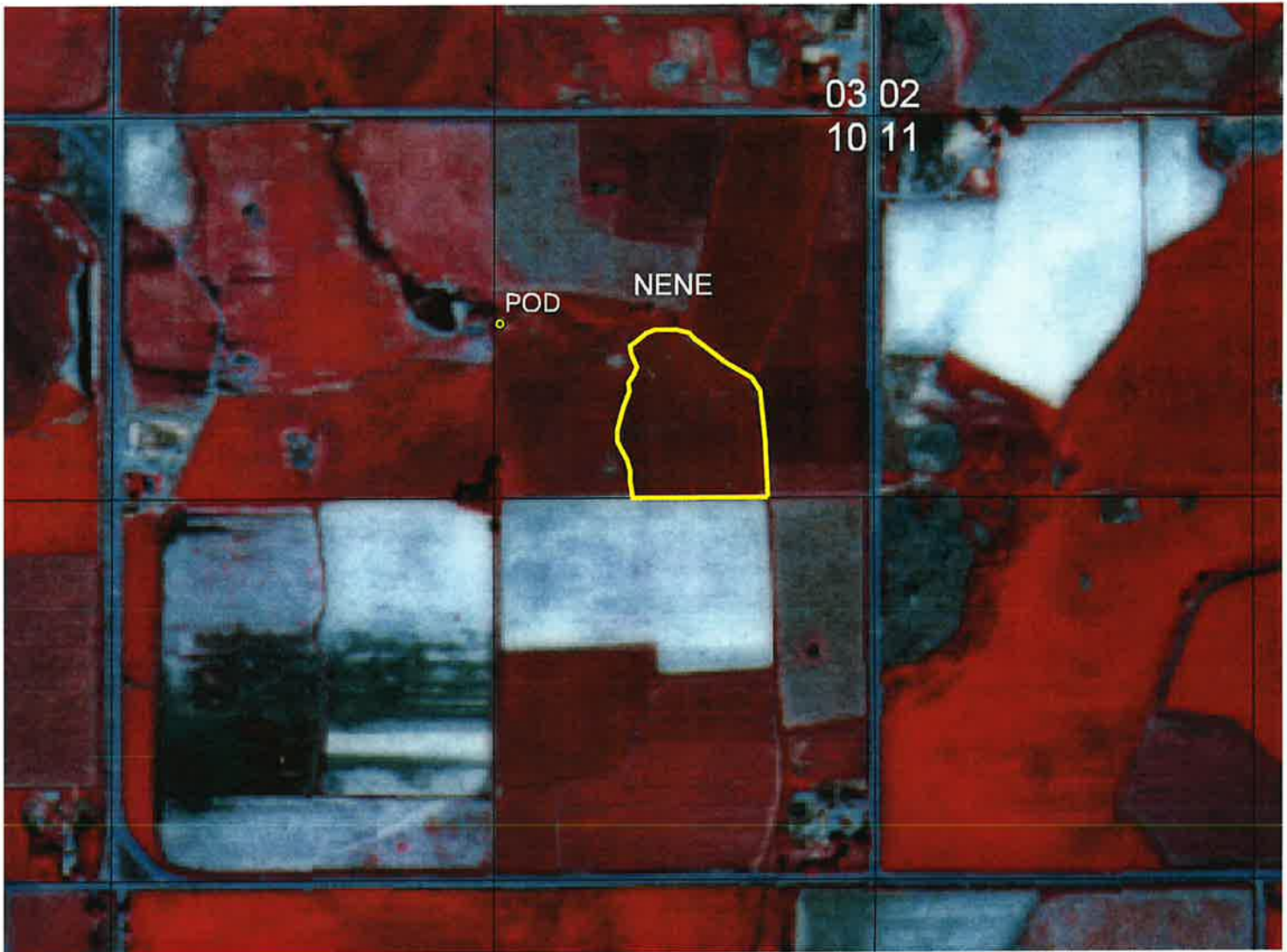


# 37-13027

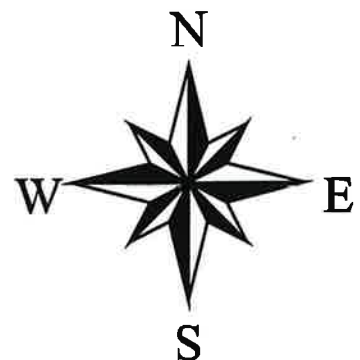


900 0 900 1800 Feet

A horizontal scale bar with four segments. The first segment is labeled '900', the second '0', the third '900', and the fourth '1800 Feet'.

## T05S R16E S10

Map prepared by: Carter Fritschle  
Date prepared: 12/21/04  
1987-1988 NAPP photography  
Idaho Department of Water Resources



12/21/2004

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

RIGHT NUMBER: 37-13027

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

SOURCE: WASTE WATER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 03/15/1942

POINT OF DIVERSION:  
T05S R16E S10 NENE 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          | 0.150 CFS       |

PLACE OF USE: IRRIGATION Within LINCOLN County  
T05S R16E S10 NENE 6.0

6 ACRES TOTAL

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

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: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Use of this right is combined with water from Big Wood Canal Co.

IDWR Field Exam Form

04/07/2004

## Contacts Data Entry Form

| Owner Type     | Full Name                    | Address     | City     | State | Zip   | Phone         |
|----------------|------------------------------|-------------|----------|-------|-------|---------------|
| Original Owner | <del>ERNEST H BOESIGER</del> | 471 N 650 W | SHOSHONE | ID    | 83352 | (208)886-7531 |
| Current Owner  | ED HACK<br>Denise Naeff      | 471 N 650 W | SHOSHONE | ID    | 83352 | (208)886-2914 |

Date of Field Exam: 4-20-04 Time: 9 AM

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: NONE

Directions to Property (if different from above) and/or update owner information:

7 miles west of Johnny's Country Store  
North of Shoshone - address above  
\_\_\_\_\_  
\_\_\_\_\_Reviewer: LSEDate: 4-20-04

**Point of Diversion and Source Data Entry Form**

Claim Number 37-13027

Claimed Point of Diversion and Source

