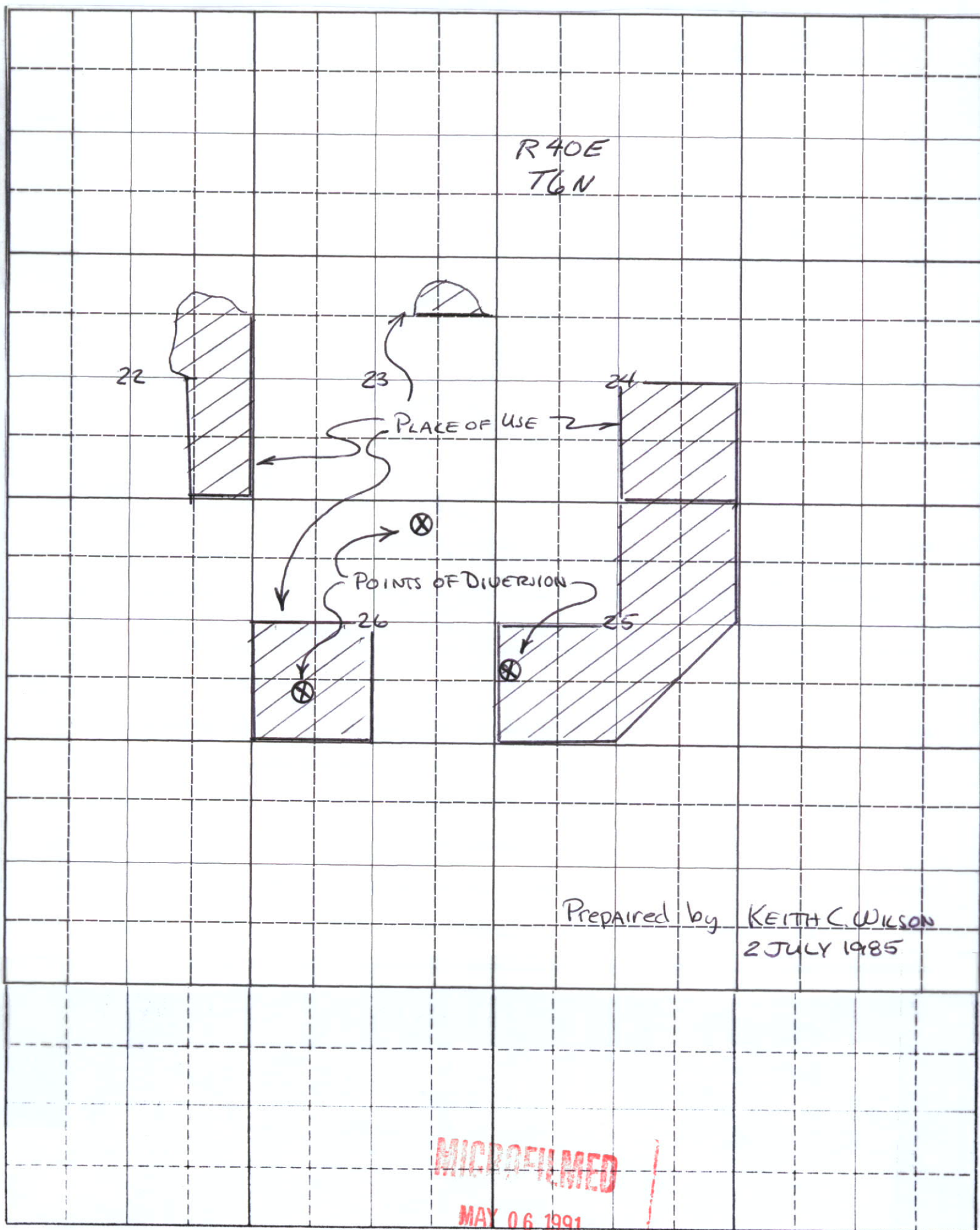


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



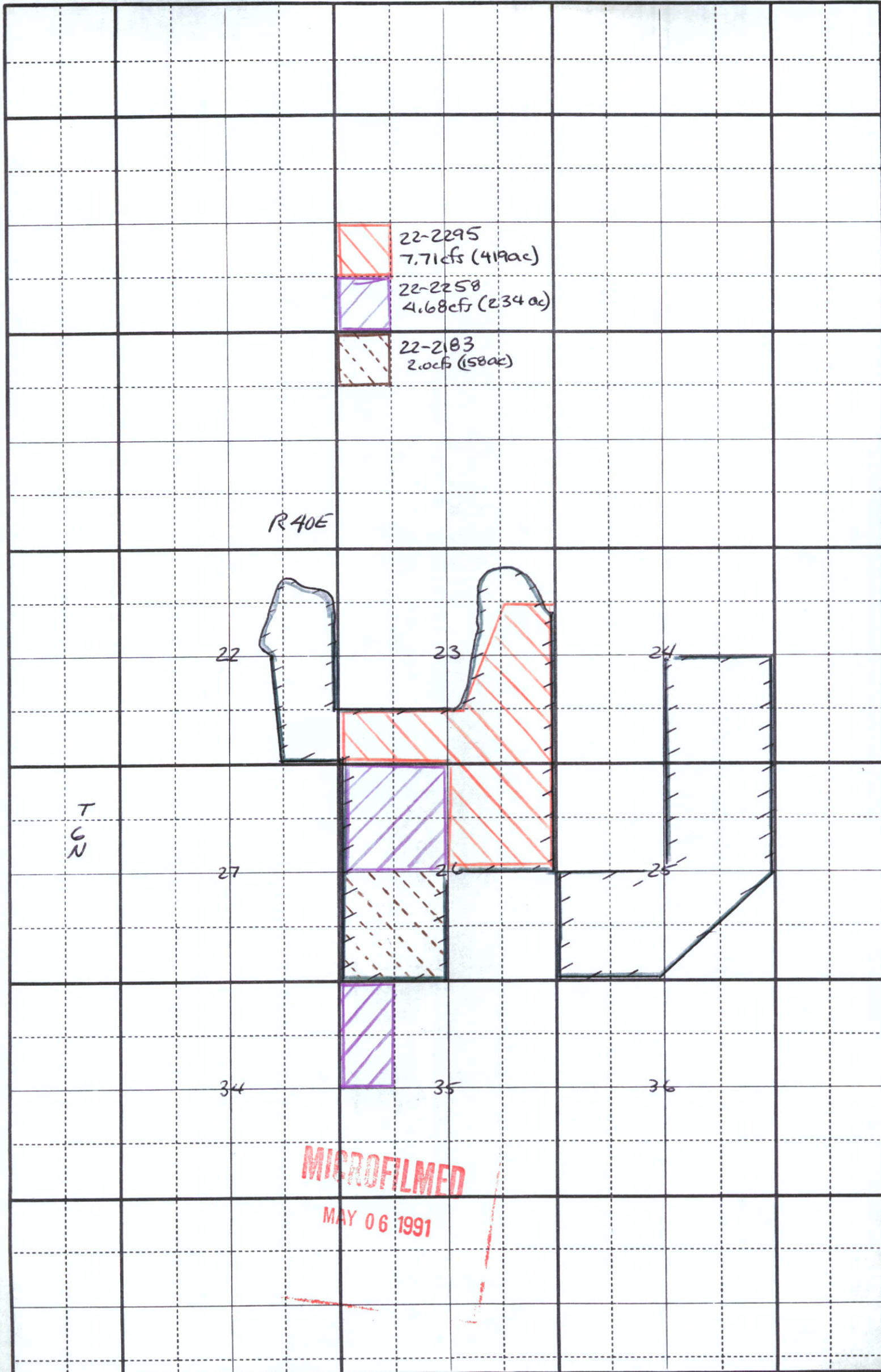
Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

6-28-85
Date

SUMMERCO, INC.

