469

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: **A22-02295**
Date Received: 8/02/1988
Receipt No: E001379
Received By: HWJ

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: SUMMERCO INC. 208-356-7803
   Address: 27 N. 3000 E.
   SUGAR CITY, ID 83448

A2202295

2. Date of Priority: FEB 09, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	Lot	County
06N	40E	26	NW	NE		MADISON
			SW	SW		MADISON

5. Description of diverting works:
   TWO WELLS AND TWO PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	7.210		

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

8. Total consumptive use is 838.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	23	NE	NE		IRR	10.0
			SW	NE		IRR	7.0

OCT 2 9 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	40E	23	SE	NE		IRR	39.0
			SW	SW		IRR	37.0
			SE	SW		IRR	37.0
			NE	SE		IRR	39.0
			NW	SE		IRR	20.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
					Section Acres		265.0
		26	NE	NE		IRR	39.0
			NW	NE		IRR	38.0
			SW	NE		IRR	38.0
			SE	NE		IRR	39.0
					Section Acres		154.0
					Total Acres		419.0

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:

15. Basis of Claim: LICENSE
Water Right Number: 28492

OCT 2 9 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

For Organizations: X

I do solemnly swear or affirm that I am Pres (Title) of Summers Inc (Organization), that I have signed the foregoing document in the space below as Pres (Title) of Summers Inc (Organization) and that the statements contained in the foregoing document are true and correct.

Lary Summers
Signature of Authorized Agent

Pres Summers Inc
Title and Organization

8-16-88
Date

State of Idaho)
) SS.
County of Madison)

