

04/15/2005

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

RIGHT NUMBER: 77-4166
NAME AND ADDRESS: BRADBURY FAMILY TRUST
PO BOX 1088
RANCHO SANTA FE CA 92067
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.500 CFS
This right when combined with 77-4224 shall not exceed a diversion rate of 1.5 cfs.
PRIORITY DATE: 07/01/1933
POINT OF DIVERSION:
T24N R02E S14 SESE Lot 4 Within IDAHO County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	1/01 12/31	1.500 CFS

PLACE OF USE: RECREATION Within IDAHO County
T24N R02E S14 Lot 4 SESE

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

77-4166



0 300 600 Feet



Section 14
T24N R2E



● Point of Diversion

□ Place of Use

Map prepared on April 15, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

04/15/2005

WATER RIGHT NO. 77-4166

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRADBURY FAMILY TRUST PO BOX 1088 RANCHO SANTA FE, CA 92067 (619)756-3992
Original Owner	HOFF TIMBER AND LAND CO 5440 FRANKLIN RD STE 100 BOISE, ID 83705
Original Owner	HOFF TIMBER CO LIMITED PARTNERSHIP 5257 FAIRVIEW AVE STE 230 BOISE, ID 83706 (208)323-8606

Priority Date: 07/01/1933

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	1/01	12/31	1.5 CFS	
Total Diversion			1.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESE Lt 4|Sec. 14|Township 24N|Range 02E|IDAHO County

Place(s) of use:

Place of Use Legal Description: RECREATION IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	02E	14	4	NESE										

Remarks:

1. General|Ownership changed by DH 8/22/2002
2. General|GENERAL PARTNER, MRS. FRANCIS HOFF THIS CLAIM IS BASED ON A STATUTORY CLAIM WITH THE WRONG BASIN NUMBER. THE ORIGINAL WATER RIGHT NUMBER WAS 78-4166.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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 77-4166
Date Received: 3/2/1988
Receipt No: C000076
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRADBURY FAMILY TRUST
PO BOX 1088
RANCHO SANTA FE CA USA 92067

Phone: (619) 756-3992

2. Date of Priority: 07/01/1933

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	02E	14	NE SE 4	IDAHO	

5. Description of diverting works:

25' DEEP WELL, PUMPING PLANT, PIPELINE TO POOL AND BATH HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION	1/01	12/31	1.5	

7. Total Quantity Appropriated is:
1.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	02E	14	NE SE	4	RECREATION	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 8/22/2002

GENERAL PARTNER, MRS. FRANCIS HOFF THIS CLAIM IS BASED ON A STATUTORY CLAIM WITH THE WRONG BASIN NUMBER. THE ORIGINAL WATER RIGHT NUMBER WAS 78-4166.

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 08 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP WATER RESOURCES
WESTERN REGION

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): 77-2080 (was 18656) / 77-4224 (was 78-4166) / 77-7062 / 77-10994
 Adjudication Claim No(s): A77-02082 / A77-04166 / A77-07062 / A77-10994
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. *Should be in States File for Hoff*
3. Name and Address of Former Owner/Claimant Hoff Timber Company
5257 East View Ave, Ste 230 Boise, 83706
4. New Owner/Claimant(s) Bradbury Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- * New Mailing Address P.O. Box 1088
 City, State and ZIP Code Rancho Santa Fe, CA 92067
- * New Telephone Number (619) 756-3992 / (208) 628-3785
5. Date you acquired the property May 11, 1990
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 _____ 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) Janice Bradbury
 (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..

Hoff to Stadbury

#	Priority Date	Source		
A-77-10994	7/19/1938	(Well) Groundwater	.04 CFS	Domestic
A-77-02082 77-2080 was # 18656	7/19/38	Warm Springs Creek	.30 CFS .04 "	I+T. (15 Acre) Domestic
A77-04166 77-4224 was 78-4166	7/01/1933	Groundwater	1.50 CFS	Recreation Pool Etc...
A77-07067 77-7067	09/23/77	Salmon River		Recreation Storage/pond

CLAIMS By HOFF TIMBER & LAND CO.

