

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
23-11333 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Tom Summers, 5505 Jupiter Hills Dr, Idaho Falls, ID
Name of current water right holder/claimant 83401
3. New Owner(s)/Claimant(s): Foster Company
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

P.O. Box 626

Mailing address

Ririe ID 83443

City State ZIP

208-538-5170 vistavalleyag@gmail.com

Telephone Email

RECEIVED

SEP 03 2013

Department of Water Resources
Eastern Region

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ 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.

5. Date you acquired the water rights and/or claims listed above: 4-8-2013

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] President 9-3-2013
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 9/5/2013 Receipt No. E038071 Receipt Amt. \$25.-
Approved by [Signature] Processed by [Signature] Date 12/2/2013

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 23-11333

Priority: October 12, 2005

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 70.7 AF

It is hereby certified that TOM SUMMERS
5505 JUPITER HILLS DR
IDAHO FALLS ID 83401 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated October 12, 2005; and has submitted Proof of
Beneficial Use on January 4, 2006. An examination indicates that the works have a diversion capacity of
0.22 cfs of water from:

SOURCE

LITTLE PINE CREEK

Tributary: ANTELOPE CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.20 CFS	70.7 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE PINE CREEK SE¼NW¼SW¼ Sec. 29, Twp 03N, Rge 42E, B.M. BONNEVILLE County

PLACE OF USE: IRRIGATION

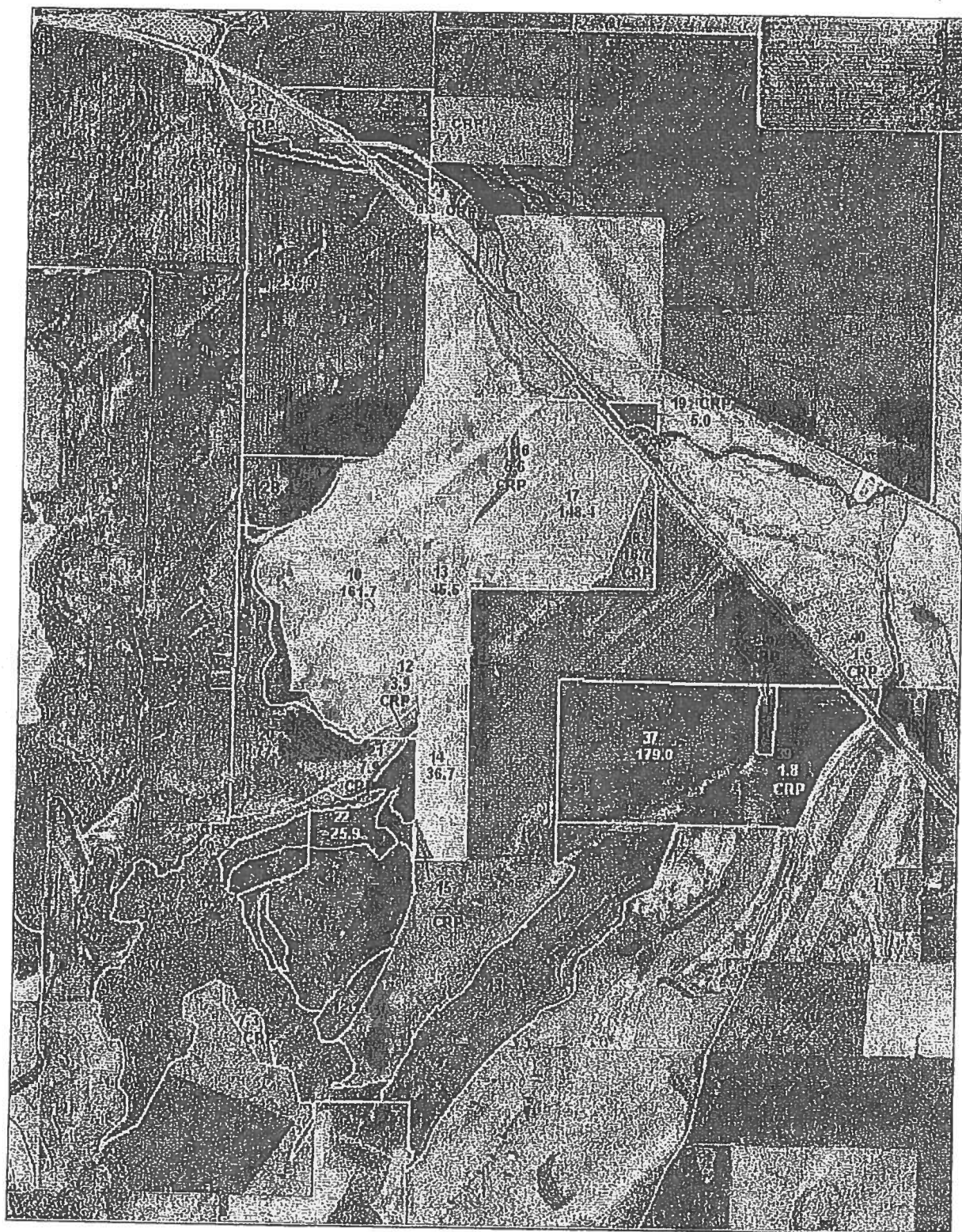
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 42E 29									5.1	7.5	7.6						20.2

