

\$100. -
RECEIVED
SEP 17 2019
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-13901 NA	Yes ☐	Yes ☐	34-13900 NA	Yes ☐	Yes ☐
34-2390A already complete	Yes ☐	Yes ☐	34-10731 NA	Yes ☐	Yes ☐
34-2390B already complete	Yes ☐	Yes ☐	34-10732	Yes ☒	Yes ☐
34-4031 already complete	Yes ☐	Yes ☐	Limit Stockwater under 34-10732	Yes ☐	Yes ☐
34-7175 already complete	Yes ☐	Yes ☐	Domestic to Nightengale	Yes ☐	Yes ☐

2. Previous Owner's Name: Val Carter

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Brad & Rosalyn Nightengale

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

4157 N 3600 W
Mailing address

Moore
City

ID
State

83255
ZIP

209-678-2836
Telephone

brad@nightengalefarms.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ 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.

5. Date you acquired the water rights and/or claims listed above: June 26 - 2019

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Brad Nightengale

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by JB

Date

9/17/2019

Receipt No.

E045328

Receipt Amt.

\$100. -

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by JB

Processed by JB

Date

9/20/2019

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 Instrument # 256669
04:23:02 PM 06-28-2019

0000-057265

No. Pages: 5 Fee: \$15.00

SHELLY SHAFFER

County Clerk

Deputy: KG

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

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.

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

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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: CUSTER
Date: 6-28-19 Time: 3:47 AM

Space Above This Line for Recorder's Use Only

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Date: **June 26, 2019**

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EXCEPTING THEREFROM:

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PARCEL II

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

SECTION 11: E $\frac{1}{2}$ N $\frac{1}{4}$ 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**

**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.

Date: 06/26/2019

Warranty Deed
- continued

File No.: 726825-B (vb)


Val C. Carter


Heather Ilene Carter

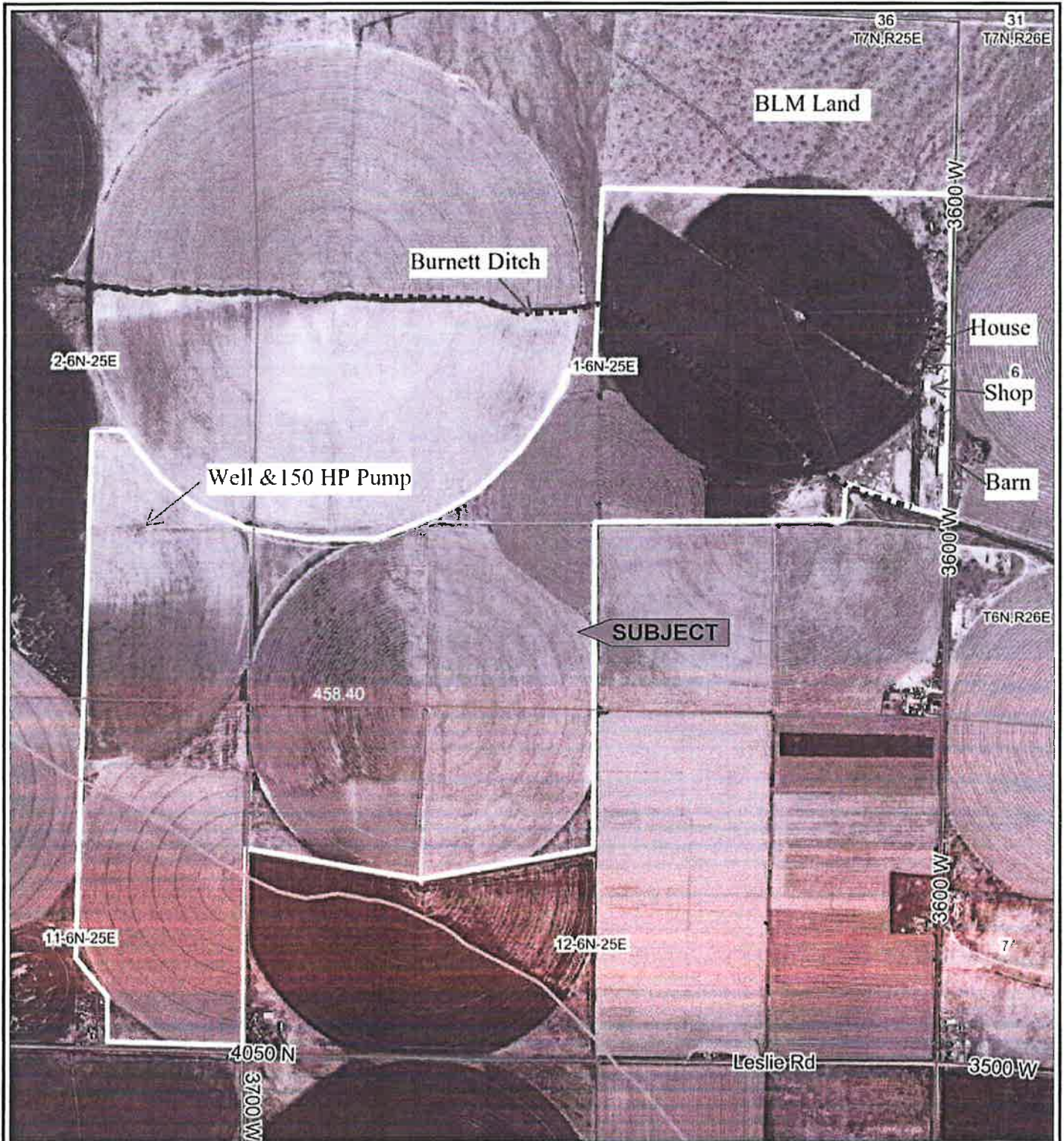
STATE OF Idaho)
COUNTY OF Bingham)
ss.

On this 6/28/2019, before me, a Notary Public in and for said State, personally appeared **Val C. Carter and Heather Ilene Carter**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Poc Stello ID
My Commission Expires: 4/28/2023

Aerial Map





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

Brad Little
Governor

Gary Spackman
Director

September 19, 2019

BRADLEY KEITH NIGHTENGALE
PO BOX 210
MACKAY ID 83251-0210

Re: Change in Water Right Ownership: 34-10732 (Split into 34-10732 and **34-14756**)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: IDAHO AG CREDIT FLCA
VAL C CARTER
HEATHER I CARTER