Subscribed and sworn (or affirmed) before me this 16th day of August 19 88

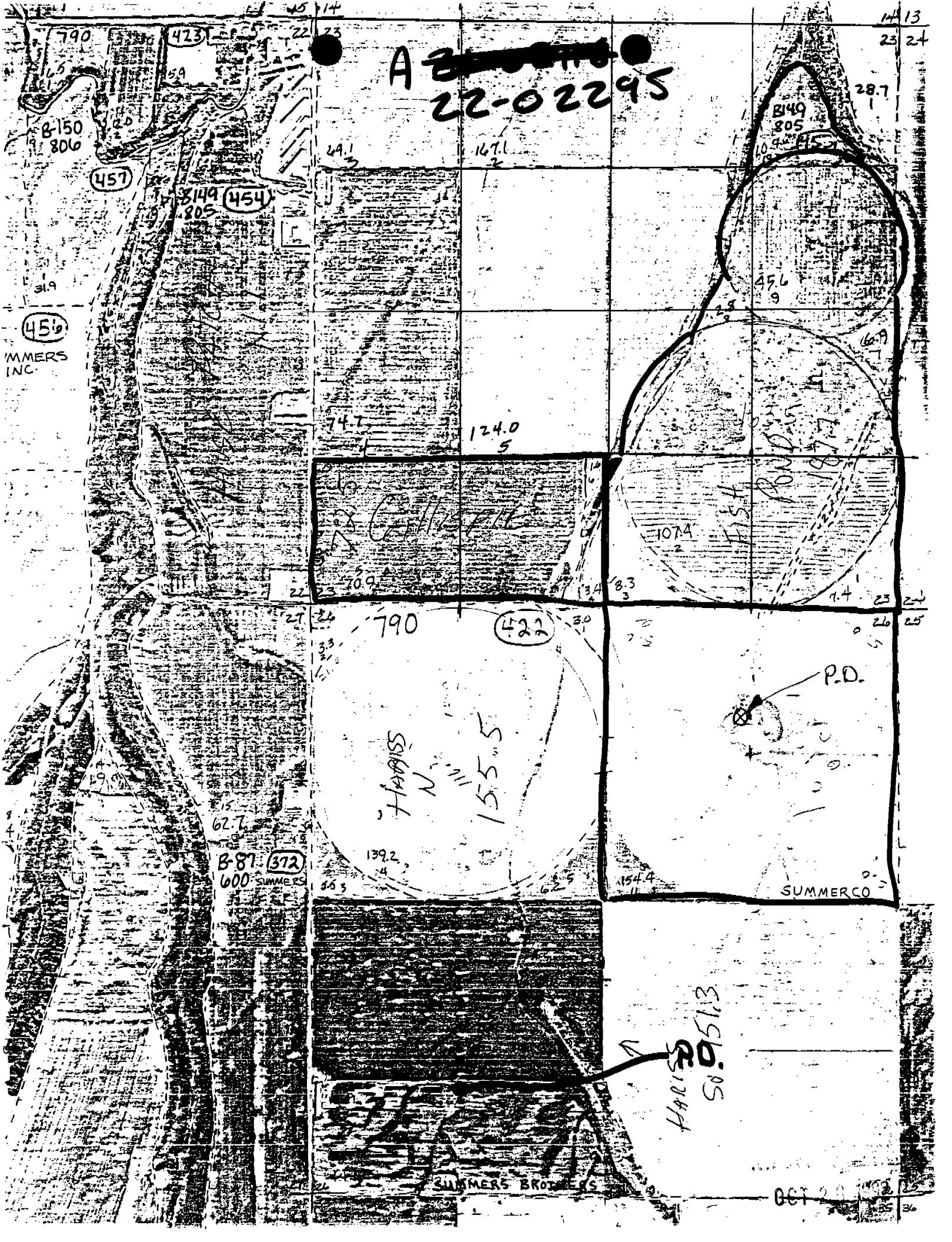
Kerry S. Wilcox
Notary Public

Seal

Residing at Rexburg, Idaho

My Commission Expires 7-10-91

OCT 20 1992


A [redacted]
22-02295
790
423
B150
806
457
B149
805
454
451
SUMMERS
INC
124.0
5
790
422
P.D.
HARRIS
155.5
139.2
62.7
B-87
600
372
SUMMERS
154.4
SUMMERCO
P.O.
HARRIS
SOUTH
1,513
SUMMERS BROTHERS
B149
805
451
1074
45.6
9
28.7
1
167.1
2
49.1
3
74.7
4
70.9
3
8.3
3
3.4
1
1.4
3.0
1
3.3
2
31.9
2.0
2
59
66.9
7
2.5
9

Log for claim 22-02295 **Spatial Dynamics BTD** **8/9/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	23	NENE	10	12	
06n40e	23	SWNE	7	4	
06n40e	23	SENE	39	38	
06n40e	23	SWSW	37	36	
06n40e	23	SESW	37	37	
06n40e	23	NESE	39	38	
06n40e	23	NWSE	20	22	
06n40e	23	SWSE	38	37	
06n40e	23	SESE	38	38	
06n40e	26	NENE	39	39	
06n40e	26	NWNE	38	38	
06n40e	26	SWNE	38	39	
06n40e	26	SENE	39	38	
Totals:			419	416	

State of Idaho

WATER LICENSE

Water License No G-28492 Priority February 9, 1960 Amount 7.21 c.f.s.

THIS IS TO CERTIFY, that Roy & Bert Summers - Assignee - Roy Summers of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 9, 1960; that Permit G-28492 was issued pursuant to said application; that the proposed works were completed on or about 1960, with a storage/or carrying capacity of 7.21 c.f.s., said works consisting of well, pump, and motor; and that on May 1, 1964, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1468 acre feet per season, with a maximum rate of diversion of 7.21 cubic feet per second of the waters of ground water, tributary of, for the purpose of irrigation from April 1 to October 31; and for from to; and for from to; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NW ¼ NE ¼, Sec. 26, T. 6 N, R. 40 E, B.M., and other additional points, in the County of Madison; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1468 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	40 E	23			7	40							39	39	39	20	38	38	260
		26	40	39	40	40													159

Total number of acres irrigated 419

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 30th day of January, 19 69.

State Reclamation Engineer

28492

22 22215

Roy & Bert Summers
SugarCity, Rt. #1,
Idaho

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36467
Permit No. G- 28492
District No.

