

10/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2183
NAME AND ADDRESS: FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER
QUANTITY: 2.000 CFS
525.00 AFY

TRIBUTARY:

Right Nos. 22-2183 and 22-10483 are limited to a total combined diversion rate of 2.0 cfs and to a total combined annual diversion volume of 742 AF.

PRIORITY DATE: 08/29/1960

POINT OF DIVERSION:
T06N R40E S26 NESWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.000 CFS 525.00 AFY
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T06N R40E S26	NESW 39.00	T06N R40E S26 NWSW 38.00
	T06N R40E S26	SWSW 37.00	T06N R40E S26 SESW 39.00
	T06N R40E S27	NENE 39.00	T06N R40E S27 NWNE 7.10
	T06N R40E S27	SENE 16.00	
	215.1 ACRES TOTAL		

This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 215.1 acres in a single irrigation season. Combined Right Nos.: 22-2183 and 22-10483.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-10483 is also diverted through point of diversion described above.

Right No. 22-10483 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED

JUN 21 2007



Idaho Department of Water Resources

SRBA Recommendation:

22-2183

22-10483

(Irrigation)

Legend

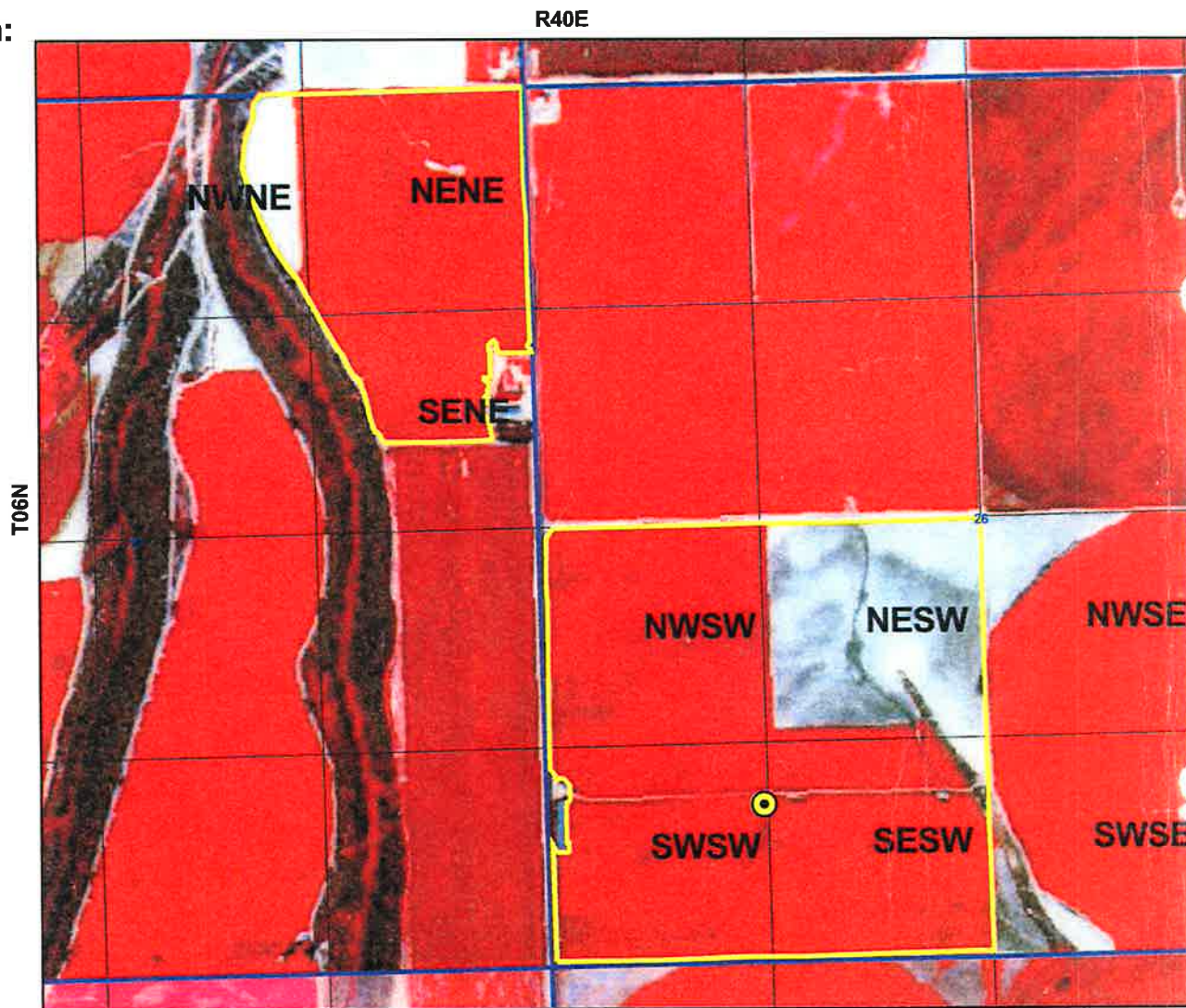
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison County
IDWR Basin 22



JUN 21 2007



0 0.4 0.8 Miles

Prepared by T. Galbraith
On Tuesday, October 17, 2006
1987/88 Aerial Photography

Kidman, Denise

From: Courtney, Andrea
Sent: Wednesday, September 08, 2010 10:55 AM
To: Kidman, Denise
Cc: Williams, Ray
Subject: 22-2183 et al Summerco/Kelly Summers

Denise~

After our phone call some of this will be repetitive to you, Denise, but it's a good record for our file. At today's status conference on these subcases, Jerry reported that he'd been working with you to make headway to resolve their issues. He admitted he didn't know if the ball was in his or your court. I told him I'd speak with you and find out. The Special Master set a status conference for 1/12/2011 at 3pm to allow time to resolve.

