

06/17/2004

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

RIGHT NUMBER: 25-282

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

SOURCE: HENRY CREEK

TRIBUTARY: SAND CREEK

QUANTITY: 6.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 12 CFS. COMBINED RIGHT NOS.: 25-282, 25-283, AND
25-14074.

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION:

T01N R38E S23 NWSWN Within BONNEVILLE County

T01N R38E S26 SWNESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

6.000 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	SENE	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 120 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

Water Right 25-282

1

PROFILED

SCANNED
SEP 08 2004

06/17/2004

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.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINTS OF DIVERSION
DESCRIBED ABOVE: 25-282, 25-283, AND 25-14074.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 25-282A AND
25-282B.

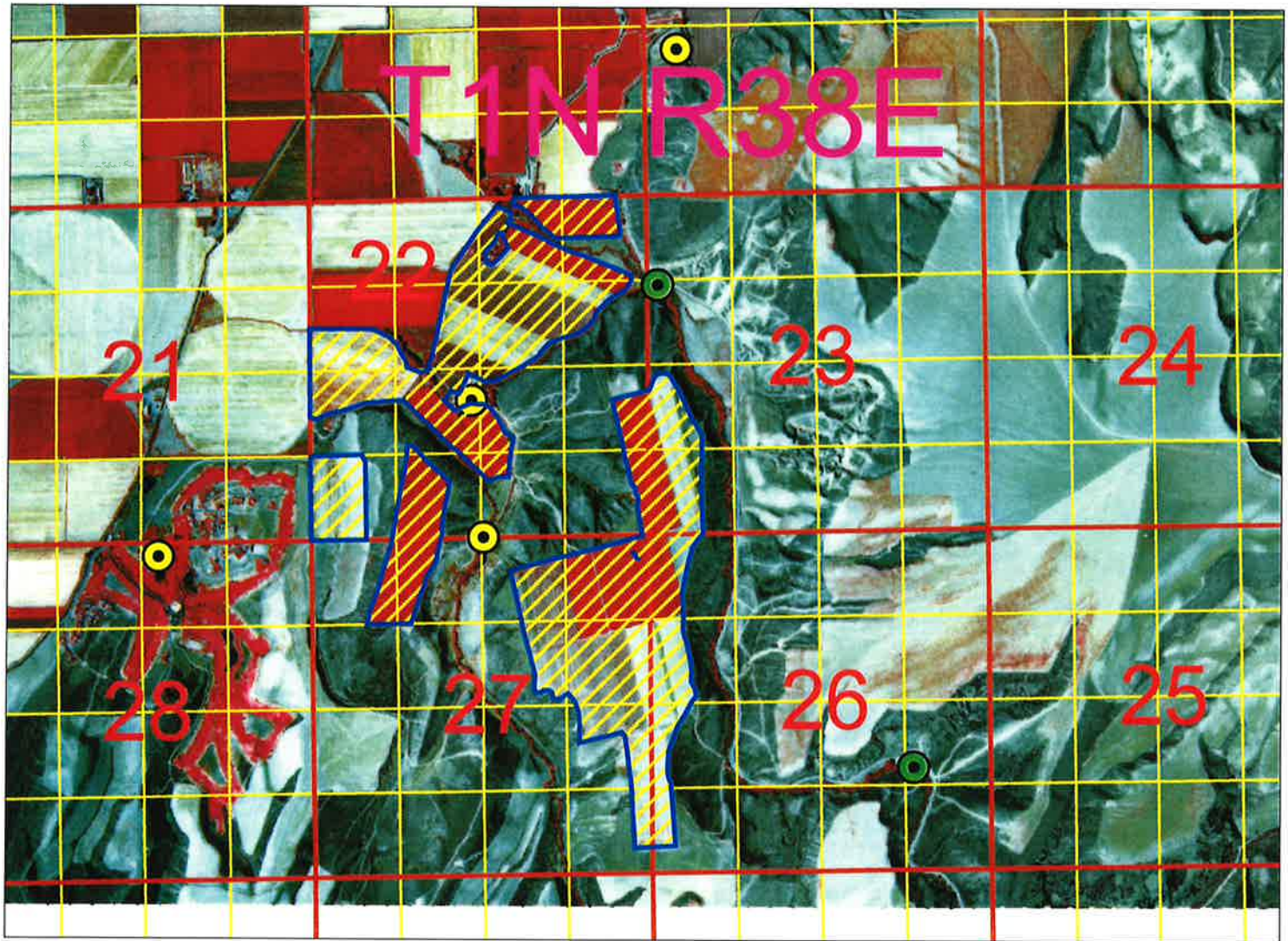
PROFILED

SCANNED
SEP 08 2004



Department of Water Resources

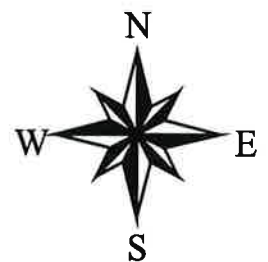
Claim No.: 25-00282



0 1 2 Miles

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

SCANNED
SEP 08 2004

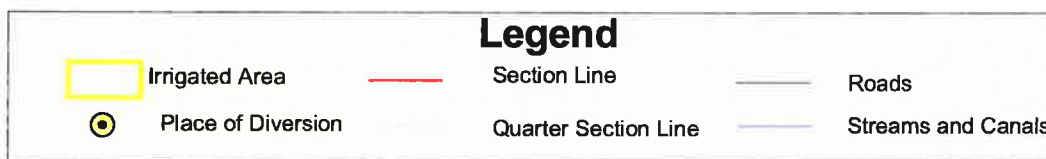
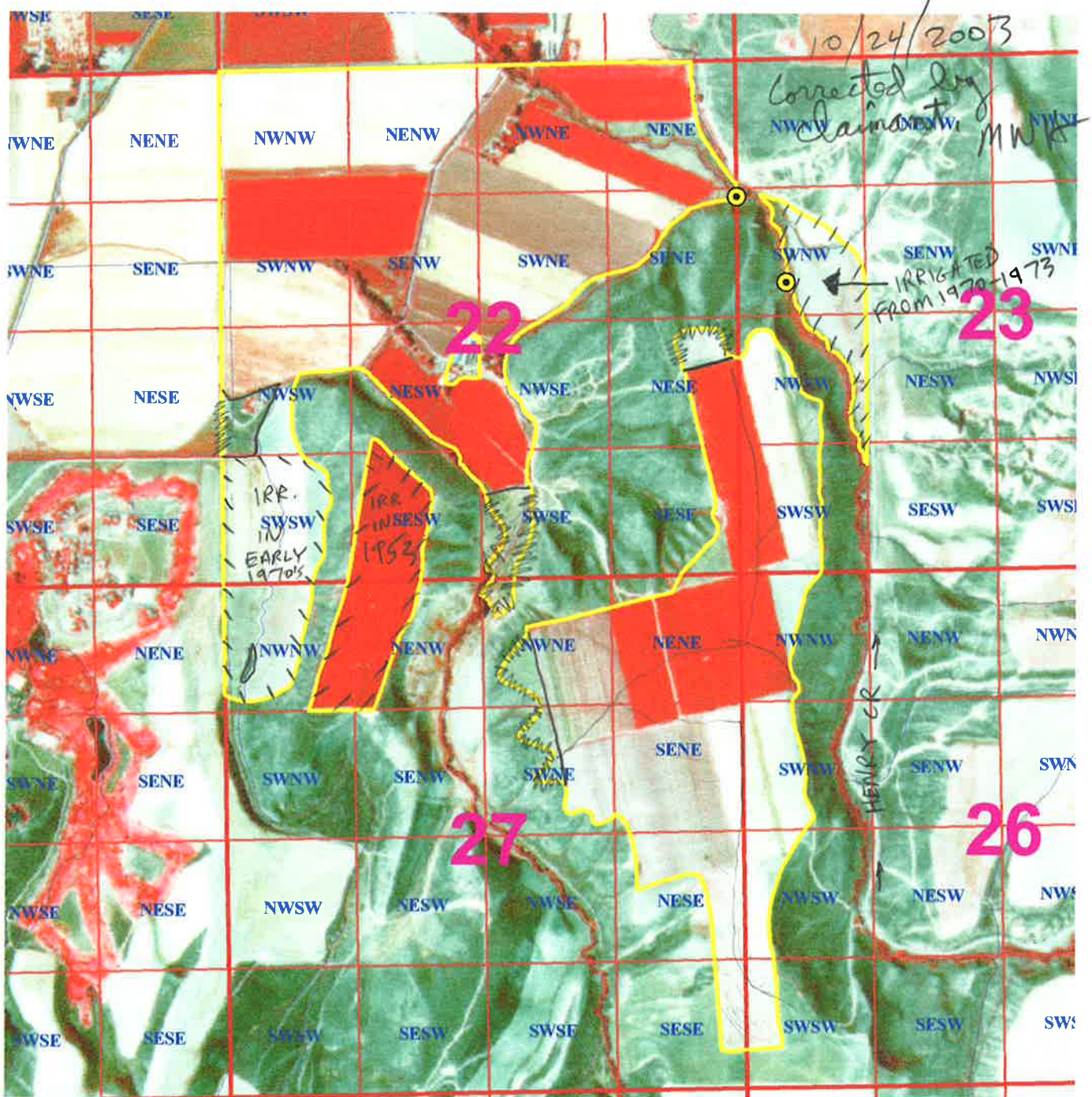


PROFILED

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

Water Right Claim Number 25-00282
Township , 1N38E

11/29/2000



1000 0 1000 2000 3000 Feet

SPATIAL DYNAMICS

SCANNED
SEP 08 2004

PROFILED

AJ5809NP
No. A25-00282

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 55

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOFF BROTHERS INC 10741 S 25 E IDAHO FALLS ID 83406 (208) 522-8567	05/01/1885	IRRIGATION	04-01 11-01	6.000 CFS	
TOTAL DIVERSION:					6.000 CFS	
CONSUMPTIVE USE:						2100.00 AFA

Water Source: HENRY CREEK

Tributary to: SAND CREEK

Stage: DECREED

Point(s) of Diversion:	T01N R38E S22 S23	NESENE SWSWNW	BONNEVILLE County BONNEVILLE County
------------------------	----------------------	------------------	--

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																								
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM					
01N	38E	22	:	27		37		36		13	:	37		37		37		38	:	26		30		30		20	:	10		10		09		11	:	408.0
01N	38E	23	:								:						18	:					26		22	:							:	66.0		
01N	38E	26	:								:						20	:					18		03	:							:	61.0		
01N	38E	27	:	35		27		22		37	:	18		33		03		03	:							:	17						:	195.0		
																												TOTAL ACRES		730.0						

POU County: BONNEVILLE

Non-Irrigation Uses: N/A

Other Rights: A25-00281, A25-00283

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-00283

Other Water Rights Listing Overlapping Place(s) of Use:
A25-00281 A25-00283 A25-1338820 A25-13781

Remarks: GEN THIS NOTICE OF CLAIM SERVES TO COMBINE WATER RIGHTS 25-00282A AND
25-00282B. WATER IS DIVERTED FROM HENRY CREEK AND COMINGLED
WITH WATER FROM TAYLOR CREEK. SEE ALSO NOTICES OF CLAIM
A25-00281 AND A25-00283.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SCANNED
PROFILED SEP 08 2004

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

PROFILED

SCANNED

SEP 08 2004

25-282

RASMUS HOFF

6 CFS

MAY 1, 1885

HENRY CR

IRRIGATION

IN 38E 22 $N\frac{1}{2}$ of $NW\frac{1}{4}$
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$

120 ac

PROFILED
SCANNED

SEP 08 2004

25-282/25-283

10/24/2003

Not with claimant. See notes for 25-281.
Originally there were 2 points of diversion the
from Henry Creek. In the days when the
ground was flood irrigated the first P/D
was: N 255884, E 666194. The
second P/D, which is near the only P/D is:
N 258167
E 664962

A third P/D was put into use between
approximately 1970 thru 1973. Bob said
a portable 30 or 40 HP portable gasoline
pump was used to irrigate ~ 30 acres
on the E side of Henry Creek (SWNW
and NWSW of section 23). Pump ran
up to 4 or 5 MI HL. Pump ran not
near used and ground has not been
irrigated since 1973 per Bob Hoff.
POU map corrected by Bob Hoff. POU
also irrigated w/ 25-281 and others
in procedure for Dist.

PROBABLE

SEP 08 2004

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, J. H. Smith, State Engineer.
Sept. 6, 1916. Page 183.

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, upoj 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 feet 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 07 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.

MICROFILMED

1955 6 / 1959

621-336

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.
SEAL IRS 10¢ old.

Sam A. Trude, Clerk of District Court.

NOV 17 1915

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 4½ 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 application 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

-4-

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 premise 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 feet 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 S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ 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 N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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, 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 $\frac{1}{4}$ of Section 22, in Twp. 1 North of Range 38 E.B.M. ~~is~~ 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. Stevens and recorded in Book "B" of Judgments at page 610 records of Fremont County, Idaho.

State of Idaho) ss
County of Fremont)

The Fremont Abstract Company, Ltd. hereby certifies 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-d *The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho*

-5-

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.

...Fremont Abstract Company, Ltd.
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.

RECORDED

NOV 1 1916

200-41

SCANNED

JUL 27 2001

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

Ident. Number: A25-00282
Date Received: 12/12/95
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: MAY 1, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	38E	22	NE	SE	NE		BONNEVILLE
		23	SW	SW	NW		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	6.000		

7. Total Quantity Appropriated is:
6.000 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

A2500282

NOV 07 1995

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	38E	22	SE		NW		IRR	38.0
			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	SW		NW		IRR	18.0
			NW		SW		IRR	26.0
			SW		SW		IRR	22.0
			Section Acres					66.0
		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					730.0

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:

A25-00281, A25-00283

MICROFILMED

NOV 0 / 1990

14. Remarks:

THIS NOTICE OF CLAIM SERVES TO COMBINE WATER RIGHTS 25-00282A AND 25-00282B. WATER IS DIVERTED FROM HENRY CREEK AND COMINGLED WITH WATER FROM TAYLOR CREEK. SEE ALSO NOTICES OF CLAIM A25-00281 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.

