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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 67-15227 B  
(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.

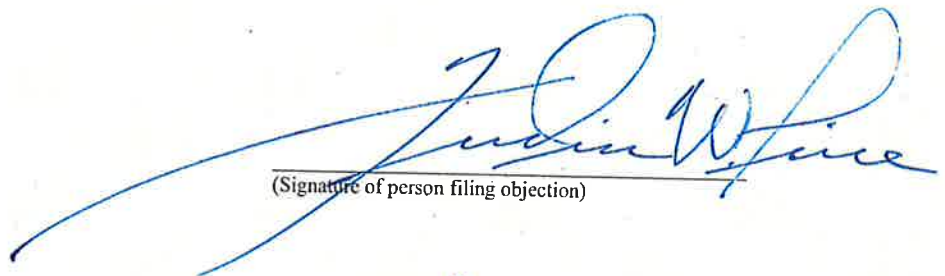
F.

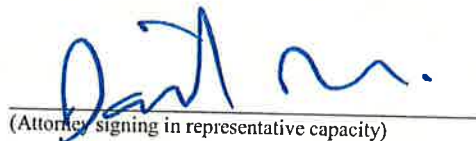
VERIFICATION (must be completed)

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:

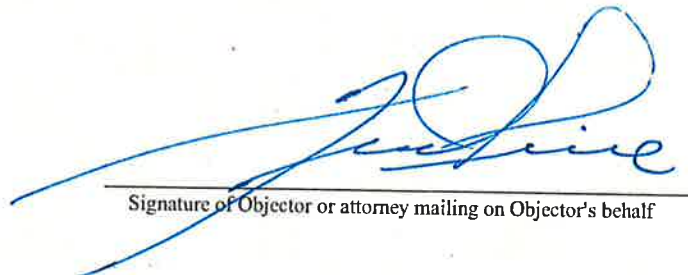
Soulen Livestock Co.  
P.O. Box 827  
Weiser, ID 83672

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: 67-15227B

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

SOURCE: CRANE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.020 CFS

~~Right Nos. 67-12742 and 67-15227B are limited to a total combined diversion rate of 0.02 cfs.~~

The quantity of water under Right Nos. ~~67-12742~~ and 67-15227B shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1928

POINT OF  
DIVERSION: T11N R03W S7 NWNE End of Stream Flow Within WASHINGTON County  
T11N R03W S8 NWNW Lot 1 Begin 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:

| <u>PURPOSE OF USE</u>                                      | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------|----------------------|-----------------|
| 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 R03W S07            | NENE | T11N R03W S07 | NWNE |
| T11N R03W S08 Lot 1 NWNW |      |               |      |

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

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

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

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).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP11N03W070000

~~BLM Record ID - 6701480840~~

