



WATER-RIGHT DOCKET

Agate Fossil Beds National Monument

Docket No: 2

HOFFMAN IRRIGATION RIGHTS.

State Water Rights Documentation

12-03-1953: application for a permit to appropriate waters for irrigation: application no. 5772

Application No.....	5772	Water Division No.....	2-C	District No.....	
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APPLICATION FOR A PERMIT TO APPROPRIATE THE WATERS OF THE
STATE OF NEBRASKA FOR IRRIGATION

I, George H. Hoffman of Agate
(Name of person signing application) (Postoffice address)
County of Sioux State of Nebraska, being first duly sworn upon my oath says:

1st. That the name of the applicant is George H. Hoffman
(Name of person or company for whom application is made)
Postoffice address Agate Street _____ County of Sioux
(City or Village)
State of Nebraska

2nd. That the name of the carrier is Hoffman Pump

3rd. That the source of the proposed appropriation is Niobrara River

4th. That the amount of the appropriation desired is _____ cubic feet per second of time.

5th.* That it is proposed to locate the pump on the north and south bank of the stream
(North, South, East or West)
in _____ of Section _____ Township _____ Range _____ of the Sixth P. M.
(Describe lot or forty acres in which situated)

6th. That the canal will be no canal in length, and pass through the following quarter sections of land, as shown on the accompanying township plats, viz:

*5th continued: That it is proposed to locate the pump on the north bank of the stream
(Describe each section which canal passes, stating township and range)
in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 9, and on the south bank of the stream in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ and the S $\frac{1}{2}$ SW $\frac{1}{2}$
of Section 3, N $\frac{1}{2}$ NE $\frac{1}{2}$ and N $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 9, and NW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 10, all in Township
28, North, Range 55, West of the 6th P.M., Sioux County, Nebraska.

7th. That the estimated cost of the proposed construction is as follows: Earthwork \$ None
Fluming, \$ None Headgate or Pump, \$ 3000.00 Other Expenses, \$ 100.00
Total, \$ 3100.00

8th. That the proposed canal is to be built with the intention of supplying water to reclaim the following sections or quarter sections of land, viz:

(Give sections and quarter sections, stating number, township and range)	
<u>NW$\frac{1}{2}$N$\frac{1}{2}$ of Section 9</u>	<u>3.0 acres</u>
<u>SW$\frac{1}{2}$N$\frac{1}{2}$ of Section 9</u>	<u>7.0 acres</u>
<u>NE$\frac{1}{2}$N$\frac{1}{2}$ of Section 9</u>	<u>15.3 acres</u>
<u>SE$\frac{1}{2}$N$\frac{1}{2}$ of Section 9</u>	<u>11.4 acres</u>
<u>NW$\frac{1}{2}$NE$\frac{1}{2}$ of Section 9</u>	<u>9.5 acres</u>
<u>SW$\frac{1}{2}$NE$\frac{1}{2}$ of Section 9</u>	<u>3.0 acres</u>
<u>NE$\frac{1}{2}$NE$\frac{1}{2}$ of Section 9</u>	<u>1.0 acres</u>
<u>NW$\frac{1}{2}$N$\frac{1}{2}$ of Section 10</u>	<u>14.2 acres</u>
<u>SW$\frac{1}{2}$N$\frac{1}{2}$ of Section 10</u>	<u>6.3 acres</u>
<u>SW$\frac{1}{2}$SW$\frac{1}{2}$ of Section 3</u>	<u>4.0 acres</u>
<u>SE$\frac{1}{2}$SW$\frac{1}{2}$ of Section 3</u>	<u>0.9 acres</u>
<u>SW$\frac{1}{2}$SE$\frac{1}{2}$ of Section 3</u>	<u>11.0 acres</u>
<u>All in Township 28, North, Range 55</u> <u>86.6</u>	

NOTE: The acreage approved for irrigation in each legal subdivision is enumerated on page 5 of this permit.

amounting in all to approximately 86.6 acres.

9th. That the proposed works are to be completed on or before July 1, 1954
(State Month, Day and Year)

10th. That the time estimated as necessary to apply the water beneficially to the lands proposed for reclamation is July 1, 1954 ~~XXXX~~

11th. That the relation which the subscriber to this affidavit bears to said applicant is that of self

(State whether you are the owner, tenant, or agent for land described in paragraph 8)
and that he is authorized to make this affidavit on behalf of the interest effected.

