

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07491

Priority: May 20, 1985

Maximum Diversion Rate: 7.00 CFS

It is hereby certified that FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY ID 83448 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 20, 1985; and has
submitted Proof of Beneficial Use on December 24, 1990. An examination indicates that the works have
a diversion capacity of 13.16 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

7.00 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp 06N, Rge 40E, B.M., MADISON County

GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp 06N, Rge 40E, B.M., MADISON 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	
06N 40E 22		10.0	26.0						39.0	40.0	31.0	37.0		18.0	20.0		221.0
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	39.0	1.3	29.0	40.0	35.0	36.0		26.0	35.0	1.3					280.6

Total Acres: 1087.6

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. Right 22-2219 is also diverted through the point of diversion located within the NWSW, S27, T06N, R40E.

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3. Rights 22-2183, 22-2219 and 22-7491 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.
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 lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of March, 2006.


for **KARL J. DREHER**
Director