

09/23/2005

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

RIGHT NUMBER: 22-7300
NAME AND ADDRESS: D S & S INC
4423 E 1496 S
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.710 CFS
1,190.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/08/1980

POINT OF DIVERSION:
T05N R41E S15 NWNW 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	3.710 CFS 1,190.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R41E S15	NWNE	34.0	T05N R41E S15	SWNE	36.0
T05N R41E S15	NENW	40.0	T05N R41E S15	NWNW	40.0
T05N R41E S15	SWNW	35.0	T05N R41E S15	SENW	40.0
T05N R41E S15	NESW	11.0	T05N R41E S15	NWSE	6.0
T05N R41E S16	NENE	40.0	T05N R41E S16	NWNE	15.0
T05N R41E S16	SWNE	5.0	T05N R41E S16	SENE	39.0

341 ACRES TOTAL

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. 22-7481 is also diverted through point of diversion described above.

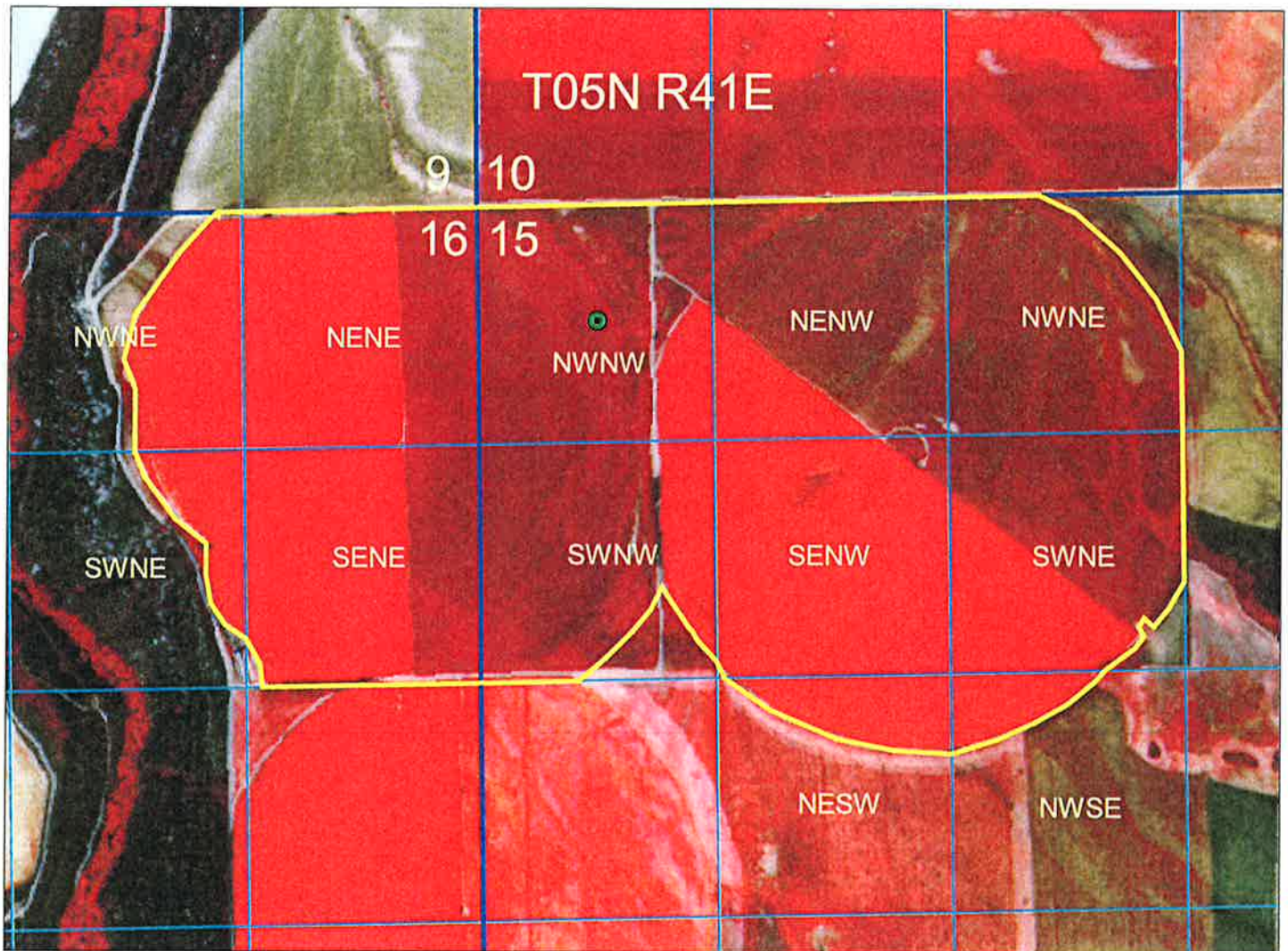


Department of Water Resources

Eastern Region

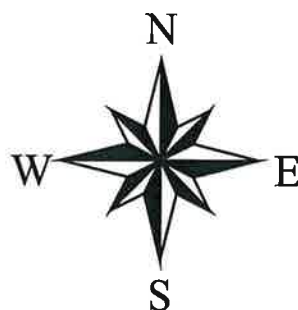


Claim No.: 22-7300



0 660 1320 1980 2640 Feet

- ① Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: September 2005

04/09/2007

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

RIGHT NUMBER: 22-7300
NAME AND ADDRESS: D S & S INC
1500 S 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.710 CFS
1,190.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/08/1980

POINT OF
DIVERSION: T05N R41E S15 NWNW 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	3.710 CFS 1,190.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T05N R41E S15	NWNE	34.00	T05N R41E S15	SWNE	36.00
T05N R41E S15	NENW	40.00	T05N R41E S15	NWNW	40.00
T05N R41E S15	SWNW	35.00	T05N R41E S15	SENW	40.00
T05N R41E S15	NESW	11.00	T05N R41E S15	NWSE	6.00
T05N R41E S16	NENE	40.00	T05N R41E S16	NWNE	15.00
T05N R41E S16	SWNE	5.00	T05N R41E S16	SENE	39.00

341 ACRES TOTAL

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. 22-7481 is also diverted through point of diversion described above.



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

APRIL 10, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

D S & S INC
1500 S 3000 E
SUGAR CITY ID 83448

RE: Notice of Change of Address for 22-7054B, 22-7300 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimants:

On April 10, 2007, 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: 22-7054B,
22-7300

