

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

EXPLANATORY MATERIAL: License



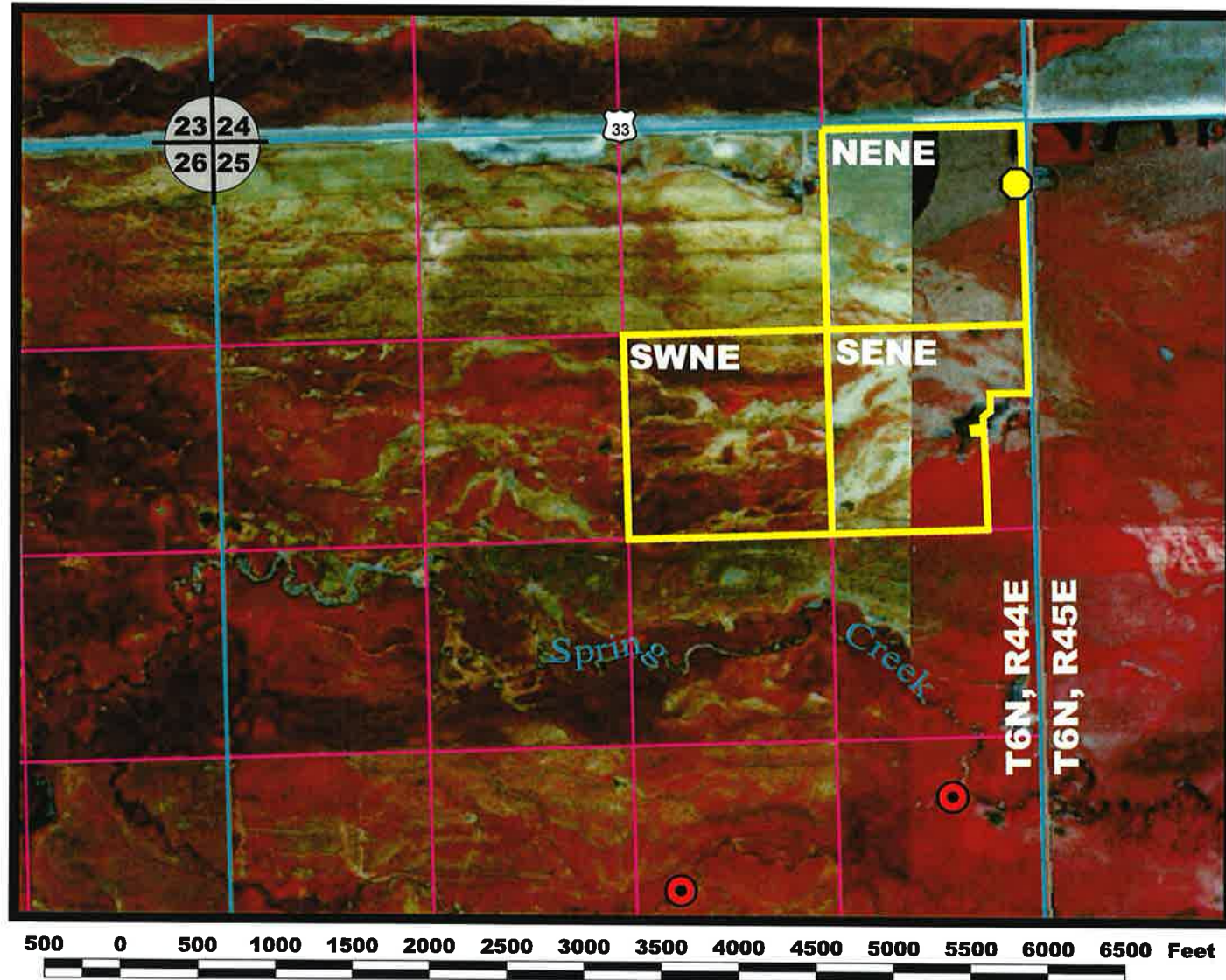
FEB 15 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-13182

Point(s) of Diversion:

T6N, R44E

Sec. 25 NENENE

Place of Use: (part of)

