

RECEIVED
SEP 16 2021
DEPARTMENT OF
WORK RESOURCES

VERIFIED PETITION FOR ORDER TO SHOW CAUSE - 1

- Checking, moving, and salting livestock
- Checking water sources including springs, creeks, and stock ponds
- Spring and Fall checking and maintenance of gates and fences
- Springtime lambing and branding activities
- Fall inspections during hunting season
- Providing food and supplies to livestock herders

8. At no time over the past five years have Petitioners, their officers, employees, or agents witnessed, read about, or heard of the existence of livestock owned or controlled by the BLM or any other individual or entity on the Allotment either to graze or to use water under the Water Rights.

9. At no time in Petitioners' numerous and regular visits with agency staff from the BLM Four Rivers Field Office has BLM staff stated or suggested that BLM has placed livestock owned or controlled by BLM on the Allotment in the last five years.

10. At no time since Petitioner Soulen Grazing Association has been authorized to use the Allotment beginning in 2015, and at no time since Petitioner Soulen Livestock Co. and its predecessors-in-interest have been authorized to use the Allotment shortly after enactment of the Taylor Grazing Act in 1934 has either Petitioner, their members or their agents or employees ever witnessed, read about, or heard of the BLM applying the Water Rights to the beneficial use of watering livestock that the BLM owns or controls on the Allotment.

11. Petitioners are not now, nor have they ever been, an agent of the BLM for the purpose of acquiring water rights for the BLM on the Allotment.

12. The undersigned individual is authorized by each Petitioner to file this Petition on its behalf.

WHEREFORE, pursuant to Idaho Code Sec. 42-224, Petitioners petition the Director of the Idaho Department of Water Resources to expeditiously issue an order to the United States of America, acting through BLM, to show cause why the Water Rights should not be lost through forfeiture pursuant to Idaho Code Sec. 42-222(2).

STATE OF IDAHO)
County of Ada) : ss.

That Soulen Livestock Co. is a Petitioner herein, and that as the President thereof, I have read the foregoing instrument, know the contents thereof, and believe the contents thereof to be true and correct to the best of my knowledge.

Soulen Livestock Co.
an Idaho corporation

By: Harry C. Soulen
President, Soulen Livestock Co.

Subscribed and sworn to before me this 16th day of September, 2021.



Laura Babcock
Notary Public
Residing at: Meridian, Idaho
My Commission Expires: 6-1-26

STATE OF IDAHO__)

: ss.
County of Ada)

Harry C. Soulen, President of Soulen Livestock Company, the Manager of Soulen Grazing Association, LLC, being first duly sworn, deposes and says as follows:

That Soulen Grazing Association, LLC is a Petitioner herein, and that as the President of Soulen Livestock Co. which is the Manager of Soulen Grazing Association, LLC, I have read the foregoing instrument, know the contents thereof, and believe the contents thereof to be true and correct to the best of my knowledge.

DATED this 16 day of Sept, 2021.

Soulen Grazing Association, LLC
an Idaho corporation

Harry C. Soulen
By: Harry C. Soulen,
President, Soulen Livestock Co. as
Manager, Soulen Grazing Association,
LLC

Subscribed and sworn to before me this 16th day of September, 2021.



Laura Babcock
Notary Public
Residing at: Meridian, Idaho
My Commission Expires: 6-1-26

17148832_v1

BasinNumber	SequenceNumber	SplitSuffix	OrganizationName
67	15213		SOULEN LIVESTOCK CO
67	15214		SOULEN LIVESTOCK CO
67	15215		SOULEN LIVESTOCK CO
67	15216		SOULEN LIVESTOCK CO
67	15217		SOULEN LIVESTOCK CO
67	15218		SOULEN LIVESTOCK CO
67	15219		SOULEN LIVESTOCK CO
67	15220		SOULEN LIVESTOCK CO
67	15221		SOULEN LIVESTOCK CO
67	15222		SOULEN LIVESTOCK CO
67	15223		SOULEN LIVESTOCK CO
67	15224		SOULEN LIVESTOCK CO
67	15225		SOULEN LIVESTOCK CO
67	15226		SOULEN LIVESTOCK CO
67	15227 A		SOULEN LIVESTOCK CO
67	15227 B		SOULEN LIVESTOCK CO
67	15228		SOULEN LIVESTOCK CO
67	15229		SOULEN LIVESTOCK CO
67	15230		SOULEN LIVESTOCK CO
67	15231		SOULEN LIVESTOCK CO
67	15232		SOULEN LIVESTOCK CO
67	15233		SOULEN LIVESTOCK CO
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67	15254		SOULEN LIVESTOCK CO

BLM Overlapping Water Rights

67-12395
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SEP 23 2021

DEPARTMENT OF
WATER RESOURCES

↑ Plus
67-12746 E
(67-12764 was an error)
67-12748

OPERATOR COPY

AUTH NUMBER: 1101236
DATE PRINTED: 2/3/2016

Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE ID
OFFICE LLIDB01000
AUTH NUMBER 1101236
PREFERENCE CODE 03
DATE PRINTED 02/03/2016
TERM 03/01/2016 TO 02/28/2026