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ 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: 4-11-07

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 13, 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:
D S & S INC
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:

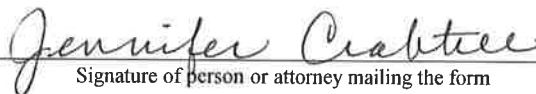
Each party in the subcase, or attorney of record

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

RECEIVED

FEB 12 2007

Department of Water Resources
Eastern Region

IDAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

- [] Water Right Number(s): 22-7054B, 22-7300, 22-2238,
22-2260B, 22-11318, 22-22588
22-7005B
data entry error *NCMP* *4-10-07* *NCMP* *DE Done* *CM 4-9-07* *already change* *already changed* *already changed* *data entry error*
- [] Name(s): Summers Farm & Ranch Inc +
DS+S Inc
- [] Old Mailing Address: 3500 East 1496 South
Sugar City ID
83448
- [] New Mailing Address: 1500 South 3000 East
Sugar City
ID 83448
- Telephone Number: (208) 356-3465
- [] Signature(s) of Owner(s) 
President both companies Danny Summers
(Include your title if on behalf of company or organization)
- Date: 2-8-07

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)

Corners appear to be in CRP. Claim also needs to
be ~~adjusted to corners~~ enlarged to cover additional
acres in Section 15 NESW + NWSE

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07300

Priority: August 08, 1980

Maximum Diversion Rate: 3.71 CFS
Maximum Diversion Volume: 1,190.0 AF

It is hereby certified that EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985
BLACKFOOT ID 83221-0985 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 30, 1979; and has
submitted Proof of Beneficial Use on October 02, 1984. An examination indicates that the works have a
diversion capacity of 5.23 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	3.71 CFS	1,190.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 05N, Rge 41E, B.M., MADISON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	41E	15		34.0	36.0		40.0	40.0	36.0	40.0	11.0				6.0				242.0
05N	41E	16	40.0	15.0	5.0	39.0													99.0

Total Acres: 341

CONDITIONS OF APPROVAL

1. Right 22-07481 is also diverted through the point of diversion described above.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16TH day of MAY, 2002.