T05S R16E S10 SWNE Within LINCOLN County Source: WASTE WATER BIG WOOD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

same as on claim - has not been changed

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Amer. Falls - Milner

Big Wood River

Gooding Canal

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source |
|-----|-----|-----|---------|----------------|--------|--------|
|     |     |     |         |                |        |        |
|     |     |     |         |                |        |        |
|     |     |     |         |                |        |        |

Other rights from this POD?

Amer. Falls - BWCC - Decree 37-0025

Document how the POD and Source were verified:

Ernest Boesinger letter April 19, 2004

Reviewer:

LEE

Date: 4-20-04

## Place Of Use Data Entry Form

Claim Number 37-13027

## Claimed Place Of Use

T05S R16E S10 NENE 6.0

Total Acres 6

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

same as claim - has not changed

## Recommended Place of Use

NONE See corrections to claimed POU above

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres

6

Document how the POU was verified:

Boesiger letter April 19, 2004

Reviewer:

LEE

Date:

4-20-04

## Period of Use and Quantity Data Entry Form

Claim Number 37-13027

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| IRRIGATION | 3/15  | 11/15 | 1    |        |

Overall Diversion Rate 1

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|-----------|-------|-----|------|--------|

Overall Diversion Rate

Overall Diversion Volume

## Recommended Period of Use and Diversion Rate

same as above OK

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate VariesOverall Diversion Volume Varies

Document how the Period of Use and/or Diversion Rate were verified:

This amount and times varies day by day, year by year - good water years provide the 1 cfs - sometimes more sometimes less. On bad water years - short water neighbors are more careful and release less water and season is short. The 1.0 cfs is acceptable and the priority date March 15, 1942 is also good and acceptable.