By: Gay Summer
(Applicant)



#22-2295

State of Idaho

WATER LICENSE

Water License No. G-28492 Date February 9, 1960 Amount 7.21 c.f.s.

THIS IS TO CERTIFY, that Roy & Ber Summers - Assignee - Roy Summers
of Rexburg, Idaho made application for a permit to appropriate the public waters of
the State of Idaho, dated February 9, 1960 that Permit G-28492 was issued pursuant
to said application; that the proposed works were completed on or about 1960
with a storage/or carrying capacity of 7.21 c.f.s. said works consisting of well,
pump, and motor and that on May 1, 1964

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1468
acre feet per season, with a maximum rate of diversion of 7.21 cubic feet per second of the waters
of ground water

for the purpose of irrigation from April 1 to October 31
and for _____ from _____ to _____ and for
_____ from _____ to _____

and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is
located in NW 1/4 NE 1/4 Sec. 26 T. 6 N R. 40 E B.M., and
other additional points _____ in the County of
Madison

and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1468 acre feet per year.

Description and location of place of use:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6 N</u>	<u>40 E</u>	<u>23</u>			<u>7</u>	<u>40</u>							<u>39</u>	<u>39</u>	<u>39</u>	<u>20</u>	<u>36</u>	<u>38</u>	<u>260</u>
		<u>26</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>													<u>159</u>

Total number of acres irrigated 419

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
30th day of January 1969

E. V. H. H.
State Reclamation Engineer

28492

State of Idaho

License and Certificate of Water Right

Water License No. G-28988 Priority August 29, 1960 Amount 2.0 c.f.s.

THIS IS TO CERTIFY that C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 29, 1960; that Permit No. G-28988 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 3rd day of September, 1965; and that on the 3rd day of September, 1965, C. A. HARRIS - Assignees - ROSS C., DON C., & EDWARD BYRON HARRIS of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-23988 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~on~~ on the 2nd day of April, 1968

The right hereby confirmed dates from August 29, 1960

The Point of Diversion is located

In the SW 1/4 SW 1/4, Sec. 26, Twp. 6 N., R. 40 E., B.M., Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

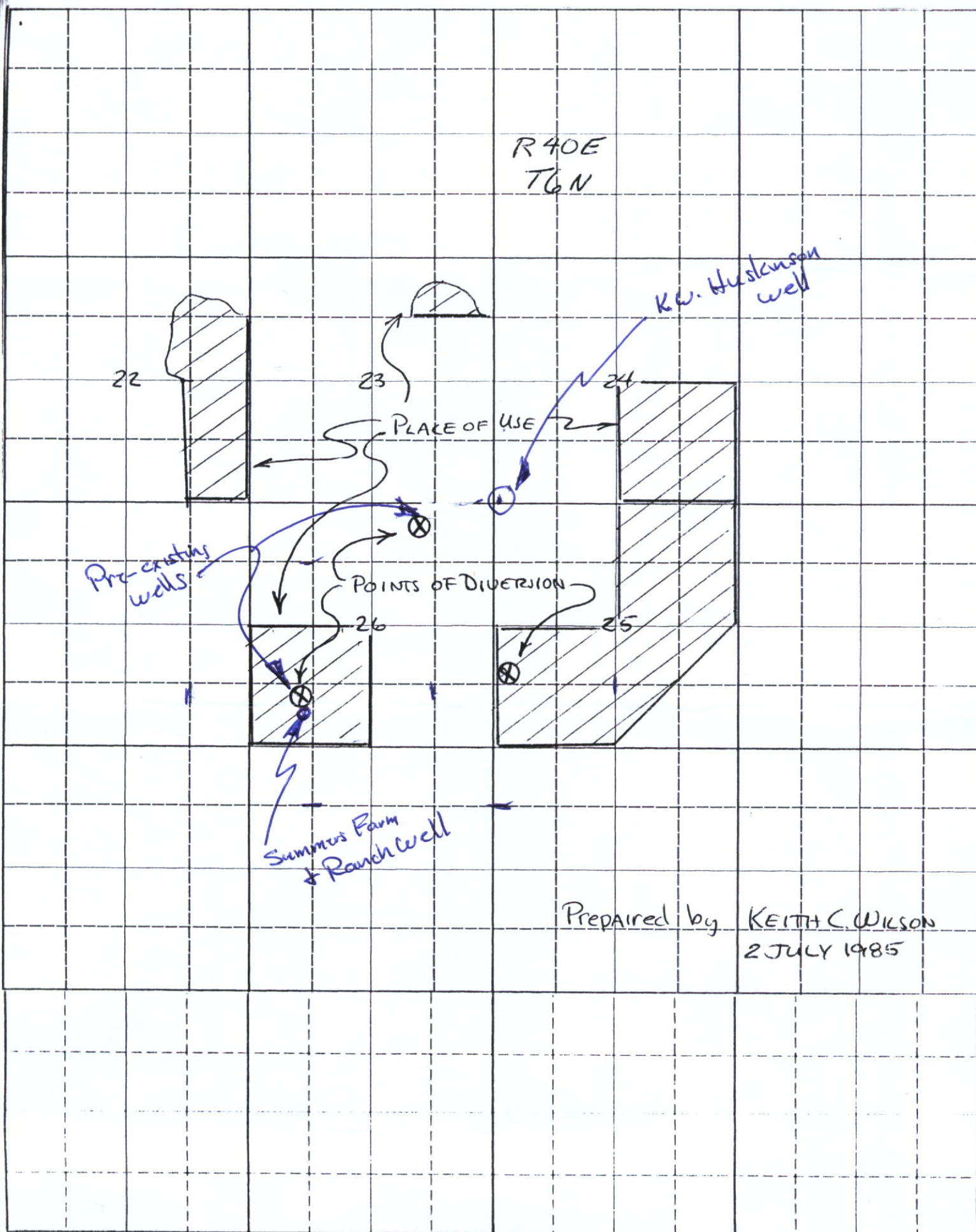
Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	40 E	26	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	39
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	39
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			Total acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 2nd day of April, 1968.

R. Keith Hogg
State Reclamation Engineer.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Prepared by KEITH C. WILSON
2 JULY 1985

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Date 6-28-85

MICROFILMED
MAY 06 1991

SUMMERCO, INC.

