

06/16/2004

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

RIGHT NUMBER: 25-281

NAME AND ADDRESS: HOFF BROTHERS INC
10741 S 25 E
IDAHO FALLS ID 83406

SOURCE: TAYLOR CREEK

TRIBUTARY: SAND CREEK

QUANTITY: 6.400 CFS

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION:

T01N R38E S22 SWSWSE Within BONNEVILLE County

T01N R38E S34 NESWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

6.400 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T01N R38E S22	NENE	20.0	T01N R38E S22	NWNE	30.0
T01N R38E S22	SWNE	36.0	T01N R38E S22	SENE	13.0
T01N R38E S22	NENW	5.4	T01N R38E S22	SWNW	19.0
T01N R38E S22	SENW	21.0	T01N R38E S22	NESW	26.0
T01N R38E S22	NWSW	18.0	T01N R38E S22	SWSW	26.0
T01N R38E S22	SESW	21.0	T01N R38E S22	NESE	9.2
T01N R38E S22	NWSE	8.3	T01N R38E S22	SWSE	4.1
T01N R38E S22	SESE	6.9	T01N R38E S23	NWSW	16.0
T01N R38E S23	SWSW	25.0	T01N R38E S26	NWNW	18.0
T01N R38E S26	SWNW	18.0	T01N R38E S26	NWSW	11.0
T01N R38E S26	SWSW	6.8	T01N R38E S27	NENE	35.0
T01N R38E S27	NWNE	16.0	T01N R38E S27	SWNE	15.0
T01N R38E S27	SENE	40.0	T01N R38E S27	NENW	14.0
T01N R38E S27	NWNW	8.0	T01N R38E S27	NESE	20.0
T01N R38E S27	SESE	6.2			

512.9 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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: Decreed

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Water Right 25-281

06/16/2004

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

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

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PROGRESSIVE
IRRIGATION DIST.

RIGHT NO. 25-14073 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
DESCRIBED ABOVE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 25-281A AND
25-281B.

Water Right 25-281

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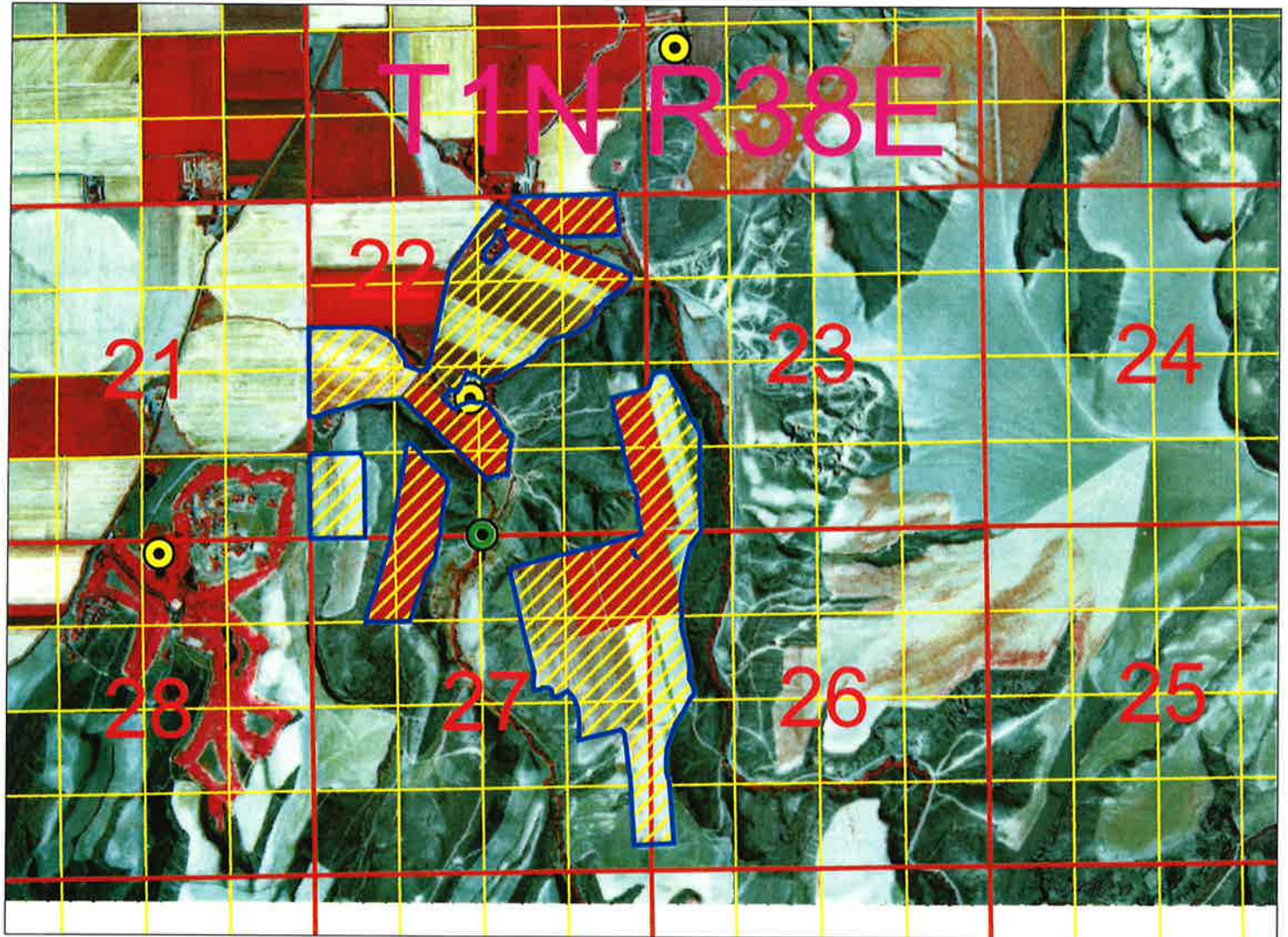
SEP 08 2004

