

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77394

This is to certify that: DARREN K VAUGHN
PO BOX 190694
BOISE ID 83719
208-631-4203

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>
77-7056	WR/Decreed	08/31/1976	0.04 cfs	1.2 af	N/A	N/A	LICK CREEK
77-7133	WR/Decreed	04/08/1981	0.6 cfs	N/A	N/A	N/A	LICK CREEK
77-14344	WR/Decreed	01/10/1920	0.02 cfs	N/A	N/A	1.0	LICK CREEK

Purpose of Transfer (Changes Proposed)

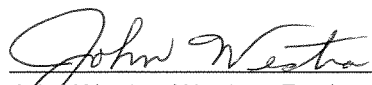
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
77-7056	NO	YES	NO	NO	NO	NO
77-7133	NO	YES	NO	NO	NO	NO
77-14344	NO	YES	NO	NO	NO	NO

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>
77-7056	77-7056	0.04 cfs	1.2 af	N/A	N/A		N/A	N/A	N/A	N/A
77-7133	77-7133	0.6 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
77-14344	77-14344	0.02 cfs	N/A	N/A	1.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.68 cfs	N/A	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of August, 20 11


John Westra, Western Regional Manager

SUPPORT DATA
IN FILE # 77-7056

WATER RIGHT NO. 77-7056
As Modified by Transfer No. 77394

In accordance with the approval of Transfer No. 77394, Water Right No. 77-7056 is now described as follows.

Right Holder: RONALD K VAUGHN And/Or
 DARREN VAUGHN
 PO BOX 190694
 BOISE ID 83719

Priority Date: August 31, 1976

Source: LICK CREEK

Tributary: BIG CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	to 12/31	0.04 CFS	1.2 AF
			0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

LICK CREEK NESW Sec. 2 Twp 20N Rge 09E VALLEY County

PLACE OF USE: DOMESTIC

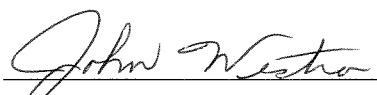
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
20N	09E	2								X									

CONDITIONS OF APPROVAL

- 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.
- Domestic use is for 1 home.

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 26th day of August, 20 11


 John Westra, Western Regional Manager

WATER RIGHT NO. 77-7133
As Modified by Transfer No. 77394

In accordance with the approval of Transfer No. 77394, Water Right No. 77-7133 is now described as follows.

Right Holder: RONALD K VAUGHN And/Or
 DARREN VAUGHN
 PO BOX 190694
 BOISE ID 83719

Priority Date: April 08, 1981

Source: LICK CREEK

Tributary: BIG CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
POWER	01/01 to	12/31	0.60 CFS
			0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

LICK CREEK NESW Sec. 2 Twp 20N Rge 09E VALLEY County

PLACE OF USE: POWER

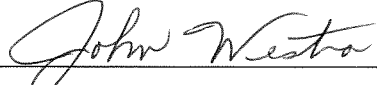
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	09E	2																	

CONDITIONS OF APPROVAL

1. 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.
2. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
3. The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after January 21, 2011. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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 26th day of August, 20 11


 John Westra, Western Regional Manager

WATER RIGHT NO. 77-14344
As Modified by Transfer No. 77394

In accordance with the approval of Transfer No. 77394, Water Right No. 77-14344 is now described as follows.

Right Holder: DARREN K VAUGHN And/Or
 JENNIFER VAUGHN
 PO BOX 190694
 BOISE ID 83719

Priority Date: January 10, 1920

Source: LICK CREEK

Tributary: BIG CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/31	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

LICK CREEK NESW Sec. 2 Twp 20N Rge 09E VALLEY 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	
20N	09E	2					1.0												1.0

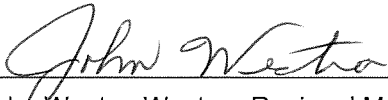
Total Acres: 1

CONDITIONS OF APPROVAL

1. 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.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

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 26th day of August, 20 11


 John Westra, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 29, 2011

DARREN K VAUGHN
And/Or
RONALD K VAUGHN
C/O DARREN VAUGHN
PO BOX 190694
BOISE ID 83719

RE: Transfer No.: 77394
Water Right No(s): 77-14344 77-7133 77-7056

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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 homepage 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 208-334-2190.

