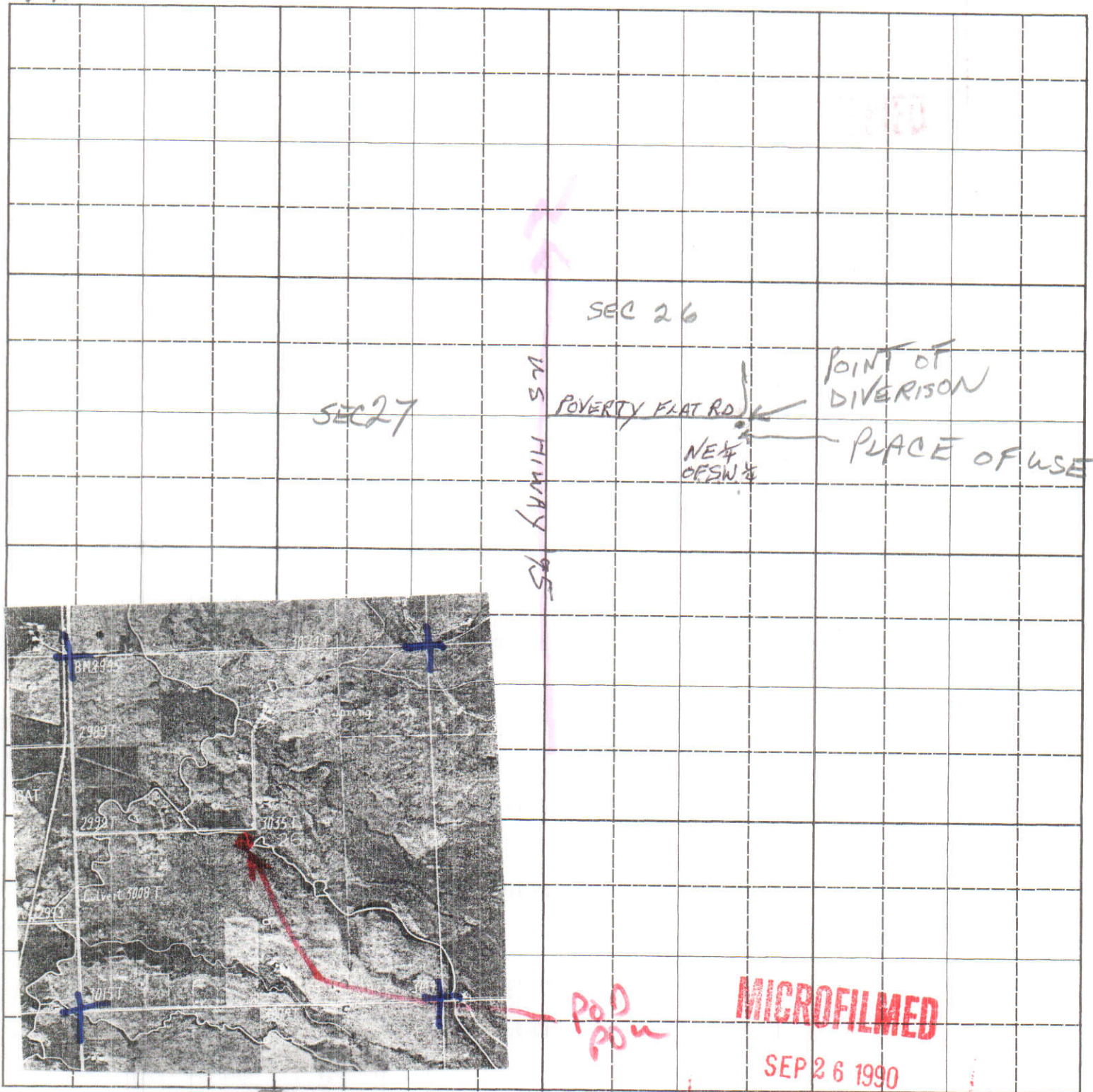


T17N 13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

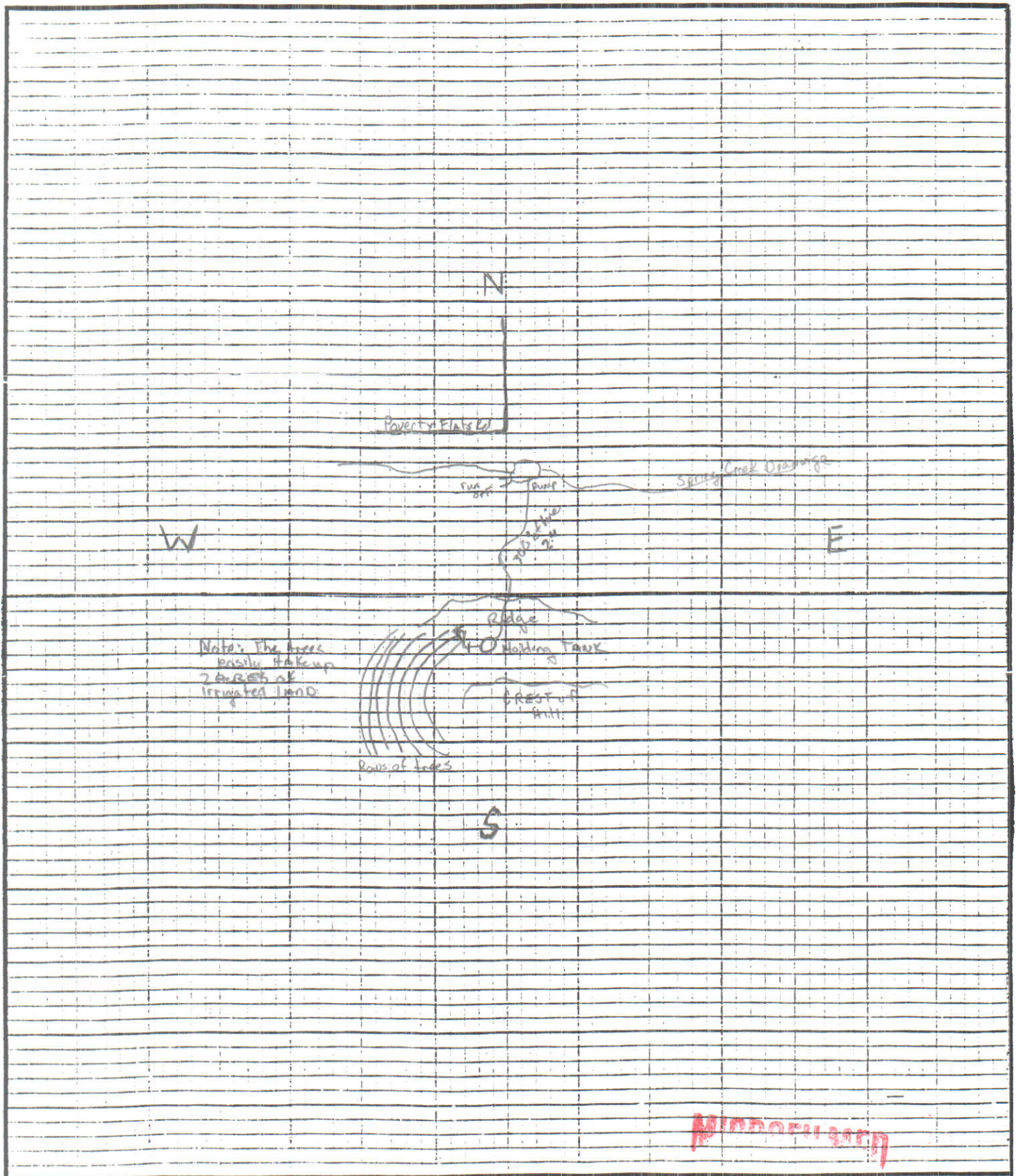


