

10/17/2006

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

RIGHT NUMBER: 22-10483
NAME AND ADDRESS: FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER
QUANTITY: 0.780 CFS
217.00 AFY

TRIBUTARY:

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

PRIORITY DATE: 06/01/1968

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T06N R40E S26 NESWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.780 CFS 217.00 AFY
PLACE OF USE: <u>IRRIGATION Within MADISON County</u>		
T06N R40E S26 NESW 39.00	T06N R40E S26 NWSW	38.00
T06N R40E S26 SWSW 37.00	T06N R40E S26 SESW	39.00
T06N R40E S27 NENE 39.00	T06N R40E S27 NWNE	7.10
T06N R40E S27 SENE 16.00		
215.1 ACRES TOTAL		

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

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

This right is based upon an enlargement of Right No. 22-2183 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 62 acres within the place of use described for this right.

Right No. 22-2183 is also diverted through point of diversion described above.

SCANNED

JUN 21 2007



Idaho Department of Water Resources

SRBA Recommendation:

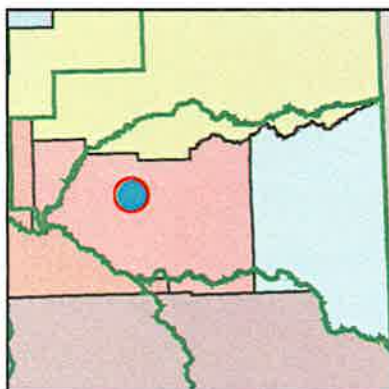
22-2183

22-10483

(Irrigation)

Legend

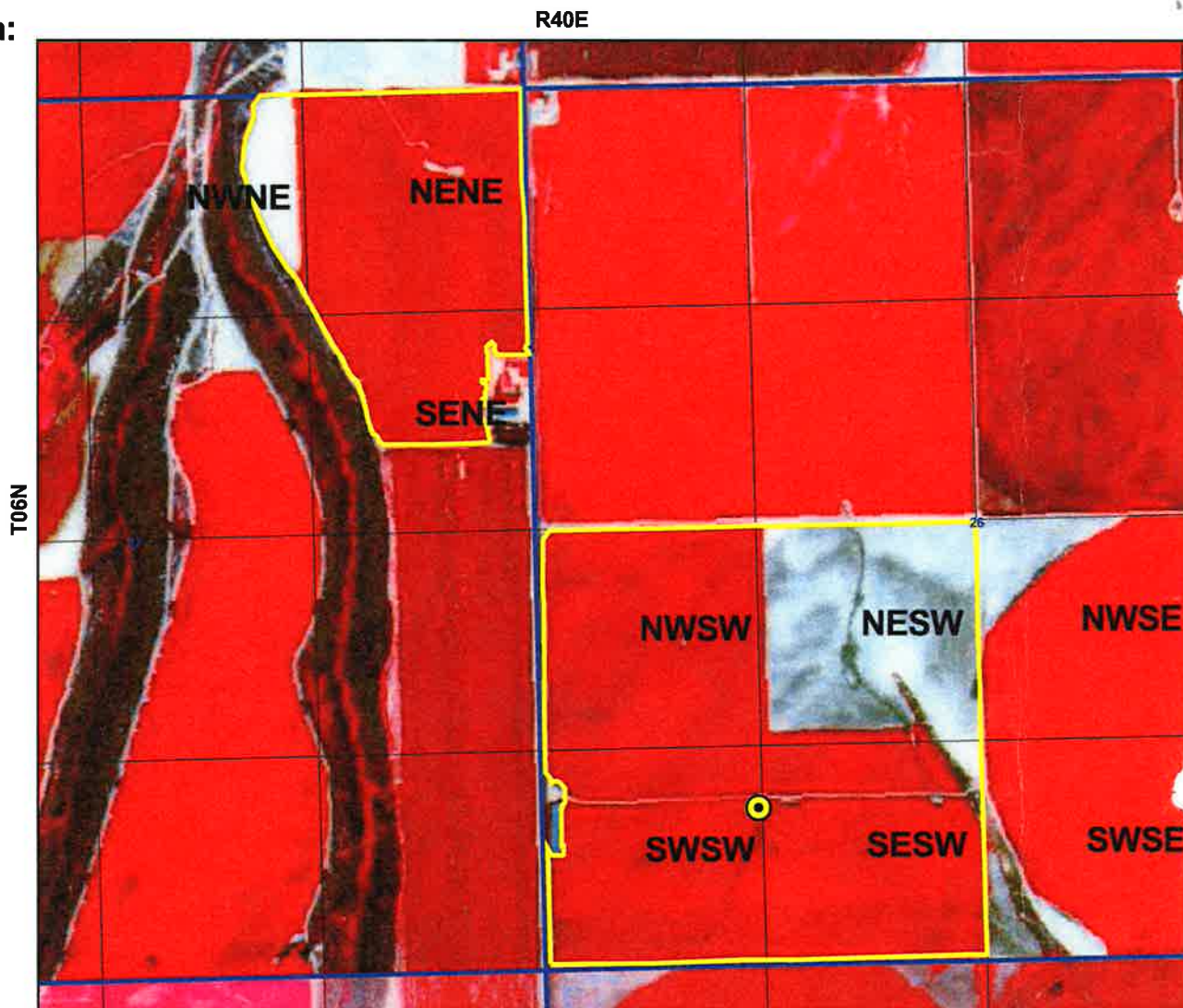
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



SCANNED
JUN 21 2007



0 0.4 0.8 Miles

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

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

RIGHT NUMBER: 22-10483

NAME AND ADDRESS: FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.780 CFS
217.00 AFY

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

PRIORITY DATE: 06/01/1968

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T06N R40E S26 NESWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.780 CFS 217.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S26	NESW	39.00	T06N R40E S26	NWSW	38.00
T06N R40E S26	SWSW	37.00	T06N R40E S26	SESW	39.00
T06N R40E S27	NENE	39.00	T06N R40E S27	NWNE	7.10
T06N R40E S27	SENE	16.00			

215.1 ACRES TOTAL

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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 62 acres within the place of use described for this right.

Right No. 22-2183 is also diverted through point of diversion described above.



Idaho Department of Water Resources

MEMORANDUM

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

Subject: Field exam of POD's

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

Tag #A0012241

Drilled about 1962

GPS -N 111 44 05.8 W 42 48 55.2

Spatial Data Point #380415

Tag #A0012242

Drilled 1991

GPS- N 111 44 25.9 W43 48 68.5

Spatial Data Point #380416

A0012241 and A0012242 are tied together

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

Tag#A0012240

GPS- N 111.750367 W 43.780333

Spatial Data Point #364993

Summerco-(Gary) 22-10777

Tag#A0012244

GPS- N 111.713233 W 43.813983

Spatial Data Point #370139

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

Tag#A0012243

GPS- N 111.716167 W43.8142

Spatial Data Point #364985

From the desk of Denise Kidman





Idaho Department of Water Resources

MEMORANDUM

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

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

Finding from review of file:

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

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

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

Note in 22-10483:

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

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

From the desk of Denise Kidman

10/17/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-10483

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

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

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

DATE: 10/17/06

SIGNATURE: F. Kelly Summers

Please print your name: F. Kelly Summers

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

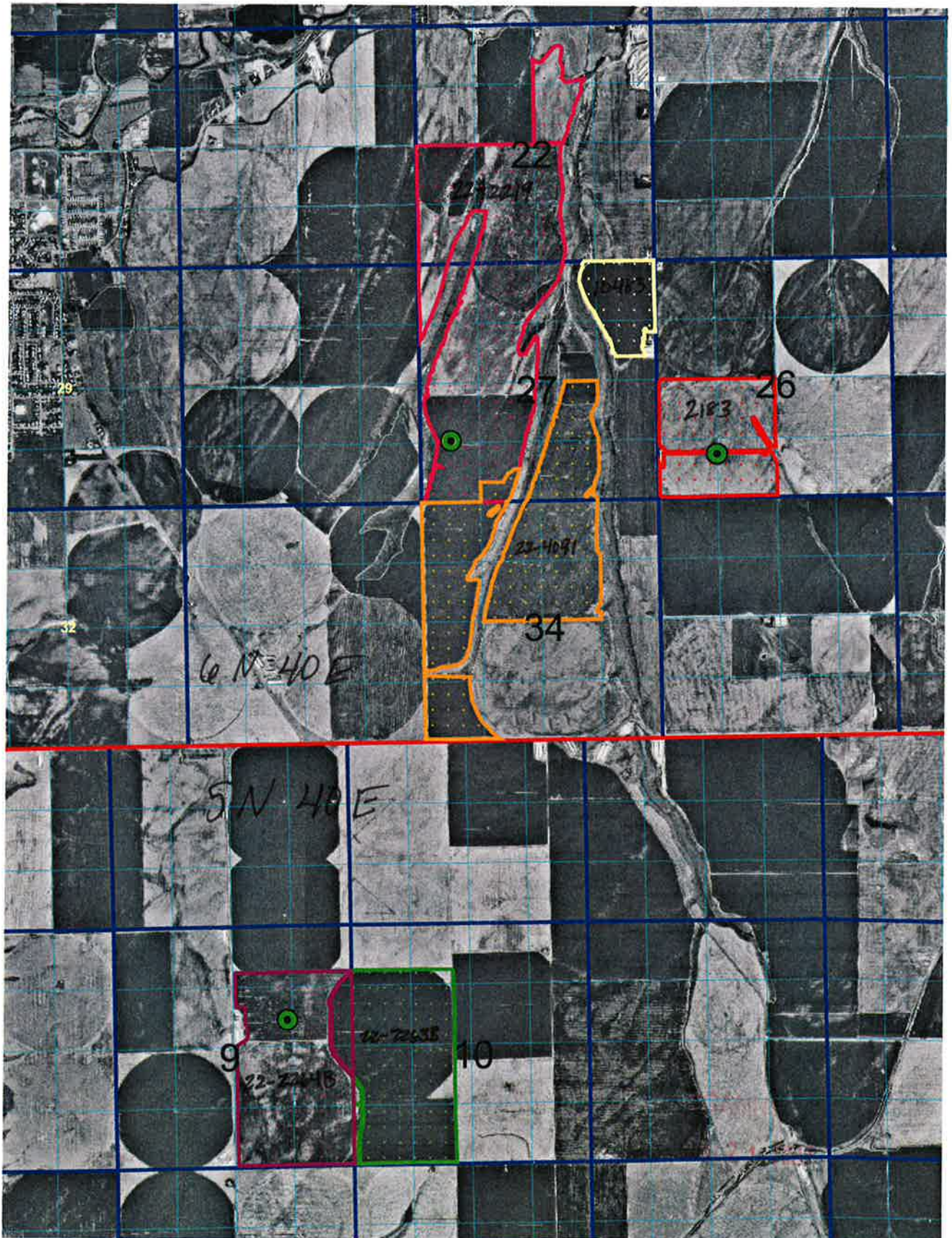
SCANNED

JUN 21 2007

NOE
KMT
10/17/06

Frank Summers, Inc. Rights as Claimed

- Point of Diversion
- 22-4091.shp
- 22-2219.shp
- 22-2183.shp
- 22-10483.shp
- 22-2264b.shp
- 22-2263b.shp
- Township/Range
- Sections
- QQ



June 4, 2004

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

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10483

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 JUN 1 1968, 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.

SCANNED

JUN 21 2007

12-7-04

To whom it may concern:

I Gay Summers, farming
adjacent to this ground,
to hereby verify that
I witnessed this ground
being irrigated in 1988.

