

10/09/2006

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

RIGHT NUMBER: 67-14428

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

NOEL CLANAHAN
RT 1 PO BOX 211
PLAINS TX 79355

SOURCE: UNNAMED STREAM TRIBUTARY: SHIRTS 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 S17 SWSWNW Within ADAMS County

T13N R01E S17 NWSWSW Within ADAMS County

T13N R01E S19 SESWNE Within ADAMS County

T13N R01E S20 NWSWNE 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

PLACE OF USE: STOCKWATER Within ADAMS County

T13N R01E S17	SWNW	T13N R01E S17	SWSW
T13N R01E S19	SWNE	T13N R01E S20	SWNE

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

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

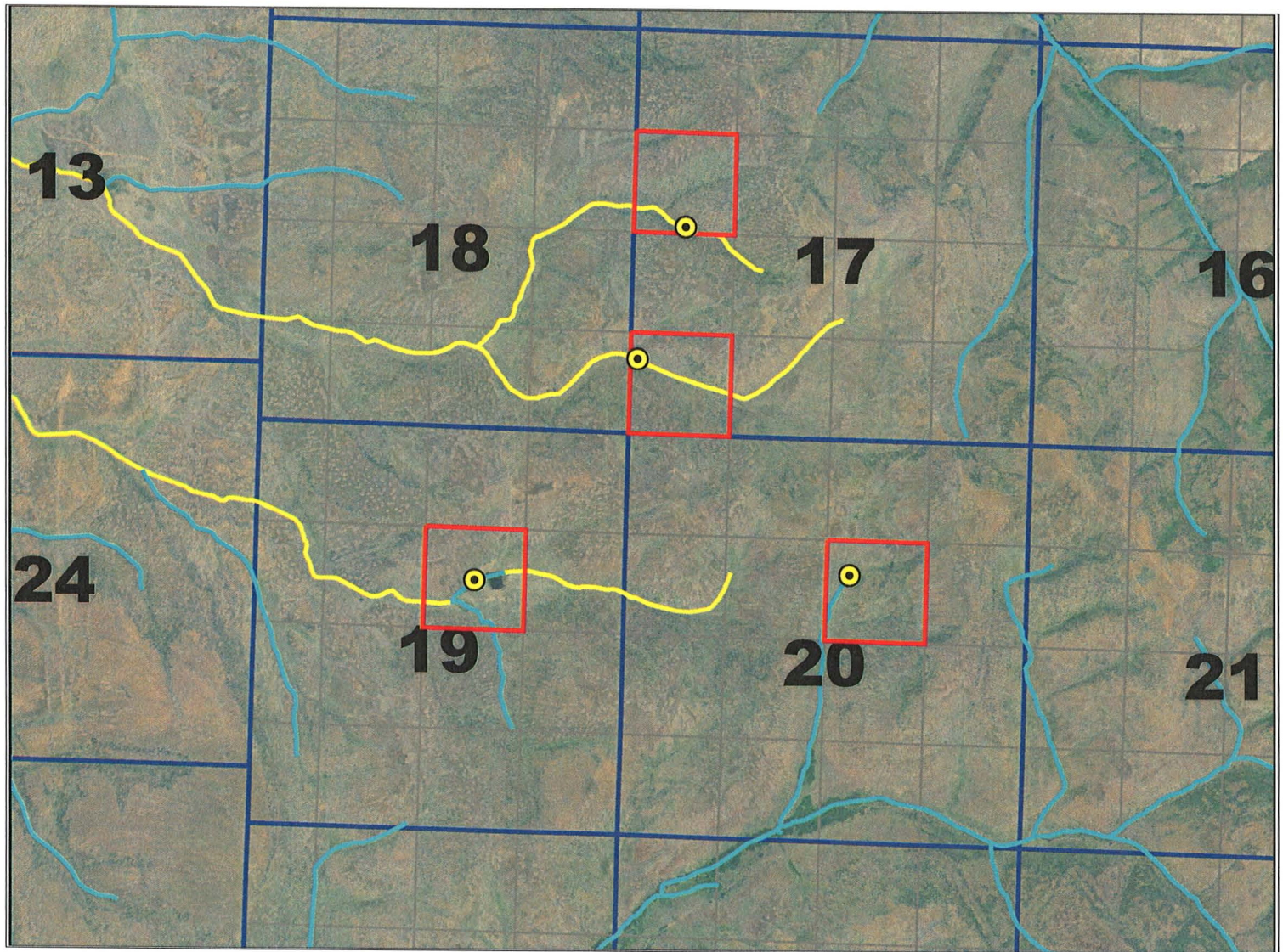


State Of Idaho

Reference Map

Photo Source: 2004 SID

Water Right #: 67-14428



1320 0 1320 2640 3960 Feet



● Claimed Point(s) of Diversion

Place of Use

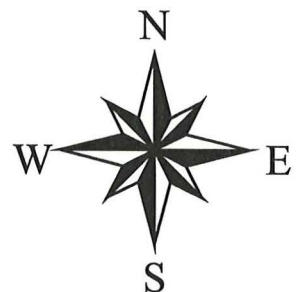
Place of Use Stockwater

Tax Lot Data

Sections

Quarter Quarter

Total Acres:



