

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78551**

This is to certify that: SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO, ID 83323

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-14376	WR/DECREED	8/25/1969	3.390 cfs	1656.0 af	451.8	2620.6	GROUND WATER
45-2625	WR/DECREED	9/29/1960	2.390 cfs	880.0 af	220.0	2620.6	GROUND WATER
45-7021	WR/DECREED	12/1/1967	1.550 cfs	624.0 af	156.0	2620.6	GROUND WATER

Purpose of Transfer (Changes Proposed)

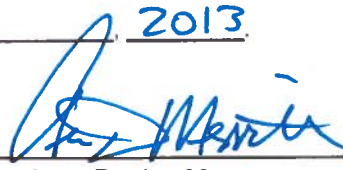
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-14376	NO	NO	NO	YES	NO	NO
45-2625	NO	NO	NO	YES	NO	NO
45-7021	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-14376	45-14376	3.390 cfs	1656.0 af	451.8	2620.6	N/A	N/A	N/A	N/A	N/A
45-2625	45-2625	2.390 cfs	880.0 af	220.0	2620.6	N/A	N/A	N/A	N/A	N/A
45-7021	45-7021	1.550 cfs	624.0 af	156.0	2620.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.330 cfs	3083.2 af	770.8	2620.6		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 22nd day of August, 2013.


Southern Region Manager

SUPPORT DATA

IN FILE # 45-2625

Transfer No. 78551

WATER RIGHT NO. 45-2625**As Modified by Transfer No. 78551**

In accordance with the approval of Transfer No. 78551, Water Right No. 45-2625 is now described as follows:

Right Holder: SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO, ID 83323

Priority Date: 9/29/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.390 cfs	880.0 af
			2.390 cfs	880.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SENW	Sec 34 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENE	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SWNE	Sec 34 Twp 10S Rge 25E	CASSIA County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	21												4.4	20.0	1.2	32.0	40.0	97.6
10S	25E	22									31.0	29.0	40.0	40.0		11.0	28.0	1.4	180.4
10S	25E	27	25.0	40.0	39.0	14.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	3.8	40.0	34.0		504.8
10S	25E	28	40.0	40.0	40.0	40.0	36.0	1.9	1.2	36.0	40.0	33.0	31.0	40.0	40.0	40.0	40.0	40.0	539.1
10S	25E	33	40.0	40.0	40.0	40.0	17.0			27.0	5.3				40.0	29.0		3.0	281.3
10S	25E	34	21.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	8.2	19.0		40.0	40.0	40.0	40.0	567.2
10S	25E	35							13.0			21.0	33.0						67.0
11S	25E	2						36.0	21.0			27.0	20.0						104.0
								L 4											
11S	25E	3	22.0	29.0	20.0	34.0	11.0			9.8	11.0			2.4	40.0	34.0	26.0	40.0	279.2
			L 1	L 2			L 3												

Right Acre Limit: 220.0

POU Total Acres: 2620.6

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 220.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78551

WATER RIGHT NO. 45-2625

As Modified by Transfer No. 78551

CONDITIONS OF APPROVAL

3. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 when combined shall not exceed a total diversion rate of 110.35 cfs and the irrigation of 2115.8 acres.
4. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 are limited to the irrigation of a specific 2115.8 acres within the 2620.6 acre place of use authorized by these rights in a single irrigation season. The specific 2115.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 2115.8 acres to be irrigated within the 2620.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within water districts. At the time of this approval, this water right is within State Water District No. 140 and State Water District No. 45F.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermasters suitable control of the diversions, injection, and rediversions.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-14376

As Modified by Transfer No. 78551

In accordance with the approval of Transfer No. 78551, Water Right No. 45-14376 is now described as follows:

Right Holder: SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO, ID 83323

Priority Date: 8/25/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/01	3.390 cfs 3.390 cfs	1656.0 af 1656.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SENW	Sec 34 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENE	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SWNE	Sec 34 Twp 10S Rge 25E	CASSIA County	(I)

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	21												4.4	20.0	1.2	32.0	40.0	97.6
10S	25E	22									31.0	29.0	40.0	40.0		11.0	28.0	1.4	180.4
10S	25E	27	25.0	40.0	39.0	14.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	3.8	40.0	34.0		504.8
10S	25E	28	40.0	40.0	40.0	40.0	36.0	1.9	1.2	36.0	40.0	33.0	31.0	40.0	40.0	40.0	40.0	40.0	539.1
10S	25E	33	40.0	40.0	40.0	40.0	17.0			27.0	5.3				40.0	29.0		3.0	281.3
10S	25E	34	21.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	8.2	19.0	40.0	40.0	40.0	40.0	567.2
10S	25E	35							13.0			21.0	33.0						67.0
11S	25E	2						36.0	21.0			27.0	20.0						104.0
								L 4											
11S	25E	3	22.0	29.0	20.0	34.0	11.0			9.8	11.0			2.4	40.0	34.0	26.0	40.0	279.2
			L 1	L 2			L 3												

Right Acre Limit: 451.8
POU Total Acres: 2620.6

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- This right is limited to the irrigation of 451.8 acres within the authorized place of use in a single irrigation season.

