

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. **45-13852**

Priority: September 08, 2004

Maximum Diversion Rate: 30.00 CFS
Maximum Diversion Volume: 13,249.8 AF

It is hereby certified that SIX S RANCH LLC
1354 E SIX S RANCH RD
DECLO ID 83323 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 08, 2004; and has
submitted Proof of Beneficial Use on February 03, 2009. An examination indicates that the works have
a diversion capacity of 30 cfs of water from:

SOURCE

MARSH CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WATER QUALITY IMPROVEMENT	01/01 to 12/31	30.00 CFS	13,249.8 AF
WILDLIFE	01/01 to 12/31	30.00 CFS	13,249.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MARSH CREEK SE1/4SE1/4NW1/4 Sec. 22, Twp 11S, Rge 25E, B.M.
CASSIA County

PLACE OF USE: WATER QUALITY
IMPROVEMENT

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	25E	22			X				X										

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	25E	22			X				X										

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45F.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-13852

2. 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 watermaster suitable control of the diversion(s).
3. The rate of diversion for wildlife and water quality improvement purposes authorized by this permit shall be junior and subordinate to all rights to the use of water, other than wildlife and water quality improvement purposes, within the State of Idaho that are initiated later in time than September 8, 2004 and shall not give rise to any right or claim against future rights to the use of water, other than wildlife and water quality improvement purposes, within the State of Idaho initiated later in time than September 8, 2004.
4. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.
5. In the event native salmonids are re-established in the Marsh Creek watershed, the right holder, after IDFG confirms the presence of salmonids, shall improve or modify the existing weir structure located just below the point of diversion authorized by this right to provide fish passage in Marsh Creek.
6. In the event native salmonids are re-established in the Marsh Creek watershed, the Director retains jurisdiction to require a bypass flow for fish passage and maintenance of fish and aquatic habitat. Bypass flows will be based upon fish habitat requirements and the natural hydrograph in Marsh Creek as determined by a study conducted by the right holder.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of June, 2011.

FOR



GARY SPACKMAN
Interim Director



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 45-13852

RECEIVED
JUN 06 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: September 08, 2004

Maximum Diversion Rate: 30.00 CFS

Maximum Diversion Volume: 13,249.8 AF

Comes now **SIX S RANCH LLC**

1354 E SIX S RANCH RD

DECLO ID 83323

and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 45-13852, and requests that the permit be changed as follows:

Source: MARSH CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WATER QUALITY IMPROVEMENT	01/01 to 12/31	30.00 CFS	13,249.8 AF
WILDLIFE	01/01 to 12/31	30.00 CFS	13,249.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MARSH CREEK

SE1/4SE1/4NW1/4

Sec. 22, Twp 11S, Rge 25E, B.M.

CASSIA County

PLACE OF USE: WATER QUALITY IMPROVEMENT

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	22			X					X									

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	22			X					X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 6 day of June, 2011


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-13852

FOR DEPARTMENT USE ONLY

Preliminary check by AS Fee = \$50.00 Receipted by AS # S031954 Date 6/6/2011

ACTION OF THE DEPARTMENT OF WATER RESOURCES

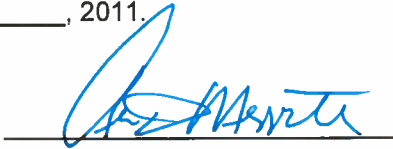
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 45-13852 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45F.
2. 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 watermaster suitable control of the diversion(s).
3. The rate of diversion for wildlife and water quality improvement purposes authorized by this permit shall be junior and subordinate to all rights to the use of water, other than wildlife and water quality improvement purposes, within the State of Idaho that are initiated later in time than September 8, 2004 and shall not give rise to any right or claim against future rights to the use of water, other than wildlife and water quality improvement purposes, within the State of Idaho initiated later in time than September 8, 2004.
4. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.
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6. In the event native salmonids are re-established in the Marsh Creek watershed, the Director retains jurisdiction to require a bypass flow for fish passage and maintenance of fish and aquatic habitat. Bypass flows will be based upon fish habitat requirements and the natural hydrograph in Marsh Creek as determined by a study conducted by the applicant.

Witness my hand this 28th day of June, 2011.

FOR


GARY SPACKMAN
Interim Director