77-4224 (RECREATION)
T24N, R2E, S14, NESE

77-2082 D&Irr
T24N, R2E, S14, ^{Lot 4} NESE, ⁴ NESE, ⁵ NWSE, ⁵ SWSE, ⁴ SESE

77-7067 (REC STORAGE)
T24N, R2E, S14, ⁴ NESE

77-4166 (REC)
T24N, R2E, S14, ⁴ NESE

77-10994 Dom resort
T24N, R2E, S14, ⁴ NESE

WARRANTY DEED

T24N, R2E, S14
LOTS 4 NESE SESE
5 NWSE SWSE
6 (SESW)

To: Vicki
From: Kathy

353016

WARRANTY DEED

THIS INDENTURE made effective the 11th day of May, 1990, between HOFF TIMBER COMPANY, an Idaho limited partnership, the "Grantor," and RICHARD A. BRADBURY and JANICE W. BRADBURY, as co-trustees of the Bradbury Family Trust, the "Grantee," whose mailing address for these purposes is P.O. Box 1088, 16460 Via De LaValle, Rancho Santa Fe, California 92067.

WITNESSETH:

FOR VALUABLE CONSIDERATION the Grantor does hereby grant and convey unto the Grantee the real property located in Idaho County, Idaho, particularly described as follows:

Township 24 North, Range 2 East, Boise Meridian,
Section 14: Lots 4, 5 and 6
Section 23: NE1/4NW1/4

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including but not limited to oil, gas and other minerals of any kind or nature, all timber, and all water rights however evidenced appurtenant to or usually had and enjoyed in connection with the above-described premises;

SUBJECT TO the liens, encumbrances, reservations, covenants, restrictions and conditions described on EXHIBIT 1 attached hereto and made a part hereof.

WARRANTY DEED - 1

TO HAVE AND TO HOLD said premises and property unto the Grantee, its successors and assigns, forever.

The Grantor covenants with the Grantee, its successors and assigns, that the Grantee shall enjoy the quiet and peaceful possession of said premises; that the Grantor is lawfully seized of said premises in fee simple; and the Grantor warrants that the title to said premises is merchantable and is free from all liens, encumbrances, reservations, covenants, restrictions and conditions excepting those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee.

IN WITNESS WHEREOF, this Warranty Deed has been executed by the Grantor the day and year herein first above written.

HOFF TIMBER COMPANY (an
Idaho limited partnership)

By Harvey B. Hoff
Harvey B. Hoff, personal
representative of the Estate of
Frances M. Hoff, deceased, its
sole general partner

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of May, 1990, before me,
JEAN WASSERMAN, a Notary Public in and for
said State, personally appeared HARVEY B. HOFF, known or
identified to me to be the personal representative of the Estate
of Frances M. Hoff, deceased, the sole general partner of HOFF
TIMBER COMPANY, an Idaho limited partnership, and the person who
subscribed said partnership name to the foregoing instrument, and
acknowledged to me that he executed the same in said partnership
name.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.



Jean Wasserman
Notary Public for Idaho
Residing at Bain, Idaho
My commission expires 2/19, 1991