T6N, R44E

Sec. 25 E2NE, SWNE

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2004





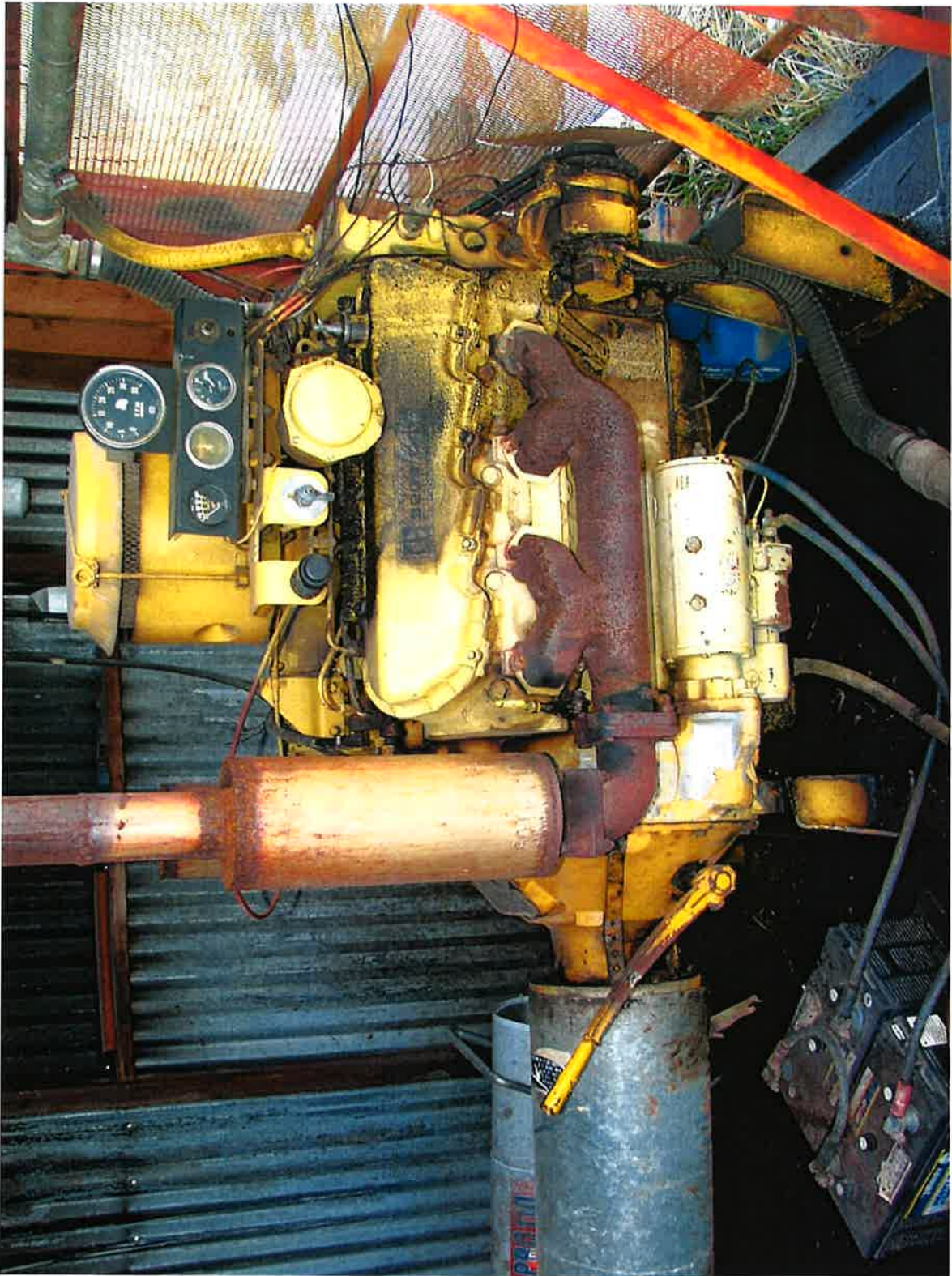






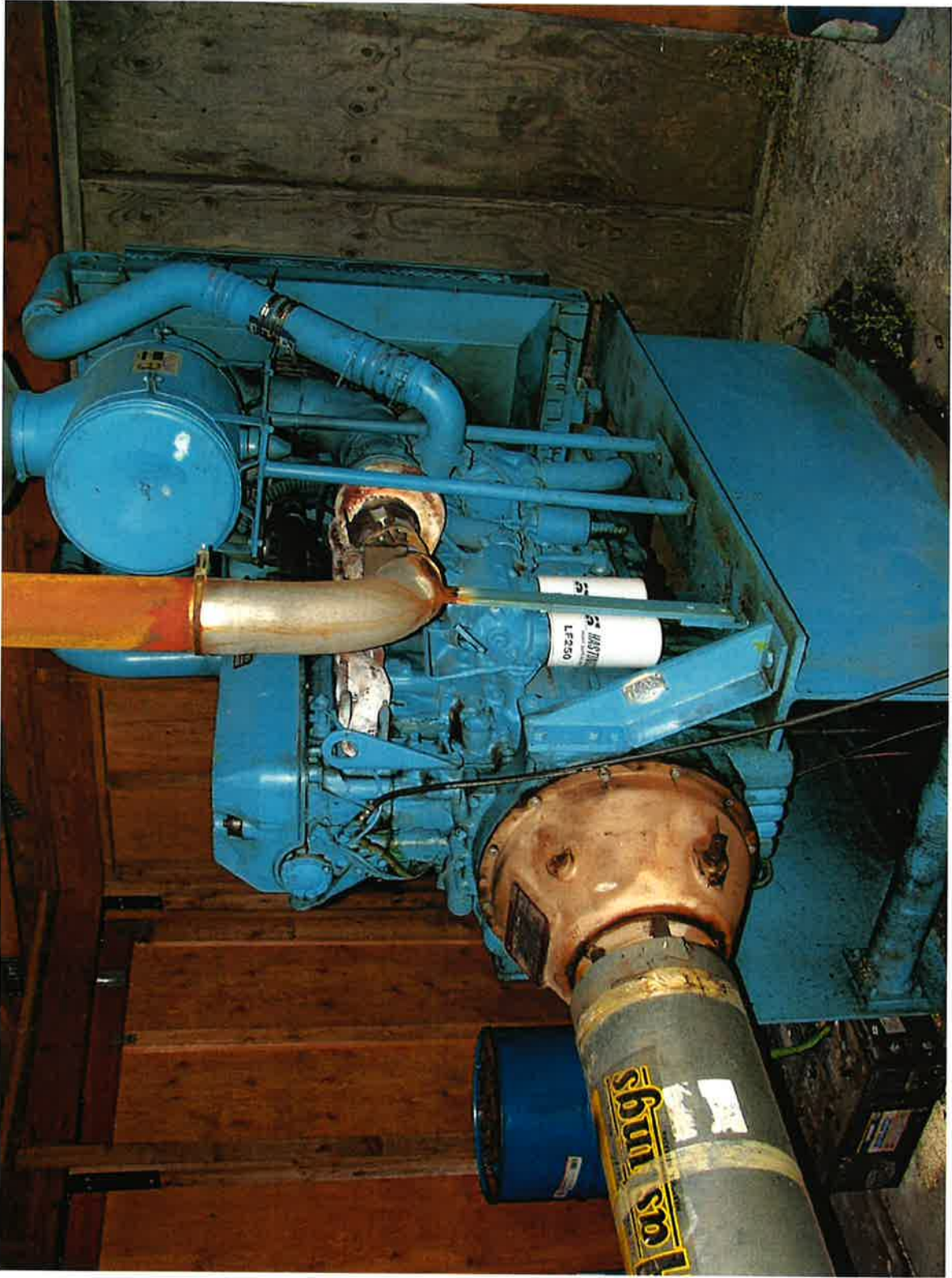








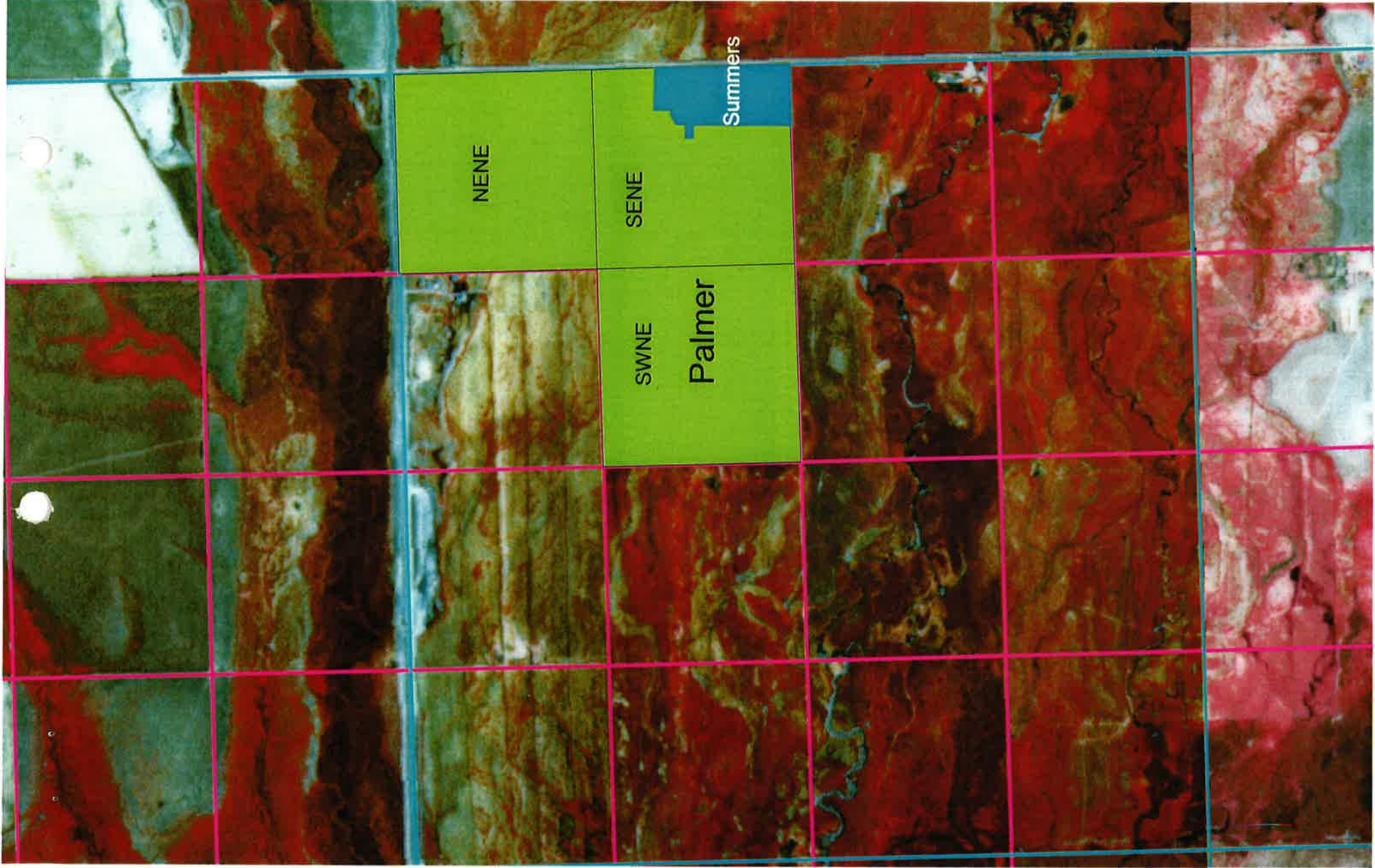








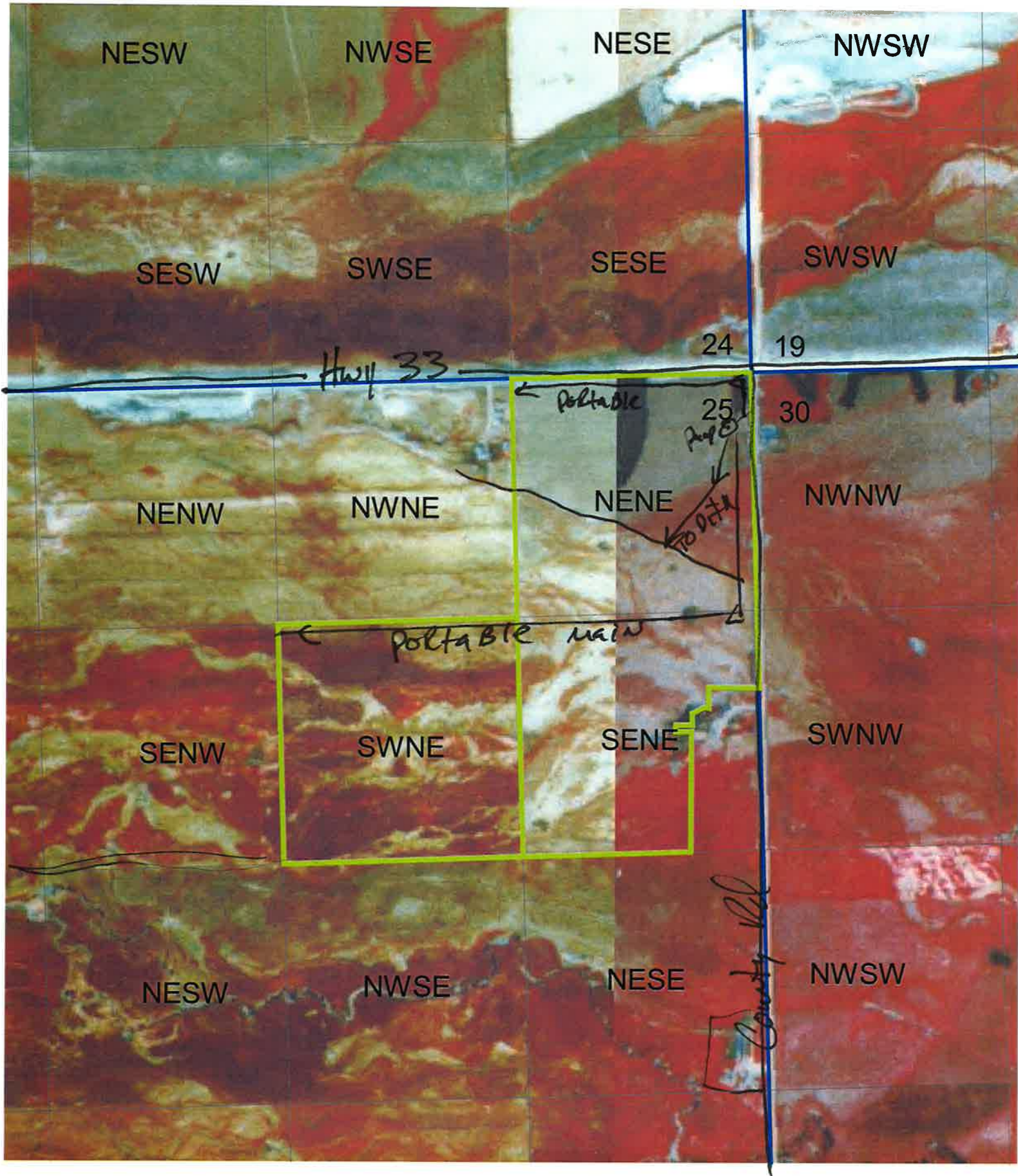




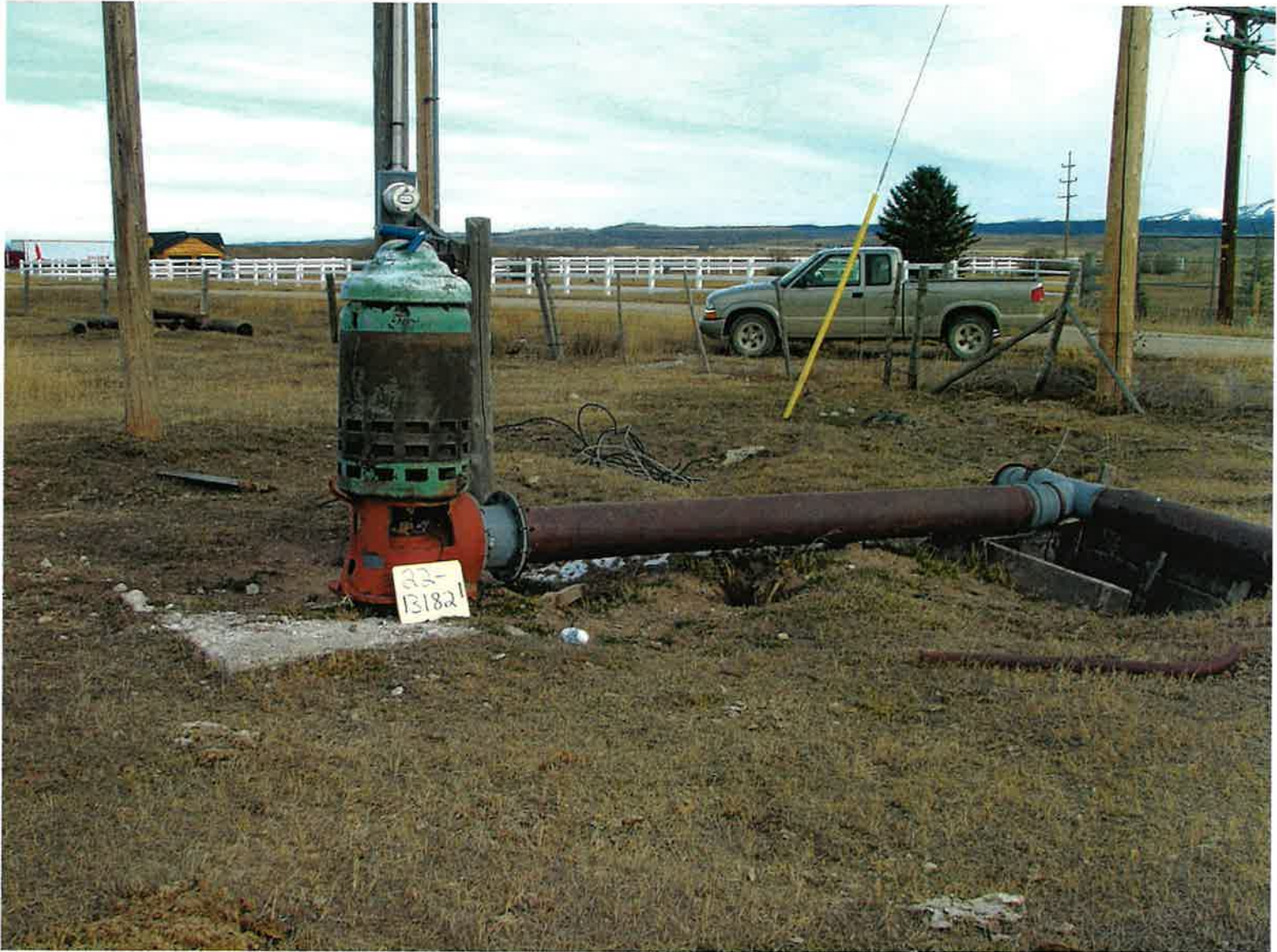
PROFILED

SCANNED
FEB 1 5 2005

22-13182



Tag on Power Box



PROFILE

SCANNED
FEB 15 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

22-13182

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

Max S. Palmer
Ranee K. Palmer

[] Old Mailing Address:

4488 N. 2000 E.
Sugar City, ID
83448

[] New Mailing Address:

1496 N. 7th E.
Sugar City, ID
83448

Telephone Number:

(208) 356-3985

[] Signature(s)
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Max Palmer
Ranee K. Palmer
(include your title if on behalf of company or organization)

Date:

1-31-2005

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

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FEB 15 2005

PROTECTED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 9, 2001

MAX & RANEE PALMER
4488 N 2000 E
SUGAR CITY ID 83445

RE: CHANGE IN OWNERSHIP FOR 22-2210

Dear Mr. & Mrs. Palmer:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-13181, .07 cfs, 5 acres, Summers
22-13182, 1.65 cfs, 111 acres, Palmer

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

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FEB 15 2005

PROFILED

Form 12-148/42-1409(6) July, 2000

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

RECEIVED
MAY 21 2001

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Department of Water Resources
 Incomplete forms will be returned. Eastern Region

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, 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
22-2210					

RECEIVED**MAY 25 2001**Department of Water Resources
Eastern Region

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) are 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)

Danny Summers

4. New Owner/Claimant(s)

Max S. Palmer & Ranee K. Palmer

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

4488 N. 2000 E.

City, State and ZIP Code

Sugar City, ID 83445

New Telephone Number

()

5. Date you acquired the property

April 27, 2001

SCANNED
 FEB 15 2005

PROFILE

Form 42-248 (2-14-79) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-2210</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.72</u>	<u>40</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u></u>	<u></u>

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
 (If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