By: Way Summers (Applicant)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07515

Proposed Priority: June 28, 1985 Maximum Diversion Rate: 8.50 CFS
This is to certify, that **SUMMERCO INC.**
RT. 1
SUGAR CITY, ID 83448
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	8.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE	Sec. 26, Township 06N, Range 40E
SWSW	Sec. 26, Township 06N, Range 40E
NWSW	Sec. 25, Township 06N, Range 40E

MADISON County

<u>PLACE OF USE:</u> IRRIGATION						
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	40E	22	NENE 6	NWNE 2	SWNE 9	
			SENE 40	NESE 40	NWSE 6	
			SWSE 3	SESE 40		146
		23	NENE 12	NWNE 3		15
		24	NESE 40	NWSE 40	SWSE 40	
			SESE 40			160
		25	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 20	
			NWSE 40	SWSE 20		400
		26	NESW 40	NWSW 40	SWSW 40	
			SESW 40			160
Total number of acres irrigated:						881

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1992.**
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

RECORDED
MAY 06 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

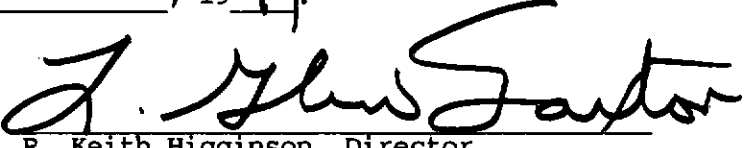
NO. 22-07515

CONDITIONS/REMARKS:

6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

25th day of April, 1991.

for 
R. Keith Higginson, Director

RECEIVED

MAY 06 1991

Identification No. _____

Application No. 22-7515

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Summerco, Inc., an Idaho corporation Phone: 356-7040
post office address c/o Kim D. Summers
Route 1, Sugar City, Idaho 83448
2. Source of water supply Subterranean ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 6 North
Range 40 E. B.M. Madison County; additional points of diversion if any: _____
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T6N, R40EBM; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T6N, R40EBM
- b. If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 8.5 cfs for irrigation purpose from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 8.5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing wells, pumps, switch panels,
mainlines, together with extension of mainlines and sprinkler pipes used in
connection with license no. G28492 and license no. 22-2258
(22-2295)
22-2295
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
- c. Proposed well diameter is 24" for all wells (Mo. Day) 340'-485' of all wells
inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

RECEIVED

MAY 06 1991

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	40 E	22	6	2	9	40									40	6	3	40	146
		23	12	3															15
		24													40	40	40	40	160
		25	40	40	40	40					40	40	40	40	20	40	20		400
		26									40	40	40	40					160

Total number of acres to be irrigated 881

- c. Describe any other water rights used for the same purposes as described above. 7.21 cfs from license no. G28492 with priority date 2-9-60 and 4.68 cfs from license no. 22-2258 with priority date 8-26-65. Said two licenses licensed two wells and those two wells/ pump the water into one interconnecting system for the watering of above lands and those describe
9. a. Who owns the property at the point of diversion Summerco, Inc. (the applicant) in licenses. herein)
- b. Who owns the land to be irrigated or place of use Summerco, Inc. (the applicant herein)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The above-described 881 acres has been irrigated since August 1, 1962, from the 3 irrigation wells located at the 3 above-described points of diversion include the same two wells and at the same two points of diversion as described in State of Idaho Water License No. 22-2295 G28492 and State of Idaho Water License No. 22-2258. Therefore, Applicant claims the benefit of the provisions contained in paragraph 7.D of the Swan Falls Framework Contract executed by the Governor and Attorney General of the State of Idaho and the Idaho Power Company, and reserves the right under any present or future Department of Water Resources rules and regulations, legislation and adjudication proceedings involving the Snake River and its tributaries to have "grandfathered" the rights claimed herein as of August 1, 1962.

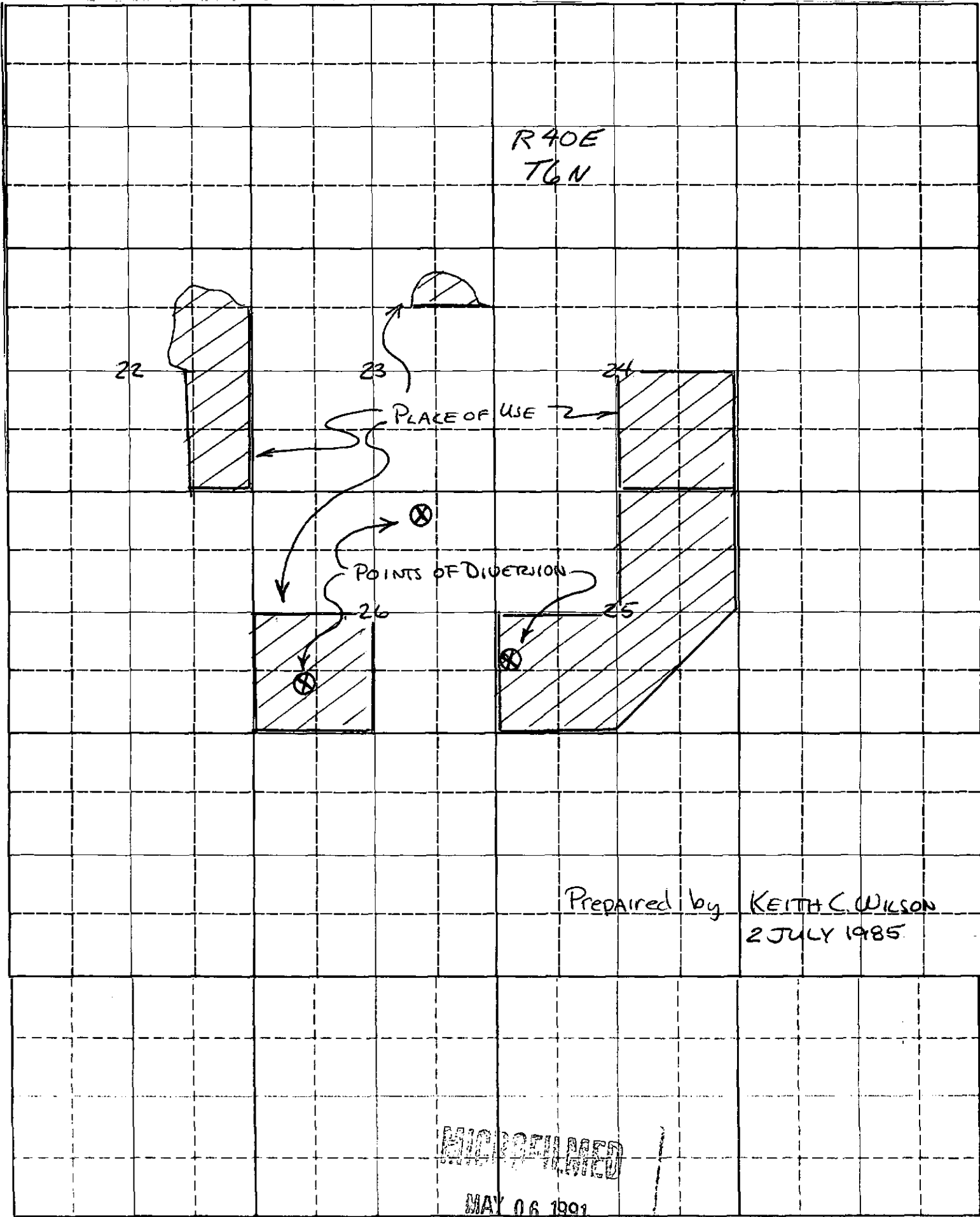
Gary Summers - Pres

Kim D. Summers - V.P.

RECEIVED

MAY 06 1991

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

6-28-85
Date

SUMMERCO, INC.

