

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 45-13897

Priority: March 28, 2005

Maximum Diversion Volume: 105.0 AF

This is to certify, that SIX S RANCH LLC
1352 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>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	105.0 AF

LOCATION OF POINT OF DIVERSION:

MARSH CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp 11S, Rge 25E, B.M., CASSIA County

PLACE OF USE: WILDLIFE STORAGE

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	15														X	X	X	
11S	25E	22		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2006**.
2. Subject to all prior water rights.
3. The storage use under this right shall be mitigated during the 2005 irrigation season by reducing the amount of irrigation allowed by rights 45-257, 45-261, 45-262, 45-267, 45-268, 45-269, 45-270, 45-281, 45-282, 45-298, 45-527, and 45-13503 by 38.6 acres specifically described as 22.0 acres within the NENE, 2.6 acres within the NWNE, 11.5 acres within the SENE, and 2.5 acres within the NESE of Section 15, Township 11 South, Range 25 East.
4. If the reservoir elevation at the diversion described above (Point of Rock Dam) drops below gauge height 4489.0 feet (105 acre-feet of storage) the right holder shall not fill the reservoir to a storage volume of more than 253 acre-feet (gage height = 4494.8 ft), as authorized under right 45-257, unless the combined storage at Point of Rock Dam and Dewey Dam (located in the Northeast $\frac{1}{4}$ of Section 3, Township 11 South, Range 25 East) does not exceed 478 acre-feet, which is the total volume authorized for storage in the two reservoirs under right 45-257, or the Department approves a mitigation plan allowing for the storage of water under this right.
5. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
6. 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.

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7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
8. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
9. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of June, 2005.


KARL J DREHER, Director