

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: A45-00259
Date Received: 5/15/1989
Receipt No: S007111
Received By: JK

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: MAR 1, 1875

3. Source: ROSE CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	25E	30	NW	NE	NE		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	0.600		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 400.0 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.
THIS CLAIM IS TRANSFERRED AS DOCUMENTED BY ATTACHED WARRANTY DEEDS
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: 3/21/1892

R. L. WOOD, ET. AL.
Decree Plaintiff

WM. STOKES, ET. AL.
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. 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

2/25/97
Date

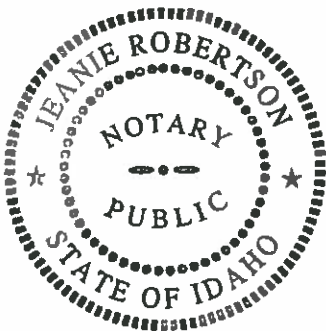
State of Idaho)
County of Twin Falls) SS.

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...

TO: File

DATE: February 25, 1997

FROM: Jim Stanton

SUBJECT: Water Right 45-00259, SRBA Claim A45-00259, 259^B_A

This water right was decreed to Hardy Sears for use in the SW 1/4 Sec. 32 T. 11 S. R. 25E; the decreed source is Rose Creek. Both the Skaggs Ranch (Dewey Acres 2 LC) and the Black Jack Ranch (Larry Mahoney) have claimed this right. We have a deed from Bennie Smyer to Skaggs dated 1988 conveying the decreed p/u and this right to Skaggs. There is a 1972 deed from Robert Bailey to Smyer conveying the decreed p/u and "all water and water rights". So this would indicate that Skaggs owns this right.

However, Mr. Mahoney today presented me with two deeds relating to a 30" water right from Rose Creek. The first deed was from Hardy Sears to B. F. Mahoney in 1893, conveying all the water from Rose Creek decreed to Sears in the Wood vs Stokes decree. This appears to describe Right 45-00259. The second deed is from Benjamin F. Mahoney to Margaret A. Mahoney, dated 1895, conveying the S 1/2 SW 1/4 Sec. 9 T. 12S R. 25 E plus 30" of Rose Creek decreed to Hardy Sears. Together, these deeds appear to represent an unrecorded transfer of 45-00259 from the land in Sec. 32 to the land in Sec. 9. Mr. Mahoney has claimed this right for use on Sec. 9 and related ground, and said that this land has been in his family for 100 years. I viewed the original deeds, and made copies for the file. These deeds obviously pre-date the Bailey & Smyer deeds by many years.

If this right was indeed conveyed to the Mahoney property many years ago, the next question relates to the 30" of 1875 water that has been delivered to the Skaggs property from Marsh Creek. The watermaster shows that such deliveries have historically been made to Skaggs. It is possible that the confusion over ownership of this right led to an additional water right, with an unknown number and priority date, being delivered to Skaggs for many years. Mahoney uses all the water of Rose Creek, except in extreme-flow situations, on his property south of Albion. Not counting 1892 rights, there were 241" of water decreed from Rose Creek. There is no measuring device on Rose Creek, however, and the watermaster rarely visits the diversions there. Mr. Mahoney would not venture a guess as to what normal high flows on Rose Creek might be.

It looks like both the claims on 45-00259 could end up being recommended in the SRBA. With regard to the pending Dewey Acres transfer, it might be best to approve it with remarks to let the SRBA solve this problem. Both users have gotten by for many years without affecting each other, so this does not appear to be a situation of two parties fighting over a single 30" water right. Skaggs mainly wants to do away with a lousy ditch through a swamp between Land Creek and Marsh Creek, so we should be able to let him do it. Approval of the transfer will not affect deliveries to

either claimant, as long as SRBA has the final say on this matter. Waiting for them to act, considering all the upcoming work responsibilities they have, could delay action on the transfer for a couple years for no good purpose. In the event the transfer is protested, however, we may be forced into a full SRBA review.

