

01/22/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2258B

NAME AND ADDRESS: SUMMERS FARM & RANCH INC
C/O DANNY SUMMERS
1500 S 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.580 CFS
276.50 AFY

Right Nos. 22-2238, 22-2258B and 22-11318 are limited to a total combined diversion rate of 5.24 cfs and to a total combined annual diversion volume of 2224.2 AF.

PRIORITY DATE: 08/26/1965

POINT OF
DIVERSION: T06N R40E S26 NESWSW Within MADISON County
T06N R40E S35 SENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.580 CFS
276.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S27	SENE	10.00	T06N R40E S27	NESE	27.00
T06N R40E S27	SESE	27.00	T06N R40E S34	NENE	28.00
T06N R40E S34	SWNE	0.20	T06N R40E S34	SENE	22.00
T06N R40E S34	SENW	0.20	T06N R40E S34	NESW	40.00
T06N R40E S34	NWSW	4.20	T06N R40E S34	SWSW	4.40
T06N R40E S34	SESW	37.00	T06N R40E S34	NESE	24.00
T06N R40E S34	NWSE	40.00	T06N R40E S34	SWSE	38.00
T06N R40E S34	SESE	20.00	T06N R40E S35	NENE	39.00
T06N R40E S35	NWNE	40.00	T06N R40E S35	SWNE	40.00
T06N R40E S35	SENE	38.00	T06N R40E S35	NENW	37.00
T06N R40E S35	NWNW	39.00	T06N R40E S35	SWNW	39.00
T06N R40E S35	SENW	40.00	T06N R40E S35	NESW	16.00
T06N R40E S35	NWSW	39.00	T06N R40E S35	SWSW	37.00
T06N R40E S35	SESW	37.00	T06N R40E S35	NESE	20.00
T06N R40E S35	NWSE	31.00	T06N R40E S35	SWSE	38.00
T06N R40E S35	SESE	18.00			

870 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 870 acres in a single irrigation season. Combined Right Nos.: 22-2238, 22-2258B, 22-11318.

This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.

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

Right No. 22-11318 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The following rights are also diverted through point of diversion described above: 22-2238, 22-2258B and 22-11318



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 22, 2007

SUMMERS FARM & RANCH
C/O DANNY SUMMERS
1500 S 3000 E
SUGAR CITY ID 83448

RE: Notice of Change of Address for 22-2238, 22-2258B, 22-2260B,
22-7005B, 22-11318, 22-13181 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. Summers:

The Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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)

Water Rights: 22-2238, 22-2258B,
22-2260B, 22-7005B, 22-11318, 22-
13181

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change **SUMMERS FARM & RANCH**

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1/26/07

K. Rogers
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Jan 26, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
SUMMERS FARM & RANCH
C/O DANNY SUMMERS
1500 S 3000 E
SUGAR CITY ID 83448

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

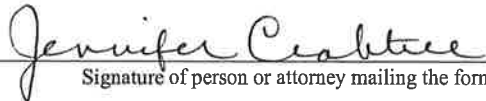
Each party in the subcase, or attorney of record
RAY RIGBY
PO BOX 250
REXBURG ID 83440

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form



U.S. POSTAGE

1861 PB3523907
8982 \$00.630 NOV 28 2006
6012 MAILED FROM ZIP CODE 83402

MENT OF WATER RESOURCES
SUGAR CITY, IDAHO
900 N. SKYLINE DR.
SUGAR FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



F.O.E.



