

MEMORANDUM

To: Water Right File: 37-22252, 37-22313, 37-22318, 37-22323
From: Ashley Ritter
Date: February 20, 2020
Re: Annual Reporting Requirements Review

Intro

On January 28, 2020, the Idaho Department of Water Resources (IDWR) received the Aquifer Recharge and Pumping Report for 2019 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 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 wells for the irrigation of up to 27.5 acres anywhere within 99 currently platted subdivision lots.

It is reported that in 2019, 273.8 acre-feet (an increase of 6.8 AF over 2018) of water was pumped from the Valley Club HOA wells for domestic and irrigation uses associated with 51 residences (individual lot numbers 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 3.4 acre-feet).

The total diversion volume associated with the irrigation of 32 lots (under water right 37-22252) was reported as 75.4 acre-feet with the irrigation of 27.5 acres, which requires 75.4 acre-feet to be infiltrated. In 2019, 9.1 AF was recharged before June 1st and 70.3 AF of water was recharged through August 10th, leaving an excess of 4.0 AF infiltrated.

Dry Lot LLC daily infiltration volumes were submitted attached to the 2019 Aquifer Recharge and Pumping Report.

Conclusions

The 2019 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

RECEIVED
JAN 28 2020
DEPARTMENT OF
WATER RESOURCES

January 27th, 2019

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

COPY

RE: Annual Report: Aquifer Recharge and Pumping Report for 2019, 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 2019 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.

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.

Cc: Mr. Woody Friedlander- Dry Lot LLC
Mr. Barry Bevers- The Valley Club Inc.
Mr. Travis Thompson
Big Wood Canal Company
Indian Creek HOA c/o: Mr. Randy Budge
Mr. Kevin Lakey- Water District 37 Watermaster

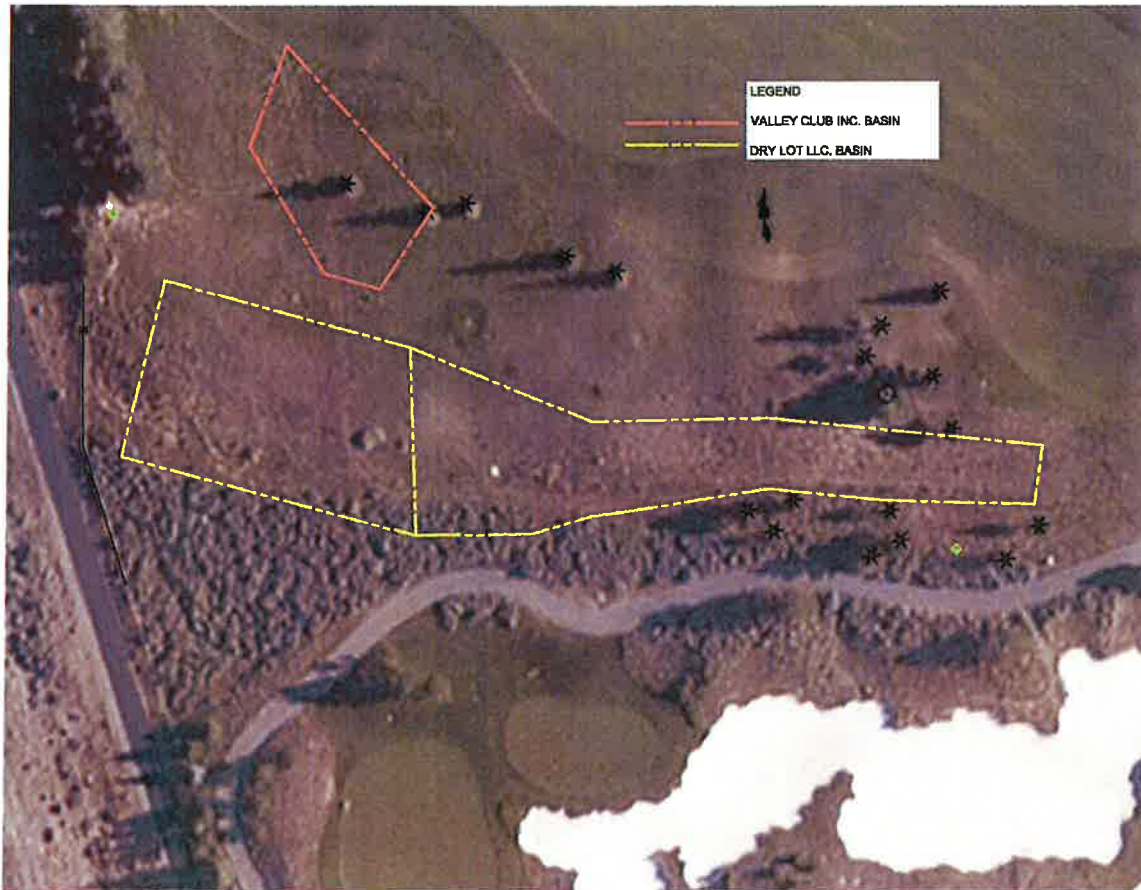
2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