Transfer No. 78551

WATER RIGHT NO. 45-14376
As Modified by Transfer No. 78551

CONDITIONS OF APPROVAL

3. Rights 45-7021 and 45-14376 when combined shall not exceed a total diversion rate of 4.94 cfs, a total annual maximum diversion volume of 2203.2 af at the field headgate, and the irrigation of 550.8 acres.
4. Rights 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, 45-14132, and 45-14376 when combined shall not exceed the irrigation of 2045.9 acres.
5. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 when combined shall not exceed a total diversion rate of 110.35 cfs and the irrigation of 2115.8 acres.
6. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 are limited to the irrigation of a specific 2115.8.0 acres within the 2620.6 acre place of use authorized by these rights in a single irrigation season. The specific 2115.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 2115.8 acres to be irrigated within the 2620.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 5, 2005.
11. Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within water districts. At the time of this approval, this water right is within State Water District No. 140 and State Water District No. 45F.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermasters suitable control of the diversions, injection, and rediversions.

WATER RIGHT NO. 45-14376
As Modified by Transfer No. 78551

CONDITIONS OF APPROVAL

13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 45-7021**As Modified by Transfer No. 78551**

In accordance with the approval of Transfer No. 78551, Water Right No. 45-7021 is now described as follows:

Right Holder: SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO, ID 83323

Priority Date: 12/1/1967

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/01

Diversion Rate

1.550 cfs

1.550 cfs

Diversion Volume

624.0 af

624.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENWNW	Sec 27 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SENW	Sec 34 Twp 10S Rge 25E	CASSIA County	(R)
GROUND WATER	NENE	Sec 34 Twp 10S Rge 25E	CASSIA County	
GROUND WATER	SWNE	Sec 34 Twp 10S Rge 25E	CASSIA County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	21												4.4	20.0	1.2	32.0	40.0	97.6
10S	25E	22									31.0	29.0	40.0	40.0		11.0	28.0	1.4	180.4
10S	25E	27	25.0	40.0	39.0	14.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	3.8	40.0	34.0		504.8
10S	25E	28	40.0	40.0	40.0	40.0	36.0	1.9	1.2	36.0	40.0	33.0	31.0	40.0	40.0	40.0	40.0	40.0	539.1
10S	25E	33	40.0	40.0	40.0	40.0	17.0			27.0	5.3				40.0	29.0		3.0	281.3
10S	25E	34	21.0	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	8.2	19.0	40.0	40.0	40.0	40.0	567.2
10S	25E	35							13.0			21.0	33.0						67.0
11S	25E	2						36.0	21.0			27.0	20.0						104.0
								L 4											
11S	25E	3	22.0	29.0	20.0	34.0	11.0			9.8	11.0			2.4	40.0	34.0	26.0	40.0	279.2
			L 1	L 2			L 3												

Right Acre Limit: 156.0

POU Total Acres: 2620.6

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 156.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78551