Prepared by: Craig L. Saxton
Date: October 2006

Adjudication Recommendation Report 67-14428 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	

UNNAMED STREAM ADAMS County	NW1/4SW1/4SW1/4	Sec. 17, Twp 13N, Rge 01E, B.M.
UNNAMED STREAM ADAMS County	SW1/4SW1/4NW1/4	Sec. 17, Twp 13N, Rge 01E, B.M.
UNNAMED STREAM ADAMS County	NW1/4SW1/4NE1/4	Sec. 20, Twp 13N, Rge 01E, B.M.
UNNAMED STREAM ADAMS County	SE1/4SW1/4NE1/4	Sec. 19, Twp 13N, Rge 01E, B.M.

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14428 V1

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 900 head cow/calf pairs; up to 10 head horses; and 60 bulls.
3. 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.
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 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.

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 From Claim (2)

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

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: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

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14428 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/9/2006 12:23:56 PM	csaxton	Updated PLS
POD	10/9/2006 12:27:34 PM	csaxton	Updated PLS
POD	10/9/2006 12:27:54 PM	csaxton	Updated shape
POD	10/9/2006 12:28:12 PM	csaxton	Updated PLS
POD	10/9/2006 12:28:29 PM	csaxton	Updated shape
POD	10/9/2006 12:28:37 PM	csaxton	Updated PLS
POU	10/9/2006 12:33:00 PM	csaxton	Updated shape for Active POU
POU	10/9/2006 12:33:11 PM	csaxton	Updated PLS for Active POU
POD	10/9/2006 12:23:38 PM	csaxton	Updated shape
POD	10/9/2006 12:27:16 PM	csaxton	Updated shape
Summary	10/9/2006 12:36:00 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? (No) 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?

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.

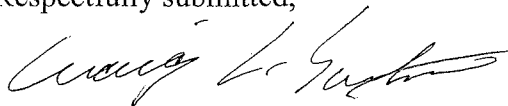
- 1) IDWR needs information on the capacity of the claimed reservoir(s) including the dimensions such as length, width, and average depth.
- 2) Please submit evidence of priority supporting that the reservoirs had the capacity to hold 14.6 af for watering 900+ head of stock commencing on 3/28/1923.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 18, 2003

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

Re: Notice of Claim to a Water Right No. 67-14426, 67-14427, 67-14428, 67-14429,
67-14430, 67-14431 & 67-14432

Dear Claimant(s):

Enclosed is your copy of the above referenced claim(s), in which you recently filed with the Department.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DH: dh

Enclosure

SCANNED
APR 16 2004

Idaho Department of Water Resources Receipt

Receipt ID W030836

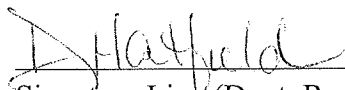
Payment Amount \$175.00 Date Received 8/15/2003 11:11:07 AM Region Western Status ☐
Payment Type Check Check Number 1008

Payer MC CALLUM, JOHN B OR TERESA M

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	Fund	FD	PCA	SO
\$175.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

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 67-14428
Date Received: 8/14/2003
Receipt No: W030836
Received By: DH

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: UNNAMED STREAM Trib. to: SHIRTS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
13N	01E	17	NW	SW	SW	ADAMS	
13N	01E	17	SW	SW	NW	ADAMS	
13N	01E	20	NW	SW	NE	ADAMS	
13N	01E	19	SE	NW	SW	WASHINGTON	

5. Description of diverting works:

Springs
See attached sketch

6. Water is used for the following purposes:

Purpose
STOCKWATER

From To C.F.S.
01/01 12/31 0.23

(or) A.F.A

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	17	SW	SW	STOCKWATER	
			SW	NW	STOCKWATER	
13N	01E	19	NW	SW	STOCKWATER	
13N	01E	20	SW	NE	STOCKWATER	

11. Place of use in counties: ADAMS, WASHINGTON

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

Form No. 42-1409 (2) b 9/88 (Internet Version)

NC-P2-SPK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 67-14428Date Received 8-14-2003

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

AUG 14 2003

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Beth and/or Noel Clanahan Phone (806) 456-4685Mailing Address Rt. 1 P.O. Box 211, Plains Texas Zip 793552. Date of Priority (Only one per claim) 1-1-1877 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other ~~XX~~ (a) See Attached
Name or kind of source _____

which is tributary to (b) _____

4. Location of point of diversion is: Township See Attached Range _____

Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.,

County of _____

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. See Attached Sketch

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from Jan. 1 ^{Month/Day} to Dec. 31 ^{Month/Day} amount .23 (cfs)For _____ purposes from _____ to _____ amount _____
(Both dates are inclusive)7. Total quantity claimed .23 (cfs)8. Total consumptive use claimed is de minimus9. 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 Clenchman Date 8/08/2003

Date _____

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

of _____ Title _____ that I have signed the foregoing document in the space below as _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)

County Blaine) SS.