PROFILED 2



Department of Water Resources

Claim No.: 25-00281



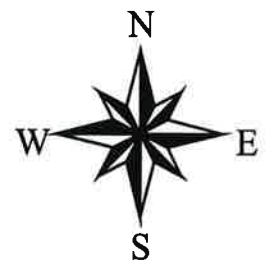
0 1 2 Miles

-  Place of Use
-  Point of diversion
-  Sections
-  QQ

PROFILE

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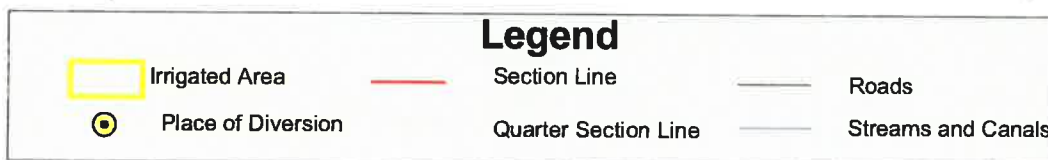
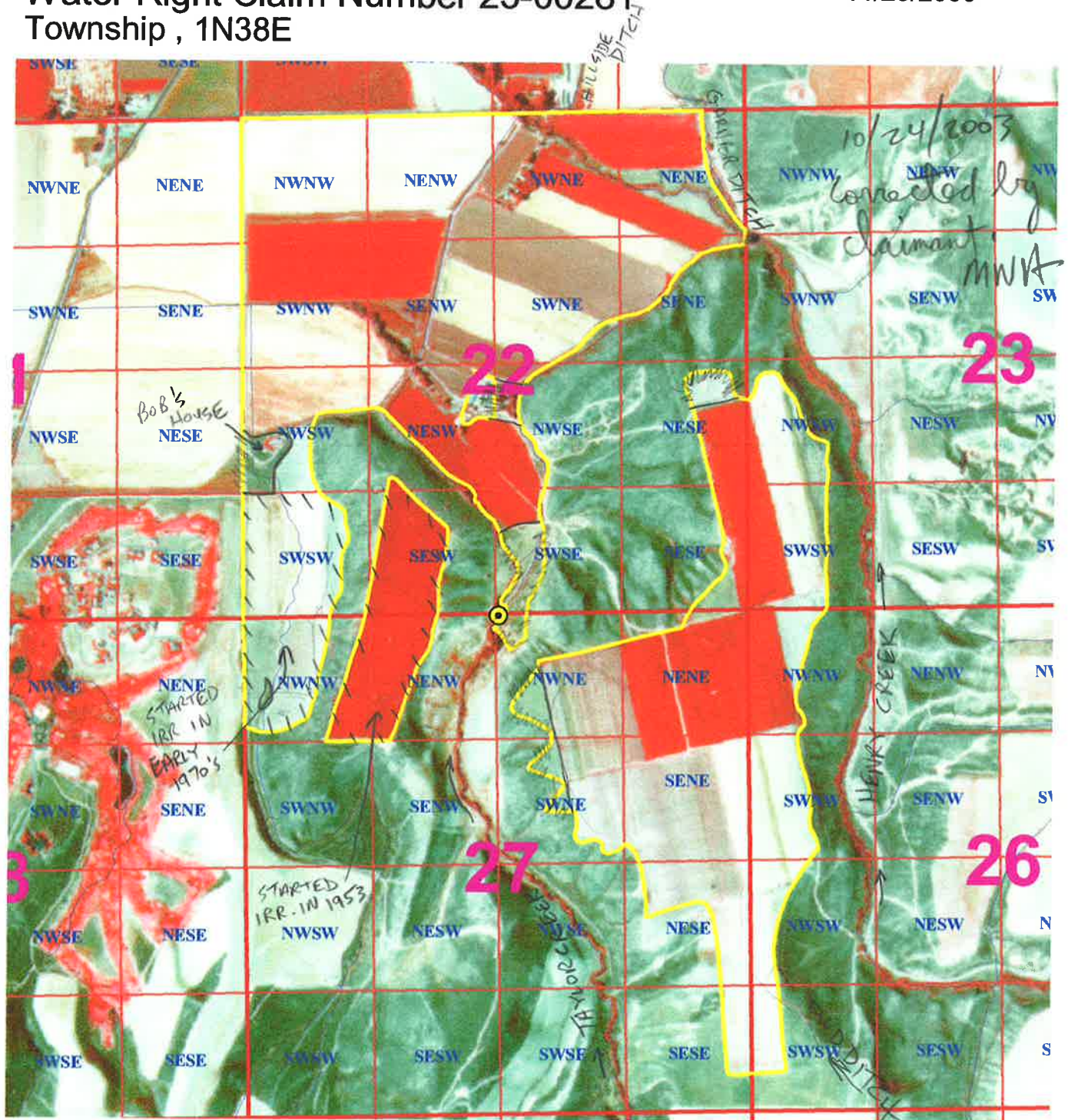
SEP 08 2004



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2004

Water Right Claim Number 25-00281
Township, 1N38E

11/29/2000

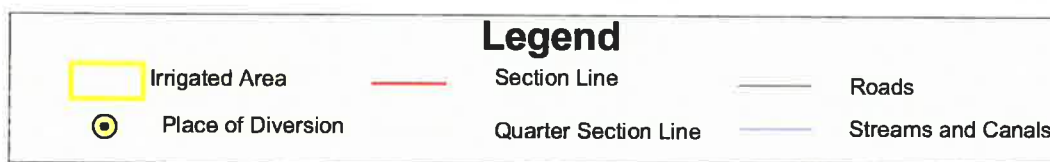
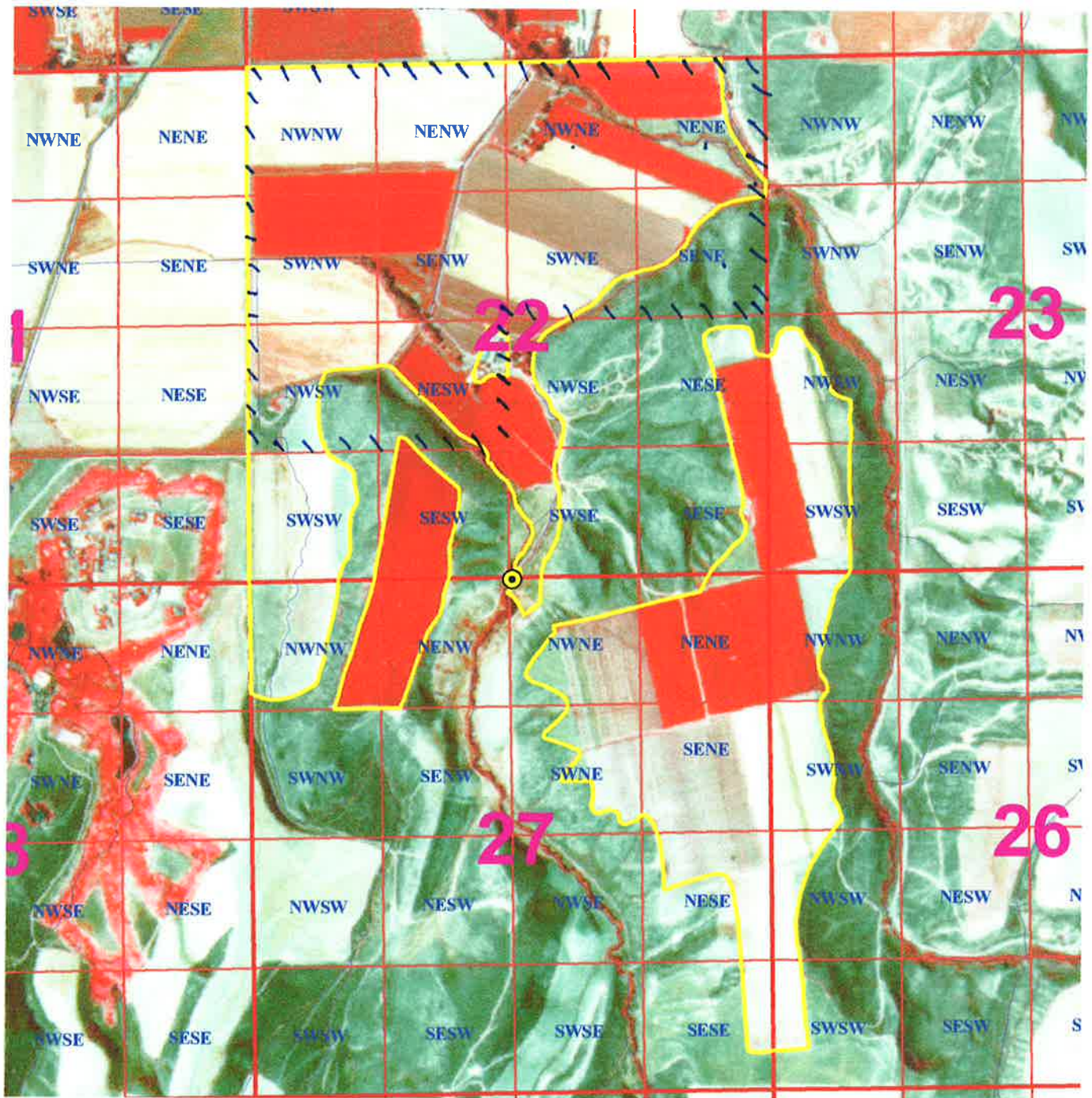