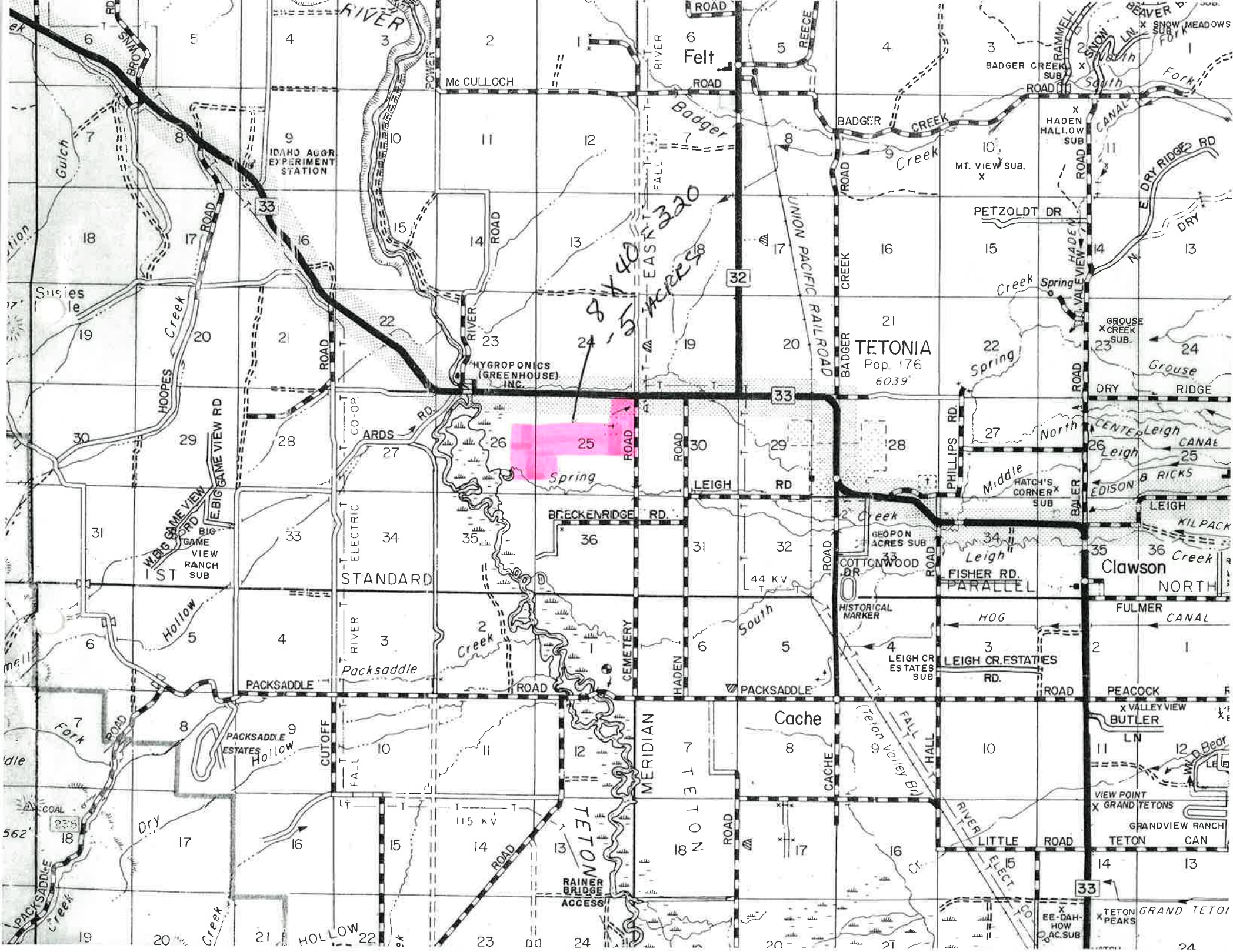
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
FEB 15 2005

PROFIT



May 01 - Danny Summers, Benure Sum, Summer Fox Ranch -
Max + Ranae Palmer

~~T&D~~
~~U&R~~
~~DE~~
~~N&E~~
~~SE~~

T&D
R44E
25

~~NENE exception goes to Palmer~~

all this goes to Palmer { S $\frac{1}{2}$ N $\frac{1}{2}$ - (exception goes to Paul Martin)
NW SW
NENE - exception goes to Palmer

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FEB 15 2005

PROFILE

As I remember the
Well was being used
around 1985. I am
a neighbor and own
ground 3 miles from
the property

Jim
Douglas

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FEB 15 2005

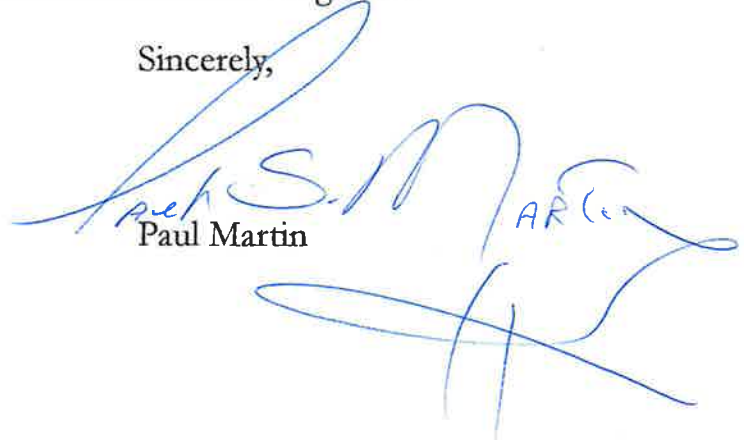
PROFILED

January 30, 2005

To whom it may concern,

I Paul Martin worked for Summers Farm & Ranch from 1972-1990. The last time I used the irrigation well was in 1985. I had 4 lines running and 1 open line running into a ditch for surface water used for irrigation.

Sincerely,


Paul Martin

SCANNED
FEB 15 2005

PROFILED

January 27, 2005

Affidavit for Max Palmer:

I, Ronnie Fullmer have personally witnessed the usage of the well located on the Max Palmer property. Formally the Bert Summers ranch.

My Uncle Sive Fullmer owned the ground at the time the well was drilled.

I have witnessed the usage of the well and irrigation practices from approximately 1960's to around 1985 .

Ronnie Fullmer

Signed: Ronnie Fullmer Date 1-27-2005

SCANNED

FEB 15 2005

DDOEN 00

RECEIVED
MAY 02 2001

WARRANTY DEED

TETON COUNTY
CLERK RECORDER

Office of the Clerk Recorder

142346

FOR VALUE RECEIVED

Know all men that Danny Summers, an unmarried person, and Berniece Summers, an unmarried person;
Parcel 1: Summers Farm & Ranch, Inc.; Parcel 2: Summers Farm & Ranch, Inc., an Idaho Corporation

Do hereby grant, bargain, sell and convey with

Max S. Palmer and Rance K. Palmer, Husband and Wife

whose present address is

4488 N. 2000 E., Sugar City, ID 83445

the grantee of the following described premises, in Teton County, Idaho, to have and to hold

Parcel 1: Township 6 North, Range 44 East, Boise Meridian,
Section 25: South Half North Half, Northwest Quarter Southwest Quarter, Northeast Quarter
Northeast Quarter, excepting therefrom: Commencing at a point 378 feet South of the Northeast
corner of said Northeast Quarter Northeast Quarter, and running thence West 80 feet; thence
South 50 feet; thence East 80 feet; thence North 50 feet, to the point of beginning, and also
excepting therefrom: A parcel of land located in the Southeast Quarter of the Northeast Quarter of
Section 25, Township 6 North, Range 44 East, Boise Meridian, and more particularly described as
follows: Commencing at the Northeast corner of said Section 25; thence South along the East line
of said section 2639.15 feet to the East Quarter corner of said section and the true point of
beginning; thence South 89°44'52" West along the East-West 1/4 line of said section 283.06 feet;
thence North 640.17 feet; thence South 89°17'08" West 69.93 feet; thence North 0°45'58" West
39.05 feet; thence North 89°17'08" East 70.44 feet; thence North 1°22'16" East 69.50 feet; thence
North 58°39'06" East 53.56 feet; thence North 87°55'27" East 24.82 feet; thence North 0°42'58"
East 113.52 feet; thence South 89°06'27" East 209.46 feet; thence South along said East line 886.47
feet to the point of beginning.

Also excepting therefrom State Highway 33 right of way.

Subject to a county road along the East side of subject property.

Parcel 2: Commencing at a point 378 feet South of the Northeast corner of the Northeast Quarter
Northeast Quarter of Section 25, Township 6 North, Range 44 East, Boise Meridian, and running
thence West 80 feet; thence South 50 feet; thence East 80 feet; thence North 50 feet to the point of
beginning.

Parcel 3: NE1/4SE1/4, SE1/4NE1/4 of Section 26 Township 6 North, Range 44 East, Boise Meridian

SUBJECT to all existing easements, claims of easements, patent reservations, rights of way, protective covenants,
zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line
disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

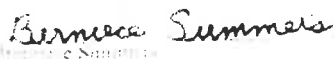
SUBJECT to the provisions contained in Warranty Deed recorded June 10, 1968 as Instrument No. 65808 of the
official records of Teton County, Idaho, as follows: Easement for the beneficial use of subject property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor does hereby warrant to and with the said Grantee, that (s)he is (are the owners) in
fee simple of said premises; that they are free from all encumbrances except Current Year Taxes, conditions,
covenants, restrictions, reservations, easements, rights and rights of way, and matters of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated 4-25-2001


Danny Summers


Berniece Summers

Instrument # 142346

RECORDED - TETON COUNTY
DEED BOOK 2001 PAGE 142346
ALDANCE, STEVE & ESCROW
NOLAN - BOYLE
CLERK RECORDER DEPT
C. Smith

SCANNED

FEB 15 2005

142346
PROFILED

By [Signature]
Danny Summers

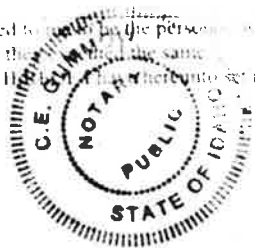
State of Idaho

County of Teton MADISON

On this 27 APR 2001
appeared Bernice Summers

before me, a Notary Public in and for said state, personally

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written



[Signature]
Notary Public for the State of Idaho
Residing at PRABURG ID
Commission Expires 10-31-04

State of Idaho

County of Teton MADISON

On this 27 APR 2001
appeared Danny Summers

before me, a Notary Public in and for said state, personally

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written



[Signature]
Notary Public for the State of Idaho
Residing at PRABURG ID
Commission Expires 10-31-04

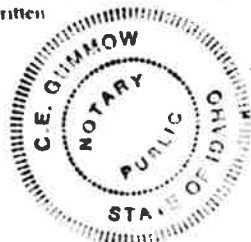
State of Idaho

County of Teton MADISON

On this 27 day of APR 2001
appeared Danny Summers
the

before me, a Notary Public in and for said state, personally known to me to be

PRAB. of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



[Signature]
Notary Public for the State of
Residing at PRABURG ID
Commission Expires 10-31-04

SCANNED

FEB 15 2005

PROFILED
672345

^{1/2}
The exception got
sold to Paul
Martin

This deed

Dec 96 Bernice Summers - Danny Summers $\frac{1}{4}$

April 01 Jana Faye Phillips - Danny Summers

→ T6N
R44E
S25

5 $\frac{1}{2}$ N $\frac{1}{2}$ - 1995
exception
goes to Paul
Martin
NW $\frac{1}{4}$ SW $\frac{1}{4}$
NENE - exception
goes to
Summers
Farm & Ranch

SCANNED
FEB 15 2005

PROFILED

RECEIVED

MAY 02 2001

TETON COUNTY
CLERK RECORDER

1-12345

1-12345

10-740
Escrow
PO Box 634
Driggs, Idaho 83422

QUITCLAIM DEED

THIS INDENTURE is made this 11th day of April, 2001, by Jana Faye Phillips, a married woman dealing with her sole and separate property, the "Grantor," and Danny Summers, whose mailing address is 3500 East 1496 South, Sugar City, Idaho, 83448, the "Grantee."