After you and I spoke, I called Jerry. He had no memory of that amended claim you sent in June. I gave him the number (22-13955) and the info as we discussed. He said he'd file an objection in that subcase to keep it open, alert the Court of an amended claim, and would call you to further discuss (I think he needs you to resend the amended claim). Thanks for your help getting to the bottom of things. Needless to say, Jerry is doing a little scrambling.

Andrea

Andrea L. Courtney

Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4810
Fax: (208) 287-6700

RECEIVED

MAY 25 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A: Subcase 22-2183, 22-10483
(insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Kelly Summers

Address: 327 So. 3000 E.

Sugar City, ID 83448

Daytime Phone: (208) 356-5375

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Frank Summers, Inc.

Address: 327 So. 3000 E.

Sugar, ID. 83448

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____

2. ☐ Source
Should be: _____

3. ☐ Quantity
Should be: _____

4. ☐ Priority Date
Should be: _____

5. ☒ Point(s) of Diversion *2 wells from 22-22-19/4691*
Should be: *One and one quarter mile West.*

6. ☐ Instream Flow Description
Should be: _____

7. ☐ Purpose(s) of Use
Should be: _____

8. ☐ Period of Year
Should be: _____

9. ☐ Place of Use
Should be: _____

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

F:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Madison)

E. Kelly Summers, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

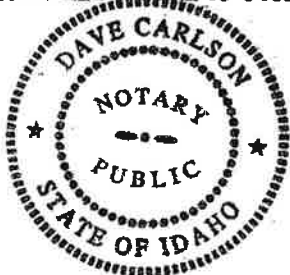
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

E. Kelly Summers
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

5/16/2008



Dave Carlson
Notary Public for

Residing at:

My Commission Expires:

IRWR
KIBBY, ID
2/26/2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 5/23/07, ~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

X
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: F. Kelly Summers
Address: 327 So. 3000 E.
Sugar, ID 83448

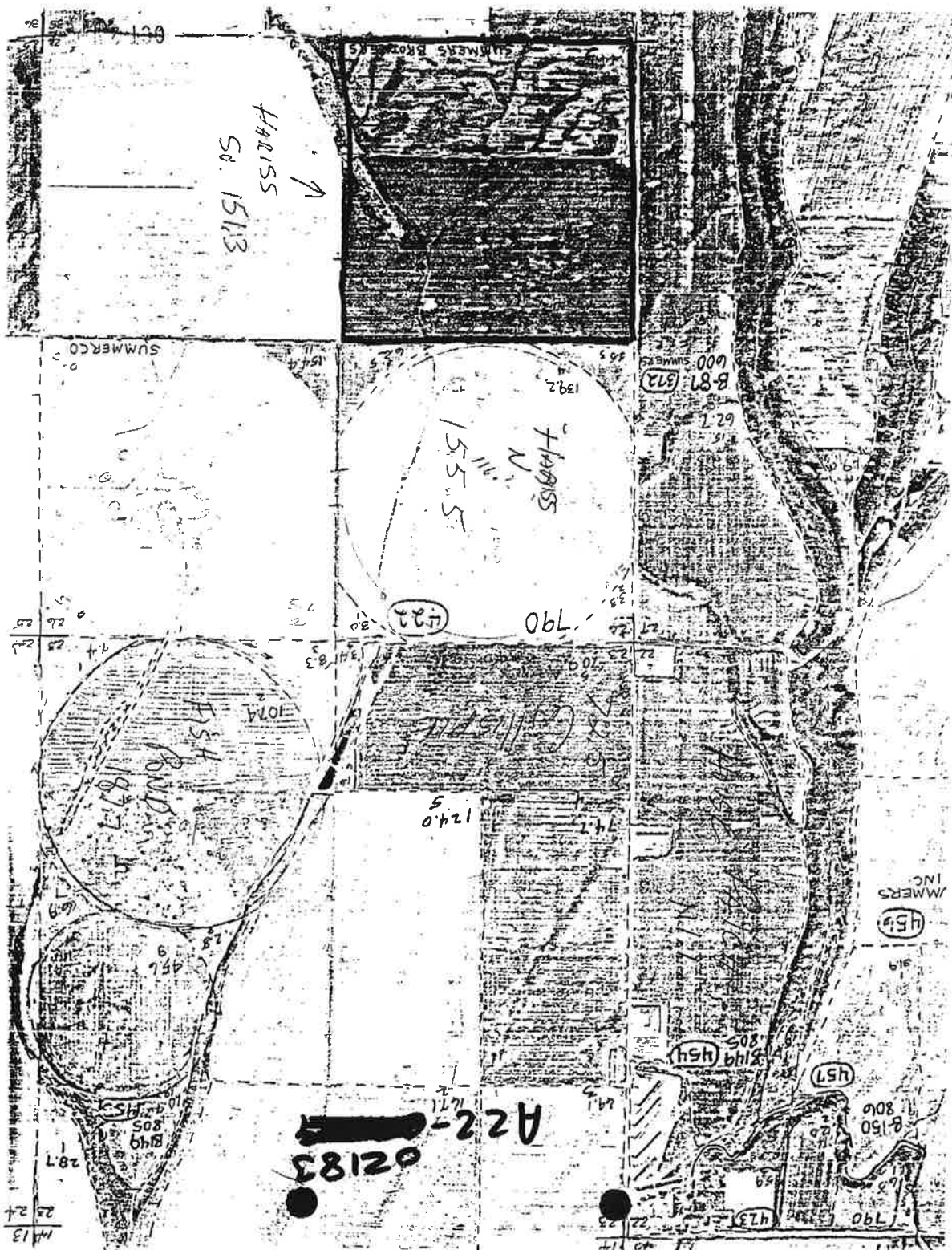
3. Copies to:

X
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
X
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
X
550 West Fort Street, MSC 033
Boise, ID 83724

F. Kelly Summers
Signature of Objector or attorney
mailing on Objector's behalf



7-12

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STANDARD FORM 1 OBJECTION

Page 1

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: 2.5 cfs as opposed to 2 cfs.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **Other Conditions of Approval**
11. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

This water right was incorrectly divided in regards to a split with 22-2258A.

