

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A45-00707**
Date Received: 5/15/1989
Receipt No: S007111
Received By: X

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BLACK JACK RANCH INC 208-673-6634
Address: PO BOX 177
ALBION ID 83311

2. Date of Priority: APR 15, 1916

3. Source: BROAD HOLLOW Trib. to: HOWELL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	25E	29	NW	NE	SW		CASSIA

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A..

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	25E	8	NE	SE		IRR	30.0
			NE	SE		STOCK	
			NW	SE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	25E	8	NW		SE		STOCK	
			SW		SE		IRR	40.0
			SW		SE		STOCK	
							Section Acres	100.0
		9	NE		SW		IRR	35.0
			NE		SW		STOCK	
			NW		SW		IRR	35.0
			NW		SW		STOCK	
			SW		SW		IRR	35.0
			SW		SW		STOCK	
			SE		SW		IRR	35.0
			SE		SW		STOCK	
							Section Acres	140.0
		17	NW		NE		IRR	40.0
			NW		NE		STOCK	
			SW		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			NW		NW		IRR	35.0
			NW		NW		STOCK	
			SW		NW		IRR	40.0
			SW		NW		STOCK	
			SE		NW		IRR	40.0
			SE		NW		STOCK	
			NE		SW		IRR	40.0
			NE		SW		STOCK	
			NW		SW		IRR	40.0
			NW		SW		STOCK	
			SW		SW		IRR	40.0
			SW		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
			NE		SE		IRR	40.0
			NE		SE		STOCK	
			NW		SE		IRR	40.0
			NW		SE		STOCK	
			SW		SE		IRR	40.0
			SW		SE		STOCK	
			SE		SE		IRR	40.0
			SE		SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	555.0
		20	NE	NE	IRR	40.0
			NE	NE	STOCK	
			SE	NE	IRR	40.0
			SE	NE	STOCK	
					Section Acres	80.0
					Total Acres	875.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

ALL WR'S ARE USED ON THE P/U LISTED.

OTHER WATER RIGHTS**
A45-00236 A45-00240 A45-00246B A45-00285A
A45-00287 A45-00290 A45-00291 A45-00518
A45-00519 A45-00707 A45-00706 A45-00259
A45-00528 *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/ 5/1927

HANSEN

Decree Plaintiff

CARPENTER

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 Pres. of
Blackjack Ranch Inc. that I have signed the foregoing
document in the space below as Pres. of
Blackjack Ranch Inc. and that the statements contained in the
foregoing document are true and correct.

Larry Mahoney
Signature of Authorized Agent

Pres.
Title and Organization

2/25/97
Date

State of Idaho)
County of Twin Falls) SS.

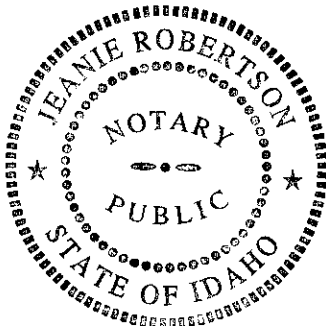
Subscribed and sworn (or affirmed) before me this 25th day
of February 19 97

Jeanie Robertson
Notary Public

Seal

Residing at Twin Falls, Id.

My Commission Expires 9-23-2000



6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

February 25, 1997 2:47pm

CUSTOMER

LARRY MAHONEY/BLACKJACK RANCH INC

**A45-00236, A45-00240, A45-00246B,
A45-00259, A45-00285A, A45-00287,
A45-00290, A45-00518, A45-00291,
A45-00519, A45-00528, A45-00706,
A45-00707**

SUBJECT: AMENDED CLAIMS...

phone call (.) walk-in (X)

He was in on another matter with Jim Stanton when they discovered these claims were listed in the wrong Township. They all said T11S when they should have said T12S. I corrected them all and he signed and I notarized the amended claims...

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OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00707
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ACQUIRED UNDER STATE LAW

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Address: P.O. BOX 177
ALBION, ID 83311

2. Date of Priority: APR 15, 1916

3. Source: BROAD HOLLOW Trib. to: HOWELL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	29	NW	NE	SW		CASSIA

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	25E	8	NE	SE		IRR	30.0
			NE	SE		STOCK	
			NW	SE		IRR	30.0