WITNESSETH

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Teton, State of Idaho, to-wit:

See Attached Legal Description

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Jana Faye Phillips
Jana Faye Phillips, Grantor

Instrument # 142345

DRIGGS, TETON, IDAHO

2001-05-02

Recorded for ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Ex-Officio Recorder, Deputy

Notary Public

03 58 40 No. of Pages 1

Fee \$100

E. Smith

SCANNED

FEB 15 2005

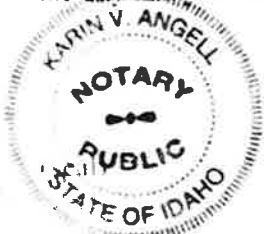
PROFILE

STATE OF IDAHO

County of Madison

On the 11th day of April, 2001, before me, the undersigned, a notary public, in and for said State, personally appeared Jana Laye Phillips, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Karin V. Angell

Notary Public for Idaho

Residing at: Sugar City

My Commission Expires: 7-31-02

2 QUITCLAIM DEED

242345

SCANNED
FEB 15 2005

PROFILED

Parcel 1: Township 6 North, Range 44 East, Boise Meridian,
Section 25: South Half North Half, Northwest Quarter Southwest Quarter, Northeast Quarter
Northeast Quarter, excepting therefrom: Commencing at a point 378 feet South of the Northeast
corner of said Northeast Quarter Northeast Quarter, and running thence West 80 feet; thence
South 50 feet; thence East 80 feet; thence North 50 feet, to the point of beginning, and also
excepting therefrom: A parcel of land located in the Southeast Quarter of the Northeast Quarter of
Section 25, Township 6 North, Range 44 East, Boise Meridian, and more particularly described as
follows: Commencing at the Northeast corner of said Section 25; thence South along the East line
of said section 2639.15 feet to the East Quarter corner of said section and the true point of
beginning; thence South 89°44'52" West along the East-West ¼ line of said section 283.06 feet;
thence North 640.17 feet; thence South 89°17'08" West 69.93 feet; thence North 0°45'58" West
39.05 feet; thence North 89°17'08" East 70.44 feet; thence North 1°22'16" East 69.50 feet; thence
North 58°39'06" East 53.56 feet; thence North 87°55'27" East 24.82 feet; thence North 0°42'58"
East 113.52 feet; thence South 89°06'27" East 209.46 feet; thence South along said East line 886.47
feet to the point of beginning.
Also excepting therefrom State Highway 33 right of way.
Subject to a county road along the East side of subject property.

142345

SCANNED
FEB 15 2005

PROFILED

PLEASE RETURN TO: GRM
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 80130
Boise Falls, ID 83408

129048
WARRANTY DEED

RECEIVED
DEC 15 1997
TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this 1st day of December, 1997, by Berniece N. Summers, a single woman, the Grantor, and Danny Summers, a married man as his sole and separate property, the Grantee, whose mailing address is 3500 E. 1496 S., Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of love and affection, has granted, and by these presents does grant, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided one-half (1/2) of the grantor's undivided one-half (1/2) interest (constituting an undivided one-fourth (1/4) of the whole), in the County of Teton, State of Idaho, to-wit:

Twp. 6 N., Rge. 44 E., Boise Mer.:

Sec. 25: S1/2N1/2, NW1/4SW1/4, NE1/4NE1/4, excepting therefrom:

Commencing at a point 378 feet South of the Northeast corner of said NE1/4NE1/4, and running thence West 80 feet; thence South 50 feet; thence East 80 feet; thence North 50 feet, to the point of beginning.

and also excepting therefrom:

A parcel of land located in the SE 1/4 of the NE 1/4 of Sec. 25, Twp. 6 N., Rge. 44 E.B.M., and more particularly described as follows: Commencing at the Northeast corner of said Sec. 25; thence South along the East line of said section, 2639.15 feet to the East 1/4 corner of said section and the TRUE POINT OF BEGINNING; thence S 89°44'52" W. along the East-West 1/4 line of said section, 283.06 feet; thence N. 640.17 feet; thence S. 89°17'08" W. 69.93 feet; thence N. 0°45'58" W. 39.05 feet; thence N 89°17'08" E. 70.44 feet; thence N. 1°22'16" E. 69.50 feet; thence N. 58°39'06" E. 53.56 feet; thence N. 87°55'27" E. 24.82 feet; thence N. 0°42'58" E. 113.52 feet; thence S. 89°06'27" E. 209.46 feet; thence South along said East line 886.47 feet to the point of beginning.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and

SCANNED
FEB 15 2005

PROFILE

regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Bernice N. Summers
Bernice N. Summers

2 WARRANTY DEED

129048

SCANNED
FEB 15 2005

PROFILE

129048

Arizona
STATE OF IDAHOCounty of Mingus

) ss.

On this 15 day of November, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Berniece N. Summers known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Michael L. Steiner
Notary Public for the State of Arizona
Residing at: Fountain Hills, AZ
My Commission Expires: 7/15/98

129048

FILED

AT THE REQUEST OF

Holden KidwellAT 36 MINUTES PAST 12 P.M.DATE Dec. 15, 1997Anna J. Drake✓ BY Anna J. Drake

WARRANTY DEED

129048

SCANNED

FEB 15 2005

PROFILED

PLEASE RETURN TO: ELN
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 60130
Idaho Falls, ID 83403

129047

CORRECTION WARRANTY DEED

RECEIVED

DEC 15 1997

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this 1st day of December, 1997, by Berniece N. Summers, a single woman, the Grantor, and Danny Summers, a married man as his sole and separate property, the Grantee, whose mailing address is 3500 E. 1496 S., Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of love and affection, has granted, and by these presents does grant, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided one-half (1/2) of the grantor's undivided one-half (1/2) interest (constituting an undivided one-fourth (1/4) of the whole), in the County of Teton, State of Idaho, to-wit:

Twp. 6 N., Rge. 44 E., Boise Mer.:

Sec. 25: S1/2N1/2, NW1/4SW1/4, NE1/4NE1/4, excepting therefrom:

Commencing at a point 378 feet South of the Northeast corner of said NE1/4NE1/4, and running thence West 80 feet; thence South 50 feet; thence East 80 feet; thence North 50 feet, to the point of beginning.

and also excepting therefrom:

A parcel of land located in the SE 1/4 of the NE 1/4 of Sec. 25, Twp. 6 N., Rge. 44 E.B.M., and more particularly described as follows: Commencing at the Northeast corner of said Sec. 25; thence South along the East line of said section, 2639.15 feet to the East 1/4 corner of said section and the TRUE POINT OF BEGINNING; thence S 89°44'52" W. along the East-West 1/4 line of said section, 283.06 feet; thence N. 640.17 feet; thence S. 89°17'08" W. 69.93 feet; thence N. 0°45'58" W. 39.05 feet; thence N 89°17'08" E. 70.44 feet; thence N. 1°22'16" E. 69.50 feet; thence N. 58°39'06" E. 53.56 feet; thence N. 87°55'27" E. 24.82 feet; thence N. 0°42'58" E. 113.52 feet; thence S. 89°06'27" E. 209.46 feet; thence South along said East line 886.47 feet to the point of beginning.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and

✓ This document is re-recorded to correct the legal description in Instrument No. 126070.

