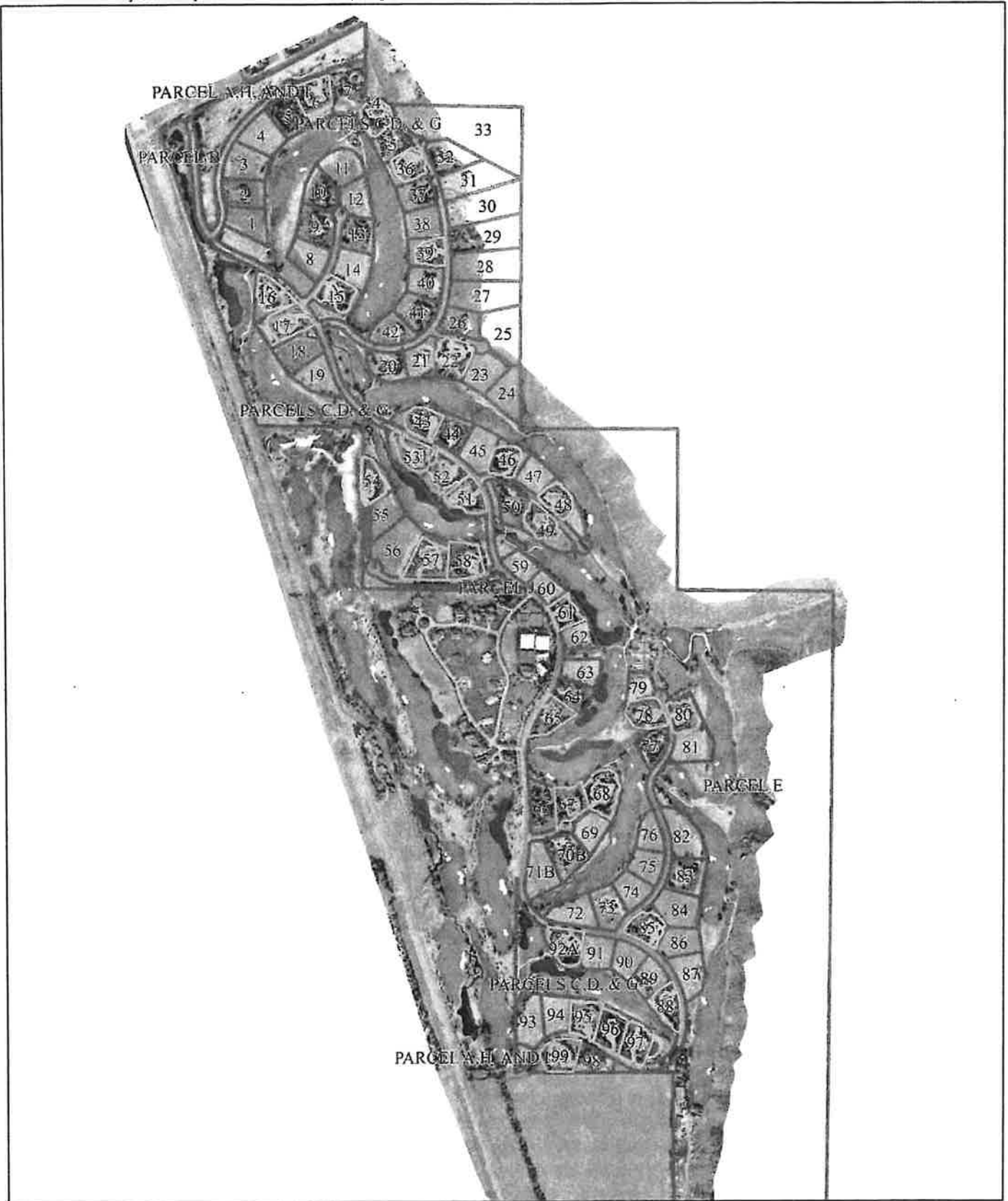
Figure 3: 2021 Irrigated Areas under 37-4F, 37-8613A and 37-22252.

COMPLIANCE SUMMARY

In 2021, fifty-eight residences were present within the Valley Club subdivision. 27.5 total acres are authorized to be irrigated under water right 37-22252 and 25.8 acres were irrigated under this water right during 2021. Within the Valley Club subdivision, one half acre per lot are authorized to be irrigated under water right 37-8613A (in conjunction with a domestic use and residence) although only 0.26 acres were irrigated on 32 lots with a residence under this right, and 1.0 acre is authorized under private water right 37-4F appurtenant to Lot 57. 70.7 acre-feet of water was infiltrated into the Dry Lot LLC basins in 2021. Irrigation of 25.8 acres under 37-22252 in 2021 required 70.7 acre-feet to be infiltrated.

