

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAR 19 2020

Department of Water Resources  
VERSION 1.0

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)      ☐ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Bradley and Rosalyn Nightengale Phone (209)678-2836

2. MAILING ADDRESS 4157 N 3600 W City Moore

State ID Zip 83255 Email brad@nightengalefarms.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-2390A, 34-2390B

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

## 6. 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:

\_\_\_\_\_

- b. Who owns the property at the point(s) of diversion? \_\_\_\_\_  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

\_\_\_\_\_

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

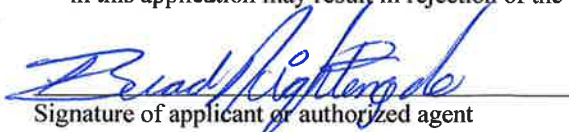
\_\_\_\_\_

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).  
(Disregard if these items are on file and ownership has not changed.)

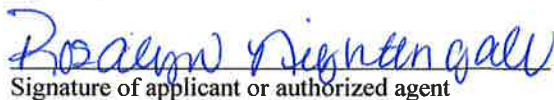
7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

  
Signature of applicant or authorized agent

Brad Nightengale / Owner  
Print name and title if applicable

03/16/2020  
Date

  
Signature of applicant or authorized agent

Rosalyn Nightengale  
Print name and title if applicable

03/16/2020  
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

### FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by CA du Date 3/19/2020

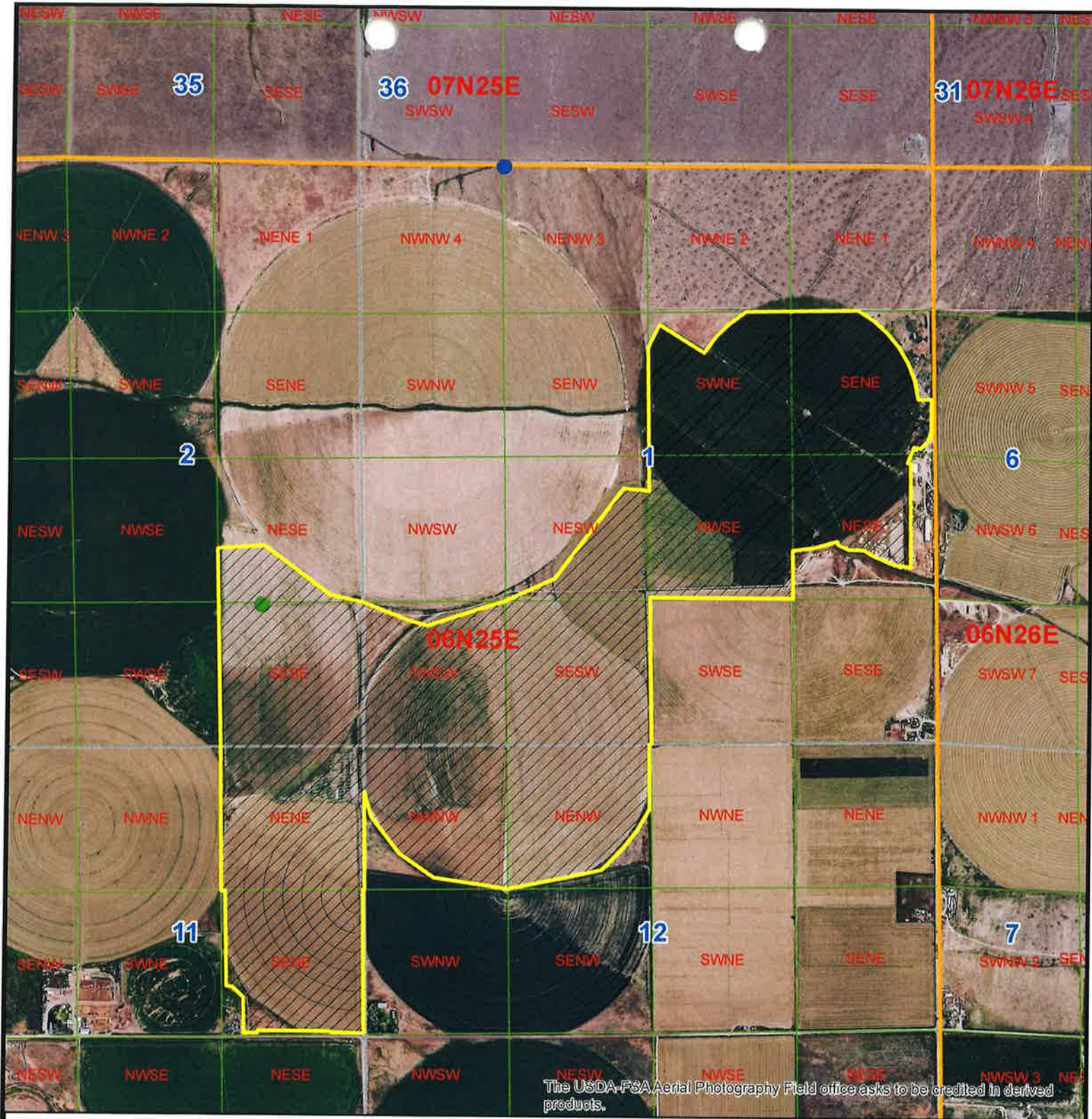
Fee paid \$660.00 Date 3/19/2020 Receipted by CA du Receipt # E045743

