

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

The rights listed below are limited to the irrigation of a combined total of 833.7 acres in a single irrigation season. Combined Right Nos.: 22-2219 and 22-4091.

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

This right is based upon an enlargement of Right No. 22-2219 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 364.7 acres within the place of use described for this right.

Right No. 22-2219 is also diverted through point of diversion described above.



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: 22-4091

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

KWS  
10/20

02/08/05

Claim was amended to show what is being watered by Claimant, including SUNE of section 27.

Note that this claim and 22-2219 are both claiming different portions of SESW of section 27.

9-29-05

NT

Amended claim is based on Bryce's field exam. Bryce did not use ArcGIS to create his shape and calculate acres in QQ, however, so I used his shape and outline of fields in ArcView and snapped to the GCDIS to get acreage on current amended claim.

KM

RECEIVED

NOV 16 2004

Department of Water Resources  
Eastern Region

22-4091

Replburg, Idaho  
June 16, 2003

Department of Water Resources  
Idaho Falls, Idaho

To Whom It May Concern:

In the year of 1962, I Grant M. Bowen,  
of Replburg, Idaho, ran 300 acres of farm  
ground belonging to Frank Summers of  
Replburg, Idaho.

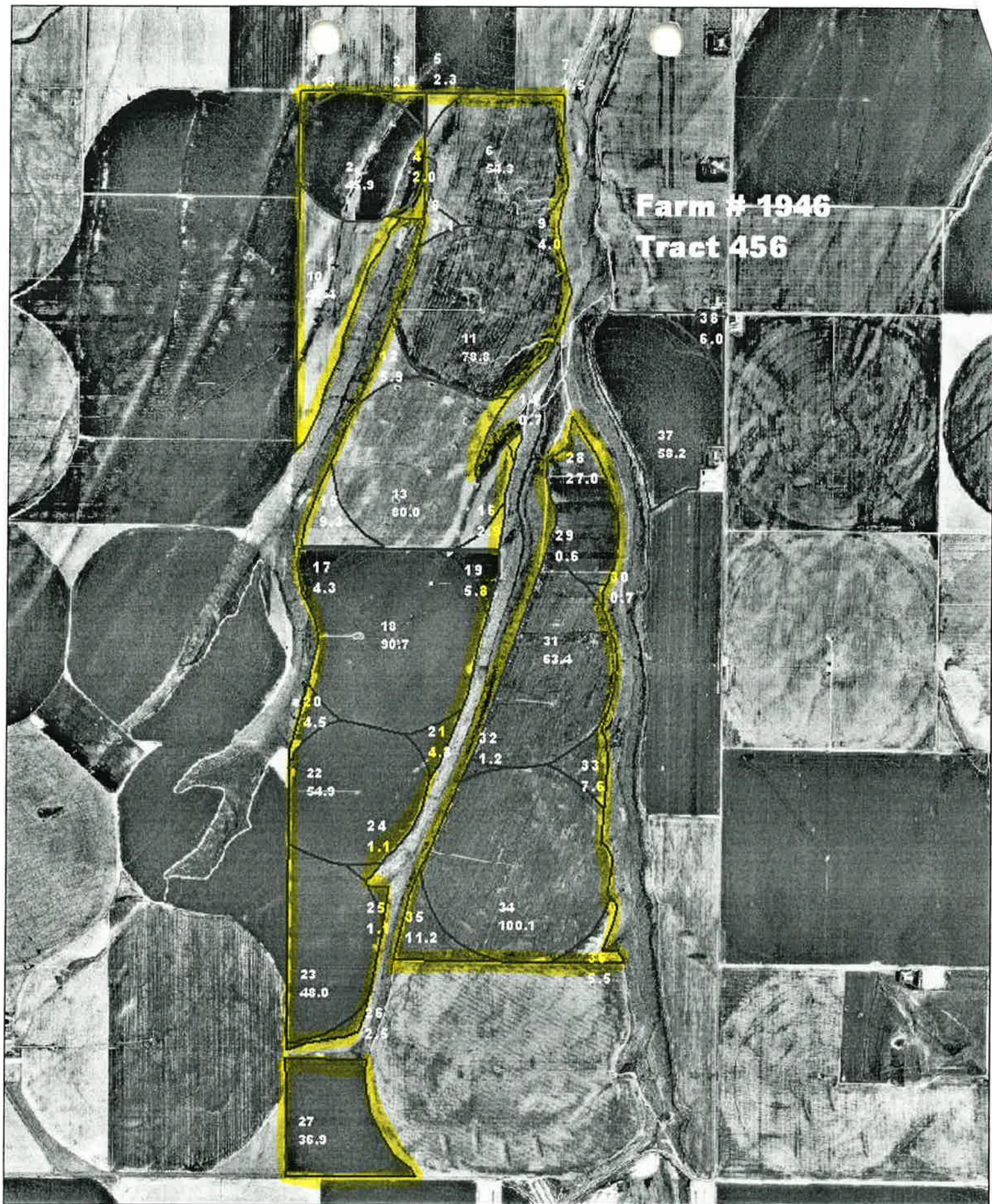
I planted this ground into potatoes  
and used sprinkler pipe irrigation.

In that same year, Summers raised  
grain on the rest of the acreage.

This acreage was also watered by  
sprinkler pipe irrigation.