Reviewer: hfeDate: 4-20-04

37-13027

4-20-04 I looked at property then stopped and visited with Ed & Denise Nock (real nice visit). Ed informed me that each year is different for amt. of water claimed. They are very well satisfied with the 1 cfs and priority date of March 15, 1942. The POD and POY are both the same as per their & Mr. Ed Boisiger letter of April 19, 2004.

All waste water permit - claims etc are variable due to weather, snow packs - neighbors crops and methods of use.

Most of the wastewater claims in this area ~~are~~ receive their water from the Amer. Falls Dist - Milner Gooding Canal.

April 19, 2004

Statement of Water Usage on 37-13027

I, Earnest Boesiger, am signing this document to state that I claimed usage of water rights on 37-13027 (per your document from Department of Water Resources), in 1942. I used this water to irrigate 6 acres of land that I owned, until I sold the place to Edward and Denise Hack in 1997.

Earnest Boesiger 

Edward and Denise Hack purchased the Boesiger farm in 1997, and still use the water that was claimed by Earnest Boesiger in 1942. It is being used to fill a pond that is then pumped out and used for irrigation on the acreage.

Edward Hack 

Denise Hack 



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 7, 2004

37-13027  
ED HACK  
471 N 650 W  
SHOSHONE ID 83352

Re: Evidence of Priority Date

Dear Claimant:

**RESPONSE DEADLINE**  
**MAY 10, 2004**

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle  
Water Rights Supervisor

Enclosures

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-13027**

Date Received: 7/14/1989

Receipt No: S008553

Received By: *Owner change*

**COPY FOR  
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**COPY FOR  
YOUR FILES**

1. Name: ED HACK 208-886-2914  
Address: 471 N 650 W  
SHOSHONE ID 83352

2. Date of Priority: MAR 15, 1942

3. Source: WASTE WATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05S      | 16E   | 10      | SW     | NE     | NE     |     | LINCOLN |

5. Description of diverting works:  
DAM & DITCHES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.000 |      |        |

7. Total Quantity Appropriated is:  
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 05S           | 16E   | 10      | NE     | NE     |     | IRR | 6.0   |
| Section Acres |       |         |        |        |     |     | 6.0   |

10. Place of Use: Continued

Total Acres                      6.0

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
    AMER. FALLS SUPPL. 25"

14. Remarks:  
    08/06/99, CHANGED OWNERSHIP: BOESIGER TO HACK AS PER WARRANTY  
    DEED AND FORM 1409(6) REC'D 09/04/98. C.T.

15. Basis of Claim: BENEFICIAL USE



**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**

October 12, 1999

ED HACK  
471 N 650 W  
SHOSHONE ID 83352

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-00025A,  
A37-13027

Claimant(s):

Pursuant to the change in ownership request that has been submitted to the department, we have changed the record of current ownership of the above referenced claim(s) to you. Please find the enclosed copies of the computer record of the claims, noting the change in claimant. Review these records and if there is an error, or if you have any questions, please contact this office.

Sincerely,

Cheryl E. Timm  
SRBA Records Clerk

Enclosure

CT:ct



Deeded In  
RECEIVED  
SEP 30 4 11 1998  
Department of Water Resources  
S Southern Region

**STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: A37-00025A, A37-13027  
 Adjudication Claim No(s).: AJ5809NP
  
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Owner/Claimant Ernest Boesiger  
1430 mt. view dr. Gooding Id 83330
  
4. New Owner/Claimant(s) ED Hack  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address 471 N 650 W  
 City, State and ZIP Code Shoshone Id 83352  
 New Telephone Number (208) 886-2914
  
5. Date you acquired the property 11-19-97
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate 80 Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS .60 Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) ED Hack

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

6B 1.07  
For value received ERNEST BOESIGER/ who acquired title as ERNEST H. BOESIGER and LOIS BOESIGER, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto EDWARD HACK and DENISE HACK, 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 parcel of land:

Commencing at the Northeast corner of said Section 10;  
thence South 2640 feet to the East quarter corner to The True Point of Beginning;  
thence West 400 feet;  
thence North 544.5 feet;  
thence East 400 feet;  
thence South 544.5 feet to The True Point of Beginning.