SPATIAL DYNAMICS



Water Right Claim Number 25-00281
Township, 1N38E

11/29/2000



1000 0 1000 2000 3000 Feet

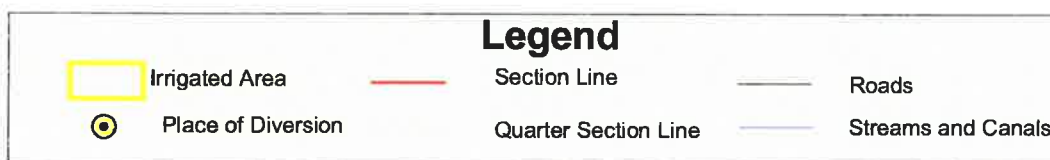
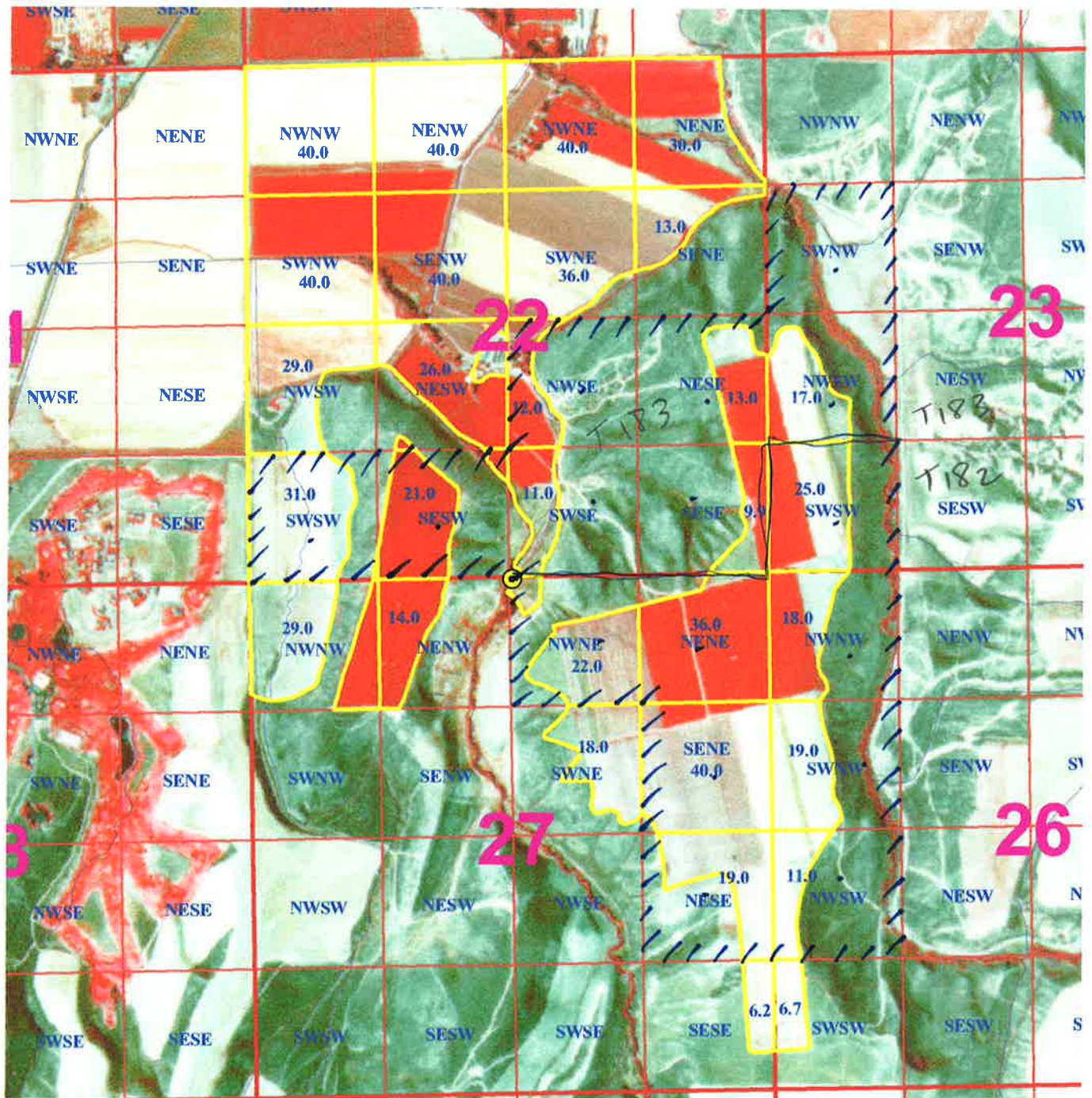
SPATIAL
DYNAMICS

25-281, 282, 283 POB before XFR 182 + 183 ~ 334 ac

W

11/29/2000

Township , 1N38E



Spatial
Dynamics



POU after XFRS 182 + 183 ~ 341 ac (includes $5\frac{1}{2}$ of SW $\frac{1}{4}$ of sec 22)

To: Candice McHugh, Deputy Attorney General, IDWR; Michael Holliday, IDWR Contractor

From: Mark Petersen, Legal Extern

Date: March 10, 2004

RE: Water Rights 25-281, 25-282, 25-283

Status of Water Rights 25-281, 25-282, 25-283 Memorandum

I) Questions Presented

- A) Whether the decree in *Hoff v. Owen*, Decree (Bonneville County, Feb. 4, 1914) ("Hoff decree") supercedes the *Rexburg Irrigation Co., et al. v. Teton Irrigation Co., et al.*, Decree (Fremont County, Dec. 16, 1910) ("Rexburg decree") or the supplemental decree in that case, reiterates the Rexburg decree or the Rexburg Supplemental decree, or if the Hoff decree is an entirely separate decree
- B) Whether transfer nos. 182 and 183 affect all or part of the Hoff water rights 25-281 ("281"), 25-282 ("282"), 25-283 ("283") (also referred to collectively as the "Hoff water rights.")

II) The Hoff decree reiterates the Supplemental Rexburg decree of 1916

There appears to be conflicting decrees concerning the Hoff water rights. The original Rexburg decree of 1910 fails to mention the parties of the Hoff decree. The Rexburg decree also fails to mention Henry Creek, Dry Fork Henry Creek, or Taylor Creek that are the sources decreed in the Hoff decree. The Rexburg decree mentioned the party, Rasmus Hoff ("Hoff") but only as a water user of the Snake River Valley Canal Company. Hoff's rights with the Snake River Valley Canal Company did not originate on the same lands as the Hoff decree.¹

The Hoff decree in 1914 declared Hoff had a right to 6.4 cfs with a priority date of May 1, 1880, with Henry Creek and the Dry Fork Henry Creek as its source. In 1916, 1912 the court issued the Rexburg Supplemental decree that quantified Hoff's rights at 18.4 cfs² that encompassed all of the land in the original Hoff decree but did not add any

¹ See Excel spreadsheet attachment.

² 6.4 cfs priority April 1, 1878 (source: Taylor Creek); 6.0 cfs priority May 1, 1885 (source: Henry Creek); 6.0 cfs priority July 1, 1898 (source: Henry Creek).

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because did not yet exist

additional land. However, the Rexburg Supplemental decree did not have any language that specifically incorporated or superceded the Hoff Decree. A current search of the Hoff water rights does not reveal any use of 6.4 cfs on the original land in the Hoff decree. Nonetheless, it is possible that Hoff conveyed this land with its water right to another user.

It is difficult with the current information before the Department to make a concrete decision concerning the Hoff decree. The decreed water use of 6.4 cfs has a different priority date (May 1, 1880) than the water rights issued in the Rexburg Supplemental decree (April 1, 1878; May 1, 1885; and July 1, 1898). The water right of 6.4 cfs decreed in the Hoff decree exists on the same land as in the Rexburg Supplemental decree; yet, the water right is not included in any of the transfer proceedings. It is currently unknown if someone currently uses the 6.4 cfs decreed in the Hoff decree on the original land or if Hoff subsequently used only the 18.4 cfs granted in the Rexburg Supplemental decree essentially incorporating both decrees into one. It appears from the transfer records and the decrees that Hoff may have a claim to the 6.4 cfs declared in the Hoff decree as a separate water right from the 18.4 cfs declared in the Rexburg Supplemental decree. Nonetheless, the records indicate no claim by Hoff for an additional 6.4 cfs beyond the 18.4 cfs granted in the Rexburg Supplemental decree. Hence, it is reasonable to conclude that the 1916 Rexburg Supplemental decree is controlling, that Hoff has a right to 18.4 cfs, and that the Rexburg Supplemental decree incorporates the water decreed in the Hoff decree.

