

11/20/2003

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

RIGHT NUMBER: 23-4004

NAME AND ADDRESS: CONANT VALLEY RANCH
PO BOX 5546
ORANGE CA 92705

CONANT VALLEY RANCH
2350 SWAN VALLEY HWY
SWAN VALLEY ID 83449

SOURCE: GARDEN CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 05/01/1911

POINT OF DIVERSION:

T02N R43E S19 NWSWSE End of Stream Flow Within BONNEVILLE County
T02N R43E S30 SWSWNW Begin of Stream Flow Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE:

STOCKWATER Within BONNEVILLE County

T02N R43E S19 SWSE
T02N R43E S30 NENW
T02N R43E S30 SENW

T02N R43E S30 NWNE
T02N R43E S30 Lot 2 SWNW

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: Beneficial Use

SCANNED
JUL 14 2004

Contacts Data Entry Form

Water Right No. 23-4004

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner

FAMA DAIRY

Name connector: and _____, or _____, and/or _____

Current Owner

% TO CONANT VALLEY RANCH FILED 6/26/03

Current Owner

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

BU CLAIM AS § 42-243 CLAIM. EVIDENCE OF PRIORITY
REUB - LETTER SENT 7/8/03, CC ATTACHED.

10/1/03 GARDEN CK IS ADDRESSED BY PALISADES TRAIL & L. CHANDLER,
1951, TP'S III & IV TO M.B. TOLIVER AS 800" FROM PRITCHARD CK AND
GARDEN CK. PRIORITY DATE OF 1/22/1916. TOTAL Q IS 16 cfs - BUT
Q PER SOURCE IS NOT DEFINED - THEREFORE, THIS CLAIM

X CANNOT BE RECOMMENDED AS TRIBUTION - SUGGEST
AMENDMENT TO INSTREAM STOCKWATER. SEE 23-105.

A OWNERSHIP (SAME OWNER DIFFERENT NAME)

FE INDICATED: POD/POW, MEASURES, SYSTEM

PPU OVERLAP W/ OTHER RIGHTS

Reviewer: _____

Date: _____

19 NOV 03: AMENDED TO IN-STREAM STOCKWATER ONLY

SCANNED

JUL 14 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: May 1, 1911 Claimed Basis: STAT.Recommended Priority Date: _____ Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCE REVIEWED - Letter of REQUEST SENT 7/8/03.
cc Attached.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 43E, Sec. 30,____,____,____. County: BOWNSource: GARDEN CK Tributary: SNAPES RIV.

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: SNAPES RIV., SO FR
☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

GPS POD - TAG # POD's ON CK NOT TAGGED

Document how the POD and Source were verified and/or Pump and Motor data: _____

TX w/ Trout Unlimited
is pending to change POD.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	43E	30	NW				105	
			SW				99	
			W ² SE				5	

Total Acres 209

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

CLAIMS OVERLAP w/ 23-4003.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Paris	4/1	11/1	11 ⁰	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Paris	4/15	10/31		
In-Stream Stock	01/01	12/31	0.02	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

* Amend to add stockwater?

This claimed irrigation portion could likely be
addressed by a diverted right. => it is, 508 front ft.

Amend to in-stream stock.

