

02/20/2004

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

RIGHT NUMBER: 23-11293

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 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. 23-11303 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: 04/11/1977

POINT OF DIVERSION:

T02N R43E S31 SESENE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 04/01 11/01          | 0.060 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. 23-11303 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 23-07019.

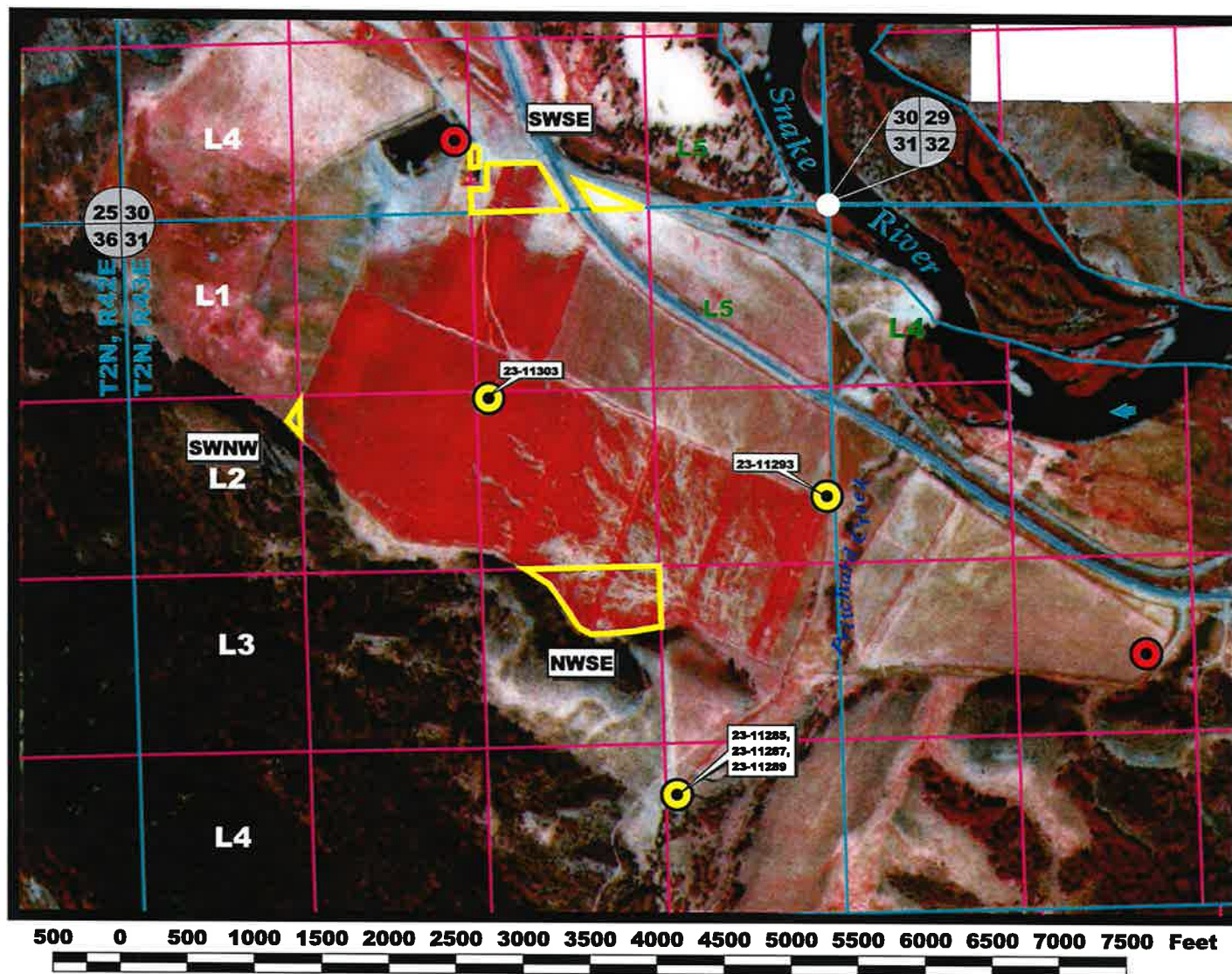


SCANNED

# 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 NWSESE (surface),  
NWSWNE, SESENE (wells)

### LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter



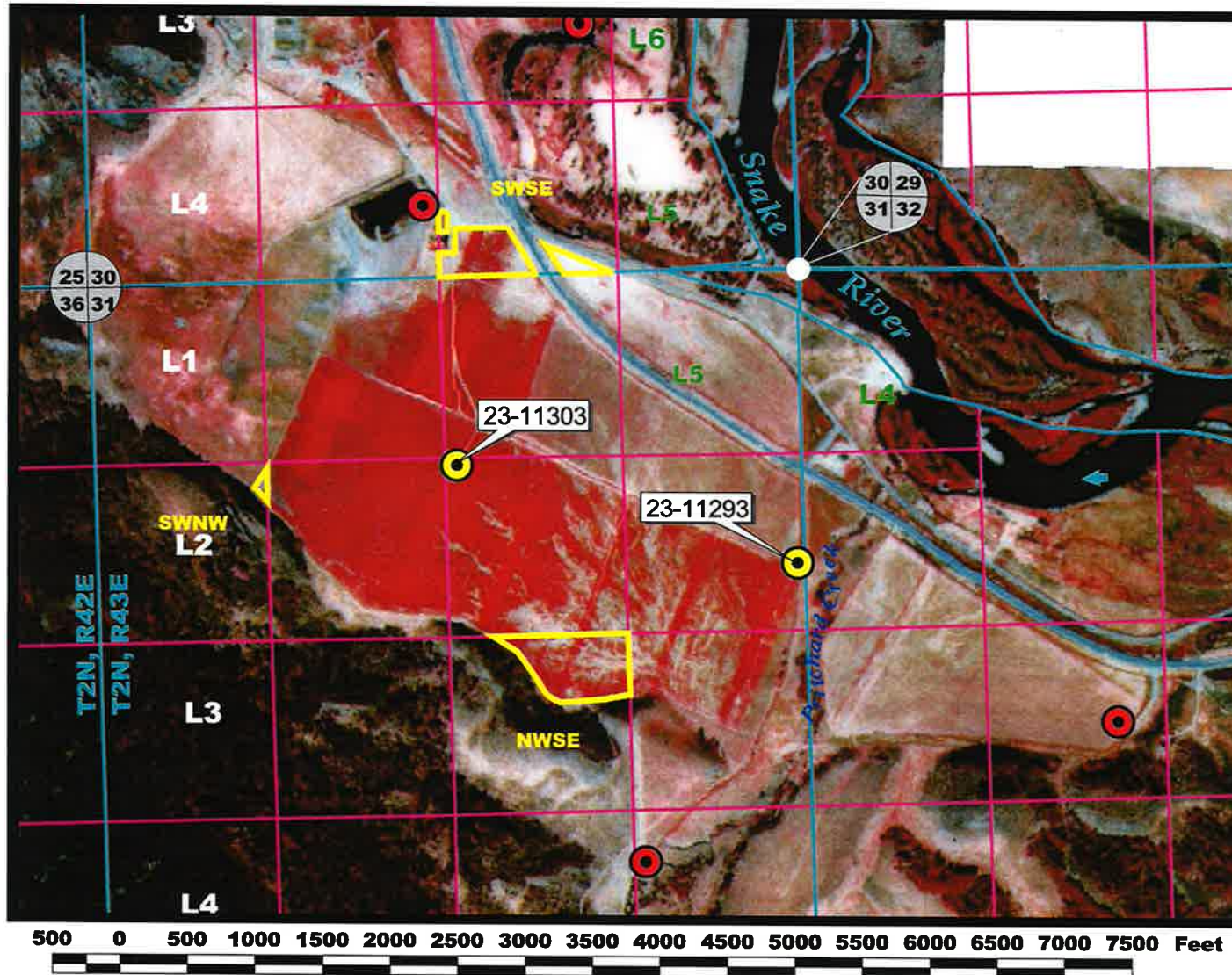
GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: February 2004



