

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

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RECEIVED

JUN 18 2001

Department of Water Resources
Eastern Region

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

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
_____ 22-2258	_____ A	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) Sumnerco Inc & Frank Sumner Inc.
4. New Owner/Claimant(s) Sumnerco Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address x 37 N. 3000 E
- City, State and ZIP Code x Sugar City, ID. 83448
- New Telephone Number x (208) 356-9314
5. Date you acquired the property x 04/10/01

(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	_____	_____

X 7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Summers Inc.
Larry 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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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.

QUITCLAIM DEED

FOR VALUE RECEIVED, FRANK SUMMERS, INC., an Idaho corporation, with its principal office located at 327 S. 3000 E., Sugar City, ID 83448, does hereby remise, release, and forever quitclaim unto SUMMERCO, INC., an Idaho corporation, with its principal office located at 2895 E. Sugar Cemetery Rd., Sugar City, ID 83448, in and to the following described property in Madison County, State of Idaho, to-wit:

NW1/4 of Sec. 26., Twp. 6 N., Rge. 40 E.B.M.

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.

TOGETHER with any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

DATED this 31st day of OCTOBER, 1995.

FRANK SUMMERS, INC.

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

ATTEST:

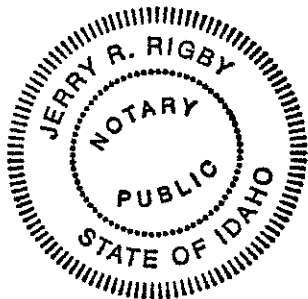
Julie H. Summers
Julie H. Summers, Sec.

STATE OF IDAHO)
 ss.
County of Madison)

On this 19th day of MARCH, ²⁰⁰¹~~1995~~, before me, the undersigned, a Notary Public in and for said State, personally

appeared F. KELLY SUMMERS and JULIE H. SUMMERS, known to me to be the President and Secretary, respectively, of FRANK SUMMERS, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: *REXBILL*
Commission Expires: *11-01-05*

EASEMENT

The undersigned, FRANK SUMMERS, INC., an Idaho corporation, with its principal office located at 327 S. 3000 E., Sugar City, ID 83448, hereinafter called "Grantors," for good and valuable consideration, receipt of which is hereby acknowledged, hereby grant to SUMMERCO, INC., an Idaho corporation, with its principal office located at 2895 E. Sugar Cemetery Rd., Sugar City, ID 83448, hereinafter called "Grantee", its successors and assigns forever, easements for the following:

- 1) Maintenance of Grantee's irrigation well and pump located on the property described below;
- 2) Maintenance of an existing buried mainline, which supplies water to farm ground owned by Grantee, running in a northerly direction from the irrigation pump and well located on property described below to the point where the mainline intersects the southern edge of the NW1/4 of Sec. 26, Twp. 6 N., Rge. 40 E.B.M.;
- 3) Maintenance of an existing power line, which supplies power to an irrigation pivot owned by Grantee, running in a northerly direction and running parallel with the above-described mainline;
- 4) Ingress and egress over existing roadways 1) running in a southerly direction from the irrigation pump and well located on property described below to a point where the roadway intersects the northern edge of the NW1/4 of Sec. 35, Twp. 6 N., Rge. 40 E.B.M.; and 2) thence westerly along the northern boundary of said section 35 to the Northwest corner of section 35.

5) Maintenance of an existing underground power line, which supplies power to the irrigation pump and well, running in a southeasterly direction on the property described below to a point where the power line intersects the western edge of the SE1/4 of Sec. 26, Twp. 6 N., Rge. 40 E.B.M.;

The said irrigation pump and well are located on or near the following described point in Madison County, State of Idaho, to-wit:

Beginning at a point that is 1320 feet North of the Southwest corner of the SW1/4 of Sec. 26, Twp. 6 N., Rge. 40 E., Boise Mer. and running thence East 1320 feet, the center of Sec. 26, to the irrigation well and pump.

It is understood and agreed that Frank Summers, Inc. shall be held liable for any damages or destruction to the above referenced buried mainline and power lines, providing said damage or destruction occurs as a result of abnormal farming practices on the part of Frank Summers, Inc.

All loss from the damage to the growing crops of Frank Summers, Inc. caused by either the maintenance of buried mainline and power lines or water from the rupture of any mainline shall be reimbursed to Frank Summers, Inc. by Summerco, Inc.

The easement hereby granted is perpetual, shall run with the land and shall inure to the benefit of the heirs, successors and assigns of Grantees.

IN WITNESS WHEREOF, The undersigned have executed this document
this 31st day of October, 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.

STATE OF IDAHO)
ss.