A45-00707

Page 1

Date: 02/20/91

UNRECORDED

MAR 08 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	25E	8	NW	SE		STOCK	
			SW	SE		IRR	40.0
			SW	SE		STOCK	
						Section Acres	100.0
		9	NE	SW		IRR	35.0
			NE	SW		STOCK	
			NW	SW		IRR	35.0
			NW	SW		STOCK	
			SW	SW		IRR	35.0
			SW	SW		STOCK	
			SE	SW		IRR	35.0
			SE	SW		STOCK	
						Section Acres	140.0
		17	NW	NE		IRR	40.0
			NW	NE		STOCK	
			SW	NE		IRR	40.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
			NW	NW		IRR	35.0
			NW	NW		STOCK	
			SW	NW		IRR	40.0
			SW	NW		STOCK	
			SE	NW		IRR	40.0
			SE	NW		STOCK	
			NE	SW		IRR	40.0
			NE	SW		STOCK	
			NW	SW		IRR	40.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
			NE	SE		IRR	40.0
			NE	SE		STOCK	
			NW	SE		IRR	40.0
			NW	SE		STOCK	
			SW	SE		IRR	40.0
			SW	SE		STOCK	
			SE	SE		IRR	40.0
			SE	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	555.0
		20	NE	NE	IRR	40.0
			NE	NE	STOCK	
			SE	NE	IRR	40.0
			SE	NE	STOCK	
					Section Acres	80.0
					Total Acres	875.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

SEE REMARKS.

14. Remarks:

ALL WR'S ARE USED ON THE P/U LISTED.

|

OTHER WATER RIGHTS**

A45-00236 A45-00240 A45-00246B A45-00285A

A45-00287 A45-00290 A45-00291 A45-00518

A45-00519 A45-00707 A45-00706 A45-00259

A45-00528 *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/ 5/1927

HANSEN

Decree Plaintiff

vs

CARPENTER

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: _____

A45-00707

Page

3

Date: 02/20/91

MICROFILMED

MAR 0 8 1993

For Organizations:

I do solemnly swear or affirm that I am Pres. of
Blackjack Ranch Inc. Title
Organization that I have signed the foregoing
document in the space below as Pres. of
Blackjack Ranch Inc. Title
Organization and that the statements contained in the
foregoing document are true and correct.

Larry Mahoney
Signature of Authorized Agent
Pres.
Title and Organization
2/20/91
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of February 19 91
Steve Chell
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00707
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Receipt No: S007111
Received By: SCC

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ACQUIRED UNDER STATE LAW

1. Name: BLACK JACK RANCH, INC. 208-673-6634
Address: P.O. BOX 177
ALBION, ID 83311
2. Date of Priority: APR 15, 1916
3. Source: BROAD HOLLOW Trib. to: HOWELL CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 12S | 25E | 29 | NW | NE | SW | | CASSIA |
5. Description of diverting works:
DAM AND DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.000 | | |
7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 800.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/150 RANGE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	25E	8	NE	SE		IRR	30.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
Section Acres							100.0

A45-00707

Page 1

Date: 05/15/89

MICROFILMED

MAR 08 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	25E	9	NE		SW		IRR	35.0
			NW		SW		IRR	35.0
			SW		SW		IRR	35.0
			SE		SW		IRR	35.0
			Section Acres					140.0
		17	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					555.0
		20	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
			Section Acres					80.0
			Total Acres					875.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:
ALL WR'S ARE USED ON THE P/U LISTED.

OTHER WATER RIGHTS**
A45-00236 A45-00240 A45-00246 A45-00285A
A45-00287 A45-00290 A45-00291 A45-00518

A45-00707

Page 2

Date: 05/15/89

MICROFILMED

MAK U 8 1993

14. Remarks: Continued

A45-00519

A45-00707

A45-00706

A45-00259

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/05/1927

HANSEN

Decree Plaintiff

CARPENTER

Decree Defendant

vs

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 Pres of _____ Title

Blackjack Ranch Inc. Organization, that I have signed the foregoing document in the space below as Pres of _____ Title

Blackjack Ranch Inc. Organization and that the statements contained in the foregoing document are true and correct.

Larry Mahoney
Signature of Authorized Agent

Pres Blackjack Ranch Inc.
Title and Organization

5/15/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of May 19 89

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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

Brigham Hansen,

Plaintiff.

-vs-

Harry D. Carpenter, as
Water Master of Marsh Creek.
Defendant.

JUDGMENT.

This cause came regularly on for hearing before the Court on the 21st day of April, 1920, on the complaint of the plaintiff. The plaintiff appeared in person and by S. T. Lowe, his attorney, and the defendant having failed to appear either in person or by an attorney, and it appearing to the Court that the time for appearing answering or demurring to the complaint of the plaintiff had expired, and no appearance, answer or demurrer had been made or filed by the defendant, on motion of S. T. Lowe, attorney for the plaintiff, the default of the defendant for his failure to appear or answer the complaint of the plaintiff was by the court ordered entered. Thereupon witnesses on behalf of the plaintiff were sworn and examined and documentary evidence introduced and the plaintiff rested, and the evidence being closed and the Court being fully advised in the premises, and it appearing to the court that all of the allegations of the complaint of the plaintiff were true and had been supported by the evidence, it was by the court ordered that judgment be entered in favor of the plaintiff as prayed for in his complaint.