MICROFILMED

JUN 18 2002

Acting for

KARL J. DREHER
Director



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07300

RECEIVED

MAY 13 2002

Department of Water Resources

Date of Priority: August 08, 1980

Maximum Diversion Rate: 3.71 CFS

Maximum Diversion Volume: 1,190.0 AF

Comes now EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985

BLACKFOOT ID 83221-0985 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07300, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.71 CFS	1,190.0 AF

LOCATION OF POINT OF DIVERSION:GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 05N, Rge 41E, B.M., MADISON CountyPLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 41E 15		34.0	36.0		40.0	40.0	35.0	40.0	11.0					6.0			242.0
05N 41E 16		40.0	15.0	5.0	39.0												99.0

Total Acres: 341

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 7th day of May, 2002

Ray L. Pres
(Signature & title)

DS+S Inc

MICROFILMED

JUN 18 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07300

.....
FOR DEPARTMENT USE ONLY
Preliminary check by tw Fee \$50.00 Received by JM # 6041987 Date 5/13/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07300 with the following:

CONDITIONS OF APPROVAL

1. Right 22-07481 is also diverted through the point of diversion described above.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 16TH day of MAY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
JUN 18 2002

Claim no. A22-7300

Claimant Contact Log

Date	Remarks	Agent initials
11/17/04	8:17 AM 356-3465 - Call 317-1922 Up on Butte - 3 miles @ Elk Pen	
11/20/04	Met w/ Danny Summers / did field exam	BAC

Contacts Data Entry Form

Claim Number: A22-7300

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.

POD saves neighboring rights owned by Roger Mun.
used to save additional WR to north, no longer used
License 22-7300 issued in May 2002. 27 NOV of BAC

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A22-7300

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:

Copy of license shows 8 Aug 1980. This is
different than claim. BAC 27 Nov 04

Reviewer: _____

Date: _____

Water Right No(s).

A22-7300



GPS DATA:

Tag # A0012235 Location: Motor Panel

Diversion Data:

Source: Well Trib to: _____

MOTOR

(well)
Make: US Model: _____ Hp: 600
SN: F010100F397 100R-01

PUMP

Make: No tag Model: _____ Disch: _____
SN: _____

NOTES:

Booster motor US 150 HP SN F04-AA66-M D1
no tag on pump

Field Exam Date: 20 Nov 04 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number:

A22-7300Water 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?

Roger Muir adjoining ground. 22-7481

Transfers Pending or approved:

Document how the POD and Source were verified:

GPS Waypoint 36 2691473 E 1399209 N IDTME3
S N 41 E 15 NE NW NW, consistent w/ claim? license
BAC 27 NOV 04.

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A22-7300

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

See claimants' sketch on layout, followed by
sketch from license exam. Since license was issued
in 2002 it will govern AF recommendation. BAC

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-7300Water 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 3.71 cfs / 1190 af a for irrigation
4/1 - 10/31 Dec 27 Nov 04

Reviewer: _____

Date: _____

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07300

Priority: August 08, 1980

Maximum Diversion Rate: 3.71 CFS
Maximum Diversion Volume: 1,190.0 AF

It is hereby certified that **EASTERN IDAHO AGRICULTURAL CREDIT ASSN**
PO BOX 985
BLACKFOOT ID 83221-0985 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 30, 1979; and has
submitted Proof of Beneficial Use on October 02, 1984. An examination indicates that the works have a
diversion capacity of 5.23 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	3.71 CFS	1,190.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼NW¼ Sec. 15, Twp 05N, Rge 41E, B.M., MADISON County

PLACE OF USE: **IRRIGATION**

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 41E 15		34.0	36.0		40.0	40.0	36.0	40.0	11.0					6.0			242.0
05N 41E 16	40.0	15.0	5.0	39.0													99.0

Total Acres: 341

CONDITIONS OF APPROVAL

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This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16TH day of MAY, 2002.

MICROFILMED
JUN 18 2002

Acting for 
KARL J. DREHER
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 22, 2002

DANNY SUMMERS
D S & S INC
4423 E 1496 S
SUGAR CITY ID 83448

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-7300

Dear Mr. Summers:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

OK JC 7/19/02
 RECEIVED
 JUN 17 2002
 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 (under the "split" heading), 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
22-7300					

↓
 Changed
 Status
 to
 license
 JC
 7/19/02

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) is 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) Eastern Idaho Agricultural Credit Association
4. New Owner/Claimant(s) D S & S, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 4423 E 1496 S
 New Mailing Address
 City, State and ZIP Code Sugar City ID 83448
 New Telephone Number (208) 356-3465
5. Date you acquired the property D S & S, Inc., is the existing owner. This form is being used to remove lien holder as owner.