Reviewer: _____

Date: _____

Log for claim 23-04004

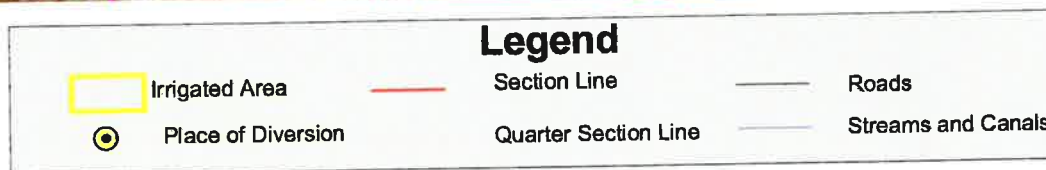
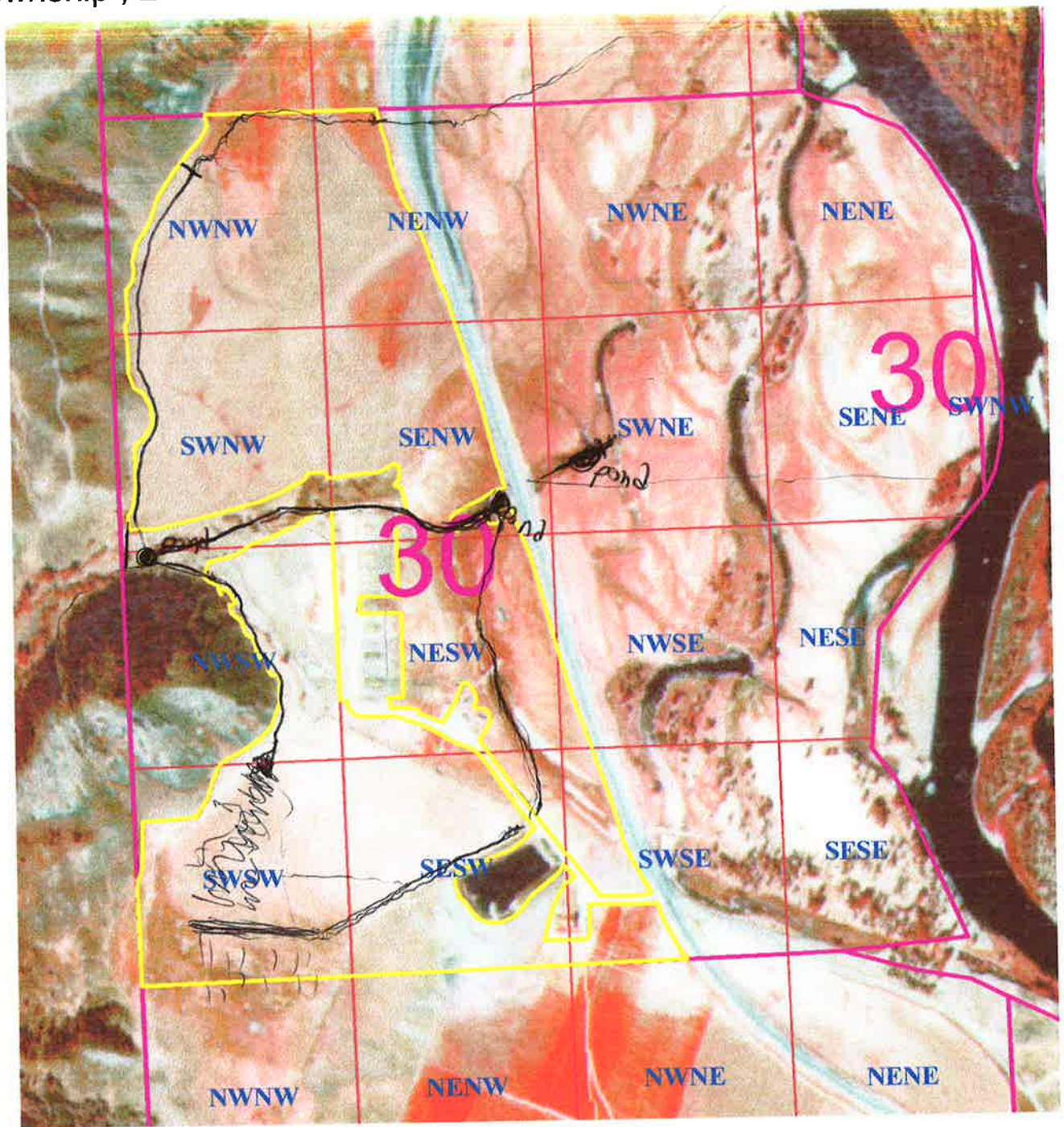
Spatial Dynamics BTD

6/6/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n43e	30	NENW	15	17	
02n43e	30	NWNW	25	30	
02n43e	30	SWNW	40	29	
02n43e	30	SENW	25	24	
02n43e	30	NESW	40	28	
02n43e	30	NWSW	20	16	
02n43e	30	SWSW	21	35	Indiscernible
02n43e	30	SESW	18	33	Indiscernible
02n43e	30	NWSE	2	1.2	
02n43e	30	SWSE	3	11	Indiscernible
Totals:			209	224.2	

