

11/22/2006

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

RIGHT NUMBER: 22-10777

NAME AND ADDRESS: SUMMERCO INC
27 N 3000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.680 CFS
1,694.00 AFY

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:
T06N R40E S26 SENWNE Within MADISON County
T06N R40E S26 NWSWSW 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	9.680 CFS 1,694.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S22	NENE	5.20	T06N R40E S22	SWNE	1.60
T06N R40E S22	SENE	31.00	T06N R40E S22	NESE	36.00
T06N R40E S22	NWSE	8.40	T06N R40E S22	SWSE	4.80
T06N R40E S22	SESE	37.00	T06N R40E S23	NENE	12.00
T06N R40E S23	SWNE	4.00	T06N R40E S23	SENE	39.00
T06N R40E S23	SWSW	40.00	T06N R40E S23	SESW	40.00
T06N R40E S23	NESE	39.00	T06N R40E S23	NWSE	21.00
T06N R40E S23	SWSE	39.00	T06N R40E S23	SESE	39.00
T06N R40E S24	NESE	35.00	T06N R40E S24	NWSE	18.00
T06N R40E S24	SWSE	26.00	T06N R40E S24	SESE	39.00
T06N R40E S25	NENE	40.00	T06N R40E S25	NWNE	24.00
T06N R40E S25	SWNE	29.00	T06N R40E S25	SENE	38.00
T06N R40E S25	NESW	29.00	T06N R40E S25	NWSW	40.00
T06N R40E S25	SWSW	39.00	T06N R40E S25	SESW	38.00
T06N R40E S25	NESE	12.00	T06N R40E S25	NWSE	39.00
T06N R40E S25	SWSE	15.00	T06N R40E S26	NENE	40.00
T06N R40E S26	NWNE	40.00	T06N R40E S26	SWNE	40.00
T06N R40E S26	SENE	40.00	T06N R40E S26	NENW	40.00
T06N R40E S26	NWNW	39.00	T06N R40E S26	SWNW	40.00
T06N R40E S26	SENW	40.00			

1177 ACRES TOTAL

This right is limited to the irrigation of 484 acres within the place of use described above in a single irrigation season.

1177

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.:22-2258A, 22-2295, 22-10646, 22-10777

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 - Beneficial Use

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



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 26, 2009

Clerk of the SRBA Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 22-10777 (Summerco, Inc.)

To the Clerk of the SRBA Court:

This Court entered an *Order of Partial Decree* for this water right on November 24, 2008. Recently, while working towards resolution of a contested subcase belonging to the same claimant, it came to the attention of the Idaho Department of Water Resources ("Department") that the partial decree for 22-10777 contains a clerical error.

An error occurred in the point of diversion description of the recommendation for this water right in the Director's Report. One of the points of diversion was recommended as T06N R40E S26 NWSWSW within Madison County. The proper description of this point of diversion is T06N R40E S26 NWSWSW within Madison County. Although the water right was claimed correctly, it appears that the clerical error occurred during the Department's data entry.

Accordingly, the Department requests this Court issue an amended partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the error in the partial decree. For that purpose, I am attaching an Amended Director's Report which accurately describes the elements of this water right. I am sending a copy of this letter to the claimant and its counsel so that they are aware of this error.

If you should have any questions or comments, please feel free to contact me at (208) 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Cc: Summerco, Inc.
Jerry Rigby
Denise Kidman

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 22, 2006

Summerco Inc.
27 N 300 E
Sugar City Id 83448

RE: Change to Preliminary Director's Report **22-2258A, 22-2295, 22-10646, 22-10777**

To Whom It May Concern:

The purpose of this letter is to notify you the Preliminary Director's Report you previously received for the above referenced claims have been changed. A printout of the new Preliminary Director's Reports are included for your records.

The notices of error and new claims received subsequent to the mailing of the Preliminary Director's Report caused us to re-examine the recommendations involving the above mentioned water rights. The recommendations have been changed to more accurately reflect the number of acres you are irrigating.

If you have questions or wish to schedule an appointment please call me at the above number.

Respectfully,

Trent Galbraith
Water Agent
Adjudication Bureau

Enclosure

Amended Preliminary Directors Report

02/07/2006

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: 22-10777

SUMMERCO INC
27 N 3000 E
SUGAR CITY ID 83448
Telephone Number: (208)356-7314

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

POU FOR 22-2258A 2295, 10646, 10777

2. Describe the changes you wish to make in the proposed recommendation:

NEEDS TO BE MOVED IN SECTION 22 TO THE OUTLINE
OF THE FARM FIELD TO
THE WEST AND NORTHEAST

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 11/13/2006

SIGNATURE:

Gary Summers
Summers Inc.

