

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		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

<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

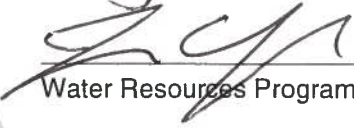
Summary of Associated Water Rights After the Approved Change

<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	0.88 cfs	N/A	44.0	44.0	MARSH CREEK
29-11799	WR/Decreed	04/01/1976	0.0 cfs	N/A	0.0	0.0	MARSH CREEK

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

Detailed Water Right Description(s) attached

Dated this 20th day of May, 20 11


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

BENEFICIAL USE

IRRIGATION

From 04/01 **to** 10/31

Diversion Rate

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. 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.
4. 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.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

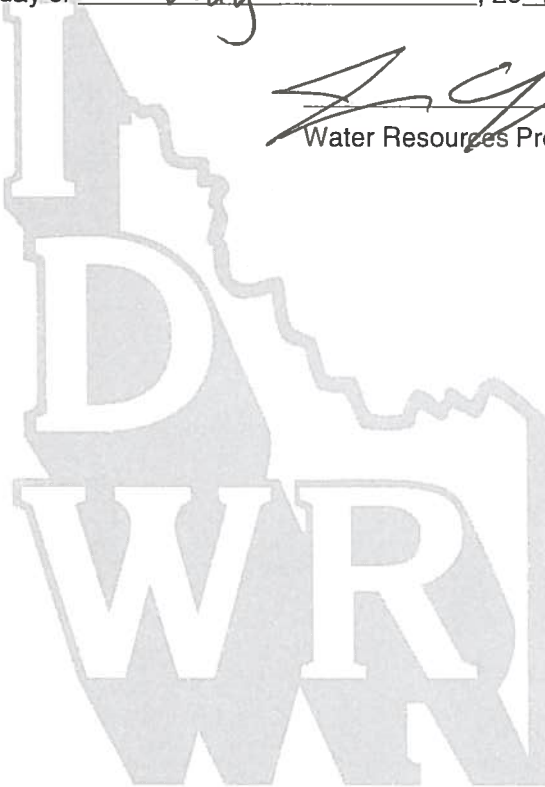
CONDITIONS OF APPROVAL

8. 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 20th day of May, 20 11


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

BENEFICIAL USE

IRRIGATION

From

04/01 to 10/31

To

Diversion Rate

1.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHERRY CREEK

SEWNW

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. 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.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.

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

CONDITIONS OF APPROVAL

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 20th day of May, 20 11


Water Resources Program Manager



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

Tributary: PORTNEUF RIVER

From **To**
04/01 to 10/31

0.88 CFS

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

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																8.0	8.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 44 acres within the authorized place of use in a single irrigation season.
2. 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.

Dated this 20th day of May, 20 11

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
			0.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CONDITIONS OF APPROVAL

1. Right 29-11799 is no longer a valid water right. Right 29-11799 was an enlargement of right 29-2268 for 28 acres. Pursuant to Transfer Approval 76877, 34 acres were required to be dried up under the combined place of use for rights 29-2268 and 29-11799. Because the number of acres to be dried up exceeds the number of acres under this enlargement right, there is no longer a valid use of water under this right. Therefore, the water right has been closed.

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 20th day of May, 20 11


Water Resources Program Manager