

10/09/2006

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

RIGHT NUMBER: 67-14427

NAME AND ADDRESS: BETH CLANAHAN
RT 1 PO BOX 211
PLAINS TX 79355

NOEL CLANAHAN
RT 1 PO BOX 211
PLAINS TX 79355

SOURCE: BULL GULCH
CARSON GULCH
GRIZZLY CREEK
UNNAMED STREAM

TRIBUTARY: LITTLE WEISER RIVER
TRIBUTARY: GRIZZLY CREEK
TRIBUTARY: LITTLE WEISER RIVER
TRIBUTARY: GRIZZLY CREEK

QUANTITY: 0.230 CFS

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

PRIORITY DATE: 01/01/1877

POINT OF DIVERSION:

T13N R01E S3 SWSWNE Within ADAMS County
T13N R01E S3 SWNENW Lot 3 Within ADAMS County
T13N R01E S4 NWNENW Lot 6 Within ADAMS County
T13N R01E S10 NWNENE Within ADAMS County
T13N R01E S10 NESESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.230 CFS
Domestic use is for 900 head cow/calf pairs; up to 10 head horses; and 60 bulls.		

PLACE OF USE: STOCKWATER Within ADAMS County

T13N R01E S03	SWNE	T13N R01E S03 Lot 3	NENW
T13N R01E S04 Lot 6	NENW	T13N R01E S10	NENE
T13N R01E S10	SESW		

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

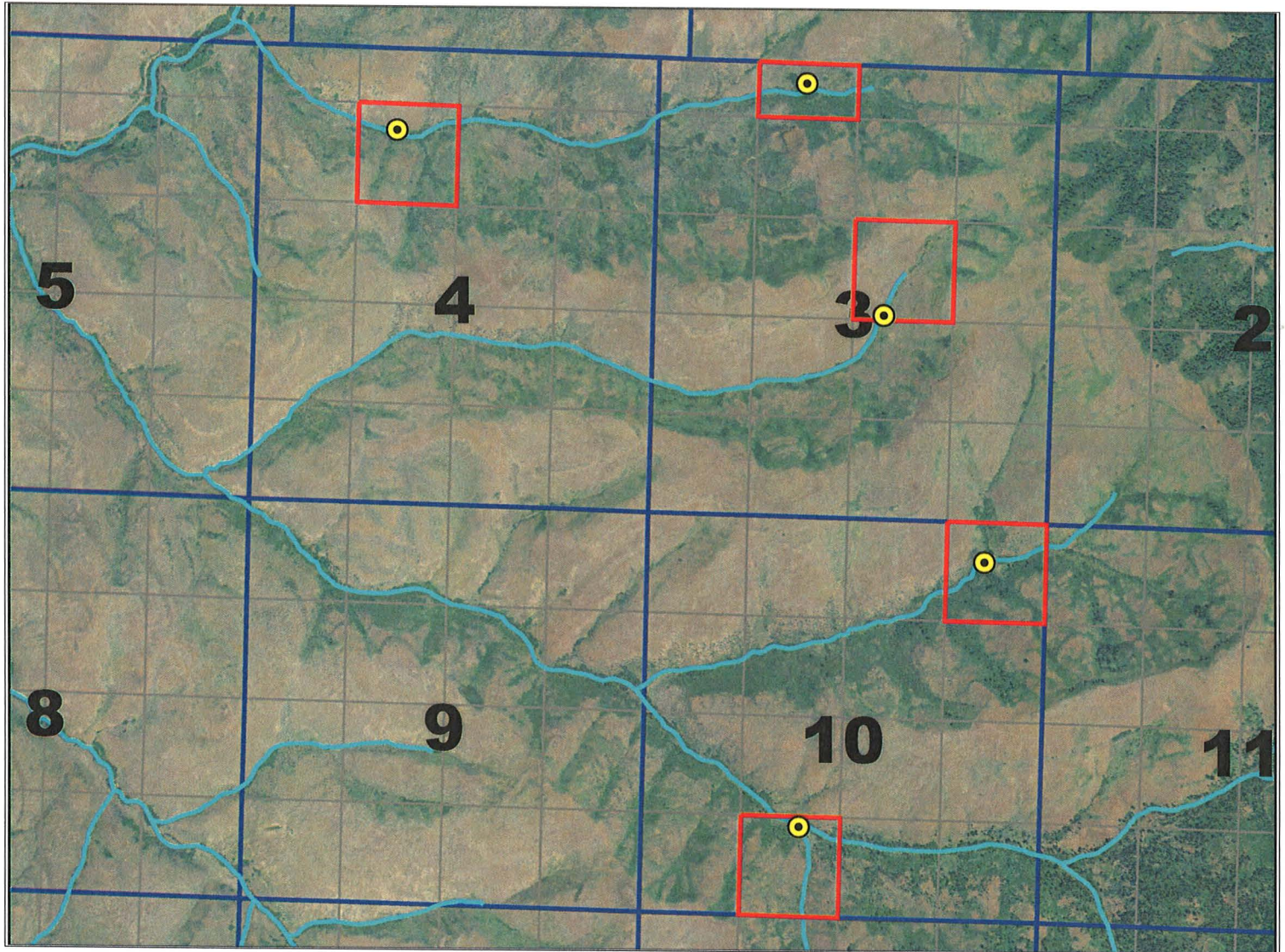


State Of Idaho

Reference Map

Photo Source: 2004 SID

Water Right #: 67-14427



1320 0 1320 2640 3960 Feet



 **Claimed Point(s) of Diversion**

 **Place of Use**

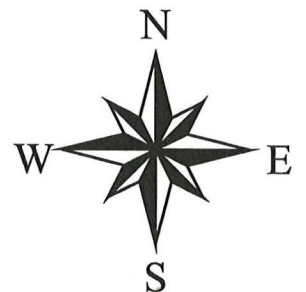
 **Place of Use Stockwater**

 **Tax Lot Data**

 **Sections**

 **Quarter Quarter**

Total Acres:



Prepared by: Craig L. Saxton

Date: October 2006

Adjudication Recommendation Report 67-14427 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BETH CLANAHAN RT 1 PO BOX 211 PLAINS, TX 79355
Current Owner	NOEL CLANAHAN RT 1 PO BOX 211 PLAINS, TX 79355

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

GRIZZLY CREEK ADAMS County	NE1/4SE1/4SW1/4	Sec. 10,	Twp 13N,	Rge 01E, B.M.
CARSON GULCH ADAMS County	NW1/4NE1/4NE1/4	Sec. 10,	Twp 13N,	Rge 01E, B.M.
BULL GULCH ADAMS County	SW1/4SW1/4NE1/4	Sec. 3,	Twp 13N,	Rge 01E, B.M.
UNNAMED STREAM ADAMS County	L3 (SW1/4NE1/4NW1/4)	Sec. 3,	Twp 13N,	Rge 01E, B.M.
BULL GULCH ADAMS County	L6 (NW1/4NE1/4NW1/4)	Sec. 4,	Twp 13N,	Rge 01E, B.M.

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14427 V1

13N 01E 10	X				X	
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Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. C18 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.
3. X01 Domestic use is for 900 head cow/calf pairs; up to 10 head horses; and 60 bulls.
4. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:

1. csaxton 10/9/2006 From Claim (2)

Comment: Other water rights: Water rights for same place or purpose. There is a claim for reservoirs in the same pasture.

2. csaxton 10/9/2006 From Claim (1)

Comment: The claim for reservoirs are for the same use and pasture, but are for different cattle, or different livestock.