By: Gay Summer Pres
(Applicant)

Received by OW Date 6-28-85 Time 1:35
Preliminary check by KW Fee \$ 205.00
Receipted by OW Date 6-28-85 # 33398
Publication prepared by gg Date 8-2-85
Published in Lexburg Standard-Journal
Publication dates 10-19-26
Publication approved OW Date 11-06-89
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

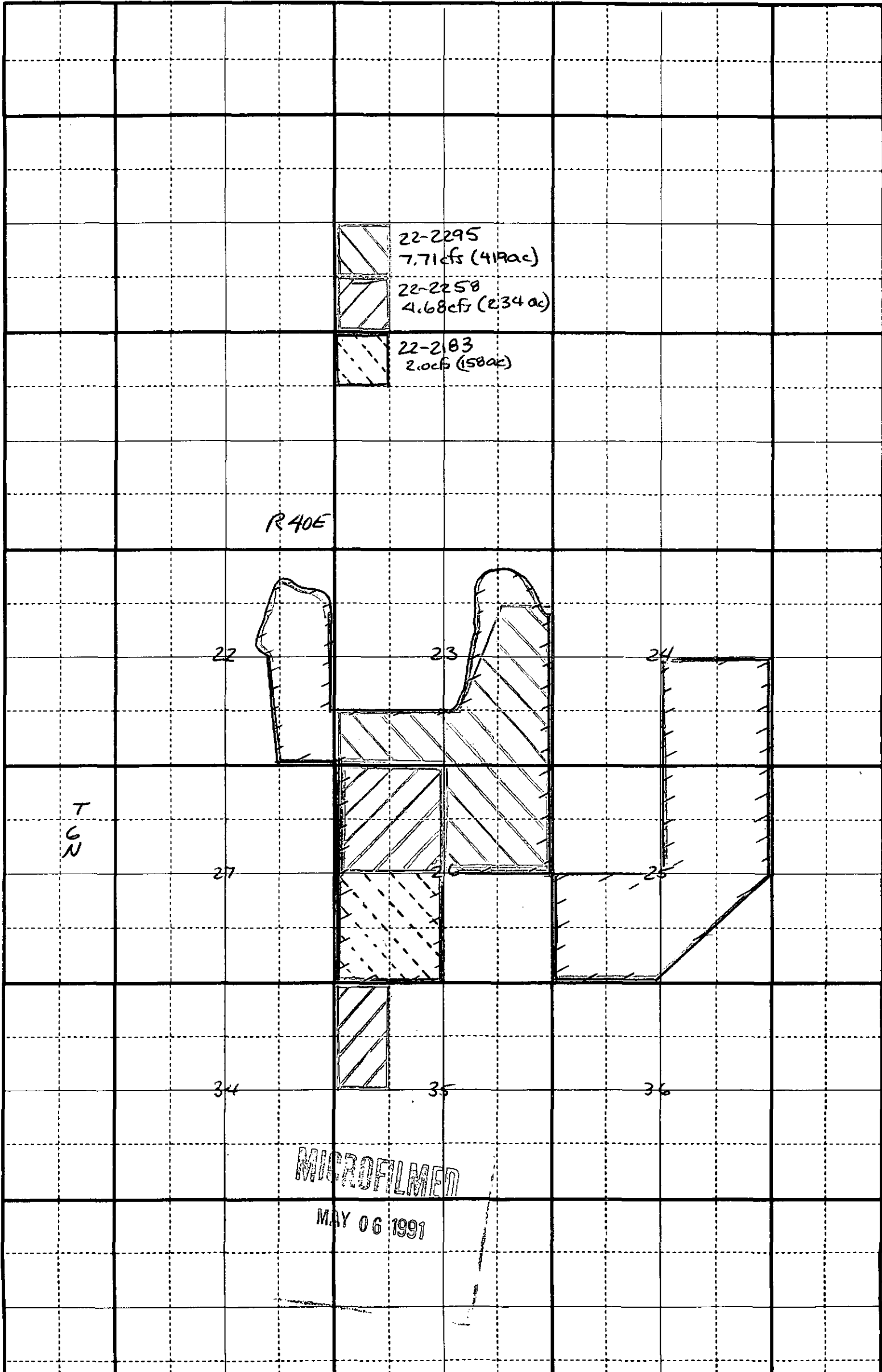
- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

RECEIVED
MAY 06 1991



WATER LICENSE

THIS IS TO CERTIFY that Roy & Earl Summers Assignee Roy Summers

Wendell Rexburg, Idaho

February 9, 1960

CONFIDENTIAL - C-28492

1960-1961

7-21-01-8

and working in the well

Page 19 of 24

1468

for the purpose of irrigation from April 1 to October 31.

from _____ and that the use

Record with map bearing number _____ according to the laws of _____ and hereby confirmed by the State Reclamation Engineer and Commissioner of Lands of the Idaho Department of Reclamation the point of direction is North _____ NW _____ NE _____ W _____ S _____ N _____ E _____ SE _____ SW _____

The section is _____

County of _____

Madison

that the amount of water, which such right is entitled to, shall be determined by the amount actually beneficially used.

for said purposes and shall not exceed 1468 acrs (out per year

Description and location of place of use

[illegible]

Total number of acres irrigated 419

right to the use of the water hereby confirmed is restricted to the lands or place of use herein described.

ded by the laws of Idaho

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

day of January 1944

19.69

affixed at Boise, Idaho
R. Kelly
 State Registrar

~~State-Registered Engineer~~

State of Idaho

License and Certificate of Water Right

Water License No. G-28988

Priority August 29, 1960

Amount 2.0 c.f.s.

THIS IS TO CERTIFY that C. A. HARRIS, Assignees - ROSS C. DONIC, & EDWARD BYRON HARRIS

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho dated August 29, 1960, that Permit No. G-28988 was issued under said application, that Certificate of Completion of Works with a carrying capacity of 2.0 c.f.s. second feet was issued thereunder on the April 2, 1968, showing that said works were completed on the 3rd day of September, 1965, and that on the 3rd day of September, 1965, C. A. HARRIS, Assignees - ROSS C. DONIC, & EDWARD BYRON HARRIS

of Rexburg, Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho of a right to the use of the waters of the well

tributary of a subterranean flow for the purpose of irrigation under Use Permit No. G-28988 of the Department of Reclamation, and

that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 1 of Records at Boise on the 2nd day of April, 1968.

The right hereby confirmed dates from August 29, 1960.

The Point of Diversion is located in the SW 1/4 SW 1/4 Sec. 26, Twp. 6 N., R. 40 E., B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 c.f.s. cubic feet per second.

Description and location of use:

Section	Acres	Acres	Acres	Acres
NE 1/4 SW 1/4	40	40	40	40
NW 1/4 SW 1/4	40	40	39	39
SW 1/4 SW 1/4	40	40	39	39
SE 1/4 SW 1/4	40	40	40	40
Total acres to be irrigated:			158	158

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 2nd day of April, 1968.