County of Madison)

On this 19th day of March, 2001, before me, the undersigned, a

Notary Public in and for said State, personally appeared F. KELLY SUMMERS and

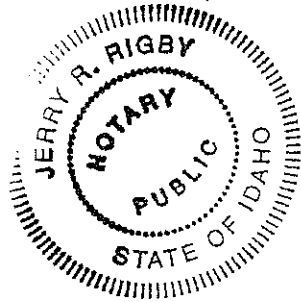
JULIE H. SUMMERS, known to me to be the President and Secretary, respectively, of

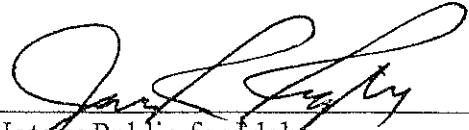
EASEMENT - 3

pj:\summerco.eas

FRANK SUMMERS, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

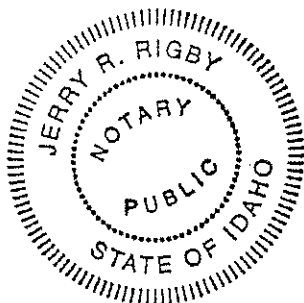


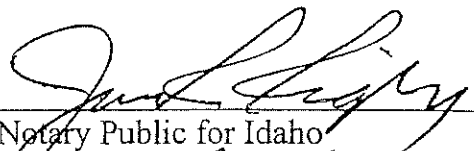

Notary Public for Idaho
Residing at: Rexburg
Commission Expires: 11-09-05

STATE OF IDAHO)
 ss.
County of Madison)

On this 19th day of March, ~~1995~~²⁰⁰¹, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY SUMMERS and BUD D. SUMMERS, known to me to be the President and Secretary, respectively, of SUMMERCO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: *Rexburg*
Commission Expires: *11-09-05*

EASEMENT

The undersigned, SUMMERS FARM & RANCH, INC., an Idaho corporation, with its principal office located at 4423 E. 1496 S., Sugar City, ID 83448, hereinafter called "Grantors," for good and valuable consideration, receipt of which is hereby acknowledged, hereby grant to SUMMERCO, INC., an Idaho corporation, with its principal office located at 2895 E. Sugar Cemetery Rd., Sugar City, ID 83448, hereinafter called "Grantee", its successors and assigns forever, easements for the following:

1) Ingress and egress over an existing roadway located on the western edge of the NW1/4 of Sec. 35, Twp. 6 N., Rge. 40 E.B.M. and runs easterly along the northern boundary of said section 35 to the Northwest corner of Section 35 to an existing roadway which then runs in a northerly direction.

The easement hereby granted is perpetual, shall run with the land and shall inure to the benefit of the heirs, successors and assigns of Grantees.

IN WITNESS WHEREOF, The undersigned have executed this document this 31st day of OCTOBER, 1995.

SUMMERS FARM & RANCH, INC.

By: [Signature]
Danny Summers, Pres.

ATTEST:

Berniece Summers
Berniece N. Summers, Sec.

SUMMERCO, INC.

By: *Gary Summers*
Gary Summers, Pres.

ATTEST:

Bud D. Summers
Bud D. Summers, Sec.

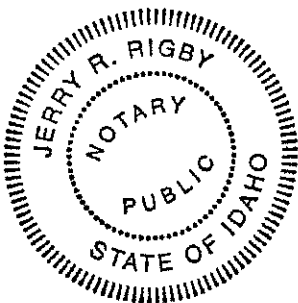
STATE OF IDAHO)

ss.

County of Madison)

On this 19 day of March, ²⁰⁰¹~~1996~~, before me, the undersigned, a
Notary Public in and for said State, personally appeared DANNY SUMMERS and
BERNIECE N. SUMMERS, known to me to be the President and Secretary, respectively, of
SUMMERS FARM & RANCH, INC., the corporation that executed the foregoing
instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.



Jerry R. Rigby
Notary Public for Idaho
Residing at: *Republ*
Commission Expires: *11-09-05*

STATE OF IDAHO)

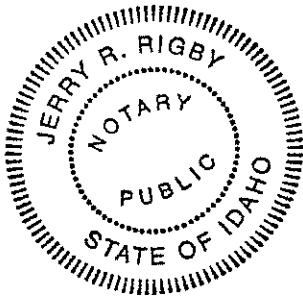
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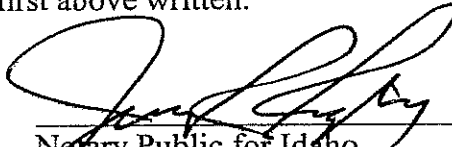
County of Madison)

On this 17th day of March, ~~1996~~²⁰⁰¹, before me, the undersigned, a

Notary Public in and for said State, personally appeared GARY SUMMERS and BUD D. SUMMERS, known to me to be the President and Secretary, respectively, of SUMMERCO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: Rexburg
Commission Expires: 11-09-05

QUITCLAIM DEED

FOR VALUE RECEIVED, SUMMERS FARM & RANCH, INC., an Idaho corporation, with its principal office located at 4423 E. 1496 S., Sugar City, ID 83448, does hereby remise, release, and forever quitclaim unto SUMMERCO, INC., an Idaho corporation, with its principal office located at 2895 E. Sugar Cemetery Rd., Sugar City, ID 83448, in and to the following described property in Madison County, State of Idaho, to-wit:

NW1/4 of Sec. 26., Twp. 6 N., Rge. 40 E.B.M.