III) Transfer Nos. 182 and 183 affect all of water rights 281, 282, and 283

Transfer nos. 182 and 183 transferred 12.8 cfs of Rasmus and Jennie Hoff's³ (Rasmus Hoff's daughter) water rights from their original lands in Section 22⁴ to the current lands in Sections 23, 26, 27⁵ (land owned by Jennie), 22, and 23⁶ (land owned by Rasmus). Although transfer nos. 182 and 183 specify no specific water rights, the quantity of water mentioned in the transfer proceeding as well as the legal descriptions of the land allow this calculation.

However, claimed use of water under water rights 281(A & B), 282(A & B), and 283 (A & B) show a claimed use of 18.4 cfs⁷ on the lands granted a transfer under transfer nos. 182 and 183. Why only 12.8 cfs was transferred is unknown. There may be a subsequent transfer, either recorded or under an accomplished transfer that allowed the transfer of the remaining 5.6 cfs. Another possibility is that Hoff (or subsequent owner)

³ Rasmus Hoff conveyed portions of his land and water rights to his daughter Jennie Hoff at some point prior to the transfer proceedings.

⁴ This included all of the lands located in this description: Section 22, T.1 N, R.38 E., N. ½ and N. ½ of SW ¼.

⁵ Lands located in the following description: Section 23, T.1 N, R.38 E. (SW ¼ of SW ¼); Section 26, T.1 N, R.38 E. (W ½ of NW ¼ and NW ¼ of SW ¼); Section 27, T.1 N, R.38 E. (N ½ of NE ¼ and SE ¼ of NE ¼).

⁶ Lands located in the following description: Section 22, T.1 N, R.38 E. (S ½ of SW ¼ and SE ¼); Section 23, T.1 N, R.38 E. (SW ¼ of NW ¼ and NW ¼ of SW ¼).

⁷ 18.4 cfs is the quantity of water granted to Rasmus Hoff on the original lands under the 1916 Rexburg Supplemental decree. The Rexburg Supplemental decree issued seven months after the transfer proceeding was finalized.

may still use the 5.6 cfs on the original land, although that is not how the Hoff's claimed their water rights. From the claimed use of water rights 281, 282, and 283 it appears that transfer of the remaining 5.6 cfs occurred at some point prior to 1987. It is likely that Rasmus and Jennie Hoff transferred all of water rights 281, 282, and 283 to their current places of use around January 15, 1916, the date of the Rexburg Supplemental decree.

IV) Conclusion

Hoff has a right to 18.4 cfs decreed in the Rexburg Supplemental decree with a priority date of April 1, 1878 (6.4 cfs from Taylor Creek), May 1, 1885 (6 cfs from Henry Creek), and July 1, 1898 (6 cfs from Henry Creek). The Rexburg Supplemental decree incorporates the Hoff decree into the 18.4 cfs granted to Hoff. Neither the current water right records, the decrees, nor transfers 182 and 183 indicate that Hoff used the additional 6.4 cfs mentioned in the Hoff decree that arguably could have been a separate water right. It is reasonable to conclude that Hoff considered the 6.4 cfs of the Hoff decree as part of the 18.4 cfs of the Rexburg Supplemental decree. Transfer nos. 182 and 183 resulted in the transfer of 12.8 cfs from the lands in the Rexburg Supplemental decree to the claimed land. Hoff likely transferred the remaining 5.6 cfs, unaccounted for in these prior transfers, to the current places of use prior to 1987. Thus, the entire 18.4 cfs can be recognized, provided evidence supports its continual beneficial use, on the claimed place of use.

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<u>Owner</u>	<u>Water right</u>	<u>Quantity</u>	<u>Priority</u>	<u>Source</u>	<u>Acres</u>	<u>Location - Place of Use</u>
HOFF v. OWEN DECREE (Feb. 4, 1914)						
Hoff	NA	6.4 cfs	1-May-1880	Henry Creek and Dry Fork Henry Creek (if required)	NA	T.1 N., R.38 E., Sec. 22; N. 1/2 and N. 1/2 of S.W. 1/4
Owen Jr.	NA	8/10 cfs	1-May-1904	Dry Fork Henry Creek	40	T.1 S., R.39 E., Sec. 7; S. 1/2 of N.E. corner
Owen Sr.	NA	1 6/10 cfs	1-May-1904	Dry Fork Henry Creek	80	T.1 S., R.39 E., Sec. 7 (E. 1/2 of S.E. corner)
						T.1 S., R.39 E., Sec.8 (W. 1/2 of S.W. corner)
Kingsten	NA	5/10 cfs	5-Apr-1909	Henry Creek	50	T.1 N., R.39 E., Sec. 30 (S.W. 1/4)
						T.1 N., R.38 E., Sec. 25 (S.E. 1/4 of S.E. 1/4)
						T.1 N., R.39 E., Sec. 30 (S. 1/2 of S.W. 1/4)

REXBURG DECREE (Dec 16, 1910)

Snake River Valley Canal Co.	1-171	20,000 in.	9-Jul-1896	Snake River	NA	NA
	1-172	3,000 in.	1-Sep-1903			
Hoff (member of SRVCC)	NA	NA	NA	Snake River Valley Canal Co.		T.1. N., R.37 E., Sec. 11 (S.E. 1/4 of N.E. 1/2)
						120 T.1. N., R.37 E., Sec. 12 (W. 1/2 or N.W. 1/4)
						240 T.1. N., R.37 E., Sec. 1 (N.W. 1/4 and W. 1/2 of N.E. 1/2)
						80 T.1. N., R.37 E., Sec. 2 (S. 1/2 of S.E. 1/4)
						160 T.1. S., R.38 E., Sec. 6 (S.W. 1/4)
						160 T.1. N., R.37 E., Sec. 11 (E. 1/2 of S.W. 1/4 and W. 1/2 of S.E. 1/4)
						80 T.1. N., R.37 E., Sec. 34 (E. 1/2 of SE 1/4)
					160	T.1. N., R.37 E., Sec. 35 (SW 1/4)
Note: There is no mention of Owen Jr., Sr., or Kingsten water rights in Rexburg Decree						
Note: There is no mention of Henry Creek, Dry Fork Henry Creek, Taylor Creek, or Sand Creek in Rexburg Decree (interconnected water sources)						

July 29, 1912

Aug 30, 1916 REXBURG SUPP DECREE (Supplementing 1910 decree)

Hoff	25-281	6.4 cfs	1-Apr-1878	Taylor Creek	NA	T.1.N., R.38 E., Sec. 22 (N.1/2 of SW 1/4 and S.1/2 of NW 1/4)
	25-282	6 cfs	1-May-1885	Henry Creek	NA	T.1.N., R.38 E., Sec. 22 (N.1/2 of NW 1/4 and NW 1/4 of NE 1/4)
	25-283	6 cfs	1-Jul-1898	Henry Creek	NA	T.1.N., R.38 E., Sec. 22 (E. 1/2 of NE 1/4 and SW 1/4 of NE 1/4)
Note: This decree is found in the transfer folder, separate from the original Rexburg decree)						
Note: these land descriptions are identical to the Hoff decree land description						
Note: The transfer proceedings do not mention specific water rights numbers - deduced from water quantity and place of use						

TRANSFER PROCEEDINGS (Jan 15, 1916)

TRANSFER PROCEEDINGS (Jan 15, 1916)						
182	Jennie Hoff	6.4 cfs	NA	Henry and Taylor Creeks	NA	From: T.1 N, R.38 E., Sec. 22 (S 1/2 of NW 1/4; N. 1/2 of SW 1/4; N 1/2 of NW 1/4; NW 1/4 of NE 1/4; E 1/2 of NE 1/4; and SW 1/4 of NE 1/4)
						To: T.1N, R.38E., Sec. 23 (SW 1/4 of SW 1/4); Sec. 26 (W 1/2 of NW 1/4 and NW 1/4 of SW 1/4); Sec. 27 (N 1/2 of NE 1/4; SE 1/4 of NE 1/4; and NE 1/4 of SE 1/4)
183	Rasmus Hoff	6.4 cfs	NA	Henry and Taylor Creeks	NA	From: T.1 N, R.38 E., Sec. 22 (S 1/2 of NW 1/4; N. 1/2 of SW 1/4; N 1/2 of NW 1/4; NW 1/4 of NE 1/4; E 1/2 of NE 1/4; and SW 1/4 of NE 1/4)
						Tc: T.1N, R.38E., Sec. 22 (S 1/2 of SW 1/4 and SE 1/4); Sec. 23 (SW 1/4 of NW 1/4 and NW 1/4 of SW 1/4)
Note: Transfer proceedings 182 and 183 do not account for 5.6 cfs that is currently used under water rights 281, 282, and 283						

