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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      1/12<sup>th</sup> 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      1/12<sup>th</sup> 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      1/9<sup>th</sup> 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      1/9<sup>th</sup> 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      1/6<sup>th</sup> 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 1/6<sup>th</sup> 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 1/6<sup>th</sup> 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 2/3<sup>rd</sup> of 1/9<sup>th</sup> 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 1/3<sup>rd</sup> of 1/9<sup>th</sup> 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<br>David R. Bloxham Date  | <u>Shelley Vaughan</u> 5-15-18<br>Shelley Vaughan Date                                            |
| <u>Larry E. McNee</u> 5-15-18<br>for Geraldine McNee Date | <u>Nicholas R. Nielsen</u> 5-19-18<br><u>Rex Nielsen</u> 5-15-18<br>for Nielsen Farmland LLC Date |
| <u>Rex Nielsen</u> 5-15-18<br>Rex Nielsen Date            | <u>[Signature]</u> 5-15-18<br>for Cherry Creek Trees LLC Date                                     |
| <u>Marcia Nielsen</u> 5-15-18<br>Marcia Nielsen Date      | <u>Cami Bloxham</u> 5-15-18<br>Cami Bloxham Date                                                  |
| <u>Michael Vaughan</u> 5-15-18<br>Michael Vaughan Date    |                                                                                                   |