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

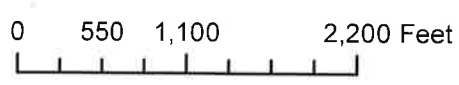




The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

### Legend

-  POU
-  Current POD
-  Proposed POD
-  Township/Range
-  Sections
-  QQ



1 inch = 1,250 feet



83960

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

3/19/2020

Water Right 34-2390A

**Owner Type**      **Name and Address**  
Current Owner      BRADLEY KEITH NIGHTENGALE  
                         PO BOX 210  
                         MACKAY, ID 83251-0210  
                         (209) 678-2836

Current Owner      ROSALYN ANN NIGHTENGALE  
                         PO BOX 210  
                         MACKAY, ID 83251-0210  
                         (209) 678-2836

**Priority Date:** 10/12/1960

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

<b>Beneficial Use</b>	<b>From</b>	<b>To</b>	<b>Diversion Rate</b>	<b>Volume</b>
IRRIGATION	04/01	10/31	2.020 CFS	560.3 AF
	<b>Total Diversion</b>		2.020 CFS	560.3 AF

**Source and Point(s) of Diversion**

GROUND WATER      L3(NWNENW)      Sec. 1, Twp 06N, Rge 25E, BUTTE County

**Place Of Use**

IRRIGATION within BUTTE, CUSTER Counties

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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.      X27      This right is limited to the irrigation of 160.1 acres within the authorized place of use in a single irrigation season.
2.      X35      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.      X35      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.

## IDAHO DEPARTMENT OF WATER RESOURCES

3/19/2020

## Proof Report

4. X35 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.
5. R05 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.
6. R02 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.
7. 213 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.
8. 214 Prior to the diversion and use of water under Transfer approval 76450, 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.
9. T19 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
11. T08 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. R59 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.

**Dates and Other Information**

Decreed Date: 2/28/2002

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
19.880		710.0
34-10714 ,34-10715 ,34-10713 ,34-848 ,34-2390B ,34-2390A ,34-2466A ,34-2466B ,34-7175 ,34-4031 ,34-12364 ,34-449		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
17.630		652.0
34-10714 ,34-10715 ,34-10713 ,34-848 ,34-2390A ,34-2466A ,34-7175 ,34-4031 ,34-12364		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	2,170.0	620.0
34-2390A ,34-2466A ,34-7175 ,34-4031 ,34-12364		



**IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report**

3/19/2020

**Water Right 34-2390B**

**Owner Type**      **Name and Address**  
Current Owner      BRADLEY KEITH NIGHTENGALE  
                                 PO BOX 210  
                                 MACKAY, ID 83251-0210  
                                 (209) 678-2836