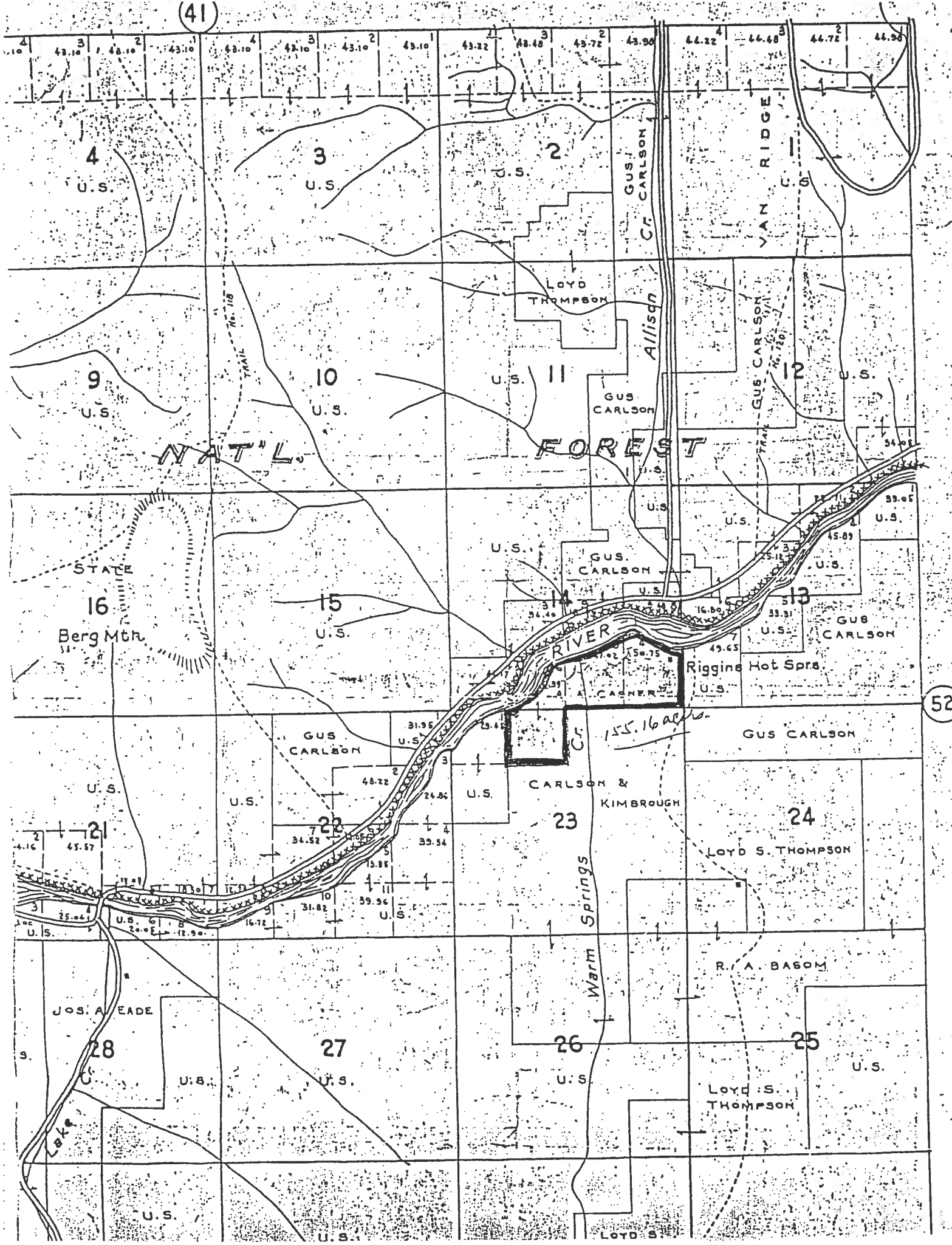
Filed and recorded at the request of Idaho City Title Co
at 10:00 o'clock A M this 15 day of May, 1990
By Deputy
Deputy

ROSE E. GEMING
Ex-Officio Auditor and Recorder Fee \$ 12.00
Idaho County, Idaho

WARRANTY DEED - 3

1. Reservations in patent or homestead certificate No. 61653 from the United States of America to Fred B. Riggins dated May 14, 1909 and recorded July 10, 1909 in Book 4 of Deeds at page 274, as Instrument No. 12120, deed records of Idaho County, Idaho.
2. General taxes for the year 1990, which are a lien, not yet due and payable.
3. Reservation of a right of way and easement across the said lands along the course of the trail heretofore and now existing thereon and crossing the bridge across Salmon River for the passage of sheep, cattle, horses and all livestock and for ingress and egress, which right of way easement so reserved is reserved for the use and benefit of the so-called Berg Ranch and Huggett Ranch, as set forth in and including the terms and conditions thereof, Deed by and between JOHN KIMBROUGH, party of the first part, and A. A. CASNER, party of the second part, recorded December 11, 1936, under Instrument No. 115832 in Book 65, page 552, records of Idaho County, Idaho.