WATER RIGHT NO. 45-7021

As Modified by Transfer No. 78551

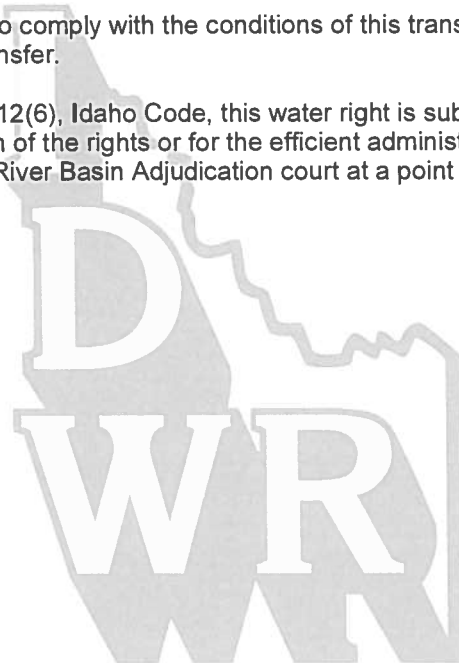
CONDITIONS OF APPROVAL

3. Rights 45-7021 and 45-14376 when combined shall not exceed a total diversion rate of 4.94 cfs, a total annual maximum diversion volume of 2203.2 af at the field headgate, and the irrigation of 550.8 acres.
4. Rights 45-7021 and 7031 when combined shall not exceed a total diversion rate of 12.07 cfs, a total annual maximum diversion volume of 2372.0 af at the field headgate, and the irrigation of 593.0 acres.
5. Rights 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, 45-14132, and 45-7021 when combined shall not exceed the irrigation of 1928.1 acres.
6. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 when combined shall not exceed a total diversion rate of 110.35 cfs and the irrigation of 2115.8 acres.
7. Rights 45-2625, 45-7021, 45-7024, 45-7031, 45-14376, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132 are limited to the irrigation of a specific 2115.8.0 acres within the 2620.6 acre place of use authorized by these rights in a single irrigation season. The specific 2115.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 2115.8 acres to be irrigated within the 2620.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 5, 2005.
12. Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within water districts. At the time of this approval, this water right is within State Water District No. 140 and State Water District No. 45F.

