

MEMORANDUM

Date: February 11, 2009
To: Gary Spackman
From: Nick Van Dyke
Re: Dry Lot LLC application amendments; Permit 37-22252 & Transfer 74449

Summary of Changes:

Application for Permit 37-22252 in the name of Dry Lot LLC was originally filed in August of 2007 to cover additional irrigation use for the Valley Club Subdivision in Hailey. Transfer 74449, also in the name of Dry Lot LLC was subsequently filed to mitigate for 37-22252. After discussion/correspondence with IDWR the applications were completed so that:

- **Permit 37-22252** authorizes the irrigation of 0.79cfs/138.6af on 39.6 acres within a 219.2 acre permissible place of use.
- **Transfer 74449** seeks to change the nature of use of a portion of three water rights to recharge, recreation, and aesthetic uses. Total amount of water being transferred is 3.64cfs and 60 acres.

Applications were advertised as described above and protested by the Big Wood Canal Company (BWCC) and Indian Creek Ranches Owners Association (ICROA). On 9/12/08 BWCC withdrew its protest. On 10/16/08 IDWR issued a pre-hearing order indicating the applicant shall submit Brockway's report regarding the Big Wood Ground Water Model and further needed amendments to the application(s). On 2/4/09 the Department received amended applications for Permit 37-22252 and Transfer 74449. The amended applications are summarized as follows:

- **Permit 37-22252** authorizes the irrigation of 0.79cfs/138.6af on 39.6 acres within a 219.2 acre permissible place of use.
- **Transfer 74449** seeks to change the nature of use of a portion of three water rights to recharge. Total amount of water being transferred is 2.39cfs and 39.6 acres.

Permit 37-22252 as amended on 2/4/09 has not changed from how it was advertised. I have confirmed with the applicant's attorney that the permit was resubmitted on 2/4/09 only because the transfer was amended, and no changes were made to the permit

Transfer 74449 has been amended to change the nature of use to recharge only. Total water being transferred has decreased from 3.64cfs on 60 acres to 2.39cfs on 39.6 acres. When transfer was first amended the applicant intended to use the water not committed to recharge for recreation/aesthetic purposes in the subdivision. As amended on 2/4/09 the application does not include this. The narrative submitted with the 2/4/09 amended transfer application indicates Dry Lot will place the remaining portion of the water rights Dry Lot purchased from Old Cutters not committed to recharge (a 20.4 acre block) to the water supply bank.

Another change in the 2/4/09 amendment is Dry Lot's agreement (in response to BWCC's protest) to reduce its diversion rate from the Big Wood River under the purchased rights from Old Cutters by one (1) cfs. Of the 2.39cfs diverted for recharge purposes to the Valley Club, 0.67cfs will instead be left in the river. The remaining 0.33cfs of the agreed upon 1cfs with BWCC will come from the appurtenant rate associated with the 20.4 acre block going to the water supply bank.

Re-advertisement:

The package as amended effectively only lowers the amount of water that will be transferred from the amount that was advertised. There is no change to where the water is being transferred to or from. The permit has not changed from how it was advertised. In this regard it would seem that re-advertisement is not needed.