4. Right of Way Deed for easement and right of way in gross and for the construction, maintenance and full free and quiet use and enjoyment by County of Idaho, including the terms and conditions thereof, by and between BASIL WIGGINS and MRS. BASIL WIGGINS, RIGGINS HOT SPRINGS, INC., and MRS. A. A. CASNER, mortgagee, Grantors, and COUNTY OF IDAHO, Grantee, recorded May 9, 1955, under Instrument No. 183245 in Book 88, page 414, records of Idaho County, Idaho.
5. Right of Way Deed, including the terms and conditions thereof, by and between RIGGINS HOT SPRINGS, INC. and MRS. A. A. CASNER, mortgagee, Grantors, and the COUNTY OF IDAHO, Grantee, recorded February 9, 1956, under Instrument No. 186601 in Book 89, page 303, records of Idaho County, Idaho.
6. Underground Power Line Easement, including the terms and conditions thereof, by and between HOFF LUMBER AND LAND, Grantor, and IDAHO POWER COMPANY, a corporation, Grantee, recorded May 9, 1975, under Instrument No. 258306, records of Idaho County, Idaho.
7. Mortgage of even date herewith in the principal amount of \$750,000.00 from Grantee, as mortgagor, to Grantor, as mortgagee, recorded May 15, 1990, as Instrument No. 353015, mortgage records of Idaho County, Idaho.