# State of Idaho

## Department of Water Resources

Eastern Region



**Water Right(s):**  
**23-11293,**  
**23-11303**

**Place of Use: (parts of)**  
**T2N, R43E**  
**Secs. 30, 31**

**Point(s) of Diversion:**  
**T2N, R43E Sec. 31**  
**NWSWNE, SESENE**

### 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

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  
Fax: (208) 524-7505

Phone: (208) 524-7520 (office)  
Cell: (208) 709-2381  
E-mail: wendy\_velman@blm.gov

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

Fax Cover Sheet

To: Al Rubery

Attention: "Al"

Fax Number: 525-7177

Date: Jan 6 Time: 1:20 pm

From: "Shane" Conant Valley Ranch

Remarks: Al, here is the paper  
deed on the BLM farm agreement  
with CDR, see ya on Monday  
my 9's call, Shane

Breeders of Top Quality  
Commercial Cattle

Phone Number: (208) 483-2693

Fax Number: (208) 483-2694

DEC 17 '83 09:34AM BLN IDAHO FALLS

PAGE 02/05

P.2

Form 202a-1  
(October 1992)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

LAND USE APPLICATION AND PERMIT  
Sec. 302(b) of P.L. 94-679, October 21, 1976, 43 U.S.C. 1732

FORM APPROVED  
OMB NO. 1004-0009  
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

☐ Corporation

☐ Local Government

☐ Other

☒ Partnership

☐ County

☐ State Government

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

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.

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 as to any matter within its jurisdiction.

12/17/2003 18:01

9093642100

DEC 17 '03 09:34AM BLM IDAHO FALLS

PAGE 03/05

P.3

## PERMIT

Permission to 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, N1/2S21

Meridian

Boise

State

Idaho

County

Bonnaville

Acres (number)

22.3

for the purpose of

alfalfa farming plus hay and gravel storage

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 acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) 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 creation 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 Renewal Fee = \$2,905
10. by this permit or \$ \_\_\_\_\_ dollars, annually, as rental or such other sum as may be required if a rental adjustment is made.
11. Use or occupancy of land under this permit shall commence within \_\_\_\_\_ months from date hereof and shall be exercised at least \_\_\_\_\_ days each year.
12. 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.
13. 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.
14. 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 such permit.
15. This permit is subject to the provisions of Executive Order No. 11266 of September 24, 1963, as amended, which sets forth the National Opportunity clause. A copy of this order may be obtained from the signing officer.
16. 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 (Retrospective Date)  
 to December 31, 2000

*[Signature]*  
 (Authorized Officer)  
 Area Manager  
 (Title)  
 2/17/98  
 (Date)

## INSTRUCTIONS

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-BLM use prior 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 1980 (44 U.S.C. 3501 et. seq.) requires us to inform you that: land use authorizations, pursuant to 43 CFR 8-100.2920, are the most the requirements of 43 CFR Section 1.1. Least must respond before he/she can be granted an authorization to use public lands.