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POU listed in R. Long Decree

RASMUS HOFF

IN 38E 22	S $\frac{1}{2}$ of NW $\frac{1}{4}$ N $\frac{1}{2}$ of SW $\frac{1}{4}$	} 160 ac	25-281
	N $\frac{1}{2}$ of NW $\frac{1}{4}$ NW of NE $\frac{1}{4}$		
	E $\frac{1}{2}$ of NE $\frac{1}{4}$ SW NE	} 120 ac	25-282
		} 120 ac	25-283

derived
error per
supplemental
decrees

{	IN 37E 1	N $\frac{1}{2}$
	2	S $\frac{1}{2}$ of SE
	13	SWNW + NWSW
	14	NESE

POU OF ABOVE WR'S AFTER XFR 182 + 183.

IN 38E	23	SWSW, SWNW, NWSW
	26	W $\frac{1}{2}$ NW $\frac{1}{4}$, NWSW
	27	N $\frac{1}{2}$ NE $\frac{1}{4}$, SENE, NESE
	22	S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

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PROFILED

SEP 08 2004

SCANNED

25-281
RASMUS HOFF
6.40 CFS
APRIL 1, 1878
TAYLOR CR
IRRIGATION
IN 38E 22 S $\frac{1}{2}$ of NW $\frac{1}{4}$
N $\frac{1}{2}$ of SW $\frac{1}{4}$
160 ac

10/24/2003

25-281

Met with Bob Hoff. Bob said that this place was purchased from the United States by Sam Taylor in 1889, but Taylor had settled here in 1872.

The original P/D from Taylor Creek is located at: N 254051, E 664566.

In 1953 a 60 HP vertical turbine pump was installed at a P/D located further downstream to pump water over the hills for sprinkler irrigation. The P/D used from 1953 to present is:

N 256968

E 664134

Bob said that in 1971 an additional 160 HP was installed to complement the 60 HP pump. (Nameplate said 150 HP, but Bob said it was rewired to 160 HP.)

A reservoir was installed in 1995, which receives water from Henry Creek, Taylor Creek, and Progressive Irr. Dist.

POU corrected by claimant. POU also irrigated w/ shares from Progressive Irr. Dist.

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10/24/2003 P/D from Taylor Creek

N
↑

PROFILED

SCANNED
SEP 08 2004

SEP 08 2004

SCANNED

PROFILED

Pick from Jay's Creek to
things removed.

N
↓

10/24/2003



PROFILED

SEP 08 2004

SCANNED

Storage reservoir and pump.
Reservoir established in 1995.

N
↓

10/24/2003



SCANNED

JUL 27 2001

Log for claim 25-00281

Spatial Dynamics CAT

11/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n38e	22	NENE	27	30	
01n38e	22	NWNE	37	40	
01n38e	22	SWNE	36	36	
01n38e	22	SENE	13	13	
01n38e	22	NENW	37	40	
01n38e	22	NWNW	37	40	
01n38e	22	SWNW	37	40	
01n38e	22	SENW	38	40	
01n38e	22	NESW	26	26	
01n38e	22	NWSW	30	29	
01n38e	22	SWSW	30	31	
01n38e	22	SESW	20	20	
01n38e	22	NESE	10	8.9	
01n38e	22	NWSE	10	7.6	
01n38e	22	SWSE	9	3.9	
01n38e	22	SESE	11	6.7	
01n38e	23	NWSW	14	17	
01n38e	23	SWSW	22	25	
01n38e	26	NWNW	20	18	
01n38e	26	SWNW	20	19	
01n38e	26	NWSW	18	11	
01n38e	26	SWSW	3	6.7	
01n38e	27	NENE	35	35	
01n38e	27	NWNE	27	16	
01n38e	27	SWNE	22	15	
01n38e	27	SENE	37	40	
01n38e	27	NENW	18	14	
01n38e	27	NWNW	33	29	
01n38e	27	NESE	17	19	
01n38e	27	SESE	0	6.2	
Totals:			694	683	

S T A T E O F I D A H O .

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO.182, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted Jennie Hoff, of Idaho Falls, County of Bonneville State of Idaho, to transfer the use of three hundred twenty (320) inches of the waters of Henry Creek and Taylor Creek, in the County of Bonneville and State of Idaho, from the lands for which it was originally decreed, i. e., the S $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 22, T. 1 N., R. 38 E.B. M., to the following described lands, to-wit: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ of NE $\frac{1}{4}$ and ^{SE}SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 27, T. 1 N., R. 38 E.B.M., the location of the points of diversion of said waters being as follows: from Taylor creek in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 33, T. 1 N., R. 38 E.B.M., and from Henry creek in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 35, T. 1 N., R. 38 E.B.M.

The water right appurtenant to the above described lands was adjudged by decree, dated December 16, 1910, of James M. Stevens, then Judge of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the matter of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants.

WITNESS My hand and the seal of my office at Boise, Idaho, this 15th day of January A. D. 1916.

J. H. SMITH,
State Engineer.

(SEAL)

MICROFILMED

25-06281

S T A T E O F I D A H O .

-----Office of State Engineer-----

CERTIFICATE NO. 183, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted Rasmus Hoff, of Idaho Falls, County of Bonneville, State of Idaho, to transfer the use of three hundred twenty (320) inches of the waters of Henry Creek and Taylor Creek, in the County of Bonneville and State of Idaho, from the lands for which it was originally decreed, to-wit: $S\frac{1}{2}$ of $NW\frac{1}{4}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, $N\frac{1}{2}$ of $NW\frac{1}{4}$, $NW\frac{1}{4}$ of $NE\frac{1}{4}$, $E\frac{1}{2}$ of $NE\frac{1}{4}$ and $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 22, T. 1 N., R. 38 E.B.M., to the following described lands, to-wit: $S\frac{1}{2}$ of $SW\frac{1}{4}$ and $SE\frac{1}{4}$, Sec. 22, $SW\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ Sec. 23 T. 1 N., R. 38 E.B. M., the location of the points of diversion of said waters being as follows: from Taylor creek in the $SE\frac{1}{4}$ of $SE\frac{1}{4}$, Sec. 33, T. 1 N., R. 38 E.B.M. and from Henry creek in the $NE\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 35, T. 1 N., R. 38 E.B.M.

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WITNESS My hand and the seal of my office at Boise, Idaho, this 15th day of January, A. D. 1916.

J. W. SMITH,
State Engineer.

MICROFILMED

SEAL)

183
Application for Transfer of Water Right

CALIFORNIA,

STATE OF ~~IDAHO~~

County of Los Angeles } ss.

RECEIVED
JAN 14
OFFICE OF STATE ENGINEER

Rasmus Hoff, being first duly sworn, deposes and says:

That his name is Rasmus Hoff; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Idaho Falls, Idaho, R. F. D. No. 3; that affiant's present address is temporarily and on account of poor health at Long Beach, California.