Form No. 1056.92
(10/17/92)
ALTA Loan Policy
Form 1



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

COUNTERSIGNED

FIRST AMERICAN TITLE COMPANY

By

TITLE OFFICER

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark L. Aronson

SECRETARY

CW 1865871



SCHEDULE A

Order No. **M-23712-1**

Policy No. CW - 1865871
8/11/97 / E.I.A.C.A.

Amount of Insurance **\$1,949,296.00**

Premium **\$ 4,665.00**

Date of Policy: **June 27, 1997 at 9:14**

1. Name of Insured:

Eastern Idaho Agricultural Credit Association

K
7F
18-97
2. The estate or interest in the land which is encumbered by the insured mortgage is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

TRACTS I & II: DS & S, INC., AN IDAHO CORPORATION

TRACT III: SUMMERS FARM & RANCH, INC.

TRACTS IV & V: SUMMERS FARM AND RANCH, INC., AN IDAHO CORPORATION

4. The insured mortgage and assignments thereof, if any, are described as follows:

Real Estate Mortgage dated June 24, 1997 to secure an indebtedness in the principal sum of \$1,949,296.00, and any other amounts and/or obligations secured thereby.

Recorded: June 27, 1997, Instrument No. 267055, Madison County
Mortgagor: Summers Farm & Ranch, Inc., and Idaho Corporation,
By: Danny J. Summers, President, and Attest:
Berniece N. Summers, Secretary; D S & S, Inc., An
Idaho Corporation, By: Danny J. Summers, President,
and Attest: Berniece N. Summers, Secretary; and
individually By: Danny J. Summers, a married man
dealing with his sole and separate property; and
Berniece N. Summers, a single person.

Mortgagee: **Eastern Idaho Agricultural Credit Association**

5. The land referred to in this policy is described as follows:

SEE ATTACHED SCHEDULE "C"



Form No. 1056-4
All Policy Forms

No. M-23712-1
CW - 1865871

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho, County of Madison and is described as follows:

TRACT I

Legg /
matches
mortgage
MF
Township 5 North, Range 41 East, Boise Meridian, Madison County, Idaho

Section 15: W1/2NE1/4; NW1/4

Section 16: NE1/4NE1/4; E1/2W1/2NE1/4

TRACT II

Township 5 North, Range 41 East, Boise Meridian, Madison County, Idaho

Section 16: SE1/4NE1/4

LESS COUNTY ROAD RIGHT OF WAYS

TRACT III

Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho

Section 26: W1/2

Section 27: SE1/4; E1/2SW1/4

Section 34: NE1/4NW1/4; N1/2NE1/4

Section 35: N1/2NW1/4

LESS AND EXCEPTING:

Beginning at a point 1295.10 feet South 0°13'00" East and 2225.40 feet South 89°52'00" West of the Northeast corner of Section 34, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho. Said point being a 5/8" steel rod in the center line of the county road; thence North 44°15'00" West 189.00 feet along said road; thence South 44°42'00" West 60.00 feet; thence North 70°48'30" West 590.00 feet, said line being equal distance between and parallel to two potato cellars; thence North 19°11'30" East 235.40 feet to the center line of the county road; thence North 43°50'00" West 253.50 feet along said county road; thence South 55°56'23" West 523.27 feet along a branch of said county road; thence South 9°10'00" East 406.66 feet along said branch; thence North 89°52'00" East 871.35 feet; thence South 31°14'30" East 77.08 feet; thence North 85°18'00" East 292.74 feet to the center line of said county road; thence North 44°15'00" West 55.52 feet along said county road to the point of beginning.

SCHEDULE C CONTINUED

June 13, 2002

IDWR Eastern Region
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402-1718

Re: Notice of Change In Water Right Ownership

Dear IDWR,

Enclosed you will find your form to change the ownership of License # 22-7300 to DS&S, Inc. (vested land owner since the early 80's). Eastern Idaho ACA took an assignment (secured) of this right when it was still in the permit stage. I have also enclosed the \$25 fee (please contact me if this is not needed) and a copy of the title policy with high lights of the land that pertains to this license.