SUMMERS FARM & RACH INC
C/O DANNE SUMMERS
3500 E 1496 S
SUGAR CITY ID 83448

per phone
call:
1500 S 3000 E
S.C. 83448
ID

PDR

22-2238
22-2258B
22-2260B
22-7005B
22-11318
22-13181

!SALPPA
address
not from
SUGAR CITY



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

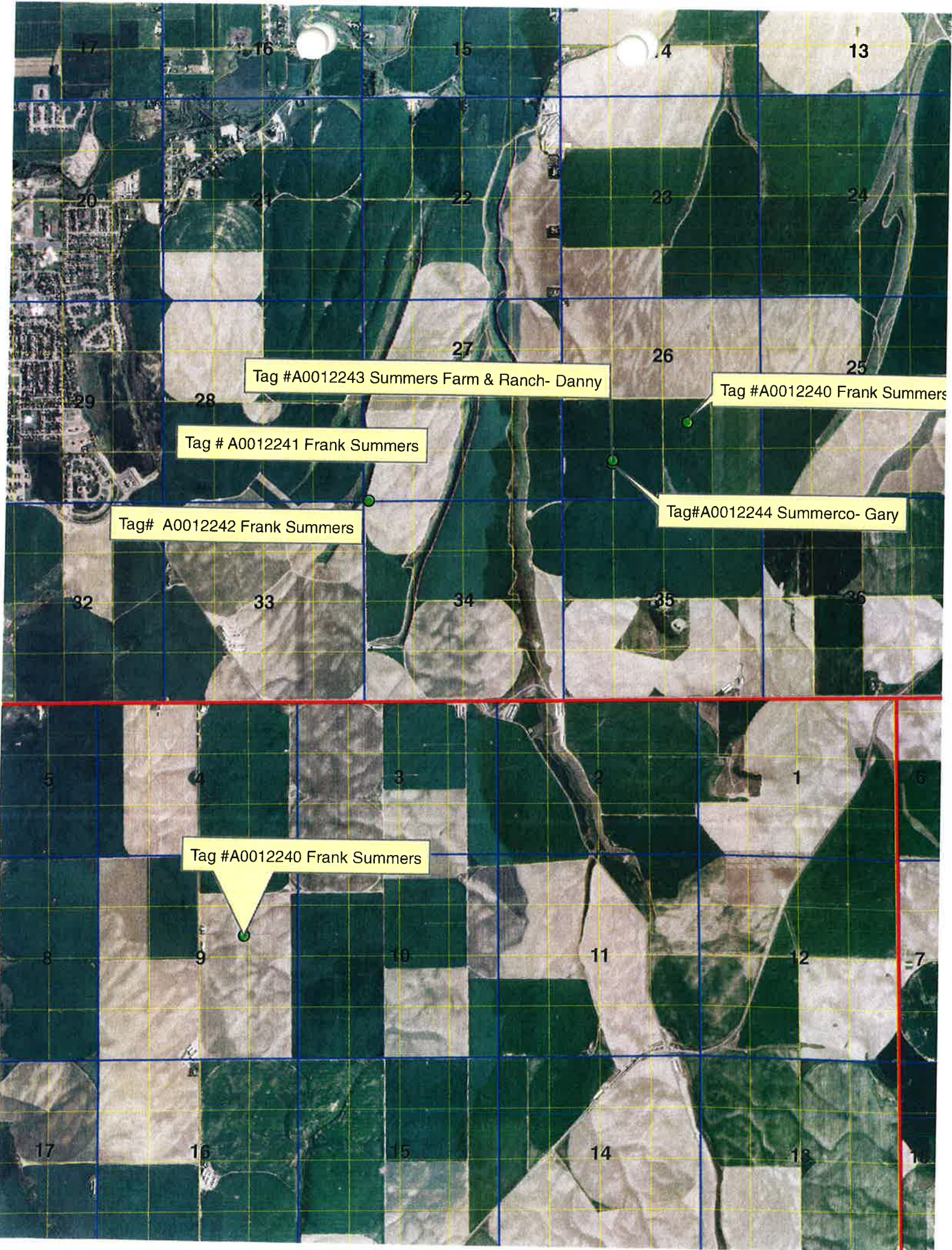
Spatial Data Point #370139

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

Tag#A0012243

GPS- N 111.716167 W43.8142

Spatial Data Point #364985





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

November 3, 2006

SUMMERS FARM & RANCH INC
D S & S INC
C/O DANNY SUMMERS
1500 S 3000 E
SUGAR CITY ID 83448

RE: CHANGE OF ADDRESS FOR 22-7054B, 22-7300, 22-2238,
22-2260B, 22-11318, 22-2258B, AND 22-7005B

Dear Claimant:

It has come to our attention that your address has recently changed per our telephone conversation.

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)



Idaho Department of Water Resources

SRBA Recommendation:

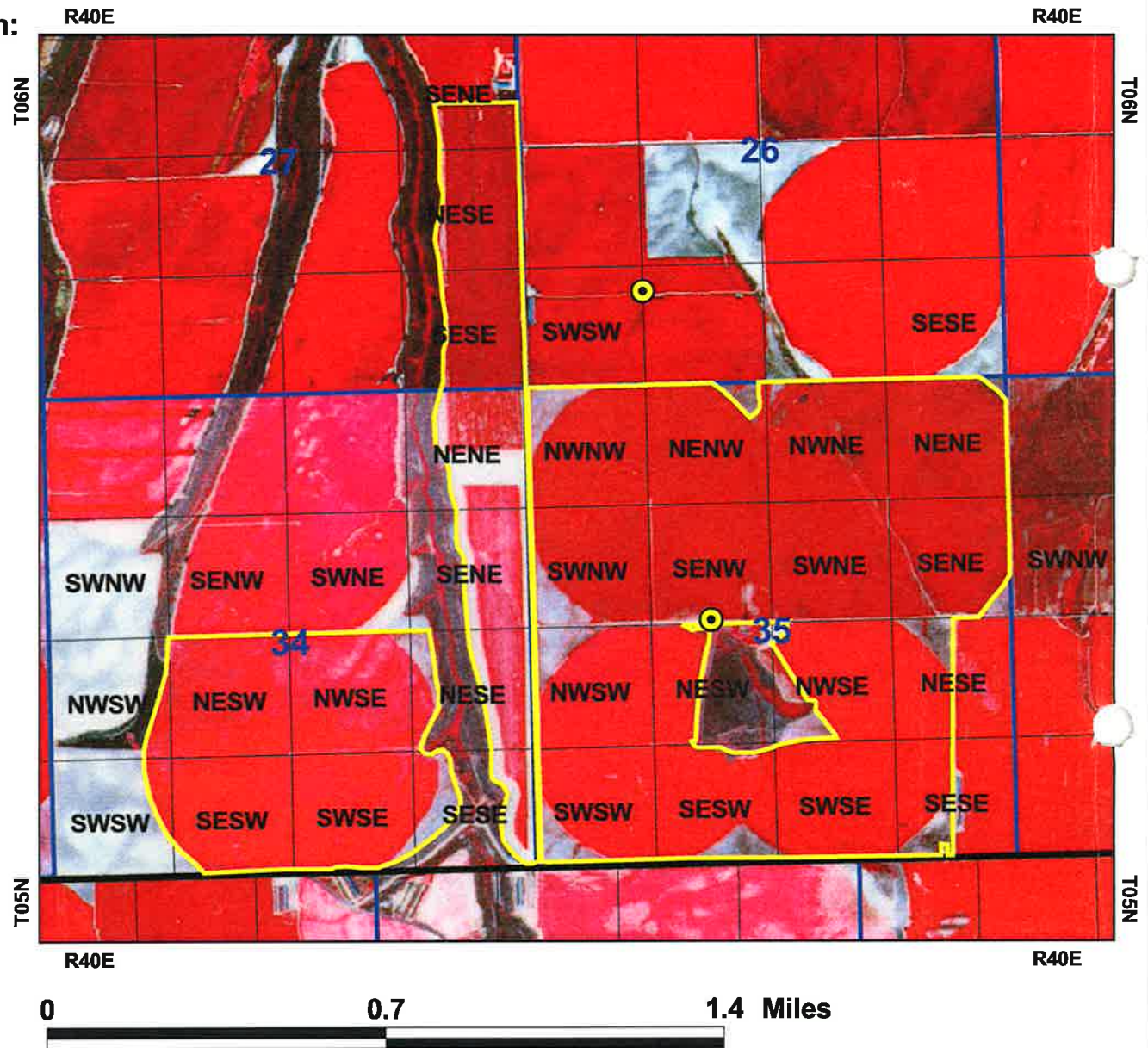
22-2238
22-2258B
22-11318

Legend

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



Madison County
IDWR Basin 22



Prepared by K. Wilson
 On Friday, April 28, 2006
 1987/88 Aerial Photography

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32500/22-2258 Priority August 26, 1965 Amount 4.68 cfs

THIS IS TO CERTIFY, that Ross C. Harris, Don C. Harris, Edward Byron Harris
of Rexburg, Idaho have, ~~now~~ complied with the terms and conditions of Permit
No. 32500/22-2258 issued pursuant to Application for Permit dated August 26, 1965
and has submitted proof to the Department of Water Administration on June 11, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.38 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 4.68 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 4.68 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 6 N, Rge. 40 E, B. M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 819 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	40 E	26					39	39	39	38									155
		35					39.5	39.5											79

Total number of acres irrigated 234

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of

June, 19 72.