F.

VERIFICATION (must be completed)

STATE OF IDAHO,)
 SS
County of Madison.)

Kelly Summers, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

Kelly Summers
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn before me on:

11th July, 2007



Brenda Poulsen

Notary Public for Idaho

Residing at: Logan

My Commission Expires: 8-9-2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 7/11, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

Name: Frank Summers, Inc., C/O Kelly Summers
Address: 327 S. 3000 E. Sugar City, Idaho, 83448

3. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449


Signator of objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

MEMORANDUM

File: Summerco, Frank Summers Inc., and Summers Farm and Ranch

Subject: Field exam of POD's

Frank Summers Inc (Kelly)- 22-2219, 22-4091

Tag #A0012241

Drilled about 1962

GPS -N 111 44 05.8 W 42 48 55.2

Spatial Data Point #380415

Tag #A0012242

Drilled 1991

GPS- N 111 44 25.9 W43 48 68.5

Spatial Data Point #380416

A0012241 and A0012242 are tied together

Frank Summers Inc- 22-2263B, 22-2264B

Tag#A0012240

GPS- N 111.750367 W 43.780333

Spatial Data Point #364993

Summerco-(Gary) 22-10777

Tag#A0012244

GPS- N 111.713233 W 43.813983

Spatial Data Point #370139

Summers Farm & Ranch (Danny) 22-2258B, 22-2238, 22-11318

Tag#A0012243

GPS- N 111.716167 W43.8142

Spatial Data Point #364985

From the desk of Denise Kidman





Idaho Department of Water Resources

MEMORANDUM

File: 22-2183 Frank Summers
Date: February 11, 2009
Subject: Objection

Frank Summers filed a change of ownership on 06/18/2001 for water right 22-2183. He supplied an Amendment of Escrow Agreement showing he owned T06N R40E Sec 26 SW ¼.

22-2183 was licensed to Ross, Don, and Edward Harris on April 2, 1968 for 158 acres and a rate of 2.0 cfs. Supporting documentation showing the rate can be found in the back file.

An objection was file stating that the rate should be 2.5 cfs instead of 2.0. This water right is an enlargement but the cfs remains the same as licensed.

Jerry Rigby will be submitting an amended claim to the court with a rate of 2.0. The explanation for filing an amended claim states that "When the lands were split, the original water right was suppose to be equally split between Summerco, Inc. and Frank Summers, Inc. but for whatever reason, it was not accomplished in the correct manner".

Water right 22-2183 was not split. Frank Summers was given the entire right, the way it had been licensed. The documentation provided with Frank Summers change of ownership specifically lists the property that the entities agreed upon. The agreement states, "Frank Summers, Inc. – SW1/4 of Sec. 26, Twp. 6 N., Rge. 40 E.B.M., Madison County, Idaho".

State of Idaho

License and Certificate of Water Right

Water License No. G-28988 Priority August 29, 1960 Amount 2.0 c.f.s.

THIS IS TO CERTIFY that C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 29, 1960; that Permit No. G-28988 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 3rd day of September, 1965; and that on the 3rd day of September, 1965 C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28988 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume of Records, at Page, on the 2nd day of April, 1968.

The right hereby confirmed dates from August 29, 1960

The Point of Diversion is located

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 6 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described In Permit	No. Acres Actually Irrigated
6 N.	40 E	26	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	39
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	39
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	<u>40</u>
			Total acres to be irrigated:		

The right to the use of the water aforesaid 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 2nd day of April, 1968.

R. Keith Higgins
State Reclamation Engineer.

28988

28988

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 28988

RECEIVED
SEP 7 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: C. Ross/Harris,
Rexburg, Idaho, farming; Rexburg, Idaho. Don/Harris, Rexburg, Idaho,
farming, Rexburg, Idaho, Byron Harris, Rexburg, Idaho, farming, Rexburg, Idaho.
Edward

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority: _____

No. G 28988, approved Sept. 13, 1960. Priority Aug. 29, 1960.

Ques. 4. State source of water supply: Deep well.

Give location of point of diversion, showing subdivision, section, township and range

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 6 N., Range 40 E. B. M.

Ques. 5. Describe your works of diversion: Deep well, pump and sprinkler system.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 2.0 cfs ; Give name of canal or ditch or other works by which water is conducted to such place of use: sprinkler system

_____ ; if a well, state depth of well 360 feet ; depth and size of casing 10 ft. 20 in. casing ; depth to water 303 feet ; if pump is used, state discharge of pump: 2.0 cfs ; tell how it was measured or determined tested at time pump installed ; if sprinkler irrigation, give number and size of nozzles and operating pressure: 198 nozzles - 11/64's; op 40 lbs.

Ques. 6. State for what purpose water is used: Irrigation

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

Have irrigated the entire 160 acres - SW $\frac{1}{4}$ Section 26, Township

6 North, Range 40 E. B. M.

28988

State nature of all improvements which have been made as a direct result of said use:

Chaged dry farm land into irrigated crop land.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Hopkins Bros., Thornton, Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used: None

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

By deed from C. A. Harris.

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1961 - 2.0 cfs - Time used since first use:

Every irrigation season since then, 1961-1965, daily during the irrigation season.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

Edward C. Harris
(sign) Edward C. Harris

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Rexburg, County of Madison

State of Idaho, on this 3d day of September, A. D. 1965

My commission expires: June 25, 1967

Mary Smith
Notary Public. Rexburg, Idaho.

28988

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.

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

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.

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.

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.



Idaho Department of Water Resources

MEMORANDUM

File: 22-2183 and 22-10483 Kelly Summers (22-2258A & 22-2258B)
Date: August 20, 2008
Subject: Initial Hearings Part 2 Summary

Represented by Jerry Rigby but never showed up for following subcases: 22-2183, 22-10483, 22-2258A.

