



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 6, 2001

FRANK SUMMERS INC
327 S 3000 E
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR ~~A29~~²²-02183

Dear Claimant:

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(s).

Enclosed is a copy 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.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

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

OK
gc
8/6/01
RECEIVED
JUN 18 2001

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	22-2183	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Summerco Inc. & Frank Summers Inc.
4. New Owner/Claimant(s) Frank Summers Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address + 327 So. 3000 E.
- City, State and ZIP Code + Sugar, Id 83448
- New Telephone Number + (208) 356 5375
5. Date you acquired the property + 4/10/01

(over)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. ☒ Signature of New Owner(s) or Claimant(s) Frank Summers, Inc.
(include title if applicable) F. Kelly Summers (Pres.)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

AMENDMENT TO ESCROW AGREEMENT

THIS AMENDMENT, dated the 1st day of December, 1995, by and between FRANK SUMMERS, INC., an Idaho corporation, with its principal office located at 327 S. 3000 E., Sugar City, ID 83448; SUMMERCO, INC., an Idaho corporation, with its principal office located at 2895 E. Sugar Cemetery Rd., Sugar City, ID 83448; and SUMMERS FARM & RANCH, INC., an Idaho corporation, with its principal office located at 4423 E. 1496 S., Sugar City, ID 83448, hereinafter collectively referred to as "the three Summers corporations";

R E C I T A L S

The parties hereto recite as follows:

1. On December 12, 1977, the above referenced parties entered in a "Contract of Sale" and "Escrow Agreement" with Madge Harris Chronister, Byron Harris, Julie Harris Griffel, Janice Harris Pond, Zina Harris Peterson and Tammy Harris, hereinafter referred to as "Harris", for the purchase of certain real property owned by Harris and located in Madison County, Idaho.

2. First Security Bank of Idaho, Rexburg Branch, holds the escrow on the above described transaction. The escrow contains a "Warranty Deed" signed by Harris transferring title in the real property, hereinafter referred to as "Harris property" to all three Summers corporations in undivided interests.

3. The three Summers corporations have, over the years, orally agreed to divide and have divided the parcels of the Harris property among the three Summers corporations. The

division of the Harris property among the three Summers corporations is now as follows:

Frank Summers, Inc. - SW1/4 of Sec. 26, Twp. 6 N., Rge. 40 E.B.M., Madison County, Idaho.

Summerco, Inc. - NW1/4 of Sec. 26., Twp. 6 N., Rge. 40 E.B.M., Madison County, Idaho.

LESS: Commencing at the NW corner of the NW1/4 of Sec. 26, Twp. 6 N., Rge. 40 E.B.M. and running thence South 210 feet; thence East 210 feet; thence North 210 feet; thence West 210 feet to the point of beginning.

Summers Farm & Ranch, Inc. - W1/2NW1/4 of Sec. 35., Twp. 6 N., Rge. 40 E.B.M., Madison County, Idaho.

4. Each of the three Summers corporations has signed a "Quitclaim Deed" to the other two Summers corporations for the property it is NOT retaining nor claiming an interest.

In consideration of the above recitals, the terms and covenants of this amendment, and other valuable consideration, the receipt of which is acknowledged, the parties hereby agree as follows:

A. The three Summers corporations agree to the division of the Harris property as described above in paragraph 3 above.

B. The three Summers corporations agree to and authorize First Security Bank of Idaho, Rexburg Branch, to hold the executed Quitclaim Deeds until said Harris contract is paid in full and then to record the Quitclaim Deeds following the recording of the Warranty Deed currently held in escrow.

IN WITNESS WHEREOF, each party to this agreement has
caused it to be executed on this 1ST day of December, 1995.

FRANK SUMMERS, INC.

By: F. Kelly Summers
F. Kelly Summers, Pres.

ATTEST:

Julie H. Summers
Julie H. Summers, Sec.

SUMMERCO, INC.

By: Gary Summers
Gary Summers, Pres.

ATTEST:

Bud D. Summers
Bud D. Summers, Sec.

SUMMERS FARM & RANCH, INC.

By: Danny Summers
Danny Summers, Pres.

ATTEST:

Berniece Summers
Berniece Summers, Sec.