This Indenture, Made this Second day of October, in the year of our Lord one thousand eight hundred and ninety five, between Benjamin F. Mahoney of Albion, Cassia County, Idaho, the party of the first part, and Margaret A. Mahoney of Albion, Cassia County, Idaho, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One dollar and other lawful consideration (\$1.00 Dollars) lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever all the following described real estate situated in Cassia County, State of Idaho, to-wit: The South half of the Southwest quarter of Section Nine (9) Township Twelve (12) South of Range Twentyfive (25) East of Boise Meridian, in Idaho, containing Eighty (80) acres of land. Also thirty (30) inches of water from Rose Creek, deeded by Hardy Sears, to the said party of the first part, and all ditches, and water privileges thereto appertenant.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said party of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents FOREVER DEFEND.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

John Hansen

Benjamin F. Mahoney



A45-00 259

STATE OF IDAHO, }
County of Cassia. } ss.

On this Second day of October, 1895
before me, John Hansen, a County Recorder
in and for said County, personally appeared Benjamin F. Mahoney
and his wife, personally known to me, ~~or proven~~
to me on the oath of _____, to be the person whose
name is subscribed to the within instrument and acknowledged to me that he exe-
cuted the same, and the said _____, ~~also acknowledged as~~
~~a married woman, upon an examination without the hearing of her husband, I made her ac-~~
~~quainted with the contents of the instrument and thereupon she acknowledged to me that she~~
~~executed the same and that she does not wish to retract such execution.~~

MICROFILMED
MAR 7 1993

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

John F. Hansen
County Recorder.

WARRANTY DEED.

Benjamin F. Mahoney
TO

Margaret A. Mahoney

Dated October 24, 1895

State of Idaho, }
County of Cassia. } ss.

I hereby certify that this in-
strument was filed for record at

request of

Margaret A. Mahoney

at 50 minutes past 11

o'clock A. M., this 24

day of October, 1895.

in my office, and duly recorded

in Book 5 of Deeds at

pages 401 & 2

John F. Hansen
Ex-officio Recorder.

By _____ Deputy.

Fees, \$ 1.25/100

This Indenture, Made this 11th day of December
 in the year of our Lord one thousand eight hundred and ninety-three between
Hardy Sears
 of The County of Lessorin State of Idaho
 part of the first part, and B. H. Muhoney
 of The County of Lessorin State of Idaho
 the part of the second part,

Witnesseth, That the said part of the first part, for and in consideration of
 the sum of three hundred and fifty Dollars,
lawful money of the United States of America, to him in hand paid by the
 said part of the second part, the receipt whereof is hereby acknowledged, have
 granted, bargained and sold, and by these presents do grant, bargain, sell, convey and
 confirm unto the said part of the second part, and to his heirs and assigns
 forever, all the following described real estate situated in Said Lessorin County,
 State of Idaho, to-wit: Thirty inches measured under
a four inch pressure of the flow of the
waters of a certain stream of water
situated in mussho Basin Camp
commonly known as Rose Creek the
stream being a tributary of mussho
Creek - Said thirty inches of said
water being all the water decreed
to the said part of the first part
from said Rose Creek in an action
tried in the District Court in and
Said Lessorin County wherein S. H. Sears
et al, were plaintiffs and William
Slater et al, were defendants.

Together With all and singular the tenements, hereditaments and appurtenances
 thereunto belonging or in any wise appertaining, and the reversion and reversions, re-
 mainder and remainders, rents, issues and profits thereof, and all estate, right, title and
 interest in and to the said property, as well in law as in equity, of the said part of the
 first part:

To Have and to Hold; All and singular, the above mentioned and described prem-
 ises, together with the appurtenances, unto the part of the second part, and to his
 heirs and assigns forever. And the said part of the first part, and his heirs,
 the said premises in the quiet and peaceable possession of the said part of the second
 part, his heirs and assigns, against the said part of the first part, and
 his heirs and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever
 DEFEND.

In Witness Whereof, The said part of the first part has hereunto set
 his hand and seal the day and year first above written.

Signed, Sealed and Delivered in presence of

J. B. Rogers

Hardy Sears



A45-00259

State of Idaho, } ss.
County of Leucine

On this 11th day of December in the year 1898,
before me J. H. Rogers, a Notary Public
in and for said County, personally appeared Harley Scuse

known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same, and on this 11th day of December
in the year 1898, before me, the officer above described,
personally appeared Harley Scuse known to me to be
the person whose name is subscribed to the within instrument, described as a married
woman; and upon an examination without the hearing of her husband, I made her
acquainted with the contents of the instrument, and thereupon she acknowledged to me
that she executed the same, and that she does not wish to retract such execution.

