

02/20/2004

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

RIGHT NUMBER: 23-11303

NAME AND ADDRESS: BUREAU OF LAND MANAGEMENT  
1405 HOLLIPARK  
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.129 CFS  
50.050 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.29 CFS. COMBINED RIGHT NOS.: 23-11285,  
236-11287, 23-11303, 23-11293.

USE OF THIS RIGHT WITH RIGHT NO. 23-11293 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.19 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 50.05 AF.

PRIORITY DATE: 08/24/1955

POINT OF DIVERSION:

T02N R43E S31 NWSWNE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 04/15 10/31          | 0.129 CFS<br>50.05 AFY |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

|               |      |     |                          |     |
|---------------|------|-----|--------------------------|-----|
| T02N R43E S30 | SWSE | 5.7 | T02N R43E S31 Lot 2 SWNW | 0.3 |
| T02N R43E S31 | NWSE | 8.3 |                          |     |

14.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-11293 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 14.3 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL: License

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-11245 (23-02058).

RECEIVED

APR 15 2004

Department of Water Resources

**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: April 30, 2004**

Water right number: 23-11303

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

**NAME AND ADDRESS:**

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

BUREAU OF LAND MANAGEMENT  
1405 HOLLIPARK  
IDAHO FALLS ID 83401

Should be changed to:

*Done*  
UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657  
PHONE: (208) 373-4000

RECEIVED

APR 21 2004

Department of Water Resources  
Eastern Region

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

The address in Idaho Falls is a BLM Field Office. All water rights should be addressed to the BLM Idaho State Office, located in Boise, at 1387 S. Vinnell Way.

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

DATE: 4-9-04

SIGNATURE: Gary A. Madenford

Please print your name: Gary A. Madenford

23-49 11299 - BLM, 5.9 ac @ 0.12 cfs  
 Garden Ck 11300 CUR, 1.88 cfs on 94' ac

23-11243 11301 - BLM, 5.9 ac @ 0.12 cfs  
 Garden Ck (Parent (Split on 23-105 @ 16° cfs) see 23-11244  $E_{\text{depth}} = 16^\circ$  Flood Rt  
 (Prior Spurr) 11302 CUR, 1.78 cfs on 89' ac

23-11246 11291 - BLM, 5.9 ac @ 0.05 cfs (0.009 cfs/ac) 20° ac  
 Well (Parent - error on original split - corrected herein  
 23-2058 11292 - CUR 1.99 cfs on 224' ac 704' ac  
 (Prior Spurr)

BLM Garden Ck  $E_Q = 0.48^{36}$  cfs surfaces only;  $E_Q \text{ w/well} = 0.41$  cfs  
 CUR Garden Ck  $E_Q = 9^{92}$  cfs surfaces only  
 $E_Q \text{ w/well} = 12^{64}$