STATE OF NEBRASKA }
Sioux County } ss.

George H. Hoffman

I hereby certify that the foregoing application was signed in my presence and sworn to before me this

3rd day of December, 1953

W. E. Mundy

Notary Public

(Seal)

It is the desire of the undersigned, owners of the land described in paragraph eight (8) of this application, to have their lands reclaimed by the allowance of this application.

STATE OF _____ }
_____ County } ss.

I hereby certify that the foregoing signatures were affixed in my presence and sworn to before me this

_____ day of _____, 19____

Notary Public

Form 111-1-3 Revised 5-24-38

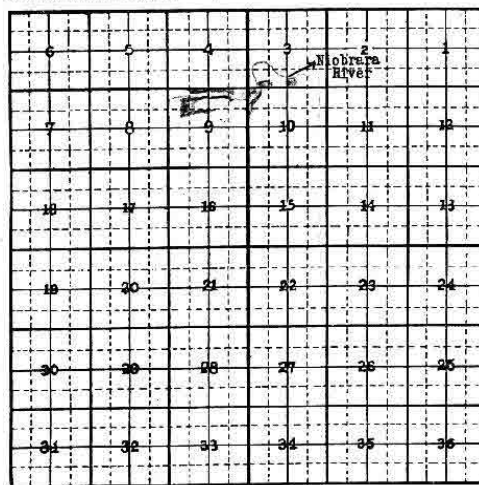
TOWNSHIP PLATS SHOWINGHOFFMAN PUMP
NAME OF CANAL**CANAL**

The following township plats ONE in number show the location of the point of diversion and where the canal crosses each forty acre subdivision of land along the line of its course.

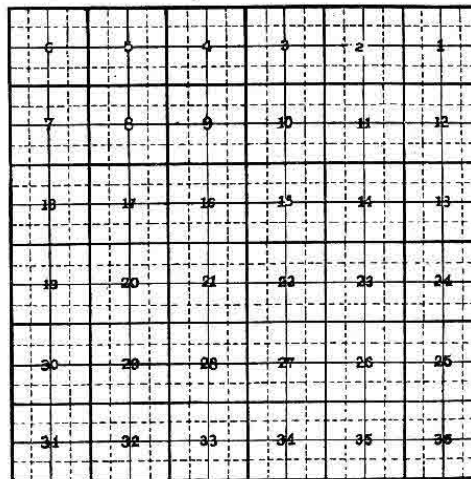
George W. Hoffman
Signature of person making application

NOTICE:—The center line of the proposed canal must be in red. Any other canals and all streams must be in blue. The area proposed to be irrigated must be shaded in red. All other work such as figures, lettering, etc., must be in black.

Township 28 Range 55 W. of 6th P. M. Sioux County



Township _____ Range _____ of 6th P. M. _____ County



STATE OF NEBRASKA

DEPARTMENT OF ROADS AND IRRIGATION

} ss.

This is to certify that the foregoing Application Number.....5772..... for a permit to divert water for irrigation has been examined, and it is hereby approved subject to the following limitations and conditions, viz:

- 1st. That the source of the appropriation is.....Niobrara River.....
- 2nd. That the water appropriated shall be used for irrigation purposes only.
- 3rd. That the priority date of this appropriation is.....December 7, 1953.....
- 4th. That the applicant shall file in the office of the Department of Roads and Irrigation on or before.....July 15....., 1954, a map as provided by Section 46-237, Revised Statutes of Nebraska, 1943, and it must be prepared in accordance with the rules and regulations of the department. No rights shall be deemed to have been acquired until the provisions of this section shall have been complied with, and a failure to so comply shall work a forfeiture of the appropriation and all rights thereunder.
- 5th. That the work of construction shall begin on or before.....July 15, 1954...... The applicant shall vigorously, diligently and uninterruptedly prosecute such work to completion, as provided in Section 46-238, Revised Statutes of Nebraska, 1943, unless temporarily interrupted by some unavoidable and natural cause. A failure to comply with the provisions of this section shall work a forfeiture of the appropriation and all rights thereunder.
- 6th. That the time for completing the work of construction shall extend to.....February 1, 1955.....
- 7th. That the time for completing the application of water to beneficial use indicated shall extend to.....October 1....., 1956.....
- 8th. That the riparian rights of the owners of land bordering on streams in Water Division Number.....2-C....., including the right to use water for domestic purposes, and water for stock, must be respected.
- 9th. That the prior rights of all persons who, by compliance with the laws of the State of Nebraska, have acquired a right to the use of the water of this stream must not be interfered with by the issuance of this permit.
- 10th. That at the time of filing of map of the project showing the area to be reclaimed, the applicant shall return this permit to the Department of Roads and Irrigation for the purpose of completing the record.
- 11th. That the rate of diversion of water shall not exceed one (1) second-foot for each 70 acres irrigated.
- 12th. The records show that the normal supply of water in the Niobrara River basin is over-appropriated. The applicant under this permit is hereby given notice that he may be denied the use of water during times of scarcity.
- 13th. Section 6, Article XV, Constitution of Nebraska, 1920, and Sections 70-668 and 70-669, Revised Statutes of Nebraska, 1943, govern the use of water, and provide that no inferior right to the use of the waters of this State shall be acquired by a superior right without just compensation therefor to the inferior user.
- 14th. The department may request the installation of a device for measuring the water appropriated, as provided by Section 46-256, Revised Statutes of Nebraska, 1943.

