

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83958**

This is to certify that: JANIE R NIGHTINGALE AND
KURT A NIGHTINGALE
PO BOX 445
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>
34-14745	WR/DECREED	8/1/1961	1.870 cfs	378.0 af	108.0	281.0	GROUND WATER
34-14746	WR/DECREED	4/4/1977	0.320 cfs	55.3 af	15.8	281.0	GROUND WATER
34-14750	WR/DECREED	7/9/1979	0.470 cfs	197.8 af	134.2	281.0	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>
34-14745	NO	YES	NO	NO	NO	NO
34-14746	NO	YES	NO	NO	NO	NO
34-14750	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>
34-14745	34-14745	1.870 cfs	378.0 af	108.0	281.0	N/A	N/A	N/A	N/A	N/A
34-14746	34-14746	0.320 cfs	55.3 af	15.8	281.0	N/A	N/A	N/A	N/A	N/A
34-14750	34-14750	0.470 cfs	197.8 af	134.2	281.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.870 cfs	631.1 af	258.0	281.0		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

Transfer No. 83958

**Support Data
In File # 34-14745**

WATER RIGHT NO. 34-14745**As Modified by Transfer No. 83958**

In accordance with the approval of Transfer No. 83958, Water Right No. 34-14745 is now described as follows:

Right Holder: KURT A NIGHTINGALE AND
JANIE R NIGHTINGALE
PO BOX 445
MOORE, ID 83255

Priority Date: 8/1/1961

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.870 cfs
1.870 cfs

Diversion Volume
378.0 af
378.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NENW) Sec 1 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					13.0	33.0	41.0	37.0	24.0	41.0	4.0						193.0
							L 3	L 4											
06N	25E	2	17.0			40.0									31.0				88.0
			L 1																

Right Acre Limit: 108.0

POU Total Acres: 281.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total diversion rate of 1.87 cfs.
3. Rights 34-14741, 34-14743, 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total annual maximum diversion volume of 858.9 af at the field headgate, and the irrigation of 245.4 acres.
4. Rights 34-14740, 34-14741, 34-14746, 34-14745, 34-14750, 34-14743, 34-14747, 34-14748 and 34-14749 when combined shall not exceed a total diversion rate of 6.98 cfs and the irrigation of 258 acres.

Transfer No. 83958

WATER RIGHT NO. 34-14745

As Modified by Transfer No. 83958

CONDITIONS OF APPROVAL

5. Rights 34-14739, 34-14740, 34-14741, 34-14742, 34-14743, 34-14744, 34-14745, 34-14746, 34-14747, 34-14748, 34-14749 and 34-14750 when combined shall not exceed a total diversion rate of 7.87 cfs and the irrigation of 281 acres.
6. 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.
7. 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.
8. 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.
9. 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.
10. Prior to the diversion and use of water under Transfer approval 83958, 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.
11. Right No. 34-14750 is an enlargement of this right pursuant to Idaho Code § 42-1426.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 34-14746
As Modified by Transfer No. 83958

In accordance with the approval of Transfer No. 83958, Water Right No. 34-14746 is now described as follows:

Right Holder: JANIE R NIGHTINGALE AND
 KURT A NIGHTINGALE
 PO BOX 445
 MOORE, ID 83255

Priority Date: 4/4/1977

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 04/01

To
 to 11/01

Diversion Rate
 0.320 cfs
 0.320 cfs

Diversion Volume
 55.3 af
 55.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NENW) Sec 1 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					13.0	33.0	41.0	37.0	24.0	41.0	4.0						193.0
							L 3	L 4											
06N	25E	2	17.0			40.0									31.0				88.0
			L 1																

Right Acre Limit: 15.8

POU Total Acres: 281.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.8 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total diversion rate of 1.87 cfs.
3. Rights 34-14741, 34-14743, 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total annual maximum diversion volume of 858.9 af at the field headgate, and the irrigation of 245.4 acres.
4. Rights 34-14740, 34-14741, 34-14746, 34-14745, 34-14750, 34-14743, 34-14747, 34-14748 and 34-14749 when combined shall not exceed a total diversion rate of 6.98 cfs and the irrigation of 258 acres

