

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84615**

This is to certify that: **MICHAEL W VAUGHAN AND
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-13812	WR/DECREED	9/14/1962	2.760 cfs	680.1 af	194.3	321.3	GROUND WATER
29-14003	WR/DECREED	7/15/1987	1.000 cfs	N/A	76.0	156.0	CHERRY CREEK
29-2178	WR/DECREED	4/13/1914	0.670 cfs	N/A	40.0	83.0	ASPEN CREEK, SPRING
29-2325C	WR/DECREED	12/2/1952	0.520 cfs	91.0 af	24.0	26.0	GROUND WATER
29-348A	WR/DECREED	11/13/1888	1.000 cfs	N/A	40.0	156.0	CHERRY CREEK
29-348B	WR/DECREED	11/13/1888	0.680 cfs	N/A	34.0	114.0	CHERRY CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-348G	WR/DECREED	11/13/1888	1.800 cfs	N/A	80.0	114.0	CHERRY CREEK
29-14002	WR/DECREED	7/15/1987	1.300 cfs	N/A	65.0	145.0	CHERRY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-13812	YES	YES	YES	NO	NO	NO
29-14003	NO	NO	YES	NO	NO	NO
29-2178	NO	NO	YES	NO	NO	NO
29-2325C	NO	YES	NO	NO	NO	NO
29-348A	NO	NO	YES	NO	NO	NO
29-348B	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-13812	29-14356	0.240 cfs	59.5 af	17.0	156.0	29-13812	2.520 cfs	620.6 af	177.3	304.3
29-14003	29-14003	1.000 cfs	N/A	76.0	156.0	N/A	N/A	N/A	N/A	N/A
29-2178	29-2178	0.670 cfs	N/A	40.0	156.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 84615

**Support Data
In File # 29-348A**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84615

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-2325C	29-2325C	0.520 cfs	91.0 af	N/A	26.0	N/A	N/A	N/A	N/A	N/A
29-348A	29-348A	1.000 cfs	N/A	40.0	156.0	N/A	N/A	N/A	N/A	N/A
29-348B	29-348B	0.680 cfs	N/A	34.0	156.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.110 cfs	N/A	N/A	182.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of August, 2021.


Regional Manager

Transfer No. 84615

Support Data
In File # 29-348A

WATER RIGHT NO. 29-2325C
As Modified by Transfer No. 84615

In accordance with the approval of Transfer No. 84615, Water Right No. 29-2325C is now described as follows:

Right Holder: SHELLEY VAUGHAN
 MICHAEL W VAUGHAN
 26500 S OLD MALAD HWY
 DOWNEY, ID 83234-1708

Priority Date: 12/2/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.520 cfs 0.520 cfs	91.0 af 91.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 5 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5									5.0			8.0		9.0	4.0		26.0

POU Total Acres: 26.0

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 84615

WATER RIGHT NO. 29-2325C
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 29-2178**As Modified by Transfer No. 84615**

In accordance with the approval of Transfer No. 84615, Water Right No. 29-2178 is now described as follows:

Right Holder: SHELLEY VAUGHAN AND
MICHAEL W VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 4/13/1914

Source: SPRING
Source: ASPEN CREEK

Tributary: MARSH CREEK
Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION
STOCKWATER

From **To**
04/01 to 10/31
01/01 to 12/31

Diversion Rate

0.670 cfs
0.020 cfs
0.670 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING	NENW	Sec 8	Twp 12S Rge 37E	BANNOCK County
ASPEN CREEK	NESESW	Sec 8	Twp 12S Rge 37E	BANNOCK County
ASPEN CREEK	SESESW	Sec 8	Twp 12S Rge 37E	BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5												2.0			0.5		2.5
12S	37E	8		1.0			31.0			20.0	17.0			18.0					87.0
12S	37E	17					1.5	27.0	38.0										66.5

Right Acre Limit: 40.0
POU Total Acres: 156.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 29-348A, 29-348B, 29-2178, 29-14003, and 29-14356 when combined shall not exceed a total diversion rate of 2.59 cfs and the irrigation of 156.0 acres.
3. Use of water under this right may 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. 29H.