Walt D. Hoff
Signature of Authorized Agent

Pres. Hoff Bros Inc
Title and Organization

12/12/95
Date

MICROFILMED

NOV 07 1996

State of Idaho)
County of Bonneville) SS.

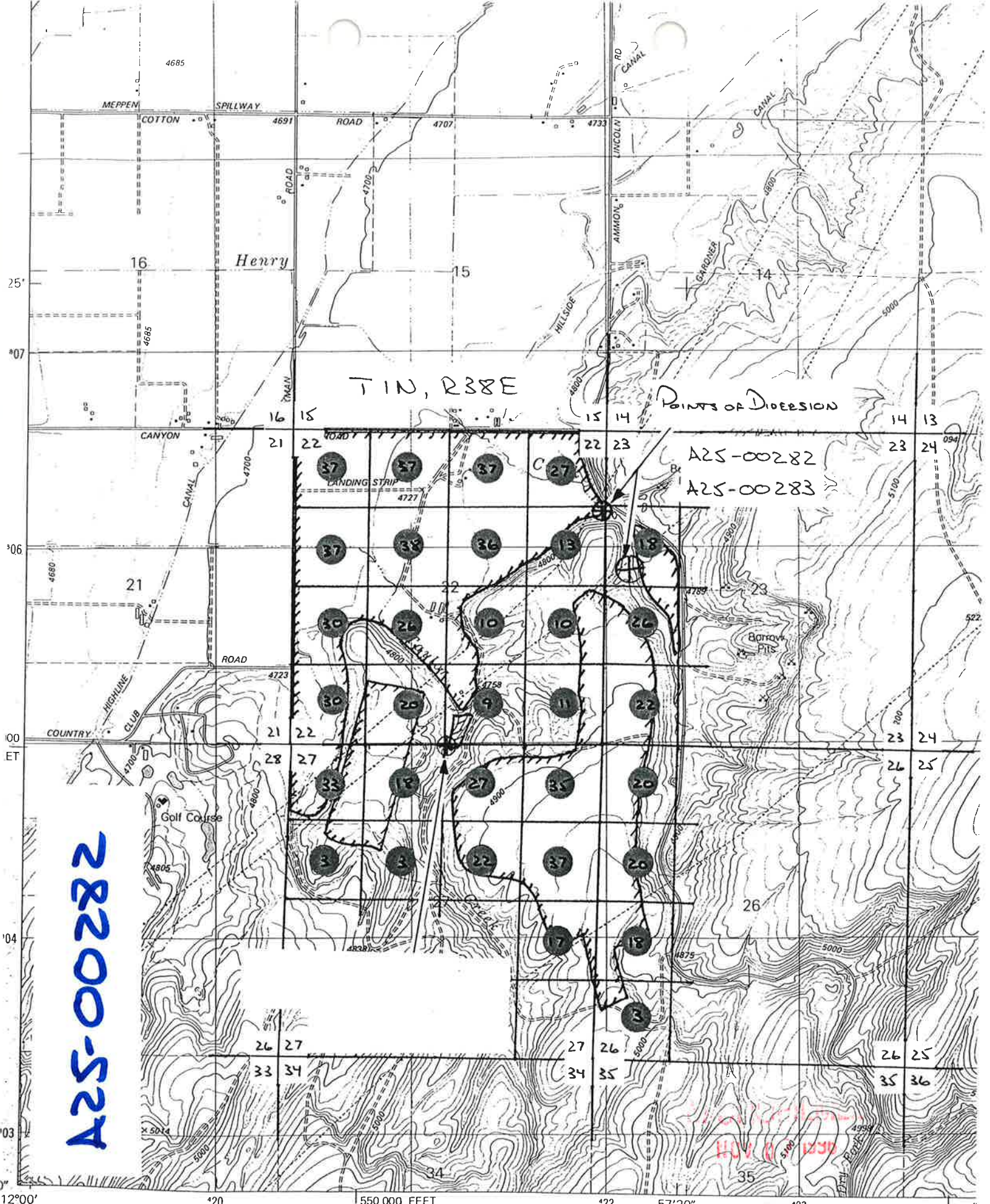
Subscribed and sworn (or affirmed) before me this 12th day
of December 19 95

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 7-05-2000

MICROFILMED
NOV 0 / 1990



A25-00282

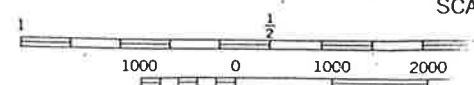
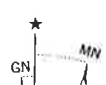
TIN, R38E

POINTS OF DIVERSION

A25-00282
A25-00283

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial
photographs taken 1972. Field data 1975. Map edited 1991



SCA