

RECEIVED

MAR 05 2019

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 67-15218
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone
United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Soulen Livestock Co.
Address: P.O. Box 827
Weiser, ID 83672

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: - should not affect BLM decrees.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: -recommended period is not consistent with authorized season.
9. ☒ **Place of Use**
Should be: -remark identifying appurtenant base property is incomplete.
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Quantity: The Director's Report, at page 6, states: "IDWR recommends each claim and its corresponding overlapping decreed BLM water right should be limited to a combined total of 13,000 gallons per day." BLM decreed water rights are not before the court. Such decrees are final judgments accorded finality. Combined use remarks in the BLM decrees are not appropriate. The decisions in Basin-Wide Issue #12 resulted in the use of the standard de minimis cap remark ("The quantity of water under this right shall not exceed 13,000 gallons per day.") but not combined use remarks.

Period of Use: The period of use should be consistent with the authorized season of use, as follows: "The period of use under this right is limited to the authorized season of use for grazing Federal land."

Place of Use: In *Joyce Livestock Co. v. United States*, 156 P.3d 502 (Idaho 2007), the court held that stockwater on Federal land could be claimed as an appurtenance to the claimant's "base property." IDWR's recommendation of "base property" only describes one section within T12N, R03W, S24; however, the official "base property" description defined in BLM's grazing records for the claimant contains more property than is listed in this recommendation. This "base property" description should be amended to comport with official records.

Current Authorized Permittees: It should be noted that on February 3, 2016, Harry C. Soulen filed a Grazing Preference Transfer and Preference Application to transfer all of Soulen Livestock Co.'s grazing interests, preference, and grazing permit to Soulen Grazing Association, LLC. BLM approved the transfer on March 4, 2016. The current authorized grazing permittees in the Crane Creek Allotment (#361) are: Soulen Grazing Association, LLC; David Maddox, Jerome & Jill Grandi; and Sutton Ranches, Inc.

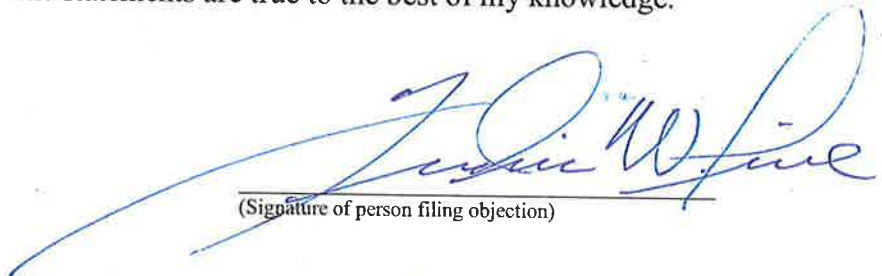
F.

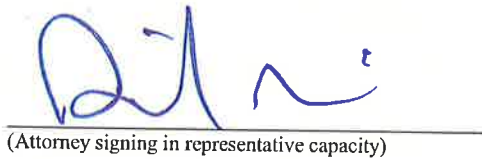
VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, duly sworn, upon oath, deposes and says:
(Name of Person filing objection)

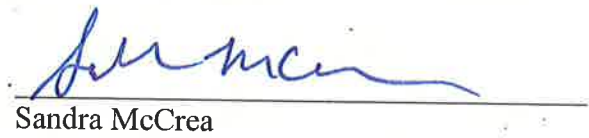
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 4 March 2019




Sandra McCrea

Notary Public for State of Idaho
Residing at: Boise, ID
My Commission Expires: 06/09/2023

INSTRUCTIONS FOR MAILING

You must mail the Objection to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 4, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

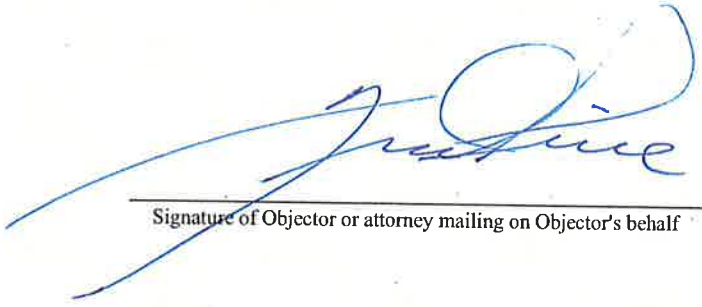
Soulen Livestock Co.
P.O. Box 827
Weiser, ID 83672

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/31/2018

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-15218

NAME AND ADDRESS: SOULEN LIVESTOCK CO
PO BOX 827
WEISER ID 83672

SOURCE: UNNAMED STREAM

TRIBUTARY: WEISER RIVER

QUANTITY: 0.020 CFS

The quantity of water under Right Nos. ~~67-12400~~ and 67-15218 shall not exceed 13,000 gallons per day.

~~Right Nos. 67-12400 and 67-15218 are limited to a total combined diversion rate of 0.02 cfs.~~

PRIORITY DATE: 03/15/1928

POINT OF
DIVERSION:

T11N R04W S2 NWNE Lot 2 Begin of Stream Flow Within WASHINGTON County

T11N R04W S2 NWNE Lot 2 End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

03/15 12/01

0.020 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T11N R04W S02 Lot 2 NWNE

T11N R04W S02

SWNE

This right is appurtenant to the base property described below:
T12N, R03W, S24.

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. Idaho Code § 42-1412(6).

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~BLM Record ID - 6701480537~~

Parcel No. RP11N04W020000