R. V. H. H. State Reclamation Engineer

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32500/22-2258 Priority August 28, 1985 Amount 4.68 cfs

THIS IS TO CERTIFY, that Ross C. Harris, Don C. Harris, Edward Byron Harris
of Rexburg, Idaho have, ~~xxx~~ complied with the terms and conditions of Permit

No. 32500/22-2258 issued pursuant to Application for Permit dated August 28, 1965

and has submitted proof to the Department of Water Administration on June 11, 1970

that he has applied water to a beneficial use; an examination by the Department indicates that the

works have a capacity of 5.38 cfs and that the water has in fact been applied to a

beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:

Amount 4.68 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 4.68 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW1/4 Sec. 28, Twp. 6 N, Rge. 40 E, B.M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 819 acre feet per year or
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 N	40 E	26					39	39	39	38									155
		35					39.5	39.5											79

Total number of acres irrigated 234

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of

June, 19 72

RECEIVED

MAY 06 1991

[Signature]
Director

22-2258

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on October 19, 1989 and the last publication having been made on October 26, 1989

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston
STATE OF IDAHO)
COUNTY OF MADISON)

On this 27th day of October in the year of 1989, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Charles M. Paul
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER PERMIT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-07507
SMITH, RICHARD F.
P.O. BOX 8
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 28 T 06N R 40E NESW Sec 33 T 06N R 40E
Use: IRRIGATION (3.200 CFS)
Date Filed: 6/28/1985
In: T06N R40E S32 NENE SENE NESE
SESE 160.0 ACRES TOTAL

22-07509
SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SENE Sec 21 T 06N R 40E
Use: IRRIGATION (2.860 CFS)
Date Filed: 7/01/1985
In: T06N R40E S21 NWNE SWNE
NWSE SWSE SESE 143.0 ACRES
TOTAL

22-07510
SMITH, JOHN H.
RT. 4 BOX 11
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWNE Sec 28 T 06N R 40E
Use: IRRIGATION (3.200 CFS)

Date Filed: 7/01/1985
In: T06N R40E S21 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

22-07511
WOOD BROTHERS FARMS
P.O. BOX 482
REXBURG, ID. 83440
Source: GROUNDWATER
Diversion Pt: NWSE Sec 10 T06N R 41E
Use: IRRIGATION (1.300 CFS)
Date Filed: 6/28/1985
In: T06N R41E S03 SWSW SESW 65.0
ACRES TOTAL

22-07512
BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID. 83401
Source: GROUNDWATER
Diversion Pt: SESW Sec 35 T 06N R 41E

Use: IRRIGATION (7.000 CFS)
Date Filed: 6/27/1985
In: T05N R41E S01 NWNW SWNW
SENE NESW NWSW SWSW SESW S02
NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW
SWSW SESW NESE NWSE SESE
SESE S03 NENE SENE NESE S11
NENE NWNE S12 NENW NWNW T06N
R41E S34 SWNE SENE NESW SESW
NESE NWSE SWSE SESE S35 NENE
SWNE SENE SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE 1568.0 ACRES TOTAL

22-07515
IDAHO CORP.
SUMMERCO INC.
RT. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: NWSW Sec 25 T 06N R 40E NWNE Sec 26 T 06N R 40E SWSW
Sec 26 T 06N R 40E
Use: IRRIGATION (8.500 CFS)
Date Filed: 6/28/1985
In: T06N R40E S22 NENE NWNE
SWNE SENE NESE NWSE SWSE SESE
S23 NENE NWNE S24 NESE NWSE
SWSE SESE S25 NENE NWNE SWNE
SENE NESW NWSW SWSW SESW
NESE NWSE SWSE S26 NESW NWSW
SWSW SESW 881.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted

RECEIVED

NOV 5 1989

Department of Water Resources
Eastern District Office

Suite 15, Idaho Falls, Idaho 83404
before NOVEMBER 6, 1989.
R. KEITH HIGGINS

Publ. Oct. 19 and 26, 1989SJ.

MICROFILMED

MAY 06 1991

May 1, 1992

SUMMERCO INC.
27 N 3000 E
SUGAR CITY ID 83448

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07515

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 15 1992

RECEIVED
APR 24 1992

OFFICE USE ONLY

Amt. of Fee \$ 300.00Date 4-23-92Receipt No. FO17193Receipt by HWS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07515 Telephone No. (208) 356-9314
 2. Name(s) of Permit Holder(s): Summitco Inc
 3. Mailing Address: 27 N 3000 E Sugar City, ID 83448
 4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: NA Date Drilled: 1960's

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 727 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 8.50 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ____ Yes X No Installed? ____ Yes ____ No

OR

Flow Measurement Port: Required? X Yes ____ No Installed? ____ Yes ____ No

8. Fee Enclosed: \$ 300.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Gary Sumner Telephone No. 356-7803 or -9314

Address See above

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

MAY 15 1992

4-23-92

Date

Gary Sumner
Signature (and title, if on behalf of a company or organization)

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07515

Reviewed by Klg

Date 4/27/92

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 727
Correct Uses? yes

SOURCE OF WATER

 Surface water source
✓ Ground water source

NA Drilling permit required?
1960's Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
300 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address 27 N 3000 E 4/27/92 Klg

needs a flow
Proof Made 4/24/92
5/1/92 Klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 20, 1992

Mr. Gary Summers
27 North 3000 East
Sugar City, ID 83448

Dear Mr. Summers:

It was a pleasure talking to you last Friday afternoon. In reference to that conversation, I have done some research on your water rights. I hope to clear up some of the confusion with this letter. Listed below are your water rights and any current information relating to them:

G28492 - Roy and Bert Summers - New no. is 22-02295

G29709 - Roy Summers - New no. is 35-02662

G30353 - Roy Summers - Relinquished on 6/9/65 (attached)
This water right is no longer in force.

22-02258 - Still under the name of Ross, Don, and Byron
Harris.

22-07515 - I have attached copies of all the paperwork
in the file.

Gary, I hope this will clear up any confusion. Please understand that you still need to file proof of beneficial use on permit no. 22-07515 on or before May 1, 1992.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED
MAY 15 1992

February 28, 1992

SUMMERCO INC.
RT. 1
SUGAR CITY ID 83448

PROOF DUE NOTICE

RE: PERMIT NO. 22-07515

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1992.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

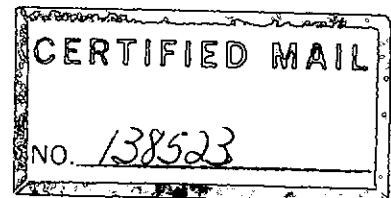
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MAILED
MAY 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 3, 1991

SUMMERCO INC.
RT. 1
SUGAR CITY, ID 83448

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07515

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

Enclosures

1 FILMED

MAY 06 1991

APPLICATION FOR PERMIT REVIEW

Application #: 22-7515
Date: 4-23-91

Reviewer: Pam Skaggs

- ✓ Existing:
 - No - 26A-P17
 - Complete in 1 year - P16
- ✓ Yes
 - ✓ Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - ✓ GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 - LT. 0.7 cfs - N/A
- ✓ Drilling Permit:
 - Approved w/permit - P99
 - ✓ Not included - 046-P23(All GW, even existing wells)
- ✓ Location:
 - ✓ Water Districts - WD No. 01
 - Surface water - 005, 005-01H-P01(LT.7 w/pump)
 - 005-01J-P08(GT.7)
 - ✓ Groundwater *Existing* - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - 1 (1, Blank or Other)
 - Trust - ~~051-052-053-P74~~(Cons.), 041(DCMI, w/Irr
 - Non Trust - 048-049 or Irr & Dom)
- River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
- Use:
 - Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054(req.)
 - Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
- Ownership:
 - Non land owner - 004
- Protested:
 - Agreement - 020
- Minimum Stream Flow:
 - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 05-01-1992
- Other Conditions Recommended

MICROFILMED

MAY 06 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 22-7515/Rule 4,5,3. Information

DATE: 4-9-91

I have reviewed this application in connection with prior development and information submitted for Water Appropriation Rule 4,5,3.

On both the original application and in submitting the rule 4,5. information, the applicant claims that the development represented by the above application was completed in 1962 and has been in use since that time. Over 500 of the 881 acres listed on the application and one of the wells described under this application have been claimed under SRBA claim no A22-10777 with a 1962 priority date. Without further researching or confirmation of prior development, I believe that the use under this application has been complete long enough that many of the concerns that would have been resolved by submittal of the information should already have surfaced. The rule 4,5. information in this case is less critical than an undeveloped use. The limited rule 4,5. information submitted by the applicant is therefore acceptable.

