

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76877
RECEIVED
JAN 07 2011
Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Michael and/or Shelley Vaughan Phone 208-390-3832
Mailing address PO Box 266 Downey, Idaho 83234 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Mike Vaughan
Signature of Applicant or Authorized Representative

Mike Vaughan
Print Name and Title if applicable

1-6-11
Date

Shelley Vaughan
Signature of Applicant or Authorized Representative

Shelley Vaughan
Print Name and Title if applicable

1-6-11
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Recently installed a pivot to replace hand lines to improve the efficiency in the irrigation system.

76877

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

76877

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-348B	0.68	Irrigation	4/1 to 10/31	Cherry Creek/Marsh Creek
☒ ☐	29-348G	1.8	Irrigation	4/1 to 10/31	Cherry Creek/Marsh Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.48 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 2.48 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	NW	NE	32	12S	37E	Bannock	Cherry Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	18														37	39	38	114

Total Acres (for irrigation use) 114

76877

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-348B

Current Owner: ANAVOE BARNES
CARL BARNES

Priority Date: 11/13/1888

Origin: Water Right

Status: Active

Basis: Decreed

Source
CHERRY CREEK

Tributary
MARSH CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.68 CFS	
	Total Diversion	0.68 CFS	

Location of Point(s) of Diversion

CHERRY CREEK BANNOCK County	NW1/4SW1/4NE1/4	Sec. 29,	Twp 12S,	Rge 37E B.M.
CHERRY CREEK BANNOCK County	SE1/4SW1/4 (Injection)	Sec. 8,	Twp 12S,	Rge 37E B.M.
CHERRY CREEK BANNOCK County	SE1/4SW1/4 (Rediversion)	Sec. 8,	Twp 12S,	Rge 37E B.M.

Place of UseIRRIGATION Within BANNOCK County

T12S R37E S5	SWSE	9.00	T12S R37E S5	SESE	25.00
Total Acres: 34					

Conditions of Approval:

1. G01 POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM ASPEN CREEK.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 78 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02268, 29-11799, 29-00348B
3. C18 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.

Decreed Date: 8/20/2004

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-348G

Current Owner: MICHAEL W VAUGHAN
SHELLEY VAUGHAN

Priority Date: 11/13/1888

Origin: Water Right

Status: Active

Basis: Decreed

Source
CHERRY CREEK

Tributary
MARSH CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	1.8 CFS	
	Total Diversion	1.8 CFS	

Location of Point(s) of Diversion

CHERRY CREEK NW1/4NE1/4 Sec. 32, Twp 12S, Rge 37E B.M.
BANNOCK County

Place of UseIRRIGATION Within BANNOCK County

T12S R37E S18	NESE	25.00	T12S R37E S18	NWSE	40.00
T12S R37E S18	SWSE	40.00	T12S R37E S18	SESE	40.00
Total Acres: 145					

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C18 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.

Decreed Date: 8/20/2004

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76877

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: After the headgate at Cherry Creek, the water will enter a pipe to be delivered to the place of use for irrigation. The delivery system is a pivot along with some hand lines.

- b. Who owns the property at the point(s) of diversion? Eric Hartvigsen

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Easement between them- verbal

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NONE

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: There will be no effect on the land since there are two other rights on the place of use. However, Carl Barnes will have to dry up 34 acres.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