SOULEN GRAZING ASSOCIATION LLC
~~1760 FAIRMONT DR~~ B6A827
WEISER ID 83672-1215

BUREAU OF LAND MANAGEMENT
FOUR RIVERS FIELD OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705-5339

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS GRAZING PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 208-384-3300 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK		GRAZING PERIOD		% PL TYPE USE	AUMS
		NUMBER	KIND	BEGIN	END		
00307 DRY LAKE		4000	SHEEP	02/27	02/28	100 ACTIVE	53
		4000	SHEEP	03/01	03/03	100 ACTIVE	79
00361 CRANE CREEK		3000	SHEEP	03/28	06/05	33 ACTIVE	456
		200	CATTLE	04/01	10/10	33 ACTIVE	419
00370 PADDOCK VALLEY		2000	SHEEP	03/28	04/15	30 ACTIVE	75
		3000	SHEEP	03/28	06/05	30 ACTIVE	414
		2000	SHEEP	05/02	06/20	30 ACTIVE	197
		230	CATTLE	04/01	04/30	30 ACTIVE	68
		900	CATTLE	04/01	06/20	30 ACTIVE	719
		365	CATTLE	04/01	10/10	30 ACTIVE	695
00059 MINNIE		1	SHEEP	05/15	06/14	100 ACTIVE	1

OTHER TERMS AND CONDITIONS:

THE ALLOTMENTS SHOWN ON THIS PERMIT SHALL MEET THE REQUIREMENTS AS DESCRIBED IN 43 CFR SUBPART 4180 --FUNDAMENTALS OF RANGELAND HEALTH AND THE STANDARDS AND GUIDELINES FOR GRAZING ADMINISTRATION. ANY CHANGES IN MANGEMENT WILL BE BASED UPON THE RESOURCE EVALUATIONS AND ANALYSIS AS SCHEDULED AND COMPLETED BY THE AREA MANAGER.

GRAZING ON PUBLIC LAND RIPARIAN AREAS WILL BE MANAGED TO ATTAIN AND MAINTAIN PROPER FUNCTIONING CONDITION. THIS MANAGEMENT WILL INCLUDE LEAVING ADEQUATE PERENNIAL HERBACEOUS AND WOODY VEGETATION BY THE END OF THE GROWING SEASON TO PROTECT RIPARIAN AREAS FROM EROSION, MAINTAIN STREAMBANK INTEGRITY, PROVIDE FOR SEDIMENT CATCHMENT AND ALLOW FOR DIVERSITY IN VEGETATION STRUCTURE AND AGE CLASS.

TURN-OUT IS SUBJECT TO BOISE DISTRICT RANGE READINESS CRITERIA.

YOUR CERTIFIED ACTUAL USE REPORT IS DUE WITHIN 15 DAYS OF COMPLETING YOUR AUTHORIZED ANNUAL GRAZING USE.

SALT AND/OR SUPPLEMENT SHALL NOT BE PLACE WITHIN ONE QUARTER 1/4 MILE OF SPRINGS, STREAMS, MEADOWS, ASPEN STANDS, PLAYAS OR WATER DEVELOPMENTS.

CHANGES TO THE SCHEDULED USE REQUIRES PRIOR APPROVAL.

TRAILING ACTIVITIES MUST BE COORDINATED WITH THE BLM PRIOR TO INITIATION. A TRAILING PERMIT OR SIMILIAR AUTHORIZATION MAY BE REQUIRED PRIOR TO CROSSING PUBLIC LANDS.

LIVESTOCK ENCLOSURES LOCATED WITHIN YOUR GRAZING ALLOTMENTS ARE
CLOSED TO ALL DOMESTIC GRAZING USE.

RANGE IMPROVEMENTS MUST BE MAINTAINED IN ACCORDANCE WITH THE COOPERATIVE AGREEMENTS AND RANGE IMPROVEMENTS PERMITS IN WHICH YOU ARE A SIGNATOR OR ASSIGNEE. ALL MAINTENANCE OF RANGE IMPROVEMENTS WITHIN A WILDERNESS STUDY AREA REQUIRES PRIOR CONSULTATION WITH THE AUTHORIZED OFFICER.

ALL APPROPRIATE DOCUMENTATION REGARDING BASE PROPERTY LEASES, LANDS OFFERED FOR EXCHANGE-OF-USE, AND LIVESTOCK CONTROL AGREEMENTS MUST BE APPROVED PRIOR TO TURN-OUT. LEASES OF LAND AND/OR LIVESTOCK MUST BE NOTARIZED PRIOR TO SUBMISSION AND BE IN COMPLIANCE WITH BOISE DISTRICT POLICY.

FAILURE TO PAY THE GRAZING BILL WITHIN 15 DAYS OF THE DUE DATE SPECIFIED SHALL RESULT IN A LATE FEE ASSESSMENT OF \$25.00 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, NOT TO EXCEED \$250.00. PAYMENT MADE LATER THAN 15 DAYS AFTER THE DUE DATE, SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR 4140.1(B)(1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR 4150.1 AND 4160.1-2.

MESSAGE: *****
THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 402(C)(2) OF FLPMA, 1976 AS AMENDED, AND CONTAINS THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMIT OR LEASE. THIS PERMIT OR LEASE

MAY BE CANCELLED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

ALLOTMENT SUMMARY (AUMS)

ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	PERMITTED USE
00059 MINNIE	1	0	0	1
00307 DRY LAKE	136	0	0	136
00361 CRANE CREEK	1275	0	0	1,275
00370 PADDOCK VALLEY	2272	0	0	2,272

Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT:

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES

2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:
SIGNATURE OF PERMITTEE:

Harry C. Spitzer

DATE:

2/3/2016

APPROVED
BLM AUTHORIZED OFFICER:

[Signature]

DATE:

03/04/2016