AQUIFER RECHARGE AND PUMPING DRY LOT LLC REPORT – 2019 January 2020



COPY



**AQUIFER RECHARGE AND PUMPING
DRY LOT LLC
REPORT- 2019
January 2020**

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

Prepared For: Dry Lot LLC

Prepared By: Brockway Engineering, PLLC
2016 North Washington Street, Suite 4
Twin Falls, ID 83301
(208) 736-8543 (Phone)
(208) 736-8506 (Fax)

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OVERVIEW

This report documents activities and performance for the reporting year of 2019 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).

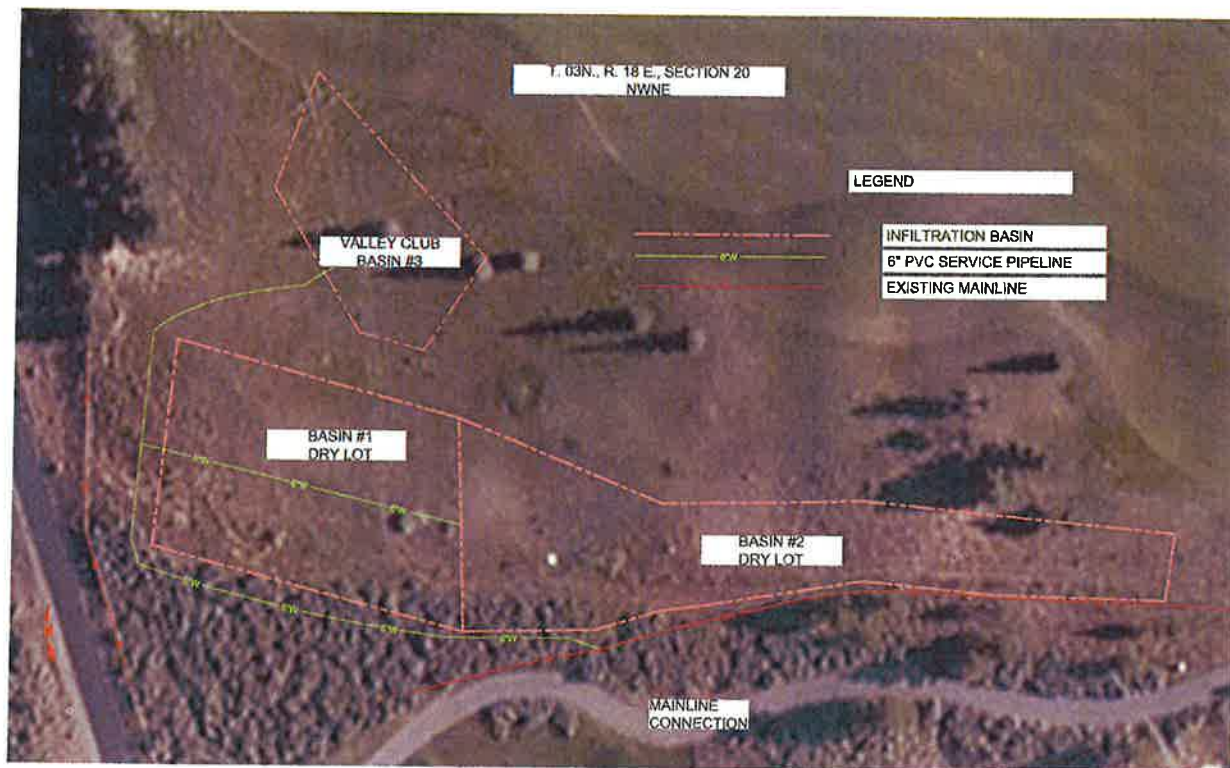


Figure 1: Locations of Dry Lot LLC and Valley Club Infiltration Basins.

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 2019. Table 2 shows the subdivision lots that were irrigated using Dry Lot LLC water right 37-22252 during 2019. 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 2019.

2019				
DATE:	East Well in Pump House PUMP #1 METER	East Well in Pump House Total	West Well Across Road PUMP #2 METER	West Well Across Road Total
	TOTALIZER (GAL):	Usage (AFA):	TOTALIZER (GAL):	Usage (AFA):
1/4/2019	318,420,700		384,614,300	
1/5/2019	318,496,500	0.2	384,614,300	0.0
1/6/2019	318,496,500	0.2	384,614,300	0.0
1/7/2019	318,570,900	0.5	384,614,300	0.0
1/8/2019	318,645,200	0.7	384,614,300	0.0
1/9/2019	318,645,200	0.7	384,614,300	0.0