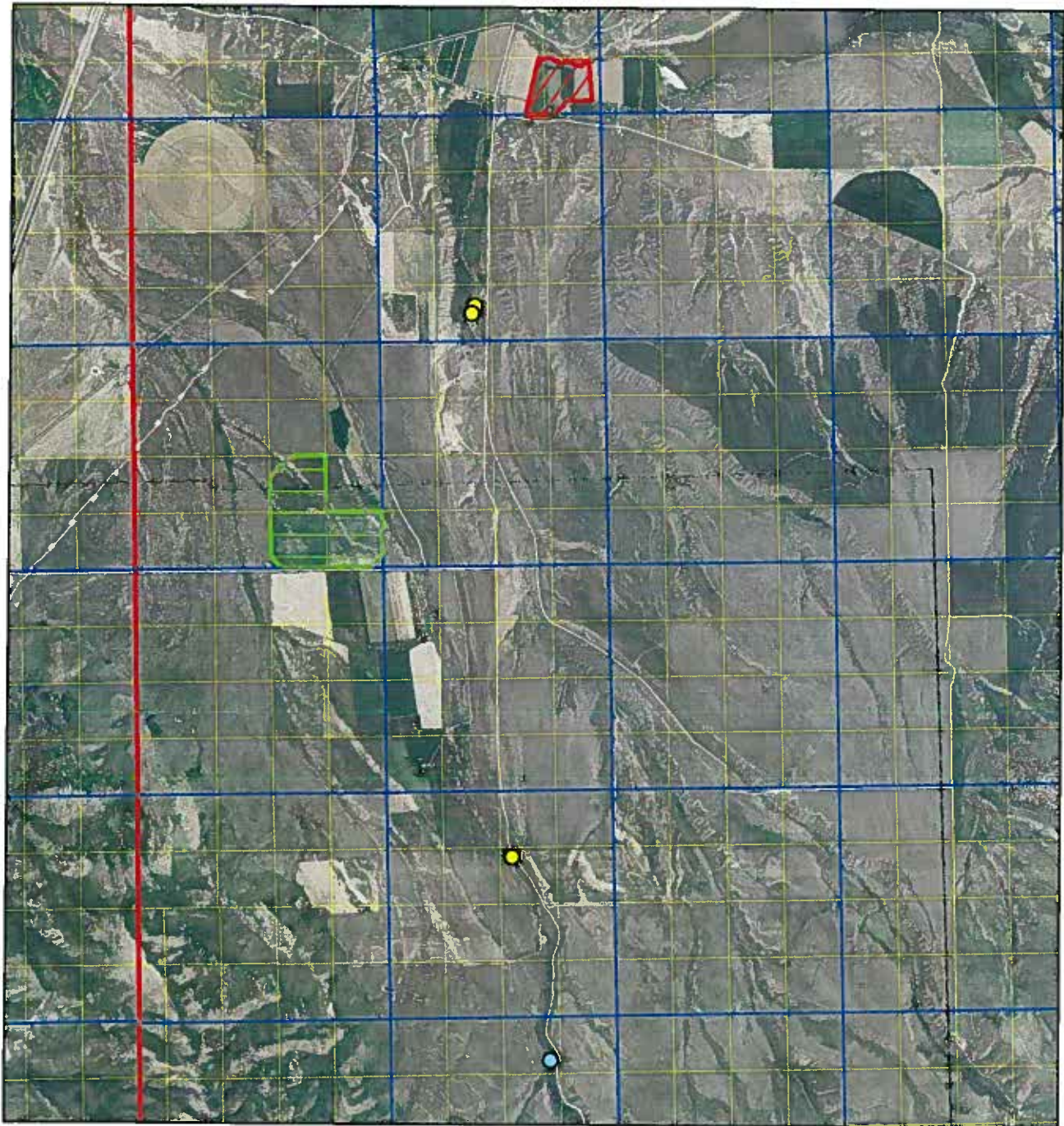
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76877



Proposed Transfer- Vaughan Water Right 29-248B and 29-348G

76877



Legend

- 29-348B POD From
- 29-348B POD To
- 29-348B POU From
- 29-348B, -348G POU To
- Township/Range
- Sections
- QQ

0 0.35 0.7 1.4 2.1 2.8 Miles

Prepared by Denise Kidman
On January 14, 2010
2009 Aerial Photography



76877



Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	29 348F	MARY LOIS CHERRY	CR 12S37E18		4	18	1	18								41
Right	29 348G	MICHAEL V CHERRY	CR 12S37E18									25	40	40	40	145
TRight	29 348B	SHELLEY V/ CHERRY	CR 12S37E18									25	40	40	40	145

WATER RIGHT TRANSFER DEED

For Value Received (Grantor) CARL BARNES

does hereby convey, release, remise and forever quit claim unto (Grantee)

21017062

MIKE VAUGHAN OR SHELLEY VAUGHAN

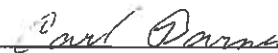
whose address is: P.O. BOX 266 DOWNEY, ID 83234

the following described premises, to wit:

WATER RIGHT NO. 29-348B - DIVERSION RATE: 0.68 CFS

TOGETHER WITH THEIR APPURTENANCES.

DATED: October 8, 2010


CARL BARNES

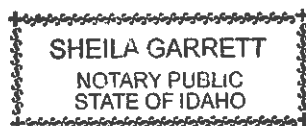
OFFICIAL RECORD BOOK 936
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 10 DEPUTY m

Shelley Vaughan

21017062

2010 OCT -8 P 2:32

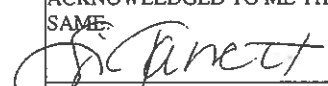


STATE OF IDAHO, COUNTY OF BANNOCK

ON THIS 8th DAY OF October, 2010
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID
STATE, PERSONALLY APPEARED

CARL BARNES

KNOWN TO ME TO BE THE PERSON WHO NAME
SUBSCRIBED TO THE WITHIN INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE
SAME


NOTARY PUBLIC IDAHO
RESIDING AT INKOM, IDAHO
COMM. EXPIRES: 9-17-2011

RECEIVED

OCT 20 2010

Department of Water Resources
Eastern Region

76877