

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED  
MAY 31 2016  
Department of Water Resources  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)      ☒ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split

1. **APPLICANT(S)** Frank Summers INC Phone 2083511296  
2. **MAILING ADDRESS** 365 Eagle Summit City Rexburg  
State ID Zip 83440 Email \_\_\_\_\_

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.  
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 22-2183, 22-10483

- ☒ Attach a copy of the water right(s) as recorded, available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.00 cubic feet per second and/or 742 acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Online Resources*.

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County  | Source       | Local name or tag # |
|------|-----|---|----|----|-----|-----|-----|---------|--------------|---------------------|
|      |     |   | SW | SW | 27  | 06N | 40E | Madison | Ground Water |                     |
|      |     |   | NW | SW | 27  | 06N | 40E | Madison | Ground Water |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |
|      |     |   |    |    |     |     |     |         |              |                     |

## 6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

2 wells that feed into one mainline

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. The *Map Tool*, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](https://maps.idwr.idaho.gov/TransferApplicationLayouts/) provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

F. Kelly Summers  
Signature of applicant or authorized agent

F. Kelly Summers Pres.  
Print name and title if applicable

5/31/18  
Date

\_\_\_\_\_  
Signature of applicant or authorized agent

\_\_\_\_\_  
Print name and title if applicable

\_\_\_\_\_  
Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

## FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$580. Date 5-31-2018

Received by JS

Receipt # E044056

Preliminary review by \_\_\_\_\_

Date \_\_\_\_\_

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 \_\_\_\_\_

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

5/31/2018

Water Right 22-2183

**Owner Type**      **Name and Address**  
Current Owner      FRANK SUMMERS INC  
                         C/O KELLY SUMMERS  
                         327 S 3000 E  
                         SUGAR CITY, ID 83448  
                         (208) 356-5375

**Priority Date:** 8/29/1960

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b>Beneficial Use</b> | <b>From</b>            | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01                  | 10/31     | 2.000 CFS             | 525.0 AF      |
|                       | <b>Total Diversion</b> |           | 2.000 CFS             | 525.0 AF      |

**Source and Point(s) of Diversion**

GROUND WATER      NESWSW      Sec. 26, Twp 06N, Rge 40E, MADISON County

**Place Of Use**

IRRIGATION within MADISON County

|     |     |     | NE   |     |    |      | NW |    |    |    | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|------|-----|----|------|----|----|----|----|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW  | SW | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 06N | 40E | 26  |      |     |    |      |    |    |    |    | 39.0 | 38.0 | 37.0 | 39.0 |    |    |    |    | 153.0  |
| 06N | 40E | 27  | 39.0 | 7.1 |    | 16.0 |    |    |    |    |      |      |      |      |    |    |    |    | 62.1   |

Right Acre Limit: 150.0

POU Total Acres: 215.1

**Conditions of Approval:**

1. C18 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.
2. E60 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.
3. K06 This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
4. E56 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.
5. K01 Right No. 22-10483 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. F05 Right No. 22-10483 is also diverted through point of diversion described above.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

5/31/2018

**Dates and Other Information**

Decreed Date: 11/26/2008  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 100  
Mitigation Plan: False

**Combined Use Limits**

| <b><u>Rate</u></b> | <b><u>Volume</u></b> | <b><u>Acres</u></b> |
|--------------------|----------------------|---------------------|
| 2.000              | 742.0                | 215.1               |
| 22-2183 ,22-10483  |                      |                     |

**SubCase:**

SubCaseNumber: 22-2183  
Class: 1  
SF5 Filed Date:  
Special Master Recom Signed Date:  
Attorney Assigned:  
Adjudication Agent:  
Basis of Claim: License  
Date Filed: 5/23/2007  
Objection Status: Active

**Water Supply Bank:**

N/A

5/31/2018

| <u>Owner Type</u> | <u>Name and Address</u>                                                                          |
|-------------------|--------------------------------------------------------------------------------------------------|
| Current Owner     | FRANK SUMMERS INC<br>C/O KELLY SUMMERS<br>327 S 3000 E<br>SUGAR CITY, ID 83448<br>(208) 356-5375 |

**Status:** Active

### Tributary

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|------------------------|-----------|-----------------------|-----------------|
| IRRIGATION            | 04/01                  | 10/31     | 0.780 CFS             | 217.0 AF        |
|                       | <b>Total Diversion</b> |           | <b>0.780 CFS</b>      | <b>217.0 AF</b> |

GROUND WATER NESWSW Sec. 26, Twp 06N, Rge 40E, MADISON County

## IRRIGATION within MADISON County

[illegible]

POU Total Acres: 215.1

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | 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. |
| 2. | E60 | 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.                                                                                                                                                            |
| 3. | E56 | 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.                                                                                                                                              |
| 4. | K09 | This right is for an enlargement of 62 acres within the place of use described for this right.                                                                                                                                                                                                                  |
| 5. | F05 | Right No. 22-2183 is also diverted through point of diversion described above.                                                                                                                                                                                                                                  |
| 6. | K02 | This right is based upon an enlargement of Right No. 22-2183 pursuant to Section 42-1426, Idaho Code.                                                                                                                                                                                                           |
| 7. | C11 | 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                                          |

82622

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

5/31/2018

Code, the earlier priority right is the superior right.

**Dates and Other Information**

Decreed Date: 6/29/2011  
Enlargement Statute Priority Date: 4/12/1994  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 100  
Mitigation Plan: False

**Combined Use Limits**

| <b><u>Rate</u></b> | <b><u>Volume</u></b> | <b><u>Acres</u></b> |
|--------------------|----------------------|---------------------|
| 2.000              | 742.0                | 215.1               |
| 22-2183 ,22-10483  |                      |                     |

**SubCase:**

SubCaseNumber: 22-10483  
Class: 1  
SF5 Filed Date:  
Special Master Recom Signed Date:  
Attorney Assigned:  
Adjudication Agent:  
Basis of Claim: Beneficial Use  
Date Filed: 5/24/2007  
Objection Status: Active

**Water Supply Bank:**

N/A

Frank Summers INC Transfer\_New PODs

82622