If you have any questions please contact me at 356-5479. Thanks

Sincerely,
Idaho ACA



Marc Fonnesbeck
Branch Manager

RECEIVED

JUN 17 2002

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 17, 2002

MARC FONNESBECK
IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 386
REXBURG ID 83440

RE: CHANGE OF WATER RIGHT OWNERSHIP 22-7300 (EASTERN IDAHO
AG CREDIT - DS&S INC) & CHECK NO. 64192 FOR \$25.00

Dear Mr. Fonnesebeck:

I am returning the above referenced check. Fees are not required when changing
ownership on adjudication claims, unless it is a security interest.

Sincerely,

Jennifer Crabtree
Jennifer Crabtree
Technical Records Specialist

Enclosure



IDAHO AGRICULTURAL CREDIT ASSOCIATION

BLACKFOOT ADMINISTRATIVE OFFICE
WELLS FARGO BANK NORTHWEST, N.A.
POCATELLO, IDAHO 83201

92-379/1241

64192

06/14/2002
DATE

00064192
CHECK NUMBER

Twenty-five and 00 / 100 *****

Account:

AMOUNT
\$25.00

PAY
TO THE
ORDER
OF

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE
ID 83720-0098

Colleen Adams
AUTHORIZED SIGNATURE

⑈064192⑈ ⑆124103799⑆004 00140 11⑈

THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON WHITE PAPER. MICROPRINT IS LOCATED BELOW THIS WARNING BAND. TO VERIFY THE ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE.

Check

Check

64192

Log for claim 22-07300

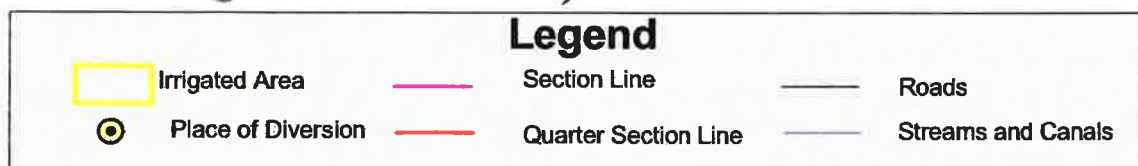
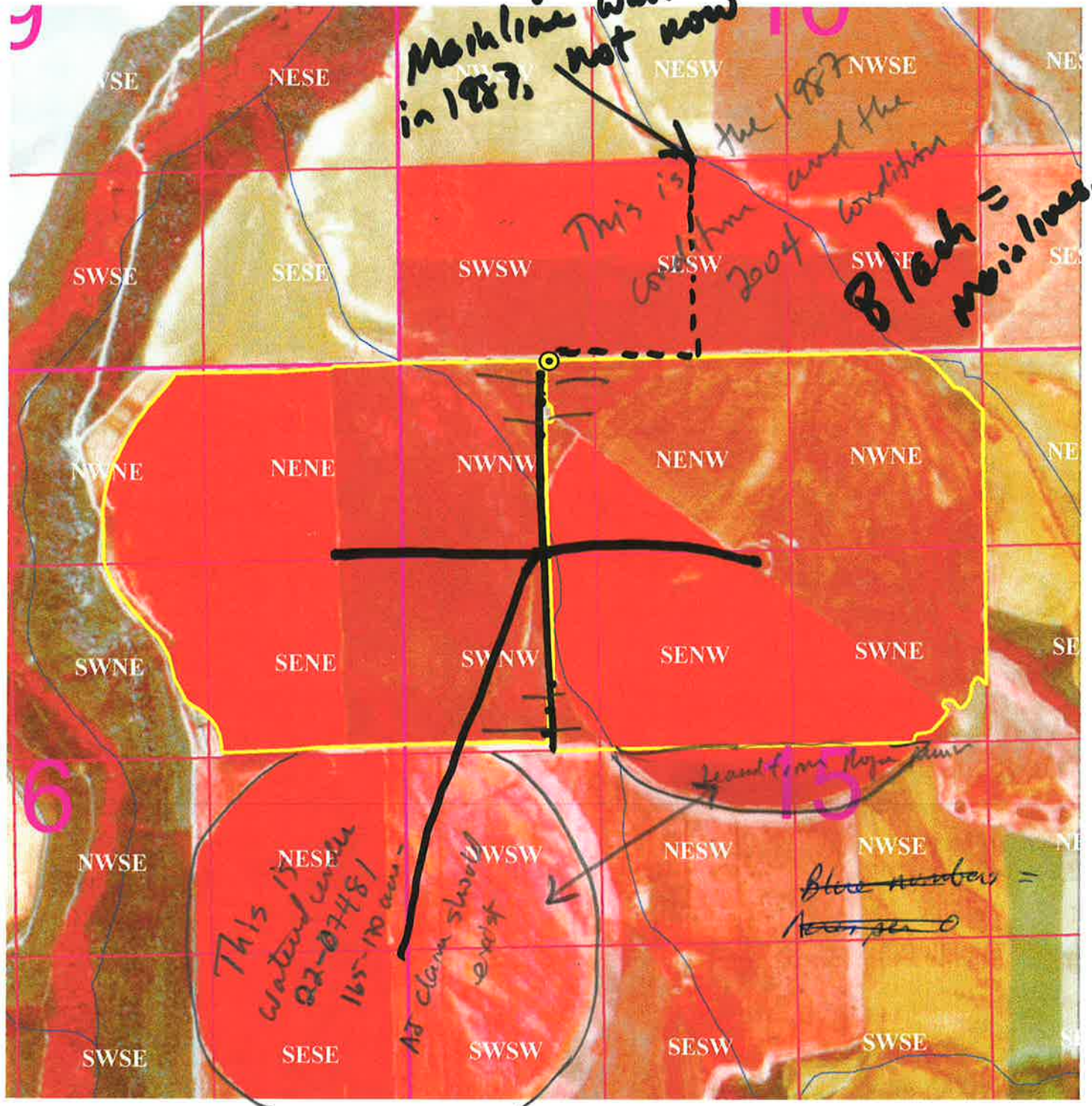
Spatial Dynamics BTD

