

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76877

This is to certify that: MICHAEL W VAUGHAN And/Or
 SHELLEY VAUGHAN
 PO BOX 266
 DOWNEY ID 83234
 (208) 390-3832

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-348B	WR/Decreed	11/13/1888	0.68 cfs	N/A	N/A	34.0	CHERRY CREEK
29-348G	WR/Decreed	11/13/1888	1.8 cfs	N/A	80.0	145.0	CHERRY CREEK

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
29-2268	WR/Decreed	03/27/1947	1.0 cfs	N/A	50.0	78.0	MARSH CREEK
29-11799	WR/Decreed	04/01/1976	0.36 cfs	N/A	28.0	78.0	MARSH 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>
29-348B	NO	YES	YES	NO	NO	NO
29-348G	NO	NO	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>
29-348B	29-348B	0.68 cfs	N/A	34.0	114.0		N/A	N/A	N/A	N/A
29-348G	29-348G	1.8 cfs	N/A	80.0	114.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.48 cfs	N/A	114.0	114.0		N/A	N/A	N/A	N/A

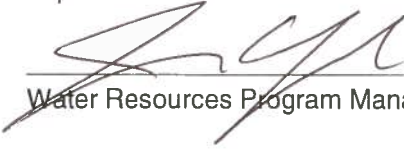
SUPPORT DATA

IN FILE # 29-348B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76877

Detailed Water Right Description(s) attached

Dated this 7th day of September, 2012


Water Resources Program Manager

WATER RIGHT NO. 29-348B
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-348B is now described as follows.

Right Holder: SHELLEY VAUGHAN Or
 MICHAEL W VAUGHAN
 PO BOX 266
 DOWNEY ID 83234

Priority Date: November 13, 1888

Source: CHERRY CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.68 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp	Rge	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

Total Acres: 114

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 29-348B and 29-348G when combined shall not exceed a total diversion rate of 2.28 cfs and the irrigation of 114 acres.
3. 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 SEWNNE Sec. 32, T12S, R37E.
5. 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.
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.

WATER RIGHT NO. 29-348B
As Modified by Transfer No. 76877

CONDITIONS OF 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.

This water right 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.

Dated this 7th day of September, 2012


Water Resources Program Manager

WATER RIGHT NO. 29-348G
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-348G is now described as follows.

Right Holder: SHELLEY VAUGHAN And
MICHAEL W VAUGHAN
PO BOX 266
DOWNEY ID 83234

Priority Date: November 13, 1888

Source: CHERRY CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			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

Total Acres: 114

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 29-348B and 29-348G when combined shall not exceed a total diversion rate of 2.28 cfs and the irrigation of 114 acres.
3. 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.
4. Rights 29-348B, 29-348G, and 29-14002 when combined shall not exceed the irrigation of 145 acres.
5. 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.
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.

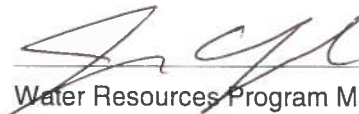
WATER RIGHT NO. 29-348G
As Modified by Transfer No. 76877

CONDITIONS OF 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.

This water right 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.

Dated this 7th day of September, 2012


Water Resources Program Manager

WATER RIGHT NO. 29-2268
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-2268 is now described as follows.

Right Holder: CARL BARNES Or
 ANAVOE BARNES
 3717 E BACK DOWNATA RD
 DOWNEY ID 83234

Priority Date: March 27, 1947

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

MARSH CREEK NESESE Sec. 5 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S	37E	4											36.0						36.0
12S	37E	5													.5	8.5	33.0		42.0

Total Acres: 78

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2268 and 29-11799 when combined shall not exceed a total diversion rate of 1.00 cfs and the irrigation of 78 acres.
3. Right No. 29-11799 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.

This water right 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.

Dated this 7th day of September, 20 12


 Water Resources Program Manager

WATER RIGHT NO. 29-11799
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-11799 is now described as follows.

Right Holder: ANAVOE BARNES Or
 CARL BARNES
 3717 E BACK DOWNATA RD
 DOWNEY ID 83234

Priority Date: April 01, 1976

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.36 CFS

LOCATION OF POINT(S) OF DIVERSION:
 MARSH CREEK NESESE Sec. 5 Twp 12S Rge 37E BANNOCK County

<u>PLACE OF USE:</u>			IRRIGATION																
Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
12S	37E	4											36.0						36.0
12S	37E	5														.5	8.5	33.0	42.0

Total Acres: 78

CONDITIONS OF APPROVAL

1. Rights 29-2268 and 29-11799 when combined shall not exceed a total diversion rate of 1.00 cfs and the irrigation of 78 acres.
2. This right is based upon an enlargement of Right No. 29-2268 pursuant to Section 42-1426, Idaho Code.
3. This right is for an enlargement of 28 acres within the place of use described for this right.
4. 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.
5. 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.

This water right 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.

Dated this 7th day of September, 20 12



 Water Resources Program Manager