Total Acres: 20.2

CONDITIONS OF APPROVAL

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. Use of water under this right will 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. 01.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. When surface water is diverted under this right during times when surface flows in Little Pine Creek reach Antelope Creek such that there is continuous flowing surface water connection between Little Pine Creek and Antelope Creek, the right holder shall rent storage water in the amount of 0.4 acre-feet per day for release by the watermaster into the beginning of the Irwin to Heise Reach of the Snake River, except when the 10/12/2005 priority is being filled on the Snake River or excess water is being spilled past Milner Dam as determined by the watermaster of Water District No. 01. Mitigation is not necessary when surface water from Little Pine Creek is not running into Antelope Creek such that the two creeks are not connected. At times when the two creeks are connected, rental of storage water is required to mitigate for depletion of river flow resulting from diversion of Little Pine Creek; if rental water is unavailable for mitigation, the watermaster shall curtail diversion of water under this right during times when mitigation is required. The right holder shall not divert flows from Little Pine Creek or otherwise prevent flows of Little Pine Creek from reaching Antelope Creek except under an authorized water right.

Farm 2745 Tract 3874



Prepared by FSA NOT TO SCALE

Date: 04/20/10



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

AFTER RECORDING RETURN TO:

Stephen D. Hall
PETERSEN MOSS HALL & OLSEN
485 "E" Street
Idaho Falls, ID 83402
(208)523-4650

Instrument # 1443246

IDAHO FALLS, BONNEVILLE, IDAHO

4-8-2013

04:16:59 No. of Pages: 6

Recorded for : PETERSEN, MOSS & HALL

RONALD LONGMORE

Fee: 22.00

Ex-Officio Recorder Deputy

Index to: NOTICE

NEW RECORDED

NOTICE OF REAL ESTATE CONTRACT

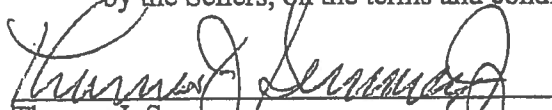
Pursuant to Idaho Code 55-818, the undersigned hereby give notice that by contract dated December 1, 2012, Foster Company, an Idaho general partnership comprised of Boyd Foster and Laurie Foster, husband and wife, on terms and conditions set forth in the said Contract, are purchasing on an escrowed, long-term real estate contract, the real property described on Exhibit A1 hereto, and provide the following information:

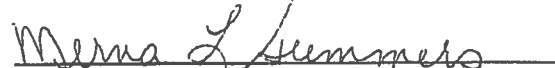
1. **Parties to the Instrument:** THOMAS J. SUMMERS, of 5055 Jupiter Hills, Drive, Idaho Falls, Idaho 83401, together with his wife, MERNAL L. SUMMERS, and FORREST L. SUMMERS, of 844 Dennis Circle, Idaho Falls, Idaho 83401, together with his wife, SHARIE L. SUMMERS as "Sellers";

FOSTER Company, an Idaho general partnership composed of Boyd Foster and Laurie Foster, P.O. Box 626, Ririe, Idaho 83443 as "Buyer"; and

CHARLES B. SUMMERS, of 108 North 3500 East, Rigby, Idaho 83442, together with his wife, JANET SUMMERS, as "Exchanger".

2. **Title and Date of the Instrument:** "Real Estate Purchase and Exchange Contract," dated December 1, 2012
3. **Description of Interest in Real Property Created by the Instrument:** among other things, as set forth above, the said Contract creates a purchase right and the right to immediate occupancy, subject to performance of the covenants contained therein, in favor of the "Buyer," with regard to the real property described therein and on Exhibit A1 hereto, owned by the Sellers, on the terms and conditions set forth in the Contract.