EXHIBIT 1 - to Warranty Deed from Hoff Timber Company
(Page 1 of 1) to Richard A. and Janice W. Bradbury, Trustees



801



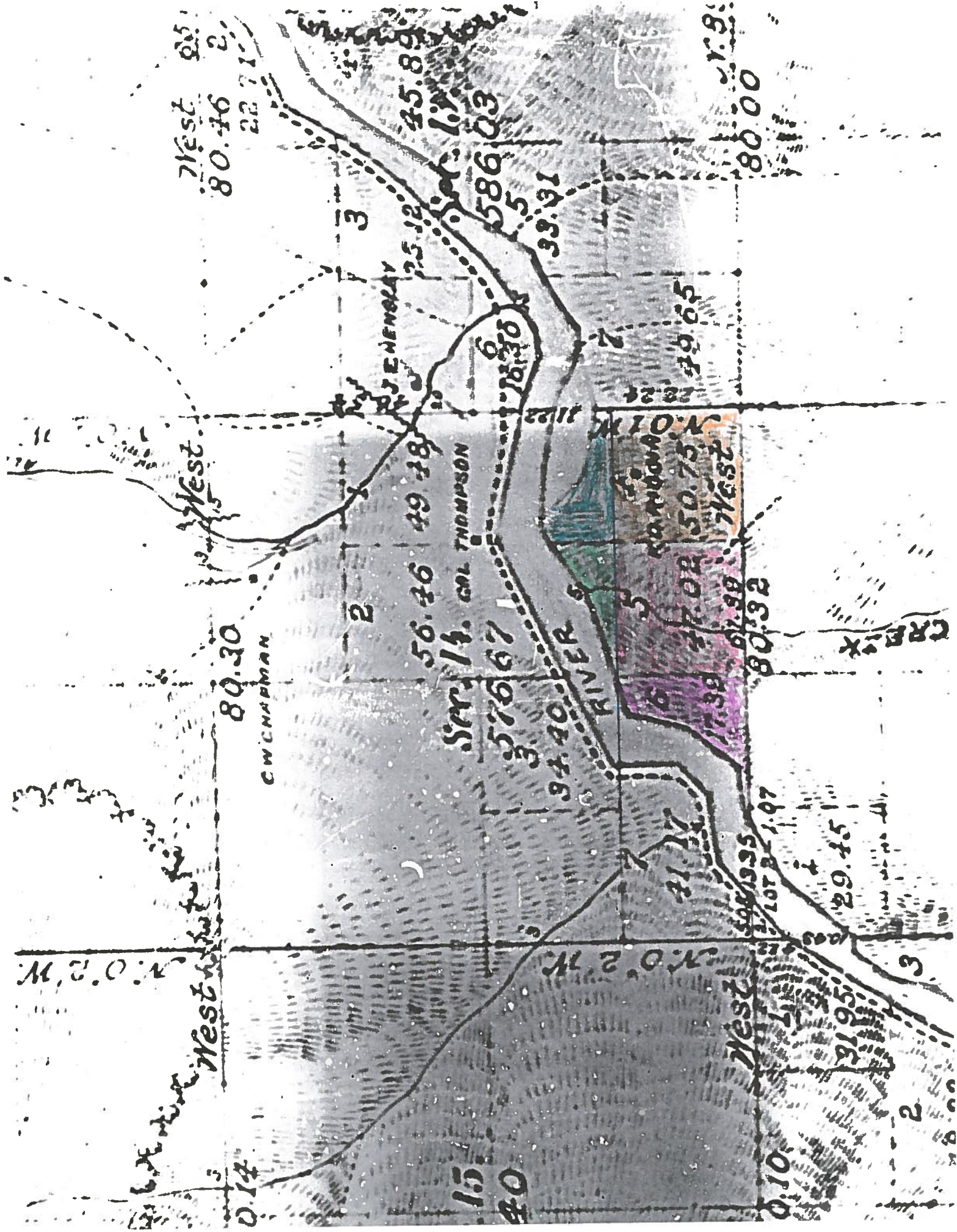
GWT'S BY 1/4

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15.40 1.9

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49.65 1.9

47.02 50.75 1.9

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LOT 2 1.97

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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: A77-04166
Date Received: 3/01/1988
Receipt No: C000076

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOFF TIMBER COMPANY 208-323-8606
Address: LIMITED PARTNERSHIP
5257 FAIRVIEW AVENUE
SUITE 230
BOISE, ID 83706

2. Date of Priority: JUL 01, 1933

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	02E	14	NE	SE		4	IDAHO

5. Description of diverting works:
25' DEEP WELL, PUMPING PLANT, PIPELINE TO POOL AND BATH HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SWIMMING POOL AND BATH HOUSE WITH JACUZZI.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	02E	14	NE	SE	4	REC	

11. Place of use in counties: IDAHO

A77-04166

Page 1

Date: 03/01/88

MICROFILMED

OCT 05 1992

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

13. Other Water Rights Used:

77-2082 USED AT RESORT AND FOR IRRIGATION.

14. Remarks:

GENERAL PARTNER, MRS. FRANCIS HOFF

15. Basis of Claim: STATUTORY CLAIM

Water Right Number:

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: _____ / _____

* per phone
conversation
3-2-88

For Organizations:

I do solemnly swear or affirm that I am _____ President _____ of _____ Title _____

Hoff Timber Co. _____, that I have signed the foregoing
Organization

document in the space below as _____ President _____ of _____ Title _____

Hoff Timber Co. _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Lawrence B. Hoff
Signature of Authorized Agent

President, Hoff Timber Co.
Title and Organization

3-188
Date

State of Idaho)
County of Ada) SS.