.....ROBERT B. CROSBY.....
Governor of Nebraska

DEPARTMENT OF ROADS AND IRRIGATION

Dated.....January 15....., 1954.....

By.....

State Engineer

5772

STATE OF NEBRASKA)
 DEPARTMENT OF ROADS AND IRRIGATION) SS

This is to certify that map Number 6826, filed in the office of the Department of Roads and Irrigation on the 1st day of July, 1954, which was prepared from a survey made under the direction of D. R. Vallicott, Engineer, on which is shown the source of the appropriation and the lands to be reclaimed which will be entitled to water by virtue of permit identified as Application Number 5772, has been examined.

I hereby approve for reclamation the area of land within which the following legal subdivisions are enumerated, together with map Number 6826 on which is shown concurrently the same area and it is entitled to water by virtue of permit identified as Application Number 5772, to wit:

Township 28 North, Range 55 West-Sioux County		
Section 3:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	.9 acre
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.0 acres
Section 9:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.3 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.0 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.4 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	9.5 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.0 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 acre
Section 10:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.2 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>6.3</u> acres
Total		86.6 acres

The appropriation of water shall not exceed three acre-feet for each irrigated acre of land above enumerated during one calendar year measured at the points of diversion on the right bank of the Niobrara River in the N $\frac{1}{2}$ of Section 9, W $\frac{1}{2}$ of Section 10, and in the SW $\frac{1}{4}$ of Section 3, Township 28 North, Range 55 West of the 6th P. M., nor the least amount of water necessary for the production of crops in the exercise of good husbandry; neither shall the diversion of the water appropriated for use upon the land above enumerated, amounting to 86.6 acres, exceed 1.24 cubic feet per second of time measured at the points of diversion on the bank of said river.

The quantity of water diverted at any time shall be restricted to the acreage irrigated in proportion to the total acreage enumerated herein; and provided further, said appropriation of water under any circumstances shall be limited to an annual diversion of three acre-feet per acre of land on which water is actually and usefully applied on or before October 1, 1956.

ROBERT B. CROSBY, GOVERNOR OF NEBRASKA

DEPARTMENT OF ROADS AND IRRIGATION

APPROVED JULY 29, 1954.

D. R. Vallicott
 State Engineer

5772

DEED

Margaret C. Cook, a widow, GRANTOR, in consideration of Five Thousand and 00/100 Dollars (\$5,000.00) received from the GRANTEE, does quitclaim, grant, bargain, sell, convey, and confirm all of her right, title, and interest unto the United States of America, GRANTEE, the following described real property in Sioux County, Nebraska:

Tract 1

01-101
Same as 453, 454, 455, 456

The S $\frac{1}{2}$ SW $\frac{1}{4}$,
and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3;
the SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 4;
the E $\frac{1}{2}$ NW $\frac{1}{4}$,
the NE $\frac{1}{4}$,
the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
and the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ all in Section 8;
the N $\frac{1}{2}$,
and the N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ all in Section 9;
the W $\frac{1}{2}$,
and the W $\frac{1}{2}$ E $\frac{1}{2}$ all in Section 10;
containing 1,340 acres, more or less;

Tract 2

01-102

The N $\frac{1}{2}$ SW $\frac{1}{4}$ in Section 3;
the S $\frac{1}{2}$ SW $\frac{1}{4}$,
and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 4;
All those portions of:
the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
the N $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 4,
and S $\frac{1}{2}$ NW $\frac{1}{4}$ and
Lot 3 in Section 3
lying south and east of a diagonal line extending from the
SW corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4 to a point on the east
line of said Lot 3 of Section 3, said point being 660 feet
north of the SE corner of said Lot 3,
containing 370 acres, more or less.

