

MEMORANDUM

Date: December 3, 2015
To: File nos. 22-42, 22-160, 22-545, 22-616, 22-13144, 22-13148, 22-13160 and 22-7609
From: Michael Holliday
Re: Place of use correction

On November 28, 2008, rights 22-42, 22-160, 22-545, 22-616, 22-13144, 22-13148, and 22-13160 were partially decreed in the SRBA, based on approved transfer 74019. The purpose of the transfer was to create a 1006.9 acre permissible place of use for these rights. The land list on the approved transfer and the subsequent partial decrees included 1.3 acres in lot 4 of section 32, T 6N R 46E, which is owned by Robert Hunter, according to Teton County tax lot data.

I looked through the original Smith Trust adjudication claims and noticed that lot 4 did not appear on any of the claims. I suspected that the Smith Trust never owned land in that parcel, and that the lot was included in the permissible place of use based on an erroneous shape file submitted with the transfer application. I contacted the water right holder's attorney to confirm whether or not the 1.3 acres should have been included in the land list. He sent a letter to our office confirming that the inclusion of the 1.3 acres was indeed an error. He requested that we remove the 1.3 acres in lot 4 from the permissible place of use for these rights. His letter is attached to this memo.

Today I removed the 1.3 acres in lot 4 from the land list for the above listed rights and reduced the total to 1005.6 acres. I also corrected the GIS shape file of the permissible place of use for each of the rights.

A license was issued in 2011 for associated right 22-7609, which fully overlaps the other rights listed above. Right 22-7609 contained a condition limiting the rights to 1006.9 acres. The basis for that acreage was the permissible place of use discussed above. Therefore, I corrected the combined acre limit on right 22-7609 to 1005.6 acres in order to be consistent with the PPU total discussed above.



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Department of Water Resources
Eastern Region

October 21, 2015

Michael Holliday
Eastern Regional Office
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

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

Dear Michael:

Earlier this year, we submitted a transfer application for Water Right No. 22-13160 in order to correct a clerical error on the legal description of the point of diversion for this water right. The range should be 46 E, not 45 E. In the context of that review, you asked about the shapefile for this water right and other water rights stacked with it on 1.3 acres of land within the permissible place of use that is located on property owned by Robert Hunter. You indicated through your discussions with other IDWR personnel that the 1.3 acres could be removed from the permissible place of use if you received a letter confirming that it was in error. This letter is to confirm that the inclusion of 1.3 acres of the Smith Teton Ranch, LLC water rights on the Robert Hunter property was made in error, and we request that you remove it from the permissible place of use of Water Right No. 22-13160 and any other associated water rights owned by Smith Teton Ranch, LLC.

We appreciate your attention to this matter. If you have any questions or concerns, please let me know.

Best Regards,

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