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

J. H. Rogers
Notary Public

WARRANTY DEED.

Harley Scuse
TO
J. H. Rogers

Dated December 11th 1898.

State of Idaho, } ss.
County of Leucine

I hereby certify that this instru-
ment was filed for record at request of
J. H. Rogers
at 10 minutes past 11
o'clock P. M., this 11th
day of December A. D. 1898.
in my office, and duly recorded in
Book 260 of Deeds at
page 116
W. H. Rogers
Ex. Office Recorder.

By

Fees, \$ 2.00 Deputy,
J. H. Rogers

MAR 17 1899
MICROFILMED

State of Idaho, }
County of Blaine } ss.

On this 11th day of December in the year 1898.
before me J. K. Rogers, a Notary Public
in and for said County, personally appeared Harley Seard

known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same, ~~and on this~~ day of
in the year 1898 before me, the officer above described,
personally appeared Harley Seard known to me to be
the person whose name is subscribed to the within instrument, described as a married
man, and upon an examination without the hearing of her husband, I made her
acquainted with the contents of the instrument, and thereupon she acknowledged to me
that she executed the same, and that she does not wish to retract such execution.

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

J. K. Rogers
Notary Public

D-3001

WARRANTY DEED.

Wade Seard
13th December

Dated December 11th 1898.

State of Idaho, }
County of Blaine } ss.

I hereby certify that this instru-
ment was filed for record at request of
B. B. Mathew
at 10 minutes past 2
o'clock P. M. this 11th
day of December A. D. 1898.
in my office, and duly recorded in
Book Mc 5 of Deeds at
page 216
W. B. Seard
Ex. Office Recorder.

By

Frederick J. Seard
Deputy

Notary and Notary Public for the State of Idaho, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 37

On this Second day of October, 1895
 before me, John Hansen, a County Recorder
 in and for said County, personally appeared Benjamin F. Mahoney
~~and~~ his wife, personally known to me, ~~as person~~
~~to me on the faith of~~ to be the person whose
 name do subscribed to the within instrument and acknowledged to me that he ex-
 ecuted the same, ~~and the said~~ advice described as
~~a married woman~~, upon an examination without the hearing of her husband, I made her ac-
 quainted with the contents of the instrument and thereupon she acknowledged to me that she
 executed the same and that she does not wish to retract such execution.

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

John F. Hansen
 County Recorder.

WARRANTY DEED.

Benjamin F. Mahoney
 TO

Margaret A. Mahoney
 Dated October 24, 1895

State of Idaho, } ss.
 County of Cassia

I hereby certify that this in-
 strument was filed for record at
 request of

Margaret A. Mahoney
 at 50 minutes past 11
 o'clock A. M., this 24
 day of October, 1895.
 in my office, and duly recorded
 in Book 5 of Deeds at
 pages 401 & 2

John F. Hansen
 Ex-officio Recorder.

By Deputy.

Pics. \$ 1.75/100

This Indenture, Made this 11th day of December
in the year of our Lord one thousand eight hundred and ninety-three between
Hardy Lears
of the County of Cassia State of Idaho
part of the first part, and B. H. Muhoney
of the County of Cassia State of Idaho
the part of the second part,

Witnesseth, That the said part of the first part, for and in consideration of
the sum of three hundred and fifty Dollars,
lawful money of the United States of America, to him in hand paid by the
said part of the second part, the receipt whereof is hereby acknowledged, has
granted, bargained and sold, and by these presents do grant, bargain, sell, convey and
confirm unto the said part of the second part, and to his heirs and assigns
forever, all the following described real estate situated in said Cassia County,
State of Idaho, to-wit: Thirty inches measured under
a four inch pressure of the flow of the
waters of a certain stream of water
situated in Marsh Basin Canal
commonly known as Rose Creek the
same being a tributary of Marsh
Creek - Said thirty inches of said
water being all the water decreed
to the said part of the first part
from said Rose Creek in an action
tried in the District Court in and for
said Cassia County wherein B. H. Muhoney
et al. were plaintiffs and William
Slater et al. were defendants.