CH  
DH  
Together with 40 shares of Big Wood Canal Company water stock, 26.25 inches of Big Wood River water with a priority date of August 6, 1902, being state license number 37-0025, together with 35 acres in American Falls Reservoir District No. 2 supplement to the decree.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And 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: This 18th day of NOVEMBER, 1997.

*Ernest H. Boesiger*

*Lois Boesiger*

Send Tax Notice to:  
Edward and Denise Hack  
P. O. Box 677  
Filer, ID 83328

163262

STATE OF IDAHO  
COUNTY OF LINCOLN  
Recorded at the request of

NOV 21 1997

at 06 minutes past 11 P.M.

recorded by

Fee, 3.00 Return to:

STATE OF IDAHO )  
)ss.  
County of Jerome )

On the 18th day of NOVEMBER, 1997, before me, a Notary Public in and for said state, personally appeared ERNEST BOESIGER and LOIS BOSIEGER, known to me to the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and year above written.

*Betty Shupert*  
Notary Public for Idaho

NOTARY PUBLIC  
STATE OF IDAHO

02-05-99

NOV 21 1997

For Value Received

ERNEST H. BOESIGER and LOIS BOESIGER, husband and wife

at 10 minutes past 11 P.M.  
recorded by H. L. - J. L. - J. L.  
Fee: 6.00 Return to: above  
By hand

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

EDWARD G. HACK, a married man contracting with his sole and separate property  
Address: 471 North 650 West, Shoshone, ID 83352

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, IDAHOSection 10: A parcel of land located in the E $\frac{1}{2}$ NE $\frac{1}{4}$  described as follows:Commencing at the Northeast corner of said Section 10;  
Thence South 2640 feet to the East quarter corner to THE TRUE POINT OF  
BEGINNING;  
Thence West 400 feet;  
Thence North 544.5 feet;  
Thence East 400 feet;  
Thence South 544.5 feet to THE TRUE POINT OF BEGINNING.TOGETHER WITH 3.75 inches of Big Wood River decreed water with a priority date of August 6, 1902,  
being State License Number 37-0025, Together with 5 acres of American Falls Supplement to the Decree.

## SUBJECT TO:

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

Taxes for 1997 and subsequent years, which are a lien, but not yet due and 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.

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 Telephon  
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 an  
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: November 21, 1997

