

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83960**

This is to certify that: **BRADLEY KEITH NIGHTENGALE AND
ROSALYN ANN NIGHTENGALE
4157 N 3600 W
MOORE, ID 83255**

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-2390A	WR/DECREED	10/12/1960	2.020 cfs	560.3 af	160.1	429.0	GROUND WATER
34-2390B	WR/DECREED	10/12/1960	0.120 cfs	31.9 af	9.1	429.0	GROUND WATER

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>
34-2390A	NO	YES	NO	NO	NO	NO
34-2390B	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>
34-2390A	34-2390A	2.020 cfs	560.3 af	160.1	429.0	N/A	N/A	N/A	N/A	N/A
34-2390B	34-2390B	0.120 cfs	31.9 af	9.1	429.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.140 cfs	592.2 af	169.2	429.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 22nd day of July, 2020.



Regional Manager

**Support Data
In File # 34-2390A**

Transfer No. 83960

WATER RIGHT NO. 34-2390B**As Modified by Transfer No. 83960**

In accordance with the approval of Transfer No. 83960, Water Right No. 34-2390B is now described as follows:

Right Holder: BRADLEY KEITH NIGHTENGALE AND
ROSALYN ANN NIGHTENGALE
PO BOX 210
MACKAY, ID 83251-0210

Priority Date: 10/12/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.120 cfs

0.120 cfs

Diversion Volume

31.9 af

31.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESE

Sec 2 Twp 06N Rge 25E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	1			37.0	34.0					17.0		37.0	41.0	23.0	41.0			230.0
06N	25E	2													10.0			41.0	51.0
06N	25E	11	41.0			37.0													78.0
06N	25E	12					35.0	35.0											70.0

Right Acre Limit: 9.1

POU Total Acres: 429.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.1 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2390B and 34-2466B when combined shall not exceed a total diversion rate of 0.39 cfs, a total annual maximum diversion volume of 68.9 af at the field headgate, and the irrigation of 15.1 acres.
3. Rights 34-449, 34-848, 34-2390A, 34-2390B, 34-7175, 34-4031, 34-12364, 34-2466A, 34-2466B, 34-10713, 34-10714 and 34-10715 when combined shall not exceed a total diversion rate of 12.01 cfs and the irrigation of 429 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

Transfer No. 83960

WATER RIGHT NO. 34-2390B
As Modified by Transfer No. 83960

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 83960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-2390A**As Modified by Transfer No. 83960**

In accordance with the approval of Transfer No. 83960, Water Right No. 34-2390A is now described as follows:

Right Holder: BRADLEY KEITH NIGHTENGALE AND
ROSALYN ANN NIGHTENGALE
PO BOX 210
MACKAY, ID 83251-0210

Priority Date: 10/12/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

2.020 cfs

2.020 cfs

Diversion Volume

560.3 af

560.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESE

Sec 2 Twp 06N Rge 25E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	1			37.0	34.0					17.0		37.0	41.0	23.0	41.0			230.0
06N	25E	2													10.0			41.0	51.0
06N	25E	11	41.0			37.0													78.0
06N	25E	12					35.0	35.0											70.0

Right Acre Limit: 160.1

POU Total Acres: 429.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160.1 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2390A, 34-2466A, 34-4031, 34-7175 and 34-12364 when combined shall not exceed a total annual maximum diversion volume of 1311.1 af at the field headgate, and the irrigation of 374.6 acres.
3. Rights 34-848, 34-2390A, 34-7175, 34-4031, 34-12364, 34-2466A, 34-10713, 34-10714 and 34-10715 when combined shall not exceed a total diversion rate of 10.65 cfs and the irrigation of 394 acres.
4. Rights 34-449, 34-848, 34-2390A, 34-2390B, 34-7175, 34-4031, 34-12364, 34-2466A, 34-2466B, 34-10713, 34-10714 and 34-10715 when combined shall not exceed a total diversion rate of 12.01 cfs and the irrigation of 429 acres.

