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Department of Water Resources
Southern Region

Page 1

Ident. No. 45- 13897

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: SIX S RANCH LLC
PO BOX 1760
EAGLE ID 83616
(208) 854-0414

2. Source: MARSH CREEK Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

MARSH CREEK	SESWSE	Sec. 15	Twp 11S Rge 25E CASSIA County
MARSH CREEK	NESWSE	Sec. 15	Twp 11S Rge 25E CASSIA County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01	to 12/31		105.0 AF

5. Total quantity to be appropriated is: 105.0 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EARTHEN DAM

b. Height of storage dam _____ 23 _____ feet;
Active reservoir capacity _____ 253 _____ acre-feet;
Total reservoir capacity _____ 358 _____ acre-feet;.

c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

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8.

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																	
11S 25E 22		X												X	X	X	

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks: SEE ATTACHED MITIGATION PLAN

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

May A. Aragg
Applicant
Managing member 65 Ranch LLC.

Received by C. SKINNER Date 3/28/2005 Time pm Preliminary check by C. SKINNER

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. 5027510

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Date: 3/29/2005

Received by: C. SKINNER

Six-S Ranch LLC Proposed Mitigation Plan
For Application for Permit No. 45-_____

Six-S Ranch LLC previously proposed the construction of an additional reservoir facility ("Point of Rocks Reservoir") on its property by its application for Transfer No. 70463, filed with the Department in July 2003. In that application, Six-S Ranch proposed to change the point of diversion and place of use for part of water right no. 45-257 (478 acre-feet irrigation storage right). Specifically, Six-S Ranch transferred 253 acre-feet from the existing reservoir to the Point of Rocks Reservoir, leaving 225 acre-feet remaining at the existing reservoir. The Department approved Transfer No. 70463 on December 15, 2003. Thereafter, Six-S Ranch commenced construction on the Point of Rocks dam and reservoir facility. Construction on the Point of Rock Reservoir was completed in the fall of 2004, and after the reservoir began filling it became apparent that the dam design was in error. The reservoir volume, at a usable water elevation for the accompanying fish ladder and irrigation canal, is approximately 358 acre-feet, or 105 acre-feet over the transferred irrigation storage right (253 acre-feet).

Accordingly, Six-S Ranch is filing the present application to cover the proposed use of the initial 105 acre-feet of fill in the reservoir. This storage space is "inactive storage" that cannot be diverted by the existing irrigation works or passed through the dam's fish ladder. Therefore, once the reservoir fills, the "inactive storage" water will remain in the reservoir for "wildlife" purposes and will constitute a "non-consumptive" use. To mitigate for the consumptive use associated with the initial fill of the reservoir, or the 105 acre-feet of "inactive" or "wildlife" storage, Six-S Ranch proposes to dry up thirty eight and six tenths (38.6) acres under the following surface water rights out of Marsh Creek for the 2005 irrigation season: (45-257, 45-262, 45-267, 45-268, 45-269, 45-270, 45-281, 45-282, 45-298, 45-527, 45-261, and 45-3503). The acres that will not be irrigated to mitigate for this application are identified as follows: (NENE 22.0), (NWNE 2.6), (SENE 11.5), and (NESE 2.5) of Section 15, Township 11 South, Range 25 East, Cassia County. The acres are highlighted (yellow) in general location on the attached quadrangle map, as is the proposed place of use, or location of the reservoir (blue). Exhibit A. Evidence of the historical consumptive irrigation requirements for the proposed mitigation acres is provided through the affidavit of John Matthews. Exhibit B.

Six-S Ranch does not propose to lower the reservoir below 105 acre-feet in the future. However, should the need arise to drain the reservoir for emergency or other purposes, Six-S Ranch will mitigate for any future refill of the initial 105 acre-feet of "inactive" or "wildlife" storage. Should additional mitigation ever be required in the future, Six S Ranch will again dry up thirty-eight and six tenths (38.6) acres that will be identified at that time.