1/29/2019	318,645,200	0.7	385,346,100	2.2
3/3/2019	319,504,900	3.3	385,748,600	3.5
4/4/2019	319,632,100	3.7	387,292,000	8.2
5/5/2019	321,401,000	9.1	388,346,100	11.5
6/7/2019	327,227,100	27.0	393,540,200	27.4
7/1/2019	331,307,300	39.5	401,186,500	50.9
8/1/2019	339,307,300	64.1	411,186,500	81.5
9/1/2019	347,472,300	89.2	422,533,600	116.4
10/1/2019	354,922,200	112.0	429,478,100	137.7
11/3/2019	357,049,300	118.5	431,538,400	144.0
12/1/2019	357,551,900	120.1	432,682,600	147.5
1/2/2020	358,710,400	123.6	433,541,100	150.2
TOTALS PER WELL:		123.6 Acre-Feet		150.2 Acre-Feet
TOTAL FOR BOTH WELLS:		273.8 Acre-Feet		

Table 1: Valley Club Homeowners Wells' Diversion Volumes for 2019.

2019		
Lot # Served Irrigation		
Water Under 37-22252 From		
Valley Club HOA Wells:		
6	53	97
15	54	99
16	56	
17	57	
22	58	
34	61	
36	65	
39	68	
43	78	
46	80	
47	85	
48	88	
49	95	
51	95	
52	96	
TOTAL:	32	

Table 2: Lots Receiving Irrigation Water from water right 37-22252 for 2019.

2019				
Lot # Served Domestic Water Under				
37-8613A & 37-8810 Valley Club HOA Wells:				
2	31	47	66	97
5	32	48	67	98
6	34	49	68	99
7	35	50	70	
9	36	51	77	
10	37	52	78	
13	39	53	80	
15	40	54	83	
16	41	57	85	
17	42	58	88	
22	43	61	92	
26	44	64	95	
29	46	65	96	
TOTAL:		55		

Table 3: Lots Receiving Domestic Water from Valley Club Owners Association Inc.'s Water Rights 37-8613A and 37-8810 during 2019.

