

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

#9386

Upper Farm  
\$900Name of Applicant(s) Summerco Management Inc Phone 208 390 9314Mailing address 750 Hillside Dr. Rexburg Idaho 83440 27 N. 300 E Email \_\_\_\_\_  
Sugar City Id 83418

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email RECEIVED

MAY 27 2014

Department of Water Resources  
Eastern Region

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Phyll Summers  
Signature of Applicant or Authorized Representative

Phyll Summers - Secretary  
Print Name and Title if applicable

5-21-14  
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Please see attachment

#9386

Summerco Management Inc Transfer – Part 1A.2.

This is one of two transfers, submitted simultaneously, that propose to equalize the rate of water distributed over two POU's owned by Summerco Management Inc. A first, smaller POU is covered by rights 22-7136 and 22-10972, and has a rate per acre of 0.009 cfs at the time of submittal. A second, larger POU is covered by rights 22-2258A, 22-10646, 22-10777, 22-13955, 22-2295, 22-2191, and 22-7515 and has a rate per acre of 0.016 cfs.

This transfer proposes to move 331 acres from the larger POU to the smaller POU, creating a 509.0 acre combined POU with rights 22-7136 and 22-10972. The change in POU will also necessitate a change in the POD. To move the 331 acres from the larger POU, right 22-2295 will be split.

A second transfer will propose moving 331 acres from the smaller POU to the larger POU. As a result of the two transfers, the rate per acre for both POU's will be 0.014.

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## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 22-2295      | 5.70                  | Irrigation    | 04/01 to 10/31 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 22-7136      | 1.61                  | Irrigation    | 04/15 to 10/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 22-10972     | 0.27                  | Irrigation    | 04/01 to 10/31 | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 7.31 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 5.70 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County  | Source      | Local name or tag # |
|-------|-----|----|----|----|-----|-----|-----|---------|-------------|---------------------|
| No    |     | NW | NE | NE | 31  | 06N | 41E | Madison | Groundwater |                     |
|       |     |    |    |    |     |     |     |         |             |                     |
|       |     |    |    |    |     |     |     |         |             |                     |
|       |     |    |    |    |     |     |     |         |             |                     |
|       |     |    |    |    |     |     |     |         |             |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Acre Totals |
|----------------------------------|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|
|                                  |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |             |
| 06N                              | 41E | 31  | 40.0 | 26.0 | 40.0 | 40.0 | 0.1  |      |      | 20.0 | 40.0 | 20.0 | 38.0 | 29.0 | 40.0 | 40.0 | 34.0 | 30.0 | 437.1       |
| 06N                              | 41E | 32  |      |      |      |      |      | 39.0 | 32.9 |      |      |      |      |      |      |      |      |      | 71.9        |
|                                  |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
|                                  |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
|                                  |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
|                                  |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
|                                  |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
| Total Acres (for irrigation use) |     |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 509.0       |

STATE OF IDAHO  
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## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Existing pumps and irrigation infrastructure

- 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. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
It will continue to be irrigated as described in attachment 1.A.2

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. 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 leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:



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## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

**B. CHANGES IN NATURE OF USE (Water Balance)**

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

**C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS**

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Because the same volume of water/acres are being exchanged between the two systems, an ESPA transfer analysis is not required.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$3040 Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # E039895

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

3/17/2014

Water Right 22-2295

**Owner Type**      **Name and Address**  
Current Owner      SUMMERCO INC  
27 N 3000 E  
SUGAR CITY, ID 83448  
(208)356-7314

**Priority Date:** 2/9/1960

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <u><b>Beneficial Use</b></u> | <u><b>From</b></u>            | <u><b>To</b></u> | <u><b>Diversion Rate</b></u> | <u><b>Volume</b></u> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/01                         | 10/31            | 7.210 CFS                    | 1,468.0 AF           |
|                              | <u><b>Total Diversion</b></u> |                  | 7.210 CFS                    | 1,468.0 AF           |

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

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

**Place Of Use**

IRRIGATION within MADISON County

| 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  | 5.2  |      | 1.6  | 31.0 |      |      |      |      |      |      |      |      | 36.0 | 8.4  | 4.8  | 37.0 | 124.0  |
| 06N | 40E | 23  | 12.0 |      | 4.0  | 39.0 |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 21.0 | 39.0 | 39.0 | 273.0  |
| 06N | 40E | 24  |      |      |      |      |      |      |      |      |      |      |      |      | 35.0 | 18.0 | 26.0 | 39.0 | 118.0  |
| 06N | 40E | 25  | 40.0 | 24.0 | 29.0 | 38.0 |      |      |      |      | 29.0 | 40.0 | 39.0 | 38.0 | 12.0 | 39.0 | 15.0 |      | 343.0  |
| 06N | 40E | 26  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 319.0  |