Both tracts in Township 28 North, Range 55 West, Sixth
Principal Meridian.



AGATE FOSSIL BEDS NATIONAL MONUMENT
DEED 5

1
page 86

BOOK *A-11* PAGE *380*

Subject to:

1) existing easements
for public roads and highways,
public utilities, railroads, and
pipelines.

2) a life estate for the use
and occupancy during
the natural life of
the GRANTOR.

To have and to hold the above described premises together with
all tenements, hereditaments and appurtenances thereto belonging
unto the United States of America and its assigns forever.

During the term of her Life Tenancy, the GRANTOR or her assigns or any
other permittee shall neither explore for, nor develop, nor in any way
disturb the surface and subsurface minerals of all kinds including but
not limited to oil and gas, excepting the removal of sand and gravel
from the existing sand and gravel pit, in the following described real
property in Sioux County, Nebraska:

Tract 3

The NW $\frac{1}{4}$ excepting therefrom the state highway right-of-way recorded
in Book A-6 of deeds, Page 33, of the records of Sioux County;

The W $\frac{1}{2}$ V $\frac{1}{2}$ NE $\frac{1}{4}$; and

That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south and west of a diagonal
line extending from the northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the
southeast corner thereof. All of the above in Section 6,
Township 28 North, Range 55 West of the Sixth Principal Meridian,
containing 178.93 acres, more or less.

Tract 7

○ The SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Sec. 5;

○ The S $\frac{1}{2}$ of Sec. 6 excepting therefrom that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
lying north and east of a diagonal line extending from the
northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the southeast corner thereof;

① The N $\frac{1}{2}$ of Sec. 7 excluding therefrom the following three exceptions -- the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, the S $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$ and that portion of the SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$ lying south and west of a diagonal line extending from the northwest corner of said SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$ to the southeast corner thereof;

That portion of the NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 7 lying north and east of a diagonal line extending from the northwest corner of said NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ to the southeast corner thereof;

② The W $\frac{1}{2}$ NW $\frac{1}{4}$,

and the N $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec. 8.

All of the above in Township 28 North, Range 55 West of the Sixth Principal Meridian. Exception from the western portion of the above described parcel the state highway rights-of-way recorded in Book A-6 of deeds, Page 33 and Book of deeds, page 435.

The above described parcel containing 670.29 acres, more or less.

The land is being acquired by the National Park Service, Department of the Interior.

Dated : August 28 , 1967.

Margaret C. Cook
Margaret C. Cook

State of Nebraska, County of Scotts Bluff:

Before me, a notary public qualified for said county, personally came Margaret C. Cook , known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her, or their voluntary act and deed.



Witness my hand and notarial seal on August 28 , 1967.

Alma Humrich
Alma Humrich, Notary Public

My commission expires March 8 , 1968.

BOOK *A-11* PAGE *382*

STATE OF NEBRASKA, } ss.
SIOUX COUNTY

Entered on Numerical Index and filed for
Record this *1* day of *September*
A. D. 19*67* at *11* o'clock and *39* minutes
A. M., and recorded in Book *A-11* of
Deeds
in Page *379-382*

Alvin P. Blawie
COUNTY CLERK

By _____ DEPUTY

\$9.00

Fee Book	/
Plat Book	/
Num. Index	/
Gen'l Index	/
Pl. Registration	/
Recorded	/
Compared	/

CERTIFICATION: Certify that this copy is an exact and true copy of the original.

Charles H. Linder
Realty Specialist, National Park Service, Historic Service Center, Office of Land
Acquisition and Water Resources

BOOK *A-11* PAGE *387*

QUITCLAIM DEED

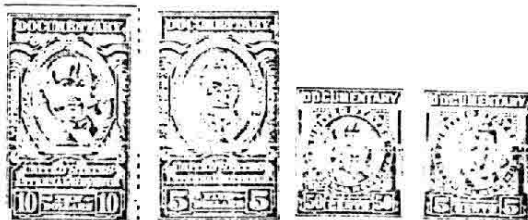
Eleanor C. Naffziger; Dorothy C. Meade; Winifred C. McGrew, also known as Winifred Howard; Margaret C. Hoffman and George H. Hoffman, her husband, grantors, in consideration of Fourteen Thousand One Hundred Forty and 00/100 Dollars (\$14,140.00) received from the grantee, do quitclaim, grant, bargain, sell, convey, and confirm all of their right, title and interest unto the United States of America, grantee, the following described real property in Sioux County, Nebraska:

Tract 2

04-102
 The $N\frac{1}{2}SW\frac{1}{4}$ in Section 3;
 the $S\frac{1}{2}SW\frac{1}{4}$,
 and the $SW\frac{1}{4}SE\frac{1}{4}$ all in Section 4;
 All those portions of:
 the $NE\frac{1}{4}SW\frac{1}{4}$,
 the $N\frac{1}{2}SE\frac{1}{4}$,
 and $SE\frac{1}{4}NE\frac{1}{4}$ all in Section 4,
 and $S\frac{1}{2}NW\frac{1}{4}$ and
 Lot 3 in Section 3,

lying south and east of a diagonal line extending from the SW corner of said $NE\frac{1}{4}SW\frac{1}{4}$ of Section 4 to a point on the east line of said Lot 3 of Section 3, said point being 660 feet north of the SE corner of said Lot 3;
 containing 370 acres, more or less;
 All in Township 28 North, Range 55 West, Sixth Principal Meridian.

Subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

*TRACTS 1 & 2*

BOOK *A-11* PAGE *388*

Excepting and reserving only the following rights and interests in the above described property:

To the grantors, their heirs, successors and assigns forever, a right-of-way across the lands, described above, from the public road to that portion of Sections 3 and 4 which the grantee is not taking.

This right-of-way is for ingress, egress, electrical and utility lines and for all purposes.

Also, the following described real property in Sioux County, Nebraska:

Tract 1

copy
The $S\frac{1}{2}SW\frac{1}{4}$,
and the $SW\frac{1}{4}SE\frac{1}{4}$ all in Section 3;
the $SE\frac{1}{4}SE\frac{1}{4}$ in Section 4;
the $E\frac{1}{2}NW\frac{1}{4}$,
the $NE\frac{1}{4}$,
the $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$,
and the $N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$ all in Section 8;
the $N\frac{1}{2}$,
and the $N\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$ all in Section 9;
the $W\frac{1}{2}$,
and the $W\frac{1}{2}E\frac{1}{2}$ all in Section 10;
containing 1,340 acres, more or less;
all in Township 28 North, Range 55 West, Sixth Principal Meridian.

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the United States of America and its assigns forever.

The land is being acquired by the National Park Service, Department of the Interior.

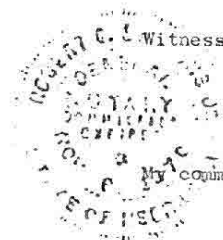
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Dated _____, 1967.

Eleanor C. Haffzyger
by Margaret C. Hoffman Guthman
Wenifred C. McGraw
by Margaret C. Hoffman
Dorothy C. Middle
by Margaret C. Hoffman
Margaret C. Hoffman

State of Nebraska, County of Lincoln

Before me, a notary public qualified personally
came Eleanor C. Haffzyger, Wenifred C. McGraw
by Margaret C. Hoffman, Dorothy C. Middle
known to me to be the identical person or persons the foregoing
instrument and acknowledged the execution thereof her or their
voluntary act and deed.

Witness my hand and notarial seal on _____, 1967.
 My commission expires Nov 67
Robert E. [Signature] Notary Public

BOOK *A-11* PAGE *390*

STATE OF NEBRASKA, } ss.
SIOUX COUNTY

Entered on Numerical Index and filed for
Record this *6* day of *September*
A. D., 19*67* at *9* o'clock and *35* minutes
A. M., and recorded in the *Deed Records* of
in Page *387-390*

Alvin Pickens
COUNTY CLERK
By _____
DEPUTY

11.75

CERTIFICATION: I certify that this copy is an exact and true copy of the original.

Charles H. Lander
Deputy Specialist, National Park Service, Western Service Center, Office of Land
Acquisition and Water Resources.