Please print your name: _____

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

419

155

484

1058

119

1177

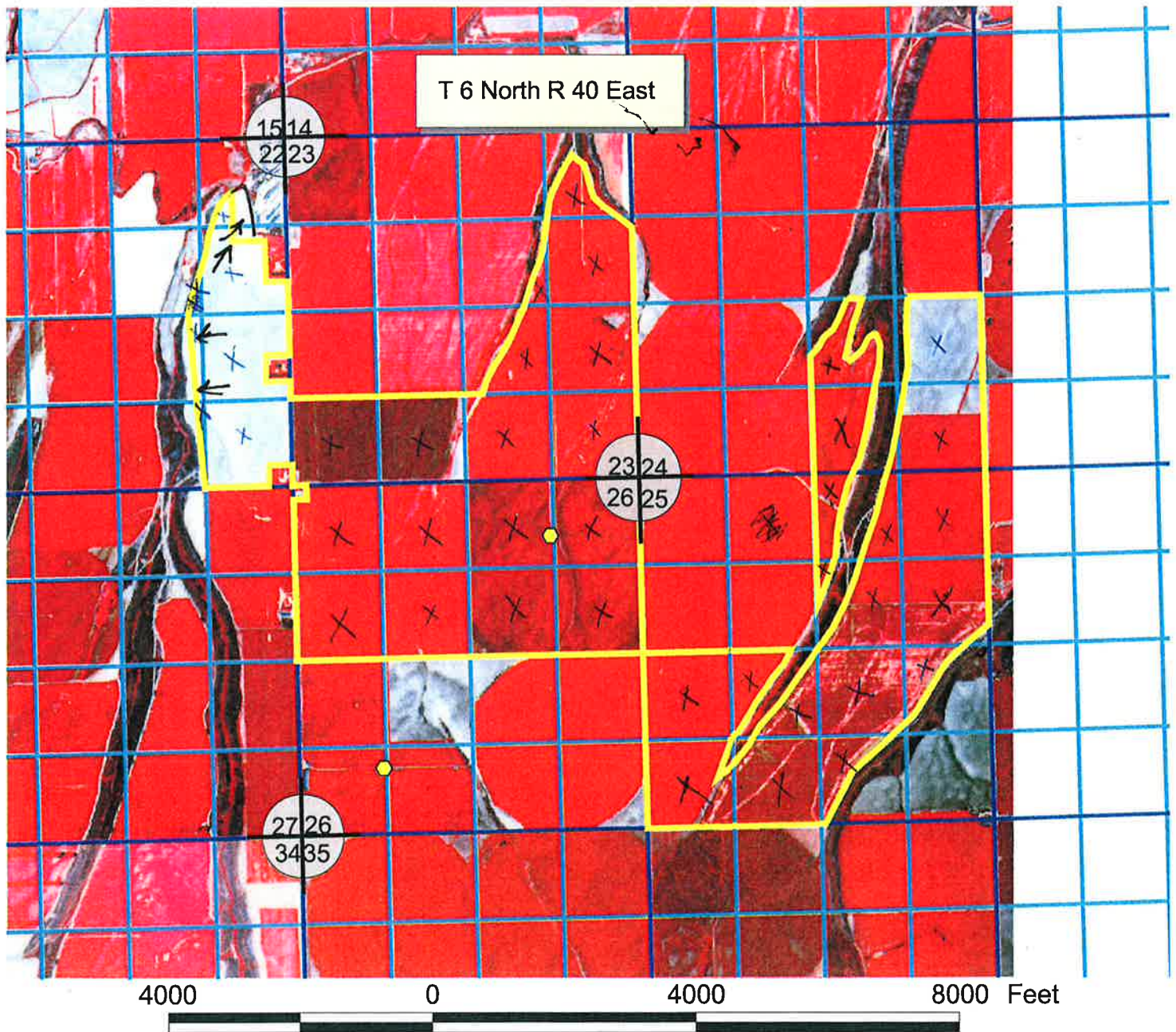
KWD
11/14



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-2258A, 22-2295, 22-10646, 22-10777



- Points Of Diversion
- Place of Use
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Feb. 2006



Summerco, Inc.
Gary or Rhett Summers
27 N. 3000 E.
Sugar City, ID 83448
Ph. 208-390-9314

February 3, 2006

Re: Claim A22-10777

To Whom It May Concern:

I, Donald L. Parkinson, age 68, live at 1204 N 3000 E in Sugar City Idaho, 1/8 of a mile north of the Summers' farm. I testify that the 480+ acres in Sections 24 & 25, T6N, R40E have been irrigated from wells in the NW NE Section 26 and SW SW Section 26, T6N, R40E since the growing season of 1962.