Right Acre Limit: 419.0

POU Total Acres: 1,177.0

**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.      E56      The rights listed below are limited to the irrigation of a combined total of 1177 acres in a single irrigation season. Combined Right Nos.: 22-2258A, 22-2295, 22-10646, 22-10777
3.      K06      This right is limited to the irrigation of 419 acres within the place of use described above in a single irrigation season.
4.      C03      Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

3/17/2014

Water Right 22-7136

**Owner Type**      **Name and Address**  
Current Owner      SUMMERCO MANAGEMENT INC  
750 HILLSIDE DR  
REXBURG, ID 83440  
(208)356-9314

**Priority Date:** 6/24/1975

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <u><b>Beneficial Use</b></u> | <u><b>From</b></u>            | <u><b>To</b></u> | <u><b>Diversion Rate</b></u> | <u><b>Volume</b></u> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/15                         | 10/15            | 4.590 CFS                    | 1,526.0 AF           |
|                              | <u><b>Total Diversion</b></u> |                  | 4.590 CFS                    | 1,526.0 AF           |

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

GROUND WATER      NWNENE      Sec. 31, Twp 06N, Rge 41E, MADISON County

**Place Of Use**

IRRIGATION within MADISON County

| 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 | 41E | 31  | 40.0 | 26.0 | 40.0 | 40.0 | 0.1 |      |      | 20.0 | 40.0 | 20.0 | 38.0 | 29.0 | 40.0 | 40.0 | 34.0 | 30.0 | 437.1  |
|     |     |     |      |      |      |      |     |      |      |      |      | L3   | L4   |      |      |      |      |      |        |
| 06N | 41E | 32  |      |      |      |      |     | 39.0 | 32.9 |      |      |      |      |      |      |      |      |      | 71.9   |

Right Acre Limit: 436.0

POU Total Acres: 509.0

**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.      E61      The rights listed below are limited to a total combined diversion rate of 4.59 cfs and to a total combined annual diversion volume of 1781.5 AF. Combined Right Nos.: 22-7136 and 22-10972.
3.      K06      This right is limited to the irrigation of 436 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 509 acres in a single irrigation season. Combined Right Nos.: 22-7136 and 22-10972.
5.      K01      Right No. 22-10972 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6.      F05      Right No. 22-10972 is also diverted through point of diversion described above.
7.      C05      Right includes accomplished change in place of use pursuant to Section 42-1425,

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8. S41 Idaho Code.  
The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

3/17/2014

Water Right 22-10972

**Owner Type**      **Name and Address**  
Current Owner      SUMMERCO MANAGEMENT INC  
750 HILLSIDE DR  
REXBURG, ID 83440  
(208)356-9314

**Priority Date:** 6/25/1975

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/01                         | 10/31            | 0.770 CFS                    | 255.5 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 0.770 CFS                    | 255.5 AF             |

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

GROUND WATER      NWNENE      Sec. 31, Twp 06N, Rge 41E, 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 | 41E | 31  | 40.0 | 26.0 | 40.0 | 40.0 | 0.1 |      |      | 20.0 | 40.0 | 20.0 | 38.0 | 29.0 | 40.0 | 40.0 | 34.0 | 30.0 | 437.1  |
|     |     |     |      |      |      |      |     |      |      |      |      | L3   | L4   |      |      |      |      |      |        |
| 06N | 41E | 32  |      |      |      |      |     | 39.0 | 32.9 |      |      |      |      |      |      |      |      |      | 71.9   |