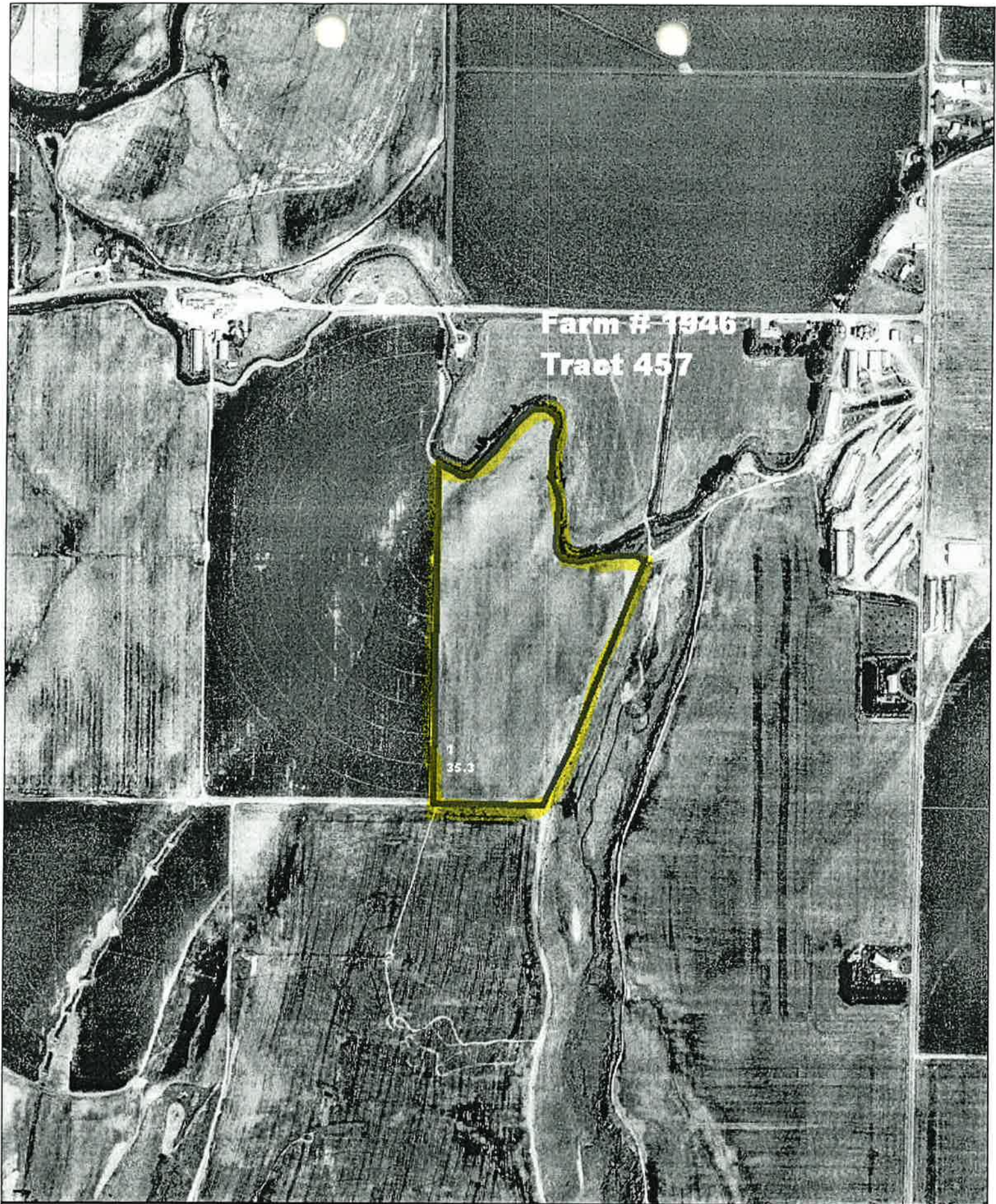
Respectfully,

Grant Bowen



*Map of Tract 456*





*Map of Tract 457*

0.06 0 0.06 0.12 0.18 0.24 Miles



N



*Map Printed: Oct 27, 2003*

| Place of Use Review, Frank Summers claims from old well |          |    |    |       |       |       |  |
|---------------------------------------------------------|----------|----|----|-------|-------|-------|--|
| CLAIM                                                   | TRS      | QQ | Q  | Acres |       |       |  |
| A22-2219                                                | 06N40E22 | NW | NE | 9.9   |       |       |  |
| A22-2219                                                | 06N40E22 | SE | NE | 0.3   |       |       |  |
| A22-2219                                                | 06N40E22 | SW | NE | 35    |       |       |  |
| A22-2219                                                | 06N40E22 | NW | SE | 23    |       |       |  |
| A22-2219                                                | 06N40E22 | SW | SE | 18    |       |       |  |
| A22-2219                                                | 06N40E22 | NE | SW | 40    |       |       |  |
| A22-2219                                                | 06N40E22 | NW | SW | 40    |       |       |  |
| A22-2219                                                | 06N40E22 | SE | SW | 38    |       |       |  |
| A22-2219                                                | 06N40E22 | SW | SW | 28    |       |       |  |
|                                                         |          |    |    |       | 232.2 |       |  |
| A22-2219                                                | 06N40E27 | NW | NE | 9.5   |       |       |  |
| A22-2219                                                | 06N40E27 | SW | NE | 2.0   |       |       |  |
| A22-2219                                                | 06N40E27 | NE | NW | 39    |       |       |  |
| A22-2219                                                | 06N40E27 | NW | NW | 25    |       |       |  |
| A22-2219                                                | 06N40E27 | SE | NW | 39    |       |       |  |
| A22-2219                                                | 06N40E27 | SW | NW | 28    |       |       |  |
| A22-2219                                                | 06N40E27 | NE | SW | 35    |       |       |  |
| A22-2219                                                | 06N40E27 | NW | SW | 35    |       |       |  |
| A22-2219                                                | 06N40E27 | SW | SW | 24.3  |       |       |  |
|                                                         |          |    |    |       | 236.8 |       |  |
|                                                         |          |    |    |       |       | 469   |  |
| A22-4091                                                | 06N40E27 | SE | NE | 0.2   |       |       |  |
| A22-4091                                                | 06N40E27 | SW | NE | 15    |       |       |  |
| A22-4091                                                | 06N40E27 | SE | SE | 0.5   |       |       |  |
| A22-4091                                                | 06N40E27 | NE | SE | 0.5   |       |       |  |
| A22-4091                                                | 06N40E27 | NW | SE | 27    |       |       |  |
| A22-4091                                                | 06N40E27 | SW | SE | 38    |       |       |  |
| A22-4091                                                | 06N40E27 | SW | SW | 8.9   |       |       |  |
| A22-4091                                                | 06N40E27 | SE | SW | 29    |       |       |  |
|                                                         |          |    |    |       | 119.1 |       |  |
| A22-4091                                                | 06N40E33 | SE | SE | 0.1   |       |       |  |
|                                                         |          |    |    |       | 0.1   |       |  |
| A22-4091                                                | 06N40E34 | SE | NE | 0.1   |       |       |  |
| A22-4091                                                | 06N40E34 | NW | NE | 38    |       |       |  |
| A22-4091                                                | 06N40E34 | SW | NE | 39    |       |       |  |
| A22-4091                                                | 06N40E34 | NE | NW | 29    |       |       |  |
| A22-4091                                                | 06N40E34 | SE | NW | 34    |       |       |  |
| A22-4091                                                | 06N40E34 | SW | NW | 34    |       |       |  |
| A22-4091                                                | 06N40E34 | NW | NW | 39    |       |       |  |
| A22-4091                                                | 06N40E34 | NW | SE | 0.1   |       |       |  |
| A22-4091                                                | 06N40E34 | NE | SW | 0.0   |       |       |  |
| A22-4091                                                | 06N40E34 | SE | SW | 1.1   |       |       |  |
| A22-4091                                                | 06N40E34 | NW | SW | 25    |       |       |  |
| A22-4091                                                | 06N40E34 | SW | SW | 34    |       |       |  |
|                                                         |          |    |    |       | 273.3 |       |  |
|                                                         |          |    |    | 397.6 |       | 392.5 |  |

# Water Resources Field Services

P.O. Box 94  
Iona, ID 83427  
208-681-9100

November 5, 2004

Kelly Summers  
Frank Summers, Inc.  
327 South 3000 East  
Sugar City ID 83448

Re: Amended Adjudication Claim A22-4019

Dear Mr. Summers:

Thank you for showing me your irrigation systems today. Enclosed is an amended claim to match the irrigated lands we looked at and sketched on the maps. You'll need to mail it to IDWR with a notarized signature and a check for \$42.00. The address is 900 N Skyline Ste A, Idaho Falls ID 83402.

Other items for you to note are:

1. I forgot to talk to you about **evidence of priority** for the beneficial use claim A22-4019. An affidavit from a neighbor or employee stating that they **personally observed** the irrigation of all the lands claimed would be perfect. An affidavit from yourself or your brother could also work but would not be as good. Whoever does the affidavit, it needs to clearly identify the place that was irrigated. The more detail, the better. And it needs to clearly show personal observation: "I saw...", "I moved pipe...." etc. Please get what you can and mail it to IDWR.
2. Claim A22-2263B, A22-2264B and license 22-7768 cover the section 9 well. The paperwork did get completed from the licensing exam done a few years ago. Together these rights provide 5.95 cfs, or about 2,670 gallons per minute. I will turn the GPS information and photos over to IDWR, but someone still may contact you about the two claims. The license is new enough it does not need an adjudication claim.
3. The new well is covered by permit 22-7491. It looks like you have filed proof of beneficial use on time. IDWR still needs to come do a licensing exam and measure flow. The permit is new enough it doesn't need a claim.
4. My GPS puts the new well about four feet inside 6N 40E 27 SWSWSW. But since the GPS is only accurate to about 15 feet, the well could also be in 6N 40E 34 NWNWNW.

Sincerely,

Bryce A. Contor

Claim no. A22 4091

Claimant Contact Log

Date Remarks Agent initials

11/5/05 Field exam w/ Kelly Summers Bac

## Contacts Data Entry Form

Claim Number: A22-4091

| 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.

- 1) See discussion of overlap in A22-2219
  - 2) Overlapped by post-AT permit 22-7491
  - 3) Very low combined cfs/acre from original well.
- (BAC 11 Nov 04)

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Priority Date Data Entry Form

Claim Number: A22-4091

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:

*No evidence in file. See 5 Nov 04 letter to claimant.  
See 11 Nov 04*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Water Right No(s).

A22-4091



GPS DATA:

Tag # A0012241 Location: Motor panel inside shed

Diversion Data:

Source: GW Trib to: \_\_\_\_\_

MOTOR

Make: US Model: \_\_\_\_\_ Hp: 350

SN: \_\_\_\_\_  
Booster motor 100 hp GE

PUMP

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Disch: \_\_\_\_\_

SN: \_\_\_\_\_

NOTES:

GPS Waypoint 9, 2682117E 1404056N IOTM83.

Per owner Kelly Summers, pre-drought static  
water level was 314'

This too serves A22-4091 and A22-2219.

Field Exam Date: 11/5/04 Agent: BAC

## Point of Diversion and Source Data Entry Form

Claim Number: A22-4091Water 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.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Other rights from this POD? A22-2219

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:GPS GN 40E 27 SE NWSU, Waypoint 9.  
2682117E 1404056N IATM 83 (DAC 11 Nov 04)

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number: A22-4091Claimed 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: \_\_\_\_\_

Post-Ad permit 22-7491Document how the POU was verified:

Please see list from GIS, maps attached to amended claim, discussion in A22-2219. Doc 11 Nov 04

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Season of Use and Quantity Data Entry Form

Claim Number: A22-4091Water 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:

Original well &amp; pump setup serve this well A22-2219.

Per field inspection main motor 350 horsepower booster 100 hp.

Per owner typical pumping lift 314' (measured before drought).