I recommend continued processing of this filing.

RECEIVED
MAY 06 1991

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM	
2207515	EAMES	D	TETON RIVER	06N	40E	22	X	X	X	:	:	:	:	:	160	
2200235	EAMES	D	TETON RIVER	06N	40E	22	X	X	X	:	:	:	:	:	205	
2200236	HUSKINSON	L	GROUNDWATER	06N	40E	22	:	:	:	:	40	40	40	40	265	
2202166	SUMMERS	L	GROUNDWATER	06N	40E	22	10	23	:	:	35	38	29	36	146	
2202219	FRANK SUMMERS INC.	P	GROUNDWATER	06N	40E	22	10	35	:	:	40	40	40	40	591	
2207491	SUMMERCO INC.	A	GROUNDWATER	06N	40E	22	6	2	9	40	:	:	:	:	591	
2207515	1986 MAPPING DATA	---	COUNTY 65 QUAD W	95	06N	40E	22	39	35	33	36	:	39	40	36	
2207515																
2207515	PARKINSON	L	GROUNDWATER	06N	40E	23	3	39	30	:	:	39	40	39	40	322
2202177	PARKINSON	L	GROUNDWATER	06N	40E	23	3	39	30	:	:	39	40	39	40	322
2202224	SUMMERS	L	GROUNDWATER	06N	40E	23	:	7	40	:	:	39	39	:	260	
2202295	SUMMERCO INC.	A	GROUNDWATER	06N	40E	23	12	3	:	:	:	39	38	39	15	
2207515	1986 MAPPING DATA	---	COUNTY 65 QUAD W	95	06N	40E	23	35	38	36	37	:	38	39	605	
2207515																
2207515	HUSKINSON	L	GROUNDWATER	06N	40E	24	34	30	20	35	:	:	30	30	257	
2207047	HUSKINSON	L	GROUNDWATER	06N	40E	24	:	:	:	:	:	35	40	40	155	
2207082	HUSKINSON	P	GROUNDWATER	06N	40E	24	9	:	:	:	:	10	10	:	29	
2207498	SUMMERCO INC.	A	GROUNDWATER	06N	40E	24	:	:	:	:	:	40	40	40	160	
2207515	1986 MAPPING DATA	---	COUNTY 65 QUAD W	95	06N	40E	24	38	35	26	37	:	39	39	594	
2207515																
2207515	BEESLEY	L	GROUNDWATER	06N	40E	25	:	:	:	:	:	:	:	10	59	
2202187	HUSKINSON	L	GROUNDWATER	06N	40E	25	:	:	:	:	:	40	40	40	156	
2207082	SUMMERCO INC.	A	GROUNDWATER	06N	40E	25	40	40	40	40	:	40	40	40	400	
2207515	1986 MAPPING DATA	---	COUNTY 65 QUAD W	95	06N	40E	25	37	37	39	38	:	39	42	621	
2207515																
2207515	HARRIS	L	GROUNDWATER	06N	40E	26	:	:	:	:	:	40	39	39	158	
2202183	HARRIS	L	GROUNDWATER	06N	40E	26	:	:	:	:	:	39	39	39	155	
2202258	SUMMERS	L	GROUNDWATER	06N	40E	26	40	39	40	40	:	:	:	:	159	
2202295	HUSKINSON	L	GROUNDWATER	06N	40E	26	:	:	:	:	:	40	40	40	155	
2207082	FRANK SUMMERS INC.	P	GROUNDWATER	06N	40E	26	:	:	:	:	40	40	40	40	320	
2207491	SUMMERCO INC.	A	GROUNDWATER	06N	40E	26	:	:	:	:	40	40	40	40	160	
2207515	1986 MAPPING DATA	---	COUNTY 65 QUAD W	95	06N	40E	26	42	40	40	36	:	37	39	629	
2207515																

MICROFILMED

MAY 06 1991

SE 1/4 sec 24; NE 1/4, SW 1/4, 74 Acres in SW 1/4 sec 25 claimed under SABA A 22-10777.
 W/1962 priority.
 same POD = sec 26 NW NE

Permit 22-7515

4,5,3,1,2 See attached map

4,5,3,13 Employing low pressure pivots & Flow control nozzles on handlines. System has been in place on this ground since 1962

4,5,3,2,1 General use starts April 15 & runs to Oct. 15
Peak use period is July 1 thru July 7th
Consumptive use is approx 1762 afa while
at pumped per season is; $8.5 \text{ cfs} \times 180 \text{ days} \times 1.9835 = 3034 \text{ afa}$. Diversion rate at peak is 8.5 cfs.

4,5,3,2,2 See attached well log

4,5,3,4,2 Two wells exist with 4 Pivots (133 acrs each)
& 1 Pivot (30 acrs) & approx. 15 handlines.
Total cost in 1962 was approx. \$100,000.

MICROFILMED

MAY 06 1991

Summers Inc.
Tim R. Summers (V.P.)

22-6877

DAILY DRILLING REPORT

NAME OF FARM <i>Summer Brothers</i>	WELL NO. <i>1</i>	SECTION	TWP.	RANGE
--	----------------------	---------	------	-------

Date *Feb. 5*, 195*9*

	FROM DEPTH OF	TO DEPTH OF	FORMATION AND ADDITIONAL REMARKS
MORNING TOWER	<i>Ad 26</i> Feet	<i>moving</i> Feet	<i>To Summers</i>
	<i>27</i>	<i>Rigging up</i>	
	<i>28</i>	<i>"</i>	
	<i>29</i>	<i>"</i>	
	<i>Set 31</i>	<i>out</i>	<i>Started to gravel</i>
Name of Tool Dresser _____ Driller Sign Here _____			
DAYLIGHT TOWER	<i>0 31</i> Feet	<i>8</i> Feet	<i>Top soil</i>
	<i>8</i>	<i>50</i>	<i>Gray Sand Stone Med.</i>
	<i>Nov 2 50</i>	<i>70</i>	<i>Sandy Sand Stone</i>
	<i>70 3</i>	<i>80</i>	<i>Brown Sand Hard</i>
Name of Tool Dresser _____ Driller Sign Here _____			
AFTERNOON TOWER	<i>80</i> Feet	<i>86</i> Feet	<i>Brown clay crevice 9 ft. below</i>
	<i>86-4 1/2</i>	<i>95</i>	<i>Brown or Red Sandy Cinders</i>
	<i>Nov 5 95</i>	<i>130</i>	<i>Cinders & Limestone</i>
	<i>(Shot)</i>	<i>Cancelled 5 yd. & Shot at 120 125 125</i>	
Name of Tool Dresser _____ Driller Sign Here _____			

255 CUT BANK PIONEER PRESS PRINT.

DAILY DRILLING REPORT

NAME OF FARM <i>Summer Bros.</i>	WELL NO. <i>1</i>	SECTION	TWP.	RANGE
-------------------------------------	----------------------	---------	------	-------