Current Owner      ROSALYN ANN NIGHTENGALE  
                                 PO BOX 210  
                                 MACKAY, ID 83251-0210  
                                 (209) 678-2836

**Priority Date:** 10/12/1960

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	04/01	10/31	0.120 CFS	31.9 AF
	<b><u>Total Diversion</u></b>		0.120 CFS	31.9 AF

**Source and Point(s) of Diversion**

GROUND WATER      L3(NWNENW)      Sec. 1, Twp 06N, Rge 25E, BUTTE County

**Place Of Use**

IRRIGATION within BUTTE, CUSTER Counties

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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.      X27      This right is limited to the irrigation of 9.1 acres within the authorized place of use in a single irrigation season.
2.      X35      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.      X35      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.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

3/19/2020

4. R05 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.
5. R02 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. 213 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. 214 Prior to the diversion and use of water under Transfer approval 76450, 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. T19 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. T08 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. R59 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.
12. F06 The following rights are diverted through point(s) of diversion described above:  
34-2390A, 34-2390B, 34-14741, 34-14742.

**Dates and Other Information**

Decreed Date: 12/14/2001  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: 34  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 3.5  
Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
19.880		710.0
34-10714 ,34-10715 ,34-10713 ,34-848 ,34-2390B ,34-2390A ,34-2466A ,34-2466B ,34-7175 ,34-4031 ,34-12364 ,34-449		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.650	114.0	25.0
34-2390B ,34-2466B		

**SubCase:**

N/A

**Water Supply Bank:**

RECORDING REQUESTED BY  
First American Title Company

AND WHEN RECORDED MAIL TO  
First American Title Company  
168 West Pacific Street/PO Box 868  
Blackfoot, ID 83221

BUTTE COUNTY  
Recorded for:  
First American Title - Blackfoot  
04:23:02 PM 06-28-2019  
0000-057265  
No. Pages: 5 Fee: \$15.00  
SHELLY SHAFFER  
County Clerk  
Deputy: KG  
Instrument # 256669  
IA LLIS, CUSTER, IDAHO  
i-28-2 019 03:47:45 No. of Pages: 4  
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT  
Ira H. Baker Fee: \$15.00  
-Offi cio Recorder Deputy: TV

Space Above This Line for Recorder's Use Only

**WARRA NTY DEED**

File No.: 726825-B (vb)

Date: June 26, 2019

For Value Received, **Val C. Carter and Heather Ilene Carter, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bradley Keith Nightengale and Rosalyn Anne Nightengale, husband and wife**, hereinafter called the Grantee, whose current address is P.O. Box 210 Mackay, ID. 83251, the following described premises, situated in **Custer and Butte County, Idaho**, to-wit:

**PARCEL 1**

**TOWNSHIP 6 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.**

**SECTION 1: LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ); LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ); S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPT TAX #17-61 DESCRIBED AS FOLLOWS:**

**A TRACT OF LAND IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SECTION 1, TOWNSHIP 6 NORTH, RANGE 25 E.B.M. BEGINNING AT THE SOUTHEAST CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , OF SAID SECTION 1, THENCE WEST 900 FEET; THENCE NORTH 400 FEET, MORE OR LESS, TO THE SOUTH BOUNDARY OF THE UPPER BURNETT DITCH; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION, ALONG SAID BOUNDARY OF DITCH, 960 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; THENCE SOUTH 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