Finding from review of file:

Summers objected to the point of diversions. They claim there are two wells from 22-2219 and 22-4091. 1 ¼ mile west from where we have it located. Refer to the 1987 map showing the POU for the above listed subcases. Main question to ask Jerry Rigby or Kelly Summers was how they got the water from the wells 1 ¼ miles away and across the river.

Another objection filed stating that the quantity should be 2.5 cfs and not 2.0 cfs that were recommended. "This water right was incorrectly divided in regards to a split with 22-2258A." I haven't found anything linking 22-2183 and 22-2258A together by a split. However the License, issued 4-2-1968, shows 2.0 cfs for irrigation.

"Enlargement rights don't get additional water, just acreage. Licensed for 2.0 cfs. T.G. 10-1-07"

Note in 22-10483:

"POU is now irrigated from the well that supplies 22-2219 and 22-4091. These two wells are tied by an interconnected mainline. BAC 11-8-04"

Licensed	22-2258:	234 acres	4.68 cfs	(4.68/234= 0.02 cfs/acre)
	→ 22-2258A	155 acres	3.1 cfs	(155 x 0.02 cfs = 3.1 cfs)
	→ 22-2258B	<u>79 acres</u>	<u>1.58 cfs</u>	(79 x 0.02 cfs = 1.58 cfs)
	Total	234 acres	4.68 cfs	

From the desk of Denise Kidman

10/17/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2183

FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448
Telephone Number: (208)356-5375

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/17/06

SIGNATURE: F. Kelly Summers

Please print your name: F. Kelly Summers

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

JUN 21 2007

Handwritten:
Kant
10/20

Claim no. A22-2183

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

11/4/04 7:06	356-5375 - Carl 151 ~ 10-NOON	
--------------	-------------------------------	--

Poleline Road - east - aft 1st curve to right, then left
down through Ruckey Hollow, up other side -
Post is 3000 ft. 1st house that I came to - w 2 miles -
west of road - short sign Frank K. Summers
I talked to Kelly; Frank is deceased 5-6 yrs. BAC

11/5/04	met @ Farm w/ Kelly Summers. Corporation still owns farm.	
---------	---	--

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JUN 21 2007

Contacts Data Entry Form

Claim Number: A22-2183

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Please see A22-10483 discussion of change in POD. Claimed/
license POD correctly describes 1987 situation. Dec 8 Nov 04
Claimed/license POD now waters other lands owned by
Summers co, A22-2183 / A22-10483 lands now watered
from other PODs as sketched on layout. Claimant understand
need for transfer.

Reviewer: _____ Date: _____

SCANNED

JUN 21 2007

Priority Date Data Entry FormClaim Number: A22-2183

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Licence shows 29 August 1960Bac 8 Nov 04

Reviewer: _____

Date: _____

SCANNED
JUN 21 2007

Water Right No(s). A22-2183



GPS DATA:

Tag # A 0012244 Location: motor panel

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

SCANNED

JUN 24 2007

Point of Diversion and Source Data Entry Form

Claim Number: A22-2183

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS 2683910E 1403979N, DDTM 83.

6 N 40 E 26 NESWSW. Matches claim / license.

BAC 8 Nov 04

Reviewer: _____ Date: _____

SCANNED

JUN 21 2007

Place Of Use Data Entry Form

Claim Number: A22-2183Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

See notes on layout sketch. Full licensed 158
acres appear to be irrigated. Bae & Nov 04

GPS shows 153[±] ac irrig including Field Road and
Rocky strip on East side.

Reviewer: _____ Date: _____

SCANNED

JUN 21 2007

Season of Use and Quantity Data Entry Form

Claim Number: A22-2183Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

License shows 2.0 cfs for irrigation. No season on license.
Dec & Nov 04

Reviewer: _____

Date: _____

SCANNED

JUN 21 2007



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 ²⁰~~A29~~-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

SCANNED

JUN 21 2007

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

OK
gc
8/6/01
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
	22-2183				

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

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JUN 21 2001

(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)

J. 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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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JUN 21 2007

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

SCANNED
JUN 21 2007

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.