Right Acre Limit: 73.0

POU Total Acres: 509.0

**Conditions of Approval:**

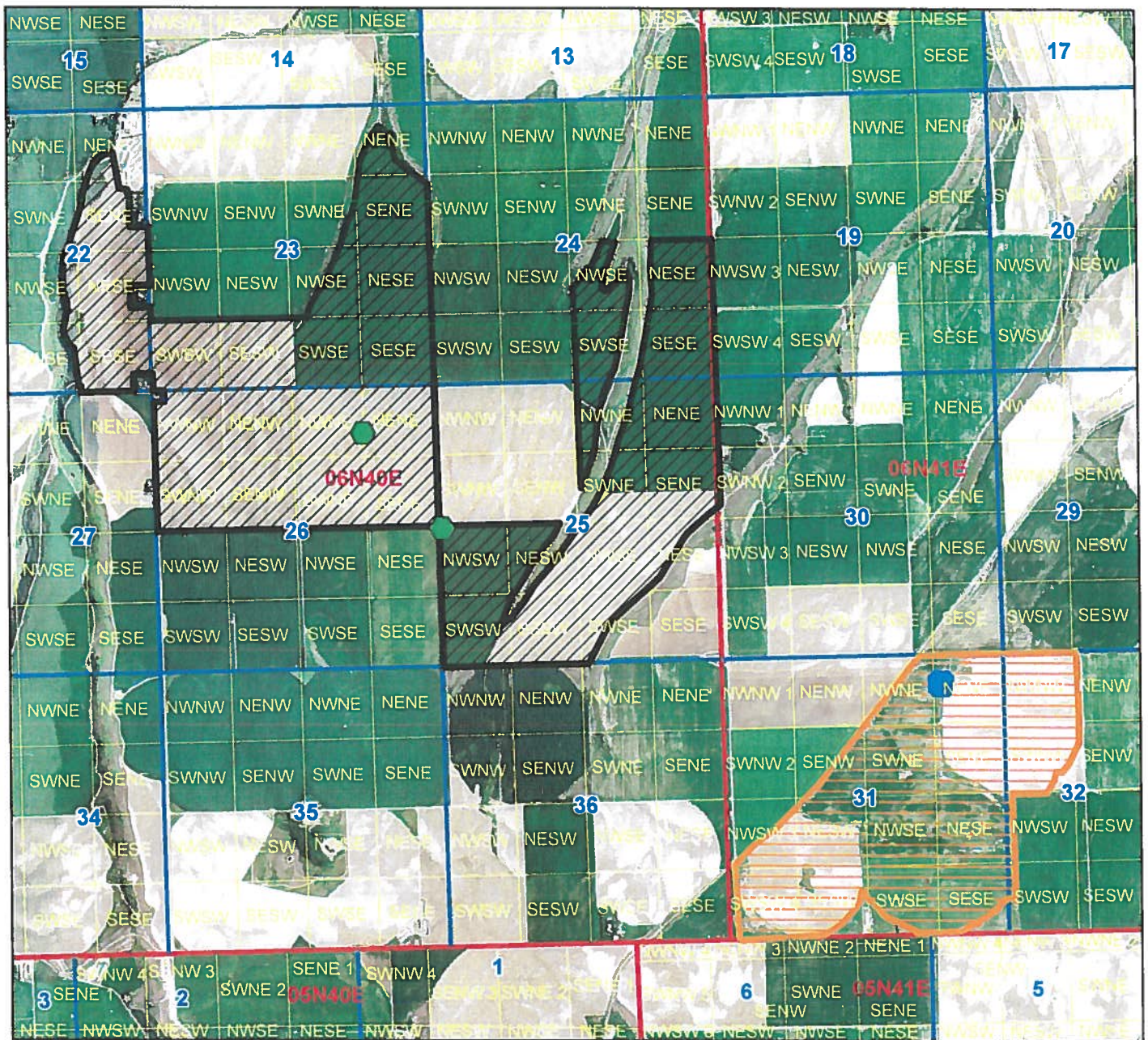
1.      C18      This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.      E61      The rights listed below are limited to a total combined diversion rate of 4.59 cfs and to a total combined annual diversion volume of 1781.5 AF. Combined Right Nos.: 22-7136 and 22-10972.
3.      E56      The rights listed below are limited to the irrigation of a combined total of 509 acres in a single irrigation season. Combined Right Nos.: 22-7136 and 22-10972.
4.      K06      This right is limited to the irrigation of 73 acres within the place of use described above in a single irrigation season.
5.      K09      This right is for an enlargement of 73 acres within the place of use described for this right.
6.      F05      Right No. 22-7136 is also diverted through point of diversion described above.
7.      K02      This right is based upon an enlargement of Right No. 22-7136 pursuant to Section

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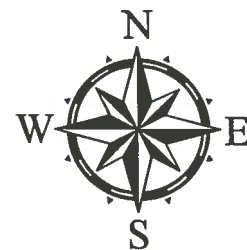
8. C11 42-1426, Idaho Code.  
This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