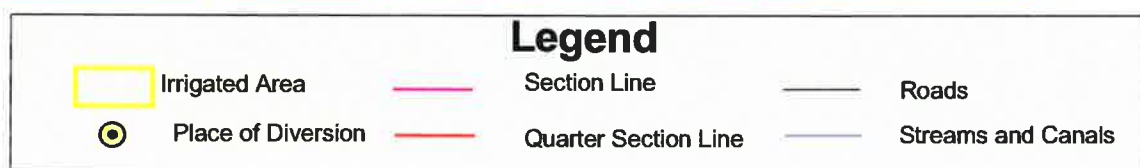
I have this knowledge because my uncle Preston Parkinson farmed adjacent to the above mentioned acres and I helped him out on a regular basis. I clearly remember these acres being irrigated because I drove past them regularly and it was the first year the majority, if not all of those acres were planted into potatoes.

Donald Parkinson

Donald L Parkinson 2-3-06

RECEIVED
FEB 06 2006
Department of Water Resources
Eastern Region

08/21/2001



Both wells
in Sec 26 used
as P.O.D. stuff



**SPATIAL
DYNAMICS**



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

February 9, 2005

SUMMERCO INC
27 N 3000 E
SUGAR CITY ID 83448

FINAL NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10777

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, 1962, from a 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



Idaho Department of Water Resources

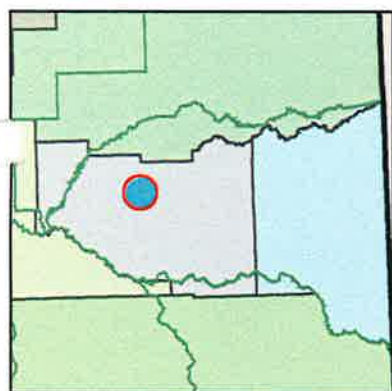
SRBA Recommendation:

22-10777

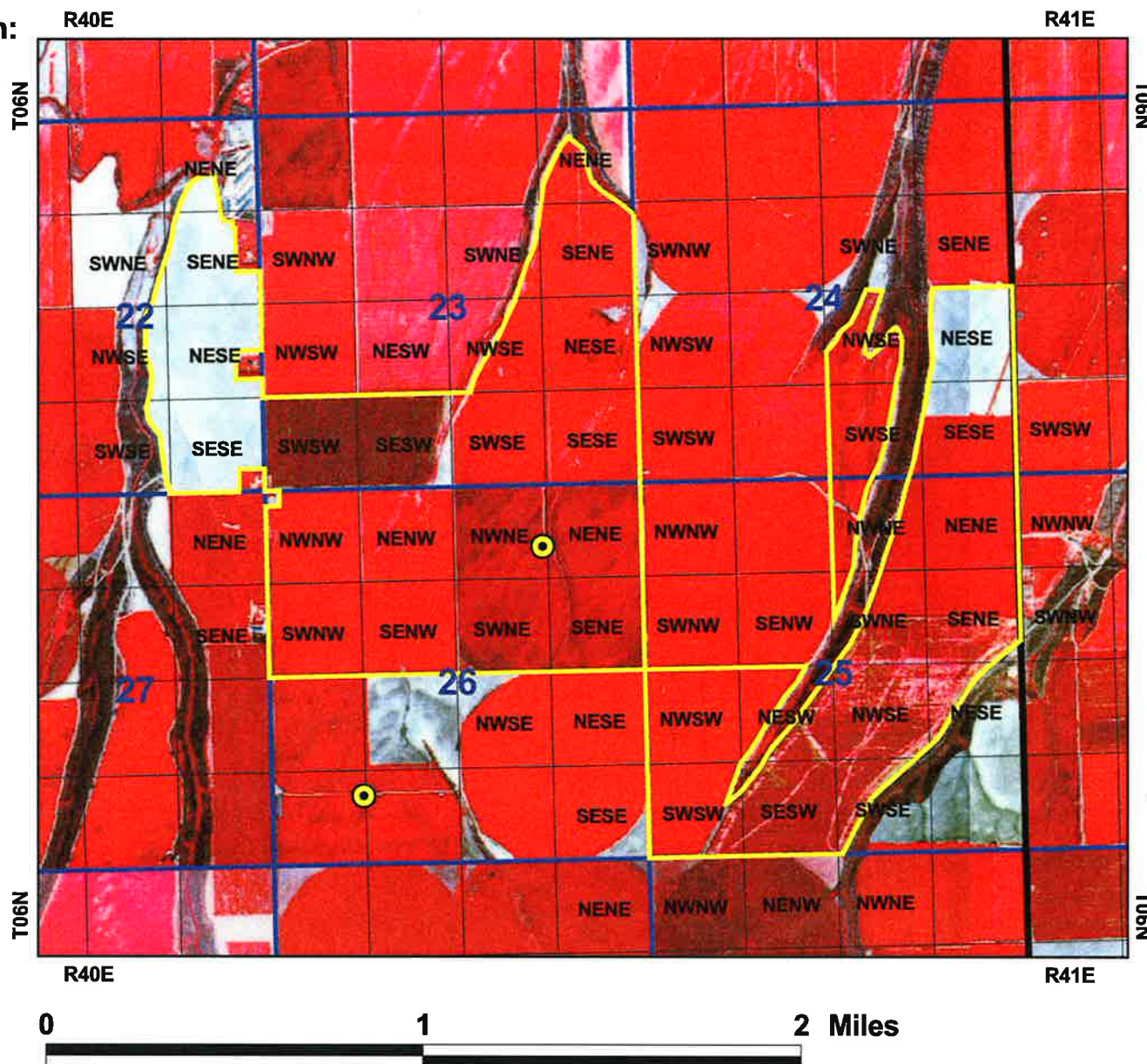
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