Water Right Claim Number 23-04004
Township , 2N43E

06/06/2001



De 6/26/2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
23-4003			23-10265		
23-4004			23-10266		
23-7019			23-10267		
23-2058			23-10268		
23-10269					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

FAMA DAIRY

4. New Owner/Claimant(s)

Canant Valley Ranch

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

PO BOX 5546 ORANGE CAL 92705

2350 SWAN VALLEY Rd SWAN VALLEY

(208) 483-2693

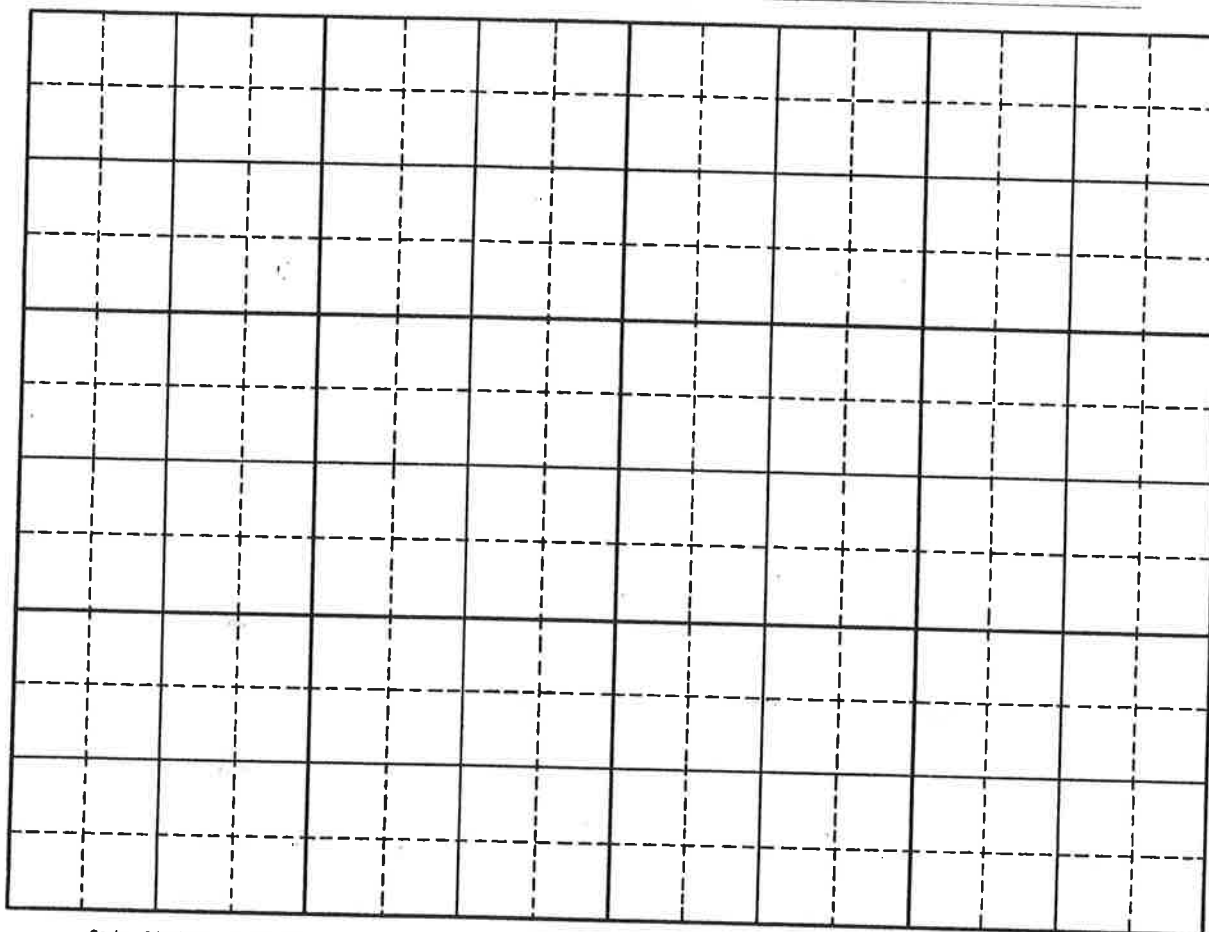
Id 83449

5. Date you acquired the property

1998

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 30th day of December, 1975.

