

Keen, Shelley

From: Travis Thompson [tlt@idahowaters.com]
Sent: Friday, February 17, 2006 1:24 PM
To: Keen, Shelley
Cc: McDonald, Mike
Subject: Stipulation re: Six S Ranch Permit

Shelley,

Please find attached the stipulation executed by myself and Dave Parrish (IDFG) re: conditions #8 and #9 for application for permit no. 45-13852. As mentioned on the phone, we are hopeful we can get this permit issued as soon as possible so Six S can begin to operate the sediment catchment basins during the winter and early spring months (when it's needed the most). Please let me know if you have any questions or if you need the original sent to you.

Thanks and have a good weekend.

Travis

2/17/2006

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Attorneys for Six S Ranch LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 45-13852	)	STIPULATION REGARDING
(in the name of Six S Ranch LLC)	)	CONDITIONS
	)	
_____	)	

SIX S RANCH LLC (hereinafter "Six S Ranch"), by and through their attorneys of record, BARKER ROSHOLT & SIMPSON LLP, and the IDAHO DEPARTMENT OF FISH & GAME ("IDFG") hereby jointly file this *Stipulation Regarding Conditions* for the approval of the above-numbered application for permit filed by Six S Ranch on September 8, 2004. This stipulation covers conditions #8 and #9 which were the subject of Six S Ranch's *Petition for Reconsideration* filed on November 30, 2005.

NEW CONDITIONS #8 AND #9

Representatives of Six S Ranch (Pat McCammon and Travis Thompson) and IDFG (Mike McDonald) met on February 9, 2006 on-site to review the operations of the new sediment catchment basins; the structures subject to the above-numbered application for permit. After reviewing the proposed operations and discussing the needs for fish passage and habitat in Marsh Creek if native salmonids are re-established, Six S Ranch and IDFG propose the following

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conditions for inclusion on application for permit no. 45-13852, to replace the prior conditions #8 and #9 included on IDWR's original approval of the permit:

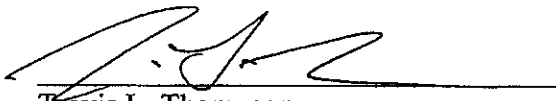
8. **In the event native salmonids are re-established in the Marsh Creek watershed, the applicant, after IDFG confirms the presence of salmonids, shall improve or modify the existing weir structure located just below the point of diversion authorized by this permit to provide fish passage in Marsh Creek.**
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.**

REQUESTS FOR RELIEF

1. Six S Ranch requests inclusion of the two conditions listed above, as stipulated to below by IDFG, on IDWR's approval of application for permit no. 45-13852.
2. Six S Ranch requests expedited consideration of this stipulation to ensure that Six S Ranch can operate the sediment catchment basins as soon as possible to improve water quality from high water events in Marsh Creek that could occur at any time.

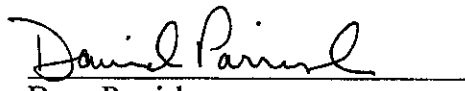
DATED this 15TH day of February 2006.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for Six S Ranch LLC

IDAHO DEPARTMENT OF FISH
& GAME


Dave Parrish

Magic Valley Regional Office