

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 82709

This is to certify that: FRANK SUMMERS INC  
C/O KELLY SUMMERS  
365 EAGLE SUMMIT ST  
REXBURG, ID 83440

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 22-2219            | WR/DECREED          | 1/26/1962            | 5.570 cfs             | 1642.0 af               | 469.0             | 833.7              | GROUND WATER  |
| 22-4091            | WR/DECREED          | 5/1/1962             | 4.330 cfs             | 1276.0 af               | N/A               | 833.7              | GROUND WATER  |
| 22-7491            | WR/LICENSE          | 5/20/1985            | 7.000 cfs             | N/A                     | N/A               | 1087.6             | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

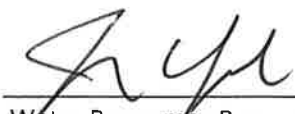
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-2219               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 22-4091               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 22-7491               | NO           | YES        | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-2219                | 22-2219                          | 5.570 cfs            | 1642.0 af              | 469.0             | 833.7              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-4091                | 22-4091                          | 4.330 cfs            | 1276.0 af              | 364.7             | 833.7              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-7491                | 22-7491                          | 7.000 cfs            | N/A                    | N/A               | 1087.6             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>12.570 cfs</b>    | <b>N/A</b>             | <b>1087.6</b>     | <b>1087.6</b>      |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 18<sup>th</sup> day of October, 2019.

  
Water Resources Program Manager

SUPPORT DATA

Transfer No. 82709

IN FILE # 22-2219

# **WATER RIGHT NO. 22-4091** **As Modified by Transfer No. 82709**

In accordance with the approval of Transfer No. 82709, Water Right No. 22-4091 is now described as follows:

**Right Holder:** FRANK SUMMERS INC  
C/O KELLY SUMMERS  
365 EAGLE SUMMIT ST  
REXBURG, ID 83440

**Priority Date:** 5/1/1962

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 10/31

**Diversion Rate**  
4.330 cfs  
4.330 cfs

**Diversion Volume**  
1276.0 af  
1276.0 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER  
GROUND WATER

NWSW  
SWSW

Sec 27 Twp 06N Rge 40E MADISON County  
Sec 27 Twp 06N Rge 40E MADISON County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |      |    | NW   |      |      |      | SW   |      |      |      | SE |      |      |     | Totals |
|-----|-----|-----|----|------|------|----|------|------|------|------|------|------|------|------|----|------|------|-----|--------|
|     |     |     | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE  |        |
| 06N | 40E | 22  |    | 10.0 | 30.0 |    |      |      |      |      | 39.0 | 39.0 | 29.0 | 37.0 |    | 19.0 | 18.0 |     | 221.0  |
| 06N | 40E | 27  |    | 8.1  | 17.0 |    | 39.0 | 24.0 | 28.0 | 35.0 | 35.0 | 34.0 | 32.0 | 29.0 |    | 27.0 | 38.0 | 0.4 | 346.5  |
| 06N | 40E | 34  |    | 38.0 | 33.0 |    | 28.0 | 39.0 | 33.0 | 34.0 |      | 25.0 | 35.0 | 1.2  |    |      |      |     | 266.2  |

Right Acre Limit: 364.7

POU Total Acres: 833.7

**CONDITIONS OF APPROVAL**

1. Rights 22-2219 and 22-4091 when combined shall not exceed a total diversion rate of 5.57 cfs, a total annual maximum diversion volume of 2364 af at the field headgate, and the irrigation of 833.7 acres.
2. Rights 22-2183, 22-2219, 22-4091, 22-7491 and 22-10483 when combined shall not exceed a total annual maximum diversion volume of 3810 af at the field headgate, and the irrigation of 1087.6 acres.
3. 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 place of use.
4. This right is for an enlargement of 364.7 acres within the place of use described for this right.
5. This right is based upon an enlargement of Right No. 22-2219 pursuant to Idaho Code § 42-1426.