Scale: 2 inches equal 1 mile.

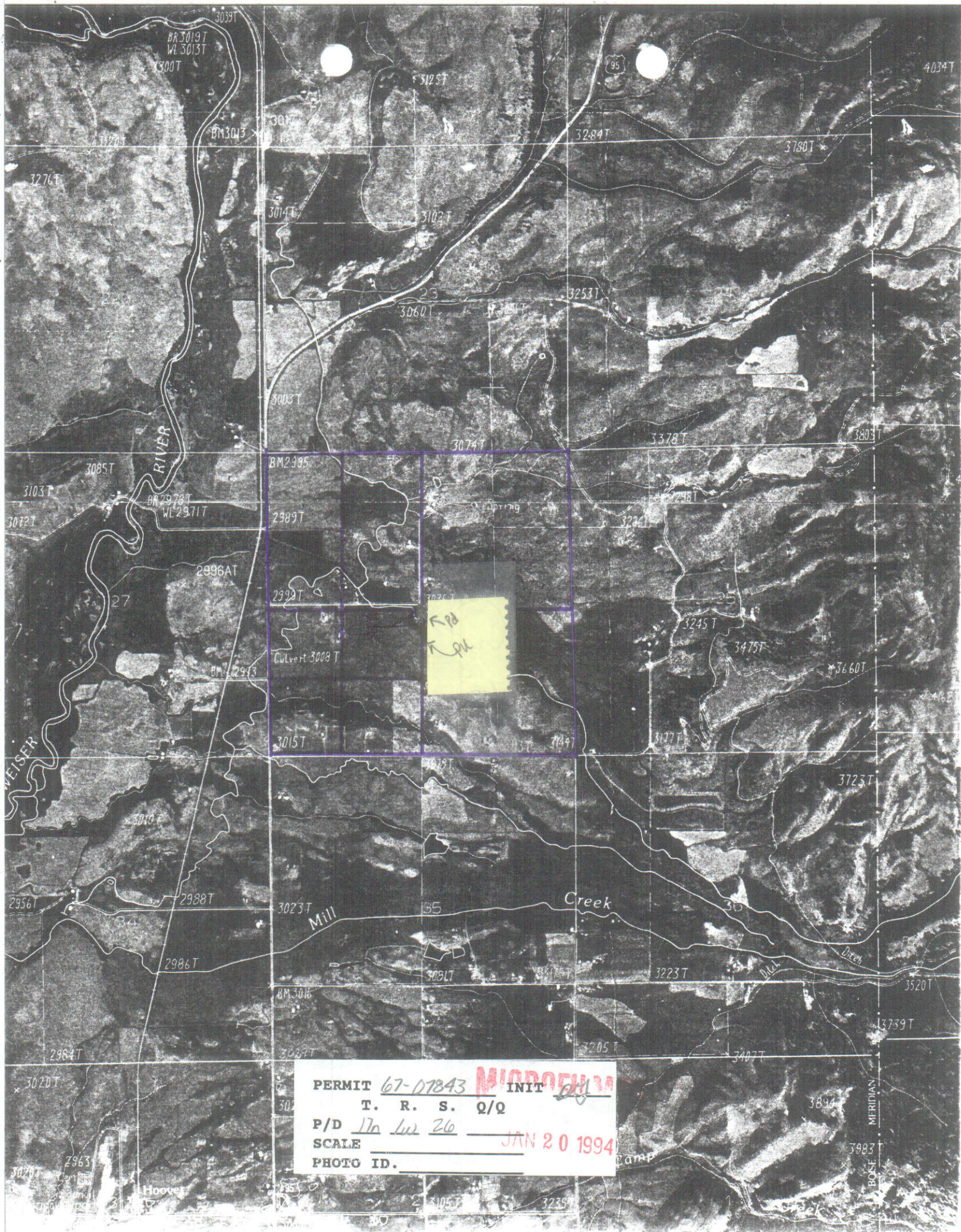
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Maton Brightgate
Lela Nightingale
(Applicant)