(Claimant)

Notary Public

Residing at Edisto Falls, Id

My commission expires March 21, 1979

For Department Use Only

Received by <u>me</u>	Date <u>12-30-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LH</u>	Date <u>12-30-75</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>12-30-75</u> # <u>8547</u>			
Approved for publication by <u>me</u>	<u>1-14-76</u>			
Published in <u>The Post Register</u>				
Dates <u>Jan 8 + Jan 15, 1976</u>				

July 8, 2003

**Conant Valley Ranch
2350 Swan Valley Hwy
Swan Valley ID 83449**

RE: EVIDENCE OF PRIORITY FOR WATER RIGHT CLAIMS 23-10269, 23-04003 and 23-04004

Dear Claimant (s):

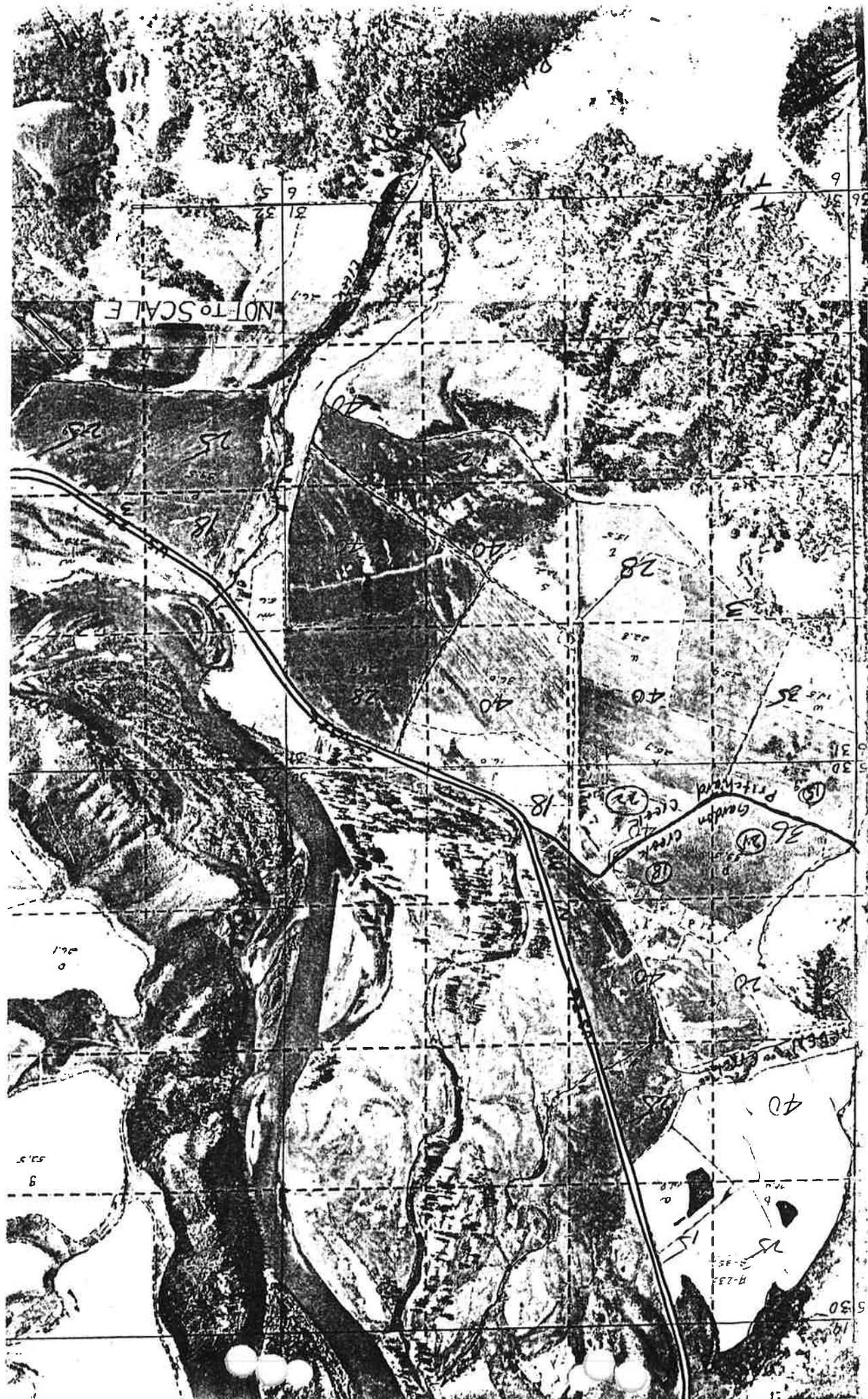
The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claims, as referenced above: 23-10269, claims a Priority Date of April 15, 1950, from a well; 23-04003, claims a priority date of May 1, 1911, from Pritchard Creek; 23-04004, claims a priority date of May 1, 1911, from Garden Creek.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.