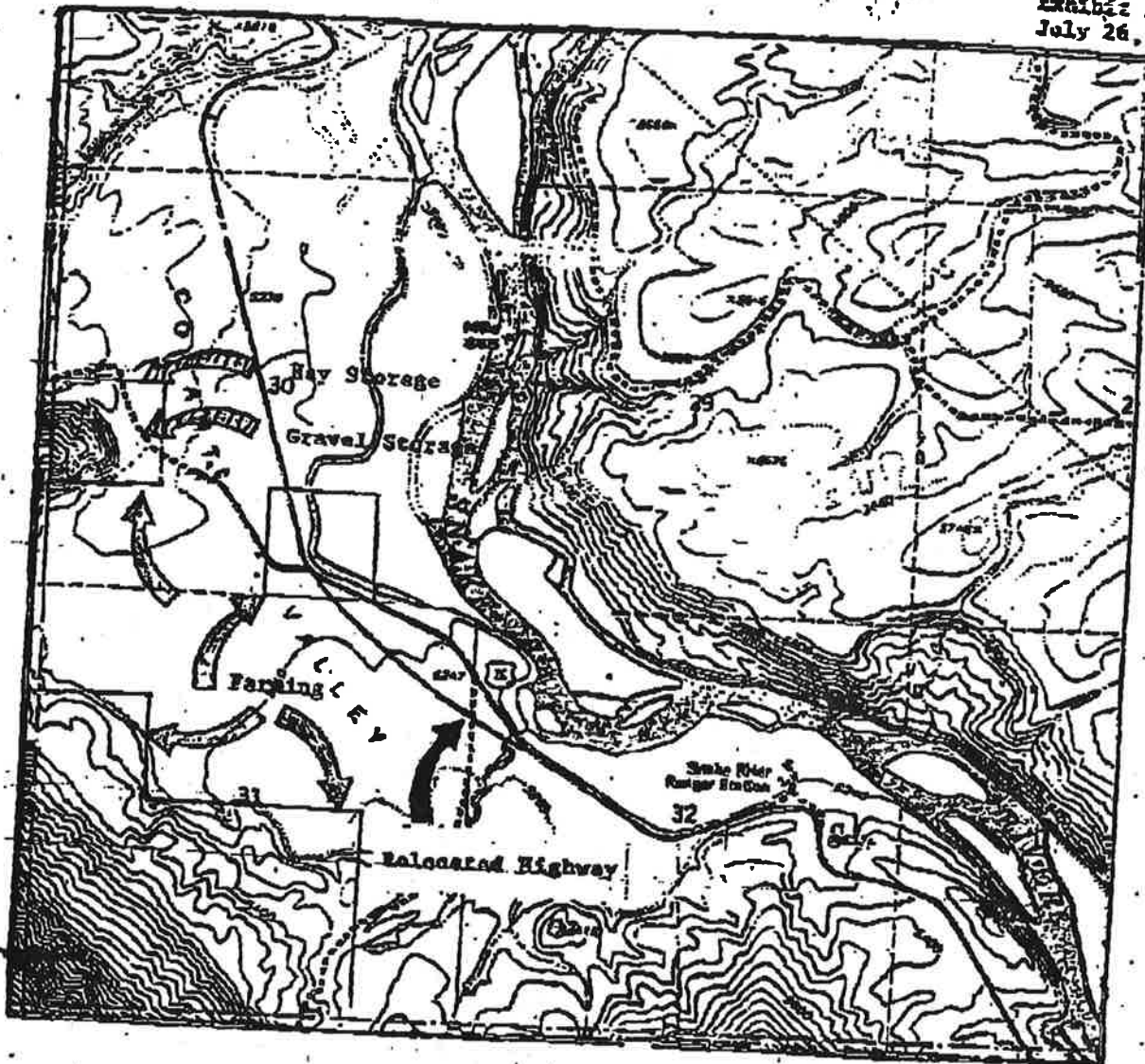
1. waived by the authorized officer.
2. If the annual rental exceeds \$250 dollars per year, costs of processing the application must be paid by the applicant in advance.
3. The authorized officer may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

12/17/2003 10:01 9093642180

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

PAGE 04/05

IND-28133  
Exhibit A  
July 26, 1996



Map Name: Conant Valley Quad

Map scale: 1:24000

Legal: T. 2 N., R. 43 E., BM  
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

P.S.

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.

# CONANT VALLEY RANCH & BLM SPLITS

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

23-52  
Ritchard 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  
Ritchard 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  
Ritchard Ck  
(Prior Split)

Parent (Split of Original 23-105 @ 16<sup>0</sup> cfs) ALSO SEE 23-11243 FLOW Rtg.  $E_{Q_{WLP6}} = 16^0$   
11290 CUR, 13<sup>2</sup> cfs on 581<sup>5</sup> ac

11303 - BLM, 14.3 ac @ 0.129 cfs 50<sup>0</sup> AF

23-11245  
Well  
(23-2058  
prior Split)

Parent - error on original split - herein corrected.  
11304 CUR, 2<sup>64</sup> cfs on 296<sup>2</sup> ac 1038<sup>45</sup>

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 to 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

SCANNED  
JUL 26 2004

23-49  
Parent 2° of 0.02 = 100 ft  
Garden of 11300 CVR, 1.88 ft on 94' ft

11299 - BLM, 5.9 ft @ 0.12 ft  
Parent 2° of 0.02 = 100 ft  
Garden of 11300 CVR, 1.88 ft on 94' ft