SYSTEM DESCRIPTION
ATTACHMENT TO FIELD EXAM FORM



JAN 20 1994



PERMIT 67-07843 **MICROFILM** INIT 68
T. R. S. Q/Q
P/D 176 16 26
SCALE _____ JAN 20 1994
PHOTO ID. _____



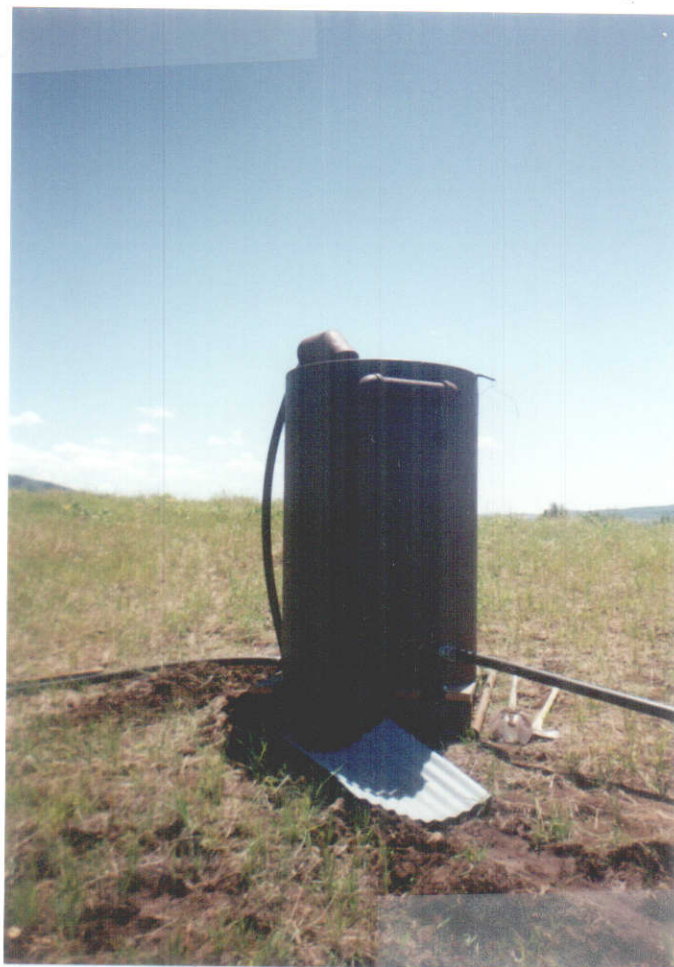
VIEW OF Pld. WATER IS
PUMPED OUT OF THIS POND,
UP A HILL (PLOT #2).

PHOTO ONE-



PHOTO TWO-

MISSOURI
JAN 20 1994



WATER IS HEID IN THIS 530 GAL
TANK. RELEASED TO GRAVITY
PERGATE SEVERAL ROWS OF
PINE TREES (VICTMA) WATER
IS Poured INTO DITCHES WITH
CORRIGATES CUT TO THE TREES.

PHOTO THREE-

>



PHOTO FOUR-

MISSOURI

JAN 20 1994

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Appli

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated August 2, 1990

and the last in the issue dated August 9, 1990
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 9th

day of August, 19 90

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOR AMENDMENT

Notice is hereby given that application No. 67-07843 in the name of Merton S. and/or Lela Nightingale was filed on 5/03/1990 for the diversion of .04 cfs from a Groundwater Source with a Point of Diversion in T17N R1W S26 NESW to be used for Irrigation purposes within T17N R1W S26 NESW.

The Applicant now proposes to amend the application by changing the Source to Spring Creek Tributary of Weiser River.

Any protest against approval of the proposed change of amended application for permit must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before August 20, 1990.

R. Keith Higginson, Director
Published in the Adams County Leader on 8/2 and 8/9/1990.

MICROFILMED

SEP 26 1990

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Application for Water Right" No. 67-07843

Nightingale, Merton S-Nightingale, Lela

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated May 17.1990

and the last in the issue dated May 24.1990 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 24th

day of May 19 90

Notary Public for Idaho,
Residing at Council, Idaho

RECEIVED
MAY 29 1990

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-07843

NIGHTINGALE, MERTON S.
NIGHTINGALE, LELA

P. C. BOX 368

COUNCIL, ID 83612

Source: GROUNDWATER

Diversion Pt:

NESW Sec 26 T 17N R 01W

Use: IRRIGATION (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 5/3/1990

In: T17N R01W S26 NESW

2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JUNE 4, 1990.

R. KEITH HIGGINSON,
Director
Published 5/17/1990 & 5/24/1990

MICROFILMED

SEP 26 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07843

Priority: June 11, 1990

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

8.0 AF

This is to certify, that LELA NIGHTINGALE
MERTON S NIGHTINGALE

PO BOX 368

COUNCIL ID 83612

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 3, 1990; and
has submitted Proof of Beneficial Use on October 1, 1992. An examination indicates
that the works have a diversion capacity of .180 cfs of water from:

SPRING CREEK

tributary to **WEISER RIVER**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 26, Township 17N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N	01W	26	NESW 2			2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

JAN 20 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

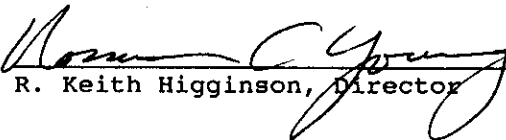
WATER RIGHT NO. 67-07843

CONDITIONS/REMARKS:

8. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 29TH day of DECEMBER, 1993.

Acting for


R. Keith Higginson, Director

JAN 20 1994

RECEIVED

OCT 01 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 10-1-92
Receipt No. C025642
Receipt by [Signature]

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 67-07843 Telephone No. (208) 253-6030 or 253-4869 wk.
2. Name(s) of Permit Holder(s): LELA & MERTON S. NIGHTINGALE
3. Mailing Address: P.O. Box 368 COUNCIL ID 83612
4. Source of Water: SPRING CREEK

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 2 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .04 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ✓ Yes No Installed? ✓ Yes No

OR

Flow Measurement Port: Required? Yes ✓ No Installed? ✓ Yes No

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

MERTON S. NIGHTINGALE (208) 253-6030 253 4869 (week)
Name Telephone No.

P.O. Box 368 COUNCIL ID 83612
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

9/30/92
Date

Merton S. Nightingale
Signature (and title, if on behalf of a company or organization)

OCT 27 1992

STATE OF IDAHO

For Office Use Only
\$15 FEE Received by
Date 10-1-91
Receipt # C021915

RECEIVED
OCT 01 1991

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. P67-07843

Name(s) of Permit Holder: MERTON S. NIGHTINGALE, LELA NIGHTINGALE

Post Office Address: P.O. Box 368

COUNCIL, ID. 83612 Telephone No. 208-253-6030 253-4869

Date Proof is Due: OCT 1, 1991

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

" NONE "

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

ECONOMIC REASONS, DUE TO UNEXPECTED FINANCIAL PROBLEMS,
WE WERE UNABLE TO AFFORD THE MATERIAL THIS YEAR.