RECEIVED

MAR 18 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

SALISBURY BUILDING-428 PARK AVENUE

P. O. BOX 51219

IDAHO FALLS, IDAHO 83405-1219

(208) 523-4445

FAX (208) 523-4474

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
JAMES R. HILLMAN *
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY

* ADMITTED TO PRACTICE IN OHIO ONLY

Department of Water Resources

SEVEN Eastern District Office

(1941-1984)

TED C. SPRINGER

(1943-1984)

ROBERT A. deGROOT

REGISTERED PATENT AGENT

March 17, 1992

Ms. Jo Thompson
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: Fama Dairy--Power of Attorney

Dear Jo:

In accordance with our telephone conversation earlier today, you will find that we have enclosed a copy of a Special Power of Attorney authorizing my signature on matters related to notices of claims to water rights on behalf of Fama Dairy.

If you require any additional information regarding this matter, we would be pleased to hear from you.

Very truly yours,


C. Timothy Hopkins

lc
Encl.

MICROFILMED

NOV 10 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

SALISBURY BUILDING-428 PARK AVENUE

P. O. BOX 51219

IDAHO FALLS, IDAHO 83405-1219

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STEPHEN A. GRATTON
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY

SEWARD H. FRENCH
(1941-1984)

TED C. SPRINGER
(1943-1984)

ROBERT A. deGROOT
REGISTERED PATENT AGENT

December 9, 1991

RECEIVED

DEC 10 1991

Mr. Ernest Carlsen
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

Re: Notices of Claim A23-04003 and 04004--
Fama Dairy

Dear Mr. Carlsen:

Thank you for your recent letter recommending certain amendments to the Notice of Claim as indicated above. We reviewed our original records from which the original claims were prepared and find that the claims filed years ago by Pancheri, Inc., were the source of our misinformation. You will find that we have enclosed the original forms bearing your corrections which we have again appropriately signed and acknowledged.

Again, thank you for your service in this matter. We will look forward to hearing from you, at the above address, as matters related to these claims go forward.

Very truly yours,


C. Timothy Hopkins

CTH/lc

Encl.

cc: Mr. A. H. Osterkamp, Jr.

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MAR 18 1992

Department of Water Resources
Eastern District Office

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That Fama Dairy, a California partnership, by and through Anthony H. Osterkamp, Jr., a general partner, of the County of Orange, State of California, does hereby constitute, make and appoint C. Timothy Hopkins, lawyers, of the City of Idaho Falls, County of Bonneville, State of Idaho, its true and lawful attorney-in-fact, for it, on its behalf, and in its name, place and stead to prepare, file, sign on its behalf, receive notices with respect to and in all matters deal with a Notice of Claim to a Water Right for the waters of Garden Creek, Pritchard Creek, Snake River and all ground water located in the County of Bonneville, State of Idaho, with full power to deal with the State of Idaho Department of Water Resources with respect thereto.