Sincerely,

for 
John Westra
Western Regional Manager

Enclosure(s)

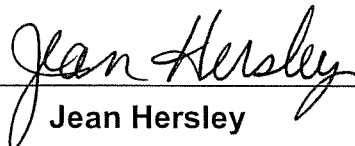
CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77394
WATER RIGHTS NOS. 77-14344 77-7133 77-7056

DARREN K VAUGHN
PO BOX 190694
BOISE ID 83719

RONALD K VAUGHN
C/O DARREN K VAUGHN
PO BOX 190694
BOISE ID 83719

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley
Office Specialist II

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.

MEMORANDUM

TO: Transfer No. 77394 File

FROM: Vicky Music

DATE: 8/23/11

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to correct the location of the point of diversion on Lick Creek for water rights: 77-7056, 77-7133 and 77-14344. It also proposes to add the applicant name to rights 77-7056 and 77-7133.

The site is located in the Payette National Forest in Valley County.

Contact person is the applicant is Darren Vaughn.

Deviations from Transfer Policy Standards

The application was filed on the relatively new transfer form used for simple changes to points of diversion. A change of ownership can also be processed. The application was complete and there are no deviations that that should delay the processing of this application for a simple records correction.

Although the transfer form states that a change in ownership is also proposed, the applicant, who is the son and personal representative of the owner of 77-7056 and 77-7133, wants his name added to these rights. Applicant is the owner of 77-14344. So, no change of ownership fee was assessed.

The application will not be advertised because this is a records correction and there is no change to the right.

Summary of Information Submitted Additional Information/Analysis and Discussion.

Authority to File:

The applicant provided court issued letters of administration to act as personal representative of his father's estate. As such, he has the authority to file the application for 77-7056 and 77-7133. As the owner of record of 77-14344, applicant has the authority to file the application for this right.

Water Right Validity: The rights are presumed valid because they were decreed by the SRBA Court in October 2006, less than 5 years ago.

Injury to Other Water Rights: No injury is expected by correcting the legal description of the point of diversion.

Enlargement of Use:

No enlargement is proposed or expected by this records correction.

Local Public Interest:

There are no local public interest issues.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

No additional information or analysis is needed.

There is not a Basin 77 Watermaster so comments will not be solicited.

The error in the POD legal description originated in the application for permit and licensing process, and was carried on through the SRBA. The partial decrees were issued with the wrong description.

Data entry affected the correct records. The partial decrees were issued & results were migrated to wr records.

SRBA status was summarized above.

There are no place of use overlapping rights. The POD is also used by 77-2048 and 77-2049, owned by other than the applicant.

There are no mitigation or Water Bank issues.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a since a new well(s) is not proposed.

MEMORANDUM

X Office Visit

____ Telephone

____ Meeting

TO 77-14342 AND TRANSFER APP 77-7056, 77-7133 & 77-14344 FILED 6/24/11.
FROM ANGIE GRIMM
DATE 6/24/2011
RE DIVERSION SYSTEM + CHANGE OF OWNERSHIP 77-7056 + 77-7133

I MET WITH DARREN VAUGHN AND ASSISTED HIM WITH COMPLETING A TRANSFER APPLICATION TO CORRECT THE P/D LOCATION OF 77-7056, 77-7133 + 77-14344. THERE IS NO REMARKS SECTION ON THE TRANSFER APPLICATION FORM SO I WANTED TO WRITE THIS MEMO TO CLARIFY DARREN'S INTENT REGARDING CHANGING THE OWNERSHIP OF HIS DECEASED FATHER'S (RONALD K VAUGHN) WRS 77-7056 + 77-7133. HE WISHES THE WATER RIGHTS TO RETAIN HIS FATHER'S NAME AND ADD HIS OWN NAME WITH AN "AND/OR" CONNECTOR, BECAUSE THIS WILL MATCH OTHER AGENCIES AUTHORIZATIONS (FOREST SERVICE, ^{FERC} ETC.) FOR THE DIVERSION SYSTEM ASSOCIATED WITH THE RIGHTS, WHICH IS A REQUIREMENT OF THOSE AUTHORIZATIONS. THE RECORDED DOCUMENT APPOINTING DARREN VAUGHN AS THE REPRESENTATIVE FOR THE ESTATE OF RONALD K VAUGHN SHOULD ASK THE DEPT. TO ADD DARREN'S NAME TO THE RIGHTS.

ALSO, THE APPLICATION 77-14342 WAS AMENDED DURING DARREN'S VISIT. THE AMENDED APP INCLUDES A MAP DEPICTING THE DIVERSION SYSTEM FOR THE RIGHTS INVOLVED IN THE APPLICATIONS. I'VE ATTACHED A COPY OF THIS MAP/DIAGRAM TO THIS MEMO.