Permit holder(s) request an extension to OCT 1, 1992.
(1 yr. minimum)

Merton S. Nightingale
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

DEC 27 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended
to October 1, 1992.

Signed this 7th day of November, 19 91.

J. Ghw Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07843

Proposed Priority: June 11, 1990 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **MERTON S. NIGHTINGALE**

LELA NIGHTINGALE

P.O. BOX 368

COUNCIL, ID 83612

has applied for a permit to appropriate water from:

SPRING CREEK

tributary of **WEISER RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW Sec. 26, Township 17N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

17N 01W 26

NESW 2

2

Total number of acres irrigated:

2

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1991**.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 67.
4. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. No water shall be diverted under this permit after June 15 of each year without prior approval of the watermaster.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

24th day of **September**, 19**90**.

MICROFILMED

SEP 15 1990

for 
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
Ident. No. 67-07843
MAY 03 1990
67-07843 AMENDED
Department of Water Resources
Western Regional Office

To appropriate the public waters of the State of Idaho

WORK # 208-253-4869

1. Name of applicant MERTON S. NIGHTINGALE AND
LELA NIGHTINGALE H&W Phone (208) 253-6030

Post office address P.O. Box 368, COUNCIL ID. 83612

* 2. Source of water supply Spring Creek ~~GROUND WATER~~ which is a tributary of WRISER RIVER NA

3. Location of point of diversion is NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____

Sec. 26 Township 17 N. Range 1 W B.M. ADAMS County; additional

points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount .04 CFS for IRRIGATION purposes from APRIL 1 to OCT 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PORTABLE GAS POWERED PUMP
AND PORTABLE PIPE-LINE AND DITCHES

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to beneficial use is
1 years (minimum 1 year).

MICROFILMED

SEP 26 1990

* AS PER TELEPHONE CONVERSATION ON 6-11-90 (SEE REMARKS)
AND USGS INFO.

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	1W	26									2								2

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? THE APPLICANTS

b. Who owns the land to be irrigated or place of use? THE APPLICANTS

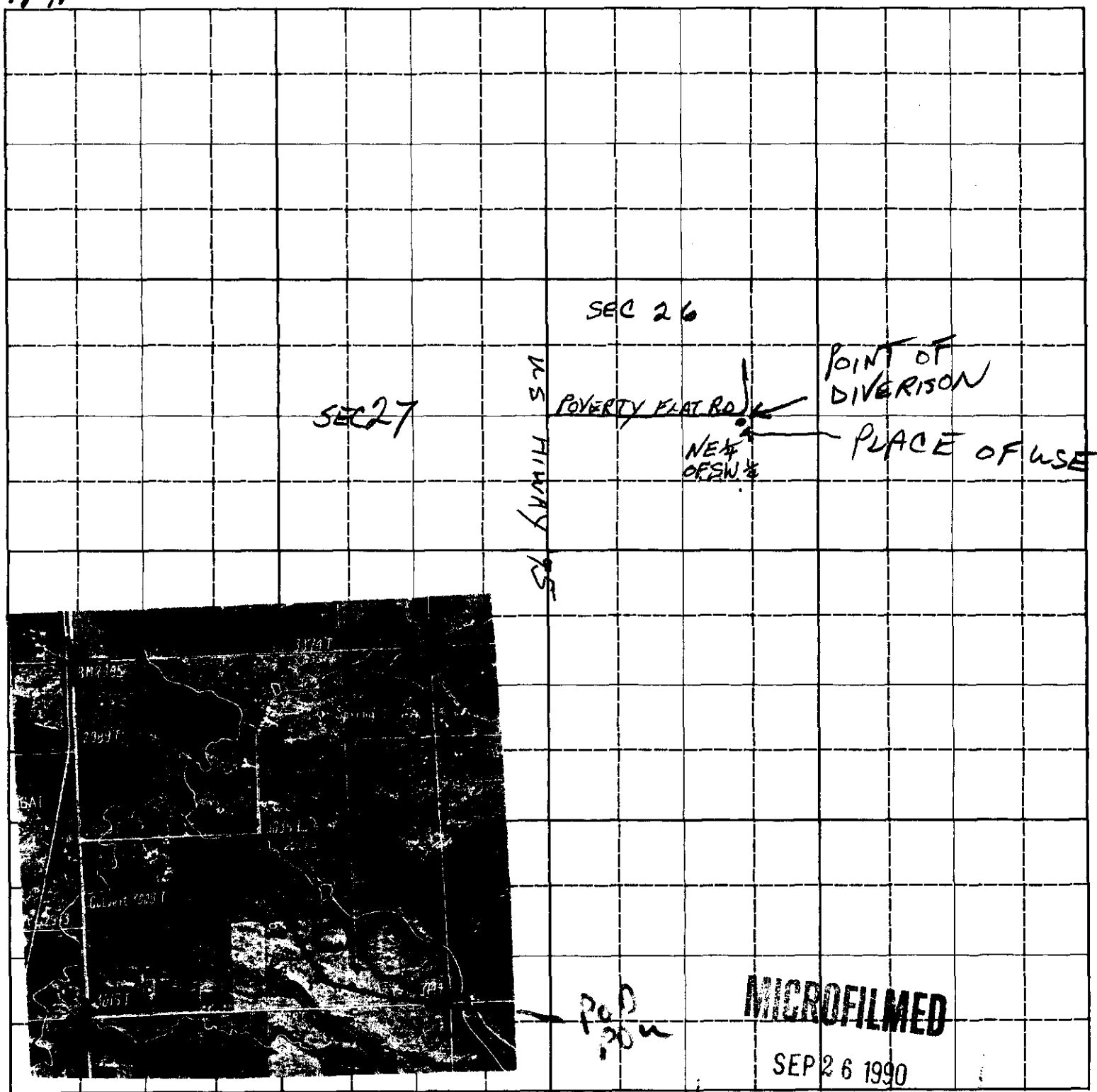
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

SEP 20 1993

T.17 N 13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Morton Brightgate
Lela Nightingale
 (Applicant)