Assume 20 feet friction, 60 psi discharge, 70% efficiency.

$$GPM = (Water\ HP \times 3960) / (TDH) = (450 \times 0.70 \times 3960) / (314 + 20 + 60 \times 2.31)$$

$$= 2640\ GPM = 5.88\ g/s$$

License 22-2219 is 5.57 g/s, this only leaves 0.31 for this well.

Note examiner's note in 22-2219 "This land is farmed with a fallow program." Kelly Summers told me they used to water the winter grain early in the spring, then move the

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

water to the spring grain, then move it to the potatoes. The grain therefore was only "semi irrigated." This explains the low Q/acre. Bae 11/5/04.

$$Volume = 392.5 \times 3.5 = 1373.8$$

See A22-2219 discussion of combined volume limit.

May 28, 2004

**FRANK SUMMERS INC  
327 S 3000 E  
SUGAR CITY ID 83448**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4091**

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, as referenced above, claims a Priority Date of MAY 1 1962, from GROUNDWATER.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

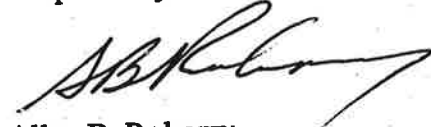
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

---

Log for claim 22-04091

Spatial Dynamics BTD

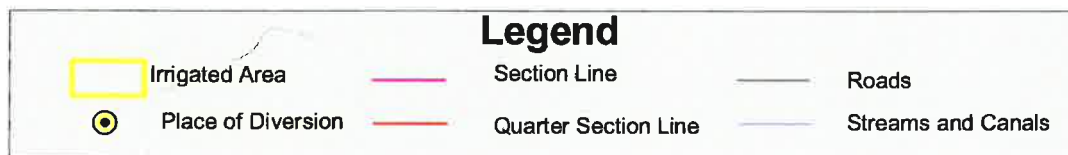
7/2/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 06n40e         | 27  | SESW | 12               | 11             |         |
| 06n40e         | 27  | NWSE | 30               | 27             |         |
| 06n40e         | 27  | SWSE | 38               | 37             |         |
| 06n40e         | 34  | NWNE | 37               | 38             |         |
| 06n40e         | 34  | SWNE | 39               | 40             |         |
| 06n40e         | 34  | NENW | 26               | 26             |         |
| 06n40e         | 34  | NWNW | 39               | 40             |         |
| 06n40e         | 34  | SWNW | 35               | 35             |         |
| 06n40e         | 34  | SEnw | 37               | 34             |         |
| 06n40e         | 34  | NWSW | 24               | 26             |         |
| 06n40e         | 34  | SWSW | 32               | 33             |         |
| 06n40e         | 34  | SESW | 2                | 1.1            |         |
| <b>Totals:</b> |     |      | 351              | 348.1          |         |

# Water Right Claim Number 22-04091

## Townships , 6N40E, 5N40E

07/02/2001



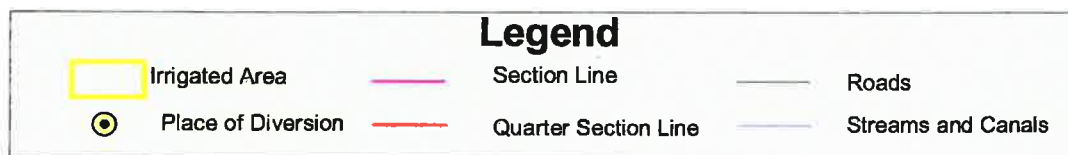
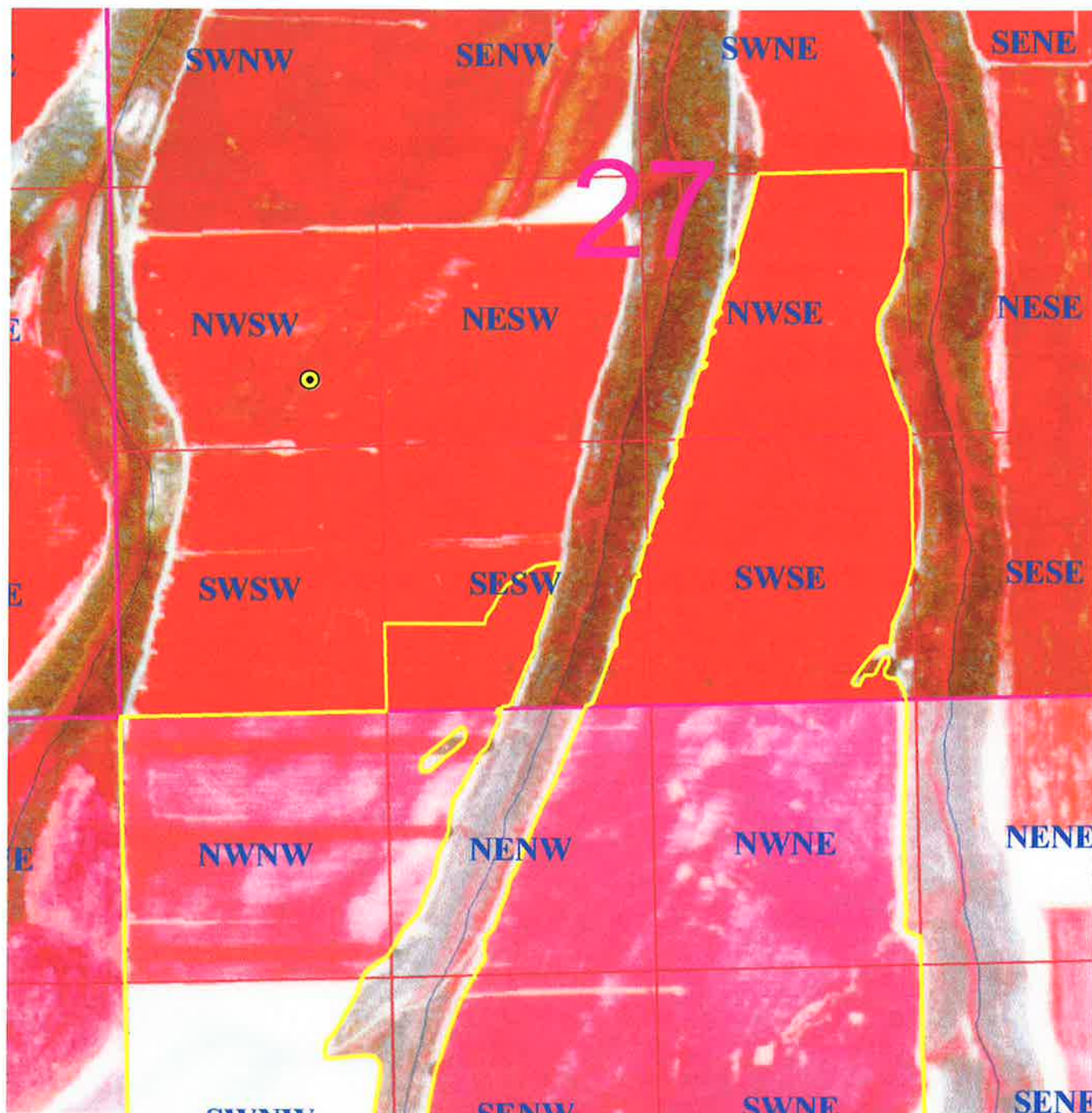
1200 0 1200 2400 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 22-04091  
Townships , 6N40E, 5N40E