Ernest H. Boesiger  
ERNEST H. BOESIGER

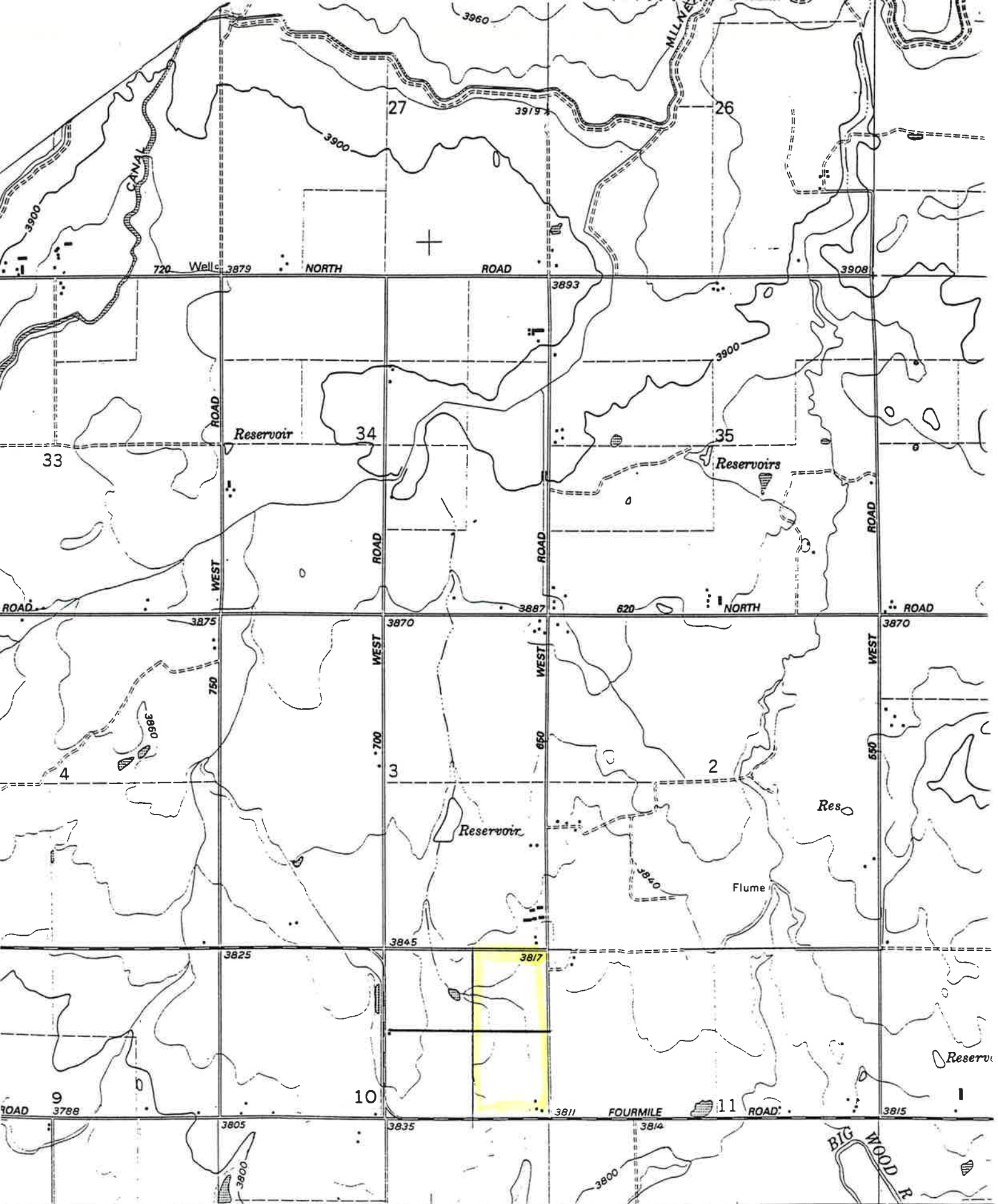
Lois Boesiger  
LOIS BOESIGER

STATE OF IDAHO                    )  
                                          ) ss.  
COUNTY OF JEROME            )

On this 18th day of November, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ERNEST H. BOESIGER and LOIS BOESIGER, 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.

Reiley Shubert  
Notary Public  
Residing at:  
My Commission expires: /

REILEY SHUBERT  
☆ NOTARY PUBLIC ☆  
STATE OF IDAHO  
02-05-99



(TUNUPA)

699

700

32'30"

701

702

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIR 703000

SCALE 1:24 000

1 MILE

A37-10566

ROAD CLASSIFICATION

Primary highway, hard surface ..... Light-duty road improved surface

Secondary highway.

2000 3000 4000 5000 6000 7000 FEET

0 1 KILOMETER



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

August 3, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ED HACK  
471 N 650 W  
SHOSHONE ID 83352

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A37-00025A,  
A37-10566 AND A37-13027

Dear Claimant(s):

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without the required information listed under item 2 of the ownership change form. Specifically, we need a copy of your warranty deed, title policy or contract of sale (with attached legal description) along with a plat or survey map.