SCANNED

FEB 15 2005

PROFILE

regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Berniece N. Summers
Berniece N. Summers

2 -- CORRECTION WARRANTY DEED

129047

SCANNED

FEB 15 2005

PROFILED

129047

STATE OF Arizona ^{ss.}County of Muricopa

On this 1st day of December, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Berniece N. Summers known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



© 1997 DATA GLASS COMPANY, INC. 1114 200 100

Michael Stein
 Notary Public for Arizona
 Residing at: Fountain Hills, Az
 My Commission Expires: 7/15/98

129047

FILED

AT THE REQUEST OF

Nelson K. Kellwell

35 MINUTES PAST 12 P.M.

DEC. 15, 1997

John J. Drake1st Dana R. Righy

3 - CORRECTION WARRANTY DEED

129047

SCANNED

FEB 15 2005

PROFILE

RECEIVED

DEC 31 1996

TETON CO., ID
CLERK RECORDER

126070
WARRANTY DEED

THIS INDENTURE is made this 21 day of December, 1996, by Berniece N. Summers, a single woman, the Grantor, and Danny Summers, a married man as his sole and separate property, the Grantee, whose mailing address is 3500 E. 1496 S., Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of love and affection, has granted, and by these presents does grant, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided one-half (1/2) of the grantor's undivided one-half (1/2) interest (constituting an undivided one-fourth (1/4) of the whole), in the County of Teton, State of Idaho, to-wit:

Twp. 6 N., Rge. 44 E., Boise Mer.:

Sec. 25: 21/2N1/2, NW1/4SW1/4, NE1/4NE1/4, excepting therefrom:

Commencing at a point 378 feet South of the Northeast corner of said NE1/4NE1/4, and running thence West 80 feet; thence South 50 feet; thence East 80 feet; thence North 50 feet, to the point of beginning.

and also excepting therefrom:

A parcel of land located in the SE 1/4 of the NE 1/4 of Sec. 25, Twp. 6 N., Rge. 44 E.B.M., and more particularly described as follows: Commencing at the Northeast corner of said Sec. 25; thence South along the East line of said section, 2639.15 feet to the East 1/4 corner of said section and the TRUE POINT OF BEGINNING; thence S 89°44'52" W. along the East-West 1/4 line of said section, 283.06 feet; thence N. 640.17 feet; thence S. 89°17'08" W. 69.93 feet; thence N. 0°45'58" W. 39.05 feet; thence N 89°17'08" E. 70.44 feet; thence N. 1°22'16" E. 69.50 feet; thence N. 58°39'06" E. 53.56 feet; thence N. 87°55'27" E. 24.82 feet; thence N. 0°42'58" E. 113.52 feet; thence S. 89°06'27" E. 209.46 feet; thence South along said East line 886.47 feet to the point of beginning.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

FEB 15 2005

PROFILED

126070

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Berniece N. Summers
Berniece N. Summers

STATE OF IDAHO)
County of Madison)ss.

On this 26 day of December, 1996, before me the undersigned, a Notary Public, in and for said State, personally appeared Berniece N. Summers known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature]
Notary Public for Idaho
Residing at: _____ MY COMMISSION EXPIRES 7-16-00
My Commission Expires: _____ RESIDING AT BOYCEBURG, IDAHO

126070

FILED

AT THE REQUEST OF

Berniece Summers
AT 40 MINUTES PAST 10 a.m.
DATE Dec. 31, 1996
BY Joe J. Drake OF RECORD
BY Nora Light DEPUTY

2 - WARRANTY DEED

SCANNED

FEB 15 2005

PROFILED

122758
QUITCLAIM DEED

RECEIVED
JAN 11 1996

TETON Co ID

THIS INDENTURE is made this 29 day of December, 1995, by and between Berniece Summers, a single woman, the "Grantor," and Paul Martin, whose mailing address is 660 North 500 West, Teton, Idaho, 83452, the "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Teton, State of Idaho, to-wit:

A parcel of land located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 25, Twp. 6 N., Rge. 44 E.B.M., and more particularly described as follows: Commencing at the North-east corner of said Sec. 25; thence South along the East line of said section, 2639.15 feet to the East $\frac{1}{4}$ corner of said section and the TRUE POINT OF BEGINNING; thence S 89°44'52" W. along the East-West $\frac{1}{4}$ line of said section, 283.06 feet; thence N. 640.17 feet; thence S. 89°17'08" W. 69.93 feet; thence N. 0°45'58" W. 39.05 feet; thence N 89°17'08" E. 70.44 feet; thence N. 1°22'16" E. 69.50 feet; thence N. 58°39'06" E. 53.56 feet; thence N 87°55'27" E. 24.82 feet; thence N. 0°42'58" E. 113.52 feet; thence S. 89°06'27" E. 209.46 feet; thence South along said East line 886.47 feet to the point of beginning.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

122758

SCANNED
FEB 15 2005

PROFILED

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

Due to mistake, the Grantor hereunder received title to certain property pursuant to a Grant Deed recorded as Instrument No. 118088, records of Teton County, Idaho. Said Deed 118088 should have excluded therefrom the property herein. The purpose of this Deed is to clarify that Grantor claims no interest to the property described herein.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Berniece Summers
Berniece Summers, Grantor

STATE OF ^{Arizona} IDAHO)
County of Maricopa) ss.

On the 29 day of December, 1995, before me, the undersigned, a notary public, in and for said State, personally appeared Berniece Summers, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



And Taylor
Notary Public for Idaho ^{Ariz.}
Residing at Fat Hills AZ
My Commission Expires: 8-15-98

FILED
AT THE REQUEST OF

Larry L. Meikle Esq.
21 MINUTES PAST 2 PM
DATE Jan 11 1996
Joe J. Drake
CLERK OF RECORDER
Nora Light

2 - QUITCLAIM DEED

122758

Filed
Indexed
Plotted

SCANNED

FEB 15 2005

PROFILED

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: Max Palmer 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: _____

C/O TO: M. Palmer 5/01

Discussion of right origin and split history. Questions and problems.

SPLIT PORTION OF LICENSOS 22-2210. LICENSOS AS: 1.72 cfs ON 116th AC = 0.0418
Priority 9/22/1961. Licensor 29 Apr 1982 -
0.015 cfs/AC

SPLIT BY C/O 5/21/2001.

SRBA CLAIMS: 22-13181, 0.07 cfs, SAC TO Simmons Farm & Ranch

22-13182, 1.65 cfs, 111 AC TO M. Palmer

1.72 cfs, 116 AC CLAIMS 11/2/01

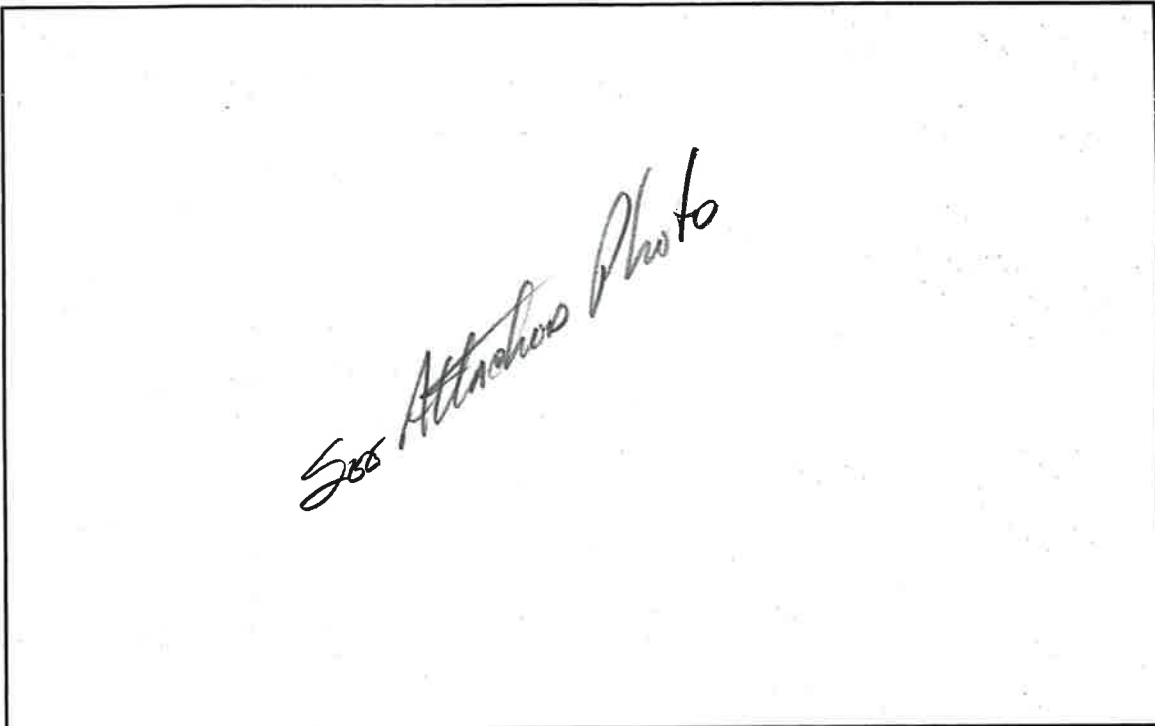
Reviewer: _____ Date: _____

PROFILED

SCANNED

FEB 15 2005

Water Right No(s). _____



GPS DATA:

Tag # A0014390 Location: Power Box.