Assigned to Rexburg - Idaho

1. Name of Applicant: Roy & Bert Summers

   Postoffice address: Sugar City, Rt. #1, County: Madison State: Idaho

2. Quantity of water claimed:

   (a) Rate of withdrawal in cubic feet per second 8.4 or Idaho Miners' inches 420 or gallons per minute 3780

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NW ¼ of the NE ¼ of Section 26 Twp. 6 N , Rge. 40 E , B.M., County of Madison

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B.M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works:

8. Estimated cost of works: $ 38,000

9. (a) Is reservoir to be used? No

   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

    I. (a) Date and place of incorporation:

    (b) Amount of capital stock: $ (c) Amount paid in: $

    (d) Names and addresses of directors:

    II. The financial resources of the applicant are (a) Cash on hand: $

    (b) Treasury stock: (c) Bonds to be issued:

    (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

    (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

    (b) 8.4 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Roy Summers *Applicant.*
s/ Bert Summers
By *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. February 9, 1960

Returned to applicant for correction: February 9, 1960

Corrected application received: February 23, 1960

Approval of State Reclamation Engineer

The number of this permit is G— 28492

Recorded in Book 100 Page 28492 Approved March 8, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 8, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before March 8, 1965

Witness my hand this 8th day of March, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th day of March, 19 60

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By S/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
6 N	40 EBM	26	40	40	40	40													160
		23			5	40							40	40	40	15	40	40	260
																			420

A S S I G N M E N T

For value received, We hereby assign all of our right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-28492 to Roy Summers, Rexburg, Madison County, Idaho

s/ BERT SUMMERS
Permit Holder

s/ BERNIECE SUMMERS
Wife of Permit Holder

STATE OF IDAHO)
) ss
County of Madison)

On this 20th day of March, 1964, before me, a Notary Public for the State of Idaho, residing at Rexburg, Idaho personally appeared BERT SUMMERS and BERNIECE SUMMERS, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have her unto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

s/ RAY W. RIGBY
Notary Public Residing at
Rexburg, Idaho

(SEAL)
My commission expires 1-20-67

...SE ¼ SU..D FOR 7.21 SEC. FT.
LICENSE PAGE NO. 28492.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28492

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Roy Summers

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW¼NE¼ of Section 26

T. 6 N R. 40 E.B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: GE Motor Model 5K6325 XC98A 250HP # UTJ 115008 Layne & Bowler pump Ser # 28403 100 other information plate Discharge 12" V.C.P. jack into Berkely Pump Model B 8GRM BM# 2361 Ser # 610788 c/w GE Motor Model 5K444A22 Ser # OVO 73013 - 100 HP 8" pump discharge into 12" Main line To 10" South & West underground main line with gate valves & pressure gauges 0-100 psi -

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE¼ Sec. 26., S½NE¼, S½SW¼, SE¼ Sec. 23., all in Twp. 6 N., Rge. 40 E.B.M.

Making a total of ~~160~~ 159 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: [illegible] $Q = \frac{(4.77\ \text{gpm})(231)}{450\ \text{gpm}} = 2.16$ c.f.s.

[illegible] $Q = \frac{(20.8\ \text{gpm})(70\ \text{lbs})}{450\ \text{gpm}} = 4.17$ c.f.s.

[illegible] $Q = \frac{(5.889\ \text{gpm})}{450\ \text{gpm}} = .58$ c.f.s. = 7.21 c.f.s.

This examination was made on the 25th day of July, 19 67

(Signed) [illegible] Reynolds

Examiner.

[illegible] 2D492

Roy Summers
Route #1
Sugar City, Idaho
Permit No. G-28492

Examination for Completion of Works & Beneficial Use

County Madison

Sec. 26 T. 6N R. 40 EBM

Quantity: 8.4 cfs

Source: Well

P.D.: NWNE, 26-6N-40E

Use: Irrigation

Filed: 2-9-60

Due: 2-8-65

Extension:

Protest:

Completion of Works:

Other Rights: None

7 1/2" RAIN BIRD 30 B ON LAT 5/32" 68-7416

11/64" PLATE 200 ON 3 WHEEL LINE MOVER 18 1/2 S

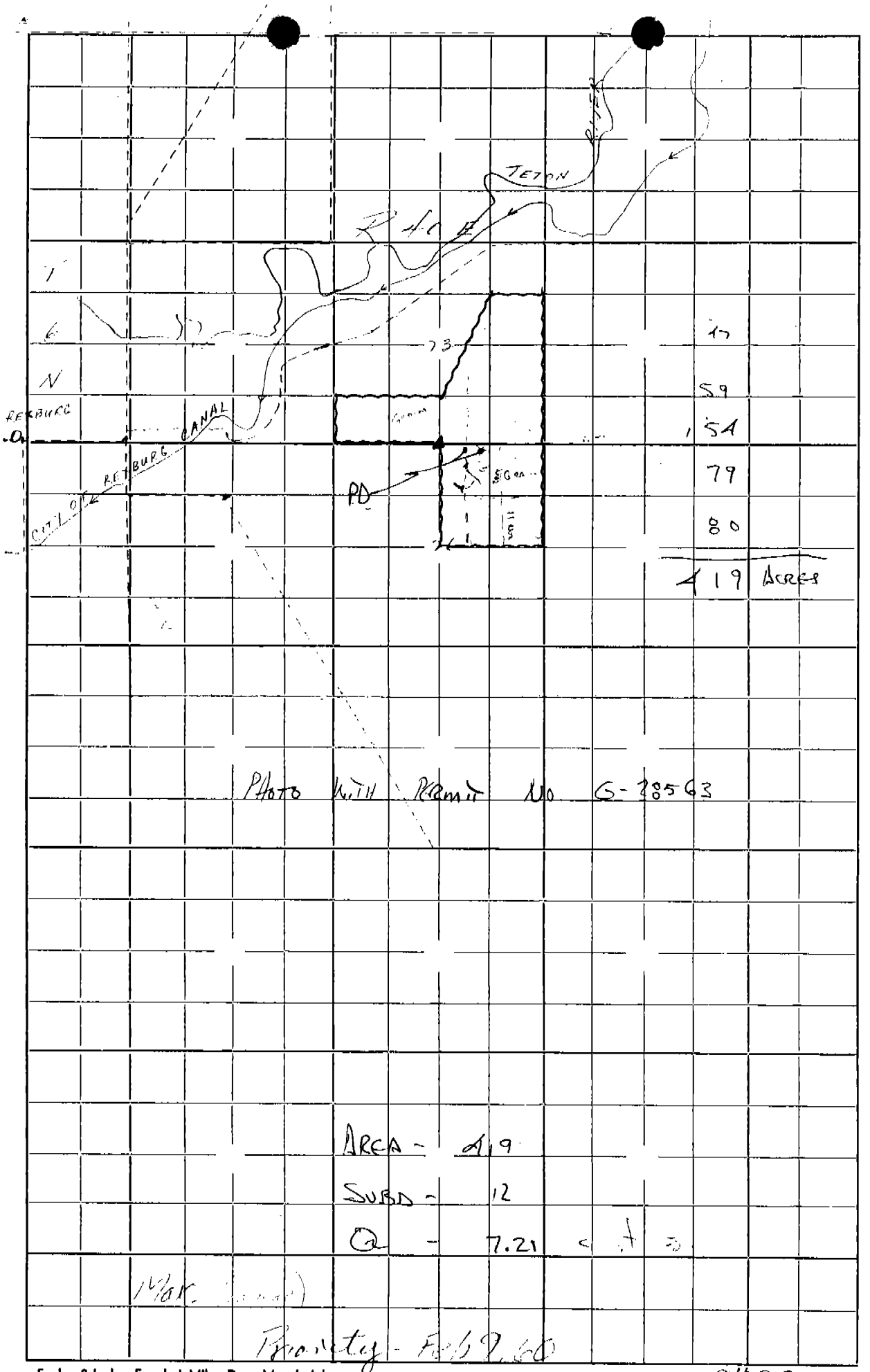
3 SELF PROP. U.S

30 - RAINBIRD 70B 1/2 S2L

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

G 28492



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28492

VOL = 1408 AC-FT / SEASON

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. G-28492

REPORT ON PROOF OF Completion of Works & Beneficial Use

Roy Summers, Route #1, Sugar City, Idaho