

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

1

02/19/2004

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

RIGHT NUMBER: 23-11299

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

SOURCE: GARDEN CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.120 CFS
~~27,000 AFW~~

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS. COMBINED RIGHT NOS.: 23-11295,
23-11297, 23-11299, 23-11303. **11291**

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS. COMBINED RIGHT NOS.: 23-11295,
23-11297, 23-11299.

PRIORITY DATE: 06/30/1898

POINT OF DIVERSION:

T02N R42E S25 NWNESE Within BONNEVILLE County

T02N R42E S25 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.120 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R43E S30 Lot 3 NWSW

1.9

T02N R43E S30

SWSE

3.2

T02N R43E S31 Lot 2 SWNW

0.8

5.9 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-11295, 23-11297,
23-11299, 23-11301, ~~23-11303~~. **11291**

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: Decreed

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00049.

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: 23-11299

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

CONANT VALLEY RANCH & BLM SPLITS

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

23-52
 Pritchard Ck
 Parent 3³ cfs @ 0.02 = 160 ac
 11286 CUR, 2⁹ cfs on 145² ac

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

23-53
 Pritchard Ck
 Parent 3³ cfs @ 0.02 = 160 ac
 11288 CUR, 2⁹ cfs on 145² ac

11289 - BLM, 14.3 ac @ 0.34

23-11244
 Pritchard Ck
 Parent (Split of Original 23-105 @ 16⁰ cfs) ALSO SEE 23-11243
 11290 CUR, 13² cfs on 581⁵ ac
 (Prior Split)
 Flood Rts.
 $E_{MULTI} = 16^2$

11303 - BLM, 14.3 ac @ 0.129 cfs 50⁰⁵ AF

23-11245
 Well
 Parent - error on original split - herein corrected.
 11304 CUR, 2⁶⁴ cfs on 296² ac 1038⁴⁵
 (23-2058
 prior Split)

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

23-7019
 Well
 Parent 2.3 cfs on 561² ac to Lic.
 11294 CUR 2.24 cfs on 546² 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 18² ac

11297 - BLM, 5.9 ac @ 0.12 cfs

23-43
 Garden Ck
 Parent 6⁰ cfs @ 0.02 = 300⁰ ac
 11298 CUR, 5.88 cfs on 294¹ ac

23-49 11299 - BLM, 5.9 ac @ 0.12 cts
 Garden Ck 11300 CUR, 1.88 cts on 94¹ ac

23-11243 11301 - BLM, 5.9 ac @ 0.12 cts
 Garden Ck (Kinn Spire) Parent (Split on 23-105 @ 16² cts) see 23-11244 $E_{q, \text{w/wh}} = 16^2$ Flood Rt
 11302 CUR, 1.78 cts on 89¹ ac

23-11246 11291 - BLM, 5.9 ac @ 0.05 cts (0.009 cts/ac) 20^{6.5} ac
 Well 23-2058 (Kinn Spire) Parent - error on original split located herein
 11292 - CUR 1.99 cts on 224¹ ac 704^{3.5} ac

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

BLM Pritchard Ck $E_Q = 0^{\text{92}}$ cts surface only
 CUR Pritchard Ck $E_Q = 19^{\text{50}}$ cts surface only

BLM wows $E_Q = 0^{\text{19}}$ cts
 CUR wows $E_Q = 4^{\text{96}}$ cts

1.11 cts

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 23-49

WATER RIGHT NUMBER: 23-49

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES R HIGHAM
	, ID
Current Owner	CONANT VALLEY RANCH 2350 SWAN VALLEY HWY SWAN VALLEY, ID 83449 (208) 483-2693
Current Owner	CONANT VALLEY RANCH PO BOX 5546 ORANGE, CA 92705

Priority Date: 06/30/1898

Basis: Decreed

Status: **PARENT: see 23-11299 and 23-11300**SourceTributaryGARDEN CREEK
GARDEN CREEK

SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		27.00 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		27.00 AF
IRRIGATION	04/15 to 10/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GARDEN CREEK	NE1/4SE1/4
BONNEVILLE County	
GARDEN CREEK	NE1/4SE1/4
BONNEVILLE County	

Sec. 25, Twp 02N, Rge 42E, B.M.

Sec. 25, Twp 02N, Rge 42E, B.M.