In 2019, 273.8 acre-feet (an increase of 6.8 AF over 2018) of water was pumped from the Valley Club HOA wells for domestic and irrigation uses associated with 51 residences. Four residences were under construction during 2019 but are reported as

being served. The reason for the increase in volume pumped when compared with 2018 is unknown.

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 2019 under this right is included in the 273.8 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. If the diversion data from the meter is pro-rated, 3.4 acre feet were diverted. Although the actual diversion volume under 37-21337 is not known, we have assumed the pro-rated value put the total 2019 usage at approximately 1,113,000 gallons, or 3.4 acre feet. Using this value, the estimated Valley Club Owners Association Inc.'s domestic usage would drop to 270.4 acre-feet.

The most recent publicly available aerial image is the 2017 NAIP image. This photo was used to calculate acres irrigated during 2019 under 37-22252. 0.64 acres of irrigation occurred under 37-22252 on a lot owned by The Valley Club Inc. (Lot 97E) in 2019 (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 2018 annual reports. Brockway Engineering has confirmed that less than 28 acres were irrigated within the NWSW of Section 28 during 2019.

On all lots described in Table 2 (except for Lot 56 and 97E), irrigation of 0.21 acres per lot (6.4 acres on 31 lots) is authorized and occurred under 37-8613A during 2019. 1.0 acre of private irrigation is authorized and occurred under water right 37-4F on lot 57. Additionally, 27.5 total acres were irrigated under 37-22252 on the thirty two lots described in Table 2 and on Lot 97E. On one of the lots that has been built on since the 2017 aerial was flown (Lot 47), 1.0 acre of irrigation under 37-22252 was assumed. 34.9 total acres of irrigation occurred on the lots described in Table 2 (including Lot 97E) under 37-22252 and are shown in Figure 3.

Between May 15th and May 31st 2019, 9.1 acre feet were recharged in Dry Lot LLC basins 1 and 2. Between June 1st and June 30th, 31.3 acre feet were infiltrated and between July 1st and July 31st, 17.3 acre feet were infiltrated. Finally, between August 1st and August 10th 2019, 21.7 acre feet were recharged in Dry Lot LLC basins 1 and 2 for a total of 79.4 acre feet recharged in 2019. Both basins were turned off on August 20th 2019.

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 2019, 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 two total lots, 27.5 acres was irrigated under 37-22252, requiring 75.4 acre-feet to be recharged. In 2019, an extra $79.4 - 75.4 = 4.0$ acre-feet were recharged under 37-22313, 37-22318, and 37-22323 and that volume was not diverted under 37-22252.



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



Figure 3: 2019 Irrigated Areas under 37-4F, 37-8613A and 37-22252.