3. csaxton 10/9/2006 History

Comment: When I first reviewed these claims, I noticed that the claimant claimed the maximum diversion rate or volume they could yet still keep the water right de-minimus to which a deeper review would not be required. And for most of the claims, the claimant claimed a priority date of 1877. I took these to Dave Tuthill and he felt that further evidence should be supplied to support the amount and priority date claimed. I sent the claimants a letter requesting this evidence and received no response. If there is enough evidence to recommend part of the claim, then I have done so. I did recommend the claimed priority date as I do not know if I can disallow it simply because it is de-minimus and we do not require evidence. I do want to note that I do not feel that this is an accurate priority date though.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

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Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			10/09/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/9/2006 11:59:08 AM	csaxton	Updated shape
POD	10/9/2006 12:03:30 PM	csaxton	Updated shape
POD	10/9/2006 12:05:05 PM	csaxton	Updated shape
POD	10/9/2006 12:05:19 PM	csaxton	Updated PLS
POD	10/9/2006 11:59:21 AM	csaxton	Updated PLS
POD	10/9/2006 11:59:53 AM	csaxton	Updated PLS
POD	10/9/2006 12:02:25 PM	csaxton	Updated shape
POD	10/9/2006 12:02:35 PM	csaxton	Updated PLS
POD	10/9/2006 12:03:49 PM	csaxton	Updated PLS
POU	10/9/2006 12:08:14 PM	csaxton	Updated shape for Active POU
POU	10/9/2006 12:08:26 PM	csaxton	Updated PLS for Active POU
Summary	10/9/2006 12:11:38 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/9/2006 11:59:40 AM	csaxton	Updated shape

Water Supply Bank:

Receipt Details for ID W030836

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/15/2003 11:11:07 AM	8/15/2003 12:05:47 PM	WESTERN	\$175.00	Check
Payer	MC CALLUM, JOHN B OR TERESA M			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1008			
Card Expiration Date	Credit Card Transaction #		

Comment NOTICE OF CLAIM TO A WATER RIGHT: (7) 67-14426, 67-14427, 67-14428, 67-14429, 67-14430, 67-14431 & 67-14432

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$175.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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[Print Report](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2005

RE: Snake River Basin Adjudication (SRBA) claims 67-14425, 67-14426, 67-14427, 67-14428, 67-14429, 67-14430, 67-14431, and 67-14432

Dear Claimant(s):

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in Basin 67. During initial review of the above mentioned claims, it was found that additional information is required.

67-14425, 67-14429, and 67-14430 claim stockwater storage of 14.6 af for 900+ head of stock from reservoirs commencing on 1-1-1877.

- 1) IDWR needs information on the capacity of the claimed reservoir(s) including the dimensions such as length, width, and average depth.
- 2) Please submit evidence of priority supporting that the reservoirs had the capacity to hold 14.6 af for watering 900+ head of stock commencing on 1-1-1877.

67-14426, 67-14427, 67-14428, 67-14431 claim stockwater with a diversion rate of 0.23 cfs for 900+ head of stock commencing on 1-1-1877.

- 1) IDWR needs documentation that the diversion system in place can divert 0.23 cfs.
- 2) Please submit evidence of priority supporting that the current system could divert 0.23 cfs for watering 900+ head of stock on 1-1-1877.

67-14432 claims stockwater storage of 14.6 af for 900+ head of stock from reservoirs commencing on 3/28/1923.

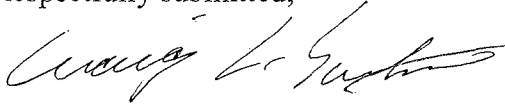
- 1) IDWR needs information on the capacity of the claimed reservoir(s) including the dimensions such as length, width, and average depth.
- 2) Please submit evidence of priority supporting that the reservoirs had the capacity to hold 14.6 af for watering 900+ head of stock commencing on 3/28/1923.

For your convenience I am enclosing copies of the above mentioned claims as well as and evidence of priority pamphlet.

Please submit the requested information by August 12, 2005 in order for IDWR to make an accurate recommendation to the SRBA court.

Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", written in a cursive style.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

To: NOEL CLANAHAN
BETH CLANAHAN
RT 1 PO BOX 211
PLAINS TX 79355

CASA DEL NORTE LP
18196 SE WILSON RD
GLENN'S FERRY ID 83623

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 67-14427
Date Received: 8/14/2003
Receipt No: W030836
Received By: OH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BETH CLANAHAN
RT 1 PO BOX 211
PLAINS TX USA 79355

Phone: (806) 456-4685

NOEL CLANAHAN
RT 1 PO BOX 211
PLAINS TX USA 79355

Phone: (806) 456-4685

2. Date of Priority: 01/01/1877

3. Source: CARSON GULCH
UNNAMED STREAM
BULL GULCH

Trib. to: GRIZZLY CREEK
GRIZZLY CREEK
LITTLE WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
13N	01E	10	SE	SE	SW	ADAMS	
13N	01E	10	NW	NE	NE	ADAMS	
13N	01E	3	SW	SW	NE	ADAMS	
13N	01E	3		NE	NW 3	ADAMS	
13N	01E	4	NW	NE	NW	ADAMS	

5. Description of diverting works:

Springs
See attached sketch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.23	

7. Total Quantity Appropriated is:
0.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	01E	3	SW NE	NE NW	3 3	STOCKWATER STOCKWATER
13N	01E	4	NE	NW		STOCKWATER
13N	01E	10	SE NE	SW NE		STOCKWATER STOCKWATER

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

See remarks below

14. Remarks:

Other water rights: Water rights for same place or purpose. There is a claim for reservoirs in the same pasture.

The claim for reservoirs are for the same use and pasture, but are for different cattle, or different livestock.

Stockwater, 900 head cow/calf pairs; up to 10 head horses; and 60 bulls.

15. Basis of Claim: Beneficial Use

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership, Stockwater: Type and Number of livestock) 900 head cow/calf pairs, up to 10 head horses, and 60 Bulls.

10. Place of use is: Township Within 150 ft Range of diversion point. See Attached.

Section 1/4 of 1/4, Govt. Lot , B.M.,

County of for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any

11. In which county (ies) are lands listed above as place of use located? See Attached

12. Do you own the property listed above as place of use? Yes XXX No
If your answer is No, describe in Remarks below the authority you have to claim this water right

13. Describe any other water rights used at the same place and for the same purposes as described above.
See Attached

14. Remarks: See Attached

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do do not XXXX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Beth Clarkson Date 8/08/2003

Date

For Organizations: I do solemnly swear or affirm that I am

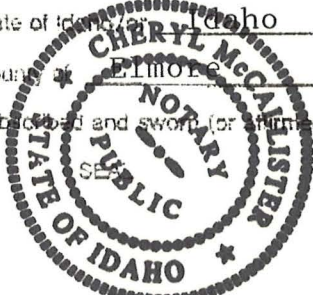
of that I have signed the foregoing
document in the space below as of
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Date

Title and Organization

State of Idaho

County EMERSON)
Subscribed and sworn (or affirmed) before me this 8th day of August, 2003



Notary Public Cheryl McCallister

Residing at Glenns Ferry, Idaho

My Commission Expires 9-24-2006

Last Name McCallister Ident No. 519-62-7130

Pasture # 4 Noel Clanahan - Weiser

Question 3 Source of water supply

Spr #		Source	Trib To
1	Spring	Unnamed stream	Grizzly Creek
2	Spring	Carson Gulch	Grizzly Creek
3	Spring	Unnamed stream	Grizzly Creek
4	Spring	Bull Gulch	Little Weiser River
5	Spring	Bull Gulch	Little Weiser River

Question 4 Point of Diversion

#	TwN	Rng	Sec	Location	County
1	13N	1E	10	SESESW	Adams
2	13N	1E	10	NWNENE	Adams
3	13N	1E	3	SWSWNE	Adams
4	13N	1E	3	Lot 3	Adams
5	13N	1E	4	NWNENW	Adams

Question 10 Place of Use

#	TwN	Rng	Sec	Location	County
1	13N	1E	10	SESESW	Adams
2	13N	1E	10	NWNENE	Adams
3	13N	1E	3	SWSWNE	Adams
4	13N	1E	3	Lot 3	Adams
5	13N	1E	4	NWNENW	Adams

Question 13 water rights for same place or purpose.
There is a claim for resevoirs in the same pasture.

