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MAY 29 2018

Department of Water Resources
Eastern Region

Dear Director Spackman:

The following water rights on Cherry Creek share the same priority date (November 13, 1888). Except for a few stockwater rights held by the federal government in the upper drainage, the November 13, 1888 priority constitutes the senior-most priority on Cherry Creek.

Water Right	Rate	Acres	Water Use List	Current Owner
29-348A	1.000	40.0	IRRIGATION	VAUGHAN, MICHAEL W; VAUGHAN, SHELLEY
29-348B	0.680	34.0	IRRIGATION	VAUGHAN, MICHAEL W; VAUGHAN, SHELLEY
29-348D	1.920	86.0	IRRIGATION, STOCKWATER	NIELSEN FARMLAND LLC
29-348E	2.400	110.0	IRRIGATION, STOCKWATER	NIELSEN, MARCIA; NIELSEN, REX
29-348F	1.200	51.0	IRRIGATION	BLOXHAM, DAVID R.
29-348G	1.800	80.0	IRRIGATION	VAUGHAN, MICHAEL W; VAUGHAN, SHELLEY
29-10385	1.200	60.0	IRRIGATION	MC NEE, GERALDINE B
29-13968	1.430	64.4	IRRIGATION, STOCKWATER	NIELSEN FARMLAND LLC
29-13969	0.570	25.6	IRRIGATION, STOCKWATER	CHERRY CREEK TREES LLC

In 1983, the owners of these water rights (or their predecessors in interest) entered into a Water Owner's Agreement ("Agreement"), describing how the water in Cherry Creek should be divided between the senior right holders during times of scarcity. The water rights on Cherry Creek were decreed without any reference to the Agreement. In spite of this omission, the water users on Cherry Creek have continued to adhere to the terms of the Agreement.

As current owners of the senior water rights, we would like a condition added to our water rights memorializing the Agreement. Because the addition of such conditions constitutes a further restriction or limitation on the water rights, we do not feel that a formal transfer is needed to add the conditions to the water rights. We request that conditions be added to the water rights as follows:

Water Right 29-348A Michael and Shelley Vaughan 1/12th of Stream 9/108
During times of scarcity, the right holder shall not divert more than 1/12th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-348B Michael and Shelley Vaughan 1/12th of Stream 9/108
During times of scarcity, the right holder shall not divert more than 1/12th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-348D Nielsen Farmland LLC 1/9th of Stream 12/108
During times of scarcity, the right holder shall not divert more than 1/9th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-348E Rex and Marcia Nielsen 1/9th of Stream 12/108
During times of scarcity, the right holder shall not divert more than 1/9th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-348F David and Cami Bloxham 1/6th of Stream 18/108

During times of scarcity, the right holder shall not divert more than 1/6th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-348G Michael and Shelley Vaughan 1/6th of Stream 18/108

During times of scarcity, the right holder shall not divert more than 1/6th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-10385 Geraldine McNee 1/6th 18/108

During times of scarcity, the right holder shall not divert more than 1/6th of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water right 29-13968 Nielsen Farmland LLC 2/3rd of 1/9th 8/108

During times of scarcity, the right holder shall not divert more than 8/108th (2/3rds of 1/9th) of the total stream flow of Cherry Creek at the point of diversion described on the right.

Water Right 29-13969 Cherry Creek Trees LLC 1/3rd of 1/9th 4/108

During times of scarcity, the right holder shall not divert more than 4/108th (1/3rd of 1/9th) of the total stream flow of Cherry Creek at the point of diversion described on the right.

Please notify all of the water right owners once the requested conditions have been added to the water rights. Thank you for your assistance.

Respectfully submitted,

<u>David R. Bloxham</u> 5-15-18 David R. Bloxham Date	<u>Shelley Vaughan</u> 5-15-18 Shelley Vaughan Date
<u>Larry E. McNee</u> 5-15-18 for Geraldine McNee Date	<u>Nicholas R. Nielsen</u> 5-19-18 <u>Rex Nielsen</u> 5-15-18 for Nielsen Farmland LLC Date
<u>Rex Nielsen</u> 5-15-18 Rex Nielsen Date	<u>[Signature]</u> 5-15-18 for Cherry Creek Trees LLC Date
<u>Marcia Nielsen</u> 5-15-18 Marcia Nielsen Date	<u>Cami Bloxham</u> 5-15-18 Cami Bloxham Date
<u>Michael Vaughan</u> 5-15-18 Michael Vaughan Date	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2018

Water Right 29-13969

Owner Type **Name and Address**
Current Owner CHERRY CREEK TREES LLC
 18057 S MARSH VALLEY RD
 DOWNEY, ID 83234
 (208) 220-0891

Priority Date: 11/13/1888

Basis: Decreed

Status: Active

Source
CHERRY CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.570 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.570 CFS	

Source and Point(s) of Diversion

CHERRY CREEK SENWNE Sec. 32, Twp 12S, 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	
12S	37E	20						22.0	9.5										31.5

Right Acre Limit: 25.6

POU Total Acres: 31.5

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. C18 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.
2. K06 This right is limited to the irrigation of 25.6 acres within the place of use described above in a single irrigation season.
3. During times of scarcity, the right holder shall not divert more than 4/108ths (1/3rd of 1/9th) of the total stream flow of Cherry Creek under this right at the point(s) of diversion described on the right.