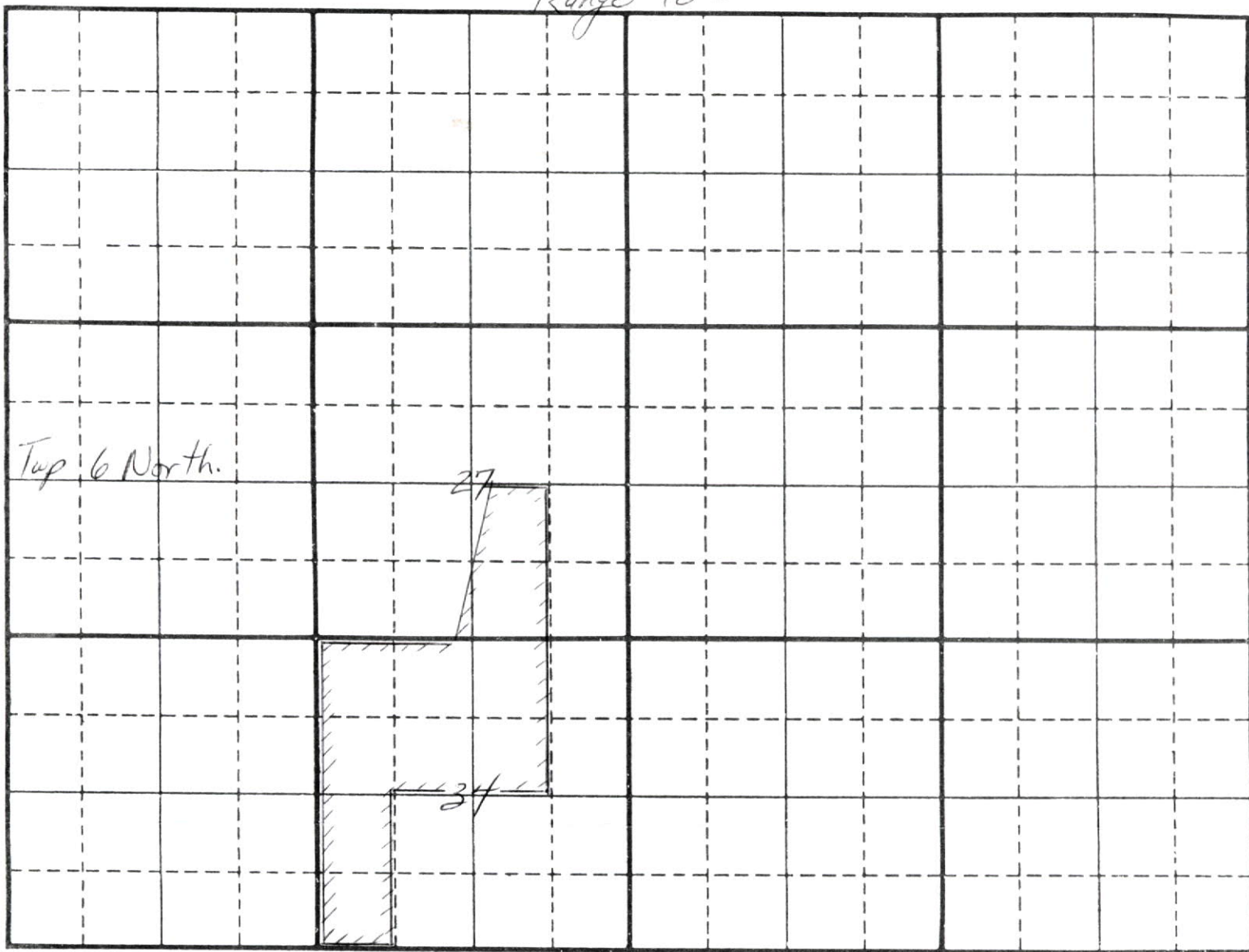


(8) Remarks _____

Range 40 E.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Malison) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge; affiant is President of Frank Summers, Inc.

Sworn to before me this 8th day of April, 1983

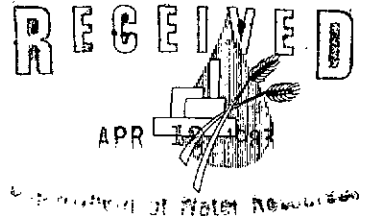
Frank Summers
(Claimant)

Stephen J. Fink
Notary Public
Residing at Rexburg

My commission expires ~~2000~~ 6/1/84

Received by CW Date 4-18-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWT Date 4-19-83 claimant by: _____
\$30.00 fee received by CW Date 4-19-83 #28068
Published in Standard Journal
Dates 4/28 & 5/5/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Frank Summers, Inc.
(Name of Claimant)
Rt. 1, Sugar City, Idaho 83448 Telephone No. 356-5375
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

X(1) Date of priority: (When was the water first applied to a beneficial use) May, 1962
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>7.20 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 7.20 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 27 Twp. 6N Rge. 40E B.M., County of Madison
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, pump and sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	40E	27												5		30	38		73
		34		40	40		32	40	35	35		25	40						287

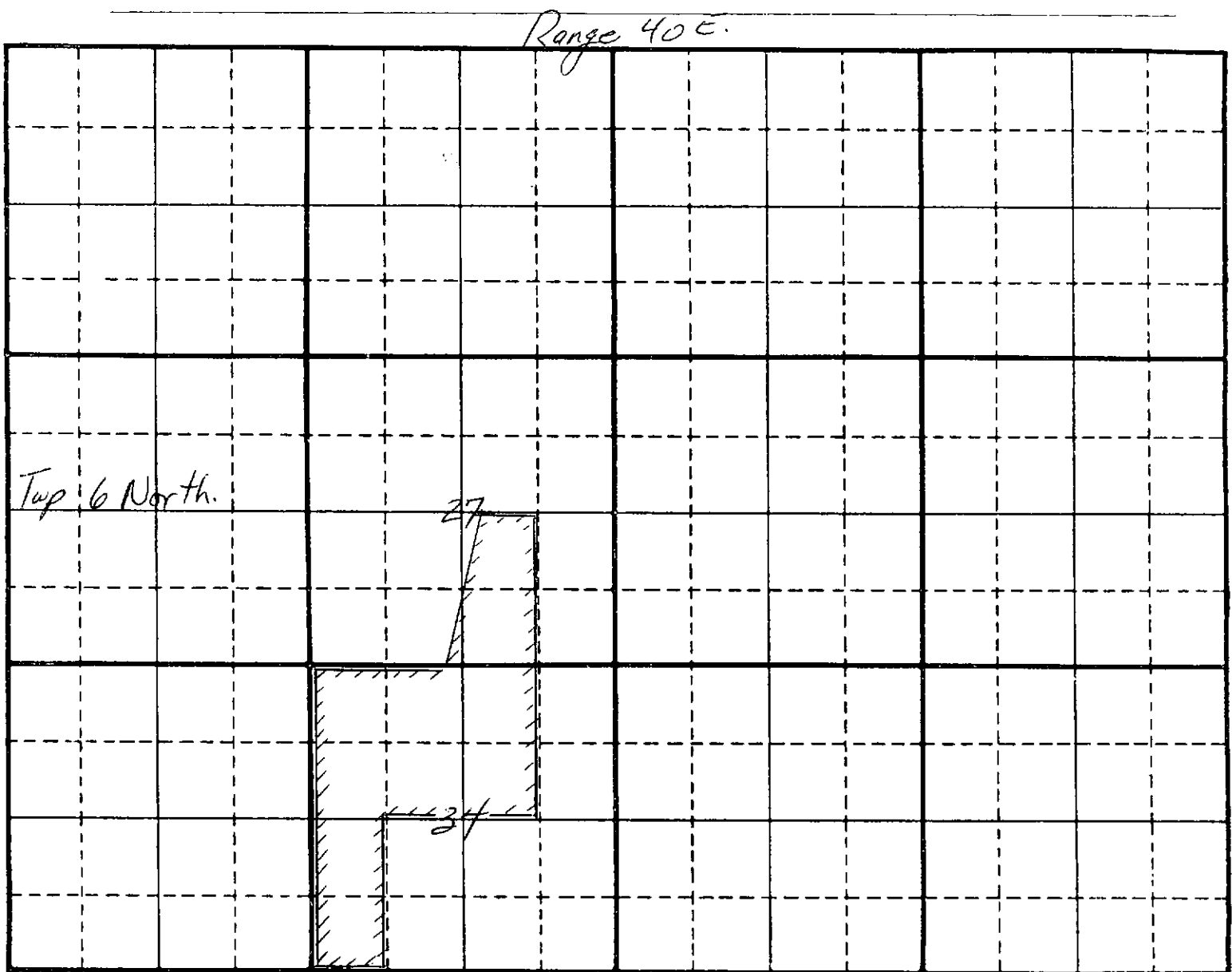
No. of acres 360

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: Frank Summers Incorporated

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Malison) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge; affiant is president of Frank Summers, Inc.

Frank Summers
(Claimant)

Sworn to before me this 8th day of April, 1983

Stephen J. Smith
Notary Public
Residing at Rexburg

My commission expires 4-1-84

FOR DEPARTMENT USE ONLY			
Received by <u>CW</u>	Date <u>4/12/83</u>	Exception filed by:	Forwarded to
Prelim. check by <u>HWS</u>	Date <u>4-19-83</u>		claimant by:
\$30.00 fee received by <u>CW</u>	Date <u>4-19-83</u>	# <u>28068</u>	
Published in <u>Standard Journal</u>			
Dates <u>4/28 & 5/5/83</u>			

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

3

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG
Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Claims

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 hav-

ing been made on April 28, 1983
and the last publication having been made
on May 5, 1983

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Bruce Porter

Subscribed to and sworn to before me

this May 6, 1983

(SEAL)

Notary Public.

My commission expires Life.

RECEIVED

MAY 9 1983

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claims have been filed on
water rights created by diversion and
beneficial use:

31-4087

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592, POCATELLO, ID 83204
Source: THOMAS CREEK trib. to BEAVER
CREEK

Priority Date: 09/01/1879

Diversion Pt. NESE Sec 15 T 12N R 36E

Use: MUNICIPAL (0.13 CFS) DOMESTIC
(0.10 CFS)

In: SWSW SESE Sec 14 T 12N R 36E
NWNE NENE NWNW SENW Sec 23 T 12N
R 36E

31-4086

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592, POCATELLO, ID 83204
Source: SPRING trib. to BEAVER CREEK
SPRING trib. to CAMAS CREEK

Priority Date: 05/01/1880

Diversion Pt. SENW Sec 04 T 13N R 36E

Use: DOMESTIC (0.02 CFS)

In: SENW Sec 04 T 13N R 36E

22-4091

FRANK SUMMERS, INC.
RT. 1, SUGAR CITY, ID 83448
Source: GROUNDWATER

Priority Date: 05/01/1982

Diversion Pt. NWSW Sec 27 T 08N R 40E

Use: IRRIGATION (7.20 CFS)

In: SESW NWSE SWSE Sec 27 T 08N R
40E NWNE SWNE NENE NWNW SWNW
SENE NWSW SWSW Sec 34 T 08N R 40E
FOR 360 ACRES

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN
Director

Publ. April 28 and May 5, 1983J

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 16, 1983

FRANK SUMMERS, INC.
RT. 1
SUGAR CITY ID 83448

RE: Claim No. 22-4091

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MAILED
MAY 17 1983

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 22 4091 Applicant Summers

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

May 16, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date May 26, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5/31/83

RECEIVED

RECEIVED
MAY 31 1983

Department of Water Resources

IDENT. NO. 22 4091

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 20, 1983

The Standard Journal
P. O. Box 10
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 16, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
MAY 10 1983

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

MICROFILMED

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/28 & 5/5/83.

22-4091

FRANK SUMMERS, INC.

RT. 1. SUGAR CITY, ID 83448

Source: GROUNDWATER

Priority Date: 05/01/1962

Diversion Pt: NWSW Sec 27 T 06N R 40E

Use: IRRIGATION (7.20 CFS)

In: SESW NWSE SWSE Sec 27 T 06N R 40E NINE SWNE NENW NWNW SUNW SENW NWSW SWSW
Sec 34 T 06N R 40E FOR 360 ACRES

RECEIVED
JUN 11 1962