Transfer No. 84615

WATER RIGHT NO. 29-2178
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

4. 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).
5. Stockwater use is for 30 range cattle.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN JENSEN, GERALDINE B MCNEE, DONNA RAE VAUGHAN DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS HARTVIGSEN FAMILY TRUST, AND DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF RICHARD N HARTVIGSEN FILED OF RECORD IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-348A

As Modified by Transfer No. 84615

In accordance with the approval of Transfer No. 84615, Water Right No. 29-348A is now described as follows:

Right Holder: MICHAEL W VAUGHAN AND
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 11/13/1888

Source: CHERRY CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 to **To** 10/31

Diversion Rate
1.000 cfs
1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

CHERRY CREEK NWSWNE Sec 29 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5												2.0			0.5		2.5
12S	37E	8		1.0			31.0			20.0	17.0			18.0					87.0
12S	37E	17					1.5	27.0	38.0										66.5

Right Acre Limit: 40.0
POU Total Acres: 156.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 29-348A and 29-14003 when combined shall not exceed a total diversion rate of 1.00 cfs.
3. Rights 29-348A, 29-348B, 29-2178, 29-14003, and 29-14356 when combined shall not exceed a total diversion rate of 2.59 cfs and the irrigation of 156.0 acres.
4. Use of water under this right may 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. 29G.
5. 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).

Transfer No. 84615

WATER RIGHT NO. 29-348A
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

6. Right No. 29-14003 is an enlargement of this right pursuant to Idaho Code § 42-1426.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. During times of scarcity, the right holder shall not divert more than 1/12th of the total stream flow of Cherry Creek under this right at the point(s) of diversion described on the right.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-13812**As Modified by Transfer No. 84615**

In accordance with the approval of Transfer No. 84615, Water Right No. 29-13812 is now described as follows:

Right Holder: MICHAEL W VAUGHAN AND
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 9/14/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	2.520 cfs	620.6 af
			2.520 cfs	620.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 7	Twp 11S Rge 37E	BANNOCK County
GROUND WATER	SESW	Sec 7	Twp 11S Rge 37E	BANNOCK County
GROUND WATER	SESESW	Sec 7	Twp 11S Rge 37E	BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	7					36.0			39.0	36.0			36.0					147.0
11S	37E	18		10.0			39.0			40.0	34.5			33.8					157.3

Right Acre Limit: 177.3

POU Total Acres: 304.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 177.3 acres within the authorized place of use described above in a single irrigation season.
2. Rights 29-2366, 29-13812 and 29-10077 when combined shall not exceed a total diversion rate of 4.92 cfs, a total annual maximum diversion volume of 1065.1 af at the field headgate, and the irrigation of 304.3 acres.
3. Diversion of water from the additional well(s) authorized under Transfer 79156 located in SESESW, Sec. 7, T11S, R37E shall not exceed a total combined maximum diversion rate of 2.90 cfs
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 84615

WATER RIGHT NO. 29-13812
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Right No. 29-10077 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. The following rights are diverted through point(s) of diversion described above: 29-2366, 29-13812, 29-10077
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-14356**As Modified by Transfer No. 84615**

In accordance with the approval of Transfer No. 84615, Water Right No. 29-14356 is now described as follows:

Right Holder: MICHAEL W VAUGHAN AND
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 9/14/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.240 cfs	59.5 af
			0.240 cfs	59.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 5 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5												2.0			0.5		2.5
12S	37E	8		1.0			31.0			20.0	17.0			18.0					87.0
12S	37E	17					1.5	27.0	38.0										66.5

Right Acre Limit: 17.0
POU Total Acres: 156.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.0 acres within the authorized place of use described above in a single irrigation season.
2. This right is limited to the irrigation of a specific 17 acres within the 156 acre place of use authorized by this right in a single irrigation season. The specific 17 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 17 acres to be irrigated within the 156 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 29-348A, 29-348B, 29-2178, 29-14003, and 29-14356 when combined shall not exceed a total diversion rate of 2.59 cfs and the irrigation of 156.0 acres.