Place of UseIRRIGATION Within BONNEVILLE County

T02N R43E S30	NWNE	18.0	T02N R43E S30	SWNE	15.0
T02N R43E S30	NENW	29.0	T02N R43E S30 Lot 1	NWNW	34.0
T02N R43E S30 Lot 2	SWNW	30.0	T02N R43E S30	SENE	26.0
T02N R43E S30	NESW	28.0	T02N R43E S30 Lot 3	NWSW	16.0
T02N R43E S30 Lot 4	SWSW	35.0	T02N R43E S30	SESW	33.0
T02N R43E S30	NWSE	1.2	T02N R43E S30	SWSE	11.0
T02N R43E S31	NENW	5.5	T02N R43E S31 Lot 1	NWNW	14.0

Total Acres: 295.7

IRRIGATION FROM STORAGE same as IRRIGATIONQ SPLIT:11299 $5^9 \text{ ac} @ 0.02 \text{ cfs} = 0.118 \text{ cfs}$ 11300 $2^0 \text{ cfs} - 0.118 = 1.882 \text{ cfs}$
1.02

Ac Limit 94'

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 23-49

Conditions of Approval:

Remarks:

1. General P/D AND P/U INCOMPLETE. AC. IRR. = 160.
2. Explanatory CLAIM AMENDED TO ADD STORAGE COMPONENTS PER ORIGINAL DECREE AS "SMALL LAKE". AF IS BASED ON SURFACE AREA TIMES AVG DEPTH.

Comments:

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



Wendy Velman
Natural Resource Specialist

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

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 ya on Monday
my 7's call, Shane

Breeders of Top Quality
Commercial Cattle

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

DEC 17 '83 09:34AM BLM IDAHO FALLS

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Form 2000-1
(October 1992)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

LAND USE APPLICATION AND PERMIT
Sec. 302(b) of P.L. 94-675, October 31, 1976, 40 U.S.C. 1932

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) ANTHONY H. OSTERKAMP, JR.	Address (include zip code) CONANT VALLEY RANCH P.O. BOX 5846 ORANGE, CA 92663-5546	Phone (include area code) 714-639-6980
---	--	--

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.)

☐ Resident	☒ Partnership
☐ Corporation	☐ County
☐ Local Government	☐ State Government
☐ Other	

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

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

a. 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.
Applicant

12-5-97
(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 as to any matter within its jurisdiction.

12/17/2000 18:01

9093642188

DEC 17 '00 09:34AM BLM IDAHO FALLS

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P.3

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 31	Lots 3, 9, 10; Lot 2, NW 1/4
Meridian Boise		State Idaho	County Bonanza
for the purpose of alfalfa farming plus hay and gravel storage			Acres (number) 22.3

and subject to the following conditions:

by this permit or \$ _____ dollars, annually, as rental
 or such other sum as may be required if a rental adjustment is
 made.

10. Use or occupancy of land under this permit shall commence
 within _____ months from date hereof and shall be restricted
 at least _____ days each year.

11. 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.

12. 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 fair market value for the timber or other
 resources.

13. Permittee agrees to have the serial number of this permit
 marked or printed on each advertising display or other facility
 erected or maintained under the authority of this permit.

14. This permit is subject to the provisions of Executive Order
 No. 11245 of September 24, 1969, as amended, which sets forth
 the Equal Opportunity clause. A copy of this order may be ob-
 tained from the signing officer.

15. Permittee acknowledges, by signing below, that he/she knows,
 understands and accepts the terms and conditions under which
 this permit is issued.

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 as 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 main-
 tenance 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 Renewal Fee = \$2,905
16. Special conditions (attach additional sheets, if necessary)

Permit issued for period

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

Submit, in duplicate, to any local office of the Bureau of Land
 Management having jurisdiction of the lands.

Applications for Land Use Permits will not be accepted unless
 notification of the availability of the land for non-Indian 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

Payment Reduction Act of 1980 (44 U.S.C. 2501 et. seq.) requires us to inform you that:
 notification is needed to process application. lead use authorization, pursuant to 43 CFR 2
 nation allows if the applicant has propo. see most the requirements of 43 CFR Section 1
 land must respond before he/she can be granted an authorization to use public lands.

INSTRUCTIONS

waived by the authorized officer.

7. If the annual rental exceeds \$250 dollars per year, costs of
 processing the application must be paid by the applicant in
 advance.

8. 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 10:01 9893642180
DEC 17 '03 09:35AM BLM IDAHO FALLS.