Transfer No. 83958

WATER RIGHT NO. 34-14746
As Modified by Transfer No. 83958

CONDITIONS OF APPROVAL

5. Rights 34-14739, 34-14740, 34-14741, 34-14742, 34-14743, 34-14744, 34-14745, 34-14746, 34-14747, 34-14748, 34-14749 and 34-14750 when combined shall not exceed a total diversion rate of 7.87 cfs and the irrigation of 281 acres.
6. 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.
7. Right No. 34-14750 is an enlargement of this right pursuant to Idaho Code § 42-1426.
8. 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.
9. 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.
10. 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.
11. Prior to the diversion and use of water under Transfer approval 83958, 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 34-14750**As Modified by Transfer No. 83958**

In accordance with the approval of Transfer No. 83958, Water Right No. 34-14750 is now described as follows:

Right Holder: KURT A NIGHTINGALE AND
JANIE R NIGHTINGALE
PO BOX 445
MOORE, ID 83255

Priority Date: 7/9/1979

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.470 cfs
0.470 cfs

Diversion Volume
197.8 af
197.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NENW) Sec 1 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					13.0	33.0	41.0	37.0	24.0	41.0	4.0						193.0
							L 3	L 4											
06N	25E	2	17.0			40.0									31.0				88.0
			L 1																

Right Acre Limit: 134.2

POU Total Acres: 281.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 134.2 acres within the place of use described for this right.
2. Rights 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total diversion rate of 1.87 cfs.
3. Rights 34-14741, 34-14743, 34-14745, 34-14746 and 34-14750 when combined shall not exceed a total annual maximum diversion volume of 858.9 af at the field headgate, and the irrigation of 245.4 acres.
4. Rights 34-14740, 34-14741, 34-14746, 34-14745, 34-14750, 34-14743, 34-14747, 34-14748 and 34-14749 when combined shall not exceed a total diversion rate of 6.98 cfs and the irrigation of 258 acres.