Transfer No. 84615

WATER RIGHT NO. 29-14356

As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-348B
As Modified by Transfer No. 84615

In accordance with the approval of Transfer No. 84615, Water Right No. 29-348B is now described as follows:

Right Holder: SHELLEY VAUGHAN AND
 MICHAEL W VAUGHAN
 26500 S OLD MALAD HWY
 DOWNEY, ID 83234-1708

Priority Date: 11/13/1888

Source: CHERRY CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 0.680 cfs
 0.680 cfs

LOCATION OF POINT(S) OF DIVERSION

CHERRY CREEK NWSWNE Sec 29 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5												2.0			0.5		2.5
12S	37E	8		1.0			31.0			20.0	17.0			18.0					87.0
12S	37E	17					1.5	27.0	38.0										66.5

Right Acre Limit: 34.0
 POU Total Acres: 156.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2. Rights 29-348A, 29-348B, 29-2178, 29-14003, and 29-14356 when combined shall not exceed a total diversion rate of 2.59 cfs and the irrigation of 156.0 acres.
3. During times of scarcity, the right holder shall not divert more than 1/12th of the total stream flow of Cherry Creek under this right at the point(s) of diversion described on the right.
4. Use of water under this right may 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. 29G.

Transfer No. 84615

WATER RIGHT NO. 29-348B
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

5. 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).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-14003**As Modified by Transfer No. 84615**

In accordance with the approval of Transfer No. 84615, Water Right No. 29-14003 is now described as follows:

Right Holder: MICHAEL W VAUGHAN AND
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 7/15/1987

Source: CHERRY CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
1.000 cfs
1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

CHERRY CREEK

SWNE

Sec 29 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	5												2.0			0.5		2.5
12S	37E	8		1.0			31.0			20.0	17.0			18.0					87.0
12S	37E	17					1.5	27.0	38.0										66.5

Right Acre Limit: 76.0

POU Total Acres: 156.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 76 acres within the place of use described for this right.
2. Rights 29-348A and 29-14003 when combined shall not exceed a total diversion rate of 1.00 cfs.
3. Rights 29-348A, 29-348B, 29-2178, 29-14003, and 29-14356 when combined shall not exceed a total diversion rate of 2.59 cfs and the irrigation of 156.0 acres.
4. This right is based upon an enlargement of Right No. 29-348A pursuant to Section 42-1426, Idaho Code.
5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Transfer No. 84615

WATER RIGHT NO. 29-14003
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

6. Use of water under this right may 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. 29G.
7. 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).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-348G

As Modified by Transfer No. 84615

In accordance with the approval of Transfer No. 84615, Water Right No. 29-348G is now described as follows:

Right Holder: SHELLEY VAUGHAN AND
MICHAEL W VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 11/13/1888

Source: CHERRY CREEK **Tributary:** MARSH CREEK

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 04/01 to 10/31 1,800 cfs
1,800 cfs

LOCATION OF POINT(S) OF DIVERSION

CHERRY CREEK SENWNE Sec 32 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	18														37.0	39.0	38.0	114.0

Right Acre Limit: 80.0
POU Total Acres: 114.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
2. Rights 29-348G and 29-14002 when combined shall not exceed a total diversion rate of 1.80 cfs and the irrigation of 145 acres.
3. During times of scarcity, the right holder shall not divert more than 1/6th of the total stream flow of Cherry Creek under this right at the point(s) of diversion described on the right.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84615

WATER RIGHT NO. 29-348G
As Modified by Transfer No. 84615

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-14002

As Modified by Transfer No. 84615

In accordance with the approval of Transfer No. 84615, Water Right No. 29-14002 is now described as follows:

Right Holder: SHELLEY VAUGHAN AND
MICHAEL W VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