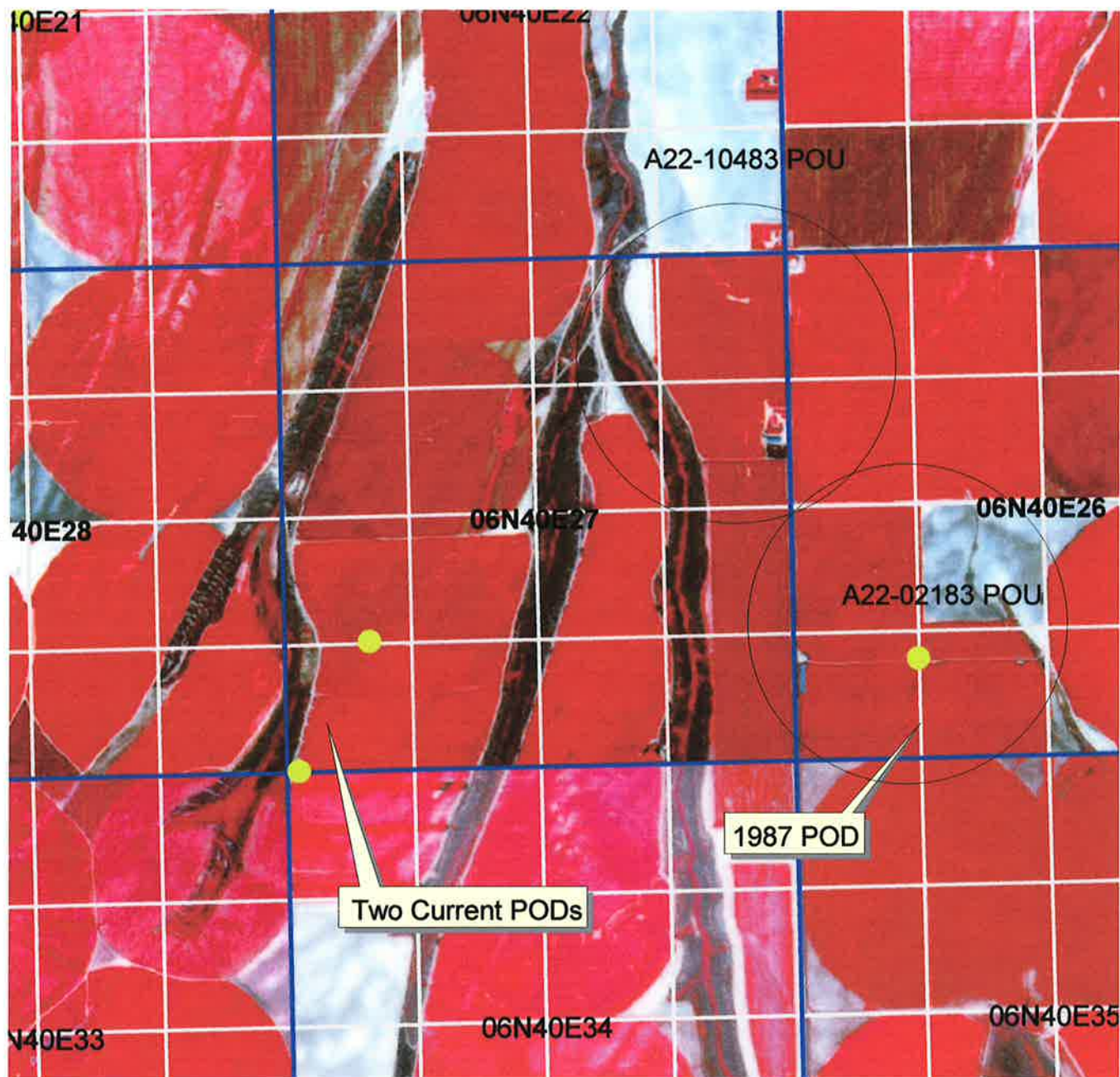
SUMMERS FARM & RANCH, INC.

By: Danny Summers
Danny Summers, Pres.

ATTEST:

Berniece Summers
Berniece Summers, Sec.

A22-10483, A22-02183 POD Map



1987 Aerial Photography from IDWR



- Temp_gps.dbf
- PLSS Section LinesGcdb_sections.shp
- Gcdb_tr.shp
- Gcdb_qq.shp

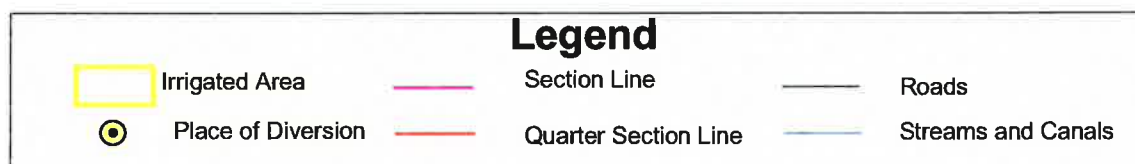
Illustration prepared by
Water Resources Field Services
208 681 9100

SCANNED

JUN 21 2007

Water Right Claim Number 22-02183
Township , 6N40E

07/27/2001



400 0 400 800 Feet

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JUN 21 2007

SPATIAL
DYNAMICS

State of Idaho

License and Certificate of Water Right

Water License No. G-28988 Priority August 29, 1960 Amount 2.0 c.f.s.

THIS IS TO CERTIFY that C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 29, 1960; that Permit No. G-28988 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 3rd day of September, 1965; and that on the 3rd day of September, 1965 C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-28988 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ of Licenses, at Page, on the 2nd day of April, 1968.

The right hereby confirmed dates from August 29, 1960.

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 26, Twp. 6 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	40 E	26	NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	39
			SW 1/4 SW 1/4	40	39
			SE 1/4 SW 1/4	40	40
			Total acres to be irrigated:		158

The right to the use of the water aforesaid 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 2nd day of April, 1968.

License and Certificate of Water Right

Water License No. G-28988 Priority August 29, 1960 Amount 2.0 c.f.s.

THIS IS TO CERTIFY that C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 29, 1960; that Permit No. G-28988 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 3rd day of September, 1965; and that on the 3rd day of September, 1965 C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28988 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ of Licenses at Page on the 2nd day of April, 1968.

The right hereby confirmed dates from August 29, 1960

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 26, Twp. 6 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	40 E	26	NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	39
			SW 1/4 SW 1/4	40	39
			SE 1/4 SW 1/4	40	40
			Total acres to be irrigated:		158

The right to the use of the water aforesaid 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 2nd day of April, 1968.

R. Keith Higgins
State Reclamation Engineer.

22-2113

28988

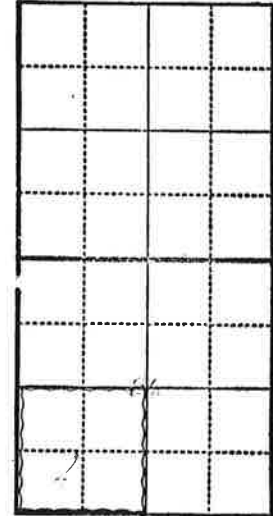
APPLICATION FOR PERMIT 22-2183

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36975
Permit No. G- 28988
District No.

Assigned to See assignment

1. Name of Applicant: C. A. Harris
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed: 100 inches
(a) Rate of withdrawal in cubic feet per second 2.0 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well
8. Estimated cost of works: \$15,000.00
9. (a) Is reservoir to be used?
(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 known
(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) 2.0 (cubic feet per second, inches or gallons per minute) is for new lands.



