

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A22-02264B**
Date Received: 8/23/1988
Receipt No: E001620
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: FRANK SUMMERS INC
Address: C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID

208-356-5375

83448

2. Date of Priority: OCT 26, 1965

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	9	SW	NE			MADISON

5. Description of diverting works:

WELL PUMP MAINLINE TO CENTER PIVOTS AND HAND LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.650		

7. Total Quantity Appropriated is:

3.650 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

518.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	9	NE	NE		IRR	11.5
			NW	NE		IRR	11.5
			SW	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	9	SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0

Section Acres 259.0

Total Acres 259.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRR. = 259.

SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL
NOT EXCEED 3.65 CFS WHEN COMBINED WITH LIC. NO.

NO. 32570/22-2263B

CHANGED OWNERSHIP PER REQUEST 6/16/97/JT/GJT

15. Basis of Claim: LICENSE

Water Right Number: 32571

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KWH FARMS 208-624-3006
Address: RT. 1 BOX 135
ST. ANTHONY, ID 83445

2. Date of Priority: OCT 26, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	9	SW		NE		MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOTS AND HAND LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.650		

7. Total Quantity Appropriated is:
3.650 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 518.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	9	NE	NE		IRR	11.5
			NW	NE		IRR	11.5
			SW	NE		IRR	38.0

A22-02264B

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Date: 08/23/88

A2202264B



INDEXED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	9	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
Section Acres							259.0
Total Acres							259.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRR. = 259.

SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL
NOT EXCEED 3.65 CFS WHEN COMBINED WITH LIC. NO.
NO. 32570/22-2263B

15. Basis of Claim: LICENSE
Water Right Number: 32571

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am a General Partner of
Title
KWH Farms, that I have signed the foregoing
Organization
document in the space below as a General Partner of
Title
KWH Farms and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

General Partner KWH Farms
Title and Organization

8-23-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

R40E
T5N

POINT OF DIVERSION



PLACE OF USE

E-4
SN

A22-02264B

Not to Scale

Log for claim 22-02264B

Spatial Dynamics LTD

6/29/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	9	NENE	11.5	9.1	
05n40e	9	NWNE	11.5	9.1	
05n40e	9	SWNE	38	34	
05n40e	9	SENE	40	39	
05n40e	9	NESE	40	39	
05n40e	9	NWSE	40	38	
05n40e	9	SWSE	39	37	
05n40e	9	SESE	39	39	
Totals:			259	244.2	



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

JUNE 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR A22-02264B, A22-02263B

Dear Ms. Summers:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office. **A22-07668 is a water right license (an adjudication filing not required); State office will change the ownership for you on this water right.**

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DE. LOG G7
6-10-97

RECEIVED

JUN 04 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources

1. Water Right Number(s) 22-07668, Q 22-02264B, Q 22-02263B
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

RECEIVED

JUN 09 1997

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) KWH Farms % Marilyn Hoopes

16 Bryson Dr. Sutter Creek, Ca.
95685

4. New Owner/Claimant(s) Frank Summers, Inc. % Kelly Summers

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 327 S. 3000 E.

City, State and ZIP Code Sugar City, ID. 83448

New Telephone Number (208) 356-5375

5. Date you acquired the property March 15, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Frank Summers, Inc. by Date 5/31/97
F. Kelly Summers (pres.) Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

FOR VALUE RECEIVED, Marilyn K. Hoopes, a married woman dealing with her sole and separate property, of 16 Bryson Drive, Sutter Creek, California 95685, hereinafter called "Grantor", does hereby grant, bargain, sell, warrant and convey unto **Frank Summers Inc.**, an Idaho corporation, of 327 South 3000 East, Sugar City, Idaho 83448, hereinafter called "Grantee", an undivided one-half interest (Holly Hoopes owning the other undivided one-half interest) in and to the following described real property in Madison County, Idaho, to-wit:

A portion of Sections 9 and 10, Township 5 North, Range 40 East, Boise Meridian, described as follows:

Commencing at a point 3031.1 feet West of the Southeast Corner of Sec. 10, Twp. 5 N., Rge. 40 E., Boise Mer., and running thence North 4339.5 feet; thence West 4889.5 feet, more or less, to a point on the North and South Center line of Sec. 9, Twp. 5 N., Rge. 40 E., Boise Mer.; thence S 0°32'00" East 4342 feet to the South Quarter corner of Sec. 9; thence East 4849.3 feet, to the point of beginning.

Together with the irrigation well on the property with all water rights of every kind and nature relating thereto, including but not limited to Water Licenses No. 32570/22-2263B and No. 32571/22-2264B, for a combined 3.65 CFS of irrigation water and together with domestic well for apartment and farm buildings.

Together with all irrigation equipment used to irrigate the real property, including but not limited to pumps, buried main lines, two operating and complete pivot irrigation systems, and all other irrigation lines including hand lines; also electric panels, motors and systems; also opens, valves and sprinkler heads.

Together with all wheat and barley grain "base" as reflected in the Madison County ASCS office records.

Together with the potato storage facility, complete; shop and apartment building; metal storage building; two grain bins; and two buried fuel tanks, 1,000 gallons each-- one for gasoline and one for diesel-- both of which have been installed and are maintained in compliance with environmental and other government laws and regulations.

Together with any and all other improvements and appurtenances thereto, rents, issues and profits thereof, and reversions and remainders.

Subject to easements of record or in existence for roads, utilities, pipelines and ditches.

4 3
9 10

135.0
10 NHFL

2.4
11 NHFL

point of
diversion

2.3
NHFL

1615