WATER RIGHT NO. 45-7021
As Modified by Transfer No. 78551

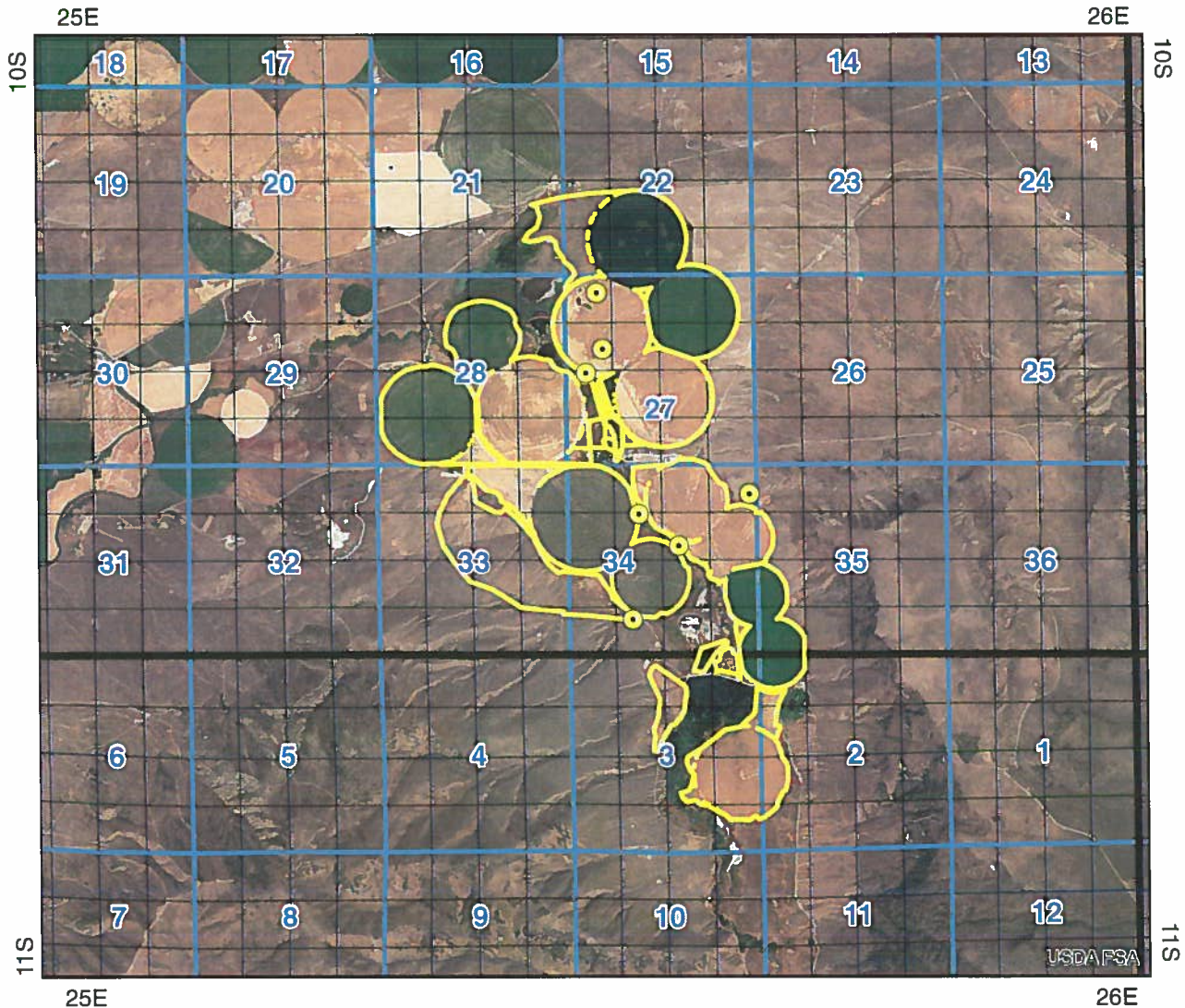
CONDITIONS OF APPROVAL

13. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermasters suitable control of the diversions, injection, and rediversions.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78551
Rights: 45-2625, 45-7021 and 45-14376

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2013

SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO ID 83323

Re: Transfer No: 78551
Water Right No(s): 45-2625, 45-7021, 45-14376

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

cc:

TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PLACE STE 204
TWIN FALLS ID 83301-3029

CERTIFICATE OF SERVICE

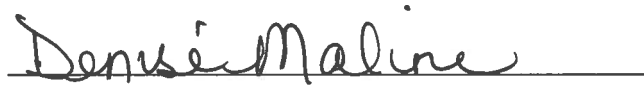
I hereby certify that on August 27, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78551

Water Right No(s): 45-2625, 45-7021, 45-14376

**SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO ID 83323**

**TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PLACE STE 204
TWIN FALLS ID 83301-3029**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2013

DONALD GUNDERSON WATERMASTER
WATER DISTRICT # 45F
1047 E 1000 S
ALBION, ID 83311

Re: **APPROVED** Transfer No. 78551 (Six S Ranch LLC)

Re: **APPROVED** Transfer No. 78482 (City of Albion)

Dear Mr. Gunderson:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2013

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Re: **APPROVED** Transfer No. 78551 (Six S Ranch LLC)

Re: **APPROVED** Transfer No. 78482 (City of Albion)

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure

Merritt, Allen

From: gundy@safelink.net
Sent: Monday, August 19, 2013 2:29 PM
To: Merritt, Allen
Subject: Emailing: 08-19-2013 Six S Transfer No 78551 WR-IDWR
Attachments: 08-19-2013 Six S Transfer No 78551 WR-IDWR.PDF

Hi Allen,

I hope you will accept this PDF File versus mailing in the original document.
If it's not okay let me know.

Hope you and your staff is able to hold up under this drought. I'm burning more fuel just to be able to control what water I have.

Example:

Marsh Creek first right rotation of 1.53 cfs (3.15 normal conditions).

Land Creek 1st time being flushed to support my 2nd & 3rd right 1.60 cfs

Howell Creek being flushed to support my 2nd & 3rd right 2.09 cfs

Therefore, 6S- Ranch 2nd & 3rd Right totals out basically at 5.2 cfs, I have a total of 3.09 cfs today!

I have been wondering what may happen next year if we go into a third year of drought!
If I am the Watermaster next year, would I be able to set a percentage of the water right delivery since we have only surface water or would I end up delivering a full right of what I have available, like this year?

These are some of the questions that are being asked at this time since I had to cut off the majority of the users way back in the 1st part of June.

For Example the Rock Dam Reservoir versus Brim Ditch Lateral. I wrote this up to justify Crop Insurance Claims.

To Whom It May Concern:

I Don Gunderson, Watermaster 45-F is submitting this document for the purpose of indicating that Marsh Creek Water District 45-F as a whole water district is into the second year of drought.

Therefore, due to the criticality of working with live streams the water district does not have a means of storing any water in the upper portion of the Albion Valley. The snows that fell into our water shed did not contain any moisture to speak of during the winter season. We had a couple of snow storms that did contain some moisture, but was late towards spring and temperatures were very low.

I'll use the Brim Ditch Lateral as a perfect example of what has taken place over the last four years and the CFS that was utilized by David Bell, Randy Brakenbury, Jim Kempton and Ina Droz Estate. A full right on this lateral is 6.0 CFS or 300 minor inches where each "User" has a defined allotment of water. Under normal conditions when the water is called it's when the lateral is clear of snow and the water is available by Decreed Date.

I therefore have posted the actual totals during the availability of water. Summit Creek normally runs real good to supplement Howell Creek below keeping the Chatburn Ranch irrigation operating longer and leaving the users above with an extended irrigation, primarily the Brim Ditch Users and the first right on Howell Creek longer before the water is sent on down to fill the 2nd (4/30/1873) and 3rd right (4/30/1874) within the Water Districts system.

The way the creeks all flow, they are all tributaries to Marsh Creek, therefore those individual First Rights on Howell (4/1/1875) and Land Creek (3/1/1875) will eventually give up that right due to their Decreed Date's and Marsh Creek 1st right being 4/1/1873.

Total water delivered on Brim Ditch Users:

A)	2010	279.64 CFS	(May into Jul)
B)	2011	476.56 CFS	(May into Aug)
C)	2012	234.42 CFS	(Apr into Jun)
D)	2013	219.40 CFS	(Apr into Jun)

Rock Dam 6S-Upper Res Slip (18 ft width)

Jun 27 th had 20.82CFS Elev:4498'.0300"
Jun 27 th had 91.80CFS Elev: 4498'.1100"
Jun 26 th had 1.94 CFS Elev: 4497'.0975"
Jun 27 th had 0.00 CFS Elev: 4495'.0300"

(Cooler weather and No water District wise)

Note: I utilized the Rock Dam Reservoir elevation to give you an overall MCWD45F picture as to what storage of water at a specific time that would indicate where the water district stood. The slip elevation at the flat level is 4497'.0000"..... Water leaving the reservoir over the Slip is at 4498'0000". The current elevation of Rock Dam Reservoir on 8/12/2013 is 4492'.0752". As of 8/19/2013 at 09:15 hr's I recorded the elevation at 4492'.0640". (storage at 3.09 cfs). The CFS is a 24hr reading of a Minor Inch versus a regular inch.

❖ Any questions please contact me by phone 312-5359 or.

Thank you,

Don G. Gunderson

Don G. Gunderson, Watermaster

gundy@safelink.net

Your message is ready to be sent with the following file or link attachments:

08-19-2013 Six S Transfer No 78551 WR-IDWR

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

AUG 19 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Via E-mail

Transfer Application No.: 78551

Water Right No(s): 45-2625, 45-7021, 45-14376

Transfer Applicant's Name: SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO, ID 83323

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional comments:

*This transfer was basically approved
previously dealing with a previous diversion.*

Dated this 19 day of August, 2013

Water District No. 45-F



Watermaster's Signature

Donald G. Gunderson

Printed Name

RECEIVED

AUG 09 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 1st day of August, 2013 and ending with the issue dated 8th day of August, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 8th day of August, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Norma DeVoe

Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires:

3/7/19

✓ OK DM
8-21-2013



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78551**

✓
SIX S RANCH LLC, 1354 E SIX S RANCH RD, DECLO, ID 83323; has filed Application No. 78551 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14376, 45-2625, 45-7021. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a new point of diversion consisting of a new well for three groundwater rights that currently allow for the diversion of up to 7.33 cfs for irrigation of up to 770.8 acres within a 2,620.6 acre permissible place of use on property located approximately 4.0 - 6.25 miles east and 1.5 miles north - 2.0 miles south of Declo. The new well will be located approximately 6.0 miles east and 0.1 mile south of Declo. The application proposes allowing for the pumping of water from the new well and injecting it into Marsh Creek and then rediverting water from two existing diversions located downstream on Marsh Creek for irrigation of the property.

✓
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78721**

MIRACLE MILE LLC, 4799B RIVER RD, BUHL, ID 83316; has filed Application No. 78721 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7689. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a portion (0.013 cfs and 6.7 afa) of a low temperature geothermal heating and recreation ground water right from a parcel located 8.9 miles south and 2.7 miles east of Hagerman to an existing well and a new place of use approximately 0.6 miles east of the original point of diversion. The new place of use and point of diversion are located approximately 8.8 miles south and 3.6 miles east of the intersection of Main St. and Hwy 30 in Hagerman.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 19, 2013. The protestant must also send a copy of the protest to the applicant.

PUBLISH: August 1 and 8, 2013

✓ OK DM 8/21/2013

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Tuesday, August 06, 2013 10:39 AM
To: Maline, Denise
Subject: Re: Comment Letter for Transfer # 78551

Hi Denise,

I have reviewed transfer 78551. I have no objection or comments to the transfer.

Thank you.

Brian

From: [Maline, Denise](#)
Sent: Thursday, July 25, 2013 4:28 PM
To: [Brian Higgs](#)
Subject: Comment Letter for Transfer # 78551

Dear Brian,

Attached please find a cover letter, recommendation form, and copy of Transfer No. 78551 in the name of Six S Ranch. Please review the attached information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

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