Priority Date: 7/15/1987

Source: CHERRY CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 to **To** 10/31

Diversion Rate
1,300 cfs
1,300 cfs

LOCATION OF POINT(S) OF DIVERSION

CHERRY CREEK NWNE Sec 32 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	18													25.0	40.0	40.0	40.0	145.0

Right Acre Limit: 65.0
POU Total Acres: 145.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 65 acres within the place of use described for this right.
2. Rights 29-348G and 29-14002 when combined shall not exceed a total diversion rate of 1.80 cfs and the irrigation of 145 acres.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. This right is based upon an enlargement of Right No. 29-348G pursuant to Section 42-1426, Idaho Code.
5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Transfer No. 84615

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/16/2021

Water Right 29-2366 (After Transfer 84615)

Owner Type **Name and Address**
Current Owner MICHAEL W VAUGHAN
 26500 S OLD MALAD HWY
 DOWNEY, ID 83234-1708

Current Owner SHELLEY VAUGHAN
 26500 S OLD MALAD HWY
 DOWNEY, ID 83234-1708

Priority Date: 5/26/1955

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.400 CFS	420.0 AF
	<u>Total Diversion</u>		2.400 CFS	420.0 AF

Source and Point(s) of Diversion

GROUND WATER	SESESW	Sec. 7, Twp 11S, Rge 37E,	BANNOCK County
GROUND WATER	SENW	Sec. 7, Twp 11S, Rge 37E,	BANNOCK County
GROUND WATER	SESW	Sec. 7, Twp 11S, Rge 37E,	BANNOCK County

Place of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	7					36.0			39.0	36.0			36.0					147.0
11S	37E	18		10.0			39.0			40.0	34.5			33.8					157.3

Right Acre Limit: 120.0

POU Total Acres: 304.3

Conditions of Approval:

1. 186 Diversion of water from the additional well(s) authorized under Transfer 79156 located in SESESW, Sec. 7, T11S, R37E shall not exceed a total combined maximum diversion rate of 2.90 cfs.
2. X27 This right is limited to the irrigation of 120 acres within the authorized place of use described above in a single irrigation season.
3. X35 Rights 29-2366, 29-13812 and 29-10077 when combined shall not exceed a total diversion rate of 4.92 cfs, a total annual maximum diversion volume of 1065.1 af at the field headgate, and the irrigation of 304.3 acres.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/16/2021

5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. K01 Right No. 29-10077 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. F06 The following rights are diverted through point(s) of diversion described above:
29-2366, 29-13812, 29-10077
9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