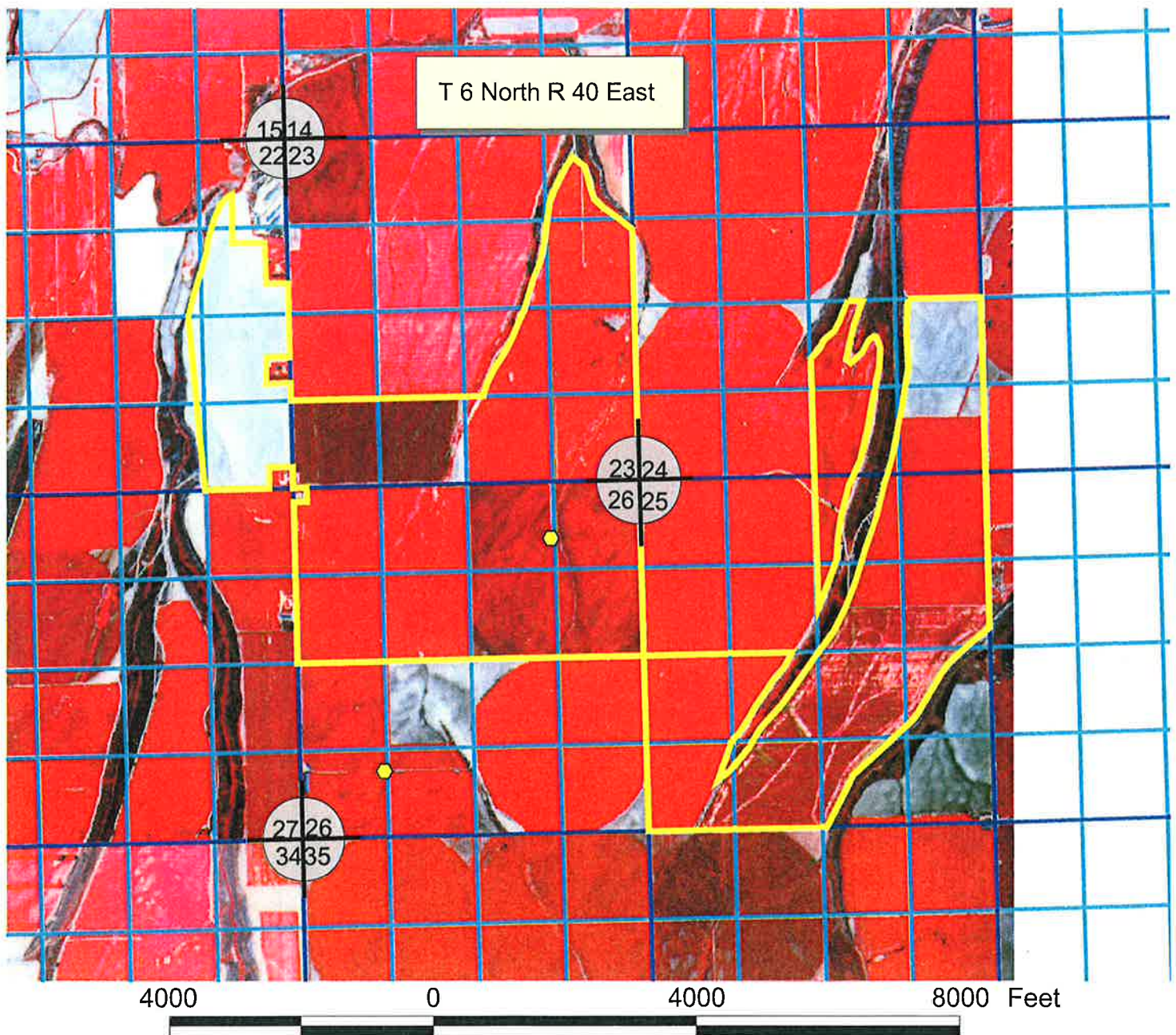
Prepared by J. Crabtree
On Wednesday, November 22, 2006
1987/88 Aerial Photography