**SECTION 2: LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$**

**EXCEPTING THEREFROM:**

**PART OF THE W $\frac{1}{2}$  OF SECTION 1 AND PART OF THE E $\frac{1}{2}$  OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 25 E.B.M., BUTTE COUNTY, IDAHO DESCRIBED AS;  
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE S. 89°34'45" E. 2690.21 FEET ALONG THE SECTION LINE TO THE NORTH  $\frac{1}{4}$  CORNER OF SAID SECTION 1; THENCE S. 00°31'30" E. 2970.79 FEET ALONG THE NORTH-SOUTH CENTER SECTION LINE; THENCE S. 89°33'56" W. 346.89 FEET; THENCE S. 39°46'47" W. 483.78 FEET; THENCE S. 36°19'09" W. 477.44 FEET; THENCE S. 59°20'21" W. 540.52 FEET; THENCE S. 72°43'21" W. 275.86 FEET; THENCE S. 82°31'37" W. 510.74 FEET; THENCE N. 80°26'10" W. 475.20 FEET; THENCE N. 53°08'37" W. 87.85 FEET; THENCE S. 87°25'41" W. 108.80 FEET; THENCE N. 54°32'47" W. 529.75 FEET; THENCE N. 53°05'37" W. 496.98 FEET; THENCE N. 87°20'03" W. 368.72 FEET TO THE EAST 1/16TH SECTION LINE OF SAID SECTION 2; THENCE N. 01°02'46" W. 3456.01 FEET ALONG SAID 1/16TH SECTION LINE TO THE NORTH LINE OF SAID SECTION 2; THENCE S. 88°40'35" E. 1364.90 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.**



**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
168 West Pacific Street/PO Box 868  
Blackfoot, ID 83221

**Instrument # 256669**

CHALLIS, CUSTER, IDAHO  
06-28-2019 03:47:45 No. of Pages: 4  
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT  
Lura H. Baker Fee: \$15.00  
Ex-Officio Recorder Deputy: TV

**E-RECORDED** simplifile

ID: 057265

County: BUTTE

Date: 6-28-19 Time: 4:33pm

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **726825-B (vb)**

Date: **June 26, 2019**

For Value Received, **Val C. Carter and Heather Ilene Carter, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bradley Keith Nightengale and Rosalyn Anne Nightengale, husband and wife**, hereinafter called the Grantee, whose current address is P.O. Box 210 Mackay, ID. 83251, the following described premises, situated in **Custer and Butte County, Idaho**, to-wit:

**PARCEL 1**

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**SECTION 1: LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ); LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ); S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPT TAX #17-61 DESCRIBED AS FOLLOWS:**

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SECTION 1, TOWNSHIP 6 NORTH, RANGE 25 E.B.M. BEGINNING AT THE SOUTHEAST CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , OF SAID SECTION 1, THENCE WEST 900 FEET; THENCE NORTH 400 FEET, MORE OR LESS, TO THE SOUTH BOUNDARY OF THE UPPER BURNETT DITCH; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION, ALONG SAID BOUNDARY OF DITCH, 960 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; THENCE SOUTH 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**SECTION 2: LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$**

**EXCEPTING THEREFROM:**

**PART OF THE W $\frac{1}{2}$  OF SECTION 1 AND PART OF THE E $\frac{1}{2}$  OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 25 E.B.M., BUTTE COUNTY, IDAHO DESCRIBED AS; BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE S. 89°34'45" E. 2690.21 FEET ALONG THE SECTION LINE TO THE NORTH  $\frac{1}{4}$  CORNER OF SAID SECTION 1; THENCE S. 00°31'30" E. 2970.79 FEET ALONG THE NORTH-SOUTH CENTER SECTION LINE; THENCE S. 89°33'56" W. 346.89 FEET; THENCE S. 39°46'47" W. 483.78 FEET; THENCE S. 36°19'09" W. 477.44 FEET; THENCE S. 59°20'21" W. 540.52 FEET; THENCE S. 72°43'21" W. 275.86 FEET; THENCE S. 82°31'37" W. 510.74 FEET; THENCE N. 80°26'10" W. 475.20 FEET; THENCE N. 53°08'37" W. 87.85 FEET; THENCE S. 87°25'41" W. 108.80 FEET; THENCE N. 54°32'47" W. 529.75 FEET; THENCE N. 53°05'37" W. 496.98 FEET; THENCE N. 87°20'03" W. 368.72 FEET TO THE EAST 1/16TH SECTION LINE OF SAID SECTION 2; THENCE N. 01°02'46" W. 3456.01 FEET ALONG SAID 1/16TH SECTION LINE TO THE NORTH LINE OF SAID SECTION 2; THENCE S. 88°40'35" E. 1364.90 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.**