45-706

NOW THEREFORE, By virtue of the law and by reason of the premises aforesaid, it is hereby ordered, adjudged and decreed that the plaintiff be, and he is hereby found, adjudged and decreed to be the owner of the use and the right to the use of 120 or 2.4 cfs second feet of the flow of the waters of Broad Canyon or Broad Hollow the same being a stream flowing variable amounts of water during the early part of the irrigation season, located near Howell Creek, which said Howell Creek is a tributary to Marsh Creek, in the County of Cassia, State of Idaho, in the County of Cassia, State of Idaho, with date of priority of April 15, 1883, upon the following described real estate in the County of Cassia, State of Idaho, to-wit; West half of the Northwest quarter ($W\frac{1}{2}NW\frac{1}{4}$) and the Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section seventeen (17), Township twelve (12) South, Range twenty-five (25) East Boise Meridian.

45-707

It is further ordered, adjudged and decreed that the plaintiff Brigham Hansen, be, and he is hereby found, adjudged and decreed to be the owner of the use and the right to the use of 200 inches or 4 second feet of the flow of the waters of said Broad Canyon or Broad Hollow, with date of priority from April 15, 1916 for use upon the following described real estate in the County of Cassia, State of Idaho, to-wit; North half of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}$) and the West half of the Northeast quarter ($W\frac{1}{2}NE\frac{1}{4}$) of Section twenty (20), and the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) and the West half of the Southwest quarter ($E\frac{1}{2}SW\frac{1}{4}$), and the Southwest quarter of the Southwest quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section seventeen (17), Township twelve (12) South, Range

MICROFILMED
MAR 08 1993

twenty-five (25) East Boise Meridian.

It is further ordered, adjudged and decreed that the temporary injunction heretofore issued in the above entitled cause be, and the same is hereby made permanent, and the said defendant, and his successors in office is hereby perpetually enjoined and restrained from turning the said water, or any part or parcel thereof, into Howell Creek, which is a tributary of Marsh Creek.

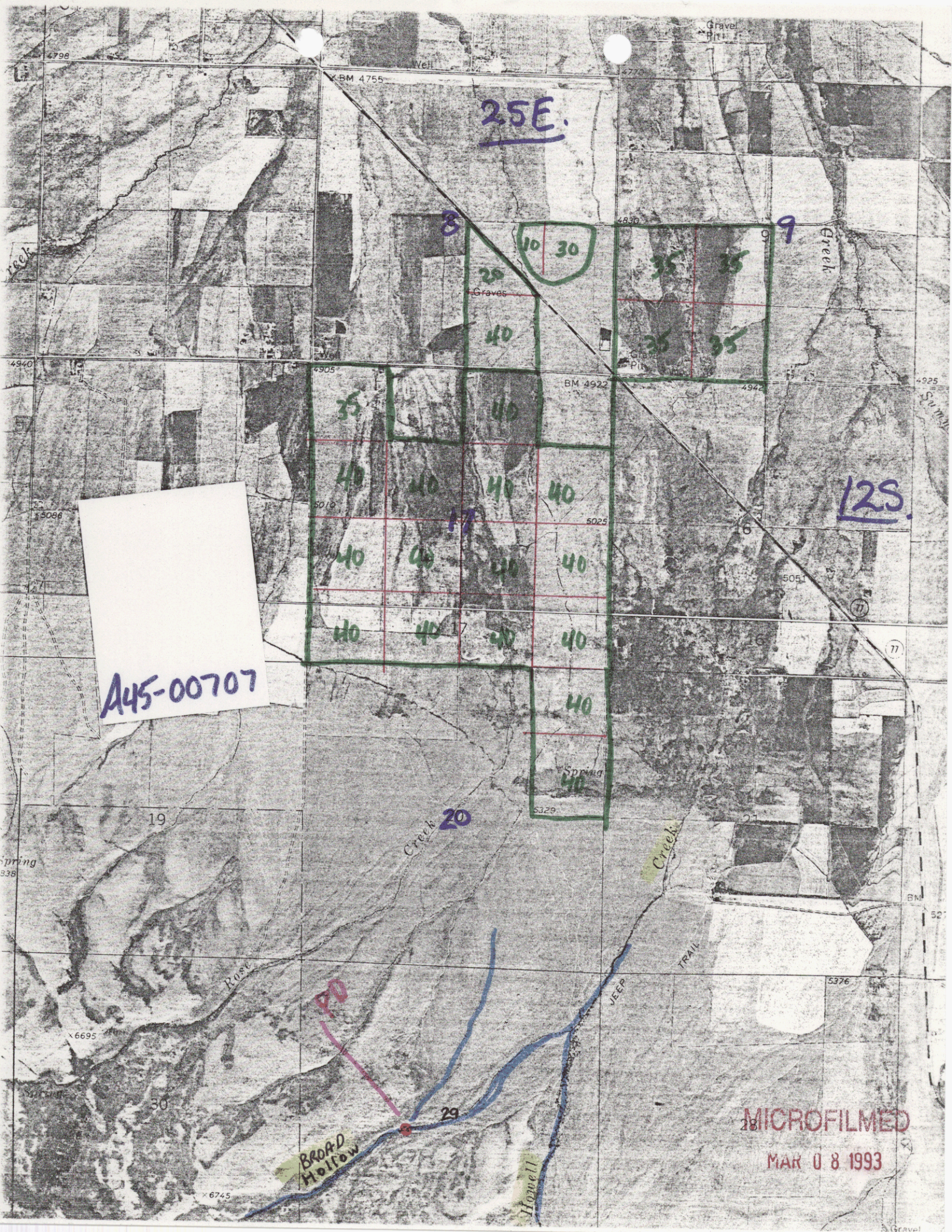
DATED this 5th day of May, 1927.