Claim 22-10483

Gay Summers

RECEIVED

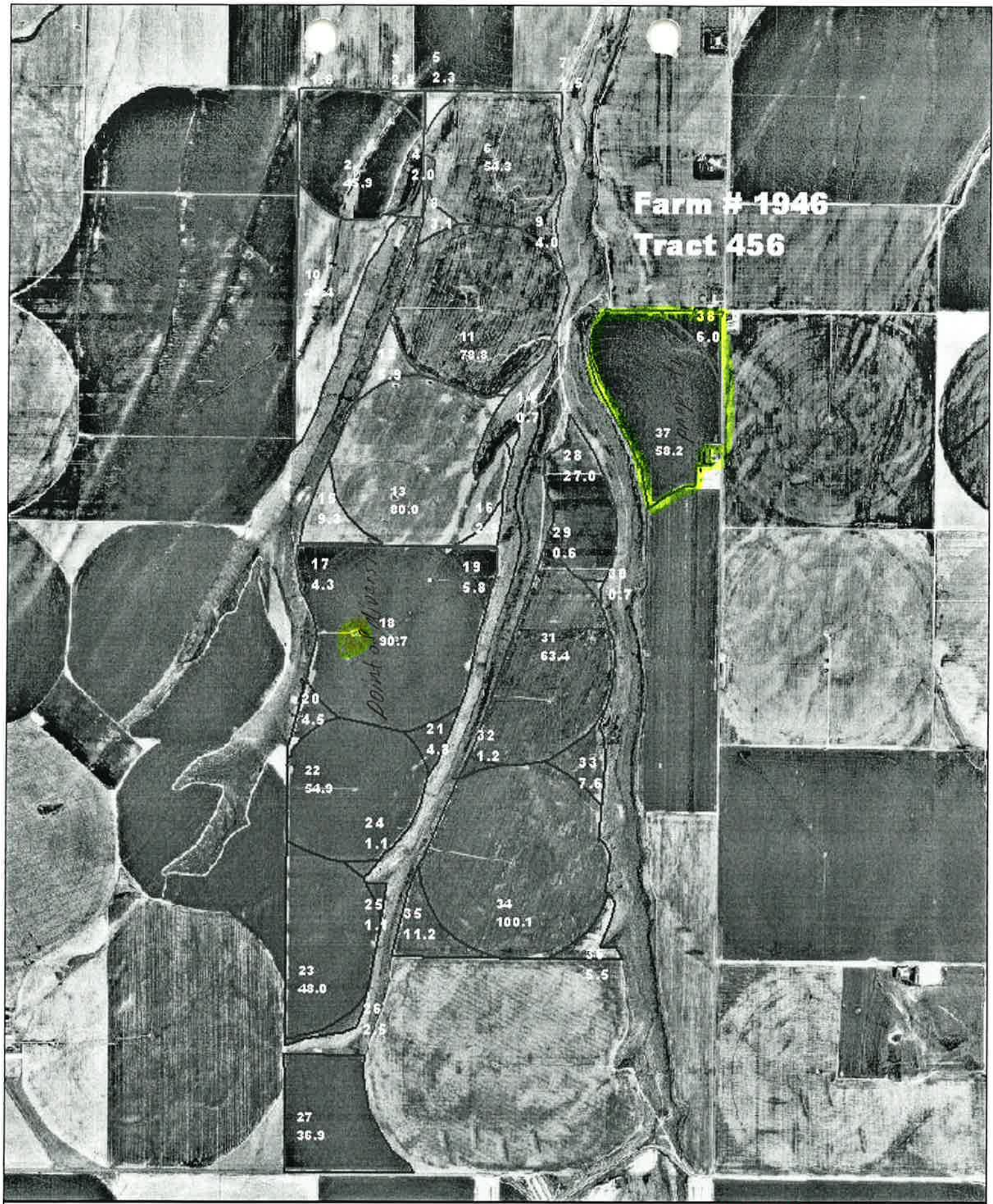
DEC 08 2004

Department of Water Resources
Eastern Region

ASR

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JUN 21 2007



Map of Tract 456

SCANNED
JUN 21 2007





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 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 9, 2004

Frank Summers
327 S 3000 E
Sugar City ID 83448

IMPORTANT NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10483

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 June 1, 1968, from a ground water (Well).

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

JUN 21 2007

Contacts Data Entry Form

Claim Number: A22-10483

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.

Claim 2 layout reflect 1967 conditions. POD is now irrigated from the well that supplies A22-2219 and A22-4091, and the well that supplies Post-AJ permit 22-7491. These two wells are tied by an interconnected mainline. Claimant understands the need for a transfer. BAC 11/8/04

11/5/04 Met w/ Kelly Summers: inspector POD, POD BAC

11/9/04 MAILED Request for EVIDENCE OF Priority

Reviewer: _____ Date: _____

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JUN 21 2007

Priority Date Data Entry FormClaim Number: A22-10483

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:

Enlargement

Reviewer: _____

Date: _____

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Water Right No(s). A22-10483

Please see A22-2183
for 1987 PDD photo.
in A22-2183
Please see layout for 1987
and current PDD locations

GPS DATA:

Tag # A0012244 Location: motor panel

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

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Point of Diversion and Source Data Entry Form

Claim Number: A22-10483Water 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
6N	40E	27		SWSW	MADISON	GW	

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
6N	40E	26		NESWSW	MADISON	GW	

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

1987 POD is at GPS Waypoint 5, 2683910E 1403977 N IDTM 83.
 6N 40E 26 NESWSW. This agrees w/ claim and underlying license
 22-2183. Dec 8 Nov 04.

* Apparently AND ERROR OF THE CLAIM ACCORDING TO EXAMINERS
 NOTES ABOVE

Reviewer: _____ Date: _____

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 JUN 21 2007

Place Of Use Data Entry Form

Claim Number: A22-10483Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Please see layout sketch, which appears to be correct. BAC 8 Nov 04

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: A22-10483Water 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:

Underlying license 22-2183 shows 2.0 cfs for 158 acres, no season.
 $(2.0/158) \times 63 = 0.80 \text{ cfs}$ BAC 8 Nov 2004

Reviewer: _____

Date: _____

JUN 21 2007

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: A22-10483
Date Received: 8/02/1988
Receipt No: E002244
Received By: CW

RECEIVED

AUG 24 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1968

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		SW	SW		MADISON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.260		

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

8. Total consumptive use is 126.0 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	NE	NE		IRR	39.0
			NW	NE		IRR	8.0
			SE	NE		IRR	16.0

Section Acres 63.0.

A22-10483

Page 1

Date: 08/04/88

A2210483



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JUN 21 2007

MICROFILMED

NOV 05 1992

10. Place of Use: Continued

Total Acres 63.0

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:
THIS IS AN EXPANSION OF LICENSE 22-2183

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ 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): _____ Date: _____
_____ Date: _____

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.

F. Kelly Summers
Signature of Authorized Agent

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

SCANNED

JUN 21 2007

MICROFILMED

NOV 05 1992

State of Idaho)

County of Madison)

SS.

Subscribed and sworn (or affirmed) before me this 22nd dayof August 19 88May Lin Clauson
Notary Public

Seal

Residing at RexburgMy Commission Expires 4-2-94

SCANNED

JUN 21 2007

MICROFILMED

NOV 05 1992