Transfer No. 83960

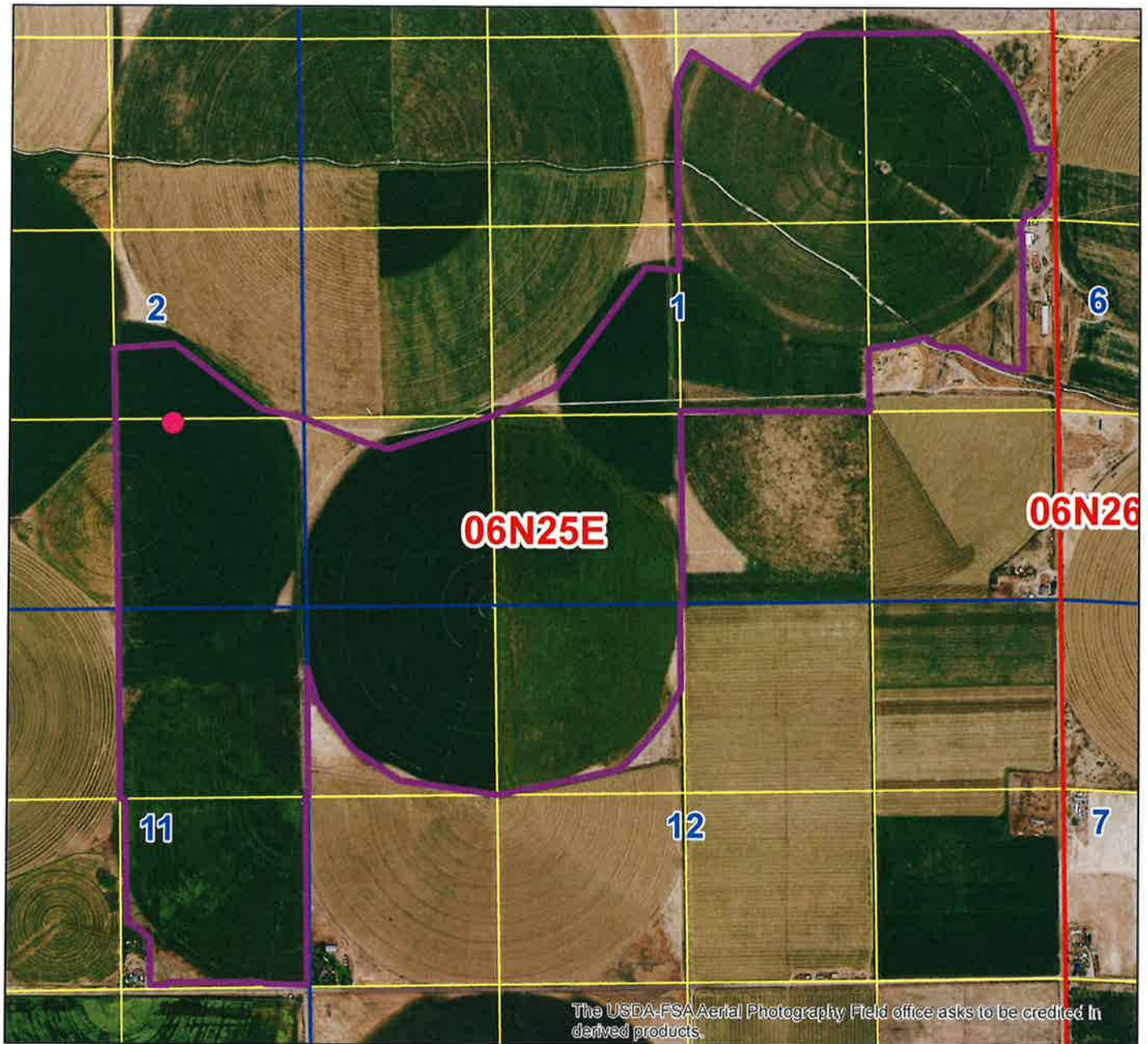
WATER RIGHT NO. 34-2390A
As Modified by Transfer No. 83960

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 83960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83960

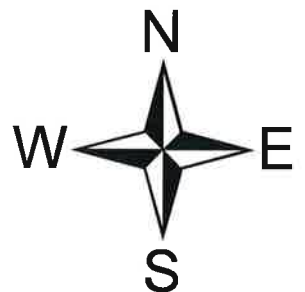
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet



Date: 7/22/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 22, 2020

BRADLEY KEITH NIGHTENGALE
ROSALYN ANN NIGHTENGALE
4157 N 3600 W
MOORE ID 83255

Re: Transfer No: 83960
Water Right No(s): 34-2390A , 34-2390B

Transfer Approval Notice

Dear Water Right Holder:

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 home page 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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

USDA FARM SERVICE AGENCY
725 JENSEN GROVE DR STE 2
BLACKFOOT ID 83221-1636

IDAHO AG CREDIT FLCA
PO BOX 985
BLACKFOOT ID 83221-0985

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 83960
Water Right No(s): 34-2390A , 34-2390B**

**BRADLEY KEITH NIGHTENGALE
ROSALYN ANN NIGHTENGALE
4157 N 3600 W
MOORE ID 83255**

**USDA FARM SERVICE AGENCY
725 JENSEN GROVE DR STE 2
BLACKFOOT ID 83221-1636**

**IDAHO AG CREDIT FLCA
PO BOX 985
BLACKFOOT ID 83221-0985**



**Christina Henman
Administrative Assistant**