CONCLUSIONS

1. Construction on the infiltration basins for the project commenced in early December 2011 and was completed in mid-May 2012.
2. Water right 37-22252 was licensed on September 1st 2015.
3. On the lots described in Table 2 including Lot 97E, 25.8 total acres were irrigated under 37-22252, 8.3 acres under water right 37-8613A and 1.0 acre under 37-4F on private lot 57 during 2021.
4. The total diversion volume associated with the irrigation on thirty four lots (irrigation not associated with a domestic or a private irrigation water right) under 37-22252 was 70.7 acre-feet. In 2021, 29.8 acre-feet were recharged before June 1st and 40.9 acre-feet of water was recharged from that date through July 14th in the two Dry Lot LLC Basins.
5. The volume recharged in 2021 was adequate under existing Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323 for the irrigation of 25.8 acres as authorized under 37-22252 and all 25.8 were irrigated.
6. In 2021, the total volume pumped from the two Valley Club HOA wells for domestic and irrigation uses associated with 37-8613A and 37-8810 within the Valley Club Subdivision was 151.5 acre-feet. Usage under Village Green water right 37-21337 was 4.4 acre feet for 2021.
7. Facilities are designed to accommodate The Valley Club Inc.'s recharge volumes based on the approval of Valley Club Inc. water right transfer application no. 78255.



0 500 1,000 2,000 Feet
BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 1/26/2022

DRY LOT LLC
2021 ANNUAL REPORT
2020 AERIAL PHOTO

Legend
37-22252, 37-8613A, 37-F Irrigation 35.14 Acres
Valley Club Subdivision





0 30 60 120 Feet

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 1/26/2022

DRY LOT LLC

2021 ANNUAL REPORT
LOT 97 & 97E

2020 AERIAL PHOTO

Legend

- 37-22252, 37-8613A, 37-F Irrigation
- Valley Club Subdivision



[illegible]

DRY LOT LLC- DAILY RECHARGE VOLUMES

2021 Daily Recharge Volumes Associated with IDWR WR Transfer:

74449, Condition #1.

*Values in **bold** indicate observed values.

1/26/2022

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Apr		Off.	643.8	0.00
2-Apr		Off.	643.8	0.00
3-Apr		Off.	643.8	0.00
4-Apr		Off.	643.8	0.00
5-Apr		Off.	643.8	0.00
6-Apr		Off.	643.8	0.00
7-Apr		Off.	643.8	0.00
8-Apr		Off.	643.8	0.00
9-Apr		Off.	643.8	0.00
10-Apr		Off.	643.8	0.00
11-Apr		Off.	643.8	0.00
12-Apr		Off.	643.8	0.00
13-Apr		Off.	643.8	0.00
14-Apr		Off.	643.8	0.00
15-Apr		Off.	643.8	0.00
16-Apr		Off.	643.8	0.00
17-Apr		Off.	643.8	0.00
18-Apr		Off.	643.8	0.00
19-Apr		Off.	643.8	0.00
20-Apr	9:36 AM	794,060.2	643.8	0.00
21-Apr		795,449.3	644.9	1.13
22-Apr	3:34 PM	796,838.4	646.0	1.13
23-Apr		798,091.0	647.0	1.02
24-Apr		799,343.5	648.0	1.02
25-Apr		800,596.1	649.1	1.02
26-Apr	2:52 PM	801,848.6	650.1	1.02
27-Apr		803,065.5	651.1	0.99
28-Apr		804,282.4	652.0	0.99
29-Apr		805,499.2	653.0	0.99
30-Apr	2:22 PM	806,716.1	654.0	0.99
APRIL TOTAL:		12,655.9	10.3 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-May		807,924.0	655.0	0.98
2-May		809,131.9	656.0	0.98
3-May		810,339.8	657.0	0.98
4-May	10:01 AM	811,547.7	657.9	0.98
5-May		812,828.0	659.0	1.04
6-May		814,108.3	660.0	1.04
7-May		815,388.6	661.0	1.04
8-May		816,668.9	662.1	1.04
9-May		817,949.2	663.1	1.04
10-May		819,229.5	664.2	1.04
11-May	11:22 AM	820,509.8	665.2	1.04
12-May		821,798.0	666.2	1.04
13-May		823,086.1	667.3	1.04
14-May	12:02 PM	824,374.3	668.3	1.04
15-May		825,702.4	669.4	1.08
16-May		827,030.5	670.5	1.08
17-May		828,358.5	671.6	1.08
18-May	2:00 PM	829,686.6	672.6	1.08
19-May	11:46 AM	830,853.6	673.6	0.95
20-May		Off.	673.6	0.00
21-May		Off.	673.6	0.00
22-May		Off.	673.6	0.00
23-May		Off.	673.6	0.00
24-May		Off.	673.6	0.00
25-May		Off.	673.6	0.00
26-May		Off.	673.6	0.00
27-May		Off.	673.6	0.00
28-May		Off.	673.6	0.00
29-May		Off.	673.6	0.00
30-May		Off.	673.6	0.00
31-May		Off.	673.6	0.00
MAY TOTAL:		24,137.5	19.6 AFA	
*PRE-JUNE TOTALS:		36,793.4	29.8 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Jun	11:26 AM	830,861.1	673.6	0.01
2-Jun		832,076.0	674.6	0.98
3-Jun		833,291.0	675.6	0.98
4-Jun	8:17 AM	834,505.9	676.5	0.98
5-Jun		835,750.2	677.6	1.01
6-Jun		836,994.4	678.6	1.01
7-Jun	12:09 PM	838,238.7	679.6	1.01
8-Jun		839,377.9	680.5	0.92
9-Jun		840,517.1	681.4	0.92
10-Jun		841,656.3	682.3	0.92
11-Jun	2:40 PM	842,795.5	683.3	0.92
12-Jun		843,856.5	684.1	0.86
13-Jun		844,917.5	685.0	0.86
14-Jun	11:37 AM	845,978.5	685.8	0.86
15-Jun	11:19 AM	847,108.8	686.8	0.92
16-Jun	2:02 PM	848,317.1	687.7	0.98
17-Jun	1:07 PM	849,395.7	688.6	0.87
18-Jun		850,413.5	689.4	0.83
19-Jun		851,431.3	690.3	0.83
20-Jun		852,449.1	691.1	0.83
21-Jun	11:14 AM	853,466.9	691.9	0.83
22-Jun		854,686.4	692.9	0.99
23-Jun	9:30 AM	855,905.9	693.9	0.99
24-Jun		857,193.6	694.9	1.04
25-Jun		858,481.2	696.0	1.04
26-Jun		859,768.9	697.0	1.04
27-Jun		861,056.5	698.1	1.04
28-Jun	11:33 AM	862,344.2	699.1	1.04
29-Jun		863,697.7	700.2	1.10
30-Jun	2:56 PM	865,051.2	701.3	1.10
*JUNE TOTALS:		34,197.6	27.7 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Jul	2:36 PM	866,286.7	702.3	1.00
2-Jul		867,518.7	703.3	1.00
3-Jul		868,750.7	704.3	1.00
4-Jul		869,982.7	705.3	1.00
5-Jul		871,214.6	706.3	1.00
6-Jul		872,446.6	707.3	1.00
7-Jul	11:10 AM	873,678.6	708.3	1.00
8-Jul		874,755.7	709.2	0.87
9-Jul		875,832.7	710.0	0.87
10-Jul		876,909.8	710.9	0.87
11-Jul		877,986.8	711.8	0.87
12-Jul		879,063.9	712.7	0.87
13-Jul		880,140.9	713.5	0.87
14-Jul	12:12 AM	881,218.0	714.4	0.87
15-Jul		Off.	714.4	0.00
16-Jul		Off.	714.4	0.00
17-Jul		Off.	714.4	0.00
18-Jul		Off.	714.4	0.00
19-Jul		Off.	714.4	0.00
20-Jul		Off.	714.4	0.00
21-Jul		Off.	714.4	0.00
22-Jul		Off.	714.4	0.00
23-Jul		Off.	714.4	0.00
24-Jul		Off.	714.4	0.00
25-Jul		Off.	714.4	0.00
26-Jul		Off.	714.4	0.00
27-Jul		Off.	714.4	0.00
28-Jul		Off.	714.4	0.00
29-Jul		Off.	714.4	0.00
30-Jul		Off.	714.4	0.00
31-Jul		Off.	714.4	0.00
*JULY TOTALS:		16,166.8	13.1 AFA	
*SEASON TOTALS:		87,157.8	70.7 AFA	