Date *Feb. 5*, 195*9*

	FROM DEPTH OF	TO DEPTH OF	FORMATION AND ADDITIONAL REMARKS
MORNING TOWER	<i>Jan 3</i> Feet	<i>waiting</i> Feet	<i>on Test Pump</i>
	<i>Jan 4</i>	<i>run</i>	<i>" 160 ft test pump</i>
	<i>Jan 5</i>	<i>run</i>	<i>" 315 test Pump</i>
	<i>and made test Static Water Level 270</i>		
Name of Tool Dresser _____ Driller Sign Here _____			
DAYLIGHT TOWER	<i>Continued</i> Feet	<i>pumping</i> Feet	<i>at 1750 P.M. for 2 hrs</i>
	<i>Making 16</i>	<i>80 gal. per min.</i>	<i>had no draw down</i>
	<i>water clear.</i>	<i>water Temp. 54°</i>	<i>Tested by</i>
	<i>Med Brown Co.</i>	<i>Idaho Falls, Idaho</i>	
Name of Tool Dresser _____ Driller Sign Here _____			
AFTERNOON TOWER	<i>330</i> feet	<i>of hole @ 10. = per ft.</i>	<i>3300. =</i>
	<i>waiting</i>	<i>on test pump, running & pulling</i>	<i>100. =</i>
	<i>"</i>	<i>"</i>	<i>3400. =</i>
	<i>"</i>	<i>"</i>	<i>3500. =</i>
Name of Tool Dresser _____ Driller Sign Here _____			

255 CUT BANK PIONEER PRESS PRINT.

MAY 06 1959

DAILY DRILLING REPORT

NAME OF FARM Summers Brothers	WELL NO. 1	SECTION	TWP.	RANGE
----------------------------------	---------------	---------	------	-------

Date Nov 23 11am, 1951

MORNING TOWER	FROM DEPTH OF	TO DEPTH OF	FORMATION AND ADDITIONAL REMARKS
	130 Feet	155 Feet	Lava Gray
	155 "	175 "	Sanders black & gray
	175 "	190 "	Long Gray 190 cranes
	Put in 3 1/2 yd gravel and cement		
Name of Tool Dresser			Driller Sign Here
DAYLIGHT TOWER	190 Feet	200 Feet	Black Lava Hard
	200 "	220 "	Brown Sanders
	220 "	285 "	Brown Gray & red Lava very Hard
	285 188 Soft spot seep of water		
	water falls up to 278		
Name of Tool Dresser			Driller Sign Here
AFTERNOON TOWER	286 Feet	305 Feet	Black Lava Sandy very Hard
	305 "	307 "	Soft broke
	307 "	315 "	Black Lava very Hard
	315 "	317 "	very Hard Still Sherry Shays
	317 "	330 "	Sandstone black soft fine stone
Name of Tool Dresser			Driller Sign Here

255 CUT BANK PIONEER PRESS PRINT

DAILY DRILLING REPORT

NAME OF FARM Summers Bros.	WELL NO. 1	SECTION	TWP.	RANGE
-------------------------------	---------------	---------	------	-------

Date Feb, 1961

MORNING TOWER	FROM DEPTH OF	TO DEPTH OF	FORMATION AND ADDITIONAL REMARKS
	Feet	Feet	I, Summers Bros. accept
	"	"	this well, same is completed
	"	"	and grant Lee Harris, Drilling
	"	"	Contractor the right to tear
Name of Tool Dresser			Driller Sign Here
DAYLIGHT TOWER	Feet	Feet	down and move off location
	"	"	
	"	"	
	"	"	
	"	"	Toy Summers
Name of Tool Dresser			Driller Sign Here
AFTERNOON TOWER	Feet	Feet	
	"	"	
	"	"	
	"	"	
	"	"	
Name of Tool Dresser			Driller Sign Here

RECORDED
MAY 06 1961

255 CUT BANK PIONEER PRESS PRINT

COPY

Identification No. _____

Application No. 22-7515

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Summerco, Inc., an Idaho corporation Phone: 356-7040
post office address c/o Kim D. Summers
Route 1, Sugar City, Idaho 83448
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 6 North
Range 40 E. B.M. Madison County; additional points of diversion if any: _____
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T6N, R40EBM; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T6N, R40EBM
- b. If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 8.5 cfs for irrigation purpose from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 8.5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing wells, pumps, switch panels,
mainlines, together with extension of mainlines and sprinkler pipes used in
connection with license no. G28492 and license no. 22-2258
(22-2295)
22-2295
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
- c. Proposed well diameter is 24" for all wells (Mo. Day) 340'-485' on all wells
inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MAY 06 1991

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	40 E	22	6	2	9	40									40	6	3	40	146
		23	12	3															15
		24													40	40	40	40	160
		25	40	40	40	40					40	40	40	40	20	40	20		400
		26									40	40	40	40					160

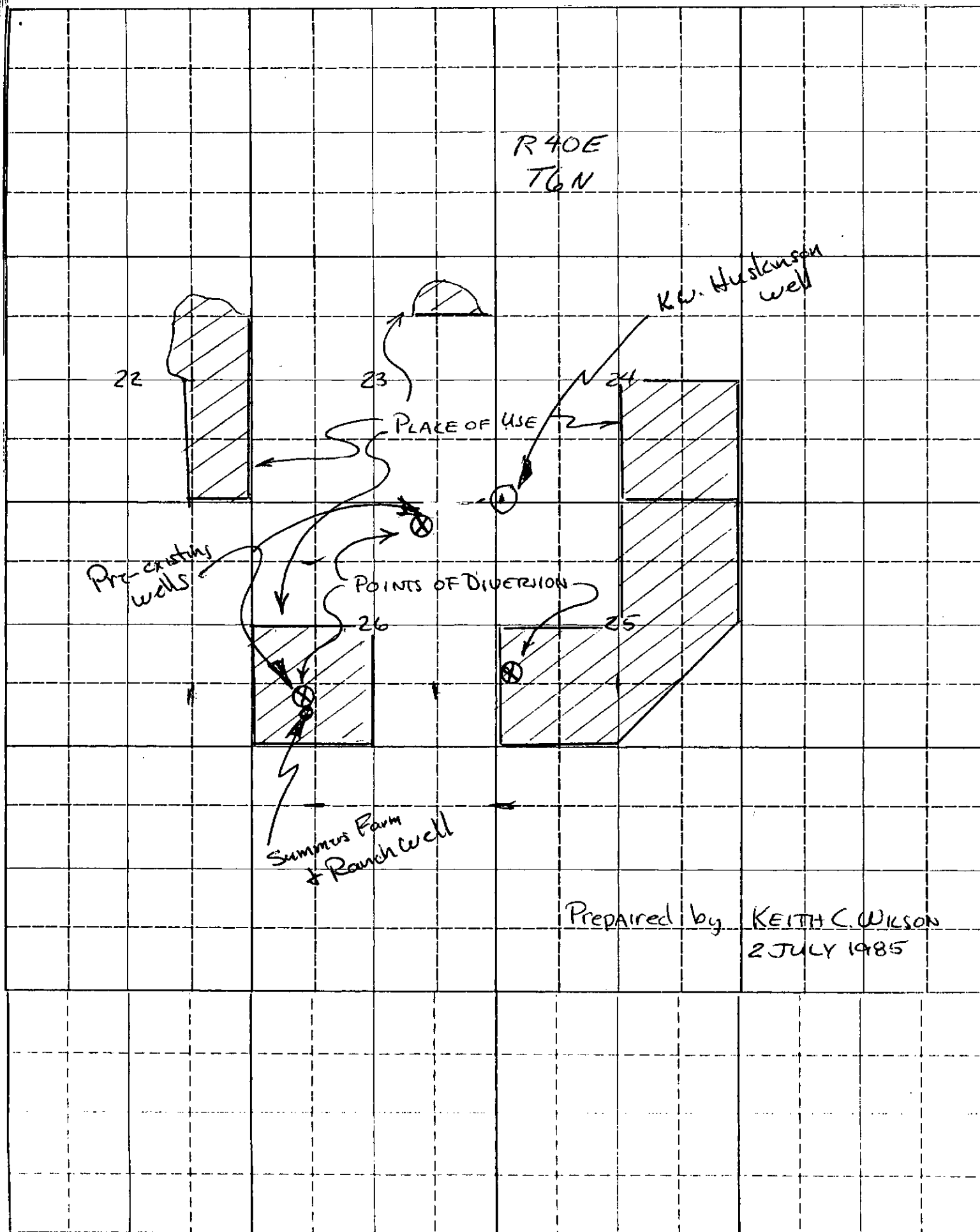
Total number of acres to be irrigated 881

