

10/10/2006

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

RIGHT NUMBER: 67-14432

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

BETH CLANAHAN
RT 1 PO BOX 211
PLAINS TX 79355

SOURCE: UNNAMED STREAM

TRIBUTARY: SHIRTS CREEK

QUANTITY: 14.600 AFY

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

PRIORITY DATE: 03/28/1923

POINT OF DIVERSION:

T13N R01E S7 SWNWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	14.60 AFY

PLACE OF USE: STOCKWATER STORAGE Within ADAMS County

T13N R01E S07 NWSE

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.

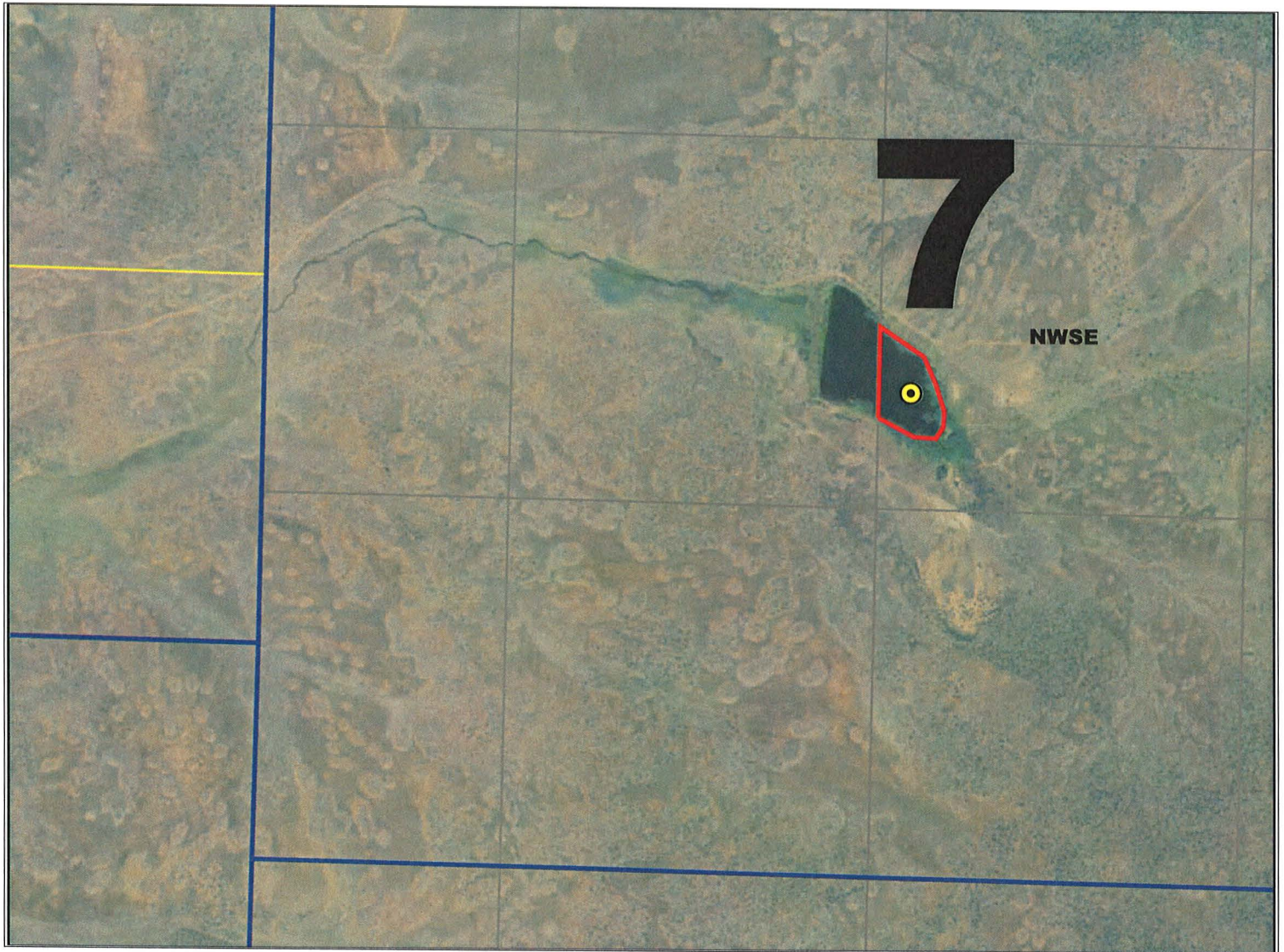


State Of Idaho

Reference Map

Photo Source: 2004 SID

Water Right #: 67-14432



1320 0 1320 Feet

● Claimed Point(s) of Diversion

Total Acres:

Place of Use

Place of Use Stockwater

Tax Lot Data

Sections

Quarter Quarter



Prepared by: Craig L. Saxton
Date: October 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14432 V1

WATER RIGHT NUMBER: 67-14432 V1

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

Priority Date: 03/28/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SHIRTS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		14.60 AF
<u>Total Diversion:</u>			14.60 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4NW1/4SE1/4	Sec. 7,	Twp 13N,	Rge 01E, B.M.
ADAMS County				

Place of Use

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	01E	7															X		

Conditions of Approval:

1. 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. X02 Stockwater use is for 900 head cow/calf pairs; up to 10 head horses; and 60 bulls.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14432 V1

Comments:

1. csaxton 10/10/2006 Recommendation Issues

Comment: When I first reviewed these claims, I noticed that the claimant claimed the maximum diversion rate/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. However this right claims the 1923 priority which is probably more accurate than the 1877 on the other claims.