Twp.	Range	Sec.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals
6 N	40 E	26			40 40 40 40		160
<u>A S S I G N M E N T</u> ✓							
See deed, in file, of W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35 and W $\frac{1}{2}$, Sec. 26, T. 6 N., R. 40 E., B.M. to Ross C. Harris, Don C. Harris, and Edward Byron Harris. Dated June 29, 1962.							
Permit No. G-28988							
CERTIFICATE OF COMPLETION OF WORKS							
TO ALL WHOM IT MAY CONCERN:							
This is to certify that C. A. HARRIS - Assignees - ROSS C., DON C., and EDWARD BYRON HARRIS, of Rexburg, O of Madison, and State of Idaho, the holder of Permit No. G-28988, issued upon Application No. G-36975, bearing date of August 29, 1960, authorizing the diversion of 2.0 second feet of waters of a well, County of Madison, of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 6 North, Range 40 E., B. M., and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:							
SW $\frac{1}{4}$, Section 26, Township 6 North, Range 40 E., B. M.							
Proof of Completion of Works Made: September 3, 1965							
Witness my hand this 2nd day of April, A. D. 1968							
LICENSE ISSUED FOR <u>2.0 SEC. FT.</u> PAGE NO. <u>28988</u>						s/ R. KEITH HIGGINSON State Reclamation Engineer	

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-28988 ✓

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

1. Name of applicant Ross C., Don C., Edward Byron Harris Rexburg, Idaho

2. Source of water supply: Deep well

3. Location of point of diversion: Is in the SW 1/4 of Section 26

T. 6 N R. 40 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

125 HP V.S. HOLLOSTAFF # 1227707
BYRON JACKSON # 373520, 8" DIS
THROUGH PRESSURE CENTRIFUGAL BOOSTER PUMP
50 HP WESTINGHOUSE 1-1/2" 8.74 - THROUGH
1/2 mile main line underground

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):

SW 1/4, Section 26, T. 6 N., R. 40 E., B. M.

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

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

Remarks: _____

Co - 1/4 mile LAT, 11/64" PAIN BIND 30 W.S. @ 45 lbs

$$Q = \frac{(198 \text{ noz}) (5.70 \text{ gpm})}{450 \text{ 148.8}} = 2.50 \text{ c.f.s.}$$

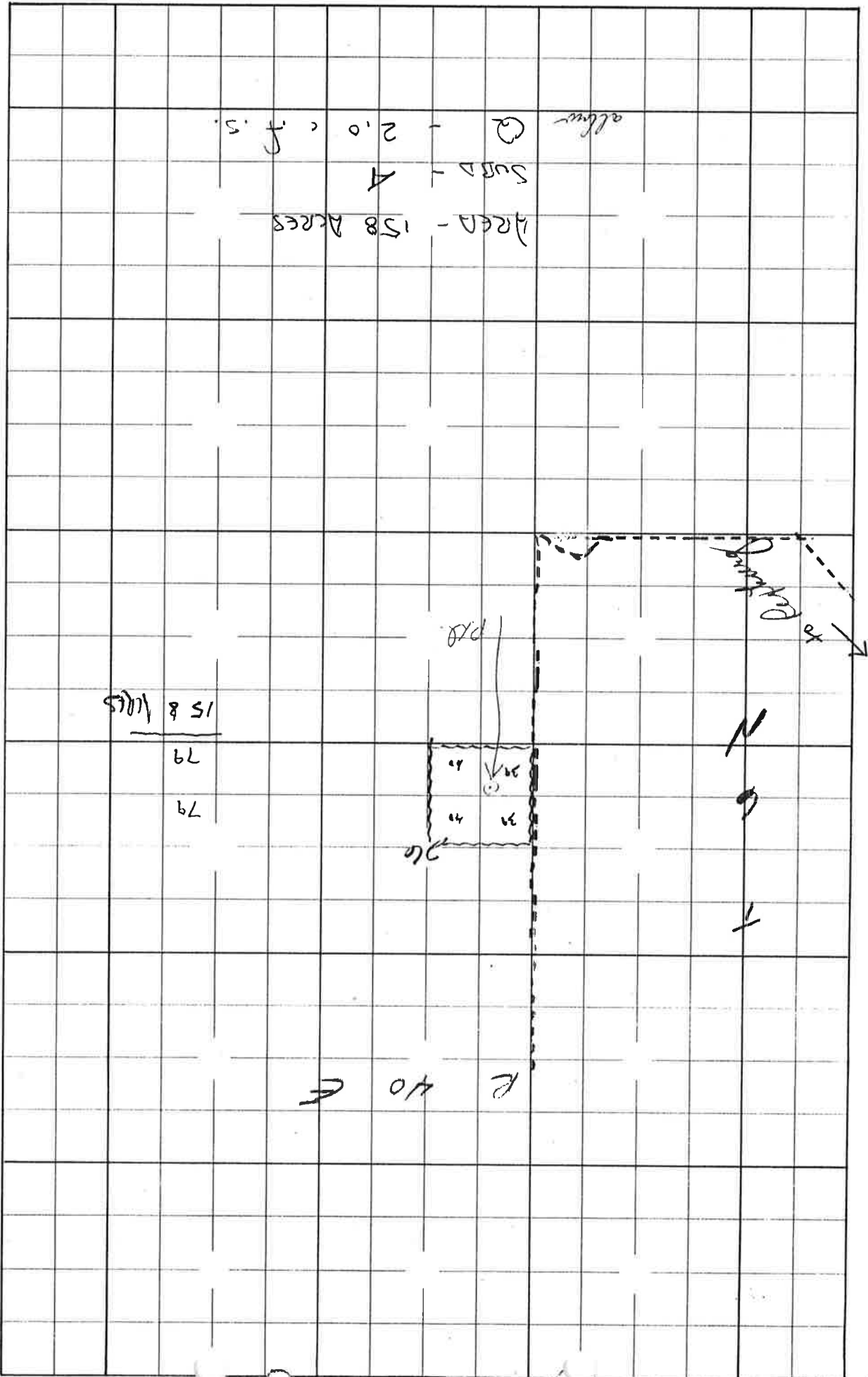
This examination was made on the 13th day of SEPT, 1967

