

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-14473 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Gary and Shannon Summers
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Earthfire Institute, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- | | | | |
|---------------------|-------------------------------------|-------|--------------|
| <u>PO Box 368</u> | <u>Driggs</u> | ID | <u>83422</u> |
| Mailing address | City | State | Zip |
| <u>208-456-0926</u> | <u>susan@earthfireinstitute.org</u> | | |
| Telephone | Email | | |
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: November 2022
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. 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.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Secretary EXECUTIVE DIRECTOR 11/8/2022
Signature of new owner/claimant Title, if applicable Date
Susan Eirich
Print name

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

Print name

Received by [Signature] Date 12/2/22 For IDWR Office Use Only: Receipt No. 6048766 Receipt Amt. \$25.00 (2145 Check)
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 12/6/2022

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Kristin Moore
Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

PTC 820747

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

GARY SUMMERS AND SHANNON SUMMERS, husband and wife, whose address is 1177 E 9th N, Rexburg, ID, 83440 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto EARTHFIRE INSTITUTE, INC, whose address is PO Box 368, Driggs, ID 83422 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 10th day of November, 2022.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

ID: 278811
County: TETON
Date: 11-23-22 Time: 11:37 AM

Kristin Moore
Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

PTC 820747

(Space Above for Recorder's Use)

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- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 10th day of November, 2022.

"GRANTOR"

Gary Summers
Gary Summers

Shannon Summers
Shannon Summers

STATE OF IDAHO)

County of Bannock) ss.

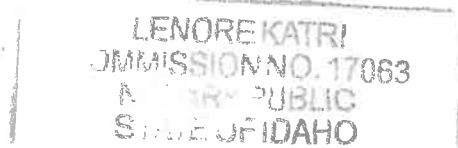
This record was acknowledged before me on the 10th day of November, 2022, by **Gary Summers.**



Lenore Katri
Notary Public for Idaho
My Commission Expires: Residing at Idaho Falls, ID
My Commission Expires: 1-30-2027

STATE OF IDAHO)
County of Bannock) ss.

This record was acknowledged before me on the 10th day of November, 2021, by **Shannon Summers.**



Lenore Katri
Notary Public for Idaho
My Commission Expires: Residing at Idaho Falls, ID
My Commission Expires: 1-30-2027

EXHIBIT A

WATER RIGHT DESCRIPTION

Page 3 of 8

WATER RIGHT NO. 22-14473

As Modified by Transfer No. 86355

In accordance with the approval of Transfer No. 86355, Water Right No. 22-14473 is now described as follows:

Right Holder: SHANNON SUMMERS AND
GARY SUMMERS
1177 E 9TH N
REXBURG, ID 83440

Priority Date: 6/19/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	04/15	to 10/15	0.010 cfs	11.4 af
IRRIGATION	04/15	to 10/15	0.040 cfs	0.4 af
WILDLIFE STORAGE	01/01	to 12/31	0.050 cfs	11.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 36 Twp 06N Rge 45E TETON County
GROUND WATER NWSW Sec 36 Twp 06N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	36												3.8					3.8

POU Total Acres: 3.8

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	36										X							

CONDITIONS OF APPROVAL

- After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- Rights 22-615B, 22-13406, and 22-14473 when combined shall not exceed the irrigation of 35.3 acres.

Transfer No. 86355

WATER RIGHT NO. 22-14473
As Modified by Transfer No. 86355

CONDITIONS OF APPROVAL

3. The ponds and connecting streams established by the storage of water under this right shall not exceed a total surface area of 0.3 acres and a storage volume of 0.4 acre feet. The ponds will be initially filled with water from South Leigh Creek under water rights 22-615B and 22-13406 through a temporary change or a water supply bank approval.
4. Wildlife storage and diversion to storage are used to offset the evaporative losses from the ponds.
5. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 86355



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 06, 2022

EARTHFIRE INSTITUTE, INC
PO BOX 368
DRIGGS ID 83422-0368

Re: Change in Ownership for Water Right No(s): 22-14473

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)