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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,

David R. Bloxham 5-15-18
David R. Bloxham Date

Shelley Vaughan 5-15-18
Shelley Vaughan Date

Larry E. McNee 5-15-18
for Geraldine McNee Date

Nicholas R. Nielsen 5-19-18
Rex Nielsen 5-15-18
for Nielsen Farmland LLC Date

Rex Nielsen 5-15-18
Rex Nielsen Date

[Signature] 5-15-18
for Cherry Creek Trees LLC Date

Marcia Nielsen 5-15-18
Marcia Nielsen Date

Cami Bloxham 5-15-18
Cami Bloxham Date

Michael Vaughan 5-15-18
Michael Vaughan Date

6/1/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHELLEY VAUGHAN PO BOX 266 DOWNEY, ID 83234 (208) 390-3832
Current Owner	MICHAEL W VAUGHAN PO BOX 266 DOWNEY, ID 83234-0266 (208) 390-3832

Status: Active

Tributary
MARSH CREEK

CHERRY CREEK	NWSWNE	Sec. 29, Twp 12S, Rge 37E,	BANNOCK County
CHERRY CREEK	SEWNNE	Sec. 32, Twp 12S, Rge 37E,	BANNOCK County

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

POU Total Acres: 114.0

1.	X27	This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 29-348B and 29-348G when combined shall not exceed a total diversion rate of 2.28 cfs and the irrigation of 114 acres.
3.	X35	Rights 29-348B, 29-348G, and 29-14002 when combined shall not exceed the irrigation of 145 acres.
4.		To resolve protests filed against Transfer 76877 and to prevent injury to other water rights, 0.20 cfs of this right shall be left in the lower Cherry Creek diversion located in NWSWNE Sec. 29, T12S, R37E. The remaining 0.48 cfs authorized under this right may be diverted through the upper Cherry Creek diversion located in SENWNE Sec. 32, T12S, R37E.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2018

5. 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.
6. 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.
7. 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 place of use.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A