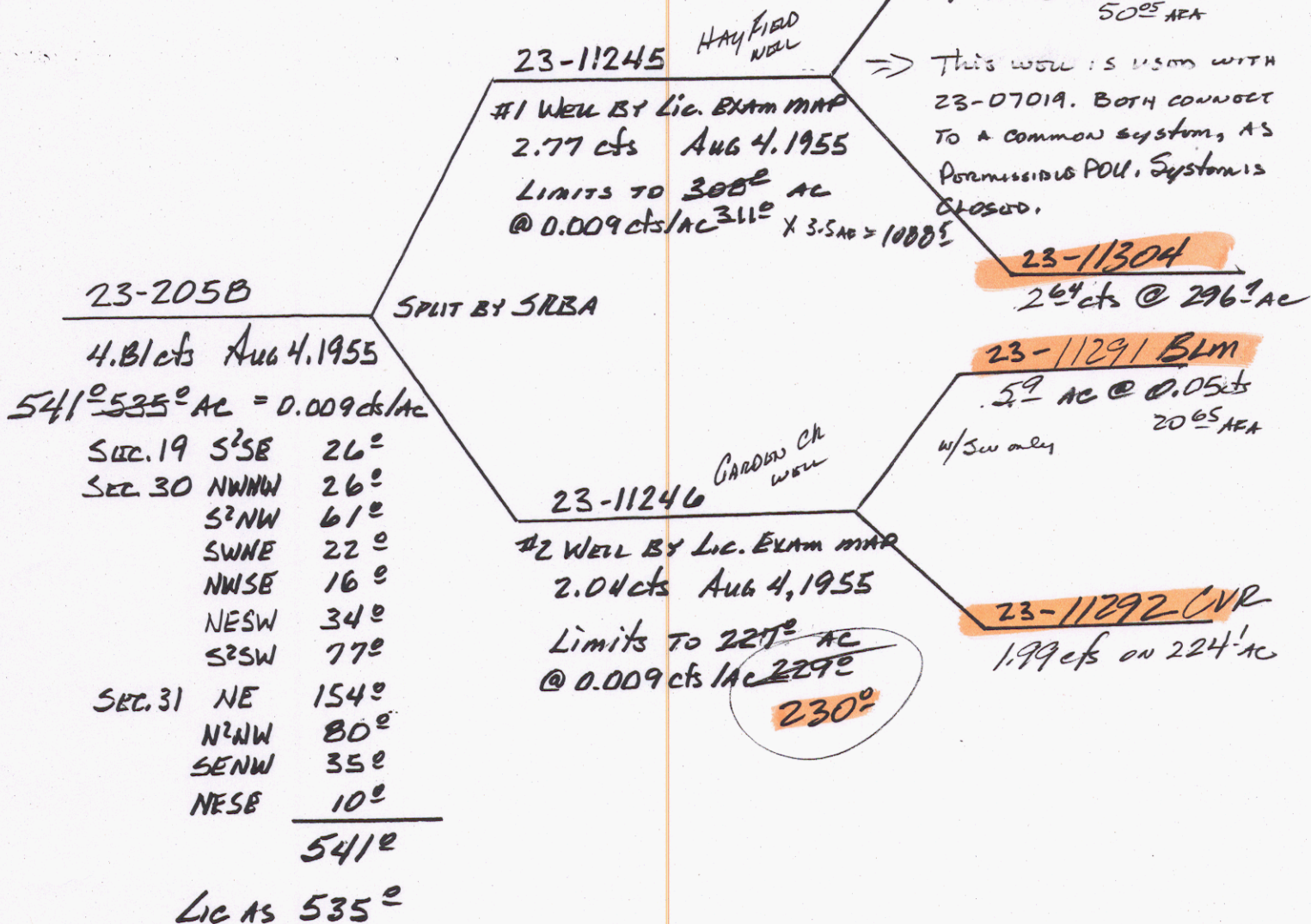
BLM Pritchard Ck  $E_Q = 0^{92}$  cfs surfaces only  
 CUR Pritchard Ck  $E_Q = 19^{58}$  cfs surfaces only

BLM wows  $E_Q = 0^{19}$  cfs  
 CUR wows  $E_Q = 4^{96}$  cfs

1.11 cfs

WITH 23-11293

## Water Right Split History Analysis

SPLIT OF Q ANALYSIS:

LICENSED AS 4.81 cfs FROM 2 WELLS

WELL #1: 3 REV. @ 2 MIN. 24 SEC. → 2.40 MIN.

WELL #2: 3 REV. @ 1 MIN. 46 SEC. → 1.77 MIN.

TOTAL 4.17 MIN

| WELL #1                                                       | WELL #2                                                         |
|---------------------------------------------------------------|-----------------------------------------------------------------|
| $\frac{2.40 \text{ MIN}}{4.17 \text{ MIN}} = 57\frac{1}{2}\%$ | $\frac{1.77 \text{ MIN.}}{4.17 \text{ MIN.}} = 42\frac{1}{2}\%$ |

Q SPLIT BY % OF TIME AS:

| #1           | #2           |
|--------------|--------------|
| 4.81 cfs     | 4.81 cfs     |
| <u>0.576</u> | <u>0.424</u> |
| 2.77 cfs     | 2.04 cfs     |

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Correction

# CONANT VALLEY RANCH & BLM SPLITS

11285 - BLM, 14.3 ac @ 0.286 cfs  $\Rightarrow$  0.29

23-52 Pritchard Ck Parent 3<sup>3</sup> cfs @ 0.02 = 160 ac  
11286 CUR, 2<sup>9</sup> cfs on 145<sup>2</sup> ac