I am returning your original ownership change form. Please attach the required information and return the entire packet to me in the enclosed self-addressed envelope. As soon as I receive this information, I will update our records and notify you by mail when the changes have been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett  
Technical Records Specialist

enc.

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: A37-00025A  
Adjudication Claim No(s).: AJ5809NP
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Ernest Boesiger  
1430 mt. view dr. Gooding ID 83330
4. New Owner/Claimant(s) ED Hack  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 471 N 650 W  
City, State and ZIP Code Shoshone Id 83352  
New Telephone Number (208) 886-2914
5. Date you acquired the property 11-19-97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 80 Number and type of stock \_\_\_\_\_

Diversion rate in CFS .60 Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) ED Hack

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

JUL 31 1998  
Department of Water Resources  
Boise Region

1. Water Right No(s).: A37-10566  
Adjudication Claim No(s).: AJ5809NP
  
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Owner/Claimant: Ernest Boesiger  
1430 Mt. View Dr. Gooding ID 83330
  
4. New Owner/Claimant(s): ED Hack  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address: 471 N 650 W  
City, State and ZIP Code: Shoshone ID 83352  
New Telephone Number: (208) 886-2914
  
5. Date you acquired the property: 11-19-97
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS .04 Number of homes 1 Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
7. Signature of New Owner or Claimant(s): ED Hack  
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
  
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

**STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: A37-13027  
Adjudication Claim No(s).: AJ5809NP
  
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Owner/Claimant Ernest Boesiger  
1930 Mountain View dr, Gooding, Id 83330
  
4. New Owner/Claimant(s) ED Hack  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 471 N 650 W  
City, State and ZIP Code Shoshone, Id 83352  
New Telephone Number (208) 986-2914
  
5. Date you acquired the property 11-19-97
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres you irrigate 80 Number and type of stock \_\_\_\_\_  
Diversion rate in CFS 1 Number of homes 1 Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
7. Signature of New Owner or Claimant(s) ED Hack  
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
  
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



**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

---

August 3, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ED HACK  
471 N 650 W  
SHOSHONE ID 83352

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A37-00025A,  
A37-10566 AND A37-13027

Dear Claimant(s):

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without the required information listed under item 2 of the ownership change form. Specifically, we need a copy of your warranty deed, title policy or contract of sale (with attached legal description) along with a plat or survey map.

I am returning your original ownership change form. Please attach the required information and return the entire packet to me in the enclosed self-addressed envelope. As soon as I receive this information, I will update our records and notify you by mail when the changes have been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

COPY

Water Right Number - A37-13027

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - Address - - - - - + - - - -

\*\*\* C - CURRENT OWNER \*\*\*  
BOESIGER

ERNST

1 - 471 N 650 W  
2 -  
3 -  
City- SHOSHONE  
Phone - 208-886-7531

State- ID Zip- 83352

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
03/15/1942 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
WASTE WATER BIG WOOD RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot Rflg County Diversion Name

05S 16E 10 SW NE NE (63) LINCOLN

+ - - - - - - - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

1.000

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +  
1.000 03/15 11/15 1.000 18.0+ - - - - - - - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

05S 16E 10 NE NE 6.0 01 IRRIGATION (63) LINCOLN

Total Acres: 6.0

+ - - Diversion Means - DAM &amp; DITCHES.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - AMER. FALLS SUPPL. 25"

+ - - - - - - - - - - - Remarks - - - - - +  
No Remarks found.+ - - - - - - - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.+ - - - - - - - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - - +  
00/00/0000

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 07/14/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date       | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | - 37    |
| Licensed Date        | - 00/00/0000 | Receipt Number        | - S008553    | Federal/State Indicator | - S     |
|                      |              | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
|                      |              | Name Connector        | -            | Notice of Error Flag    | -       |

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED  
SEP 04 1998  
Department of Water Resources  
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

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Adjudication Claim No(s): AJ5809NP
  