Fee Book	☒
Plat Book	☒
Num. Index	☒
Gen'l Index	☒
Bk. Registration	☒
Records	☒
Comptroller	☒

01-101
BOOK A-11 PAGE 373

WARRANTY DEED

KNOW ALL MEN by these presents, That George H. Hoffman and Margaret C. Hoffman, Husband and Wife, as Joint Tenants, Grantors, in consideration of One Hundred Thirty Four Thousand Dollars (\$134,000.) in hand paid, do grant, bargain, sell, convey and confirm unto the United States of America and its assigns, Grantee, the following described real estate, in Sioux County, Nebraska, to wit:

The $S\frac{1}{2}SW\frac{1}{4}$;

The $SW\frac{1}{4}SE\frac{1}{4}$;

All in Section 3.

The $SE\frac{1}{4}SE\frac{1}{4}$ in Section 4.

The $E\frac{1}{2}NW\frac{1}{4}$;

The $NE\frac{1}{4}$;

The $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$;

The $N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$;

All in Section 8.

The $N\frac{1}{2}$;

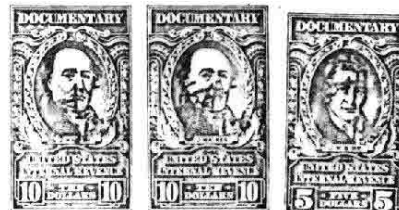
The $N\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$;

All in Section 9.

The $W\frac{1}{2}$;

The $W\frac{1}{2}E\frac{1}{2}$;

All in Section 10.



Agate Fossil Beds NM.

PAGE 1

D. 6



7/10/18

BOOK *A-11* PAGE *374*

Township 28 North, Range 55 West, Sixth Principal Meridian.

Containing 1340 acres, more or less.

Subject to:

1. Existing easements for public roads and highways, public utilities, railroads and pipelines;
2. Outstanding mineral interests in parties other than the grantors; ✓
3. The existing interest reserved to Harold J. Cook in Warranty Deed dated July 6, 1923, recorded July 17, 1926, in Book "S" of Deeds, Page 625.
4. Right to use existing roadways for ingress and egress, from existing county road to grantor's residence; and from the residence to the grantor's remaining property in Sections 8, 9, 16 and 17, T 28 N, R 55 W to the Sixth Principal Meridian.
5. The use of all of the described land excepting the tract that lies northerly of the north bank of the Niobrara River, southerly of the south right-of-way line of the existing county roads and the part thereof lying northerly of the southerly right-of-way line of the proposed Park Service Road for ranching and pasturing until May 1, 1969. During this time, the grantor shall have the right to:
 - a. Harvest and remove hay from the premises;
 - b. The exclusive right to control fishing, hunting and access except officers, employees and agents of the United States of America;
 - c. Run cattle on other lands not described;
 - d. Be free from damages caused by cattle pasturing after May 1, 1969, until the United States of America constructs and maintains fences upon the boundary lines sufficient to prevent cattle from pasturing.
 - e. A water gap and access to the Niobrara River; and sufficient land to allow cattle to proceed from the lands described on page 4 to the Niobrara River; the land to be on the east side of the proposed headquarters site.

2

6. A Life Estate in the residence, two-car garage and the area within the fence surrounding these buildings for the use and occupancy during the natural lives of the grantors, and surviving grantor.

The restrictions imposed upon the use of the lands described above and the acts which the grantor covenants to do or refrain from doing upon the land are declared and shall:

a. Be used during the life tenancy for residential purposes of the grantors and their guests.

b. Not be sold, assigned, leased, rented nor make any other attempt to alienate it.

Should any such act occur, the life estate may be terminated by the United States of America unless consent for such act had been given in writing by the Director, National Park Service.

c. Keep all structures and improvements in good repair; not to permit nor commit waste. Except, the grantors shall have the option to surrender the life tenancy; and, thereafter, shall not have any obligation to maintain the improvements.

d. Use ordinary care to prevent fires from originating upon the lands. Use their best efforts to have all fires, including fires originating upon adjacent premises, extinguished. Immediately notify the local government representative of the existence of such fires.

e. During the life estate, carry insurance for losses by fire or other hazards as is customary and prudent among landowners or lessees of similar property.

f. Use the land and improvements in a manner consistent with the policies of the National Park Service together with rules and regulations thereof.

These covenants, declarations and restrictions shall cease and terminate upon the surrender or cessation of the life tenancy.

And we, for ourselves and for our heirs, executors and administrators, do hereby covenant with the said grantee and assigns that we are lawfully seized of said premises; that they are free from encumbrance;

3

BOOK 1111 PAGE 376

that we have good right and lawful authority to sell the same; and that we shall warrant and defend the title to said premises against the lawful claims of all persons whomsoever.