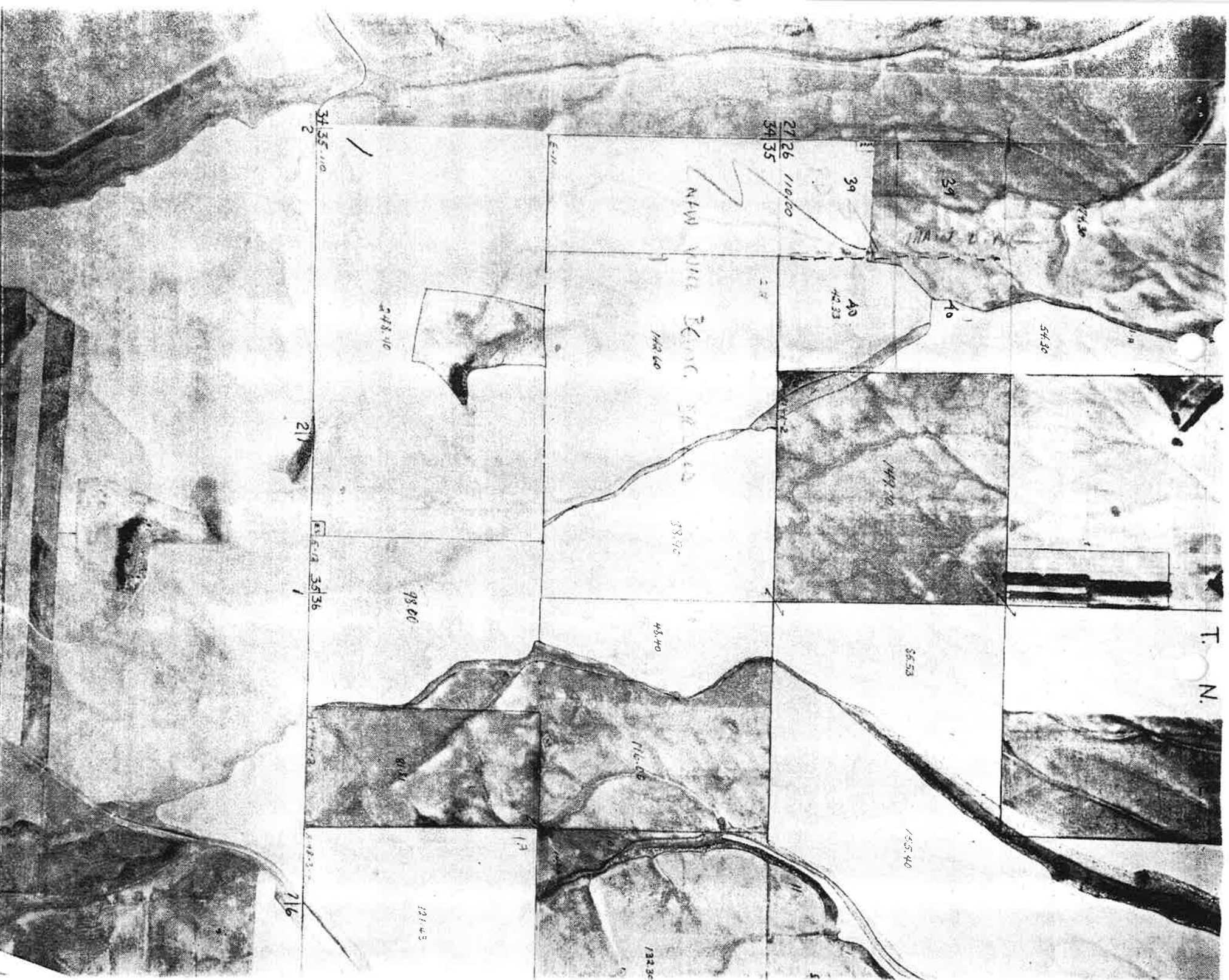
(Signed) D R

Examiner.

DW
28988 plat ✓

009989





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
22-2183

Date Received:

Receipt Nos:

Received By:

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

1. Name of Claimant(s)

Frank Summers, Inc.
C/O Kelly Summers
327 S. 3000 E.
Sugar City, Idaho 83448
(208) 356-5375

2. Date of Priority: 08-29-1960

3. Source: Ground Water Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
06N	40E	26	SW	SW	Madison	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	11/01	2.5	

7. Total Quantity Appropriated is:
2.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	26	NE	SW	Irrigation	40
			NW	SW	Irrigation	39
			SW	SW	Irrigation	39
			SE	SW	Irrigation	40
					Section Acres	158
					Total Acres	158

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:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

Number of attachments:

For Organizations:

DATED this _____ day of February, 2009.

Jerry R. Rigby, Attorney for
Frank Summers, Inc.

STATE OF IDAHO,)
 ss.
County of Madison.)