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-2258A, 22-2295, 22-10646, 22-10777



- Points Of Diversion
- Place of Use
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Feb. 2006



12/11/15
3-3-04

March 3, 2004

**SUMMERCO INC
27 N 3000 E
SUGAR CITY ID 83448**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10777

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan 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 of JUNE 01, 1962, from a 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 required 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**".

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 the 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,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Contacts Data Entry Form

Water Right No. A2210227

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>SUMMER CO INC.</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B. U. Claim

Error in 2 1/4 1/4 section Claim on POU

This Right is EXPANSION OF A2202295

FE pod/pou conveyance/system

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: ADD-10277

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 40E, Sec. 26,____, NW, NE. County: MADISONSource: Caround Water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2210777☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	24	NE	NW	Madison		31	Irrigation
"	"	"	SE	SW	"		7	"
"	"	"	NE	SE	"		38	"
"	"	"	NW	SE	"		21	"
"	"	"	SW	SE	"		26	"
"	"	"	SE	SE	"		39	"

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2210777☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	25	NE	NE	MADISON		39	Irrigation
"	"	"	NW	NE	"		26	"
"	"	"	SW	NE	"		31	"
"	"	"	SE	NE	"		38	"
"	"	"	NE	SW	"		7	"
"	"	"	NE	SW	"		28	"

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

SAME 1/4 1/4 SEC IN CLAIM. ?

Transfers Changing POU _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6W	40E	25	NW	SW	Madison		39	Irrigation
"	"	"	SW	SW	"		39	"
"	"	"	SE	SW	"		3	"
"	"	"	SE	SW	"		38	"
"	"	"	NE	SE	"		12	"
"	"	"	NW	SE	"		40	"
"	"	"	SW	SE	"		12	"
Total Acres							184	

Recommended Place of Use

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

Document how the POU was verified:

SAME 1/4 1/4 SEC. IN CLAIM ?

Transfers Changing POU _____

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A 2210772

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 June 1962 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Claim B.U.

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry FormClaim Number: A2210722☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1		

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:

I OWN. STD. SOL. 4/1 - 10/31

Reviewer: _____

Date: _____

\$534

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: A22-10777
Date Received: 8/08/1988
Receipt No: E001379
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUMMERCO INC. 208-356-7803
Address: 27 N. 3000 E.
SUGAR CITY, ID 83448

2. Date of Priority: JUN 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	26	NW	NE			MADISON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	9.680		

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

8. Total consumptive use is 968.0 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	24	NE	SW		IRR	3.0
			SE	SW		IRR	7.0
			NE	SE		IRR	38.0

A22-10777

Page 1

Date: 08/08/88

A2210777



MICROFILMED
NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	24	NW	SE		IRR	21.0
			SW	SE		IRR	26.0
			SE	SE		IRR	39.0
					Section Acres		134.0
		25	NE	NE		IRR	39.0
			NW	NE		IRR	26.0
			SW	NE		IRR	31.0
			SE	NE		IRR	38.0
			NE	SW		IRR	7.0
			NE	SW		IRR	28.0
			NW	SW		IRR	39.0
			SW	SW		IRR	37.0
			SE	SW		IRR	3.0
			SE	SW		IRR	38.0
			NE	SE		IRR	12.0
			NW	SE		IRR	40.0
			SW	SE		IRR	12.0
					Section Acres		350.0
					Total Acres		484.0

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 22-2295

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 Pres of
_____ Title
Sumnerco Inc, that I have signed the foregoing
Organization
document in the space below as Pres of
_____ Title
Sumnerco Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Steve Sumner
Signature of Authorized Agent
Sumnerco Inc.
Title and Organization
8-10-88
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of August 19 88

Kerry S. Wilcox
Notary Public

Seal

Residing at Reynolds, Idaho

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

A22-10777

Page

MICROFILMED

NOV 06 1992

A22-10777

R40E

T6N

PD

NOV 06 1992