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AND
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1930 Mountain View dr, Gooding, ID 83330
  
4. New Owner/Claimant(s) ED Hack  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 471 N 650 W  
City, State and ZIP Code Shoshone, ID 83352  
New Telephone Number (208) 886-2914
  
5. Date you acquired the property 11-19-97
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
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65  
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DOES

W  
to

Ernest H. Brigham

Vol. 1

**163262**

STATE OF IDAHO  
COUNTY OF LINCOLN  
Recorded at the request of  
Kenneth L. Peterson

NOV 2 1997

L minutes past 11 AM  
recorded by Mick Jackson  
Fee 3.00 Return to: Edoyle  
Rogstad

Bella Shuckert  
Notary Public for Idaho

STATE OF IDAHO  
COUNTY PUBLIC ★  
ATT. OF IDAHO  
02-05-99

For Value Received

NOV 21 1997

ERNEST H. BOESIGER and LOIS BOESIGER, husband and wife

at 10 minutes past 12 P.M.  
recorded by Hickman-6  
Fee: 6.00 Return to: above  
By hand

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

EDWARD G. HACK, a married man contracting with his sole and separate property  
Address: 471 North 650 West, Shoshone, ID 83352

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: A parcel of land located in the E $\frac{1}{2}$ NE $\frac{1}{4}$  described as follows:

Commencing at the Northeast corner of said Section 10;  
Thence South 2640 feet to the East quarter corner to THE TRUE POINT OF BEGINNING;  
Thence West 400 feet;  
Thence North 544.5 feet;  
Thence East 400 feet;  
Thence South 544.5 feet to THE TRUE POINT OF BEGINNING.

TOGETHER WITH 3.75 inches of Big Wood River decreed water with a priority date of August 6, 1902, being State License Number 37-0025, Together with 5 acres of American Falls Supplement to the Decree.

SUBJECT TO:

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

Taxes for 1997 and subsequent years, which are a lien, but not yet due and 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.

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: November 21, 1997

~~Ernest H. Boesiger~~  
ERNEST H. BOESIGER

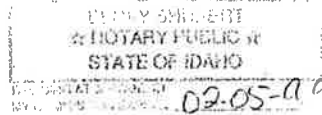
Lois Boesiger  
LOIS BOESIGER

STATE OF IDAHO )

COUNTY OF JEROME ) ss.

On this 18th day of November, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ERNEST H. BOESIGER and LOIS BOESIGER, 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.

Deeley Shubert  
Notary Public  
Residing at:  
My Commission expires: /



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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-13027  
Date Received: 7/14/1989  
Receipt No: S008553  
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ERNST BOESIGER 208-886-7531  
Address: 471 N. 650 W.  
SHOSHONE, ID 83352
2. Date of Priority: MAR 15, 1942
3. Source: WASTE WATER Trib. to: BIG WOOD RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S      | 16E   | 10      | SW     | NE     | NE  |     | LINCOLN |
5. Description of diverting works:  
DAM & DITCHES.
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.000  |      |        |
7. Total Quantity Appropriated is:  
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 18.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 05S           | 16E   | 10      | NE     | NE  |     | IRR | 6.0   |
| Section Acres |       |         |        |     |     |     | 6.0   |
| Total Acres   |       |         |        |     |     |     | 6.0   |
- A37-13027 Page 1 Date: 07/14/89

MICROFILMED  
FEB 26 1993

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
AMER. FALLS SUPPL. 25"