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**WATER RIGHT NO. 22-4091**  
**As Modified by Transfer No. 82709**

**CONDITIONS OF APPROVAL**

6. 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 Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 82709, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 100.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 22-2219**  
**As Modified by Transfer No. 82709**

In accordance with the approval of Transfer No. 82709, Water Right No. 22-2219 is now described as follows:

**Right Holder:** FRANK SUMMERS INC  
C/O KELLY SUMMERS  
365 EAGLE SUMMIT ST  
REXBURG, ID 83440

**Priority Date:** 1/26/1962

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From**  
04/01

**To**  
to 10/31

**Diversion Rate**  
5.570 cfs  
5.570 cfs

**Diversion Volume**  
1642.0 af  
1642.0 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NWSW Sec 27 Twp 06N Rge 40E MADISON County  
GROUND WATER SWSW Sec 27 Twp 06N Rge 40E MADISON County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |      |    | NW   |      |      |      | SW   |      |      |      | SE |      |      |     | Totals |
|-----|-----|-----|----|------|------|----|------|------|------|------|------|------|------|------|----|------|------|-----|--------|
|     |     |     | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE  |        |
| 06N | 40E | 22  |    | 10.0 | 30.0 |    |      |      |      |      | 39.0 | 39.0 | 29.0 | 37.0 |    | 19.0 | 18.0 |     | 221.0  |
| 06N | 40E | 27  |    | 8.1  | 17.0 |    | 39.0 | 24.0 | 28.0 | 35.0 | 35.0 | 34.0 | 32.0 | 29.0 |    | 27.0 | 38.0 | 0.4 | 346.5  |
| 06N | 40E | 34  |    | 38.0 | 33.0 |    | 28.0 | 39.0 | 33.0 | 34.0 |      | 25.0 | 35.0 | 1.2  |    |      |      |     | 266.2  |

Right Acre Limit: 469.0

POU Total Acres: 833.7

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 469 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2219 and 22-4091 when combined shall not exceed a total diversion rate of 5.57 cfs, a total annual maximum diversion volume of 2364 af at the field headgate, and the irrigation of 833.7 acres.
3. Rights 22-2183, 22-2219, 22-4091, 22-7491 and 22-10483 when combined shall not exceed a total annual maximum diversion volume of 3810 af at the field headgate, and the irrigation of 1087.6 acres.
4. 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 place of use.

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**WATER RIGHT NO. 22-2219**  
**As Modified by Transfer No. 82709**

**CONDITIONS OF APPROVAL**

5. Right No. 22-4091 is an enlargement of this right pursuant to Idaho Code § 42-1426.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 82709, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 100.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 22-7491**  
**As Modified by Transfer No. 82709**

In accordance with the approval of Transfer No. 82709, Water Right No. 22-7491 is now described as follows:

**Right Holder:** FRANK SUMMERS INC  
C/O KELLY SUMMERS  
365 EAGLE SUMMIT ST  
REXBURG, ID 83440

**Priority Date:** 5/20/1985

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 10/31

**Diversion Rate**  
7,000 cfs  
7,000 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER  
GROUND WATER

NWSW  
SWSW

Sec 27 Twp 06N Rge 40E MADISON County  
Sec 27 Twp 06N Rge 40E MADISON County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE |      |      |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|----|------|------|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE |        |
| 06N | 40E | 22  |      | 10.5 | 30.0 |      |      |      |      |      | 39.0 | 40.0 | 31.0 | 37.0 |    | 20.0 | 20.0 |    | 227.5  |
| 06N | 40E | 26  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 40.0 |    |      |      |    | 157.0  |
| 06N | 40E | 27  | 39.0 | 17.0 | 19.0 | 20.0 | 39.0 | 26.0 | 30.0 | 36.0 | 35.0 | 36.0 | 36.0 | 30.0 |    | 28.0 | 38.0 |    | 429.0  |
| 06N | 40E | 34  |      | 38.0 | 32.5 | 1.3  | 29.0 | 40.0 | 35.0 | 36.0 |      | 26.0 | 35.0 | 1.3  |    |      |      |    | 274.1  |

POU Total Acres: 1087.6

**CONDITIONS OF APPROVAL**

1. Rights 22-2183, 22-2219, 22-4091, 22-7491 and 22-10483 when combined shall not exceed a total annual maximum diversion volume of 3810.0 af at the field headgate, and the irrigation of 1087.6 acres.
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.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