That ~~he~~ ^{was} is the owner and using a certain water right of Six Hundred Forty inches of the waters of Henry Creek and Taylor Creek, located in the County of Bonneville, State of Idaho, decreed to Rasmus Hoff by decree of Judge James M. Stevens then judge, of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of the Rexburg Irrigation Company, a corporation et al vs Teton Irrigation Canal Co. et al, said decree bearing date of December, 1910, (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____), for the purpose of irrigating the following described lands situate, lying and being in the County of Bonneville, and State of Idaho, to-wit: S1/2NW1/4, N1/2SW1/4 of Section 22, Tp One, NR38EBM; also N1/2NW1/4, NW1/4NE1/4 Section 22, Tp One, NR 38EBM; also EHL/2NE1/4, SW1/4NE1/4 Section 22, Tp One, NR 38EBM; that in October, 1913, affiant conveyed said 640 inches of water to Jennie Hoff and that in July, 1914, said Jennie Hoff conveyed to affiant, ~~and is the owner (and representative of her own 320 inches of said water to affiant; that affiant used said water on the lands hereinafter described for a long time before the conveyance of said 320 inches of water to him by the said Jennie Hoff, as afore-said and that affiant has used such water on said lands ever since said last mentioned conveyance.~~

That said waters are now diverted from said stream in Section 35, Township One, NR 38 E. B. M. and by means of ditch conveyed down to the lands herein after mentioned and described.

~~and conducted to the above described land through~~

~~as per map hereto attached and of the affiant and not;~~

That affiant and petitioner ~~some time ago abandoned the use of said water on the use of said land and desires to abandon~~ of said water upon the above described land, and to convey and use same upon the following tract, situate,

lying and being in the County of Bonneville, and State of Idaho, to-wit: The South Half of the Southwest Quarter and the Southeast Quarter of Section 22; and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 23, all in Township One, North of Range 38, East of the Boise Meridian.

That his reasons for desiring to make such transfer are as follows: Petitioner has no other water with which to irrigate the lands last above described and there is ample water for the irrigation of the lands for which the said water was decreed.

RECEIVED

STATE OF IDAHO,

County of.....

} ss.

I,, Watermaster of
County of, State of Idaho, whose postoffice address is.....
....., have read or heard read the foregoing affidavit and petition of
....., and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;
and I hereby endorse my approval of said petition, and request that the State Engineer issue the certificate of
transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the
following reasons:.....
.....
.....
.....

Watermaster.

Notice having been duly published for thirty days of the intention of the above named.....
Rasmus Hoff to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having
been given to any and all persons opposing said transfer to present their objections in a public hearing before
me at Idaho Falls, on December 28, 1915, according to
the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

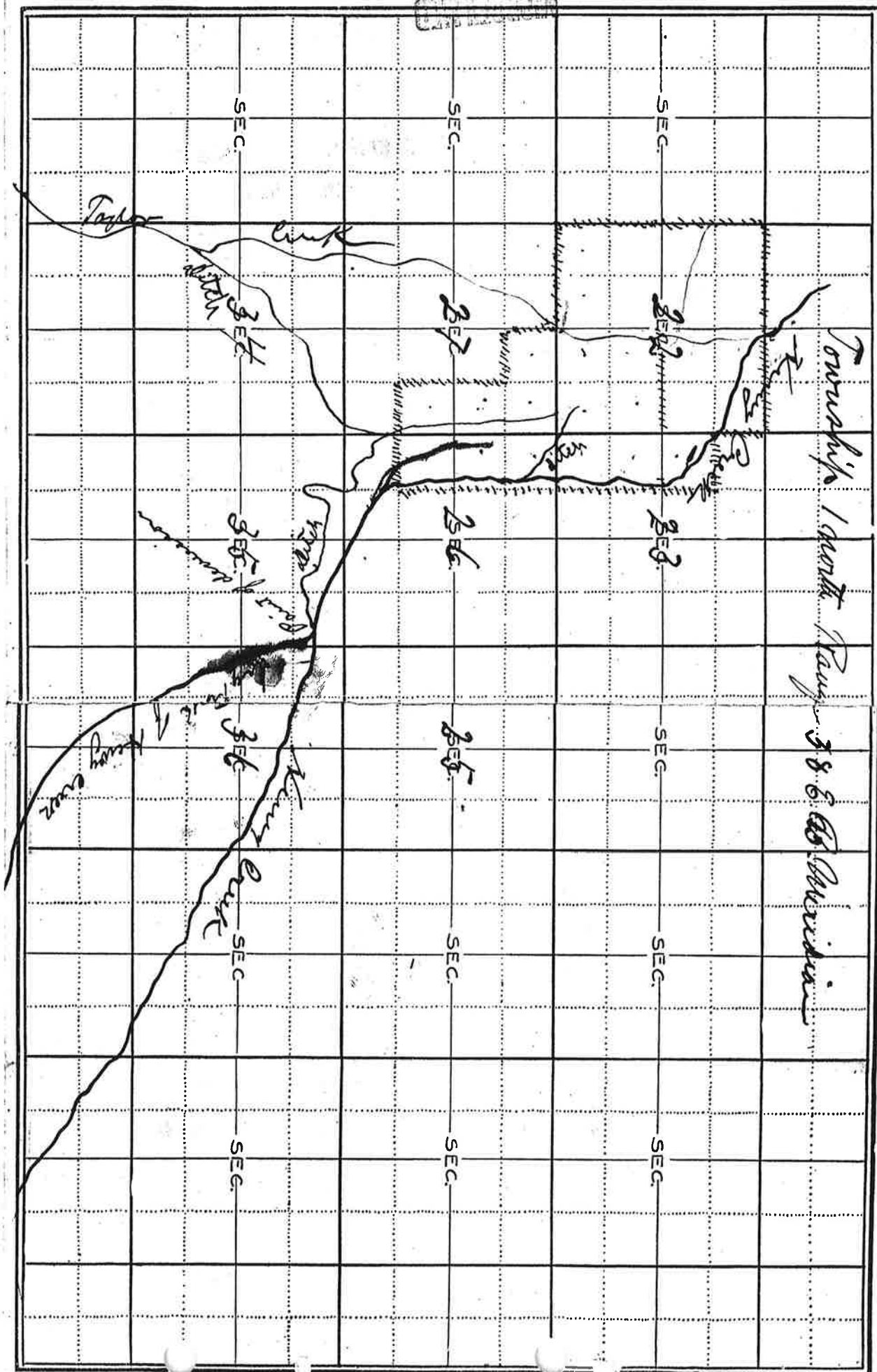
I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said appli-
cant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing that the fol-
lowing injuries would be sustained by others if such transfer is permitted~~.....
.....
.....
.....

~~I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer sought~~
~~hereinaabove.~~

Lud H. Wilkie
County State Engineer
Commissioner of Water Division No.

By.....





Continuation of Abstract of Title

No. 51- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

J.H. Smith,
State Engineer

Grantor.

TO

Rasmus Hoff

Grantee.

Certificate No. 183, Authorizing
Character of Instrument Transfer of Water Right
Date January 15th, 1916-
Recorded Sept. 20th, 1916 at 9:06 a.m.
Book #1 of Miscellaneous Page 497-
Records of Bonneville County, Idaho.
Transcribed from Book ... Page ...
Records of Bingham County, Idaho.
Consideration

Acknowledgement.

Date
Before
In and for County, State of
Is Official Seal Affixed?
Is Acknowledgement regular?
Does Acknowledgement show separate examination of wife?

Granting Words.

Covenants.

Does wife join throughout instrument?

Are there any irregularities or defects?

Are there any conditions, limitations or recitals?

Permission is hereby granted Rasmus Hoff, of Idaho Falls, County of Bonneville, State of Idaho, to transfer the use of 320 inches of the Waters of Henry Creek and Taylor Creek, in the County of Bonneville, State of Idaho, from the lands for which was originally decreed, to-wit: S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 22, T. 1 N. R. 38 E. B. M. to the following described lands, to-wit: S $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, T. 1 N. R. 38 E. B. M. the location of the points of division of said waters being as follows: From Talor Creek in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ sec. 33, T. 1 N. R. 38 E. B. M. and from Henry Creek in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 35, T. 1 N. R. 38 E. B. M.

The water right appurtenant to the above described lands was adjudged by decree, dated December 16, 1910, of James M. Steven, then Judge of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the matter of the Rexburg Irrigation Company et al, plaintiff, vs. Teton Irrigation Canal Company et al, defendants.

Witness my hand and seal of my office at Boise, Idaho, this 15th day of January, 1916.

Duly Verified. Book 1 Transfers,
Sept. 6, 1916.

Page 183.