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

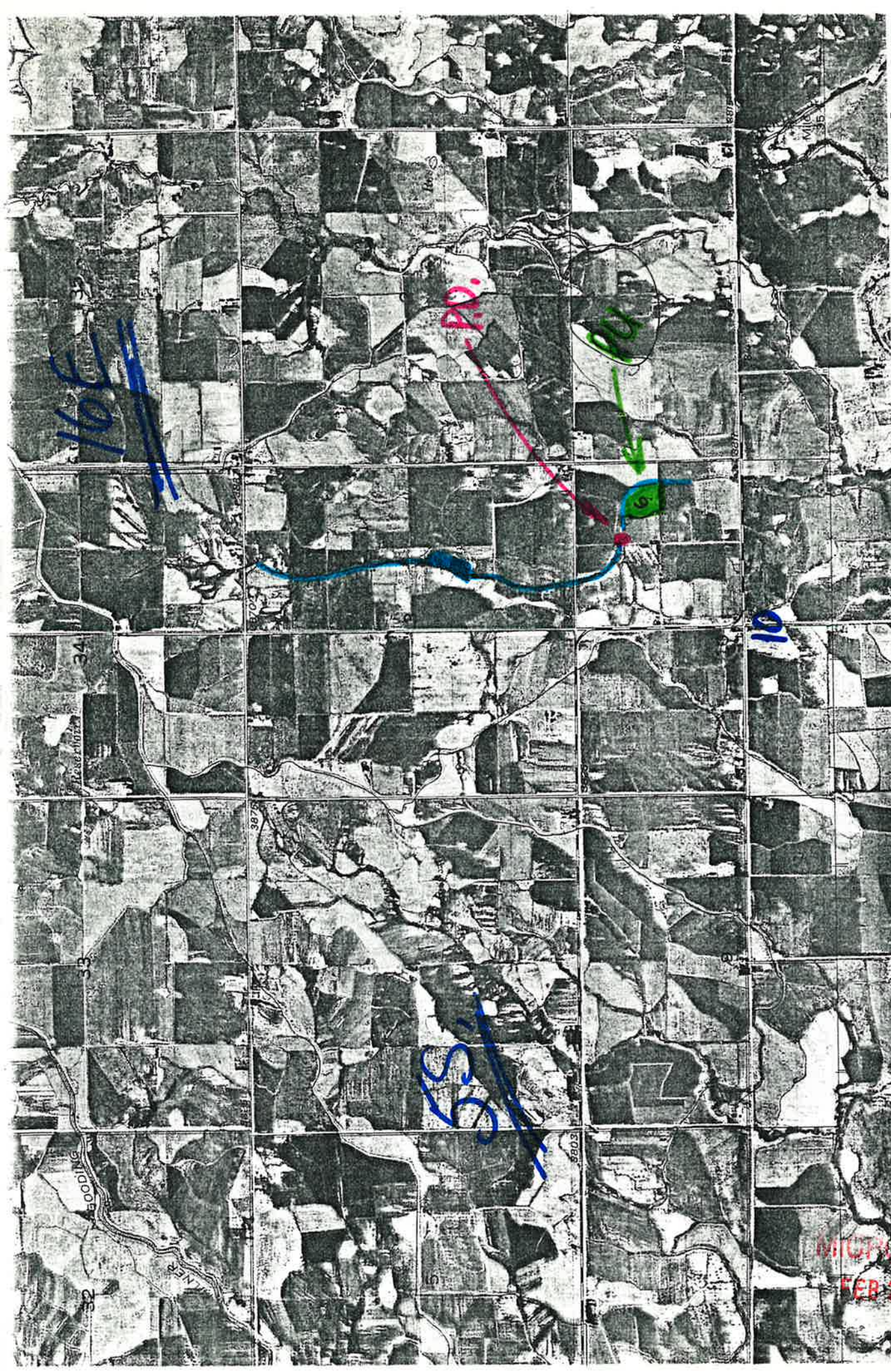
Signature of Claimant(s): Ernest Boesiger Date: July 14-89  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 14th day  
of July 19 89 Steve Call  
Notary Public

Seal

Residing at Twin Falls  
My Commission Expires Dec 7, 1994



703000m. E.

SCALE 1:24 000

1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 0 1 KILOMETRE

MICROFILMED  
FEB 26 1993

A37-13027