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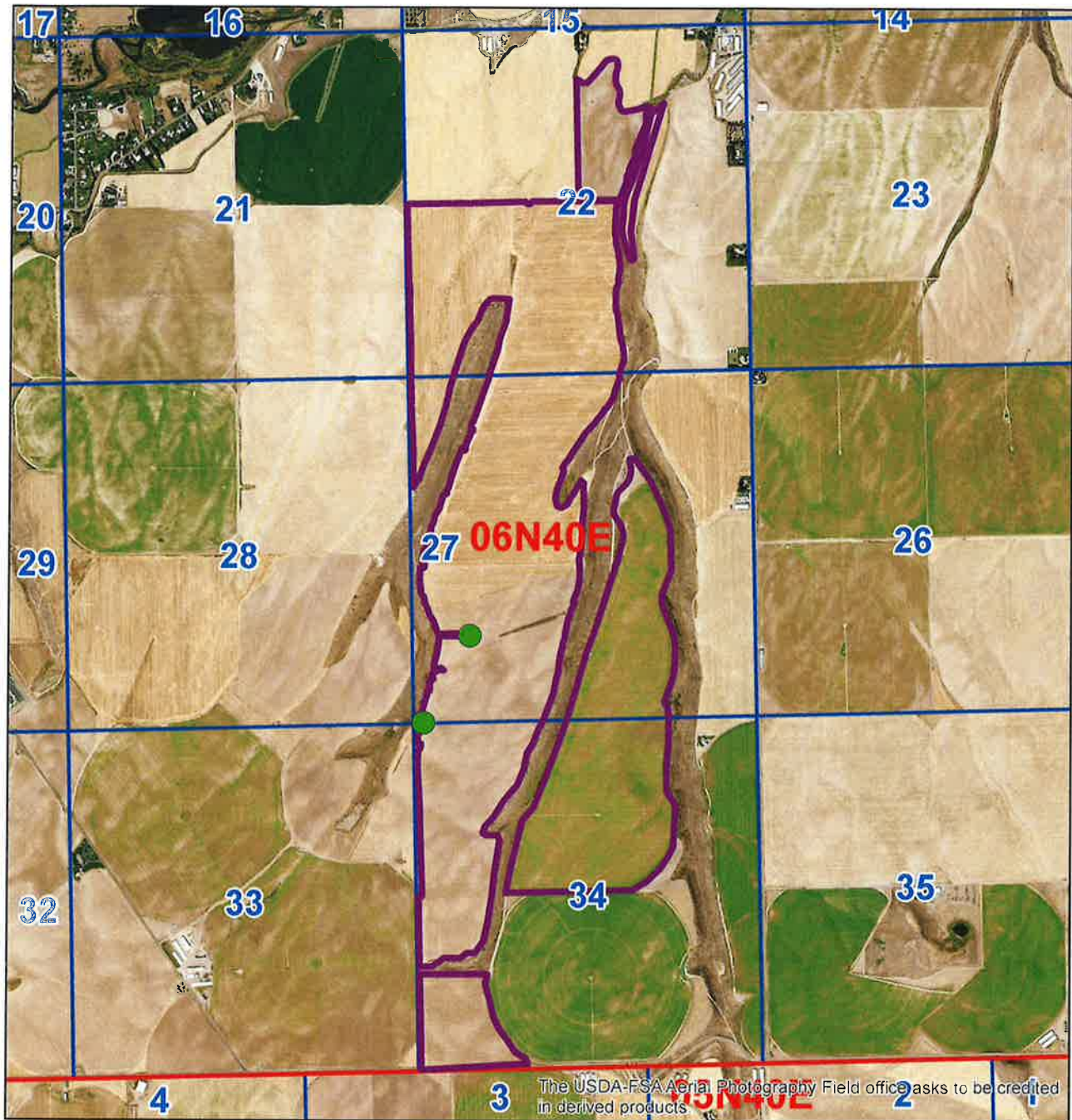
**WATER RIGHT NO. 22-7491**  
**As Modified by Transfer No. 82709**

**CONDITIONS OF APPROVAL**

4. Prior to the diversion and use of water under Transfer approval 82709, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 100.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

# Attachment to Transfer Approval 82709

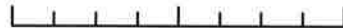
This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 1,050 2,100 4,200 Feet



1 inch = 2,427 feet