07/02/2001



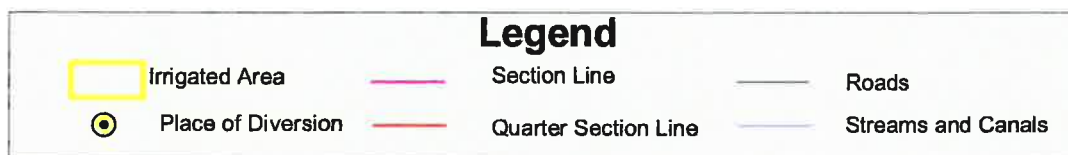
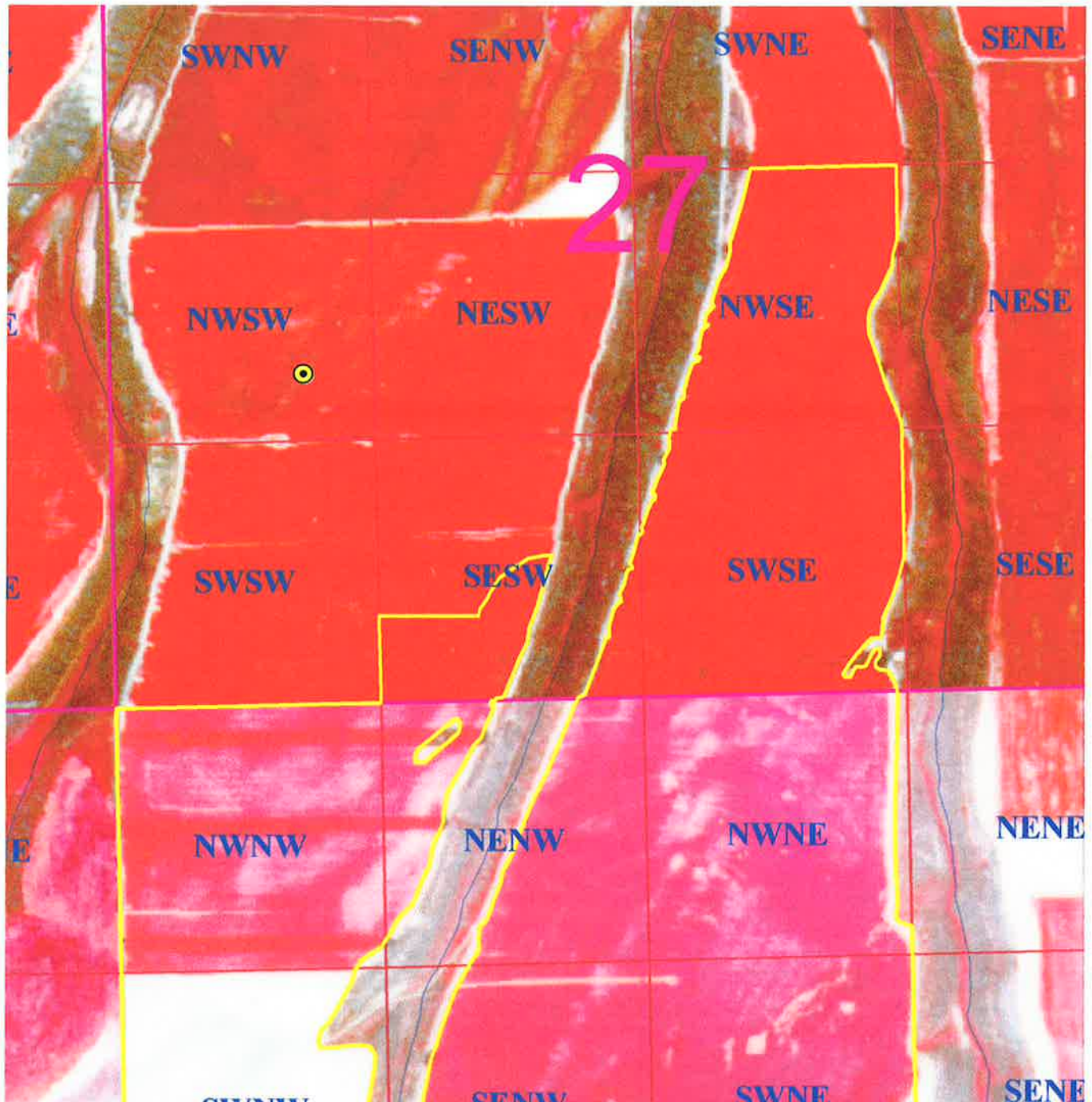
600 0 600 1200 Feet



SPATIAL  
DYNAMICS

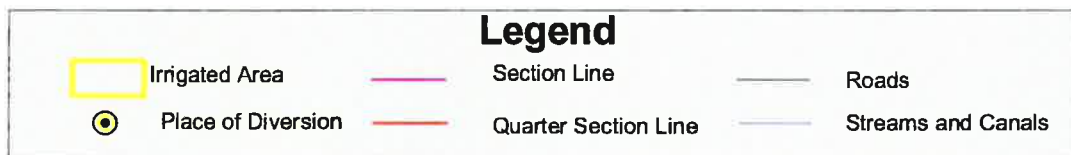
Water Right Claim Number 22-04091  
Townships , 6N40E, 5N40E

07/02/2001



Water Right Claim Number 22-04091  
Townships , 6N40E, 5N40E

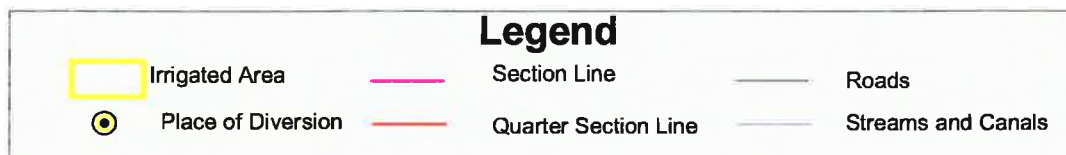
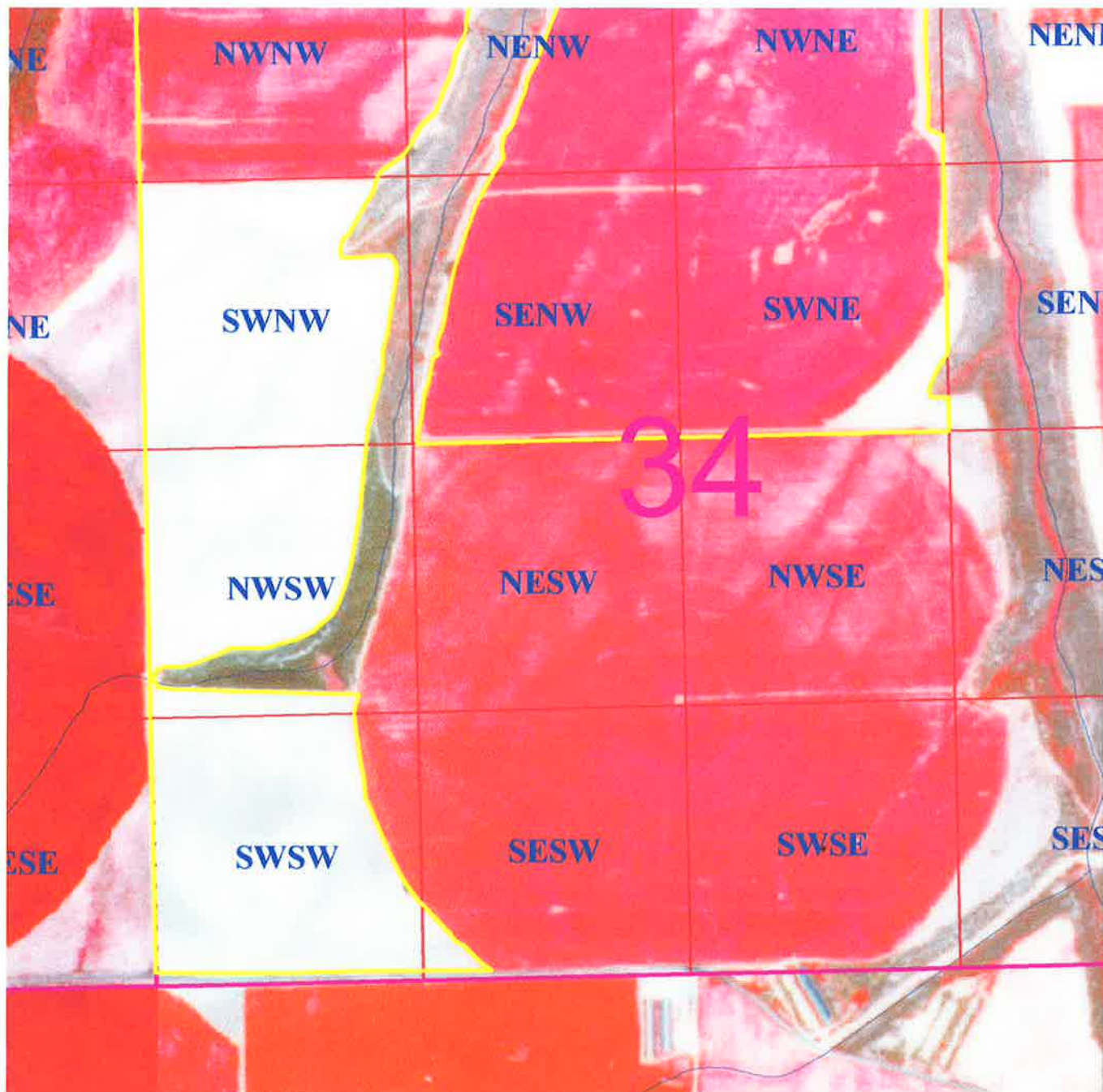
07/02/2001