2. csaxton 10/10/2006 Reservoir

Comment: Half of this reservoir that holds the storage water is on Federal ground. But the Feds did not claim use in the QQ that is claimed under this right. Fed storage claim is 67-2388 and fed de-minimus live flow is 67-12381.

3. csaxton 10/10/2006 POD

Comment: Reservoirs in Section 13 are either do not exist, or are very small. could be small enough that a storage component is not needed. Either way, seperate claims need to be filed for reservoirs in section 13.

4. csaxton 10/10/2006 From Claim (1)

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

5. csaxton 10/10/2006 From Claim (2)

Comment: Other water rights: There is a claim for springs 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			10/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/10/2006 10:37:19 AM	csaxton	Updated shape for Active POU
POD	10/10/2006 10:36:26 AM	csaxton	Updated shape
POU	10/10/2006 10:37:29 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14432 V1

POD	10/10/2006 10:36:37 AM	csaxton	Updated PLS
Summary	10/10/2006 10:40:40 AM	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?

Water Supply Bank:



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.

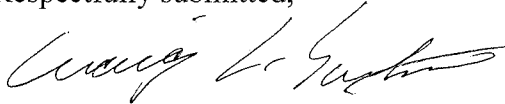
- 1) IDWR needs information on the capacity of the claimed reservoir(s) including the dimensions such as length, width, and average depth.
- 2) Please submit evidence of priority supporting that the reservoirs had the capacity to hold 14.6 af for watering 900+ head of stock commencing on 3/28/1923.

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". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

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

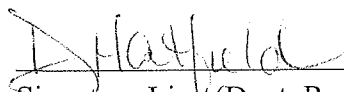
Payment Amount \$175.00 Date Received 8/15/2003 11:11:07 AM Region Western Status ☐
Payment Type Check Check Number 1008

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 67-14432
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)

NOEL CLANAHAN
RT 1 PO BOX 211
PLAINS TX USA 79355

Phone: (806) 456-4685

BETH CLANAHAN
RT 1 PO BOX 211
PLAINS TX USA 79355

Phone: (806) 456-4685

2. Date of Priority: 03/28/1923

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	01W	13	NW	NW	SE	ADAMS	
13N	01W	13	NE	NW	NE	ADAMS	
13N	01E	7	SW	NW	SE	ADAMS	

5. Description of diverting works:

Reservoir
Earthen dam. No more than 14 acre feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	01/01	12/31		14.6

7. Total Quantity Appropriated is:
14.6 A.F.A.

SCANNED
APR 16 2004

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	7	NW	SE	STOCKWATER STORAGE	
13N	01W	13	NW	SE	STOCKWATER STORAGE	
			NW	NE	STOCKWATER STORAGE	

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:

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

Other water rights: There is a claim for springs in the same pasture.

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

15. Basis of Claim: Beneficial Use

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

NC-P1-Res

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. 67-14432Date 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) 3-28-1923 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other () (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. Earthen Dam... No More than 14 acre feet.

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

Into storage and out of storage
For Stockwater purposes from Jan. 1 to Dec. 31 amount 14.6 afa (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 14.6 afa ~~XXXX~~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 horses, and 60

Bulls.

10. Place of use is: Township: See Attached Range _____

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 Attached12. 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 Attached14. Remarks: See Attached15. 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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.Number of Attachments 2

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 Clancher Date 8/08/2003

Date _____

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

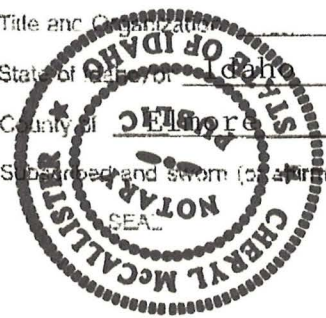
of _____ Title _____ that I have signed the foregoing

document in the space below as _____ Organization _____ 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 of Elmore) ss.Subscribed and sworn (or affirmed) before me this 8th day of August, 2003Notary Public Cheryl McCallisterResiding at Glenns Ferry, IdahoMy Commission Expires 9-24-2006Last Name McCallister Ident No. 519-62-7130

Pasture # 1 Noel Clanahan - Weiser**Question 3** Source of water supply

Res #		Source	Trib To
1	Reservoir	Unnamed stream	Shirts Creek
2	Reservoir	Unnamed stream	Shirts Creek
3	Reservoir	Unnamed stream	Shirts Creek

Question 4 Point of Diversion

#	TwN	Rng	Sec	Location	County
1	13N	1W	13	NWNWSE	Adams
2	13N	1W	13	NENWNE	Adams
3	13N	1E	7	SWNWSE	Adams

Question 10 Place of Use

#	TwN	Rng	Sec	Location	County
1	13N	1W	13	NWNWSE	Adams
2	13N	1W	13	NENWNE	Adams
3	13N	1E	7	SWNWSE	Adams

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

Question 14 Remarks

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