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: Fair Bank Morse Model: ND.F130604 Hp: 100
SN: PM 7824

PUMP

Make: Fair Banks Model: _____ Disch: _____
SN: 02D6326

NOTES: Portable MANHOLE TO LEFT - SOLID PIPELINE TO
Right

Field Exam Date: _____ Agent: _____

SCANNED

FEB 15 2005

PROFILED

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water 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.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
10N	44E	25		NE NE	Teton	ground	

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
10N	44E	25		NE NE	Teton	ground	

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

This ground has been irrigated by intersecting water into ditches and flood. Then by portable main.

Reviewer: _____ Date: _____

PROFILED

SCANNED

FEB 15 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

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

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Spring	4/15	10/15	1.65	388 <u>5</u>

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

See Claims as lie; OK per split, AKA to Dept STD.

Reviewer: _____

Date: _____

PROFILED

FEB 15 2005

FIELD REPORT
ASSIGNED TO:

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 29862/22-2210 ~~4~~
Examination for b/u & c/w

Max Rate of Diversion 4.0 cubic feet per second and annual volume _____ AF/Annum.

Other Points of Diversions: _____

Description of diverting works: Gravity flow irrigation, pump & auxilliary motor.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ 200 _____

SCANNED
FEB 15 2005

PROFILED

MICROFILMED

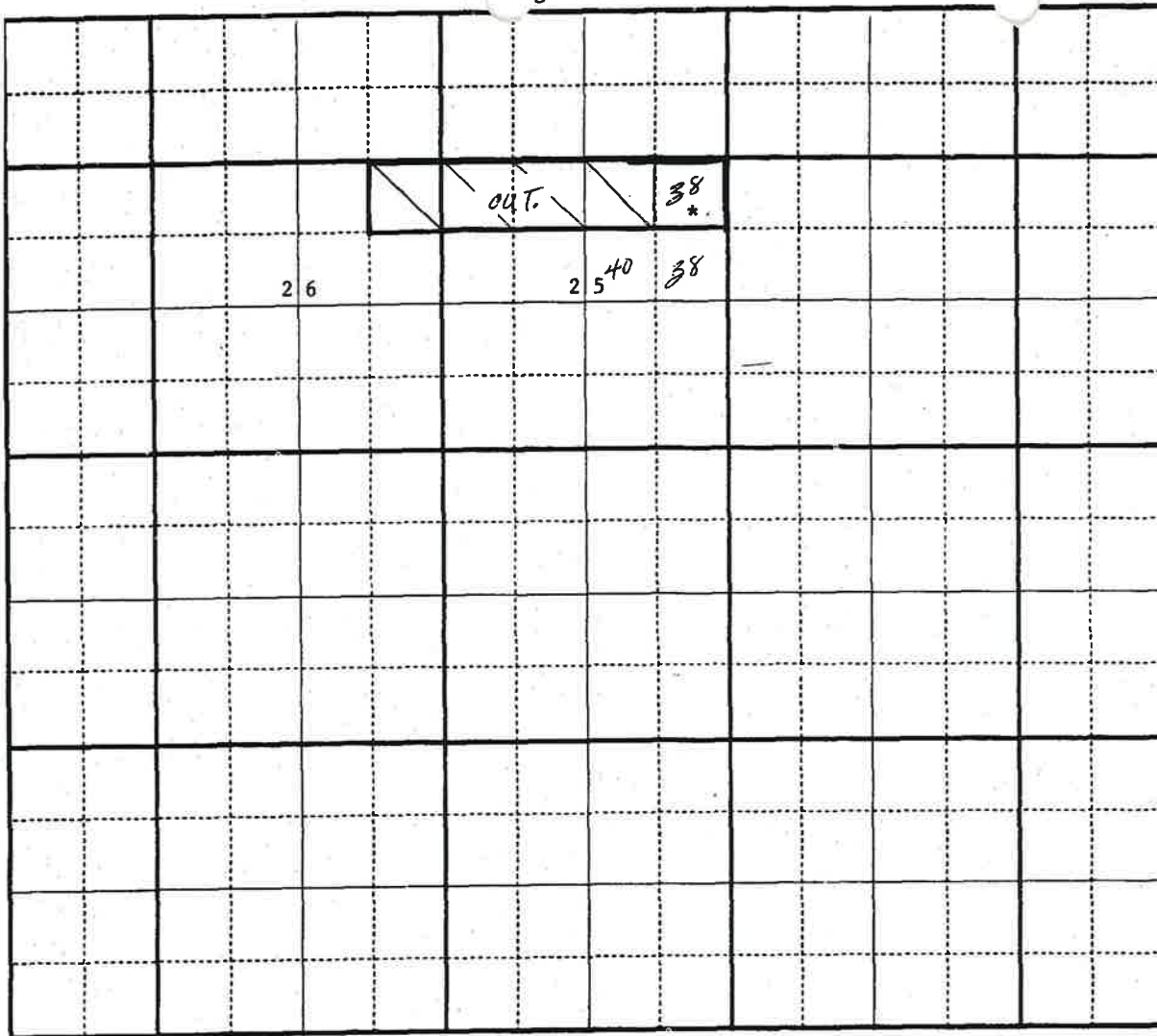
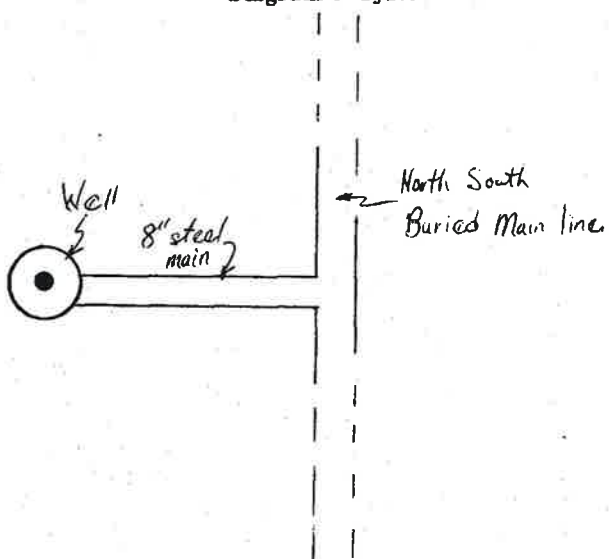


Diagram of System

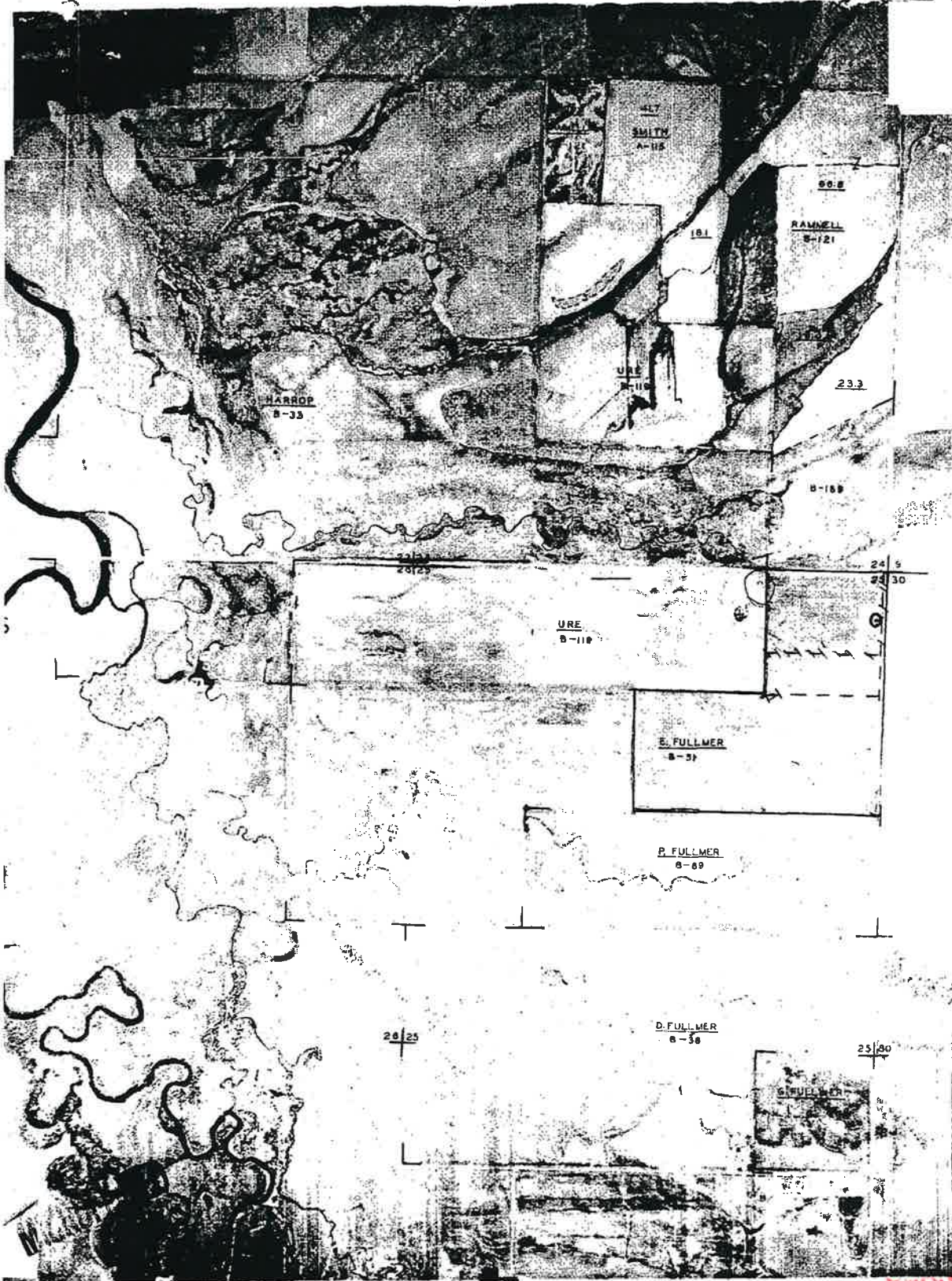


MICROFILMED

PROFILED

SCANNED
FEB 15 2005

22-2210



PROFILED

FEB 15 2005

DATE OF EXAM 7/29/77

ACREAGE
Found 116 ✓
Recommended 116

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.72 c.f.s. V = 348 AF/Ann. from April 15 to Oct. 15
Domestic Q = 1.58 c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no x