11287 - BLM, 14.3 ac @ 0.286 cfs  $\Rightarrow$  0.29

23-53 Pritchard Ck Parent 3<sup>3</sup> cfs @ 0.02 = 160 ac  
11288 CUR, 2<sup>9</sup> cfs on 145<sup>2</sup> ac

11289 - BLM, 14.3 ac @ 0.34

23-11244 Pritchard Ck Parent (Split of Original 23-105 @ 16<sup>0</sup> cfs) ALSO SEE 23-11243 FLOOD Rtg.  $E_{H-PTS} = 16^0$   
11290 CUR, 13<sup>26</sup> cfs on 581<sup>5</sup> ac  
(Prior Split)

11303 - BLM, 14.3 ac @ 0.129 cfs 50<sup>05</sup> AF

23-11245 Well Parent - error on original split - herein corrected.  
11304 CUR, 2<sup>64</sup> cfs on 296<sup>2</sup> ac 1038<sup>45</sup>  
(23-2058 MOD SPLIT)

11293 - BLM, 14.3 ac @ 0.004 cfs/ac = 0.06 cfs

23-7019 Well Parent 2.3 cfs on 561<sup>2</sup> ac as Lic.  
11294 CUR 2.24 cfs on 546<sup>2</sup> ac

11295 BLM, 5.9 ac @ 0.12 cfs

23-42 Garden Ck Parent 0.50 cfs @ 0.02 = 25 ac  
11296 CUR, 0.38 cfs on 18<sup>2</sup> ac

11297 - BLM, 5.9 ac @ 0.12 cfs

23-43 Garden Ck Parent 6<sup>0</sup> cfs @ 0.02 = 300<sup>0</sup> ac  
11298 CUR, 5.88 cfs on 294<sup>1</sup> ac

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 23-11245

WATER RIGHT NUMBER: 23-11245

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Original Owner    | M E TOLIVER<br>595 12TH ST<br>IDAHO FALLS, ID 83401                                                                            |
| Original Owner    | FAMA DAIRY<br>PO BOX 5546<br>ORANGE, CA 92667<br>(714)633-1770                                                                 |
| Current Owner     | CONANT VALLEY RANCH<br>PO BOX 5546<br>ORANGE, CA 92705                                                                         |
| Current Owner     | CONANT VALLEY RANCH<br>2350 SWAN VALLEY HWY<br>SWAN VALLEY, ID 83449<br>(208) 483-2693                                         |
| Attorney          | HOPKINS RODEN CROCKETT HANSEN & HOOPES<br>C/O C TIMOTHY HOPKINS<br>PO BOX 51219<br>IDAHO FALLS, ID 83405-1219<br>(208)523-4445 |

Priority Date: 08/24/1955

Basis: License

Status: PARENT: see 23-11303 and 23-11304

Source Tributary  
GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 2.040 CFS             | 801.50 AF            |
|                       | <u>Total Diversion:</u> | 2.040 CFS             | 801.50 AF            |

Location of Point(s) of Diversion

GROUND WATER

BONNEVILLE County

L3 (NW1/4SW1/4)

Sec. 30, Twp 02N, Rge 43E, B.M.

Place of UseIRRIGATION Within BONNEVILLE County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T02N R43E S19       | SWSE | 17.0 | T02N R43E S19       | SESE | 9.0  |
| T02N R43E S30       | SWNE | 22.0 | T02N R43E S30 Lot 1 | NWNW | 26.0 |
| T02N R43E S30 Lot 2 | SWNW | 30.0 | T02N R43E S30       | SENE | 31.0 |
| T02N R43E S30       | NESW | 34.0 | T02N R43E S30       | SWSW | 38.0 |
| T02N R43E S30       | SESW | 39.0 | T02N R43E S30       | NWSE | 16.0 |
| T02N R43E S31       | NENE | 34.0 | T02N R43E S31       | NWNE | 40.0 |
| T02N R43E S31       | SWNE | 40.0 | T02N R43E S31       | SENE | 40.0 |

Rt. ORIGINATOR AS

23-2058 @ 481 cfs on 541<sup>2</sup> ac  
= 0.00889 cfs/ac  $\Rightarrow$  0.009

ERROR OF ORIGINAL SPLIT:

11245 should have been  
2.77 cfs on 311<sup>6</sup> ac

11246 should have been  
2.04 cfs on 229<sup>4</sup> ac

THEY WERE REVERSED - HORDIN

Annual Volume

801.50 AF

801.50 AF

CONNECTED!