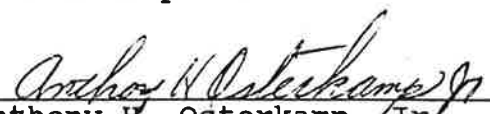
The rights, powers and authority of said attorney-in-fact granted hereby shall commence and shall be in full force and effect on and after August 1, 1989, and such rights, powers and authority shall remain in full force and effect thereafter until the same have been revoked in writing. This Power of Attorney

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NOV 10 1992

shall not be affected by the subsequent disability or incapacity of the principal as provided in Idaho Code Section 15-5-501.

Dated this 28 day of September, 1989.

FAMA DAIRY, a California
partnership


Anthony H. Osterkamp, Jr.,
a general partner

STATE OF CALIFORNIA)
) ss.
County of Orange)

Lila Cochran On this 28 day of September, 1989, before me, a Notary Public in and for said State, personally appeared Anthony H. Osterkamp, known or identified to me to be one of the partners of Fama Dairy, a California partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for California
Residing at: IDAHO FALLS
My Commission Expires: 6-17-93

(SEAL)

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NOV 10 1992

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 23-4004
Date Received: 11/2/1989
Receipt No: E011096
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CONANT VALLEY RANCH Phone:
2350 SWAN VALLEY HWY
SWAN VALLEY ID USA 83449

CONANT VALLEY RANCH Phone:
PO BOX 5546
ORANGE CA USA 92705

2. Date of Priority: 05/01/1911

3. Source: GARDEN CREEK , GARDEN CREEK Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4	Lot	County	Type
02N	43E	19	SW	SE		BONNEVILLE	Ending Point
02N	43E	30	SW	NW		BONNEVILLE	Beginning Point

5. Description of diverting works:

IN-STREAM STOCKWATER 150 CATTLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:

0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 150

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	43E	19	SW	SE	STOCKWATER	
02N	43E	30	SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	NW	STOCKWATER	
			NW	NE	STOCKWATER	

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO IN-STREAM STOCKWATER. ORIGINAL CLAIM PREDATES THE 1951 DECREE PRIORITY OF 1916.

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Anthony N Osterkamp Jr of Conant Valley Ranch Title

Conant Valley Ranch Organization, that I have signed the foregoing document in the space below as General Partner of Title

Conant Valley Ranch Organization and that the statements contained in the foregoing document are true and correct. Anthony N Osterkamp Jr Signature of Authorized Agent

General Partner Title and Organization Conant Valley Ranch

11-19-03 Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 19th
of NOV 2003

ALLON B RUBERY

Notary Public

Residing at IDAHO FALLS IDAHO

My commission Expires 9/23/09



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: A23-04004

Date Received: 11/ 2/1989

Receipt No: E011096

Received By: _____

DEC 10 1991

AMENDED

Department of Water Resources

Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FAMA DAIRY
Address: P.O. BOX 5546
ORANGE CA

714-633-1770

92667

2. Date of Priority: MAY 1, 1911

3. Source: GARDEN CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	~~42E~~ 43E	30		NW	SW		BONNEVILLE

5. Description of diverting works:
SMALL DAM AND OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 522.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	~~42E~~ 43E	30	NE	NW		IRR	15.0
			NW	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	25.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	42E	30	NE		SW		IRR	40.0
	43E		NW		SW		IRR	20.0
			SW		SW		IRR	21.0
			SE		SW		IRR	18.0
			NW		SE		IRR	2.0
			SW		SE		IRR	3.0

Section Acres 209.0

Total Acres 209.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A23-04003.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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NOV 10 1992

For Organizations:

I do solemnly swear or affirm that I am attorney of
FWMA Dairy Title
Organization, that I have signed the foregoing
document in the space below as attorney of
FWMA Dairy Title
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

att. for FWMA Dairy
Title and Organization

Dec. 9, 1991
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of December 19 91

[Signature]
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6/17/93

17. Notice of Appearance:

Notice is hereby given that I, C. Timothy Hopkins will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P. O. Box 51219, Idaho Falls, ID 83405

Date December 9, 1991

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