MEMORANDUM

DATE: September 25, 2015

TO: Water Right File 37-22252

FROM: Shelley W. Keen (SWK)

RE: Place of Use

This morning Travis Thompson, attorney for Dry Lot LLC, called to discuss the place of use description for Water Right 37-22252. The place of use includes 28 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 3 North, Range 18 East. The map attached to the license outlines the 28-acre area. Outside the area outlined on the map is a small, triangle-shaped parcel Dry Lot LLC may acquire from The Valley Club Inc. Travis wanted to know if the triangle-shaped parcel could be irrigated under Right 37-22252 as long as no more than 28 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28 is irrigated.

We reviewed Transfer Processing Memorandum No. 24, which states on page 6:

An application for transfer is not required if a change in the location of use within 40-acre legal subdivisions is proposed that would not result in an increase in the number of acres within any 40-acre legal subdivision nor use of water at a new 40-acre legal subdivision (except for a proposed change in location outside of prescribed boundaries such as those provided for irrigation use under Section 42-219, *Idaho Code* or by court decree, even when the change in location would be included within the same 40-acre legal subdivisions existing prior to the proposed change).

An application for transfer is not required for the situation described in the preceding paragraph, even when the place of use is described by a shapefile in the department's GIS database. The department will not initiate an enforcement action against the water right owner due to a discrepancy between the department's shape file and the physical location of use within the 40-acre legal subdivisions if the discrepancy is limited to the situation described in the preceding paragraph. The department *may* update the shapefile in its GIS database from its own information or information provided by the water right owner.

Based on the guidance quoted above, I told Travis that a transfer would not be required to bring the triangle-shaped parcel into the place of use, as long as no more than 28 acres are irrigated within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28. I recommended that Dry Lot LLC notify IDWR when the change occurs by describing it in the annual report required in condition no. 2 of the license. When the change is reported, IDWR may adjust the place of use boundaries in its GIS records.