8/17/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n41e	15	NWNE	40	37	
05n41e	15	SWNE	40	37	
05n41e	15	NENW	40	39	
05n41e	15	NWNW	40	38	
05n41e	15	SWNW	40	37	
05n41e	15	SEnw	40	39	
05n41e	16	NENE	40	39	
05n41e	16	NWNE	20	16	
05n41e	16	SWNE	20	8.6	
05n41e	16	SENE	40	38	
Totals:			360	328.6	

Water Right Claim Number 22-07300
Township, 5N41E

08/17/2001



700 0 700 1400 Feet

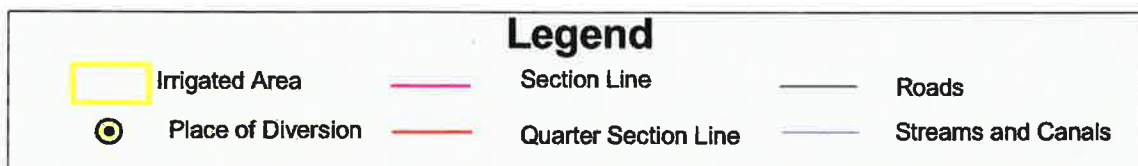


SPATIAL
DYNAMICS

Claimant Sketch 20 Nov 04

Water Right Claim Number 22-07300
Township , 5N41E

08/17/2001

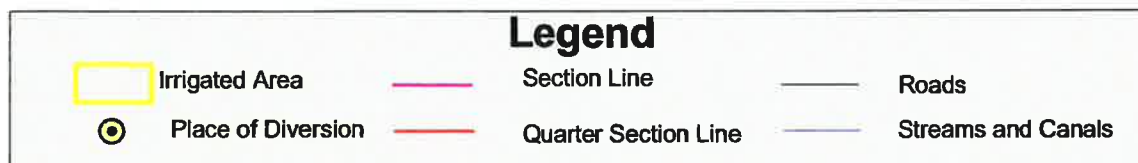


700 0 700 1400 Feet



SPATIAL
DYNAMICS

08/17/2001



SPATIAL
DYNAMICS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 16, 1997

EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985
BLACKFOOT ID 83221

RE: NOTICE OF CLAIM A22-07300

Dear Sir:

Recently the Idaho Department of Water Resources received an Assignment of Permit for permit 22-07300. Though this form was sufficient to update the name on the permit, additional documentation is required to initiate a name change on a notice of claim filed in the Snake River Basin Adjudication.