Further, the grantor sells and conveys his right, title and interest to real property in Sioux County, Nebraska, described as:

*Mrs. Hoffman's
interest in
Tract 2*

The $N\frac{1}{2}SW\frac{1}{4}$ in Section 3; ✓

The $S\frac{1}{2}SW\frac{1}{4}$;

The $SW\frac{1}{4}SE\frac{1}{4}$;

All in Section 4;

All those portions of the $NE\frac{1}{4}SW\frac{1}{4}$;

The $N\frac{1}{2}SE\frac{1}{4}$;

And the $SE\frac{1}{4}NE\frac{1}{4}$;

In Section 4.

And the $S\frac{1}{2}NW\frac{1}{4}$;

And Lot 3,

In Section 3, lying south and east of the diagonal line extending from the SW corner of said $NE\frac{1}{4}SW\frac{1}{4}$ of Section 4 to a point on the east line of said Lot 3 of Section 3, said point being 660 feet north of the SE corner of said Lot 3.

All in T 28 N, R 55 W, of the Sixth Principal Meridian,

Containing 370 acres, more or less.

Subject to:

The same rights set out in paragraph 5; and Margaret C. Hoffman's interest in and to such tract, which she owns by reason of being one of the daughters and one of the heirs of Harold J. Cook.

4

BOOK A-11 PAGE 377

To have and to hold the above described premises, together with all appurtenances thereto belonging, unto the said grantee and assigns forever.

This land is being acquired by the Department of Interior, National Park Service.

Dated August 30, 1967.

George H. Hoffman

Margaret C. Hoffman

State of Nebraska)

County of Sioux

On this 30th day of August, A.D. 1967 before me, a Notary Public, qualified for and residing in said County, personally came George H. Hoffman and Margaret C. Hoffman known to me to be the identical persons, whose names are subscribed to the foregoing conveyance, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and Notarial Seal



Frederic E. Lindors
Notary Public.

STATE OF NEBRASKA,) ss.
SIOUX COUNTY

Entered on Municipal Index and filed for Record this 1st day of September A. D., 1967 at 10 o'clock and 50 minutes A.M., and recorded in Book A-11 of Deed Records in Page 373-377

By Alvin Deblow
COUNTY CLERK
DEPUTY

Fee Book	☒
Pla. Book	☒
Num. Index	☒
Gen'l Index	☒
Ek. Registration	☒
Recorded	☒
Compared	☒

\$8.75

Other Supporting Information

D5039

Notice is hereby given to the water users of the Hoffman Pump Canal,
its officers, manager and employees, and in particular Geo. H. Hoffman, that in accordance with
the provisions of the irrigation laws of the State of Nebraska, the Hoffman Pump
Canal may divert water in an amount not to exceed that noted below:—

[illegible]

The owner, or operator of this canal is prohibited from diverting more than 0.00 second-feet at a gage height of 0.00 feet until authorized by an official of the Department of Water Resources. Any person violating this order or using any water on lands covered by an appropriation that is closed shall be subject to the penalty provided in Section 46-254, Reissue Revised Statutes of Nebraska, 1943, which reads as follows:

STATE OF NEBRASKA

DEPARTMENT OF WATER RESOURCES

DAN S. JONES, JR., Director of Water Resources

Dated July 24, 1962

Hour.....

Original to.....Geo. H. Hoffman.....Manager

cc to: Bridgeport

Water Commissioner

DEPARTMENT OF ROADS AND IRRIGATION
L. N. RESS
STATE ENGINEER



BUREAU OF HIGHWAYS
BUREAU OF IRRIGATION
WATER POWER AND DRAINAGE
MOTOR VEHICLE DIVISION
LAW ENFORCEMENT
AND PUBLIC SAFETY

State of Nebraska

VICTOR E. ANDERSON, GOVERNOR
LINCOLN 9

IN REPLY REFER TO

May 6, 1955

A-5772
Hoffman Pump

George H. Hoffman
Agate, Nebraska

Dear Mr. Hoffman:

It has become necessary for this department to carefully regulate and accurately measure the diversions of water from the Niobrara River because of the increased demands placed upon the stream by the requirements of the Mirage Flats Irrigation District and other developments which have extended the use of water in the upper part of the Basin.

In order that the department may be in a position to administer the available water supply in an orderly manner we find it necessary to request that all of the active canals and pumps from the Wyoming-Nebraska State line to the Mirage Flats Canal be equipped with suitable headgates, rating flumes and recording gauges, as provided by Sections 46-256 and 46-261 R.R.S., 1943, copies of which are enclosed.