Together With all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in any wise appertaining, and the reversion and reversions, re-
mainder and remainders, rents, issues and profits thereof, and all estate, right, title and
interest in and to the said property, as well in law as in equity, of the said part of the
first part:

To Have and to Hold; All and singular, the above mentioned and described prem-
ises, together with the appurtenances, unto the part of the second part, and to his
heirs and assigns forever. And the said part of the first part, and his heirs,
the said premises in the quiet and peaceable possession of the said part of the second
part, his heirs and assigns, against the said part of the first part, and
his heirs and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever
DEFEND.

In Witness Whereof, The said part of the first part has hereunto set
his hand and seal the day and year first above written.

Signed, Sealed and Delivered in presence of

J. C. Rogers

Hardy Lears



This Indenture, Made this Second day of October, in the year of our Lord one thousand eight hundred and ninety five—between Benjamin F. Mahoney—of Albion, Cassia County, Idaho, the party of the first part, and Margaret A. Mahoney—of Albion, Cassia County, Idaho, the party—of the second part.

WITNESSETH: That the said party—of the first part, for and in consideration of the sum of One dollar, and other lawful consideration (1 Dollars) lawful money of the United States of America, to him—in hand paid by the said party—of the second part, the receipt whereof is hereby acknowledged, has—granted, bargained and sold, and by these presents does—grant, bargain, sell, convey and confirm unto the said party—of the second part, and to her—heirs and assigns forever all the following described real estate situated in Cassia—County, State of Idaho, to-wit: The South half of the Southwest quarter of Section Nine (9) Township Twelve (12) South of Range Twenty five (25) East of Boise Meridian, in Idaho, containing Eighty (80) acres of land. Also thirty (30) inches of water from Rose Creek, deeded by Hardy Sears, to the said party of the first part, and all ditches, and water privileges thereto appertenant—

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said party—of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party—of the second part, and to her heirs and assigns forever. And the said party—of the first part, and his—heirs, the said premises in the quiet and peaceable possession of the said party—of the second part, her heirs and assigns, against the said party—of the first part, and his—heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents FOREVER DEFEND.

IN WITNESS WHEREOF the said party—of the first part has—hereunto set his—hand— and seal— the day and year first above written.

Signed, Sealed and Delivered in the Presence of

John Hansen

Benjamin F. Mahoney



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: A45-00259
Date Received: 5/15/1989
Receipt No: S007111
Received By: See

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED
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: MAR 1, 1875

3. Source: ROSE CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	30	NW	NE	NE		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	0.600		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 400.0 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

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	

MICROFILMED

MAR 07 1993

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.
THIS CLAIM IS TRANSFERED AS DOCUMENTED BY ATTACHED WARRANTY DEEDS
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: 3/21/1892

R. L. WOOD, ET. AL.
Decree Plaintiff

vs

WM. STOKES, ET. AL.
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
Blackfoot Ranch Inc. Title
Organization that I have signed the foregoing
document in the space below as Pres. of
Blackfoot 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 [Signature]
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
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IRRIGATION	04/01	11/01	0.600		

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0.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 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

A45-00259

Page 1

Date: 05/15/89

MICROFILMED

MAR U 7 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.

THIS CLAIM IS TRANSFERED AS DOCUMENTED BY ATTACHED WARRANTY DEEDS

OTHER WATER RIGHTS**

A45-00236	A45-00240	A45-00246	A45-00285A
A45-00287	A45-00290	A45-00291	A45-00518

A45-00259

Page

2

Date: 05/15/89

MICROFILMED

MAR U 7 1993

14. Remarks: Continued

A45-00519

A45-00707

A45-00706

A45-00259

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/21/1892

R. L. WOOD, ET. AL.

Decree Plaintiff

WM. STOKES, ET. AL.