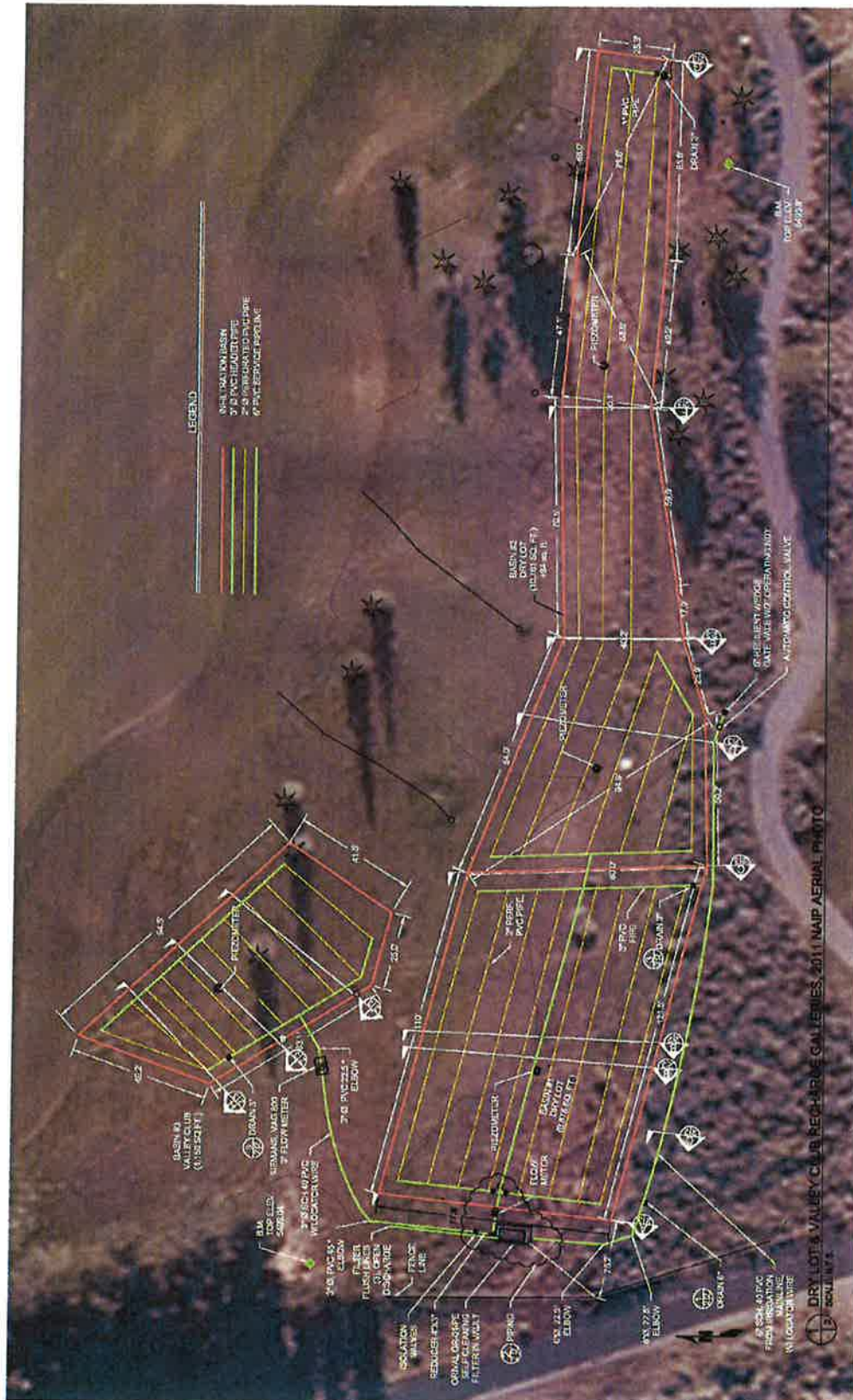
COMPLIANCE SUMMARY

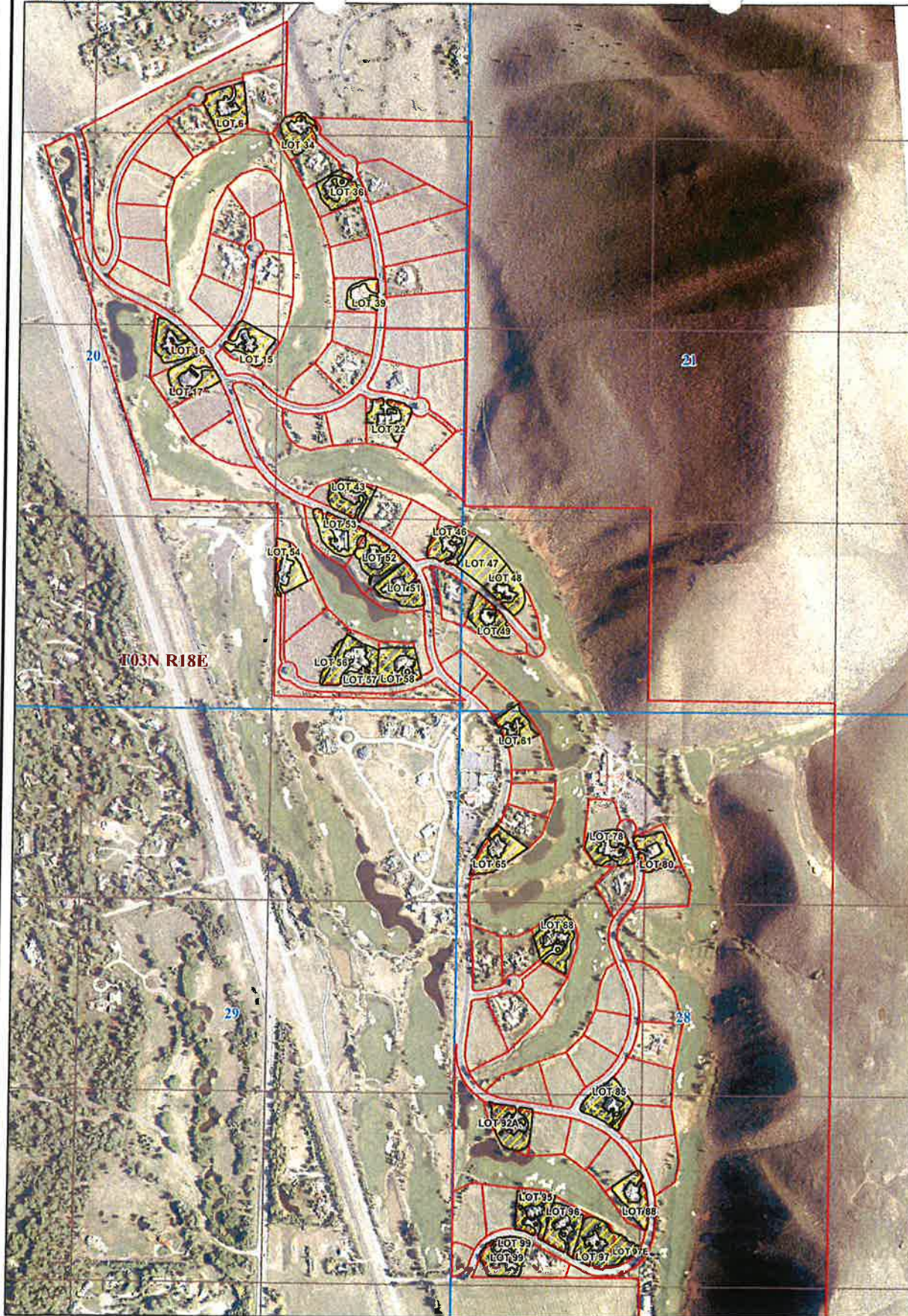
In 2019, fifty-five residences were present within the Valley Club subdivision. 27.5 total acres are authorized to be irrigated under water right 37-22252 and 27.5 acres were irrigated under this water right during 2019. Within the Valley Club subdivision, one half acre per lot are authorized to be irrigated under water right 37-8613A (in conjunction with a domestic use and residence) although only 0.21 acres were irrigated on 31 lots under this right, and 1.0 acre is authorized under private water right 37-4F appurtenant to Lot 57. 79.4 acre-feet of water was infiltrated into the Dry Lot LLC basins in 2019. Irrigation of 27.5 acres under 37-22252 in 2019 required 75.4 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, 27.5 total acres were irrigated under 37-22252, 6.4 acres under water right 37-8613A and 1.0 acre under 37-4F on private lot 57 during 2019.
4. The total diversion volume associated with the irrigation on thirty two lots (irrigation not associated with a domestic or a private irrigation water right) under 37-22252 was 75.4 acre-feet. In 2019, 9.1 acre-feet were recharged before June 1st and 70.3 acre-feet of water was recharged from that date through August 20th in the two Dry Lot LLC Basins, leaving an excess of 4.0 acre-feet infiltrated.
5. The volume recharged in 2019 was adequate under existing Dry Lot LLC water rights 37-22313, 37-22318, and 37-22323 for the irrigation of 27.5 acres as authorized under 37-22252 and all 27.5 were irrigated.
6. In 2019, the total volume pumped from the two Valley Club HOA wells for domestic and irrigation uses within the Valley Club Subdivision and under 37-21337, was 270.4 acre-feet. Usage under 37-21337 was estimated at 3.4 acre-feet.
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.

