



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405

RECEIVED

JAN 14 2015

Department of Water Resources  
Eastern Region

Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com

Email: [rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

January 13, 2015

James Cefalo  
Idaho Department of Water Resources  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

**RE:    *Application for Water Right Transfer for Water Right No. 22-13160 in the Name of  
Smith Teton Ranch, LLC.***

Dear James:

Enclosed for processing is a completed *Transfer Application* with the required filing fee which proposes to amend Water Right No. 22-13160 to correct an error in the legal description of the point of diversion for this particular water right. I previously talked to you on the phone about this transfer, and you indicated that this would not be advertised consistent with the Department's current policies for similar transfers to correct clerical errors. If this policy has changed, and the transfer will be advertised, please let me know.

I am providing this transfer to you because we previously discussed it, although I assume that you will assign it to another agent within your office. If you do so, I believe the following background information and documentation is helpful.

First, Water Right No. 22-13160 was amended with Transfer No. 74019 on November 21, 2007. The entire transfer approval is enclosed. On page 11 of the transfer approval, it clearly shows the location of the point of diversion for Water Right No. 22-13160 as being located in Range 46 East of Township 6 North. However, on November 28, 2008 the water right was decreed in the SRBA as being located in Township 6 North, Range 45 East. As we note in the transfer application, there is no Government Lot 1 in Section 32 in Township 6 North, Range 45 East. Additionally, the partial decree states that the point of diversion shown above is where the conveyance system enters Idaho, in Township 6 North, Range 45 East, Section 32 is not on the Idaho-Wyoming border. Range 46 East is. It appears that there was either an error with the NCAP filed with the SRBA court once the transfer was approved, or it was a data entry error when the SRBA court prepared the partial decree. Either way, the water right is delivered through the Killpack diversion, and this transfer will make this water right consistent with the other water rights that are diverted and delivered through the Killpack. The map attached to the transfer application shows the location where the point of diversion enters Idaho. We have reviewed the Department's shape file for points of diversion, and indeed, even the GIS status shows this as the location of the point of diversion for Water Right No. 22-13160.

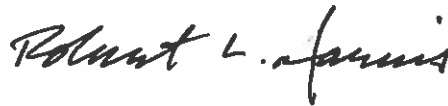
*Established in 1896*

James Cefalo  
Idaho Department of Water Resources  
January 13, 2015  
Page 2 of 2

---

The only change proposed to this water right is to amend the typographical error for the range. The transfer approval should obtain all of the other conditions contained in the prior transfer and partial decree. If you have any questions or concerns, please let me know. We appreciate your attention to this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Robert L. Harris". The signature is written in a cursive style with a large, stylized "R" and "H".

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\CA\H\8232\Correspondence\2015-01-12, Cefalo.docx