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
168 West Pacific Street/PO Box 868  
Blackfoot, ID 83221

**E-RECORDED** simplifile

ID: 256669  
County: CLUSTER  
Date: 6-28-19 Time: 3:47 AM

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **726825-B (vb)**

Date: **June 26, 2019**

For Value Received, **Val C. Carter and Heather Ilene Carter, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bradley Keith Nightengale and Rosalyn Anne Nightengale, husband and wife**, hereinafter called the Grantee, whose current address is P.O. Box 210, Mackay, ID. 83251, the following described premises, situated in **Custer and Butte County, Idaho**, to-wit:

**PARCEL 1**

**TOWNSHIP 6 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.**

**SECTION 1: LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ); LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ); S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPT TAX #17-61 DESCRIBED AS FOLLOWS:**

**A TRACT OF LAND IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SECTION 1, TOWNSHIP 6 NORTH, RANGE 25 E.B.M. BEGINNING AT THE SOUTHEAST CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ , OF SAID SECTION 1, THENCE WEST 900 FEET; THENCE NORTH 400 FEET, MORE OR LESS, TO THE SOUTH BOUNDARY OF THE UPPER BURNETT DITCH; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION, ALONG SAID BOUNDARY OF DITCH, 960 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; THENCE SOUTH 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

**SECTION 2: LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$**

**EXCEPTING THEREFROM:**

**PART OF THE W $\frac{1}{2}$  OF SECTION 1 AND PART OF THE E $\frac{1}{2}$  OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 25 E.B.M., BUTTE COUNTY, IDAHO DESCRIBED AS; BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE S. 89°34'45" E. 2690.21 FEET ALONG THE SECTION LINE TO THE NORTH  $\frac{1}{4}$  CORNER OF SAID SECTION 1; THENCE S. 00°31'30" E. 2970.79 FEET ALONG THE NORTH-SOUTH CENTER SECTION LINE; THENCE S. 89°33'56" W. 346.89 FEET; THENCE S. 39°46'47" W. 483.78 FEET; THENCE S. 36°19'09" W. 477.44 FEET; THENCE S. 59°20'21" W. 540.52 FEET; THENCE S. 72°43'21" W. 275.86 FEET; THENCE S. 82°31'37" W. 510.74 FEET; THENCE N. 80°26'10" W. 475.20 FEET; THENCE N. 53°08'37" W. 87.85 FEET; THENCE S. 87°25'41" W. 108.80 FEET; THENCE N. 54°32'47" W. 529.75 FEET; THENCE N. 53°05'37" W. 496.98 FEET; THENCE N. 87°20'03" W. 368.72 FEET TO THE EAST 1/16TH SECTION LINE OF SAID SECTION 2; THENCE N. 01°02'46" W. 3456.01 FEET ALONG SAID 1/16TH SECTION LINE TO THE NORTH LINE OF SAID SECTION 2; THENCE S. 88°40'35" E. 1364.90 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.**

**PARCEL II**

**TOWNSHIP 6 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.**

**SECTION 11: E $\frac{1}{2}$ NE $\frac{1}{4}$  LYING NORTH OF PASS CREEK AND IN BUTTE COUNTY, IDAHO.**

**SECTION 12: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , EXCEPTING AN EXISTING WELL SITE, IRRIGATION PUMP AND EASEMENT FOR ACCESS TO WELL SITE DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT 486 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 12, THENCE EAST 1 ROD; THENCE SOUTH 1 ROD; THENCE WEST 1 ROD; THENCE NORTH 1 ROD TO THE POINT OF BEGINNING.**