APPENDIX A: INFILTRATION BASIN FACILITY OVERVIEW





0 250 500 1,000 Feet

DRY LOT LLC
2019 ANNUAL REPORT





0 75 150 300 Feet

DRY LOT LLC

2019 ANNUAL REPORT LOT 97 & 97E IRRIGATION 2017 BLAINE COUNTY AERIAL PHOTO

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 1/13/2020

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



DRY LOT LLC- DAILY RECHARGE VOLUMES

2019 Daily Recharge Volumes Associated with IDWR WR Transfer;

74449, Condition #1.

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

1/3/2020

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-May		Off.	486.2	0.00
2-May		Off.	486.2	0.00
3-May		Off.	486.2	0.00
4-May		Off.	486.2	0.00
5-May		Off.	486.2	0.00
6-May		Off.	486.2	0.00
7-May		Off.	486.2	0.00
8-May		Off.	486.2	0.00
9-May		Off.	486.2	0.00
10-May		Off.	486.2	0.00
11-May		Off.	486.2	0.00
12-May		Off.	486.2	0.00
13-May		Off.	486.2	0.00
14-May		Off.	486.2	0.00
15-May	10:00 AM	599,709.5	486.2	0.00
16-May		599,709.5	486.2	0.00
17-May		599,709.5	486.2	0.00
18-May		599,709.5	486.2	0.00
19-May		599,709.5	486.2	0.00
20-May		599,709.5	486.2	0.00
21-May		599,709.5	486.2	0.00
22-May	4:48 PM	599,755.4	486.2	0.04
23-May	11:38 AM	600,650.6	487.0	0.73
24-May		601,862.8	487.9	0.98
25-May		603,075.0	488.9	0.98
26-May		604,287.3	489.9	0.98
27-May		605,499.5	490.9	0.98
28-May	2:30 PM	606,711.7	491.9	0.98
29-May		608,103.2	493.0	1.13
30-May		609,494.7	494.1	1.13
31-May	4:49 PM	610,886.2	495.3	1.13
*PRE-JUNE TOTALS:		11,176.7	9.1 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Jun		612,193.7	496.3	1.06
2-Jun		613,501.2	497.4	1.06
3-Jun		614,808.7	498.4	1.06
4-Jun		616,116.3	499.5	1.06
5-Jun		617,423.8	500.6	1.06
6-Jun		618,731.3	501.6	1.06
7-Jun	3:50 PM	620,038.8	502.7	1.06
8-Jun		621,316.5	503.7	1.04
9-Jun		622,594.2	504.7	1.04
10-Jun		623,871.9	505.8	1.04
11-Jun		625,149.7	506.8	1.04
12-Jun		626,427.4	507.9	1.04
13-Jun		627,705.1	508.9	1.04
14-Jun		628,982.8	509.9	1.04
15-Jun		630,260.5	511.0	1.04
16-Jun		631,538.2	512.0	1.04
17-Jun		632,816.0	513.0	1.04
18-Jun		634,093.7	514.1	1.04
19-Jun		635,371.4	515.1	1.04
20-Jun	2:17 PM	636,649.1	516.1	1.04
21-Jun		637,945.6	517.2	1.05
22-Jun		639,242.1	518.2	1.05
23-Jun		640,538.5	519.3	1.05
24-Jun		641,835.0	520.3	1.05
25-Jun		643,131.5	521.4	1.05
26-Jun		644,428.0	522.4	1.05
27-Jun		645,724.4	523.5	1.05
28-Jun	1:54 PM	647,020.9	524.5	1.05
29-Jun		648,276.8	525.6	1.02
30-Jun		649,532.7	526.6	1.02
*JUNE TOTALS:		38,646.5	31.3 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Jul		650,788.6	527.6	1.02
2-Jul	4:15 PM	652,044.5	528.6	1.02
3-Jul		652,566.5	529.0	0.42
4-Jul		653,088.5	529.5	0.42
5-Jul		653,610.5	529.9	0.42
6-Jul		654,132.5	530.3	0.42
7-Jul		654,654.5	530.7	0.42
8-Jul		655,176.5	531.2	0.42
9-Jul	11:52 AM	655,698.5	531.6	0.42
10-Jul		656,761.2	532.4	0.86
11-Jul	3:31 PM	657,823.9	533.3	0.86
12-Jul		658,167.9	533.6	0.28
13-Jul		658,511.9	533.9	0.28
14-Jul		658,855.9	534.1	0.28
15-Jul		659,199.8	534.4	0.28
16-Jul		659,543.8	534.7	0.28
17-Jul	4:58 PM	659,887.8	535.0	0.28
18-Jul	2:07 PM	660,643.3	535.6	0.61
19-Jul	2:55 PM	661,726.8	536.5	0.88
20-Jul		662,697.0	537.3	0.79
21-Jul		663,667.2	538.0	0.79
22-Jul		664,637.5	538.8	0.79
23-Jul		665,607.7	539.6	0.79
24-Jul		666,577.9	540.4	0.79
25-Jul	11:22 AM	667,548.1	541.2	0.79
26-Jul		668,101.5	541.6	0.45
27-Jul		668,654.9	542.1	0.45
28-Jul		669,208.3	542.5	0.45
29-Jul		669,761.6	543.0	0.45
30-Jul		670,315.0	543.4	0.45
31-Jul		670,868.4	543.9	0.45
*JULY TOTALS:		21,335.7	17.3 AFA	