SPATIAL  
DYNAMICS

Water Right Claim Number 22-04091  
Townships , 6N40E, 5N40E

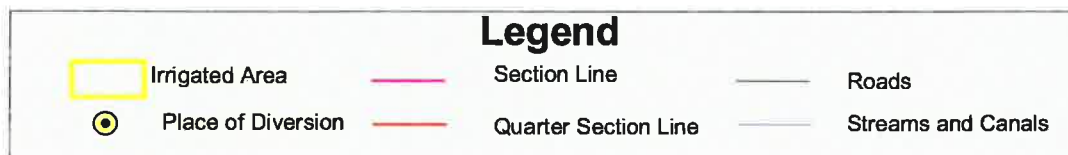
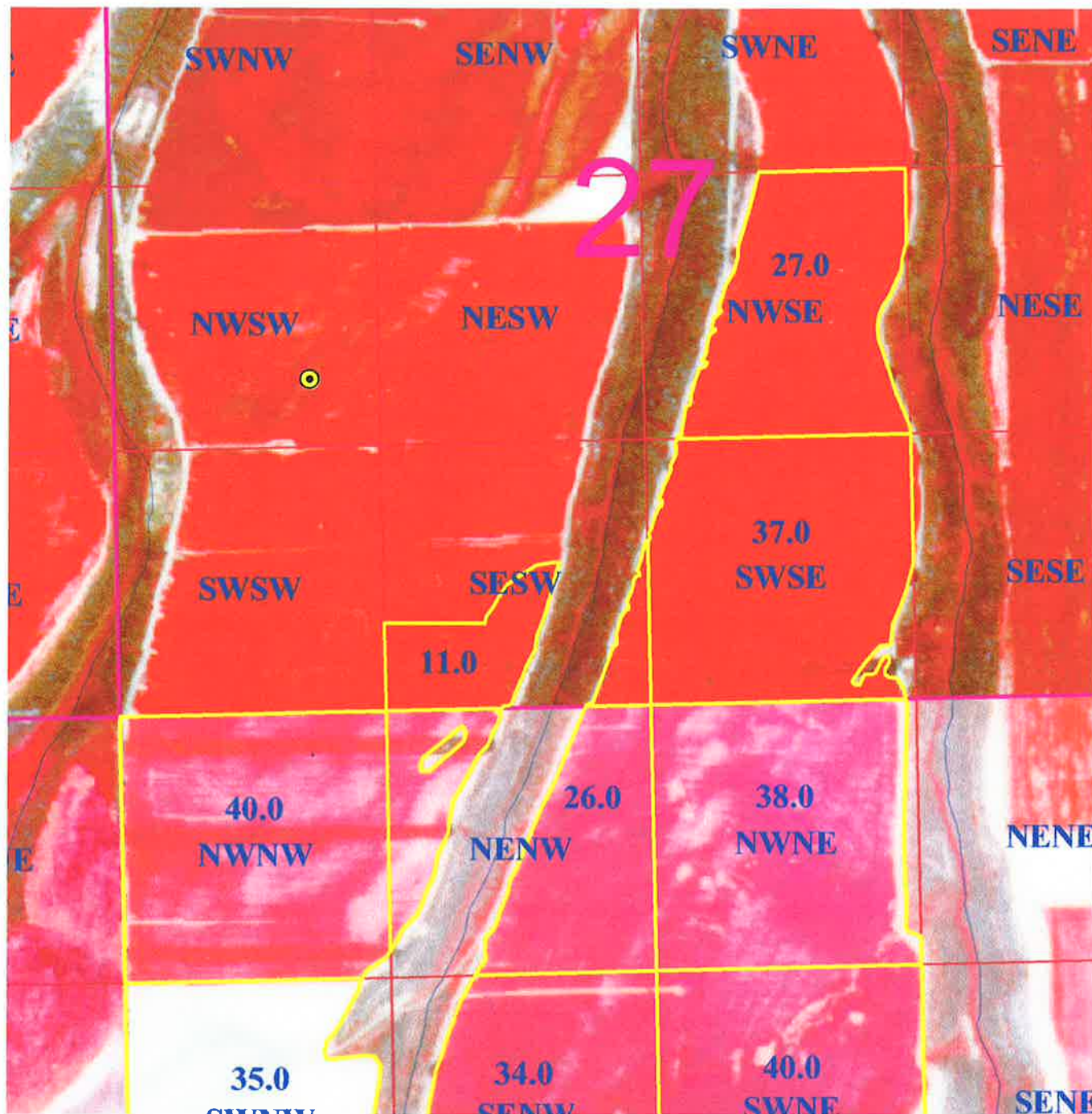
07/02/2001



SPATIAL  
DYNAMICS

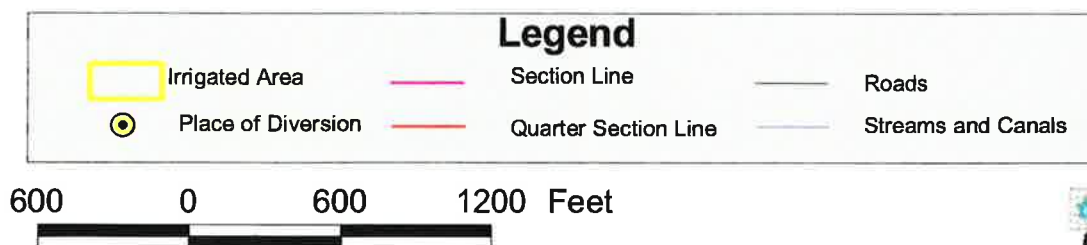
Water Right Claim Number 22-04091  
Townships , 6N40E, 5N40E

07/02/2001



SPATIAL DYNAMICS

## 07/02/2001



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Frank Summers, Inc.

(Name of Claimant)

Rt. 1, Sugar City, Idaho 83448

(Mailing Address)

Telephone No. 356-5375

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May, 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity | (cfs, af)       | Use | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                |
|----------|-----------------|-----|-------------------------------------|-------------------------------|----------------|
|          |                 |     |                                     | (Mo., Day)                    | (Mo., Day)     |
| Quantity | <u>7.20 cfs</u> | Use | <u>Irrigation</u>                   | Period of Use From <u>4-1</u> | To <u>11-1</u> |
| Quantity |                 | Use |                                     | Period of Use From            | To             |
| Quantity |                 | Use |                                     | Period of Use From            | To             |
| Quantity |                 | Use |                                     | Period of Use From            | To             |
| Quantity |                 | Use |                                     | Period of Use From            | To             |

- (4) 7.20 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 27 Twp. 6N Rge. 40E B.M., County of Madison

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, pump and sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R   | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|    |     |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |       |
| 6N | 40E | 27   |        |        |        |        |        |        |        |        |        |        |        | 5      |        | 30     | 38     |        | 73    |
|    |     | 34   |        | 40     | 40     |        | 32     | 40     | 35     | 35     |        | 25     | 40     |        |        |        |        |        | 287   |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres 360