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

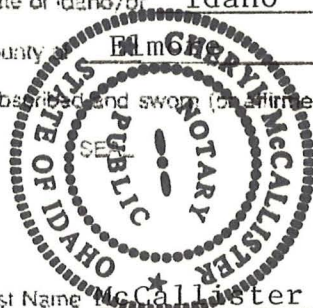
Notary Public

Residing at Glenns Ferry, Idaho

My Commission Expires 9-24-2006

Last Name McCallister

Ident No. 519-62-7130



Pasture # 2 Noel Clanahan - Weiser

Question 3 Source of water supply

Spr #		Source	Trib To
1	Spring	Unnamed stream	Shirts Creek
2	Spring	Unnamed stream	Shirts Creek
3	Spring	Unnamed stream	Shirts Creek
4	Spring	Unnamed stream	Shirts Creek

Question 4 Point of Diversion

#	Twn	Rng	Sec	Location	County
1	13N	1E	17	NWSWSW	Adams
2	13N	1E	17	SWSWNW	Adams
3	13N	1E	20	NWSWNE	Adams
4	13N	1E	19	SENWSW	Washington

Question 10 Place of Use

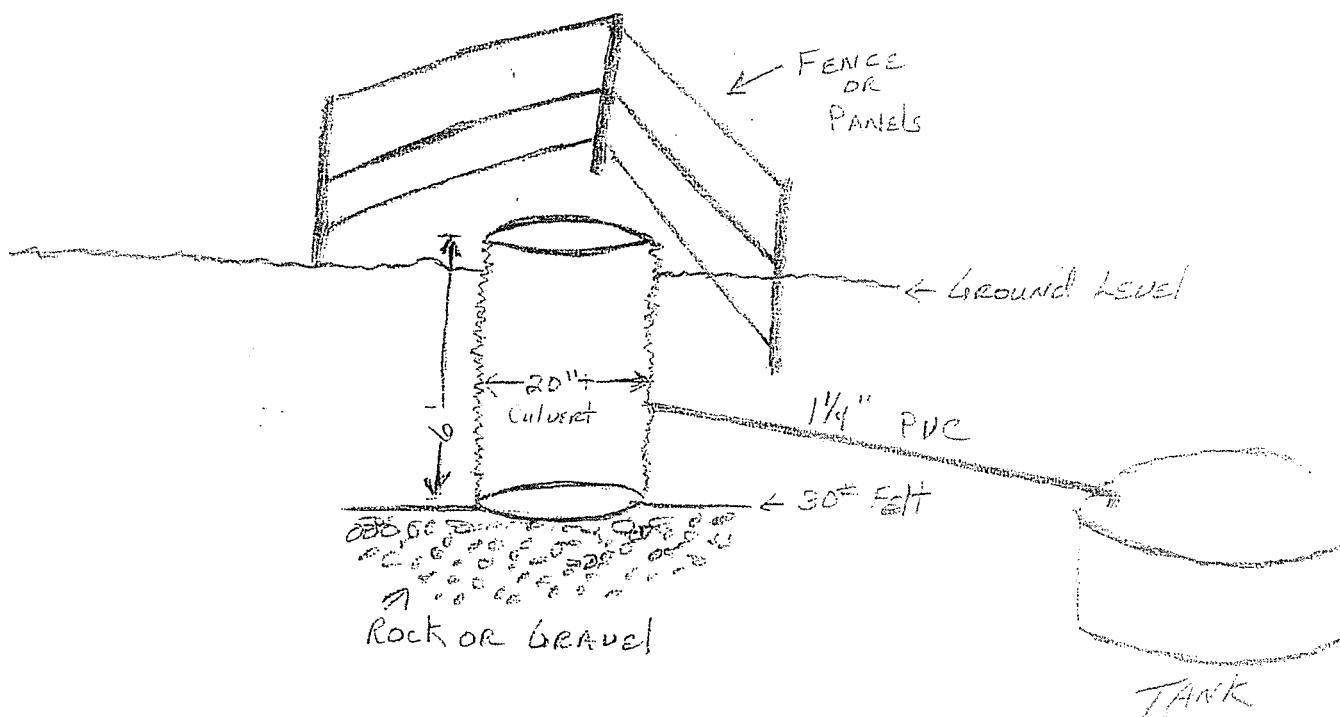
#	Twn	Rng	Sec	Location	County
1	13N	1E	17	NWSWSW	Adams
2	13N	1E	17	SWSWNW	Adams
3	13N	1E	20	NWSWNE	Adams
4	13N	1E	19	SENWSW	Washington

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.

TYPICAL SPRING DEVELOPMENT



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

