

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 45-13852

Priority: September 8, 2004

Maximum Diversion Rate: 30.00 CFS

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

has applied for a permit to appropriate water from:

Source: MARSH CREEK**Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
WATER QUALITY IMPROVEMENT	01/01 to 12/31	30.00 CFS
WILDLIFE	01/01 to 12/31	30.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

MARSH CREEK SE¼NW¼ Sec. 22, Twp 11S, Rge 25E, B.M. CASSIA County

PLACE OF USE: WATER QUALITY IMPROVEMENT and 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									

CONDITIONS OF APPROVAL

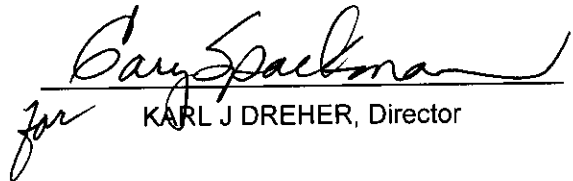
1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2009**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. 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.
5. 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.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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CONDITIONS OF APPROVAL CONTINUED

7. 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.
8. 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.
9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of February, 2006.


for KARL J DREHER, Director

RECORDED