Received by st Date 5-3-90 Time 4:30 pm Preliminary check by _____
Fee \$ 30⁰⁰ 20.00 AMENDED FEE J.H. W012593
Receipted by J.H. # W012337 Date 5-4-90
Publication prepared by GG Date 5-9-90 Published in Adams County Leader
Publication approved st Date 5-27-90 5/16 & 5/23/90
8/1 * 8/8/90 AMENDED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

SEP 26 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 30, 1993

LELA NIGHTINGALE
MERTON S NIGHTINGALE
PO BOX 368
COUNCIL ID 83612

RE: WATER RIGHT NO. 67-07843

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

JAN 20 1994

WR0749NP
No. L67-07843

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/14/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LELA NIGHTINGALE	06/11/1990	IRRIGATION	04-01 10-31	0.04 CFS	8.0 AFA
C	MERTON S NIGHTINGALE PO BOX 368 COUNCIL ID 83612 (208) 253-6030			TOTAL DIVERSION:	0.04 CFS	8.0 AFA

Water Source: SPRING CREEK

Tributary to: WEISER RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.18 CFS

Point(s) of Diversion: T17N R01W S26 NE SW

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
---	---	---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---
17N	01W	26	:					:					:	02				:					:	2.0
																							TOTAL ACRES	2.0

Pou County: ADAMS

Other Water Rights with Same Point(s) of Diversion and Source:
67-07843

Other Water Rights Listing Overlapping Place(s) of use:
67-00075 67-00076 67-07843

Conditions of Approval:

- 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.
- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 67.
- R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Remarks: No water shall be diverted under this right after June 15 of
each year without prior approval of the watermaster.

Dates: App. Received: 05/03/1990 Priority Date: 06/11/1990
Proof Due Date: 10/01/1992 Proof Made Date: 10/01/1992
Exam Made Date: 07/13/1993 Exam Sent to S.O.: 11/18/1993
Licensed Date:

Misc: Water District Number: 67 Field Exam Fee: R (Received)

WR0749NP
No. L67-07843

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/14/93
PAGE: 2

=====
Comments: Date: 10/02/1992 User-ID: ANDREGG Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 12/14/93 CHAPMAN

LICENSE REVIEW CHECKLIST

Permit # 67-7843 Date 12-13-93 Brenda Chapman

NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	☐ ☒ Advance? ☐ Advanced to: _____	
	☐ ☒ Order to Reinstate Needed?	
	<u>-NA-</u> ☐ Incorrect Fee for rate recommended?	
SOURCE	☐ ☒ Changes? Clarification of Originally Intended source	
	☐ ☒ Notice of Intent to Void - Source change.	
P/D	☐ ☒ Amendment Needed? _____	
	☐ ☒ Overlap(s) _____	
P/U	☐ ☒ Amendment Needed? _____	
	☐ ☒ Overlap(s) _____	
TOTAL CFS	☐ ☒ Measurement done? <u>THEORETICAL ONLY</u>	
	<u>2 acres @ .04</u>	
	☐ ☐ Theoretical $(8.8 \times .70 \times 5HP) / (400 + 2.31 \times 30) = .18 \text{ CFS}$	
	☐ ☒ Capacity <u>.18</u>	
	Allowable Amount: <u>Permit limit .04</u>	
TOTAL VOLUME	Season of Use: <u>C/4.0 (4-1 to 10-31)</u>	
	☐ ☒ Calculations: _____	
	<u>2 acres @ 4.0 = 8 AF</u>	
	Flow limit: <u>.04 x 214 x 1.9835 = 16.4</u>	
USES	☐ ☒ Change(s) in Nature of Use? _____	
	☐ ☒ Amendment Needed? _____	
REMARKS	☐ ☐ Multiple P/Ds in 1/4 1/4? _____	
	☐ ☐ Special Overlap _____	
	☒ ☐ Other <u>Approval of watermaster condition</u>	
CONDITIONS	<u>R02</u> ☐ Measuring <u>Locking</u> Devices	
	<u>R04</u> ☐ W/Master Control <u>67</u> Water Dist	
	<u>R31</u> ☐ Irrigation Overlap <u>5-3-90</u> App Rec'd	
	☐ ☒ Water Quality <u>7-12-93</u> Exam Made	

COMMENTS: _____

RECOMMENDED	CFS	DIV VOL	LICENSE
<u>Irrigation</u>	<u>.04</u>	<u>8 AF</u>	☒
_____	_____	_____	1ST AMEND LETTER _____
_____	_____	_____	2ND AMEND LETTER _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 03 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07843

1. Owner: Merton S. NIGHTINGALE for LEIA NIGHTINGALE Phone No. 253-6030

Current Address: P.O. Box 368

2. Accompanied by: Merton NIGHTINGALE EXAM DATE: 7-12-93

Address: SAME Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: SPRING CREEK tributary to WEISER RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE Note: THESE OTHER WRS

2. Other water rights with the same point of diversion: 67-00075, 67-00076 do not overlap this Plt or are from the SAME Plt.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		ne	ne	sw	26	17n	1w	ADAMS	QUADS, Owner Id.