Wm A. Babcock
District Judge.

at Boise, Idaho

MICROFILMED

MAR 08 1993



25E.

12S.

A45-00707

MICROFILMED

MAR 0 8 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www.idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 3, 2004

LARRY MAHONEY
PO BOX 177
ALBION ID 83311

RE: PENDING SNAKE RIVER BASIN ADJUDICATION CLAIM 45-13769 AND OTHER
ISSUES

Dear Larry

I have generated a temporary claim for the in-stream stockwater use from Rose Creek and the spring. Please review the attached claim form and map to make sure it conforms to your wishes. If it is correct, then complete the signature block and have your signature notarized and then return the claim form along with a \$25.00 check made out to IDWR (Idaho Department of Water Resources). If you have any questions or feel that changes are needed please call me at (208)736-3033.

I started to data enter an in-stream stockwater claim from Howell Creek but I could not find any ground owned by Black Jack that includes Howell Creek. If you were considering the ground owned by the BLM and/or Forest Service that you lease, I would accept the claim but would suggest that you communicate with the appropriate agency before filing. There are areas where the department is recognizing dual claims for the same in-stream use, one by the Federal government and the other by a private individual.

You provided me with a copy of the Hansen vs Carpenter decree regarding the delivery of Broad Hollow water. After reviewing the available maps it appears that Broad Hollow is tributary to Howell Creek, however the last paragraph appears to suggest that Broad Hollow is to NOT be considered when delivering Howell Creek and/or Marsh Creek rights. I have referred this issue to the department legal staff and they are reviewing the available information and will get back to me later.

I believe that this covers the issues we discussed in Burley but if I missed something please let me know.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us

Enclosures

01/13/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-707

BLACK JACK RANCH INC

PO BOX 177

ALBION ID 83311

Telephone Number: (208) 673-6634

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*Tributary to Rose Creek
- not Howell Creek*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

*11th Judicial District state of Idaho permanently enjoined
turning any water from Broad Hollow into Howell Creek
dated 5 May, 1927*

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4/22/04

SIGNATURE:

Larry Mahoney

Please print your name:

Larry Mahoney

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
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Brigham Hansen,
Plaintiff.

-vs-

Harry D. Carpenter, as
Water Master of Marsh Creek.
Defendant.

JUDGMENT.

This cause came regularly on for hearing before the Court on the 21st day of April, 1920, on the complaint of the plaintiff. The plaintiff appeared in person and by S. T. Lowe, his attorney, and the defendant having failed to appear either in person or by an attorney, and it appearing to the Court that the time for appearing answering or demurring to the complaint of the plaintiff had expired, and no appearance, answer or demurrer had been made or filed by the defendant, on motion of S. T. Lowe, attorney for the plaintiff, the default of the defendant for his failure to appear or answer the complaint of the plaintiff was by the court ordered entered. Thereupon witnesses on behalf of the plaintiff were sworn and examined and documentary evidence introduced and the plaintiff rested, and the evidence being closed and the Court being fully advised in the premises, and it appearing to the court that all of the allegations of the complaint of the plaintiff were true and had been supported by the evidence, it was by the court ordered that judgment be entered in favor of the plaintiff as prayed for in his complaint.