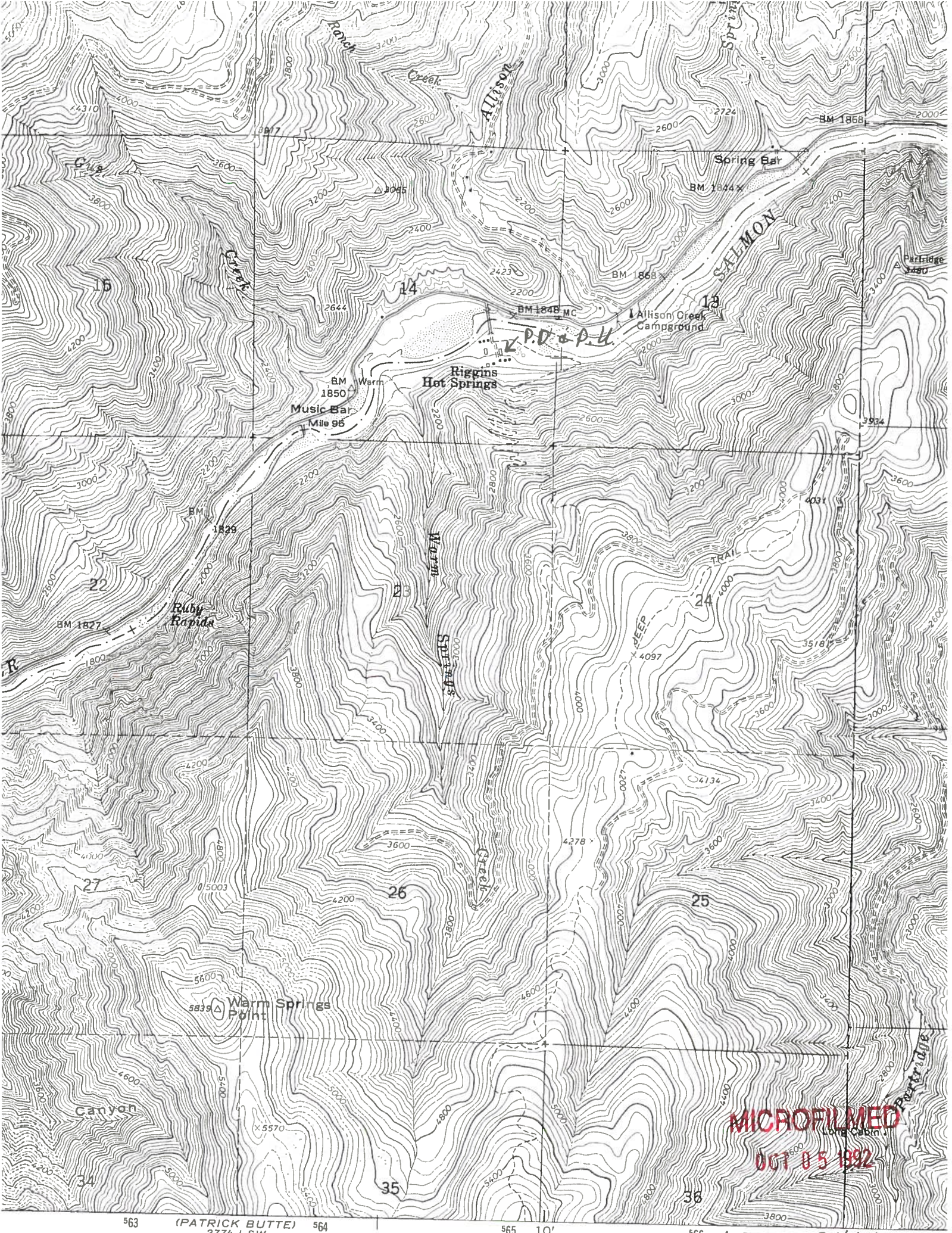
Subscribed and sworn (or affirmed) before me this 1st day
of March 19 88

J. Carol Spoor
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 3-22-91



MICROFILMED
OCT 05 1992

OWNER
CODE

NAME & ADDRESS

C
C HOFF TIMBER COMPANY
LIMITED PARTNERSHIP
5257 FAIRVIEW AVENUE
SUITE 230
BOISE ID 83706
(208) 323-8606

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

124N R02E S14 Lot04(MESE)

IDAHO County

Place of use Legal Description for: RECREATION												
NE												
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The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

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

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: A77-04166
Date Received: 3/01/1988
Receipt No: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOFF TIMBER COMPANY 208-323-8606
Address: LIMITED PARTNERSHIP
5257 FAIRVIEW AVENUE
SUITE 230
BOISE, ID 83706

2. Date of Priority: JUL 01, 1933

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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5. Description of diverting works:
25' DEEP WELL, PUMPING PLANT, PIPELINE TO POOL AND BATH HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SWIMMING POOL AND BATH HOUSE WITH JACUZZI.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
24N	02E	14	NE	SE	4	REC	

11. Place of use in counties: IDAHO

A77-04166

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

13. Other Water Rights Used:

77-2082 USED AT RESORT AND FOR IRRIGATION.

14. Remarks:

GENERAL PARTNER, MRS. FRANCIS HOFF

15. Basis of Claim: STATUTORY CLAIM

Water Right Number:

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 Organizations:

I do solemnly swear or affirm that I am _____ President _____ of _____ Title _____

Hoff Timber Co. _____, that I have signed the foregoing

Organization

document in the space below as _____ President _____ of _____ Title _____

Hoff Timber Co. _____ and that the statements contained in the

Organization

foregoing document are true and correct.

Harvey B. Hoff
Signature of Authorized Agent

President, Hoff Timber Co.

Title and Organization

3-1-88

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of March 19 88

J. Carol Spoor
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 3-22-91