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 _____ of

Blackhawk Ranch Inc., that I have signed the foregoing

Organization

Title

document in the space below as _____ of

Pres

Title

Blackhawk Ranch Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

Tammy Mahoney
Signature of Authorized Agent

Pres. Blackhawk 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

Seal

Steve C. [Signature]
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7, 1994

① suit no. 7131c In the District Court of the Fourth
Judicial District in and for the
County of Cassia, State of Idaho 45-G

R. L. Wood, et al
Plaintiffs

vs

Wm. Stokes, et al
Defendants,

Transfers Noted

This cause having been heretofore tried by the Court with-
out a jury and the Court having made its findings and conclusions
of law,

It is now ordered adjudged and decreed that the following
persons parties to this action are entitled to divert from March
Creek and its tributary streams situate in Cassia County, Idaho, the
amount of water hereinafter indicated, the amount of each party to
date from the time hereinafter stated and set apposite his or their
name, to-wit:

- 1 45 0258 Hardy Sears one hundred (100) inches from Land Creek tribu-
tary to Marsh Creek March 1st. 1875.
- 2 45 0259 Hardy Sears, Thirty inches from Rose Creek tributary to
Marsh Creek March 1st. 1875.
- 3 45 0260 M. A. Harroun Seventy inches (70) from Howell Creek Tribu-
tary to Marsh Creek, March 31st. 1876.
- 4 45 0261 Josiah Bridger Fifty inches (50) from Marsh Creek March
31st. 1882.
- 5 45 0262 John Bridger Sixty inches from Marsh Creek November 30, 1879.
- 6 45 0263 J. W. Lamoreaux Sixty inches from Marsh Creek April 16th
1881.
- 7 45 0264 J. W. Lamoreaux, Sixty (60) inches from Marsh Creek July 21st
1884.
- 8 45 0265 J. W. Lamoreaux Four hundred and eighty (480) inches from
Marsh Creek from January 1st. to July of each year when not in use by
prior appropriators.
- 9 45 0266 T. A. Starrh, Sixty inches from Land Creek Tributary to
Marsh Creek June 15, 1875. 11 1/2 30"
- 10 45 0267 S. R. Guin Fifty inches from Marsh Creek June 5th, 1875.
- 11 45 0268 S. R. Guin one hundred and thirty three and 1/3 inches from
Marsh Creek May 30, 1879.

A45-00259

MEMORANDUM

TO: SRBA Files Listed Below
FROM: Corey Skinner *CS*
DATE: December 19, 1996
SUBJECT: Information Request

This day, Larry Mahoney came by the office requesting information on the water rights out of Rose Creek a couple of miles south of Albion in the name of Black Jack Ranch. I gave Mr. Mahoney copies of proof reports for the following SRBA claims:

A45-00259 (Black Jack Ranch)

A45-00259B (competing claim)

A45-00287 (Black Jack Ranch)

A45-00240 (Black Jack Ranch)

A45-00518 (Black Jack Ranch)

A45-00528 (Black Jack Ranch)

A45-00528A (competing claim)

I also gave Mr. Mahoney copies of proof reports for the following corresponding water right records:

45-00240

45-00259

45-00287

45-00518

45-00528



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 1997

Black Jack Ranch Inc.
PO Box 177
Albion, ID
83311

RE: Snake River Basin Adjudication Claim A45-00259

Dear Mr. Mahoney;

We are currently processing an application for a water transfer in the name of Dewey Acres 2 LC. This transfer proposes to make certain changes to several water rights on the Skaggs property just east and north of Albion. Right 45-00259 is one of the rights involved, and is 30 inches of 3-1-1875 water. Both you and Skaggs have claimed the full 30 inches, however. The watermaster shows that this right belongs to Skaggs, and the decreed place of use is owned by Skaggs. It is therefore my belief that Dewey Acres/Skaggs owns this water right, and that you do not. You apparently do own 30" of 3-1-1875 water under Right 45-00528, which you also claimed in the SRBA.

If you have evidence to support your ownership of Right 45-00259, please contact me at your earliest convenience. Otherwise, I will have to recommend that your claim to this right be denied.

Regards,

James E. Stanton
Sr. Water Resource Agent

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: 45-259

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):

Stock water should be 1/1 to 12/31

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:

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

08/15/2003

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

RIGHT NUMBER: 45-259

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

SOURCE: ROSE CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.600 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.