The Point of Rocks facility on the Six-S Ranch is part of an overall water quality and wildlife habitat enhancement program for the lower Marsh Creek watershed. Six-S Ranch plans to submit additional applications to accomplish the construction of wetland facilities located between the two reservoirs, along with a sediment catchment basin facility located above the Point of Rocks reservoir. In addition to the new water quality improvement facilities, Six-S Ranch is also planning on enhancing the riparian habitat along Marsh Creek. The finished project will ensure continued efficient irrigation operations as well as provide for unique and valuable fish, wildlife, and waterfowl habitat in the Lower Marsh Creek watershed.

EXHIBIT “A”

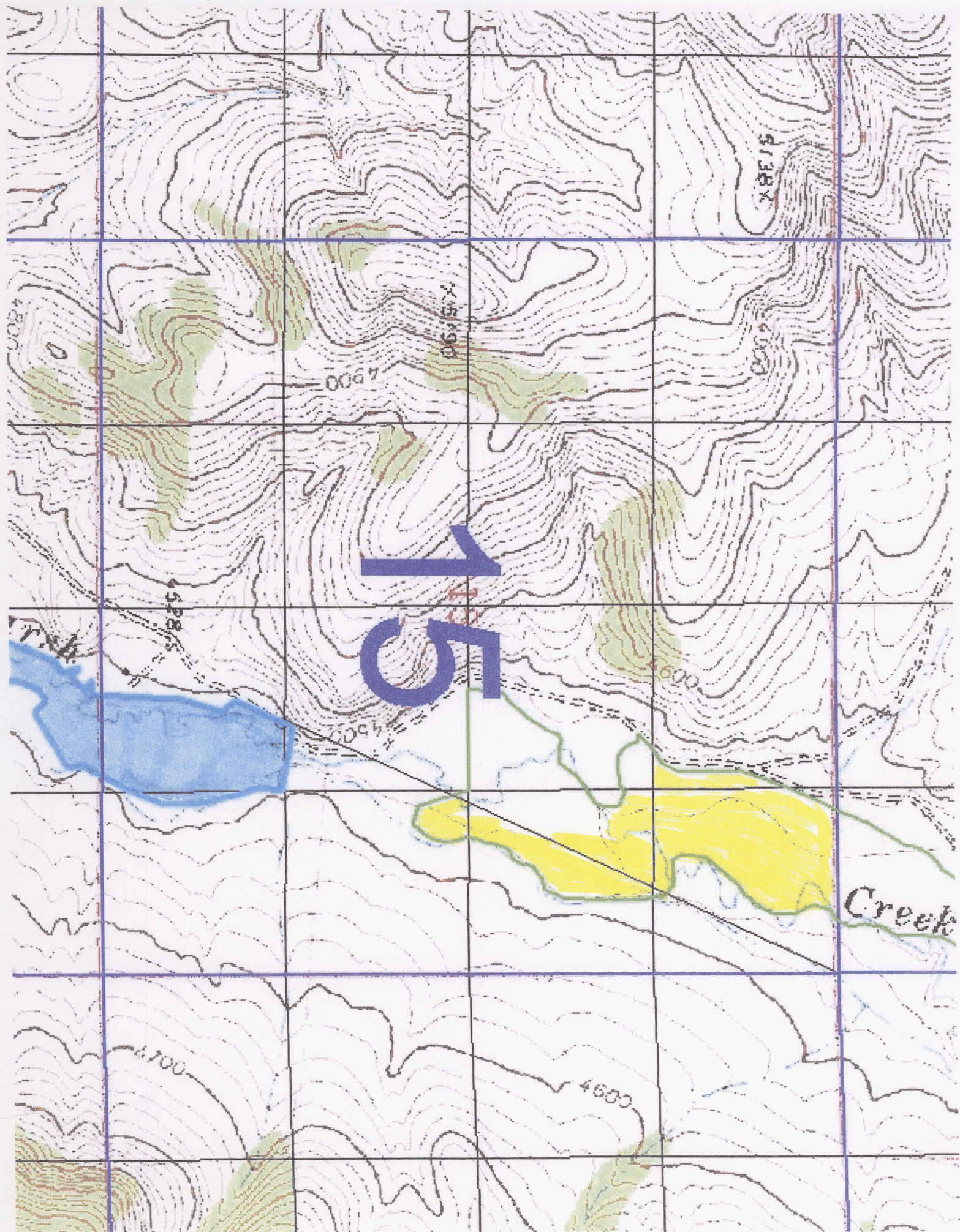


EXHIBIT “B”

Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
Twin Falls, Idaho 83301-6167
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Applicant Six-S Ranch LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

In the Matter of Application for Permit)
No. _____)
)
_____)

AFFIDAVIT OF JOHN MATTHEWS

STATE OF IDAHO)
) ss.
County of Cassia)

COMES NOW, John Matthews, being first duly sworn upon oath, and states as follows:

1. I am over the age of eighteen and make the following statements based upon my personal knowledge.
2. I currently reside at 898 G Canal Road in Declo, Idaho.
3. I am familiar with the property known as the Six-S Ranch, the "Main Place" located approximately 6 miles northeast of Albion.
4. My parents owned the property that was once known as the "Bridger Ranch", which is located on the upper half of the Six-S Ranch "Main Place." My parents owned the "Bridger Ranch" until they sold the property to L.S. Skaggs in April 1968. During the time my family owned the "Bridger Ranch" I remember that my father ran cattle and grew hay on the property.

AFFIDAVIT OF JOHN MATTHEWS

5. During the time my father owned the "Bridger Ranch", the lower half of the Six-S Ranch "Main Place" was owned by E. Lee & Ervine L. Dewey. The property was known as the "Dewey Ranch." I remember that the Deweys raised cattle and grew various crops including hay and pasture on the "Dewey Ranch."

6. It is my recollection that my father and Mr. Dewey irrigated hay and pasture in the following areas (general legal description) with water out of Marsh Creek during the time we owned the "Bridger Ranch." The specific number of acres for each 40-acre tract is listed on the Ranch's various surface water rights out of Marsh Creek.

Section 28: (Township 10 South, Range 25 East, Cassia County)

NENW	SENW	NWSW	NESW
SEWSW	SESW		

Section 27: (Township 10 South, Range 25 East, Cassia County)

NWNE	SENE	NWSE	SWSE
------	------	------	------

Section 33: (Township 10 South, Range 25 East, Cassia County)

NWNE	NENE	SENE	NESE
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Section 34: (Township 10 South, Range 25 East, Cassia County)

NWNW	NENW	SWNW	SENW
NWSW	NESW	SESW	SESW
SWNE	NWSE	SWSE	SENE

Section 2: (Township 11 South, Range 25 East, Cassia County)

SWNW	NWNW	NWSW	SWSW
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Section 3: (Township 11 South, Range 25 East, Cassia County)

NWNE	NENE	SWNE	SENE
NWSE	NESE	SWSE	SESE

Section 10: (Township 11 South, Range 25 East, Cassia County)

NWNE NENE SENE NESE
SESE

Section 11: (Township 11 South, Range 25 East, Cassia County)

NWNW SWNW NWSW SWSW

Section 15: (Township 11 South, Range 25 East, Cassia County)

NWNE	NENE	SWNE	SESE
NWSE	NESE		

7. I am familiar with the general areas listed in the above legal descriptions, both from my time being on the “Bridger Ranch” when I was younger and from the time I spent working on the Six-S Ranch between 1993 and 1999.

DATED this 25th day of March, 2005.

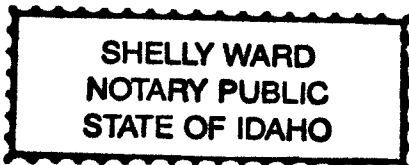
STATE OF IDAHO

County of Cassia

) SS.

On this 25th day of March, 2005, before me, a Notary Public for said County and State, personally appeared John Matthews, known or identified to me, to be the person whose name is subscribed to the within instrument, and who acknowledged and swore to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC FOR IDAHO

Residing at:

My commission expires: