

COPY

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 37- 25A
	)	37-21658, 37-21659
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 3/2/06



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/2, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Ronald Braun
Ennice Braun
675 N 75 W
Shoshone ID 83352

Edward Hack
471 N 650 W
Shoshone ID 83352



Signature of person or attorney mailing the form

2/28/06

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-25A

SPLIT RIGHT: SEE RIGHT NOS. 37-21658 and 37-21659.

02/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21658

NAME AND ADDRESS: EDWARD HACK
471 N 650 W
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 08/06/1902

POINT OF

DIVERSION: T03S R18E S9 NESE Within LINCOLN County

T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.070 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10 SENE 5.00

5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

This right is a split from former right 37-25A.

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE
NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE
USED IN THE DELIVERY OF THIS RIGHT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

02/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21659

NAME AND ADDRESS: RONALD BRAUN
675 N 75 W
SHOSHONE ID 83352

ENNICE BRAUN
675 N 75 W
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 08/06/1902

POINT OF
DIVERSION: T03S R18E S9 NESE Within LINCOLN County
T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.530 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10 SENE 35.00

35 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

This right is a split from former right 37-25A.

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE
NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE
USED IN THE DELIVERY OF THIS RIGHT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2006

RONALD BRAUN
ENNICE BRAUN
675 N 75 W
SHOSHONE ID 83352

RE: SRBA Claim(s) 37-13027, 37-25a (part)

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Edward Hack
471 N 650 W
Shoshone ID 83352

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

RECEIVED
FEB 10 2006

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-13027					
Part of 37-25A		XX			

2. The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- Name and Address of Former Owner/Claimant(s) Edward Hack 471 North 650 West, Shoshone, ID 83352
- New Owner/Claimant(s) Ronald Braun and Ennice Braun
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 675 N 75 W, Shoshone, ID 83352
- City, State and ZIP Code _____
- New Telephone Number () _____
- Date you acquired the property February 8, 2006

- DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation		35
Stock		
Domestic		
Other		
Total		

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

- Ronald Braun Ennice Braun

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#GL-07007

For Value Received

Edward Hack and Denise Hack, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Ronald Braun and Ennice Braun, husband and wife
Address: 675 N 75 W, Shoshone, ID 83352

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of LAND TITLE & EST. CO. 180299 180299 FEB 08 2006 at <u>52</u> miles past <u>3</u> PM recorded by <u>E. J. B. B. B.</u> Fee <u>6.00</u> Return to: <u>same as above</u>
--

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described parcel of land:

Beginning at a point on the East line of said Section 10 that is S00°35'07"E 1,839.53 feet along said section line from the NE corner of said section 10 and running said S00°35'07"E 823.59 feet along the section line to the East $\frac{1}{4}$ corner of said Section 10;

Thence along said east west center line of said section 10 S89°38'06"W 378.61 feet to the East bank of an irrigation canal;

Thence along said east bank the following fourteen (14) courses:

- (1) N02°00'56"W 44.94 feet;
 - (2) Thence N18°36'01"E 53.37 feet;
 - (3) Thence N12°57'47"E 57.40 feet;
 - (4) Thence N20°31'17"E 45.37 feet;
 - (5) Thence N13°07'39"E 50.61 feet;
 - (6) Thence N14°23'08"E 34.87 feet;
 - (7) Thence N05°34'02"E 28.52 feet;
 - (8) Thence N01°09'34"W 35.04 feet;
 - (9) Thence N01°16'32"W 13.33 feet;
 - (10) Thence S82°09'36"E 27.24 feet;
 - (11) Thence N26°46'11"E 23.97 feet;
 - (12) Thence N03°38'29"E 53.13 feet;
 - (13) Thence N00°13'40"W 68.47 feet;
 - (14) Thence N77°33'21"W 19.86 feet;
- Thence N36°06'53"E 94.94 feet;
Thence N31°57'39"E 94.94 feet;
Thence N27°48'24"E 94.94 feet;
Thence N23°39'10"E 94.94 feet;
Thence N89°38'06"E 93.98 feet to the POINT OF BEGINNING.

SUBJECT TO: County road right-of-way along the East and South boundaries, also a 10 foot wide underground electrical easement being 5 feet both sides of the following described center line.

Beginning at a power pole that is S00°35'07"E 2233.21 feet along the Section line and S89°38'06"W 25.63 feet from the NE corner of said Section 10 and running thence N77°29'19"W 286.86 feet along the center line of easement to the end of said easement terminating at an electrical transformer.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 40 shares of Capital Stock in Big Wood Canal Company, 35 acres of American Falls No. 2, and 26.25 inches of Big Wood River Water, with priority date of August 6, 1902, State of Idaho Department of Water right number 37-13027 and part of right number 37-25A.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2006 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

R.B. E.B.

Exceptions and reservations contained in Deed from the State of Idaho whereby said grantor excepts all mineral rights as defined by Section 47-701 of Idaho Code. Together with rights and claims of parties claiming by through or under them recorded April 1, 1954 in Book 45 Page 291 as Instrument Number 101250, Lincoln County records, and also subject to rights of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947.

Right of Way Easement given by Ernest Boesiger and Lois Boesiger to The Mountain States Telephone and Telegraph Company, dated December 29, 1983, recorded January 5, 1984 as Instrument Number 145557, Lincoln County records, affecting a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 5 South, Range 16, East Boise Meridian.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 8, 2006



Denise Hack



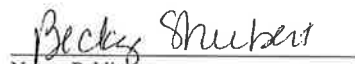
Edward Hack

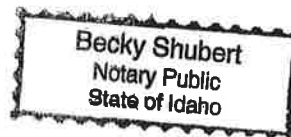
STATE OF IDAHO

)
) ss.
)

COUNTY OF Gooding

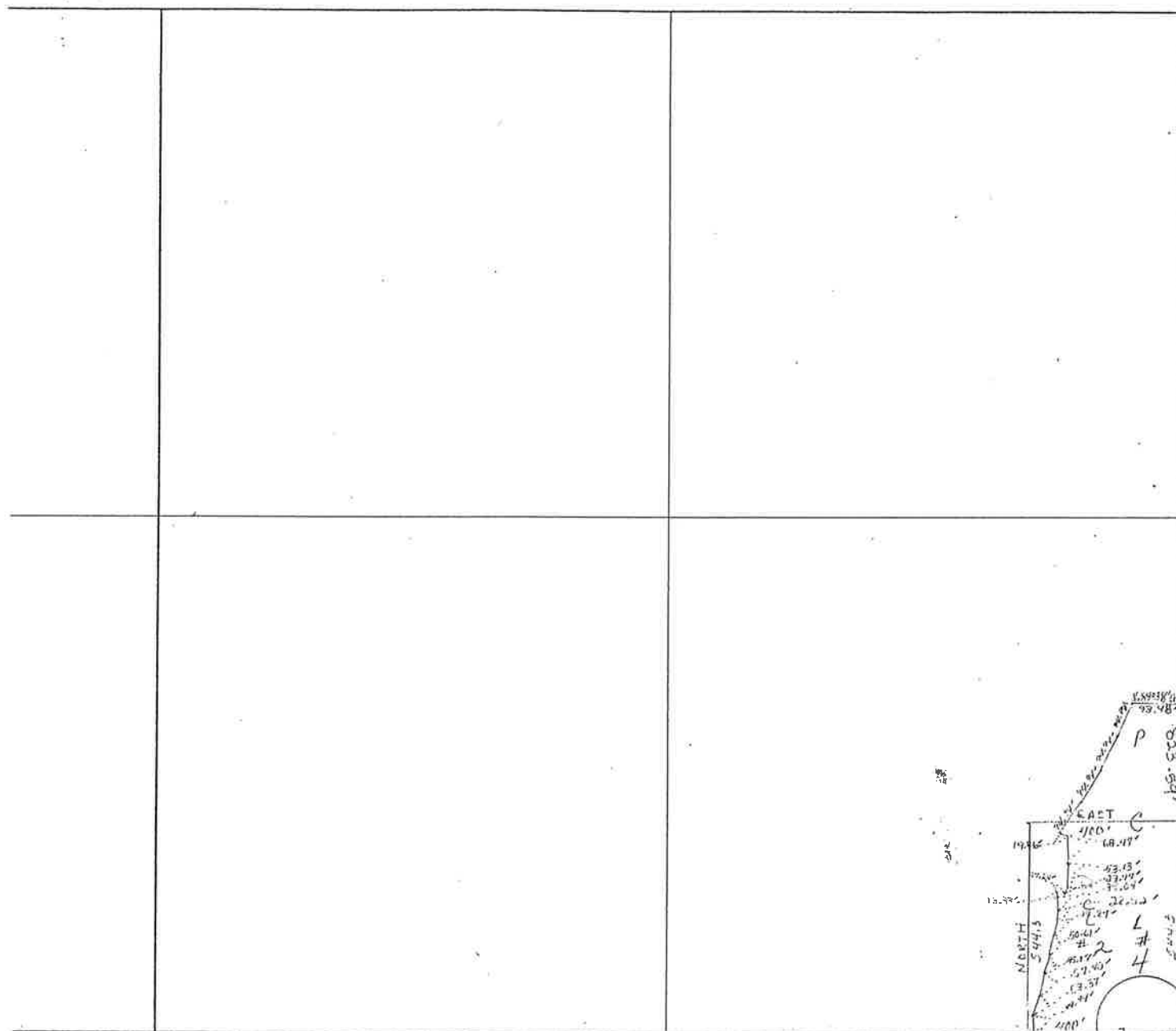
On this 8th day of February, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Denise Hack and Edward Hack, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Gooding ID
My Commission expires: 02-23-2011



TH HALF

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE LAND, AND THE CO.
ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY,
WITH AN ACTUAL SURVEY.

S.
1839.53

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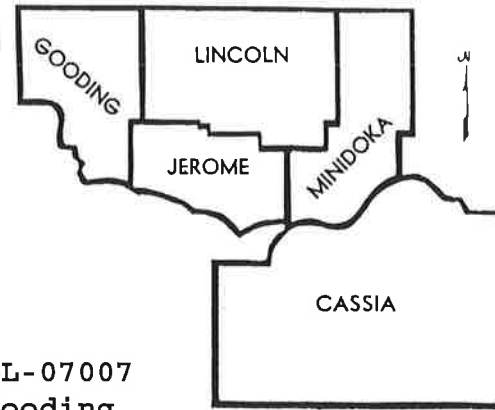
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Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GL-07007
OFFICE: Gooding

February 9, 2006

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED
FEB 10 2006
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Edward Hack to Ronald and Ennice Braun

Cert Mail #7005 1820 0004 4260 2234

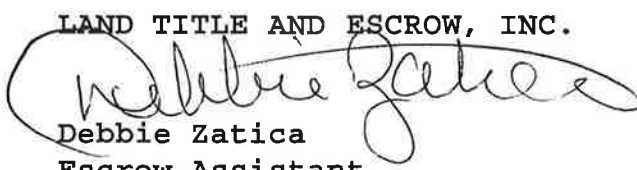
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on Edward Hack
for Water Right Number #37-13027 and part of 37-25A
- Copy of Deed #180299
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.


Debbie Zatica
Escrow Assistant
(208) 934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330