Transfer No. 83958

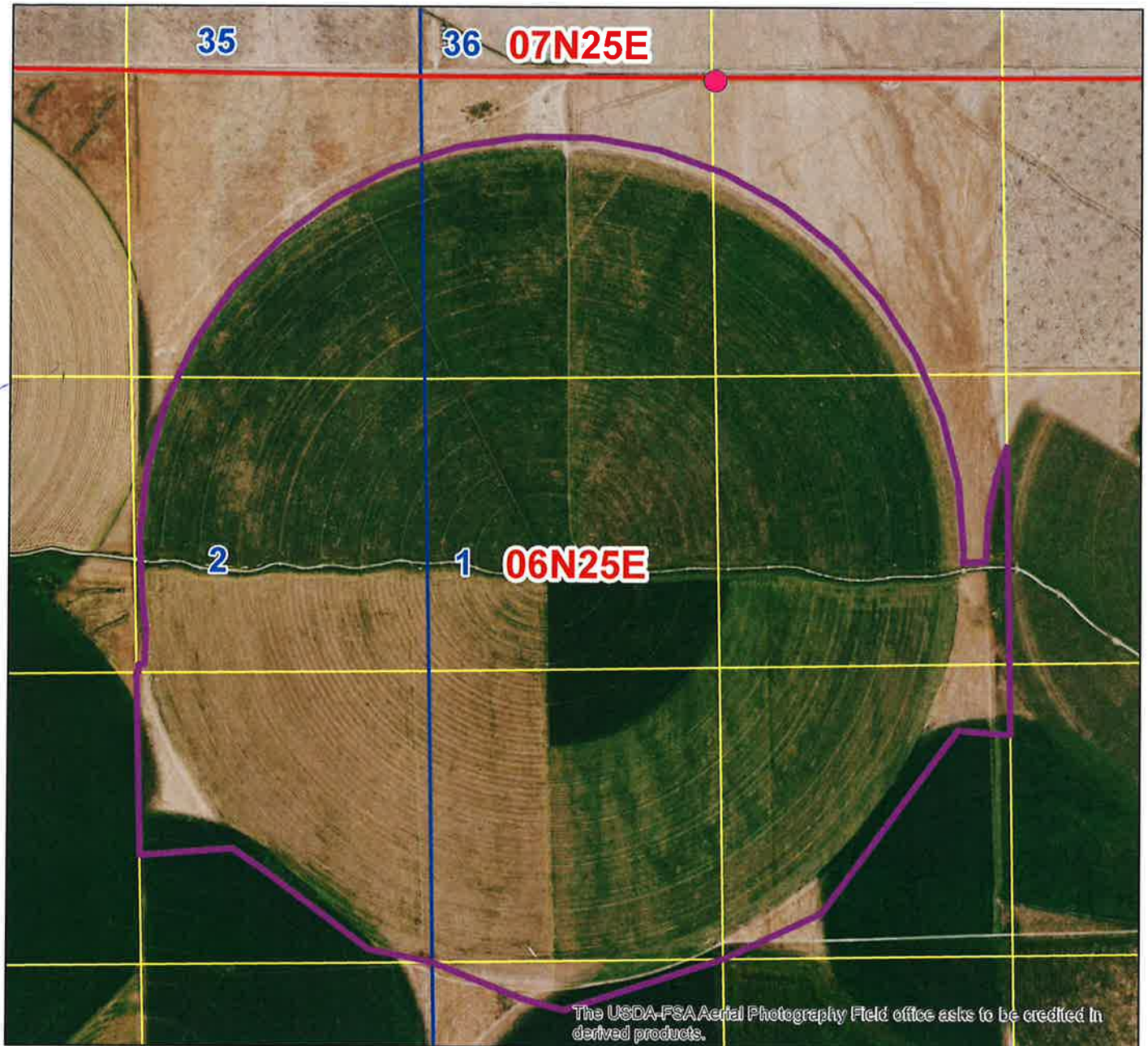
WATER RIGHT NO. 34-14750
As Modified by Transfer No. 83958

CONDITIONS OF APPROVAL

5. Rights 34-14739, 34-14740, 34-14741, 34-14742, 34-14743, 34-14744, 34-14745, 34-14746, 34-14747, 34-14748, 34-14749 and 34-14750 when combined shall not exceed a total diversion rate of 7.87 cfs and the irrigation of 281 acres.
6. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
7. 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.
8. This right is based upon an enlargement of Right No. 34-14745 and 34-14746 pursuant to Idaho Code § 42-1426.
9. 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.
10. 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.
11. 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.
12. Prior to the diversion and use of water under Transfer approval 83958, 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.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 83958

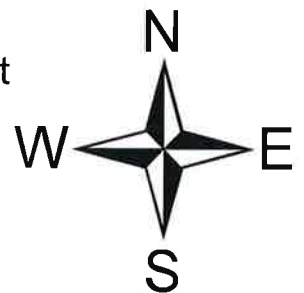
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 500 1,000 2,000 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

KURT A NIGHTINGALE
JANIE R NIGHTINGALE
PO BOX 445
MOORE ID 83255

Re: Transfer No: 83958
Water Right No(s): 34-14745, 34-14746, 34-14750

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.

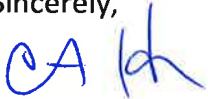
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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

CERTIFICATE OF SERVICE

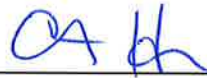
I hereby certify that on July 22, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83958

Water Right No(s): 34-14745, 34-14746, 34-14750

**KURT A NIGHTINGALE
JANIE R NIGHTINGALE
PO BOX 445
MOORE ID 83255**

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



**Christina Henman
Administrative Assistant**