On this _____ day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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: St. Anthony
My Commission Expires: 6/24/2011

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 22-2183
Date Received: 8/17/1988
Receipt No: E001377
Received By:

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

1. Name of Claimant(s)

FRANK SUMMERS INC Phone: (208)356-5375
327 S 3000 E
SUGAR CITY ID USA 83448

2. Date of Priority: 08/29/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL AND PUMP TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	40E	26	NE	SW	40
			NW	SW	39
			SW	SW	39

SCANNED
JUN 21 2007

SE	SW	IRRIGATION	40
		Section Acres	158
		Total Acres	158

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:

14. Remarks:

15. Basis of Claim: License

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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: A22-02183
Date Received: 8/02/1988
Receipt No: 2001377
Received By: HCS

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
OR
Name: FRANK SUMMERS INC. 208-356-6875
Address: 327 S. 3000 E.
SUGAR CITY, ID 83448



2. Date of Priority: AUG 29, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 316.0 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	26	NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
Section Acres								158.0
Total Acres								158.0

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: 28988

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 Individuals:

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

Signature of Claimant(s): Tary Summers Date: 8-16-88

Date: _____

For Organizations:

I do solemnly swear or affirm that I am Pres of

Title
Summers Inc., that I have signed the foregoing
Organization
document in the space below as Pres of

Title
Summers Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Tary Summers
Signature of Authorized Agent
Pres Summers Inc.
Title and Organization
8-16-88
Date

State of Idaho)
County of Madison) SS.

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

Kerry S. Wilcox
Notary Public

Seal

Residing at Redburg, Idaho

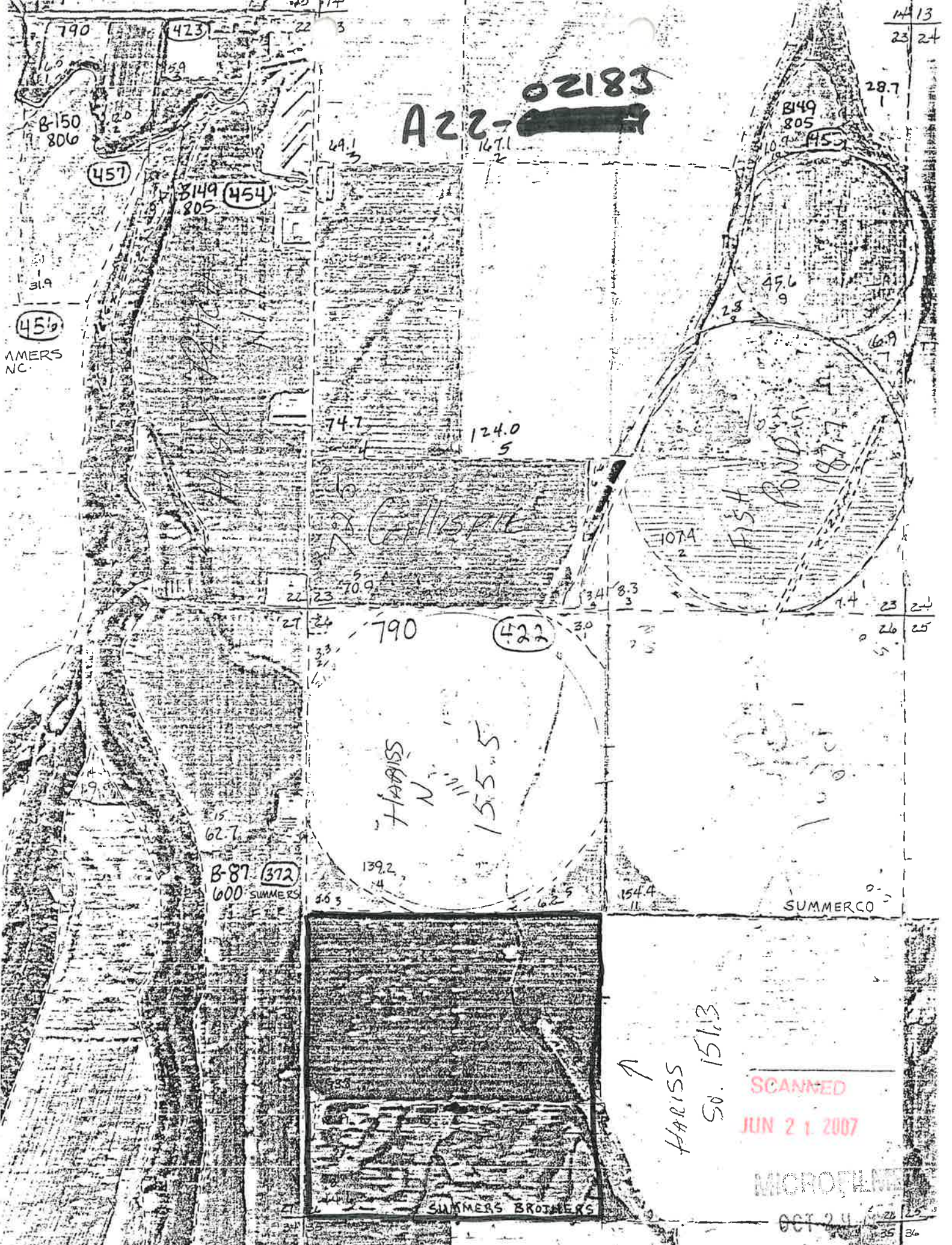
My Commission Expires 7-10-91
3 Date: 08/16/88

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Page

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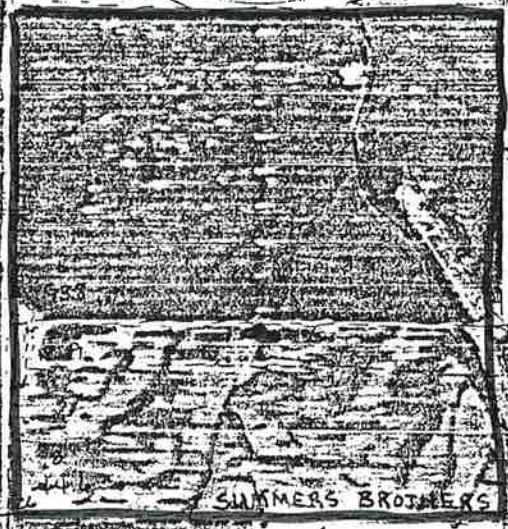
GILLISPIE

FISH POND

HARRIS

B-87 (372)
600 SUMMERS

SUMMERCO



SUMMERS BROTHERS

HARRIS
So. 1513

SCANNED
JUN 21 2007

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