NOW THEREFORE, By virtue of the law and by reason of the premises aforesaid, it is hereby ordered, adjudged and decreed that the plaintiff be, and he is hereby found, adjudged and decreed to be the owner of the use and the right to the use of 120 or 2.4 second feet of the flow of the waters of Broad Canyon or Broad Hollow, the same being a stream flowing variable amounts of water during the early part of the irrigation season, located near Howell Creek, which said Howell Creek is a tributary to Marsh Creek, in the County of Cassia, State of Idaho, in the County of Cassia, State of Idaho, with date of priority of April 15, 1883, upon the following described real estate in the County of Cassia, State of Idaho, to-wit; West half of the Northwest quarter ($W\frac{1}{2}NW\frac{1}{4}$) and the Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section seventeen (17), Township twelve (12) South, Range twenty-five (25) East Boise Meridian.

It is further ordered, adjudged and decreed that the plaintiff Brigham Hansen, be, and he is hereby found, adjudged and decreed to be the owner of the use and the right to the use of 200 inches or 4 second feet of the flow of the waters of said Broad Canyon or Broad Hollow, with date of priority from April 15, 1916 for use upon the following described real estate in the County of Cassia, State of Idaho, to-wit; North half of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}$) and the West half of the Northeast quarter ($W\frac{1}{2}NE\frac{1}{4}$) of Section twenty (20), and the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) and the West half of the Southwest quarter ($E\frac{1}{2}SW\frac{1}{4}$), and the Southwest quarter of the Southwest quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section seventeen (17), Township twelve (12) South, Range

twenty-five (25) East Boise Meridian.

It is further ordered, adjudged and decreed that the temporary injunction heretofore issued in the above entitled cause be, and the same is hereby made permanent, and the said defendant, and his successors in office is hereby perpetually enjoined and restrained from turning the said water, or any part or parcel thereof, into Howell Creek, which is a tributary of Marsh Creek.

DATED this 5th day of May, 1927.

Wm A. Babcock
District Judge.

08/19/2003

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

RIGHT NUMBER: 45-707

NAME AND ADDRESS: BLACK JACK RANCH INC
PO BOX 177
ALBION ID 83311VERIFIED BY KKC

SOURCE: BROAD HOLLOW CREEK

TRIBUTARY: HOWELL CREEK

QUANTITY: 4.000 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 45-236, 45-240, 45-246B, 45-259,
45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and
45-707.

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION:

T12S R25E S29 NWNESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04/01 10/31QUANTITY
4.000 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R25E S08	NWSE	8.5	T12S R25E S08	SWSE	34.0
T12S R25E S09	NESW	38.0	T12S R25E S09	NWSW	41.0
T12S R25E S09	SWSW	32.0	T12S R25E S09	SESW	39.0
T12S R25E S17	NWNE	39.0	T12S R25E S17	SWNE	41.0
T12S R25E S17	SENE	40.0	T12S R25E S17	NWNW	36.0
T12S R25E S17	SWNW	41.0	T12S R25E S17	SENW	41.0
T12S R25E S17	NESW	40.0	T12S R25E S17	NWSW	41.0
T12S R25E S17	SWSW	19.0	T12S R25E S17	SESW	24.0
T12S R25E S17	NESE	40.0	T12S R25E S17	NWSE	40.0
T12S R25E S17	SWSE	38.0	T12S R25E S17	SESE	40.0
T12S R25E S20	NENE	20.0			

732.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287,
45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707.

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

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

Water Right 45-707

Log for claim A45-00707

Spatial Dynamics MWY

4/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	8	NESE	30	40	
12s25e	8	NWSE	30	37	
12s25e	8	SWSE	40	40	
12s25e	9	NESW	35	41	
12s25e	9	NWSW	35	41	
12s25e	9	SWSW	35	34	
12s25e	9	SESW	35	40	
12s25e	17	NWNE	40	40	
12s25e	17	SWNE	40	41	
12s25e	17	SENE	40	40	
12s25e	17	NWNW	35	36	
12s25e	17	SWNW	40	41	
12s25e	17	SENW	40	41	
12s25e	17	NESW	40	40	
12s25e	17	NWSW	40	41	
12s25e	17	SWSW	40	41	
12s25e	17	SESW	40	41	
12s25e	17	NESE	40	40	
12s25e	17	NWSE	40	40	
12s25e	17	SWSE	40	40	
12s25e	17	SESE	40	40	
12s25e	20	NENE	40	41	
12s25e	20	SENE	40	41	
Totals:			875	917	

Township , 12S25E