J. H. Smith, State Engineer.

Continuation of Abstract of Title

No. 45- *The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho*

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al,
Plaintiffs,

DECREE

-vs-

Teton Irrigation Canal Company, et al,
Defendants.

This cause coming on to be heard this 16th day of December, 1910, upon the report of F.J. Cowen, referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered therein, and the said F.J. Cowen, having filed his report, of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that Judgment be entered in accordance with the report and recommendation of the said referee, Wherefore, by reason of the law and the report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, adjudged and decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham State of Idaho, their priorities to date from the times hereinafter named, to-wit:

Hoff Rasmus, $S\frac{1}{2}NW\frac{1}{4}$ and $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 22, T.1 N.R.38 E.B.M. containing 160 acres, also $N\frac{1}{2}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 22, T.1 N. R.38 E.B.M. containing 120 acres, Also $E\frac{1}{2}$ of $NE\frac{1}{4}$ and $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 22, T.1 N.R.38 E.B.M. containing 120 acres. Also $N\frac{1}{2}$ of Sec. 1, $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 2, $SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 13, $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 14, and $NW\frac{1}{4}$ of Sec. 1, T.1 N.R.37 E.B.M.
Dated December 16, 1910.

J.M. Stevens, Judge.

State of Idaho)
County of Fremont) ss

I, Sam A. Trude, Clerk of the District of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, hereby certify the foregoing to be a true and correct copy of that part of the Snake River water decree, in so far as it pertains to the Rasmus Hoff claim.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of December, 1915.

Sam A. Trude, Clerk of District Court.

SEAL IRS 10¢ cld.

NOV 10 / 1910

Continuation of Abstract of Title

No. 37- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

Rasmus Hoff,

Plaintiff.

VS.

William F. Owen, Jr.

William F. Owen, Sr.

Defendants.

C.W. Kingston,

Intervener.

FINDINGS OF FACT

CONCLUSIONS OF LAW AND
DECREE.

(As to Rasmus Hoff)

FINDINGS

That the Plaintiff, Rasmus Hoff, is the owner, in the possession and entitled to the possession of the following described real property located in the County of Bonneville, State of Idaho: The N $\frac{1}{2}$ of Sec. 22, also the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said sec. 22, in Twp. 1 North of Range 38 E.B.M. That said lands are arid in character and require the artificial application of water for the successful production of crops thereon.

DECREE

It is ordered, adjudged and decreed that the plaintiff Rasmus Hoff may take and use of the waters of the Natural flow of Henry Creek 6.4 Cubic Feet per second of time for the irrigation of his land described in the complaint and in the Findings of Fact.

Dated Feb. 4th, 1914.
Filed Feb. 5th, 1914,
Recorded in Book #1 of
Judgments at page 309.

RECORDED

1914 / 1 / 1050

217536

Continuation of Abstract of Title

No. 45- *The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho*

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al,
Plaintiffs,

DECREE

-vs-

Teton Irrigation Canal Company, et al,
Defendants.

This cause coming on to be heard this 16th day of December, 1910, upon the report of F.J.Cowen, referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered therein, and the said F.J.Cowen, having filed his report, of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that Judgment be entered in accordance with the report and recommendation of the said referee, Wherefore, by reason of the law and the report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, adjudged and decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham State of Idaho, their priorities to date from the times hereinafter named, to-wit:

Hoff Rasmus, $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, T.1 N.R.38 E.B.M. containing 160 acres, also N $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T.1 N. R.38 E.B.M. containing 120 acres, Also E $\frac{1}{2}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T.1 N.R.38 E.B.M. containing 120 acres. Also N $\frac{1}{2}$ of Sec.1, S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec.2, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 13, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 14, and NW $\frac{1}{4}$ of Sec.1, T.1 N.R.37 E.B.M.

Dated December 16, 1910.

J.M.Stevens, Judge.

State of Idaho)
County of Fremont) ss

I, Sam A.Trude, Clerk of the District of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, hereby certify the foregoing to be a true and correct copy of that part of the Snake River water decree, in so far as it pertains to the Rasmus Hoff claim.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of December, 1915.
SEAL IRS 10¢ cld.
Sam A.Trude, Clerk of District Court.

Continuation of Abstract of Title

No. 45-a The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

-2-

Recorded August 30, 1916 at 2:28 P.M.
Book #1 of Miscellaneous at page 489.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al,
Plaintiffs,

-vs-

DECREE

Teton Irrigation Company, et al,
Defendants.

This cause coming on to be heard this 16th day of December, 1910, upon the report of F.J. Cowen, Referee heretofore appointed for the purpose of taking testimony and making recommendations as to the Findings of Fact and Conclusions of Law which have heretofore been adopted and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel and the Court being fully informed and advised in the premises and having ordered that judgment be entered in accordance with the report and recommendations of the said referee, Wherefore by reason of the law and the report and Findings of Fact and Conclusions of law aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that the several parties plaintiff and defendants herein named do have judgment respectively for a right to use for irrigation and other purposes the following number of inches of water each 50 inches thereof to be equivalent to a flow of one cubic feet per second as prescribed by the laws of Idaho, from the waters of Snake River and its tributaries situated in the Counties of Fremont and Bingham, State of Idaho, their priorities to date from the time hereinafter named, to-wit: (Rasmus Hoff's Name does not appear)

Further ordered, that each of the said parties to whom water has been awarded under the terms of this decree, be and they are hereby directed to pay the Clerk of this Court, at St. Anthony, Idaho, the said amount of $4\frac{1}{2}$ cents per inch for the water awarded to them, and it is

FURTHER ORDERED, that before any of the claimant herein shall be entitled to have any of the waters from the Snake River or its tributaries distributed to him under the terms of this decree, he shall pay the said amount so assessed against him to the Clerk of this Court, and it is,

FURTHER ORDERED, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses, and this decree is entered without prejudice as to any and all rights or claims of waters of Snake River or any of its tributaries, or any of the parties who are now in default herein and whose rights accrued would take priority as of the date subsequent to the first day of June, 1906.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the above mentioned and described awards to the right to the use of the Snake River

Continuation of Abstract of Title

No. 45-b The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

-3-

er and its tributaries respectively are declare to be appurtenant to and awarded for the purpose of irrigating the following described lands of the respective claimants and for the following manufacturing, power and other purposes, respectively, to-wit:

Hoff, Rasmus, $S\frac{1}{2}$ of $NW\frac{1}{4}$ and $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 22, T.1N.R. 38 E.B.M. containing 160 acres. Also $N\frac{1}{2}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 22, T.1 N. R.38 E.B.M. containing 120 acres Also $E\frac{1}{2}$ of $NE\frac{1}{4}$ and $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 22, T.1 N.R.38 E.B.M. containing 120 acres, Also $N\frac{1}{2}$ of Sec. 1, $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 2, $SW\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ $SW\frac{1}{4}$ Sec.13; $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 14, and $NW\frac{1}{4}$ Sec. 1, T.1 N.R.37 E.B.M.

IT IS FURTHER ORDERED, AND ADJUDGED, that the following amount set opposite the names of the respective parties to this action shall be paid by the said respective parties to the Clerk of this Court as costs therein, and the same shall be and are hereby declared to be a lien upon the real property of the said respective parties and upon the lands, to which the rights herein are decreed to be appurtenant respectively, and execution may issue against any one or more of such parties as mya be delinquent in the payment thereof upon the ap lication of any attorney of record in this action, and the order taxing costs heretofore made in this action is hereby modified to conform herewith, to-wit: (Rasmus Hoff's name does not appear).

AND IT IS FURTHER ORDERED' that none of the parties hereto or their successors in interest shall be entitled to the use of any water under the order of the Court herein, until the respective amounts as above assessed be paid to the Clerk of this Court.

Dated December 16, 1910.

J.M.Stevens, District Judge.

Filed for Record Feb.3, 1911, recorded in Book "B" of Judgments at page 449, Records of Fremont County, Idaho.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al,
Plaintiffs,

-VS-

SUPPLEMENTAL DECREE.

Teton Irrigation Company, et al,
Defendants.