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no x

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: N/A
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: N/A
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 1.72 c.f.s. Method of measurement Pitot tube

Total Q recommended 1.58 c.f.s. Meter No. Type TDWR Condition good

Total V recommended 348 AF/ANN

Recommended Amendments:

P.D.
Place of Use See Rough Draft Amendment
Other
None

MEASUREMENT CALCULATION:

1/4" nozzle/s. / 40 psi for 87 nozzles. (5.54 gpm/psi) (87) = 482 gpm.
52 psi for 46 nozzles. (6.31 gpm/psi) (46) = 290 gpm
772 - 482.8 = 289.2 gpm
289.2 gpm
1.72 cfs
V. 116 x 3.0 = 348 ac/ann.
184 x 1.9835 x 1.58 = 586.6 628.33 gpm
1.72 cfs
7/29/77

SYSTEM DESCRIPTION:

Water is diverted by a Fairbank Morse 3 phase motor (can not read I.D. plate)
a Fairbanks Morse turbine pump serial # P2D6326. System operates
4 1/2 mile hard lines 7 33 nozzles per line & 1/4" diameter nozzles.

REMARKS:

Could not locate owner or foreman on day of exam.

No Controlling Rights Kews 2/17/82

Examiner's Signature Ernest Carlson Date 7-29-77

Checked by Rodney A. Parker Date 4/2/79

Approved by Date 2/19/82

MICROFILMED

PROFILED

SCANNED

FEB 15 2005

State of Idaho
Department of Water Resources

RECEIVED

MAY 19 1982

WATER RIGHT LICENSE

Department of Water Resources
Eastern District Office

License of Water Right No. 22-2210 Priority September 22, 1961 Amount 1.72 cfs
(late proof)

THIS IS TO CERTIFY, that Bert Summers
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-2210 issued pursuant to Application for Permit dated June 23, 1961,
and has submitted proof to the Department of Water Resources on September 28, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.72 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>October 15</u>	at <u>1.72</u> cfs and	<u>348.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.72 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
348.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Twp.
6N, Rge. 44E in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	44E	25	38		40	38													116

Total number of acres irrigated 116

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
April, 19 82.

Acting for the Director

Norman C. Young

STATE OF IDAHO

RECEIVED

LICENSING

APR 7 1982

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resource

To change the point of diversion and/or the place of use.

Comes now Bert Summers Phone _____
of (address) --Route-Moody,--Rexburg,--ID---83440- Sugar City, ID 83448, 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. 22-2210, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NE 1/4, Section 25, Township 6N, Range 44E, B.M.,
County of Teton. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.72 for irrigation purposes from 4/15* to 10/15* (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	44E	25	38		40	38													116

*Not on original application.

Total number of acres to be irrigated = 116

4. a. Who owns the property at the point of diversion? Summers Farm & Ranch Inc
b. Who owns the land to be irrigated or the place of use? Summers Farm & Ranch Inc
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

28

25

26

28

25

26

28

25

26

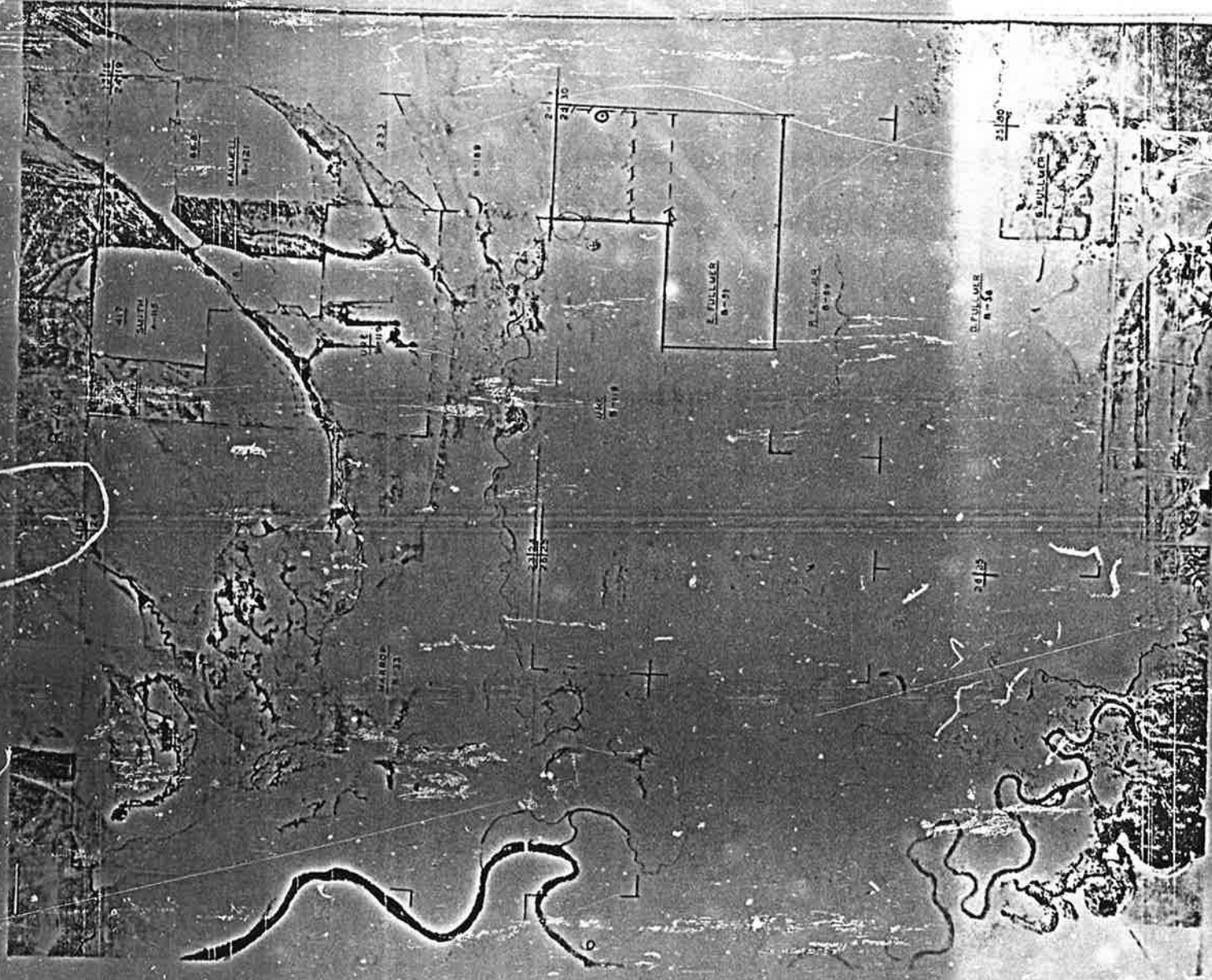
28

25

26

A handwritten signature in dark ink, appearing to be "N. S.", written over a horizontal line. The letter "S" has a large loop extending upwards and to the right.





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 22-13182
Date Received: 8/8/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAX S PALMER Phone:

4488 N 2000 E
SUGAR CITY ID USA 83445

RANEE K PALMER Phone:

4488 N 2000 E
SUGAR CITY ID USA 83445

2. Date of Priority: 09/22/1961

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	44E	25	NE NE	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.65	388.5

7. Total Quantity Appropriated is:
1.65 C.F.S. and/or 388.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

A2213182



06N	44E	25	NE	NE	IRRIGATION	38
			SE	NE	IRRIGATION	33
			SW	NE	IRRIGATION	40
Section Acres						111
Total Acres						111

11. Place of use in counties: TETON

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

13. Other Water Rights Used;

14. Remarks:

SPLIT FROM FORMER RIGHT 22-2210

15. Basis of Claim: License