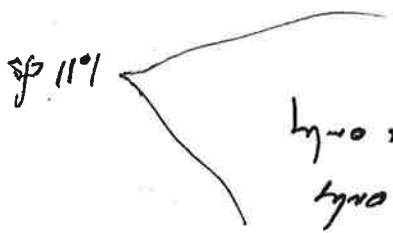
23-11243  
Garden of  
(New Spirit)

11301 - BLM, 5.9 ft @ 0.12 ft  
Parent (split on 23-105 @ 16° ft) 500 23-11244  
CVR, 1.78 ft on 89' ft  
Example = 16° Flood Rt

23-11246  
Parent - even on original split - correct level  
11291 - BLM, 5.9 ft @ 0.05 ft (0.009 ft/ft) 20° ft  
11292 - CVR, 1.99 ft on 224' ft - 704/35 ft  
Wall 23-2058 (New Spirit)

BLM Groundwater  $E_0 = 0.48$  ft surface only;  $E_0$  w/well = 0.41 ft  
CVR Groundwater  $E_0 = 0.92$  ft surface only  
 $E_0$  w/well = 12° ft

BLM Pitblume of  $E_0 = 0.92$  ft surface only  
CVR Pitblume of  $E_0 = 1958$  ft surface only  
BLM w/well  $E_0 = 0.19$  ft  
CVR w/well  $E_0 = 296$  ft



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: 23-11293

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:

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. Mendenford

Please print your name: Gary A. Mendenford

**ORIGINAL CLAIM**  
**SENT TO COURT**

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 23-7019

WATER RIGHT NUMBER: 23-7019

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Original Owner    | PANCHERI INC<br>1494 HWY 22<br>HOWE, ID 83244<br>(208)767-3419                                                                 |
| Current Owner     | FAMA DAIRY<br>PO BOX 5546<br>ORANGE, CA 92667<br>(714)633-1770                                                                 |
| 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: 04/11/1977

Basis: License

Status: **PARENT: see 23-11293 and 23-11294**

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 2.300 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.300 CFS             |                      |

$$\frac{2.3 \text{ cfs}}{561 \text{ ac}} = 0.004 \text{ cfs/ac}$$

Location of Point(s) of Diversion

GROUND WATER  
BONNEVILLE County

SE1/4NE1/4

Sec. 31, Twp 02N, Rge 43E, B.M.

Place of UseIRRIGATION Within BONNEVILLE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T02N R43E S30 | NWNE | 40.0 | T02N R43E S30 | SWNE | 40.0 |
| T02N R43E S30 | NENW | 20.0 | T02N R43E S30 | SENE | 7.0  |
| T02N R43E S30 | NESW | 36.0 | T02N R43E S30 | SWSW | 37.0 |
| T02N R43E S30 | SESW | 39.0 | T02N R43E S30 | NESE | 14.0 |
| T02N R43E S30 | NWSE | 38.0 | T02N R43E S30 | SWSE | 14.0 |
| T02N R43E S31 | NENE | 26.0 | T02N R43E S31 | NWNE | 40.0 |
| T02N R43E S31 | SWNE | 40.0 | T02N R43E S31 | SENE | 20.0 |
| T02N R43E S31 | NENW | 40.0 | T02N R43E S31 | NWNW | 38.0 |
| T02N R43E S31 | SWNW | 7.0  | T02N R43E S31 | SENE | 40.0 |
| T02N R43E S32 | SWNW | 25.0 |               |      |      |

Total Acres: 561

SPLIT OF Q:11293

$$14^{\frac{3}{4}} \text{ ac} \times 0.004 = 0.059 \text{ cfs} \Rightarrow 0.06$$

11294

$$2.3 \text{ cfs} - 0.059 = 2.24 \text{ cfs}$$

546<sup>1</sup> ac

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 23-7019

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

1. General THE MAX. VOLUME OF WATER DIVERTED UNDER THIS LIC. WHEN COMBINED WITH LIC. 23-2058 SHALL NOT EXCEED 3.0 AF/YR.

Comments: