

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78301

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

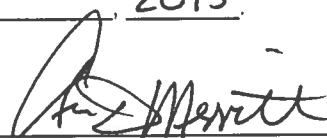
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-14376	45-14376	3.390 cfs	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 February, 2013.

SUPPORT DATA

IN FILE # 45-2625


Southern Regional Manager

Transfer No. 78301

WATER RIGHT NO. 45-14376**As Modified by Transfer No. 78301**

In accordance with the approval of Transfer No. 78301, 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	1656.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E CASSIA County	
GROUND WATER	NENWNW	Sec 27 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	(Injection)
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	SENW	Sec 34 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NENWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)

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

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 78301

WATER RIGHT NO. 45-14376

As Modified by Transfer No. 78301

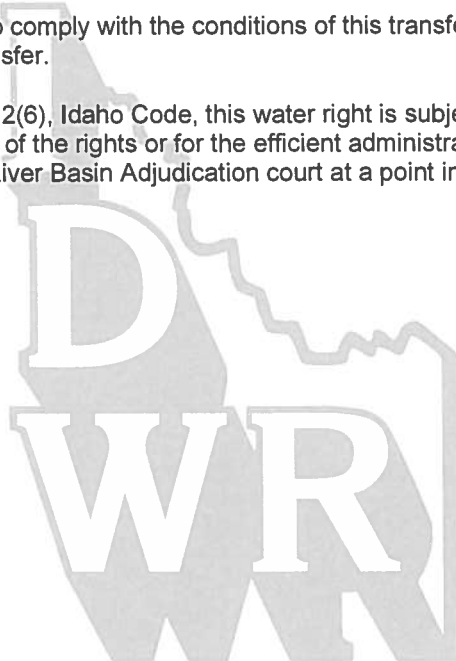
CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 451.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 45-14376
As Modified by Transfer No. 78301

CONDITIONS OF APPROVAL

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.
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. 45-2625**As Modified by Transfer No. 78301**

In accordance with the approval of Transfer No. 78301, 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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	(Injection)
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	SENE	Sec 34 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NENWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)

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													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: 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. 78301

WATER RIGHT NO. 45-2625

As Modified by Transfer No. 78301

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 2115.80 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. 45-7021**As Modified by Transfer No. 78301**

In accordance with the approval of Transfer No. 78301, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/01	1.550 cfs	624.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 34 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SESWNW	Sec 27 Twp 10S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	
GROUND WATER	SENE	Sec 3 Twp 11S Rge 25E CASSIA County	(Injection)
GROUND WATER	NWNWSW	Sec 27 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	SENE	Sec 34 Twp 10S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)
GROUND WATER	L2 (NENWNE)	Sec 3 Twp 11S Rge 25E CASSIA County	(Rediversion)

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													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. 78301

WATER RIGHT NO. 45-7021

As Modified by Transfer No. 78301

CONDITIONS OF APPROVAL

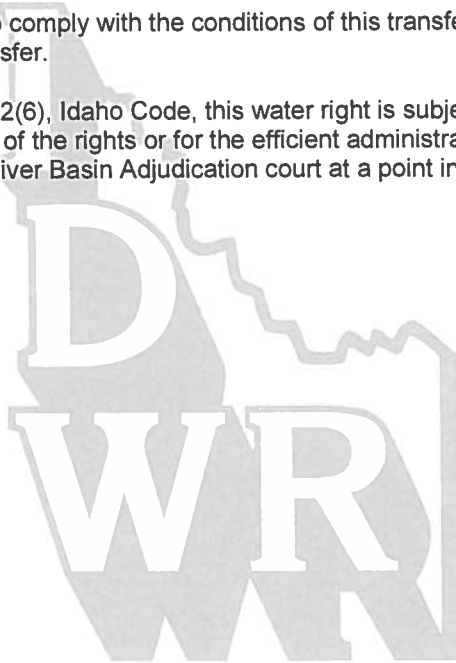
3. Rights 45-7021 and 45-14376 when combined shall not exceed a total diversion rate of 4.94 cfs, a total annual maximum diversion volume of 2203.2 af at the field headgate, and the irrigation of 550.8 acres.
4. Rights 45-7021 and 7031 when combined shall not exceed a total diversion rate of 12.07 cfs, 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 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. 78301

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.

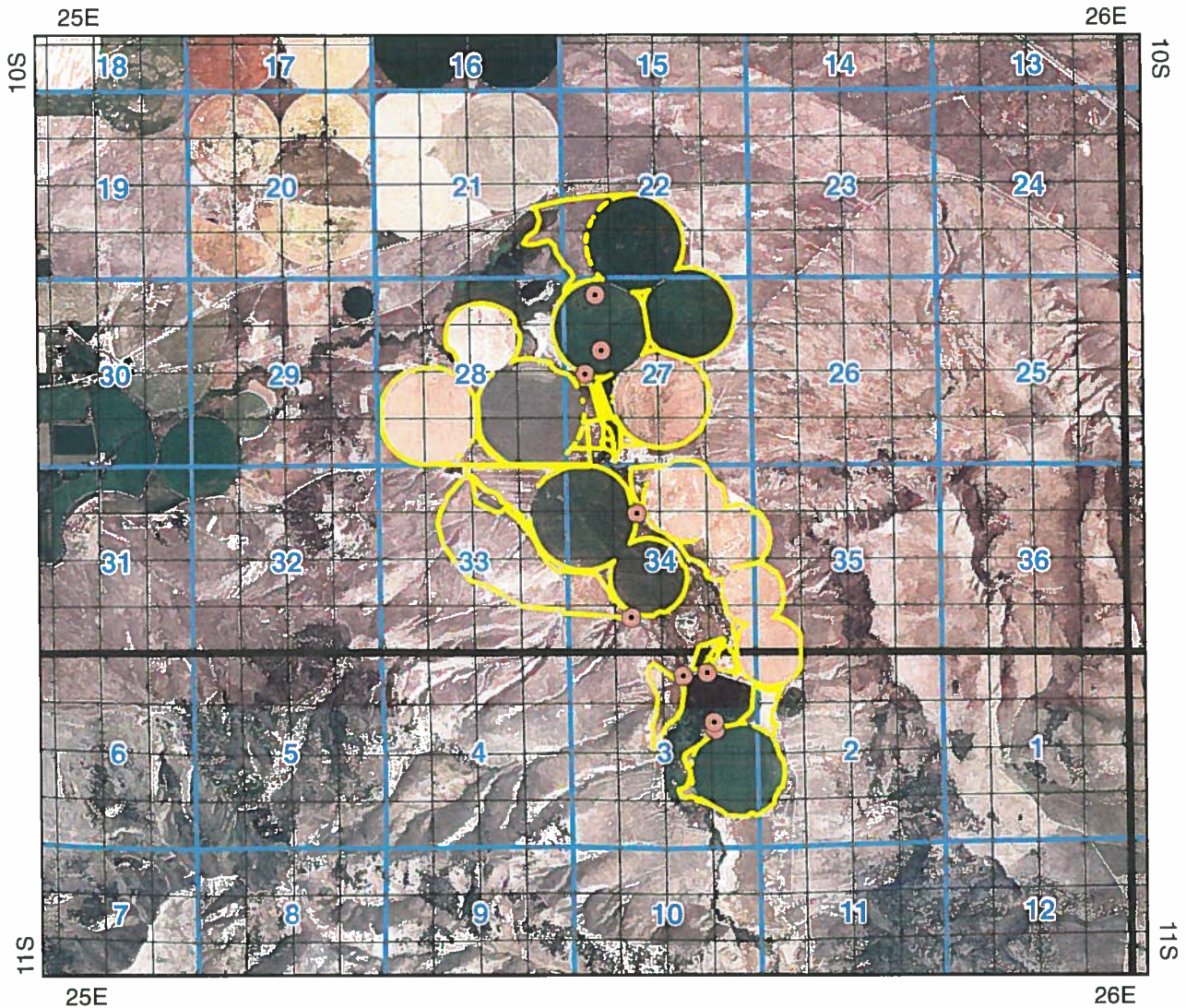


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78301

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.



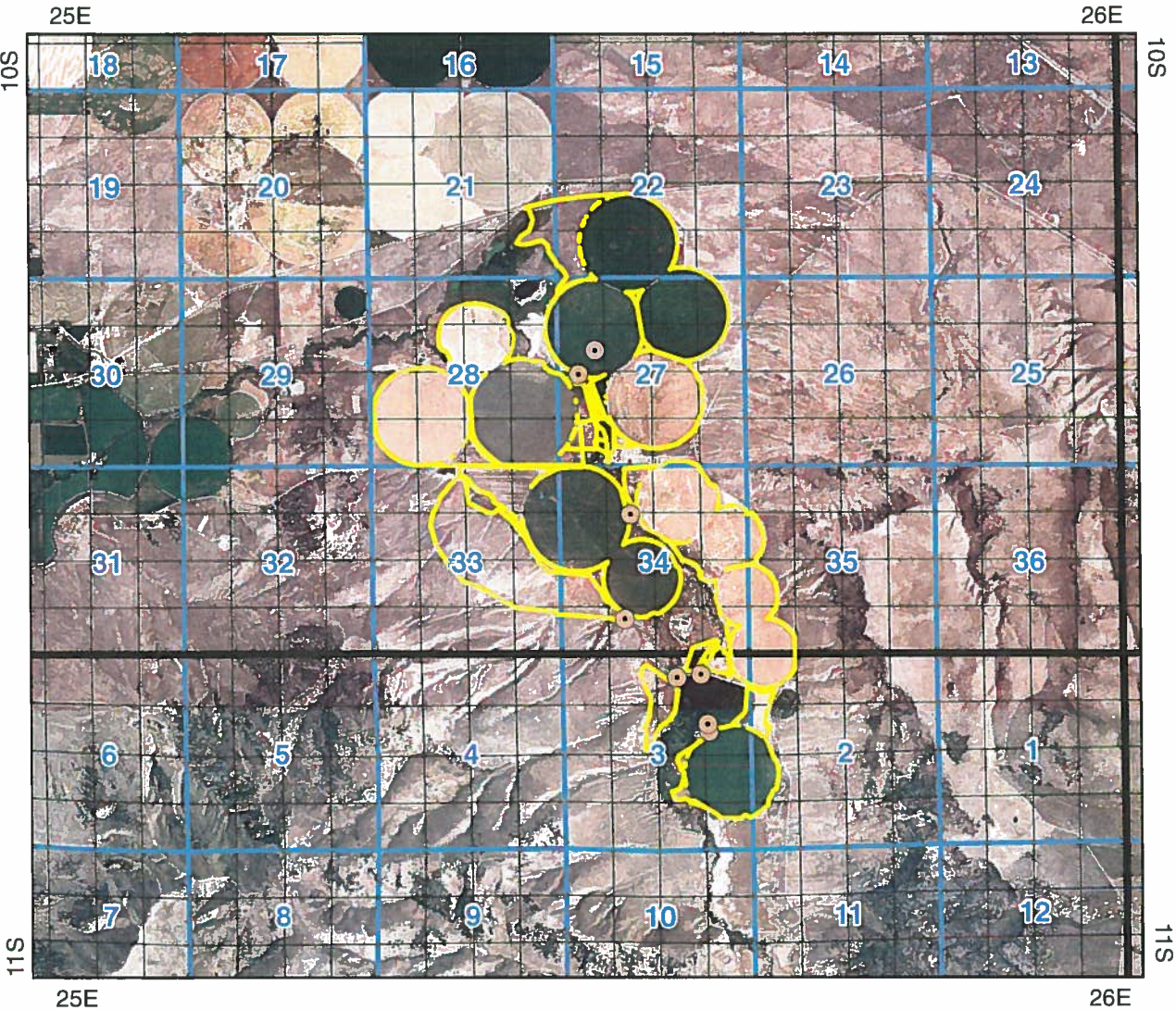
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78301
45-2625 and 45-7021

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





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

February 22, 2013

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

Re: Transfer No: 78301
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 fluid and cursive, with the first name "Allen" and last name "Merritt" clearly distinguishable.

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

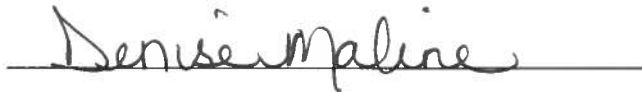
I hereby certify that on February 22, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78301

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

February 22, 2013

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

Re: **APPROVED** Transfer No. 78301 (Six S Ranch LLC)

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,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure



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

February 22, 2013

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

Re: **APPROVED Transfer No. 78301 (Six S Ranch LLC)**

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,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

Skinner, Corey

From: gundy@safelink.net
Sent: Friday, February 08, 2013 9:30 AM
To: Skinner, Corey
Subject: Re: Water master comments for Transfer

Corey,

Sorry I missed your call was attending the WD-140 Annual water meeting. In reviewing the 78301 Transfer Notice for the Six S Ranch, I have no problem with it. They currently have additional ground water rights that have been intermingled and I have been able to track the disbursing of the water. Using the existing diversions downstream, I can approve the transfer. Thank you,

Don G. Gunderson, Watermaster
Marsh Creek Water District 45-F
gundy@safelink.net

From: Skinner, Corey
Sent: Thursday, February 07, 2013 2:37 PM
To: gundy@safelink.net
Subject: Water master comments for Transfer

Don,

Attached is a recently filed transfer for Six S Ranch. You may have noticed the legal notice in the newspaper the last couple of weeks. The transfer basically proposes adding a new well as an authorized diversion point for three of Six S Ranch's groundwater rights. The new well will be located just east of their lower reservoir (Dewey Reservoir). They are proposing pumping groundwater from the new well, injecting it into Marsh Creek (the lower reservoir) and then rediverting it from existing diversions on Marsh Creek, downstream (north) of the reservoir. We solicited comments from Brian Higgs the Water District 140 water master because it was modifying groundwater rights. Mr. Higgs had no objections to the proposal. Allen thought we should probably run the proposal by you for your comments since they will be conveying the water through Marsh Creek and rediverting it from Marsh Creek.

Anyways, if you could review the application and e-mail me back with any comments or concerns you have it would be appreciated. Let me know if you have any questions.

Thanks,

Corey Skinner

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

RECEIVED
JAN 25 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 17th day of January, 2013 and ending with the issue dated 24th day of January, 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

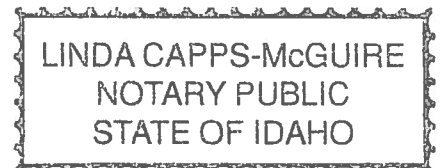
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 24th day of January, 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.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



all ✓ ok
DM 2/5/2013

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-16962

MONTY B MONTGOMERY

JENNIE L MONTGOMERY

3581 S 1425 E

WENDELL, ID 83355

Point of Diversion SWSW S34 T08S R14E GOODING County

Source WASTE WATER Tributary SNAKE RIVER

Use: IRRIGATION 03/15 to 11/15 1.32 CFS

Total Diversion: 1.32 CFS

Date Filed: 12/3/2012

Place Of Use: IRRIGATION

T08S R14E S33 SESE

T08S R14E S34 SWSW

Total Acres: 66

Application for permit proposes to divert up to 1.32 cfs of waste water for the irrigation of 66 acres, located approximately 6.3 miles south and 5.4 miles west of the city of Wendell. The applicant proposes to mitigate the surface water use by non use of ground water when surface water is available. No new acres are proposed.

~~45-14428~~

CORY KING

VICKY KING

317 W 659 S

HEYBURN, ID 83336

Point of Diversion L8(NESE) S26 T10S R23E MINIDOKA County

Source GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.08 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: HEATING 01/01 to 12/31 0.08 CFS

Total Diversion: 0.12 CFS

Date Filed: 1/4/2013

Place Of Use: HEATING, COOLING & DOMESTIC

T10S R23E S26 L8(NESE)

Application for Permit 45-14428, filed in the name of Corey and Vicky King, seeks to appropriate 0.12 cfs of ground water for heating, cooling, and domestic use. After using water for heating and cooling, waste water will be discharged to the Snake River. The proposed place of use and point of diversion are located approximately 2 miles east and 2.5 miles south of the City of Heyburn.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78301

SIX S RANCH LLC, 1354 E SIX S RANCH RD, DECLO, ID 83323 has filed Application No. 78301 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 to be drilled 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 5.75 miles east and 1.4 miles 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 up to four existing diversions located downstream on Marsh Creek for irrigation of the property.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 February 4, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: January 17 and 24, 2013

all:
✓ OK DM 2/5/2013

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Friday, January 11, 2013 11:04 AM
To: Maline, Denise
Subject: Re: Comment Letter for Transfer 78301

Hi Denise.

I do not have any concerns or comments with transfer 78301.

Thank you.

Brian

From: Maline, Denise
Sent: Thursday, January 10, 2013 3:37 PM
To: Brian Higgs
Subject: Comment Letter for Transfer 78301

Mr. Higgs,

Attached is a cover letter & recommendation form; along with a copy of an Application for Transfer currently being processed by the department. Please review the attached information and provide any necessary comments, within the next 21 days.

Please feel free to contact our office if you have any questions regarding this information.

Thank you in advance,

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

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.2890 / Virus Database: 2637/6025 - Release Date: 01/11/13