# Summerco Transfer



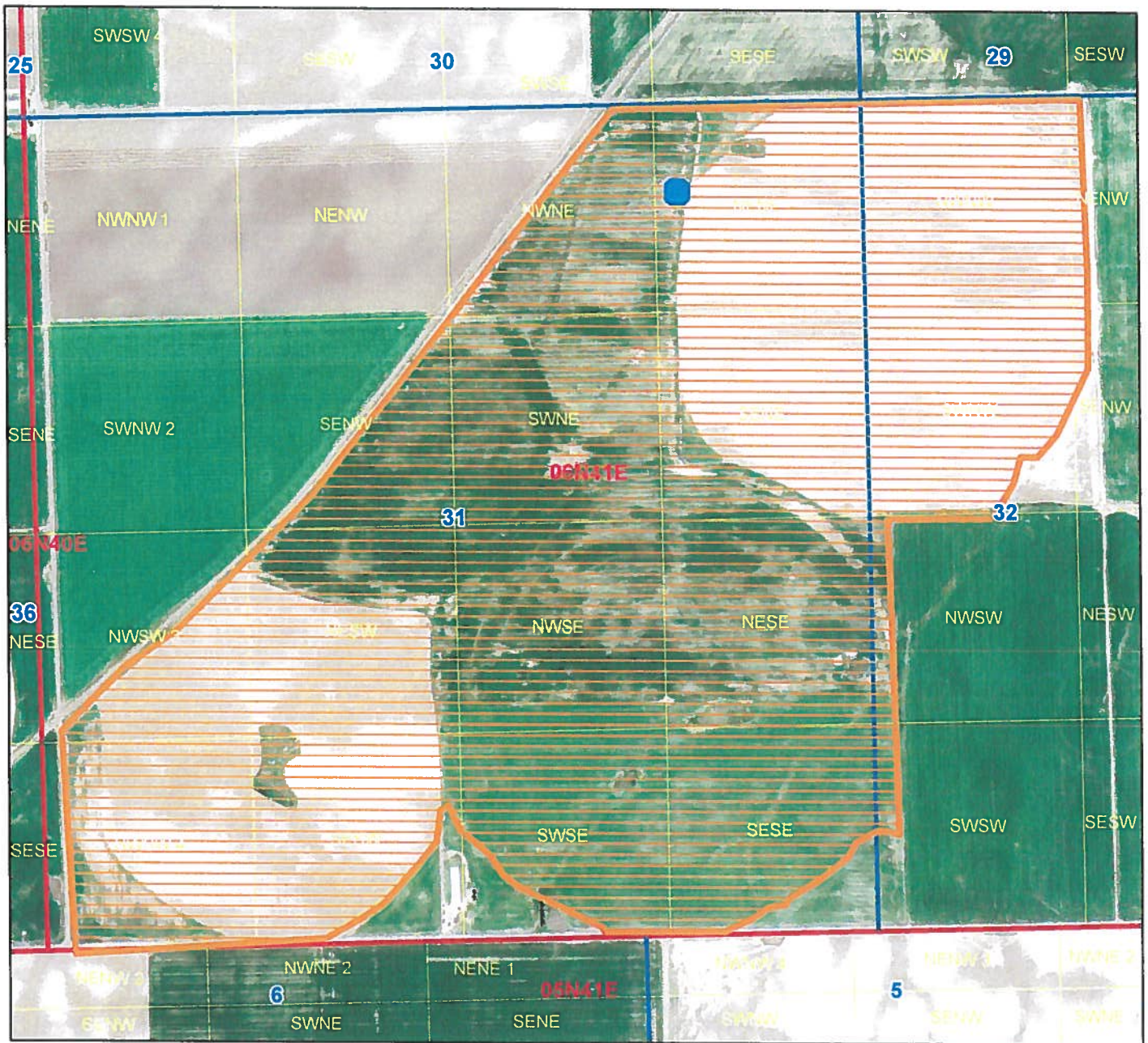
## Legend

- Proposed 22-2295, 22-7136, 22-10972 POD
- Current 22-2295 POD
- Proposed 22-2295, 22-7136, 22-10972 POU
- Current 22-2295 POU
- Township/Range
- Sections
- QQ



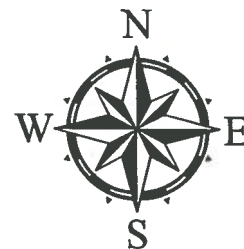
0 0.375 0.75 1.5 Miles

# Summerco Transfer



## Legend

- Proposed 22-2295, 22-7136, 22-10972 POD
- ▨ Proposed 22-2295, 22-7136, 22-10972 POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



0 0.125 0.25 0.5 Miles

79 38 6

# Summerco Transfer