2.77

Q SPLIT:

11303

59 ac @ 0.009 cfs = 0.053 cfs

59 ac x 3.5 AF = 206.5 AFA

11304

2.77 - 0.053 = 2.717 cfs

Ac Limits 301.89

T02N R43E S31

NENW 40.0

T02N R43E S31

NWNW 34.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-11245

T02N R43E S31      SENW    35.0      T02N R43E S31      NESE    10.0

Total Acres: 535

Conditions of Approval:

Remarks:

1. Explanatory    THIS CLAIM IS A SPLIT PORTION OF 23-2058. SEE RECEIPT NO. E011096.

Comments:

Conant Valley Ranch  
2354 Swan Valley Highway  
Swan Valley, Idaho 83449

## Fax Cover Sheet

To: AL Ruberry  
Attention: "AL"  
Fax Number: 525-7177  
Date: Jan 6 Time: 1:20 pm

From: "Shane" Conant Valley Ranch

Remarks: AL, Here is the paper  
work on the BLM farm agreement  
with CUR, see yr on Monday  
my 7's call, Shane

Breeders of Top Quality  
Commercial Cattle

Phone Number: (208) 483-2693  
Fax Number: (208) 483-2694



Wendy Velman  
Natural Resource Specialist

Address: 1405 Hollipark Drive  
Idaho Falls, ID 83401  
Fax: (208) 524-7505  
Phone: (208) 524-7520 (office)  
Cell: (208) 709-2381  
E-mail: wendy\_velman@blm.gov

U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Idaho Falls Field Office

DEC 17 '83 09:34AM BLM IDAHO FALLS

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Form 202a-1  
(October 1979)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

LAND USE APPLICATION AND PERMIT  
Sec. 302(b) of P.L. 94-679, October 31, 1976, 43 U.S.C. 1732

FORM APPROVED  
OMB NO. 1004-0007  
Expires August 31, 1995

FOR BLM USE ONLY

Application Number

IDI-28133

APPLICATION

|                                                                               |                                                                                                      |                                                  |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 1. Name (first, middle initial, and last)<br><b>ANTHONY H. OSTERKAMP, JR.</b> | Address (include zip code)<br><b>CONANT VALLEY RANCH<br/>P.O. BOX 5846<br/>ORANGE, CA 92663-5546</b> | Phone (include area code)<br><b>714-639-6980</b> |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------|

2. Attach map or sketch showing public lands for which you are applying

3. Proposed date(s) of use: from **January 1, 1998**

to **December 31, 2000**

4. Give legal basis for holding interest in lands in the state of **Idaho**  
(Check appropriate box and explain.)

- |                                           |                                                 |
|-------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resident         | <input checked="" type="checkbox"/> Partnership |
| <input type="checkbox"/> Corporation      | <input type="checkbox"/> County                 |
| <input type="checkbox"/> Local Government | <input type="checkbox"/> State Government       |
| <input type="checkbox"/> Other            |                                                 |

5. Are the lands now improved, occupied, or used? ☒ Yes ☐ No (If "yes," describe improvements and purposes, identify users and occupants.)

**Used for storage and cultivation**

6. Do you need access to the land? ☒ Yes ☐ No (Describe needed or existing access.)

7a. What do you propose to use the lands for?

**Continued use for storage and cultivation related to ranching operation.**

b. What improvements and/or land development do you propose? (To complete application processing, engineering and construction drawings may be required.)

**No additional improvements**

c. What is the estimated capital cost? **\$**

d. What is the source of water for the proposed use?

I CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith.