- c. Describe any other water rights used for the same purposes as described above. 7.21 cfs from license no. G28492 with priority date 2-9-60 and 4.68 cfs from license no. 22-2258 with priority date 8-26-65. Said two licenses licensed two wells and those two wells/pump the water into one interconnecting system for the watering of above lands and those described herein.
9. a. Who owns the property at the point of diversion Summerco, Inc. (the applicant) in licenses herein.
- b. Who owns the land to be irrigated or place of use Summerco, Inc. (the applicant herein)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks The above-described 881 acres has been irrigated since August 1, 1962, from the 3 irrigation wells located at the 3 above-described points of diversion include the same two wells and at the same two points of diversion as described in State of Idaho Water License No. G28492 and State of Idaho Water License No. 22-2258. Therefore, Applicant claims the benefit of the provisions contained in paragraph 7.D of the Swan Falls Framework Contract executed by the Governor and Attorney General of the State of Idaho and the Idaho Power Company, and reserves the right under any present or future Department of Water Resources rules and regulations, legislation and adjudication proceedings involving the Snake River and its tributaries to have "grandfathered" the rights claimed herein as of August 1, 1962.

MAILED
MAY 06 1991

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Prepared by KEITH C. WILSON
2 JULY 1985

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

6-28-85
Date

MICROFILMED
MAY 06 1991

SUMMERCO, INC.

By: Greg Summer R/S
(Applicant)

Received by OW Date 6-28-85 Time 1:35
Preliminary check by KW Fee \$205.00
Receipted by OW Date 6-28-85 # 33398
Publication prepared by OW Date 8-2-85
Published in Lexburg Standard-Journal
Publication dates 10-19-26
Publication approved OW Date 11-06-89
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

RECEIVED
MAY 06 1991

SUMMERCO, INC.
C/O KIM SUMMERS
RT. 1
SUGAR CITY, ID 83448

MR SUMMERS:

YOU FILED APPLICATION NO. 22-07515 WITH THE DEPARTMENT OF WATER RESOURCES SEEKING APPROPRIATION OF 8.50 CFS FROM GROUNDWATER FOR IRRIGATION OF 881 ACRES.

AS PART OF THE APPLICATION PROCESSING, THIS OFFICE REQUESTED THAT YOU SUBMIT INFORMATION PURSUANT TO RULE 4,5. OF THE WATER APPROPRIATION RULES AND REGULATIONS. I HAVE ENCLOSED A COPY OF THE PERTINENT RULES FOR YOUR REFERENCE.

TO DATE, THE DEPARTMENT HAS NOT RECEIVED A RESPONSE TO THE REQUEST FOR SUBMITTAL OF INFORMATION. WE CANNOT APPROVE YOUR APPLICATION UNTIL THE INFORMATION IS SUBMITTED. IN FACT, FAILURE TO SUBMIT THE REQUESTED INFORMATION COULD JEOPARDIZE THE VALIDITY OF YOUR APPLICATION.

PLEASE SUBMIT ALL INFORMATION REQUIRED BY RULE 4,5. ON OR BEFORE APRIL 6, 1991. FAILURE TO DO SO MAY RESULT IN THE VOIDING OF YOUR APPLICATION.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

MICROFILMED

MAY 06 1991

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Kaw

APPLICATION NUMBER: 22^J7515

CHECK:

- ☐ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 22-2183/2258/2295
☒ Yes ☐ No* In form for advertising.
Final date for protests: 11-6-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11-03-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____

Special conditions of approval or cover letter. _____

By: [Signature]
STATE OFFICE REVIEW:

Date: 3-18-91

RECEIVED
MAR 25 1991

☐ See attached sheet for more information.

By: _____ Date: _____

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

10/10/2000 11:45:00 AM

10/10/2000 11:45:00 AM

10/10/2000 11:45:00 AM

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

NOV. 9, 1989

SUMMERCO INC
C/O KIM SUMMERS
RT. 1
SUGAR CITY, ID 83448

DEAR MR SUMMERS:

WE ARE CURRENTLY PROCESSING YOUR APPLIC./22-07515
FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS
200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS
ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE.
PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF
YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE
ME A CALL AT 525-7161.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

MICROFILMED

MAY 06 1991

27-Sep-1989

Kim D. Summers
Rt. 1
Sugar City, ID 83448

RE: Application for Permit No. 22-7515

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Rexburg Standard-Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MAY 06 1991

22-07515

IDAHO CORP.
SUMMERCO INC.
RT. 1
SUGAR CITY, ID 83448

Source: GROUNDWATER

Diversion Pt:	NWSW	Sec 25 T 06N R 40E
	NWNE	Sec 26 T 06N R 40E
	SWSW	Sec 26 T 06N R 40E

Use: IRRIGATION (8.500 CFS)

Date Filed: 6/28/1985

In: T06N R40E S22	NENE	NWNE	SWNE	SENE
	NESE	NWSE	SWSE	SESE
S23	NENE	NWNE		
S24	NESE	NWSE	SWSE	SESE
S25	NENE	NWNE	SWNE	SENE
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	
S26	NESW	NWSW	SWSW	SESW

881.0 ACRES TOTAL

MICROFILMED

MAY 06 1991

Summerco, Inc.
c/o Kim D. Summers
Route 1
Sugar City, ID 83448

RE: Application for Permit

Dear Sir:

Enclosed is a copy of the application for permit that was submitted to this office. Before processing can begin the following changes need to be made:

Item 2 - change source to groundwater

Item 11 - change the map so that those acres under this application would be more noticable as done on the attached map.

Please contact this office as soon as possible so that the changes can be made.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW/ct

Enclosures

22-7515-

SUMMERCO INC
IDAHO CORPORATION

RT. 1, SUGAR CITY, ID 83448

Source: GROUNDWATER

Date Filed: 06/28/1985

Diversion Pt: NWNE SWSW Sec 26 T 06N R 40E NWSW Sec 25 T 06N R 40E

Use: IRRIGATION (8.50 CFS)

In: NENE NWNE SWNE SENE NESE NWSE SWSE SESE Sec 22 T 06N R 40E NENE NWNE
Sec 23 T 06N R 40E NESE NWSE SWSE SESE Sec 24 T 06N R 40E NENE NWNE SWNE
SENE NESW NWSW SWSW SESW NESE NWSE SWSE Sec 25 T 06N R 40E NESW NWSW SWSW
SESW Sec 26 T 06N R 40E FOR 881 ACRES

MICROFILMED

JUN 06 1991