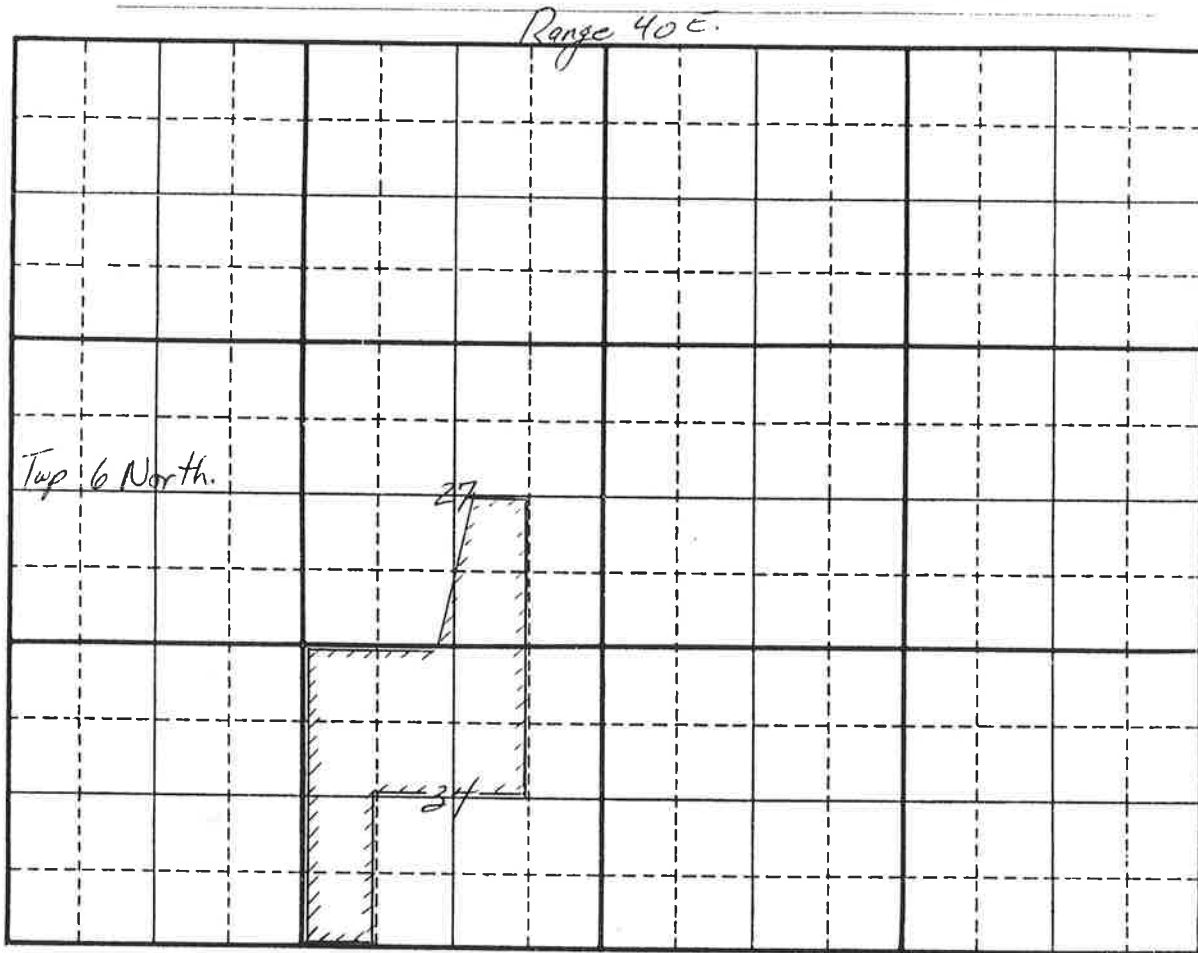
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

Frank Summers Incorporated

(8) Remarks \_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )

County of Madison ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge; affiant is President of Frank Summers, Inc.

Sworn to before me this 8th day of April

Frank Summers  
(Claimant)

19 83

Stephen S. Thacker  
Notary Public  
Residing at Rexburg

My commission expires 2004 6/1

Received by AW Date 4-18-83 FOR DEPARTMENT USE ONLY  
Prelim. check by HWS Date 4-19-83 Exception filed by: \_\_\_\_\_  
\$30.00 fee received by AW Date 4-19-83 #28068 Forwarded to \_\_\_\_\_  
Published in Standard Journal claimant by: \_\_\_\_\_  
Dates 4/28 & 5/3/83

|     |     |    |    |    |               |       |
|-----|-----|----|----|----|---------------|-------|
|     |     |    | SE | SW | IRRIGATION    | 29    |
|     |     |    | NW | SE | IRRIGATION    | 27    |
|     |     |    | SW | SE | IRRIGATION    | 38    |
|     |     |    | SE | SE | IRRIGATION    | 0.4   |
|     |     |    |    |    | Section Acres | 120.3 |
| 06N | 40E | 34 | NW | NE | IRRIGATION    | 38    |
|     |     |    | SW | NE | IRRIGATION    | 39    |
|     |     |    | NE | NW | IRRIGATION    | 28    |
|     |     |    | NW | NW | IRRIGATION    | 39    |
|     |     |    | SW | NW | IRRIGATION    | 33    |
|     |     |    | SE | NW | IRRIGATION    | 34    |
|     |     |    | NW | SW | IRRIGATION    | 25    |
|     |     |    | SW | SW | IRRIGATION    | 35    |
|     |     |    | SE | SW | IRRIGATION    | 1.3   |
|     |     |    |    |    | Section Acres | 272.3 |
|     |     |    |    |    | Total Acres   | 392.6 |

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

A22-2219 is for different lands from the same well, Permit 22-7491 overlaps some of these lands from a different well.

14. Remarks: This amended claim adjusts the irrigated acreage to match the GIS map made from the adjudication field exam.

15. Basis of Claim: Beneficial Use

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 A22-4091\_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

1. Claimant Frank Summers, Inc.  
327 South 3000 East
2. Date of Priority May 01, 1962
3. Source of water (a) Ground Water  
which is tributary to (b)
4. a. Location of point of diversion: 06N 40E 27 NW SW
5. Description of existing diversion works: Well to mainline and sprinkler system
6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 11/1     | 7.20 |                |
|            |            |          |      |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 7.20 (cfs) and/or (b) (acre feet per year)
8. Total consumptive use claimed is \_\_\_\_\_-acre feet per annum.
9. Non-irrigation uses:

10. Description of place of use

|                       |    |    |     |              |
|-----------------------|----|----|-----|--------------|
| 06N40E27              | SE | NE | 0.2 |              |
| 06N40E27              | SW | NE | 15  |              |
| 06N40E27              | SE | SE | 0.5 |              |
| 06N40E27              | NE | SE | 0.5 |              |
| 06N40E27              | NW | SE | 27  |              |
| 06N40E27              | SE | SW | 29  |              |
| 06N40E27              | SW | SE | 38  |              |
| 06N40E27              | SW | SW | 8.9 |              |
| Section 27            |    |    |     | 119.1        |
| Total                 |    |    |     |              |
| 06N40E33              | SE | SE | 0.1 |              |
| Section 33            |    |    |     | 0.1          |
| Total                 |    |    |     |              |
| 06N40E34              | SE | NE | 0.1 |              |
| 06N40E34              | NW | NE | 38  |              |
| 06N40E34              | SW | NE | 39  |              |
| 06N40E34              | NE | NW | 29  |              |
| 06N40E34              | SE | NW | 34  |              |
| 06N40E34              | SW | NW | 34  |              |
| 06N40E34              | NW | NW | 39  |              |
| 06N40E34              | NE | SW | 0.0 |              |
| 06N40E34              | SE | SW | 1.1 |              |
| 06N40E34              | NW | SW | 25  |              |
| 06N40E34              | SW | SW | 34  |              |
| 06N40E34              | NW | SE | 0.1 |              |
| Section 34            |    |    |     | 273.3        |
| Total                 |    |    |     |              |
| Total Irrigated Acres |    |    |     | <b>392.5</b> |

Total number of acres irrigated 392.5

11. Irrigated lands are located in county(s) of: Madison

12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: A22-2219 is for different lands from the same well, Permit 22-7491 overlaps some of these lands from a different well.

14. Remarks. This amended claim adjusts the irrigated acreage to match the GIS map made from the adjudication field exam.

Map of project: Please see attached.