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INL-28133
Exhibit A
July 26, 1996



Map Name: Conant Valley Quad

Map scale: 1:24000

Legal: T. 2 N., R. 43 E., N4
sec. 30, lots 3, 9, and 10
sec. 31, lot 2, N4SE;

EA Number: _____

Project Name: A. H. Osterkamp Land Use Permit

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

LAND USE PERMIT STIPULATIONS

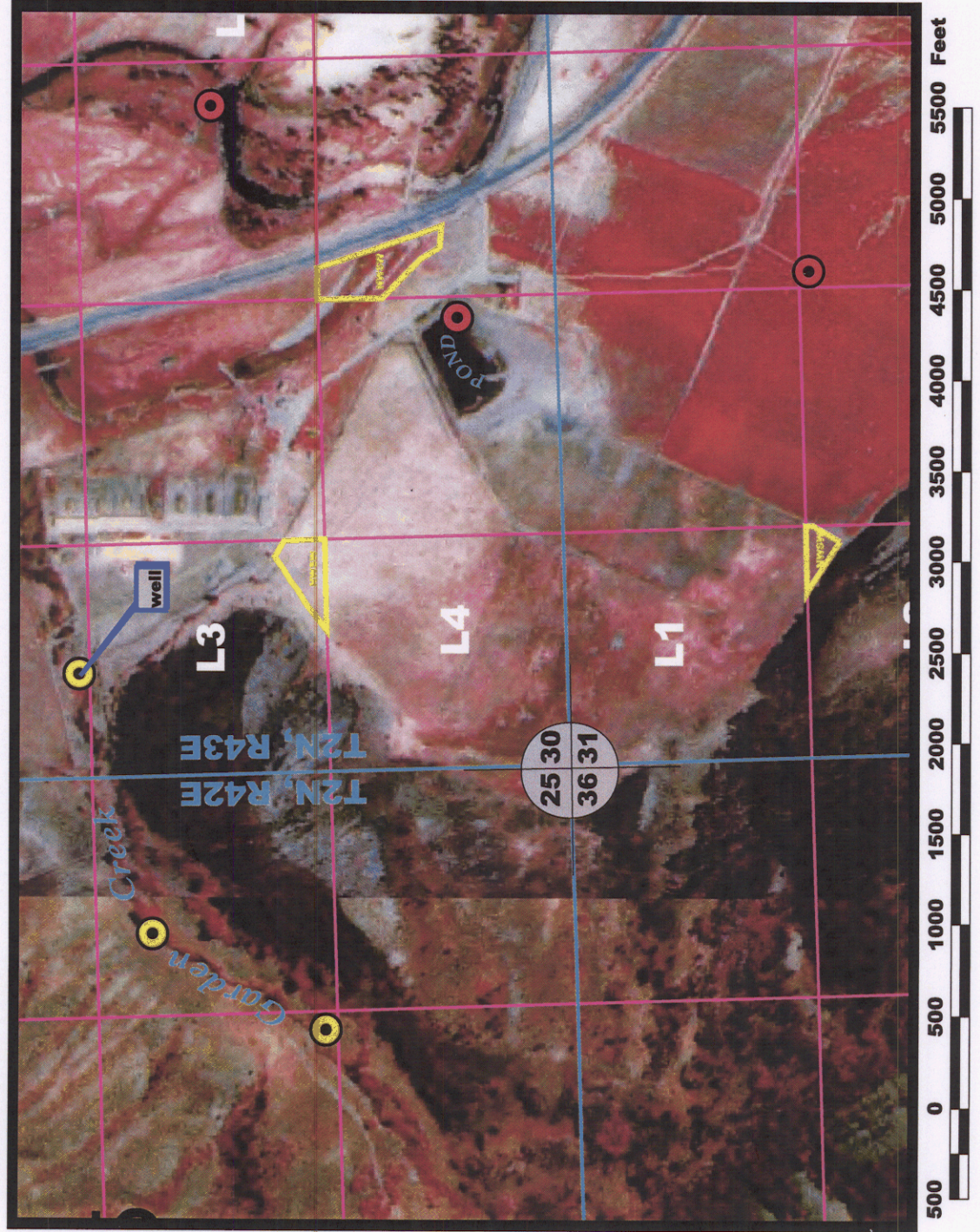
1. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, 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):
 23-11295, 23-11297,
 23-11299, 23-11301,
 23-11303

Place of Use: (parts of)

T2N, R43E

Sec.30 NWSW (L3), SWSE,
 Sec.31 SWNW (L2)

Point(s) of Diversion:

T2N, R42E Sec. 25

SENWSE, NWNESE (surface)

T2N, R43E Sec. 30

SWSWNW (L2) (well)

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter



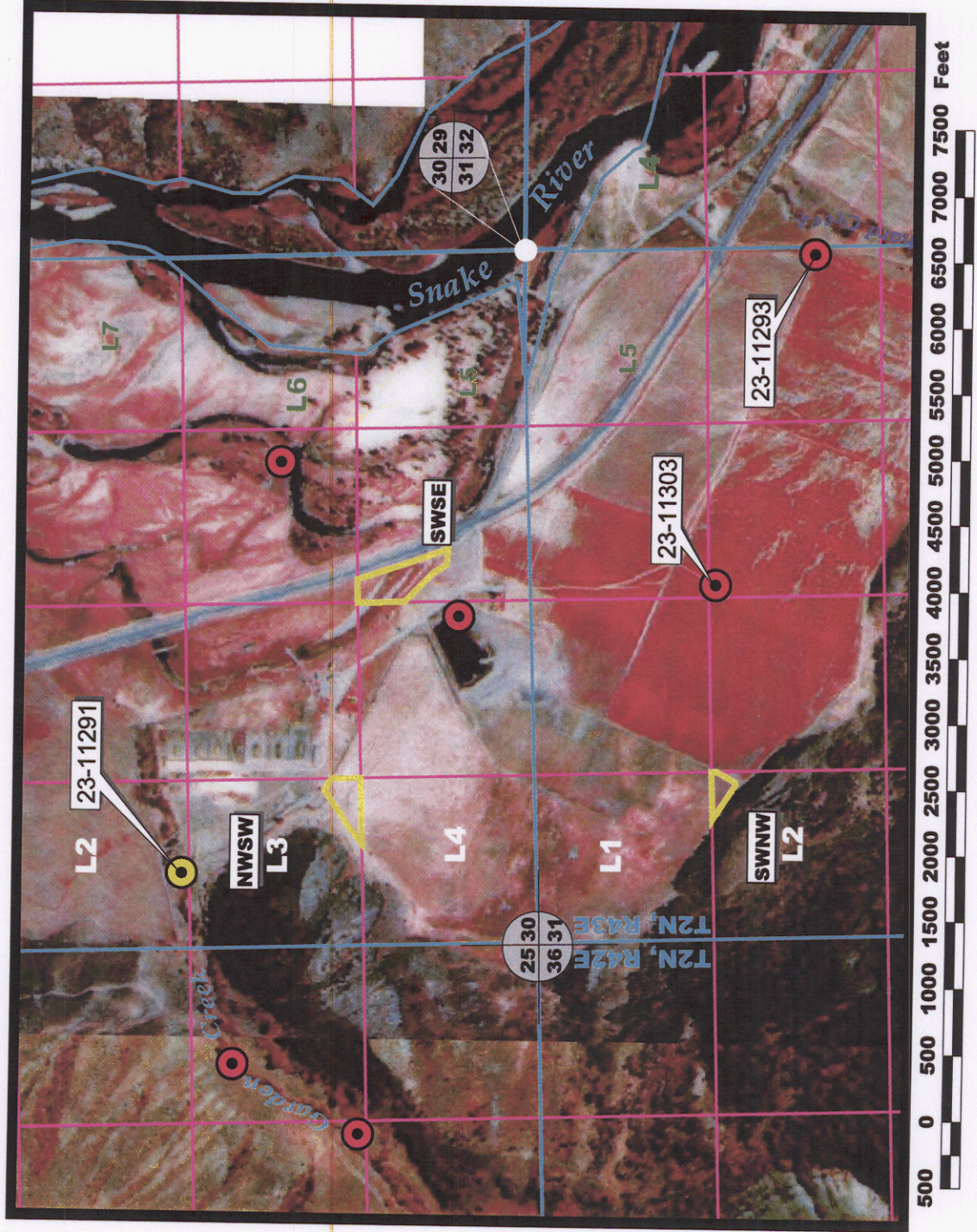
GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: A. Ruberry
 Date: February 2004



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-11291,
23-11295,
23-11297,
23-11299,
23-11301

Place of Use: (parts of)

T2N, R43E
Secs. 30, 31

Point(s) of Diversion:

T2N, R43E
Sec. 30 SWSWNW (L2)
T2N, R42E
Sec. 25 SWNWSE, NWNESE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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