2. Place(s) of Use:

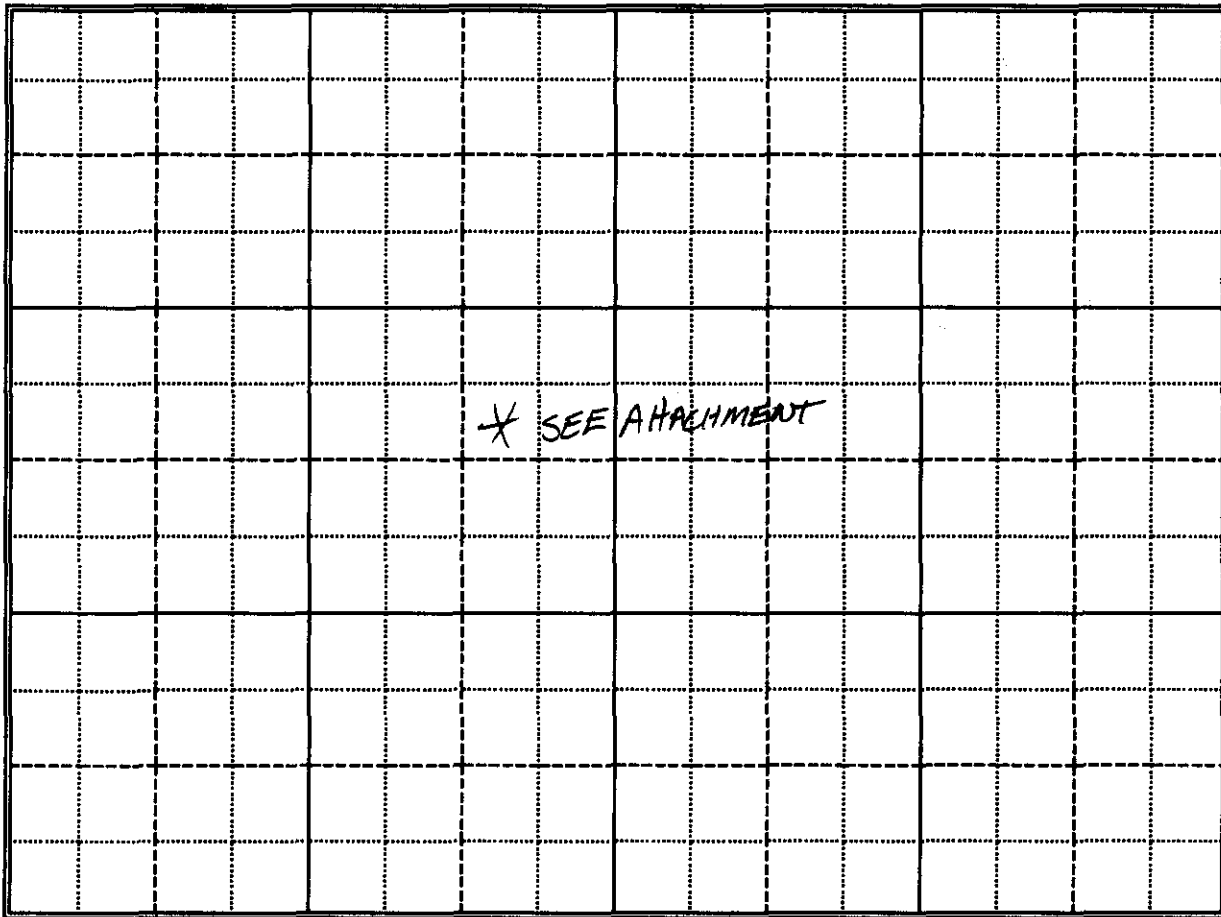
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17n	1w	26																	2

RECORDED

JAN 20 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
surface water	Briggs; Stratton	5	-NA-	PACER	SEBZUE5L

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Theoretical; This will estimate if the owners HAVE THE CAPACITY TO FILL THE TANK; KEEP IT FULL ENOUGH TO IRRIGATE @ PERMITTED RATE OF .09 cfs. 5hp, @ 100' vertical lift, 30 psi (because there is pressure out of pipeline to open discharge holding tank)

JAN 20 1994

E. NARRATIVE/REMARKS/COMMENTS

This system uses a 5 hp motor to pump water from a pond through 300' of pipe. The vertical climb is only 100'. The water pumps into a holding tank then is released through a manifold into several rows of pine trees.

Have conditions of permit approval been met? ☒ yes ☐ no

APPROVED

JAN 20 1994

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\text{Theoretical} \frac{5 \times 8.8 \times 70}{100' + (2.3 \times 30)} = \frac{30.8}{169} = .2 \text{ system CAPACITY}$$

$$\text{NEED} = 2 \text{ acres} \times .02 = .04 \text{ cfs}$$

Allow .04 cfs
(system is able to
HANDLE PERMIT LIMIT)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 4.0 = 8 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .04 \times 183 \times 1.9835 = 15 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8 \text{ AFA}$$

2. Volume Calculations for Other Uses:

- NONE -

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4-1	10-31	.04 cfs	8 AFA
Totals:			.04 cfs	8 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