Now on the 29th day of July, 1912, the application of Rasmus Hoff, one of the defendants and cross-complainants herein, came regularly on to be heard. Thereupon the applicant, in support of his application, introduced in evidence a certified copy of that portion of the proof submitted in the trial of said cause in support of this applicant's claim to water as set forth in his cross-complaint filed herein, as well as a certified copy of that portion of the decree, heretofore rendered in said cause, in relation to the right of this applicant to the waters claimed by him as set forth in the said cross-complaint.

Now, therefore, the court, having fully considered the proof submitted in support of said application and it satisfactorily appearing therefrom that a clerical error was made in said decree and the prepar-

Continuation of Abstract of Title

No. 45-c The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

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ation thereof as set forth in the application of defendant and cross-complainant, Rasmus Hoff.

It is therefore, ordered, adjudged and decreed that the said decree heretofore rendered and entered in said court and cause be forthwith corrected by the clerk of said court so that said decree when corrected, will read as follows:

"This cause coming on to be heard this 16th day of December, 1910, upon the report of F.J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to findings of fact, conclusions of law, and decree, to be entered herein, and that the said F.J. Cowen, having filed his report of the testimony taken, and his recommendations as to findings of fact and conclusions of law, which have heretofore been adopted and the respective plaintiffs and defendants and cross-complainants, appearing herein by their respective counsel and the court, being fully informed and advised in the premises and having ordered that judgment be entered in accordance with the report and recommendations of said Referee, Wherefore by reason of the law and the report and findings of fact and conclusions of law, aforesaid, it is ordered, adjudged and decreed that the several parties plaintiffs and defendants herein named do have judgment respectively for a right to use, for irrigation and other purposes, the following number of inches of water, each 50 inches thereof to be equivalent to a flow of one cubic foot per second of time, as prescribed by the laws of Idaho, from the Waters of Snake River and its tributaries that is to say, from Taylor Creek and the springs tributary to said creek and from Henry Creek, tributaries of said Snake River, situate in the Counties of Fremont, Bonneville and Bingham, State of Idaho, this priorities to date from the time hereinafter named, to-wit:

Hoff, Rasmus, 320 inches, April 1, 1878, Taylor Creek and the springs tributary thereto, for the irrigation of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22 in Twp. 1 North of Range 38 E.B.M. located in what is now Bonneville County, Idaho.

Hoff, Rasmus, 300 inches, May 1, 1885, Henry Creek, for the irrigation of the NE $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{2}$ of Section 22, in Twp. 1 North of Range 38 E.B.M. Located in what is now Bonneville County, Idaho.

Hoff, Rasmus, 300 inches, July 1, 1898, Henry Creek, for the irrigation of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{2}$ of Section 22, in Twp. 1 North of Range 38 E.B.M. in located in what is now Bonneville County, Idaho.

Dated this 29th day of July, 1912.

J.M. Stevens, District Judge.

Filed August 12, 1912 at the request of J.M. Stevens and recorded in Book "E" of Judgments at page 610 records of Fremont County, Idaho.

State of Idaho) ss
County of Fremont)

The Fremont Abstract Company, Ltd. hereby certifies that the foregoing five (5) pages to be a true and correct Abstract of that portion of the DECREE rendered in the District Court of the Sixth Judicial District

Continuation of Abstract of Title

No. 45-a *The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho*

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in the Case of Rexburg Irrigation Company, et al, Plaintiffs, vs.
Teton Irrigation Company, et al, Defendants, affecting the water right
of Rasmus Hoff.

IN WITNESS WHEREOF, The Company has caused this Certificate to be
executed by its Secretary and its Corporate Seal to be hereunto
affixed this 16th day of August, 1916, at 9 o'clock A.M.

Corp. Seal.

IRS 10/ cld.

By Heber S. Sharp, Secretary.

Recorded August 30, 1916 at 2:30 P.M.
Book #1 of Miscellaneous at page 490,
Records of Bonneville County, Idaho.

MICROFILMED

NOV 0 1 1960

47

Stage: DECREED

SCANNED
SEP 08 2004
FILED

Comments: Date: 10/25/1995 User-ID: SCURTIS Subject: TRANSFER NO. 182 AND 183

These transfers appear to have split Rights 25-00281/00282/00283.

In the original Rexburg Irrigation Co., et al vs. Teton

Irrigation Co., et al decree, Rasmus Hoff was listed

on page 155 with the lands he owned, but he was never listed in

the front part of the decree outlining what water rights he was

being awarded. This appears to have been an oversight. A

supplemental decree dated 07/29/1912 awarded Rasmus Hoff 320

inches of Taylor Creek and 600 inches of Henry Creek and this

seems to fill in the missing link. Based upon this supplemental

decree, data entry was made creating Rights 25-00281/00282/00283

and then Transfers 182 and 183 were used to split the rights

into parts A & b for each. Although the transfers each

identify 320 inches of Taylor Creek and Henry Creek, for lack

of a better solution the data entry reflects an equal split of

each right.

Audit: 12/12/95 PMEYER 05/31/00 FIXCIVIL

SCANNED

SEP 08 2004

PROFILE

JUL 27 2001

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

Ident. Number: **A25-00281**
Date Received: 11/12/1995
Receipt No: 5021742
Received By: Jo-Paul

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

1. Name: HOFF BROTHERS INC 208-522-8567
Address: 10741 S 25 E
IDAHO FALLS ID 83406

2. Date of Priority: APR 1, 1878

3. Source: TAYLOR CREEK Trib. to: SAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	38E	27	NW	NW	NE		BONNEVILLE

5. Description of diverting works:
HEADWORKS AND DITCH SYSTEM WITH PUMPS AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

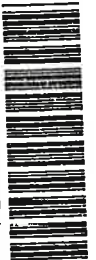
8. Total consumptive use is 2100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	38E	22	NE	NE		IRR	27.0
			NW	NE		IRR	37.0
			SW	NE		IRR	36.0
			SE	NE		IRR	13.0
			NE	NW		IRR	37.0
			NW	NW		IRR	37.0
			SW	NW		IRR	37.0
			SE	NW		IRR	38.0

A2500281



MICROFILMED
107/01/1330

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	38E	22	NE		SW		IRR	26.0
			NW		SW		IRR	30.0
			SW		SW		IRR	30.0
			SE		SW		IRR	20.0
			NE		SE		IRR	10.0
			NW		SE		IRR	10.0
			SW		SE		IRR	9.0
			SE		SE		IRR	11.0
							Section Acres	408.0
		23	NW		SW		IRR	14.0
			SW		SW		IRR	22.0
							Section Acres	36.0
		26	NW		NW		IRR	20.0
			SW		NW		IRR	20.0
			NW		SW		IRR	18.0
			SW		SW		IRR	3.0
							Section Acres	61.0
		27	NE		NE		IRR	35.0
			NW		NE		IRR	27.0
			SW		NE		IRR	22.0
			SE		NE		IRR	37.0
			NE		NW		IRR	18.0
			NW		NW		IRR	33.0
			SW		NW		IRR	3.0
			SE		NW		IRR	3.0
			NE		SE		IRR	17.0
							Section Acres	195.0
							Total Acres	700.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
A25-00282, A25-00283

14. Remarks:

THIS NOTICE OF CLAIM SERVES TO COMBINE WATER RIGHTS 25-00281A AND

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14. Remarks: Continued

25-00281B. WATER IS DIVERTED FROM TAYLOR CREEK AND COMINGLED WITH WATER FROM HENRY CREEK. SEE ALSO NOTICES OF CLAIM A25-00282 AND A25-00283.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 7/29/1912

REXBURG IRRIGATION CO.
Decree Plaintiff

TETON IRRIGATION CANAL CO., E
vs Decree Defendant

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 Bros. Inc, that I have signed the foregoing
Organization
document in the space below as Pres. of
Title
Hoff Bros. Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Ralf D. Hoff
Signature of Authorized Agent

Pres. Hoff Bros Inc
Title and Organization

12/12/95
Date

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State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of December 19 95

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 7-03-2000

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NOV 17 1995