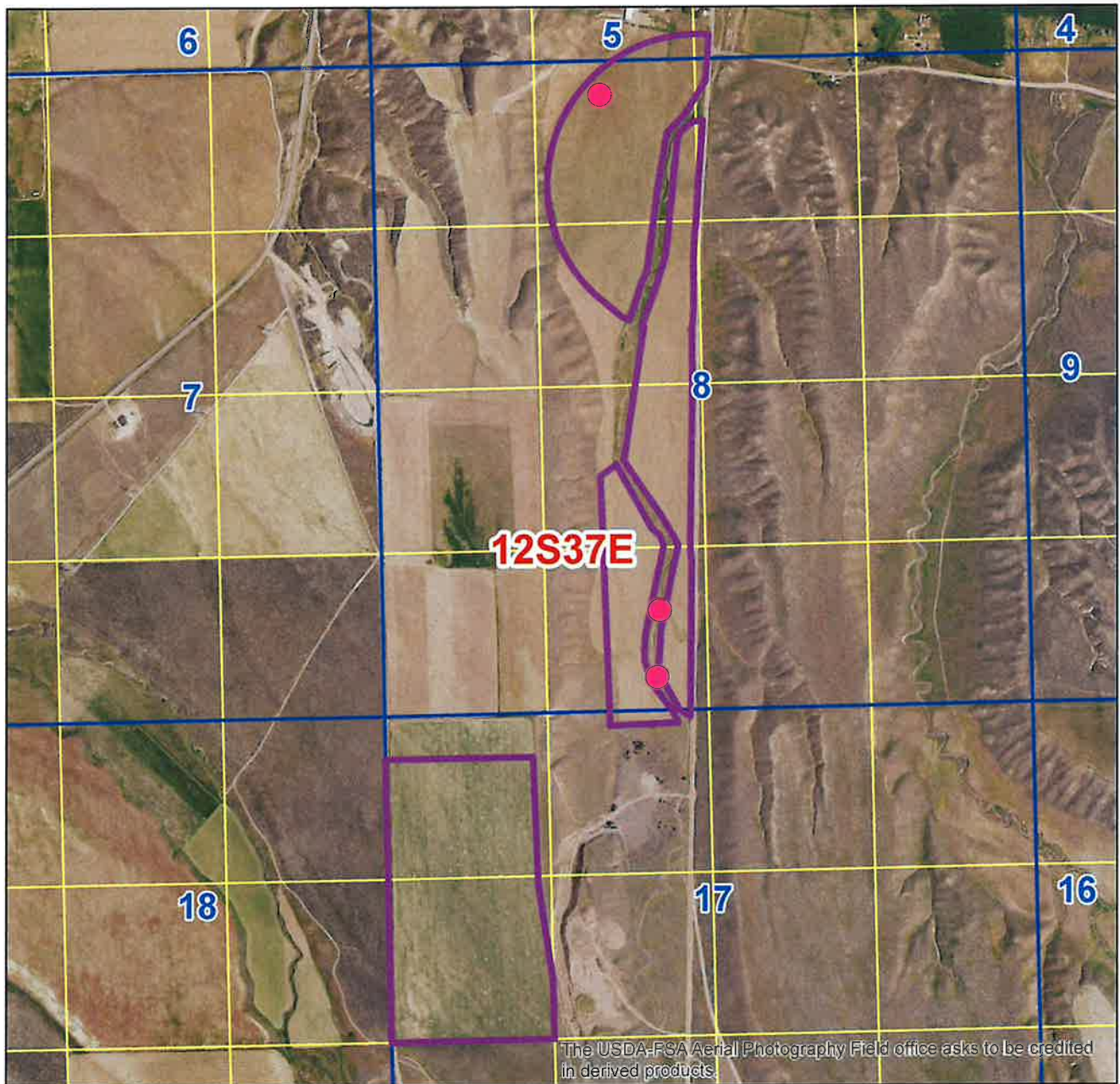
IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/16/2021

- information to the Department.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 7. K02 This right is based upon an enlargement of Right No. 29-2366, 29-13812 pursuant to Section 42-1426, Idaho Code.
 8. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
 9. F06 The following rights are diverted through point(s) of diversion described above:
29-2366, 29-13812, 29-10077
 10. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Attachment to Transfer Approval 84615

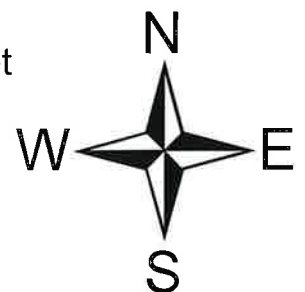
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet



Date: 8/20/2021



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 20, 2021

MICHAEL W VAUGHAN
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY ID 83234-1708

Re: Transfer No: 84615

Water Right No(s): 29-348A , 29-348B , 29-348G , 29-2178, 29-2325C , 29-13812, 29-14002, 29-14003

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

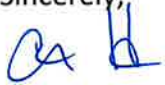
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

IDAHO AG CREDIT PCA

PO BOX 985

BLACKFOOT ID 83221-0985

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84615
Water Right No(s): 29-348A , 29-348B , 29-348G , 29-2178, 29-2325C , 29-13812, 29-14002, 29-14003

MICHAEL W VAUGHAN
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY ID 83234-1708

IDAHO AG CREDIT PCA
PO BOX 985
BLACKFOOT ID 83221-0985



Christina Henman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.