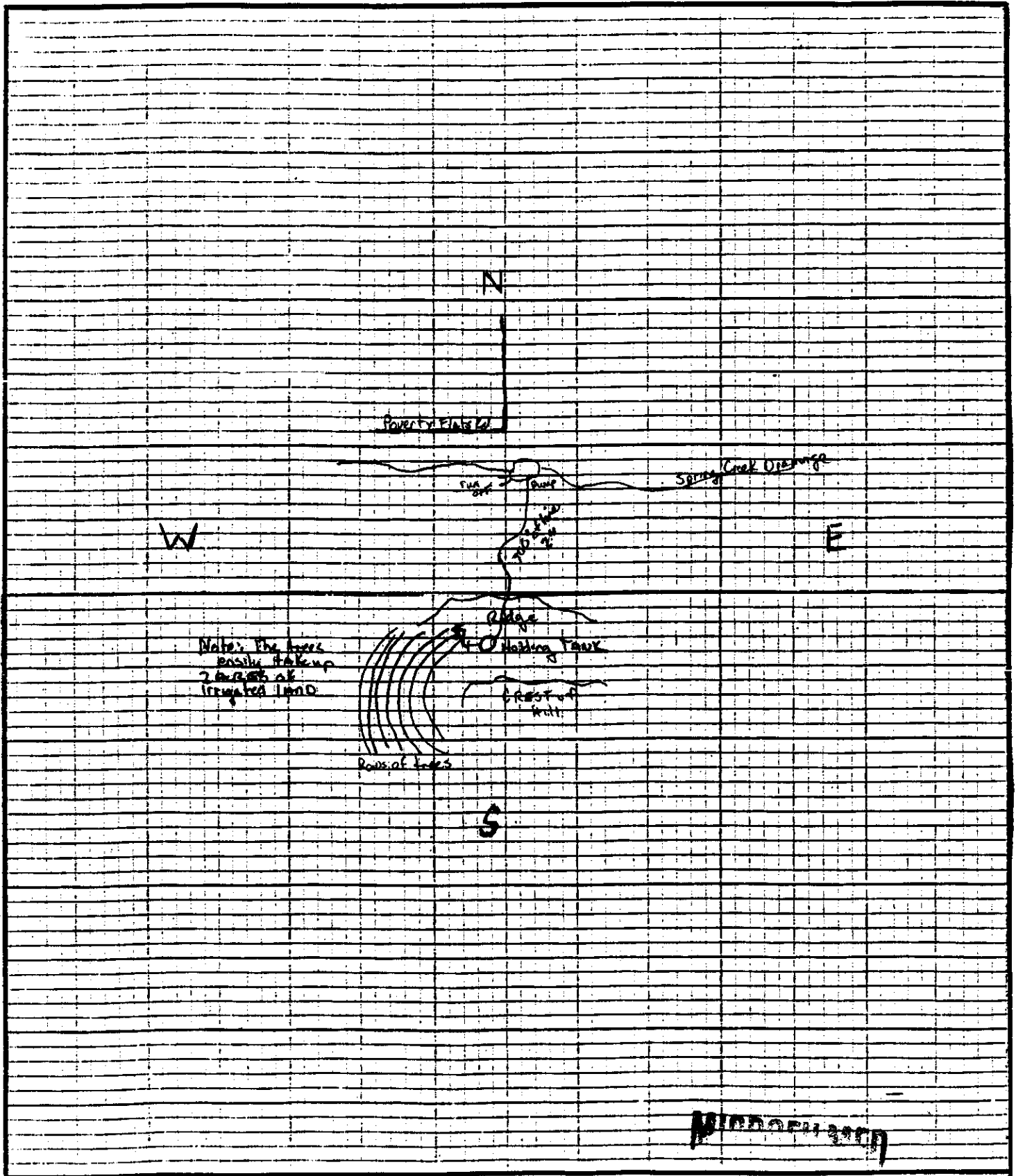
I. AUTHENTICATION

Field Examiner's Name Dave Gray Date 7-16-93

Reviewer _____ Date _____

SEAL

SYSTEM DESCRIPTION
ATTACHMENT TO FIELD EXAM FORM



JAN 20 1994

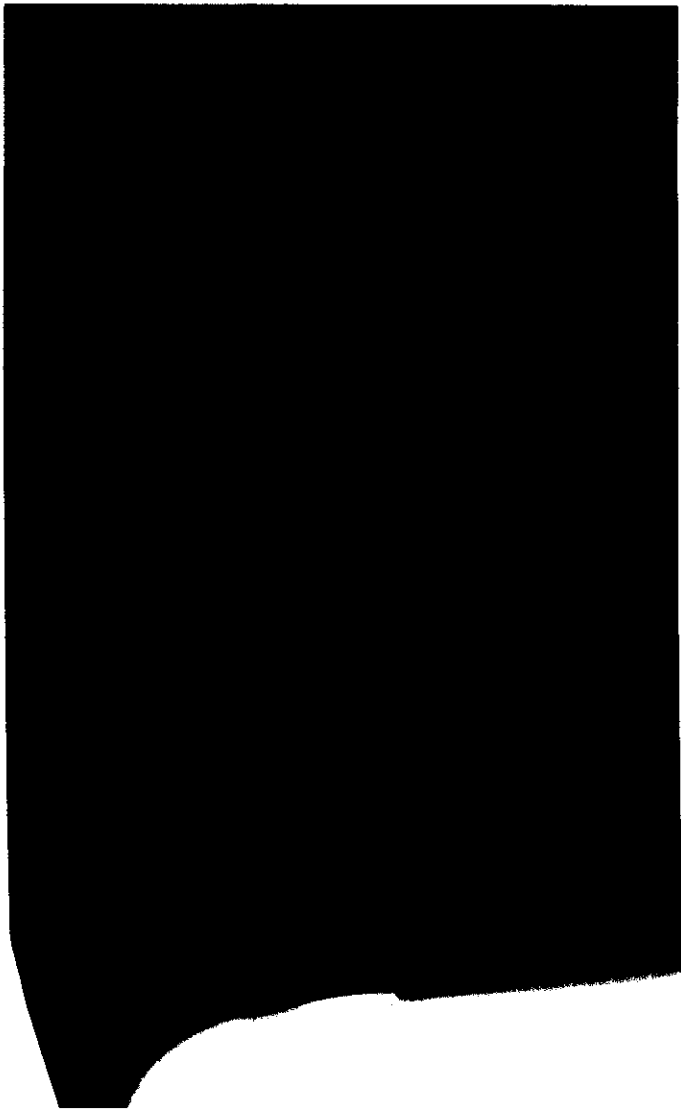
PERMIT 67-07843 **MURDOCH**
T. R. S. Q/Q
P/D 176 161 26
SCALE _____ JAN 20 1994
PHOTO ID.

Hoover



VIEW OF Pld. WATER IS
PUMPED OUT OF THIS POND,
UP A HILL (Pict #2).

PHOTO ONE-



MINNESOTA

JAN 20 1994



WATER IS HEID IN THIS 530 GAL
TANK. RELEASED TO GRAVITY
PERVATE SEVERAL ROWS OF
PINE TREES (PICT#4) WATER
IS Poured INTO DITCHES WITH
CORRIGATES CUT TO THE TREES.

PHOTO THREE-

>



PHOTO FOUR-

RECEIVED

JAN 20 1994

October 2, 1992

LELA NIGHTINGALE
MERTON S. NIGHTINGALE
P.O. BOX 368
COUNCIL ID 83612

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07843

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
OCT 27 1992

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 67-07843

Reviewed by Klg

Date 10/2/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate-2
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY
New Address _____

Proof Made 10/1/92
10/2/92 Klg

July 31, 1992

LELA NIGHTINGALE
MERTON S. NIGHTINGALE
P.O. BOX 368
COUNCIL ID 83612

PROOF DUE NOTICE

RE: PERMIT NO. 67-07843

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

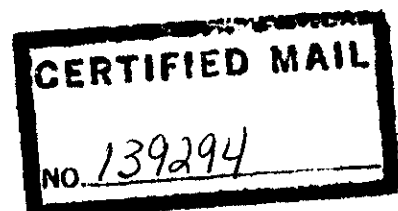
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MAILED

OCT 27 1992



May 19, 1992

LELA NIGHTINGALE
MERTON S. NIGHTINGALE
P.O. BOX 368
COUNCIL ID 83612

RE: Water Right No. 67-07843

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement

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OCT 27 1992

purposes. This type of coordination could minimize the impact on existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

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OCT 27 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 8, 1991