*Anthony H. Osterkamp, Jr.*  
Signature of Applicant

**12-5-92**  
(Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations or to any matter within its jurisdiction.

DEC 17 '03 09:34AM BLM IDAHO FALLS

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PERMIT

Permission is hereby granted to **Anthony H. Osterkamp, Jr.**  
of **Conant Valley Ranch, P.O. Box 5546, Orange, CA 92863-5546**  
to use the following-described lands:

Permit Number  
**IDI-28133**

| TOWNSHIP                                                          | RANGE | SECTION        | SUBDIVISION                              |
|-------------------------------------------------------------------|-------|----------------|------------------------------------------|
| 2 N.                                                              | 43 E. | 30<br>31       | <p>Lot 3, 4, 10;<br/>Lpt. 2, NW 1/4;</p> |
| Meridian<br>Boise                                                 |       | State<br>Idaho | County<br>Bonneville                     |
| for the purpose of<br>alfalfa farming plus hay and gravel storage |       |                | Acres (number)<br>22.3                   |

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the authorized officer of the Bureau of Land Management, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter required.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2020) which are made a part hereof.
3. This permit may not be assigned without prior approval of the authorized officer of the Bureau of Land Management.
4. Permittee shall not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials shall at all times have the right to enter the premises on official business.
6. Permittee shall pay the United States for any damage to its property resulting from the use.
7. Permittee shall notify the authorized officer of address change immediately.
8. Permittee shall observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and shall keep the premises in a neat, orderly, and sanitary condition.
9. Permittee shall pay the authorized officer, in advance, the lump sum of \$ 2,880 for the period of use authorized  
\$ 25 Rental Fee = \$2,905
10. Special conditions (attach additional sheets, if necessary)
11. by this permit or \$ \_\_\_\_\_ dollars, annually, as rental or such other sum as may be required if a rental adjustment is made.
12. Use or occupancy of land under this permit shall commence within \_\_\_\_\_ months from date hereof and shall be exercised \_\_\_\_\_ days each year.
13. Permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
14. Permittee shall not cut any timber on the lands or remove other resources from the land without prior written permission from the authorized officer. Such permission may be conditioned by a requirement to pay the market value for the timber or other resources.
15. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of this permit.
16. This permit is subject to the provisions of Executive Order No. 11746 of September 24, 1953, as amended, which sets forth the Rental Opportunity clause. A copy of this order may be obtained from the signing officer.
17. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.

Permit issued for period

From **January 1, 1998 (Retraction Date)**  
to **December 31, 2000**

*Anthony H. Osterkamp, Jr.*  
*Permittee*  
\_\_\_\_\_  
Area Manager  
(TIC)  
2/9/98  
(TIC)

INSTRUCTIONS

Submit, in duplicate, to my local office of the Bureau of Land Management having jurisdiction of the lands.  
Applications for Land Use Permit will not be accepted unless notification of the availability of the land for non-BLM use (see of Realty Action) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations in the publication of a (Notice of Realty Action) has been.  
Paperwork Reduction Act of 1990 (44 U.S.C. 3501 et. seq.) requires us to inform you that: if it is needed to process application, land use authorization, pursuant to 43 CFR 5. 101.202, the applicant and propose: the most the requirements of 43 CFR Section 1. 101.202, land must respond before he/she can be granted an authorization to use public lands.

