

# WATERMASTER'S ANNUAL REPORT

From: 2/1, 20 23 To: 1/31, 20 24

Water District No. 296

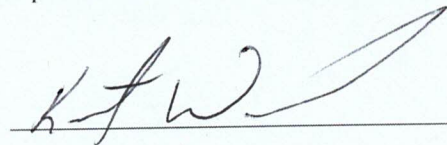
Water District Name: Birch Creek

Name of Watermaster: Kent Winward

Mailing Address: \_\_\_\_\_

## AFFIDAVIT OF WATERMASTER

As the appointed watermaster of water district no. 296, I hereby certify that the information contained in this report is true and correct to the best of my knowledge.



Watermaster signature

Feb 15, 2023

Date

Pursuant to Section 42-606 Idaho Code, this Watermaster's Annual Report shall be filed prior to the end of the watermaster's appointment for the current year, and kept in the office of the Idaho Department of Water Resources (IDWR). The Watermaster's Daily Diversion Records should be attached to this report if those records are not submitted electronically to IDWR.



WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
Burch creek		
Bill Phillips ✓	2/24	
Kent Winward	2/24	
<del>Harvey</del> Madox	2/24	
Phil Fergus ✓	5/24	
Shane Eliason	2/24	
Heritage West Prop	8/24	
Gardner mader	2/24	
Baker marble	29-14168	(1/4 of 1/4 of 1/6) (1/96)
Art martiniz	1/24 29-14132	(3.13% x 98.5/108.5)
other	29-324	.29% 3.13% x 10/10
(station creek)		
Kent Winward	1/5	
mark bloxham	2/5	
Heritage west Prop	2/5	
cherry creek		



# 29-D - Birch Creek

	WATER RIGHT OWNER	IDWR WATER RIGHT NO (S)	DIVERSION NAME / REMARKS
1	Birch Creek	CFS	
2	Phillips Ranch (Bill)	2/24	
3	Kent Winward	2/24	
4	Tagbell Properties	2/24	
5	Phil Fergus	5/24	
6	Shane Eliason	2/24	
7	Heritage West Prop	8/24	
8	Gardner/Maler	2/24	
9	Marble	(1/4 of 1/4 of 1/4)	29-14168
10	Art Martinez	1/24 (29-14132)	(3.13% * 98.5/108.5)
11	Other	.29% 3.13% * 10/10	29-324
12			
13	Station Creek		
14	Kent Winward	1/5	
15	Mark Bloxham	2/5	
16	Heritage West Prop	2/5	
17			
18	Cherry Creek		
19	Per Agreement filed w/IDWR		
20	5-129/18		
21			
22	See Attached (2 pages)		
23			
24			
25			
26			
27			
28			
29			
30			



RECEIVED

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	80.0	IRRIGATION	MC NEE, GERALDINE B <i>Vaughan</i>
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**      **1/12<sup>th</sup> 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**      **1/12<sup>th</sup> 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**      **1/9<sup>th</sup> 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**      **1/9<sup>th</sup> 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**      **1/6<sup>th</sup> of Stream**      **18/108**

(1.205)



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 1/6<sup>th</sup> 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 Vaughan 1/6<sup>th</sup> 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 2/3<sup>rd</sup> of 1/9<sup>th</sup> 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 1/3<sup>rd</sup> of 1/9<sup>th</sup> 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. 1037

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,

<u>David R. Bloxham</u> 5-15-18 David R. Bloxham Date	<u>Shelley Vaughan</u> 5-15-18 Shelley Vaughan Date
<u>Larry E. McNee</u> 5-15-18 for Geraldine McNee Date	<u>Rex Nielsen</u> 5-15-18 for Nielsen Farmland LLC Date
<u>Rex Nielsen</u> 5-15-18 Rex Nielsen Date	<u>[Signature]</u> 5-15-18 for Cherry Creek Trees LLC Date
<u>Marcia Nielsen</u> 5-15-18 Marcia Nielsen Date	<u>Cami Bloxham</u> 5-15-18 Cami Bloxham Date
<u>Michael Vaughan</u> 5-15-18 Michael Vaughan Date	

Vaughan - Trans. to 29G 29-14002 } not part of  
Vaughan - " " " 29-14003 } agreement



## Water Right Report : 29-14002( Decreed/Active)

### Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	VAUGHAN, MICHAEL W	26500 S OLD MALAD HWY	DOWNEY	ID	83234-1708
Current Owner	VAUGHAN, SHELLEY	26500 S OLD MALAD HWY	DOWNEY	ID	83234-1708

### Water Right Status

Priority Date : 7/15/1987

Basis : Decreed

Status : Active

### Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
CHERRY CREEK		MARSH CREEK	

### Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
CHERRY CREEK	12S	37E	32	0				NW NE BANNOCK	

### Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.30 CFS	
<b>TOTAL</b>			1.30 CFS	

### Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
12S	37E	18			NE	SE	25
12S	37E	18			NW	SE	40
12S	37E	18			SW	SE	40
12S	37E	18			SE	SE	40

### Irrigation Totals

Total Acres	Acre Limit
145.00	65.00

### Conditions

#### Code Conditions

- K09 This right is for an enlargement of 65 acres within the place of use described for this right.
- X35 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.
- 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.

K02 This right is based upon an enlargement of Right No. 29-348G pursuant to Section 42-1426, Idaho Code.

# Water Right Report : 29-14003( Decreed/Active)

## Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	VAUGHAN, MICHAEL W	26500 S OLD MALAD HWY	DOWNEY	ID	83234-1708
Current Owner	VAUGHAN, SHELLEY	26500 S OLD MALAD HWY	DOWNEY	ID	83234-1708

## Water Right Status

Priority Date : 7/15/1987

Basis : Decreed

Status : Active

## Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
CHERRY CREEK		MARSH CREEK	

## Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
CHERRY CREEK	12S	37E	29	0				SW NE BANNOCK	

## Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.00 CFS	
<b>TOTAL</b>			1.00 CFS	

## Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
12S	37E	5		SE	SW	2	
12S	37E	5		SW	SE	0.5	
12S	37E	8		NW	NE	1	
12S	37E	8		NE	NW	31	
12S	37E	8		SE	NW	20	
12S	37E	8		NE	SW	17	
12S	37E	8		SE	SW	18	
12S	37E	17		NE	NW	1.5	
12S	37E	17		NW	NW	27	
12S	37E	17		SW	NW	38	

## Irrigation Totals

Total Acres	Acre Limit
156.00	76.00

## Conditions

### Code Conditions