Director

22-2258

Claim no. 220225813

Claimant Contact Log

Date

Remarks

Agent initials

Dave Beck runs farm -

Contacts Data Entry Form

Claim Number: 2202258B

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

Current Owner: Summers Farm & Ranch Inc. 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.LicenseThis claim is being enlarged under claim 2211318FE pad/pou commanco/system

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: 220 2258 B

Water Right Priority Date: _____ Water Right Basis: _____

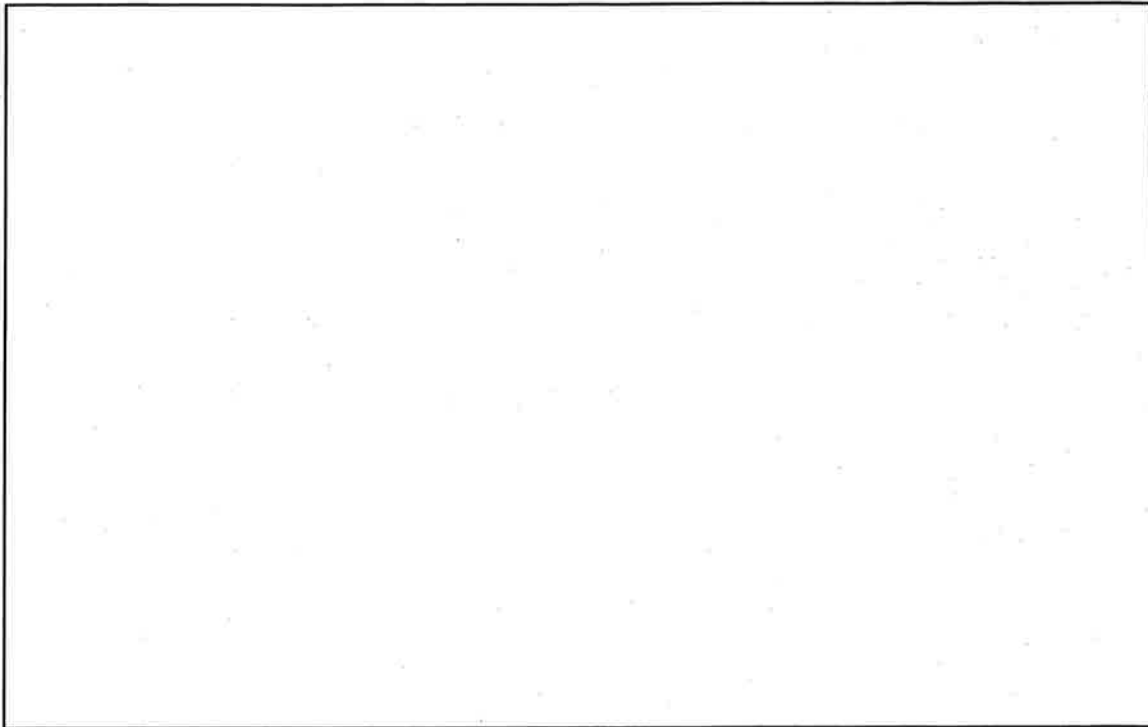
Claimed Priority Date: 26 Aug 1965 Claimed Basis: LICENSERecommended Priority Date: _____ Recommended Basis: LICENSE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Reviewer: _____

Date: _____

Water Right No(s). 2202258B



GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Claim Number: 2202258B

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

Source: _____ Tributary to : _____

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

Source: _____ Tributary to : _____

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
6N	40E	26		SWSW	MADISON	GROUNDED WATER	

Twp	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:

[illegible]

Reviewer: _____ Date: _____

Claim Number: 220 2558B

[illegible]

Total acres 79.0

[illegible]

Total acres _____

Pending or approved Transfers: _____

Document how the POU was verified:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 220225813Water 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
Irrigation	4/1	10/31		

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:

IDWR. STD 504 4/1 - 10/31

Reviewer: _____

Date: _____

25
RA
35 56

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: A22-02258B
Date Received: 8/25/1988
Receipt No: E001770
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUMMERS FARM AND RANCH INC. 208-356-3465
Address: RTE. 1
SUGAR CITY, ID 83448

2. Date of Priority: AUG 26, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.580		

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

8. Total consumptive use is 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	35	NW	NW		IRR	39.5
			SW	NW		IRR	39.5

Section Acres 79.0

A22-02258B

Page 1

Date: 08/25/88

A2202258B



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Total Acres 79.0

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

16. Signature(s)

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

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Pres of

Title

Summers Farm & Ranch Inc., that I have signed the foregoing

Organization

document in the space below as Pres of

Title

Summers Farm & Ranch Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres Summers Farm & Ranch Inc
Title and Organization

8/25/88
Date

State of Idaho

County of Banner 1k) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of August 19 88

Charles Wray
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991