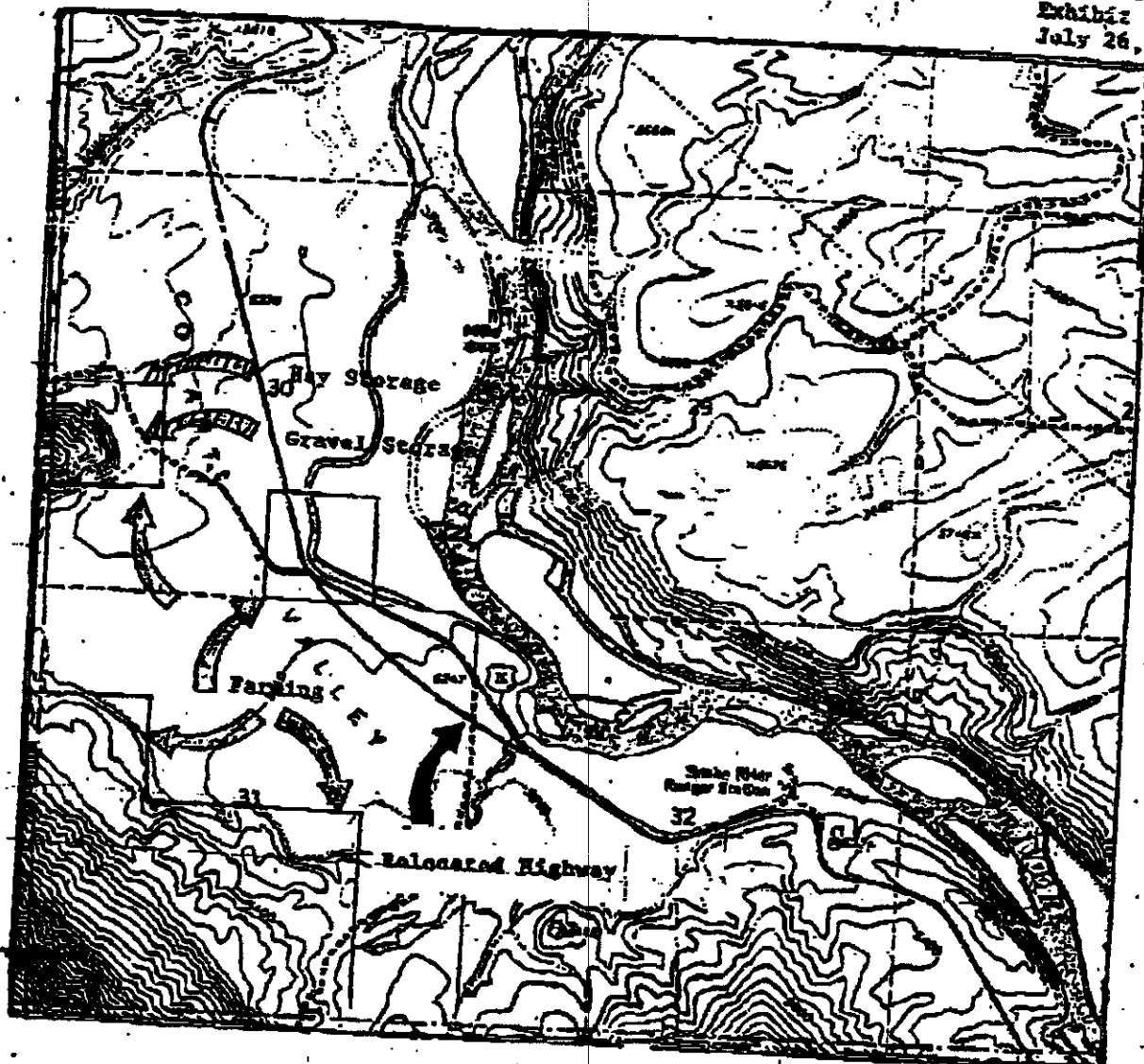
1. waived by the authorized officer.
2. If the annual rental exceeds \$150 dollars per year, costs of processing the application must be paid by the applicant in advance.
3. The authorized officer may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

12/17/2003 18:01 9893642180

DEC 17 '03 09:35AM BLM IDAHO FALLS.

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IDP-28133  
Exhibit A  
July 26, 1996



Map Name: Conant Valley Quad

Map scale: 1:24000

Legal: T. 2 N., R. 43 E., BN  
sec. 30, lots 3, 9, and 10;  
sec. 31, lot 2, NWSE;

EA Number: \_\_\_\_\_

Project Name: A. H. Osterkamp Land Use Permit

DEC 17 '03 09:36AM BLM IDAHO FALLS

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IDI-28133  
Exhibit B  
July 26, 1996  
Page 1 of 1