Date:	Time:	*Meter Readout (m3):	*Meter Readout (Acre-Feet):	Calculated Daily Volume Infiltrated (Acre-Feet):
1-Aug	4:21 PM	671,421.8	544.3	0.45
2-Aug		672,789.1	545.4	1.11
3-Aug		674,156.4	546.5	1.11
4-Aug		675,523.7	547.7	1.11
5-Aug		676,890.9	548.8	1.11
6-Aug		678,258.2	549.9	1.11
7-Aug		679,625.5	551.0	1.11
8-Aug		680,992.8	552.1	1.11
9-Aug		682,360.1	553.2	1.11
10-Aug		683,727.4	554.3	1.11
11-Aug		685,094.6	555.4	1.11
12-Aug		686,461.9	556.5	1.11
13-Aug	8:43 AM	687,829.2	557.6	1.11
14-Aug		689,316.2	558.8	1.21
15-Aug		690,803.2	560.0	1.21
16-Aug	1:31 PM	692,290.2	561.2	1.21
17-Aug		693,618.1	562.3	1.08
18-Aug		694,946.1	563.4	1.08
19-Aug		696,274.0	564.5	1.08
20-Aug	9:27 AM	697,601.9	565.6	1.08
21-Aug	Basin Turned Off.		0.0	0.00
22-Aug	Off.		0.0	0.00
23-Aug	Off.		0.0	0.00
24-Aug	Off.		0.0	0.00
25-Aug	Off.		0.0	0.00
26-Aug	Off.		0.0	0.00
27-Aug	Off.		0.0	0.00
28-Aug	Off.		0.0	0.00
29-Aug	Off.		0.0	0.00
30-Aug	Off.		0.0	0.00
31-Aug	Off.		0.0	0.00
*AUGUST TOTALS:		26,733.5	21.7 AFA	
*SEASON TOTALS:		97,892.4	79.4 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.