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

VERIFIED BY *KKC*

PRIORITY DATE: 03/01/1875

POINT OF DIVERSION:

T12S R25E S17 SENWSE Rediversion Within CASSIA County
T12S R25E S20 NENWNE Rediversion Within CASSIA County
T12S R25E S20 SENWNE Injection Within CASSIA County
T12S R25E S30 NWNENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.050 CFS
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County

T12S R25E S08	NESE	T12S R25E S08	NWSE
T12S R25E S08	SWSE	T12S R25E S09	NESW
T12S R25E S09	NWSW	T12S R25E S09	SWSW
T12S R25E S09	SESW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NWNW	T12S R25E S17	SWNW
T12S R25E S17	SENW	T12S R25E S17	NESW
T12S R25E S17	NWSW	T12S R25E S17	SWSW
T12S R25E S17	SESW	T12S R25E S17	NESE
T12S R25E S17	NWSE	T12S R25E S17	SWSE
T12S R25E S17	SESE	T12S R25E S20	NENE
T12S R25E S20	SENE		

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

08/15/2003

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

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 80 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.

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

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.

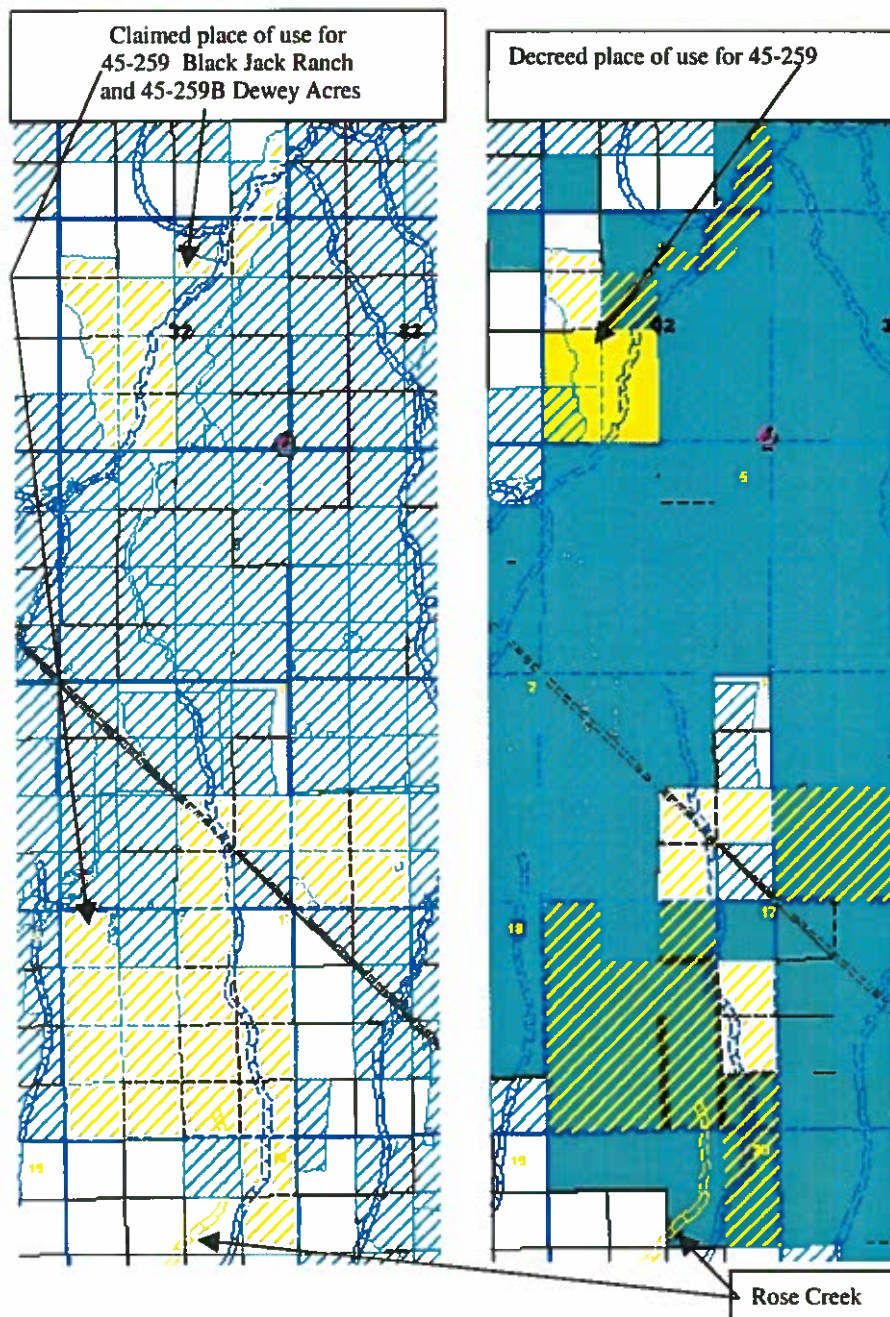
OWNERSHIP ANALYSIS FOR 45-259

Kelly K Christensen
Sr Water Resource Agent

7-17-2002

File: 45-259 ownership analysis

<u>Basin</u>	<u>ence</u>	<u>Split</u>			<u>Diversio</u>			
<u>er</u>	<u>Num</u>	<u>Suff</u>	<u>Source Table</u>	<u>Basis</u>	<u>Priority Date</u>	<u>n Rate</u>	<u>Source List</u>	<u>Owner List</u>
45	213		wrWaterRight	Decreed	1892-04-12	0.8	ROSE CREEK	LEWIS, JOHN A (Current)
45	217		wrWaterRight	Decreed	1892-04-12	2.4	BROAD HOLLOW CREEK , ROSE CREEK MARSH CREEK , ROSE	WALTON, THOMAS (Current)
45	238		wrWaterRight	Decreed	1892-04-12	5.56	CREEK	WOLVERTON, J H (Current)
45	240		wrAdjudicationClaim	Decreed	1892-04-12	4.46	ROSE CREEK	BLACK JACK RANCH INC (Current)
45	240		wrWaterRight	Decreed	1892-04-12	4.46	ROSE CREEK	PIERSON, C D (Current)