We are requesting you to install a meter in the Hoffman Pump, Application 5772. It may also be necessary to equip the pump with a valve or other device so that the rate of diversion maybe limited to the amount allowed by your permit if such control is not already possible.

There are various devices on the market for measuring and recording the discharge of water from pumps. The Sparling Meter is quite satisfactory for this purpose. You may obtain a catalogue and prices by writing to Ray C. Sparling Co., 225 North Temple Boulevard, ElMonte, California.

Mr. John G. Lathrop, Water Commissioner of Crawford or F.H. Klietsch at Bridgeport will be glad to advise you and answer any questions you may have in connection with this installation.

Very truly yours,

DEPARTMENT OF ROADS AND IRRIGATION

L. N. Ress
State Engineer

DSJones/sc

cc: Klietsch & Lathrop

DEPARTMENT OF ROADS AND IRRIGATION
L. N. RESS
STATE ENGINEER



State of Nebraska

ROBERT B. CROSBY, GOVERNOR
LINCOLN 8
July 29, 1954

BUREAU OF IRRIGATION
WATER POWER AND DRAINAGE
DAN S. JONES, JR., CHIEF
LINCOLN
F. H. KLIETSCH, DIVISION ENGINEER
BRIDGEPORT

IN REPLY REFER TO
Aa 22:00
A-5772

Mr. George H. Hoffman
Agate, Nebraska

Dear Mr. Hoffman:

You will please find enclosed Application 5772 to which has been attached the final certificate of approval.

Also find enclosed blue print of approved map Number 6820, on which is shown the location of your land. The area cross-hatched includes the number of acres in each 40-acre legal subdivision which you are entitled to irrigate under this permit.

Very truly yours,

L. N. Ress
State Engineer

KIW:ss
Enc.
cc to B. O.
Registered

127
30
810

DEPARTMENT OF ROADS AND IRRIGATION
L. N. RESS
STATE ENGINEER



State of Nebraska

ROBERT B. CROSBY, GOVERNOR
LINCOLN 9

January 15, 1954

BUREAU OF IRRIGATION
WATER POWER AND DRAINAGE
DAN S. JONES, JR., CHIEF
LINCOLN
F. H. KLIETSCH, DIVISION ENGINEER
BRIDGEPORT
R. H. WILLIS, CONSULTANT
BRIDGEPORT

IN REPLY REFER TO

Aa 22:00
A-5772
2-C

Mr. George H. Hoffman
Agate, Nebraska

Dear Mr. Hoffman:

I am enclosing Application 5772 which is a permit to divert water from the Niobrara River for the reclamation of lands described under paragraph eight of your application. This application has been approved subject to certain limitations and conditions as set forth in the certificate of approval. Also find enclosed Receipt Number 210 in the amount of \$5.00 covering the filing fee. I wish to call your special attention to paragraph 13 of the certificate for the reason under date of August 7, 1942, the Supreme Court of Nebraska, rendered opinion Number 31410 with reference to the case entitled Loup River Public Power District vs North Loup River Public Power and Irrigation District. Paragraph 15 of the syllabus of that opinion, which refers to Article XV of the constitution, reads as follows:

"Under this section of the constitution, waters previously appropriated for power purposes may be taken and appropriated for irrigation purposes, upon due and fair compensation therefor; and, inversely they can not be appropriated arbitrarily for irrigation purposes without just compensation."

Section 46-238, Revised Statutes of Nebraska, 1943, copy of which appears on pages 32-34 of the enclosed rules, provides that a report must be filed in this office within six months from date of approval of an application. You will find enclosed a form for filing this report.

Section 46-237 provides that a map must be filed in this department which should be prepared by a competent engineer, and as outlined on pages 25-26 of the rules.

The department may request the installation of a device for measuring the water appropriated, as provided by Section 46-256, Revised Statutes of Nebraska, 1943.

The date of expiration for filing the map and report is July 15, 1954, and you will be required to return the enclosed application with the map and report so it may be completed at the time of approval of the map.

KIW:jf
Encl.
cc: W. E. Mumby, Attorney
Harrison
Registered

Very truly yours,

L. N. Ress
State Engineer

Docket Information

Number of Documents in Docket 22
Documents Dated from 12/3/1953 to 8/30/1967
Docket Compiled: 1/28/2011