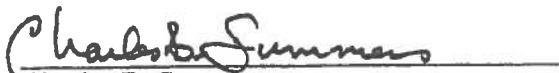

Thomas J. Summers


Merna L. Summers


Forrest L. Summers


Sharie L. Summers

"SELLERS"


Charles B. Summers


Janet Summers

"EXCHANGER"

THE FOSTER COMPANY

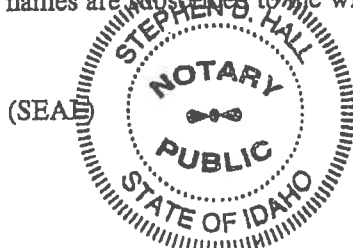
By: *Boyd Foster*
Boyd Foster, General Partner

By: *Laurie Foster*
Laurie Foster, General Partner

"BUYER"

STATE OF IDAHO)
) ss.
County of Bonneville)

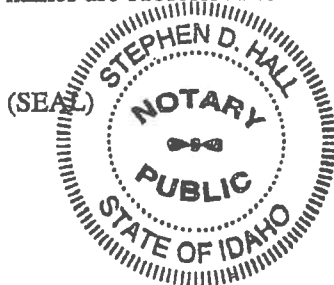
On April 8, 2013, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Thomas J. Summers and Merna L. Summers, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stephen D. Hall
Notary Public for State of Idaho
Residing at: *Ammon*
My Commission Expires: 7-10-2016

STATE OF IDAHO)
) ss.
County of Bonneville)

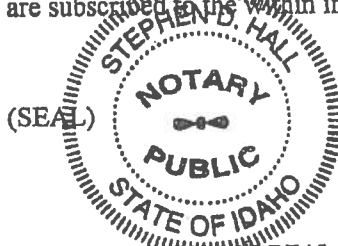
On April 8, 2013, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Forrest L. Summers and Sharie L. Summers, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stephen D. Hall
Notary Public for State of Idaho
Residing at: *Ammon*
My Commission Expires: 7-10-2016

STATE OF IDAHO)
) ss.
County of Bonneville)

On April 8, 2013, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Charles B. Summers and Janet Summers, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stephen D. Hall
Notary Public for State of Idaho
Residing at: *Ammon*
My Commission Expires: 7-10-2016

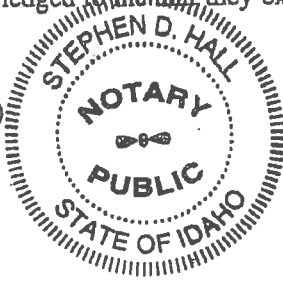
STATE OF IDAHO

County of Bonneville)

) ss.

On April 8, 2013, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Boyd Foster and Laurie Foster, known to me to be general partners in the partnership known as The Foster Company, and the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in such partnership name.

(SEAL)



Stephen D. Hall

Notary Public for State of Idaho

Residing at: *Ammon*

My Commission Expires: *7-10-2016*

Amended Exhibit A1

**DESCRIPTION OF PROPERTY
BEING SOLD TO BUYER**

<u>No and Common Name</u>	<u>Assessor's Parcel No. Legal Description</u>	<u>Crop Acreage</u>
1. Beasley	RP03N41E24002	145.09 acres
Township 3 North, Range 41 E.B.M., Bonneville County, Idaho. Section 24: The Northeast Quarter (NE¼) and that portion of the Northwest Quarter (NW¼) described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Section 24, and running thence West along the Section line to the East right of way line of the Old Roosevelt Highway; thence following the East right of way line of said highway in a Southeasterly direction to the East line of said Quarter Section; thence North along the East line of the Quarter Section to the point of beginning. EXCEPTING THEREFROM: Right of Way of U.S. Highway 26, Project No. F6501(2) Highway Survey		
2. Terril	RP03N41E247201	153.00 acres
SE¼ of Section 24, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho		
3. Diamond	RP03N41E250002	160.00 acres
N½NE¼, SE¼NE¼, NE¼SE¼, all in Section 25, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho		
4. Parks & Diamond	RP03N41E251201	160.00 acres
SW¼ NE¼, W½SE¼, SE¼ SE¼, all in Section 25, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho		
9. Christenson 1	RP03N42E294813	8.20 acres
Christenson 2	RP03N42E295402	54.59 acres
That portion of the SW¼ of Section 29, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, lying West of the center line of the Little Pine Creek Road including said Little Pine Creek Road's extension North of U.S. Highway No. 26.		
SUBJECT TO: State of Idaho Easement No. 2220 and State of Idaho Oil and Gas Lease No. 6244; and also subject to a reservation to the State of Idaho and/or its assigns of a road right-of-way for the existing road known as the Little Pine Creek Road as it traverses both Northerly and Southerly from U.S. Highway 26.		
13. West End Christensen	RP03N42E307202	143.26 acres
SE¼, less and excepting therefrom that portion of the S½SE¼ SE¼ lying South of the centerline of a farm road lying generally along the North boundary of the S½SE¼ SE¼, and East of the centerline of the eastern most permanent erosion swale located in said S½SE¼ SE¼, all in Section 30, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho		
14. North End Center P	RP03N42E310022	43.00 acres
15. Middle Center P	RP03N42E311217	45.26 acres
16. South End Center P	RP03N42E314810	19.89 acres
Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho That portion of the Southwest Quarter (SW¼) and the Northwest Quarter (NW¼) and the Northeast Quarter (NE¼) of said section lying between the center line of the two		

