

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77771

FEB 21 2012 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) SUMMERCO INC Phone 208-390-9314

Mailing address 750 HILLSIDE DRIVE REXBURG IDAHO 83440 Email SUMMERCOFARMS@GMAIL.

- ☒ 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 _____

- ☐ 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.

Rhett Summers
Signature of Applicant or Authorized Representative

Rhett Summers Secretary 2/21/12
Print Name and Title if applicable 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**. The well for 22-2191 is not capable of pulling the allowed diversion rate. The applicant will change the POD of diversion to a different well then install pipe to existing irrigation system to allow the diversion of entire water right for irrigation.

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STATE OF IDAHO
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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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	22-2191	3.38 cfs	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.38 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 3.38 cfs 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 #
			NW	SW	06N	40E	25	Madison	Ground water	
			SW	NW	06N	40E	36	Madison	Ground water	

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	

Total Acres (for irrigation use) _____

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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: _____

A mainline will be placed between an existing well in Sec. 25 of the NWSW quarter to an existing well in Sec 36 of the SWNW quarter, then attached to the irrigation system comprised of a pivot and wheel lines.

- 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: Not applicable

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:

Not applicable

- 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:

There are no overlapping rights, Water Permit #22-7515 is diverted from the same well in Sec 25 of the NWSW quarter.

- 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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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 22-2191

Current Owner: SUMMERCO MANAGEMENT INC

Priority Date: 11/15/1960

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.38 CFS	945 AF
	<u>Total Diversion</u>	3.38 CFS	945 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4NW1/4 Sec. 36, Twp 06N, Rge 40E B.M.
MADISON County

Place of Use

IRRIGATION Within MADISON County

T06N	R40E	S35	NESE	19.00	T06N	R40E	S35	SESE	18.00
T06N	R40E	S36	NENW	40.00	T06N	R40E	S36	NWNW	40.00
T06N	R40E	S36	SWNW	40.00	T06N	R40E	S36	SENW	35.00
T06N	R40E	S36	NWSW	40.00	T06N	R40E	S36	SWSW	38.00

Total Acres: 270

Conditions of Approval:

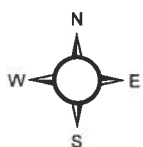
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 11/24/2008

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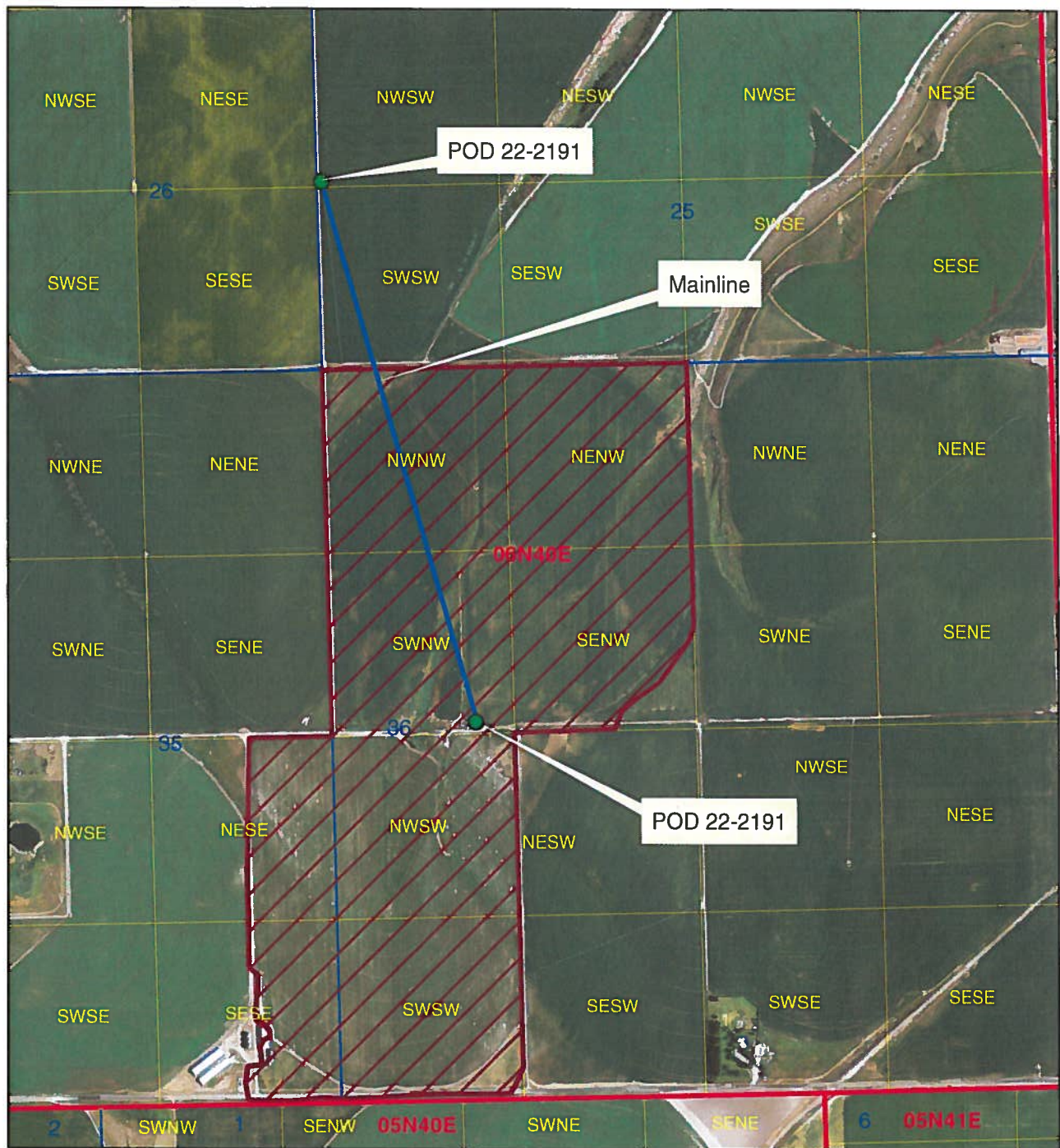
Existing Place of Use and Point of Diversion



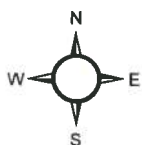
2011 Aerial Photography

0 0.075 0.15 0.3 Miles

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New Place of Use and Points of Diversion



2011 Aerial Photography

0 0.125 0.25 0.5 Miles

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No. C 158042	Due no later than Dec 31, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. SUMMERCO, INC. GARY D SUMMERS 27 N 3000 E SUGAR CITY ID 83448 USA		GARY SUMMERS 27 N 3000 E SUGAR CITY ID 83448			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	SHANNON L SUMMERS	27 N 3000 E	SUGAR CITY	ID	USA	83448
PRESIDENT	GARY D SUMMERS	27 N 3000 E	SUGAR CITY	ID	USA	83448
SECRETARY	RHETT H SUMMERS	750 HILLSIDE DR	REXBURG	ID	USA	83440
5. Organized Under the Laws of: ID C 158042		6. Annual Report must be signed.* Signature: Gary D. Summers Name (type or print): Gary D. Summers Date: 10/27/2011 Title: President				
Processed 10/27/2011		* Electronically provided signatures are accepted as original signatures.				

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