15: Basis of Claim: Beneficial Use

IDWR water right number  
Court Case Number Decree Date  
Plaintiff vs Defendant

16: Signatures

Number of attachments: One map

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

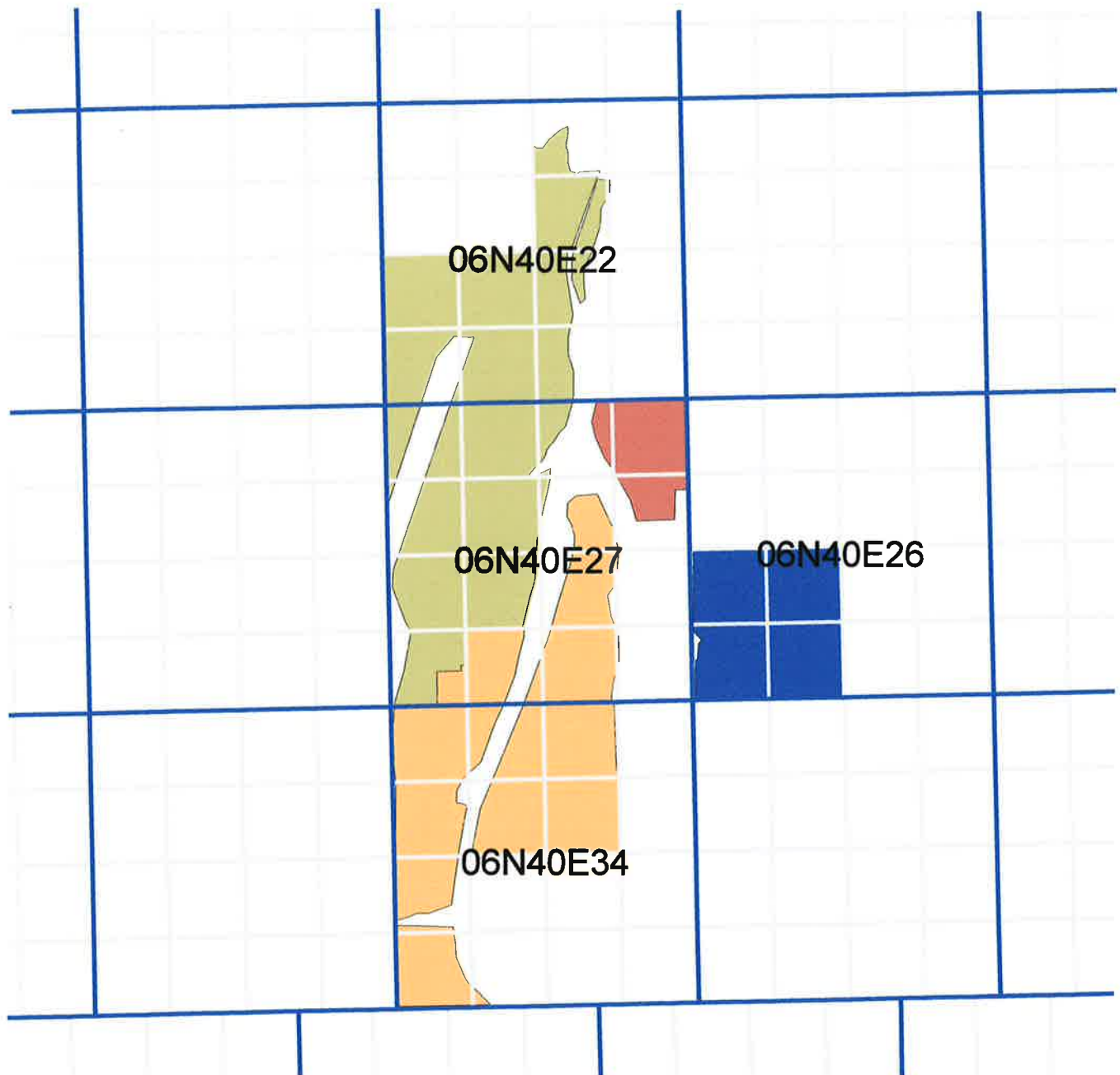
SEAL

Notary Public \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

# Frank Summers Amended Place of Use



1987 Aerial Photography from IDWR



- PLSS Section LinesGcdb\_sections.shp
- Gcdb\_qq.shp
- F\_summers\_qq.shp
- A22-10483
- A22-2183
- A22-2219
- A22-4091

Illustration prepared by  
Water Resources Field Services  
208 681 9100

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 22-4091  
Date Received: 8/3/1988  
Receipt No: E001064  
Received By:

**AMENDED**

**AMENDED**

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

1. Name of Claimant(s)

FRANK SUMMERS INC Phone: (208)356-5375

C/O KELLY SUMMERS  
327 S 3000 E  
SUGAR CITY ID USA 83448

2. Date of Priority: 05/01/1962

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   | 27      | NW SW                 | MADISON |      |

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 7.2    |            |

7. Total Quantity Appropriated is:

7.2 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   | 27      | SW NE          | IRRIGATION | 17    |
|          |       |         | SW SW          | IRRIGATION | 8.9   |

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 A22-4091 \_\_\_\_\_

Date Received 11-16-04

Receipt Number E 0 30414

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

1. Claimant Frank Summers, Inc.  
327 South 3000 East  
Sugar City ID 83448
2. Date of Priority May 01, 1962
3. Source of water (a) Ground Water  
which is tributary to (b)
4. a. Location of point of diversion: 06N 40E 27 NW SW
5. Description of existing diversion works: Well to mainline and sprinkler system
6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 11/1     | 7.20 |                |
|            |            |          |      |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 7.20 (cfs) and/or (b) (acre feet per year)
8. Total consumptive use claimed is \_\_\_\_\_-acre feet per annum.
9. Non-irrigation uses:

10. Description of place of use

|                       |    |    |     |       |
|-----------------------|----|----|-----|-------|
| 06N40E27              | SE | NE | 0.2 |       |
| 06N40E27              | SW | NE | 15  |       |
| 06N40E27              | SE | SE | 0.5 |       |
| 06N40E27              | NE | SE | 0.5 |       |
| 06N40E27              | NW | SE | 27  |       |
| 06N40E27              | SE | SW | 29  |       |
| 06N40E27              | SW | SE | 38  |       |
| 06N40E27              | SW | SW | 8.9 |       |
| Section 27            |    |    |     | 119.1 |
| Total                 |    |    |     |       |
| 06N40E33              | SE | SE | 0.1 |       |
| Section 33            |    |    |     | 0.1   |
| Total                 |    |    |     |       |
| 06N40E34              | SE | NE | 0.1 |       |
| 06N40E34              | NW | NE | 38  |       |
| 06N40E34              | SW | NE | 39  |       |
| 06N40E34              | NE | NW | 29  |       |
| 06N40E34              | SE | NW | 34  |       |
| 06N40E34              | SW | NW | 34  |       |
| 06N40E34              | NW | NW | 39  |       |
| 06N40E34              | NE | SW | 0.0 |       |
| 06N40E34              | SE | SW | 1.1 |       |
| 06N40E34              | NW | SW | 25  |       |
| 06N40E34              | SW | SW | 34  |       |
| 06N40E34              | NW | SE | 0.1 |       |
| Section 34            |    |    |     | 273.3 |
| Total                 |    |    |     |       |
| Total Irrigated Acres |    |    |     | 392.5 |

Total number of acres irrigated 392.5

11. Irrigated lands are located in county(s) of: Madison

12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: A22-2219 is for different lands from the same well, Permit 22-7491 overlaps some of these lands from a different well.

14. Remarks. This amended claim adjusts the irrigated acreage to match the GIS map made from the adjudication field exam.

Map of project: Please see attached.

15: Basis of Claim: Beneficial Use

IDWR water right number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16: Signatures

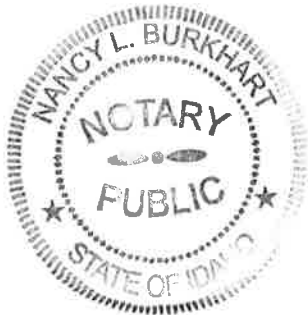
Number of attachments: One map

Signature of Claimant(s) Frank Summers, Inc. Date 11/16/04  
by F. Kelly Summers Date 11/16/04

State of Idaho/or \_\_\_\_\_ )  
County of Bonneville ) SS.

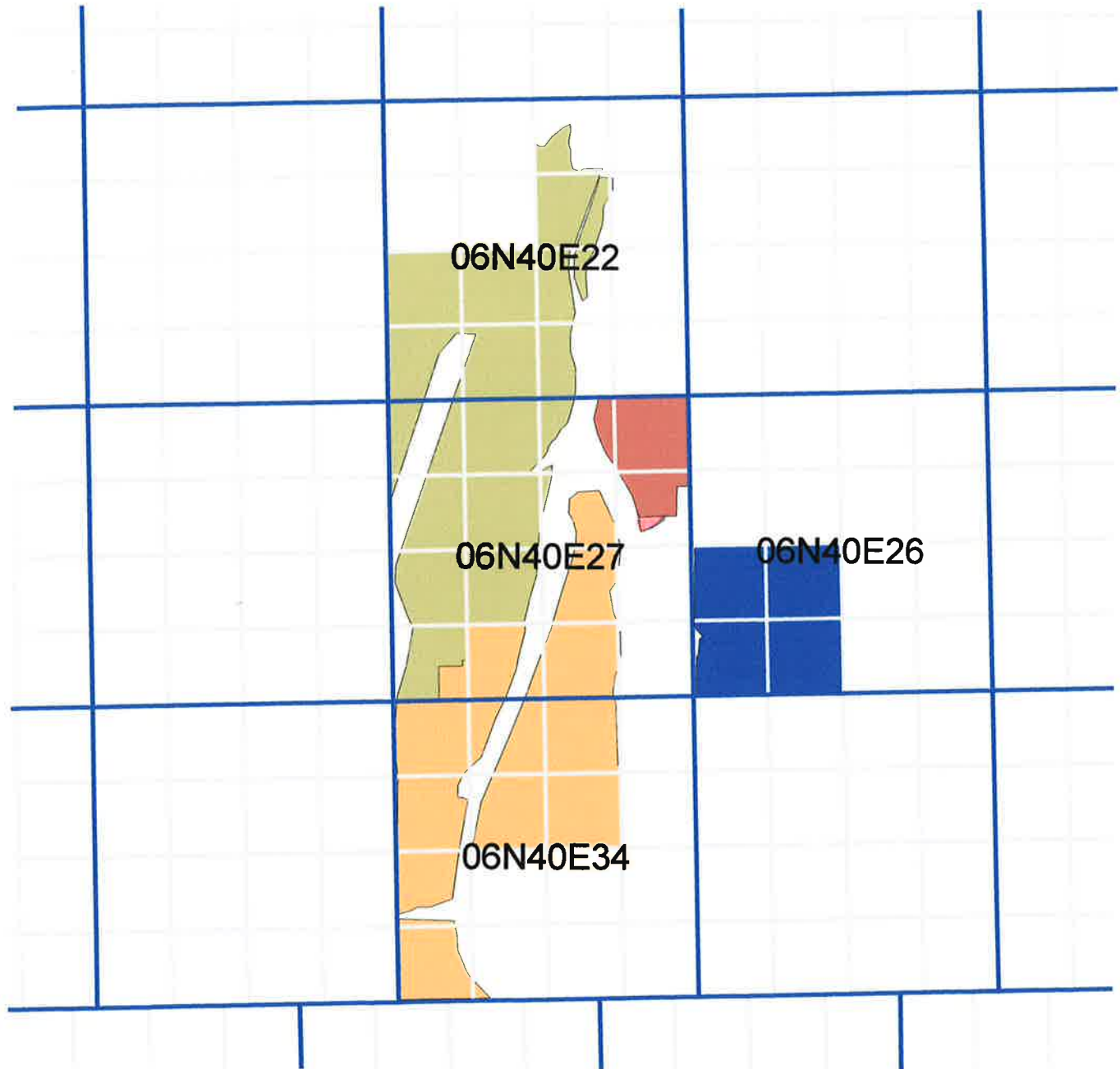
Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> day of November 2004