permanent erosion swales.

BUT LESS AND RESERVING TO THE SELLERS AND THE EXCHANGER, in equal undivided one-third interests as currently owned, the following described parcel, which forms part of the Beasley Parcel described above:

A Parcel of Land Situated in Bonneville County, State of Idaho, Township 3 North, Range 41 East of the Boise Meridian, Section 24, more particularly described as follows: Beginning at the Northeast Corner of Section 24, Township 3 North, Range 41 East, B.M. Thence S00°00'00"W along the West line of said Section 24 for a Distance of 1080.57 Feet to the Centerline of the F.A.P. No. 140A, said point being the True Point of Beginning. Thence S00°00'00"W along the West line of said Section 24 for a Distance of 642.06 Feet to the Northerly Right-of-Way line of F.A.P. No. F-6501(2); thence N43°32'07"W along said Northerly Right-of-Way for a distance of 266.86 feet to the beginning of a Non-Tangent Curve Left; thence along said Curve, Delta=07°45'19" Radius=8285.11' Arc=1121.43' for a Chord Distance of 1120.57 Feet and a Chord Bearing of N47°25'50"W to the Centerline of the F.A.P. No. 140A; thence S85°15'31"E along said Centerline for a distance of 379.89 feet to the beginning of a Tangent Curve Right; Thence along said Curve, Delta=29°12'06" Radius=955.00' Arc=486.73' for a Chord Distance of 481.48 feet and a Chord Bearing of S70°39'28"E; thence S56°03'25"E for a distance of 212.37 feet to the True Point of Beginning. Containing 8.38 Acres More or Less.

Sellers and Exchanger, jointly, hereby retain two Division Rights of less than 10 acres ("DR") with regard to the above-described exception parcel. Neither Sellers nor the Exchanger are transferring to the Buyer any DR nor Building Permit for Single Family Dwellings ("BP for SFDs") with regard to the parcel out of which the above-described exception parcel has been taken, but transfer said two DRs from the parcel out of which the exception parcel is taken onto the exception parcel.

QUITCLAIM DEED

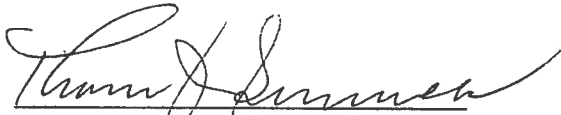
THIS INDENTURE, made this 18th day of NOVEMBER, 2013, between **THOMAS J. SUMMERS** as Grantor and **FOSTER COMPANY** Grantees whose current address is 400 Market Street, P.O. Box 626, Ririe, ID 83443.

WITNESSETH that said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantees, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantees and to their heirs and assigns all that certain **WATER RIGHTS** lying and being in, County of Bonneville, State of Idaho, bounded and particularly described as follows, to wit:

Water Right No. 23-11333

TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances, unto the Grantees and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.


Thomas J. Summers

Instrument # 1461431

IDAHO FALLS, BONNEVILLE, IDAHO

11-18-2013 03:07:20 No. of Pages: 1

Recorded for : FOSTER COMPANY

RONALD LONGMORE

Fee: 10.00

Ex-Officio Recorder Deputy

Index to DEED, WARRANTY

SJ

State of Idaho

ss

County of JEFFERSON

On this 18th day of NOVEMBER, 2013, before me, the undersigned, a Notary Public, in and for said State, personally appeared THOMAS J. SUMMERS, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to be within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL


Notary Public
Residing At: RIRIE-JEFFERSON
Commission Expires: 03-09-2018

JODY LYN NELSON
Notary Public
State of Idaho