**ALSO EXCEPTING A TRIANGULAR SHAPED PARCEL OF LAND DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ , THENCE NORTH ALONG THE WEST BOUNDARY OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 250 FEET, MORE OR LESS, TO AN EXISTING FENCE CORNER; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID FENCE LINE, 1345 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; THENCE WEST 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

**SECTION 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , LESS AND EXCEPTING A TRIANGULAR SHAPED PARCEL OF LAND IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$  DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID NE $\frac{1}{4}$ NW $\frac{1}{4}$ , THENCE NORTH 250 FEET, MORE OR LESS, TO AN EXISTING FENCE LINE; THENCE SOUTHWESTERLY, ALONG SAID FENCE LINE, 1345 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; THENCE EAST ALONG THE SOUTH BOUNDARY OF SAID NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

**PARCEL III**

**TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.**

**SECTION 11: SOUTHEAST QUARTER NORTHEAST QUARTER, NORTHEAST QUARTER NORTHEAST QUARTER, SOUTH OF PASS CREEK.**

**EXCEPTING THEREFROM: ANY PART IN BUTTE COUNTY.**

**ALSO EXCEPTING THEREFROM: A PORTION OF THE SOUTHEAST QUARTER NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:  
BEGINNING AT A 5/8" REBAR WITH A PLASTIC CAP STAMPED "MAI LS 11969," SAID POINT BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 4050 N. SAID POINT BEARS N. 88°35'44" W. A DISTANCE OF 1093.51 FEET FROM A 5/8" REBAR WITH AN ALUMINUM CAP STAMPED "1/4 S11/S12 A.A. HUDSON L.S. 4735 2006" MARKING THE EAST QUARTER CORNER OF SECTION 11, THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG AN EXISTING FENCE LINE N. 00°33'31" W. A DISTANCE OF 385.52 FEET TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED "MAI LS 11969"; THENCE CONTINUING ALONG SAID FENCE N. 26°40'14" W. A DISTANCE OF 475.45 FEET TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED MAI LS 11969"; THENCE CONTINUING ALONG SAID FENCE S. 00°34'44" E. A DISTANCE OF 811.52 FEET TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED "MAI LS 11969", SAID POINT BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF**

Date: 06/26/2019

Warranty Deed  
- continued

File No.: 726825-B (vb)

**COUNTY ROAD 4050 N., THENCE ALONG SAID RIGHT OF WAY LINE N. 89°41'41" E. A  
DISTANCE OF 208.97 FEET TO THE POINT OF BEGINNING.**

**INCLUDING Water rights or claims divided proportionately based on the portion of their  
places of use:**

**Water Right Number:**

**34-10713  
34-848  
34-449  
34-10714  
34-10715  
34-2390A  
34-2390B  
34-4031  
34-7175  
34-12364  
34-2466A  
34-2466B**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718  
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

March 25, 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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 4/2/2020 and 4/9/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman  
Administrative Assistant

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, March 25, 2020 10:13 AM  
**To:** ARCO ADVERTISER (arcoadv@aol.com)  
**Subject:** Legal Ads for Arco Advertiser  
**Attachments:** 83958, 83960 Arco Advertiser.doc

Hello,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793

March 25, 2020

Arco Advertiser  
PO Box C  
Arco ID 83213

**Dear LEGAL NOTICE DEPARTMENT:**

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/20/2020. Your cooperation is appreciated.

Sincerely

Christina Henman  
Administrative Assistant

**TRANSFER NO. 83958**

**TRANSFER NO. 83960**

<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/20/2020. The protestant must also send a copy of the protest to the applicant.

Published on 4/2/2020 and 4/9/2020

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Tuesday, March 24, 2020 4:46 PM  
**To:** 'watermaster34@atcnet.net'  
**Subject:** Applications for Transfer No. 83960, 83958, 83935  
**Attachments:** RecommendationForm Transfer0.docx; RecommendationForm Transfer1.docx; RecommendationForm Transfer2.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation forms and return to this office within 7 DAYS of the date of this email.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to these applications should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 7 DAYS from the date of this letter, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.