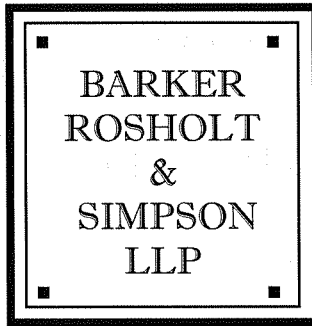


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September 27, 2013

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RECEIVED

SEP 27 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

VIA HAND DELIVERY

Idaho Department of Water Resources
Southern Regional Office
c/o Ms. Darla Block
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

Re: Six S Ranch LLC Proof of Beneficial Use (45-14134 et al.)

Dear Ms. Block:

This firm represents Six S Ranch LLC on various water right matters. We are writing in response to your July 31, 2013 letter to submit the completed proof of beneficial use forms for water right permits 45-14134, 45-14135, 45-14136, and 45-14137. Please find attached the completed forms and fees for the beneficial use exams (total \$1,150).

With respect to the measuring device condition I have a few clarifications. First, the facilities were developed in coordination with Ducks Unlimited and have lockable headgate structures. However, due to practical considerations and cost, the facilities were not developed with permanent measuring devices at either the point of diversion or where water is returned to Marsh Creek. Despite the lack of a permanent measuring device, water can be readily measured at each facility at the headgate structure with either a staff gauge or a flow meter to ensure compliance with the authorized diversion rates.

Six S developed the facilities pursuant to the Idaho Dept. of Fish & Game fish passage requirements, and water measurements can be taken at each point of diversion with a staff gauge or flow meter anytime that IDWR or the Water District 45-F Watermaster needs such information. It is our understanding that the lack of a permanent measuring device has not been a problem since the facilities were developed. Since the water rights are subordinated and are not in priority during summer irrigation season, there has not been a problem with administration. Moreover, Six S fully uses its senior irrigation water rights on Marsh Creek during the summer.

Ms. Darla Block – IDWR
September 27, 2013
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Six S contacted the Watermaster (Don Gunderson) to confirm that the measuring device condition would not be a problem when the facilities were developed. Given the unique location and function of the facilities, it's our understanding that a permanent device would not be required by the water district. I spoke with Shelley Keen about this issue and he should be aware of these intentions.

If you have any questions or need further information, please call me at (208) 733-0700. Otherwise, IDWR can proceed to contact Pat McCammon at (208) 312-4065 to set up a time to perform the field exams. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'TJ2', with a long horizontal stroke extending to the right.

Travis L. Thompson

Enc.

cc: Don Skaggs / Pat McCammon