45	259		wrAdjudicationClaim	Decreed	1875-03-01	0.6	ROSE CREEK	BLACK JACK RANCH INC (Current)
45	259B		wrAdjudicationClaim	Decreed	1875-03-01	0.6	ROSE CREEK	DEWEY ACRES 2 LC (Current)
45	259		wrWaterRight	Decreed	1875-03-01	0.6	ROSE CREEK	SEARS, HARDY (Current)
45	287		wrAdjudicationClaim	Decreed	1875-06-05	1.4	ROSE CREEK	BLACK JACK RANCH INC (Current)
45	287		wrWaterRight	Decreed	1875-06-05	1.4	ROSE CREEK	STOKES, WILLIAM (Current)
45	301		wrWaterRight	Decreed	1886-07-31	0.12	ROSE CREEK	DICKEY, U S (Current)
45	306		wrAdjudicationClaim	Decreed	1878-05-31	0.2	ROSE CREEK	ROBINSON, T LEROY (Current)
45	306		wrWaterRight	Decreed	1878-05-31	0.2	ROSE CREEK	HALLER, WILLIAM (Current)
45	518		wrAdjudicationClaim	Decreed	1876-04-01	1.9	ROSE CREEK	BLACK JACK RANCH INC (Current)
45	518		wrWaterRight	Decreed	1876-04-01	1.9	ROSE CREEK	STOKES, WILLIAM (Current)
45	528		wrAdjudicationClaim	Decreed	1875-03-01	0.6	ROSE CREEK	BLACK JACK RANCH INC (Current)
45	528A		wrAdjudicationClaim	Decreed	1875-03-01	0.6	ROSE CREEK	DIMOND, LINDSEY W (Current)
45	528		wrWaterRight	Decreed	1875-03-01	0.6	ROSE CREEK	BURGESS, JOHN L (Current)



Preliminary analysis of information available for 45-259 as of 7-17-2002.

This right was decreed in the Wood Vs Stokes decree dated 3-21-1892 for 30 inches for the ground identified to the left.

In claim file 45-259 (Black Jack Ranch) two warranty deeds are attached.

The first warranty deed dated 1893 is from Hardy Sears to B.F. Mahoney conveys thirty inches of water of Rose Creek decreed to Hardy Sears in the Wood Vs Stokes decree. No place of use is described.

The second warranty deed dated 1895 conveys TWP 12S, RNG 25E, SEC 9 S½SW¼ and with 30 inches of water from Rose Creek decreed by Hardy Sears to Mahoney ...

In a conversation memo to the file from Jim Stanton dated Feb 25, 1997, Jim refers to a deed from Bennie Smyer to Skaggs dated 1988 conveying the decreed p/u and this right to Skaggs.

He also refers to a second deed dated 1972 from Robert Bailey to Smyer conveying the decreed p/u and all water and water rights.