For guidance in providing necessary documents, a Notice of Change of Water Rights Ownership is enclosed. Please complete the highlighted items and return the form to this office along with the documents requested in items 2A and 2B of the form.

Naturally feel free to contact this office if you have questions.

Respectfully submitted,

Ernest Carlsen
Adjudication Unit Supervisor

enclosure

RECEIVED

RECEIVED

JUL 01 1997

State of Idaho

Department of Water Resources

JUL 10 1997

Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Eastern Region

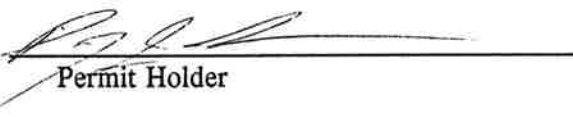
I, Danny J. Summers, hereby assign to EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION
of PO Box 985, Blackfoot, ID 83221.

All my right, title, and interest in and to Permit No. A22-07300 to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and to Permit No. A22-07300 to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Township 5 North, Range 41 East Boise Meridian
Section 15: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Well, 7.2 cfs

Made this 26 day of June, 1997.


Permit Holder

State of Idaho)
County of Madison ^{ss}

On this 26th day of June, 1997, personally appeared before me the signor of the above instrument, who duly acknowledged to me that he executed the same.



Notary Public residing at Rigby

My Commission expires: 4/27/2001

seal

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~ORIGINAL PERMIT~~	~~22-07300~~	~~CLARK, BAYNE J.~~	~~7.20~~
~~FULL ASSIGNMENT~~	~~22-07300~~	~~SUMMERS, DANNY~~	~~7.20~~
FULL ASSIGNMENT	22-07300	EASTERN IDAHO AGRICULTURAL CREDIT ASSN.	7.20

JULY 7, 1997

MICROFILMED

AUG 17 1997

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 22-7300
Date Received: 8/25/1988
Receipt No: E001770
Received By:

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

1. Name of Claimant(s)

D S & S INC Phone: (208)356-3465

4423 E 1496 S
SUGAR CITY ID USA 83448

2. Date of Priority: 08/31/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	15	NW NW	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
05N	41E	15	NW NE	IRRIGATION	34
			SW NE	IRRIGATION	36
			NE NW	IRRIGATION	40

NW	NW	IRRIGATION	40
SW	NW	IRRIGATION	35
SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	11
NW	SE	IRRIGATION	6

Section Acres 242

05N	41E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	15
			SW	NE	IRRIGATION	5
			SE	NE	IRRIGATION	39

Section Acres 99

Total Acres 341

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:

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

REINSTATED 10-23-1984.

Claim modified based on the license issued in May 2002.

15. Basis of Claim: License

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 22-7300
Date Received: 8/25/1988
Receipt No: E001770
Received By:

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

1. Name of Claimant(s)

D S & S INC Phone: (208)356-3465
4423 E 1496 S
SUGAR CITY ID USA 83448

2. Date of Priority: 08/31/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	15	NW NW	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
05N	41E	15	SW NW	IRRIGATION	40
			SE NW	IRRIGATION	40
			NW NE	IRRIGATION	40
			SW NE	IRRIGATION	40

			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
					Section Acres	240
05N	41E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	20
			SE	NE	IRRIGATION	40
					Section Acres	120
					Total Acres	360

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:

REINSTATED 10-23-1984.

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

15. Basis of Claim: License

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: A22-07300
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: DANNY SUMMERS
Address: RTE 1
SUGAR CITY, ID

208-356-3465

83448

2. Date of Priority: AUG 31, 1979

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	41E	15	NW	NW			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

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	41E	15	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0

A22-07300

Page 1

Date: 08/25/88

MICROFILMED
OCT 29 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	41E	15	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				240.0
		16	NE	NE		IRR	40.0
	NW		NE		IRR	20.0	
	SW		NE		IRR	20.0	
	SE		NE		IRR	40.0	
			Section Acres				120.0
			Total Acres				360.0

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:
REINSTATED 10-23-1984.

15. Basis of Claim: PERMIT

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 Individuals:

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

Signature of Claimant(s): *Ray [Signature]* Date: 8/25/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of August 19 88 *William Wray*
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991