### LAND USE PERMIT STIPULATIONS

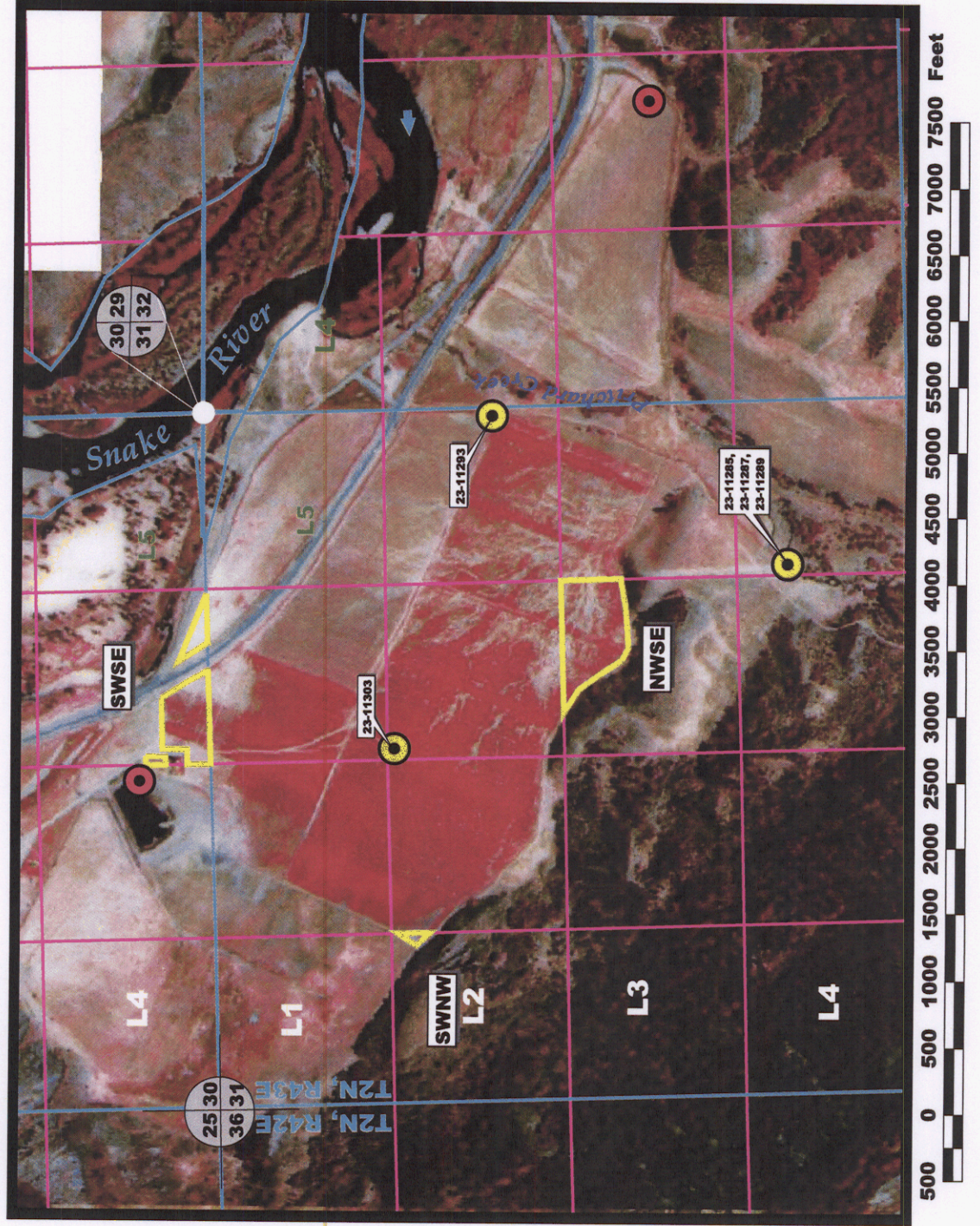
1. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
2. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Upon termination of the land use permit, the holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.
5. No payments shall be collected from the State of Idaho for damages due to wildlife depredation which may occur on the subject public lands.
6. The permittee shall not store, mix, transfer, load, or unload agricultural chemicals within the land use permit area. This does not constrain the holder from properly applying agricultural chemicals to crops within the land use permit area.



# State of Idaho

## Department of Water Resources

Eastern Region



### Water Right(s):

23-11285,  
23-11287,  
23-11289,  
23-11293,  
23-11303

### Place of Use: (parts of)

T2N, R43E  
Secs. 30, 31

### Point(s) of Diversion:

T2N, R43E  
Sec. 31 NWSE (surface),  
NWSWNE, SESENE (wells)

### LEGEND



Point of Diversion



SESE



Section



Quarter-Quarter



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: February 2004