The two deeds mentioned above are NOT in the claim files.

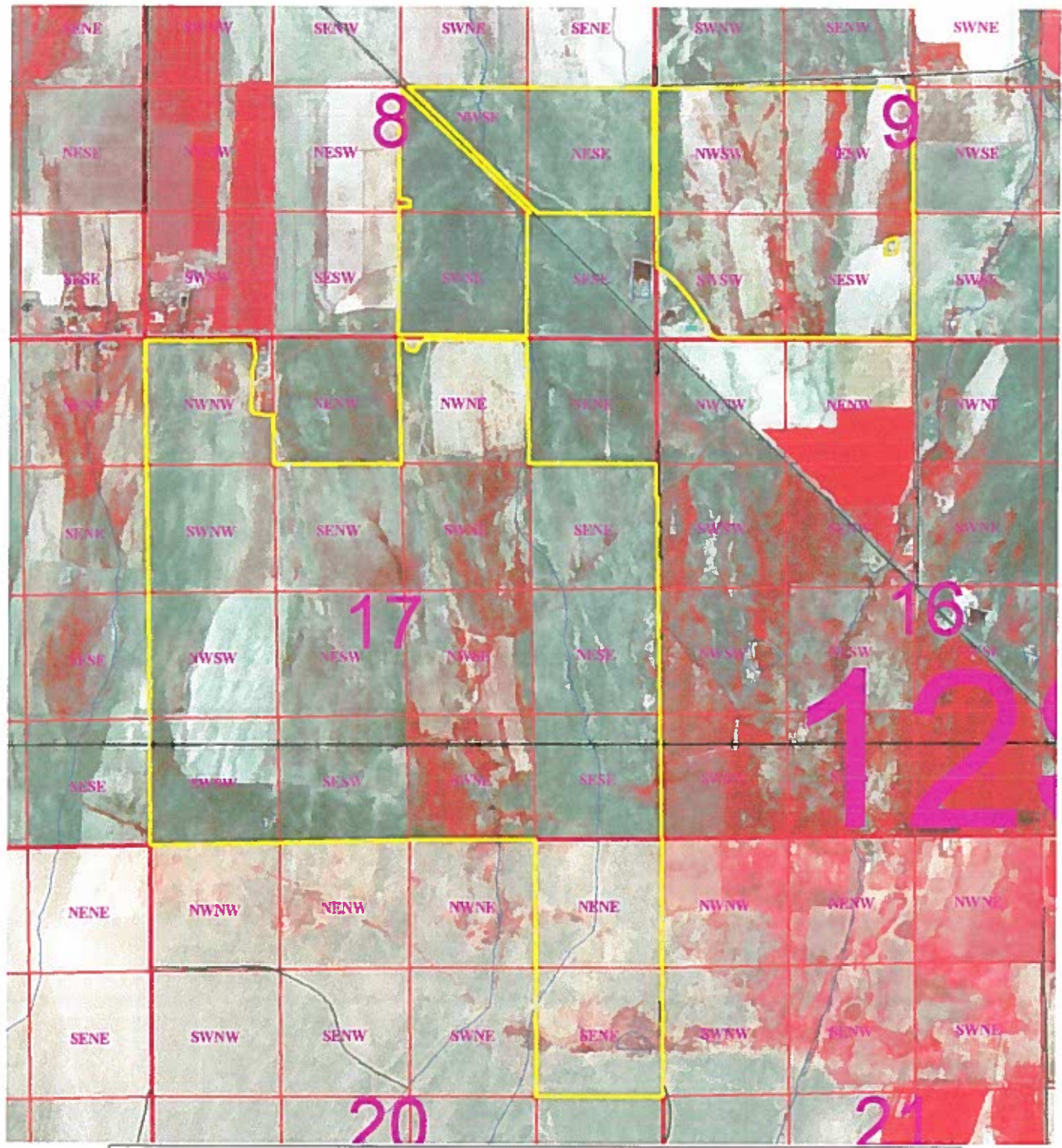
Log for claim A45-00259

Spatial Dynamics MWY

4/3/00

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



Irrigated Area

Section line

Quarter Section Line

Roads

Streams and canals

Place of Diversion

1000 0 1000 2000 Feet