Merton and Lela Nightingale
P.O. Box 368
Council, ID 83612

Re: Permit No. 67-07843

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1992.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECEIVED

NOV 27 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 67-7843

Reviewed by KLG

Date 11/1/91

BASIC INFORMATION

10/1/91 Date stamp received
10/1/91 Extension received timely (not too early not too late)
YES Fee received and receipted
YES Name and signature same as permit
NO Address change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
 _____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
 _____ Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN

- Deny - Lack of due diligence. Advise them to refile when they are ready to pursue development. Over Ruled By Keith 11/5/91

_____ Reinstated _____ Date extension received _____ = _____
 _____ Proof due date _____ = _____
 _____ No. of days late _____ = _____
 _____ Priority date _____ = + _____
 _____ ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

_____ Change proof due date _____ Address change
 _____ Priority date change

138972

July 31, 1991

MERTON S. NIGHTINGALE
LELA NIGHTINGALE
P.O. BOX 368
COUNCIL, ID 83612

PROOF DUE NOTICE

RE: PERMIT NO. P67-07843

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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DEC 27 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 24, 1990

MERTON S. NIGHTINGALE
LELA NIGHTINGALE
P.O. BOX 368
COUNCIL, ID 83612

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 67-07843

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

MICROFILMED

SEP 26 1990

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County Leader, a newspaper; that a copy of the "Notice of Appli

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the
same being made in the issue dated August 2, 1990

and the last in the issue dated August 9, 1990
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 9th

day of August, 1990

Notary Public for Idaho,
Residing at Council, Idaho

MICROFILMED

SEP 26 1990

NOTICE OF APPLICATION FOR AMENDMENT

Notice is hereby given that application No. 67-07843 in the name of Merton S. and/or Lela Nightingale was filed on 5/03/1990 for the diversion of .04 cfs from a Groundwater Source with a Point of Diversion in T17N R1W S26 NESW to be used for Irrigation purposes within T17N R1W S26 NESW.

The Applicant now proposes to amend the application by changing the Source to Spring Creek Tributary of Weiser River.

Any protest against approval of the proposed change of amended application for permit must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before August 20, 1990.

R. Keith Higginson, Director

Published in the Adams County Leader on 8/1 and 8/8/1990.

MICROFILMED
SEP 26 1990

CONVERSATION MEMORANDUM

DATE 7-25-1990FILE 67-07843NAME OF PARTY MERTON S. NightingaleEMPLOYEE GENE Gibson

RE: Talked to Merton on 6-11-90 on the Source for this application. It is not groundwater, it comes from Spring Creek. On 6-11-90 Dale Lytle made an protest to this application (not timely) on the Source. I performed an inspection of the P.O.D. & P.O.U. for this application. There is a ditch coming from the SE NW SE of Section 26 but ends above the P.O.U. This ditch does not appear to have been used in several years, ^{and is} in need of repair in many places. ^{Period of} ~~AN~~ estimation of 'now use would be at least 15 years or more. While there I also looked at the P.O.D. & P.O.U. for claim number A67-10844. There appears to have been a P.O.D. located in the NE SW Section 26 there are ditches to and in the P.O.U. This appears to have been irrigated this year and in past years as the ditches are well established and use able. Talked to Merton on Source change. He said he would get back to me.

7-25-90 called Merton. He said to go with same P.O.D. & change source to Spring Creek.

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SEP 26 1990

CONVERSATION MEMORANDUM

DATE JUNE 11, 1990

(LYTTLE)

FILE 67-07843NAME OF PARTY DALE ~~LITTLE~~ ~~LYTTLE~~ 253-4796EMPLOYEE ROD HOWSON

RE: MISSED PROTEST IN PAPER BY A
WEEK AND (YOU) HE FEELS THAT THE SOURCE
THAT MR. NIGHTINGALE PUT IN, IS SPRING
CREEK AND NOT GRONDAUER.

POINT OF DIVERSION IS ON MR. NIGHTINGALES
PROPERTY HOWEVER THE GRANDFATHER RIGHT
HAS BEEN USED SINCE 1966 CLAIM #
AG7-10844. LAND WAS OWNED (PARTY THEN
DIVIDED UP BY RECLAMATION & SUBDIVIDED CURRENT
UNDER ROAD FOR IRRIGATION. PLEASE CALL
IF HE READVISED AGAIN AS DIFFERENT
SOURCE. RECOMMEND A PRO-PERMIT EXAM
ON THIS APPLICATION.

PLEASE CALL MR. LYTTLE (LITTLE) PRONOUNCED AS
pg 108 right of way.

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SEP 26 1990

RECEIPT IS FROM THE STATE OF IDAHO
SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 06/11/90
TIME 10:51:33

REC/NO - W006264 AR/NO - _____
FROM: - ROGERS, LOUISE

RECEIPT TYPE - CK DOC/NO - 1289
REMARKS -

TYPE OF PAYMENT
ADJUDICATION CLAIM FEE

PROGRAM	ACCT	CLASS	FEE
410162	9337	6490	79.00

TOTAL DUE - 79.00

WR/NO	WR FEE	WR/NO
A6710844	54.00	A6707310

WR FEE	WR/NO	WR FEE
25.00		

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID)
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

MICROFILMED

SEP 26 1990

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Application for Water Right" No. 67-07843

Nightingale, Merton S-Nightingale, Lela as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the same being made in the issue dated May 17.1990

and the last in the issue dated May 24.1990 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 24th

day of May 19 90

Patricia Wilson

Notary Public for Idaho,
Residing at Council, Idaho

RECEIVED

MAY 29 1990

Department of Water Resources
Western Regional Office

MICROFILMED

SEP 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

MAY 9, 1990

Adams County Leader
P.O. Box 23
Council, ID 83612

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

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SEP 26 1990

67-07843

NIGHTINGALE, MERTON S.
NIGHTINGALE, LELA
P.O. BOX 368
COUNCIL, ID 83612

Source: GROUNDWATER

Diversion Pt: **NESW** **Sec 26 T 17N R 01W**

```

Use:  IRRIGATION      ( .040 CFS)
      Total Diversion: ( .040 CFS)

```

Date Filed: 5/ 3/ 1990

In: T17N R01W S26 NESW

2.0 ACRES TOTAL

MICROFILMED

SEP 26 1990