SEAL



Notary Public Nancy L. Burkhardt  
Residing at Bonneville County  
My Commission Expires 7/17/07

# Frank Summers Amended Place of Use



1987 Aerial Photography from IDWR



- PLSS Section LinesGcdb\_sections.shp
- Gcdb\_qq.shp
- F\_summers\_qq.shp
- A22-10483
- A22-2183
- A22-2219
- A22-4091

Illustration prepared by  
Water Resources Field Services  
208 681 9100

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: A22-04091  
Date Received: 8/03/1988  
Receipt No: E001064  
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FRANK SUMMERS, INC. 208-356-5375  
Address: 327 SOUTH 3000 EAST  
SUGAR CITY, ID 83448

2. Date of Priority: MAY 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 40E   | 27      | NW     | SW     |     |     | MADISON |

5. Description of diverting works:  
WELL, PUMP & 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 | 7.200 |      |        |

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

8. Total consumptive use is 702.0 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   | 27      | SE     | SW  |     | IRR | 12.0  |
|          |       |         | NW     | SE  |     | IRR | 30.0  |
|          |       |         | SW     | SE  |     | IRR | 38.0  |

Section Acres 80.0

A22-04091

Page 1

Date: 08/03/88

A2204091



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|----|-----|-----|-----|-------|
| 06N           | 40E   | 34      | NW  |    | NE  |     | IRR | 37.0  |
|               |       |         | SW  |    | NE  |     | IRR | 39.0  |
|               |       |         | NE  |    | NW  |     | IRR | 26.0  |
|               |       |         | NW  |    | NW  |     | IRR | 39.0  |
|               |       |         | SW  |    | NW  |     | IRR | 35.0  |
|               |       |         | SE  |    | NW  |     | IRR | 37.0  |
|               |       |         | NW  |    | SW  |     | IRR | 24.0  |
|               |       |         | SW  |    | SW  |     | IRR | 32.0  |
|               |       |         | SE  |    | SW  |     | IRR | 2.0   |
| Section Acres |       |         |     |    |     |     |     | 271.0 |
| Total Acres   |       |         |     |    |     |     |     | 351.0 |

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: STATUTORY CLAIM

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 Organizations:**

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

J. Kelly Summers  
Signature of Authorized Agent

V. Pres. Frank Summers, Inc.  
Title and Organization

8-3-88

Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 3rd day  
of August 19 88

Betty J. Thompson  
Notary Public



Residing at Idaho Falls  
My Commission Expires 6-94

34

A22-04091

34

32

NOTIFIED  
OCT 29 1992

PLACE OF USE

35

2045

39

37

35

39

37

37

34

26-7  
R40E

Point of Diversion

27

B-87 (372)  
600 SUMMERS

62.7

J.H. SMITH INC.

428

155.8

126.2

35

28

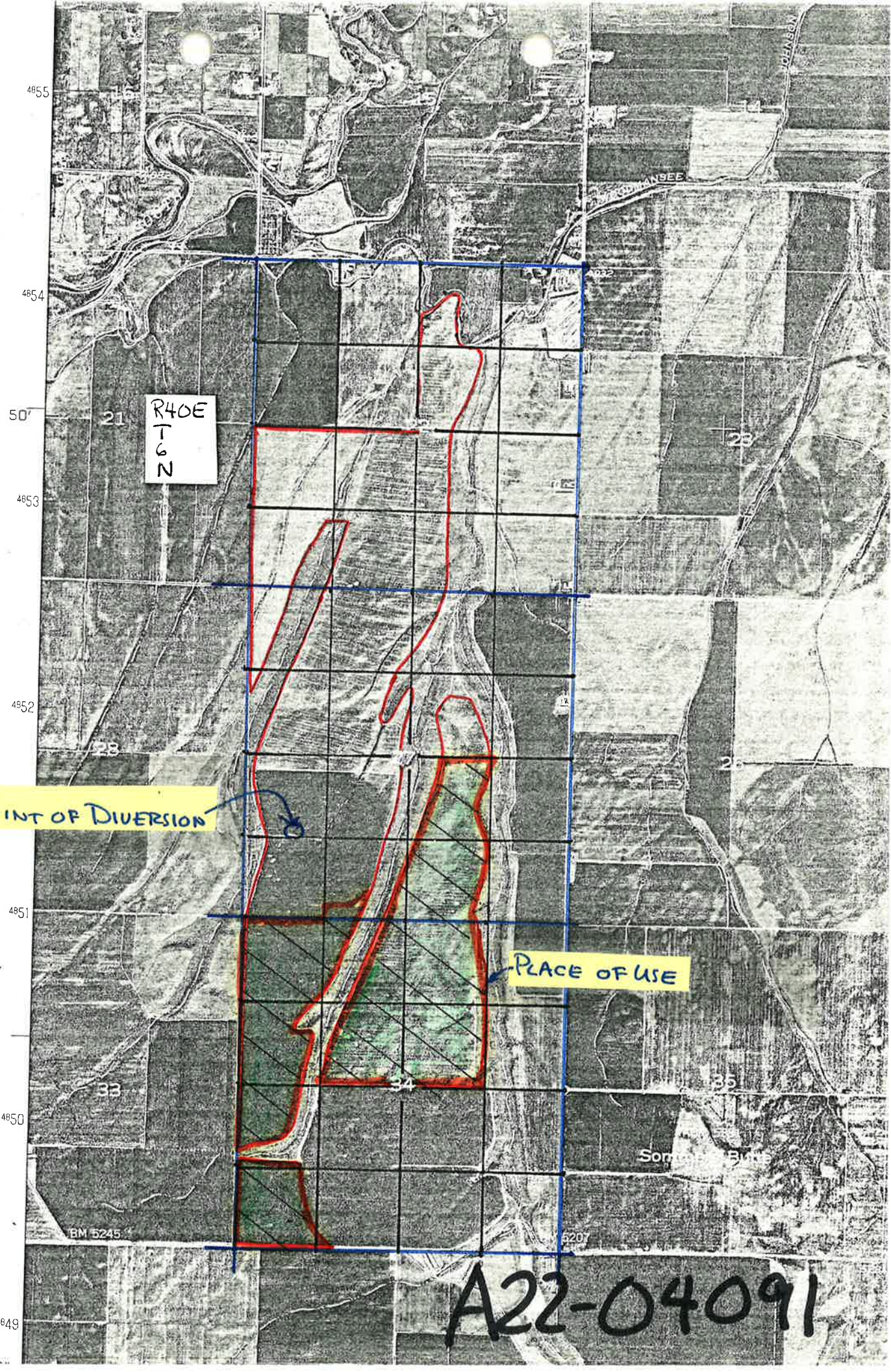
39

24

34.3

28

J.H. SMITH INC.



R40E  
T6  
N

POINT OF DIVERSION

PLACE OF USE

REPROFILMED  
OCT 23 1992  
T. 6 N.  
T. 5 N.

A22-04091