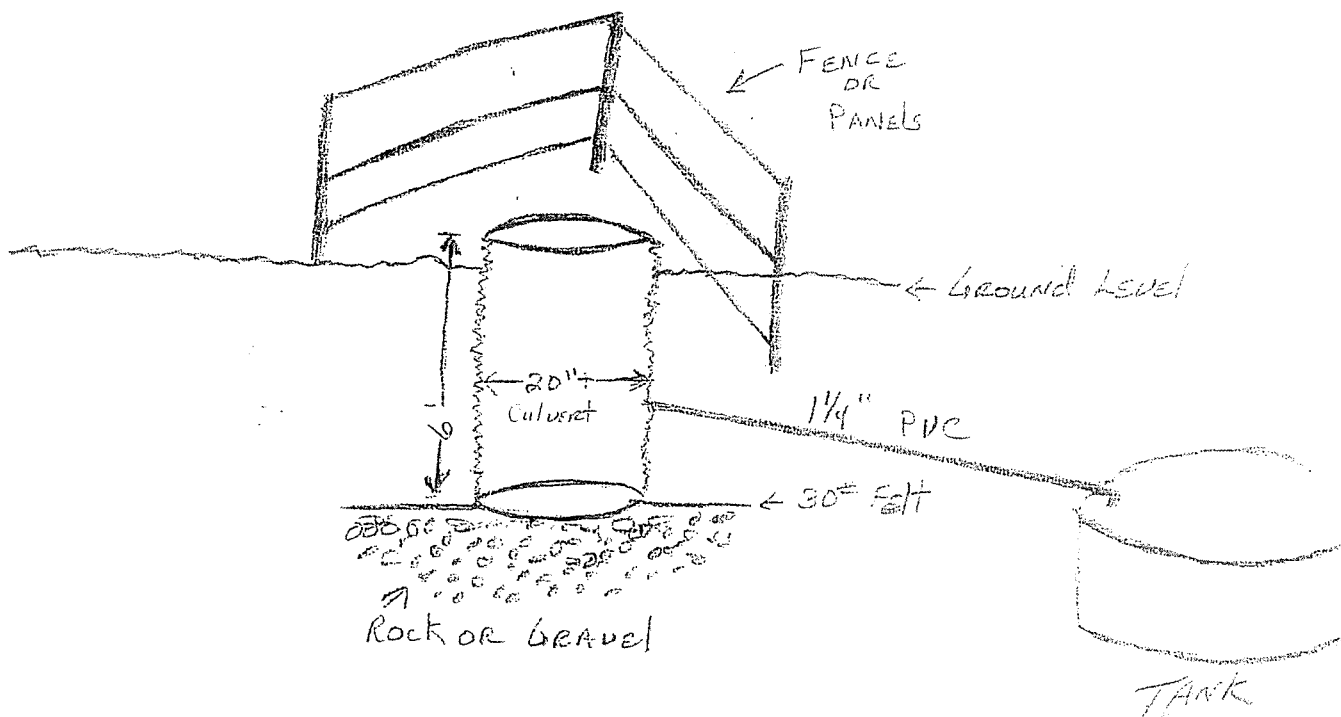
Question 14 Remarks
The claim for resevoirs are for the same use and pasture,
but are for different cattle, or different livestock.

S-10 = Carson Gulch

S-3 = Unnamed...

S-4 = Bull Gulch

TYPICAL SPRING DEVELOPMENT



Where culvert is not needed, protect spring with fence or panels and pipe to water tank, if required.

13N 1E S-3 (lot 3) NE NW

1 West of the Boise M