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.

TOGETHER with any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

DATED this 31st day of OCTOBER 1995.

SUMMERS FARM & RANCH, INC.

By: [Signature]
Danny Summers, Pres.

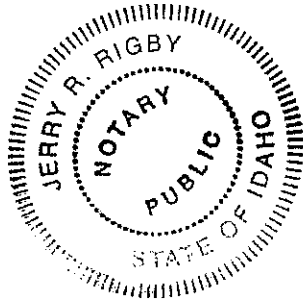
ATTEST:

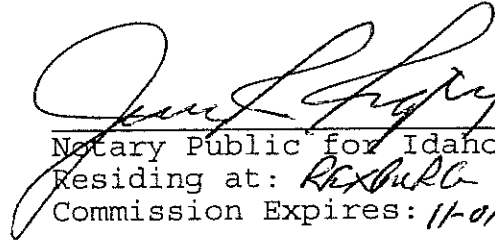
Berniece Summers
Berniece Summers, Sec.

STATE OF IDAHO)
 ss.
County of Madison)

On this 19th day of MARCH, 2001, ~~1995~~, before me, the undersigned, a Notary Public in and for said State, personally appeared DANNY SUMMERS and BERNIECE SUMMERS, known to me to be the President and Secretary, respectively, of SUMMERS FARM & RANCH, the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

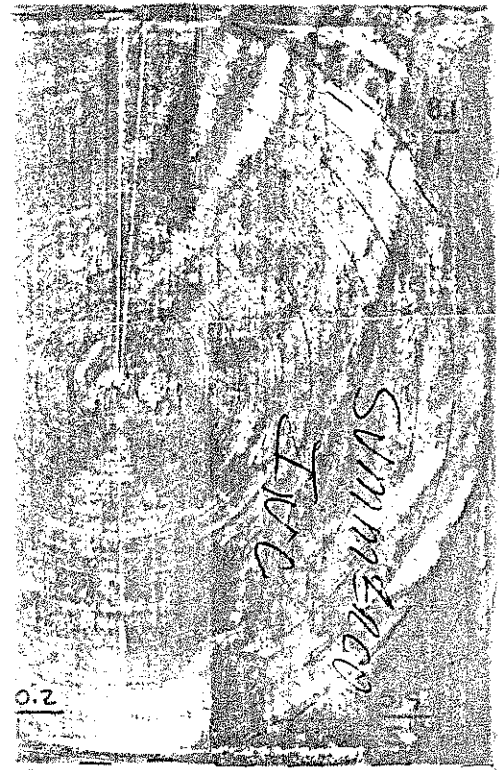
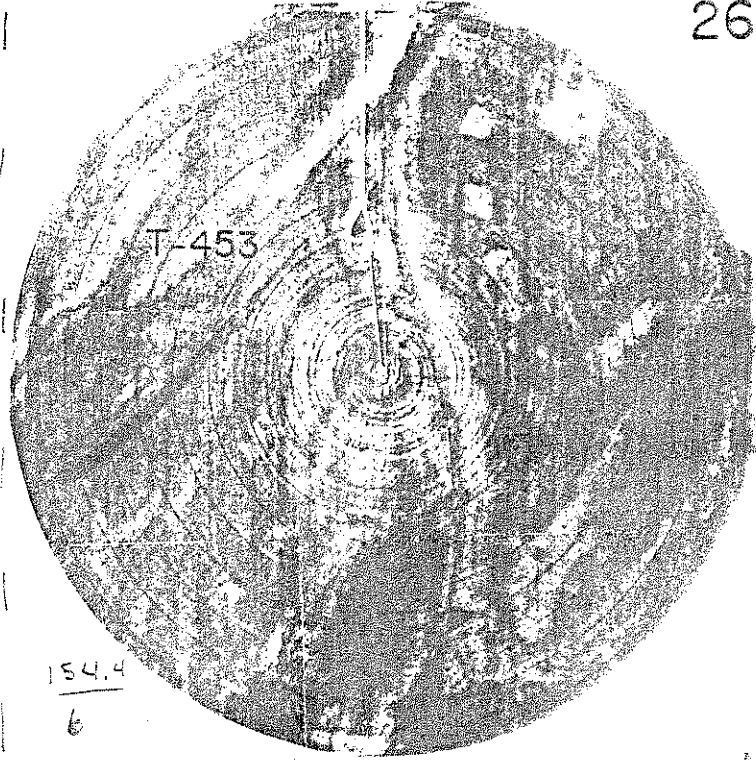
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.




Notary Public for Idaho
Residing at: *Rexburg*
Commission Expires: *11-01-05*

124.2
5

26 25



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6

4-6-61

SUMMIT CO. INC. (0.0)
SUMMIT CO. INC. (0.0)
APPROX 70 ACRES

FRANK SUMMIT INC

6.2
6

5.1
5

