

RECEIVED
SEP 16 2021
DEPARTMENT OF
WATER RESOURCES

In the Matter of Certain Basin 65) **Verified Petition for Order to Show**
and Basin 67 Water Rights) **Cause**
)

Pursuant to Idaho Code Sec. 42-224(1), Soulen Livestock Co. and Soulen Grazing Association, LLC (jointly, “Petitioners”) hereby petition the Director of the Idaho Department of Water Resources (“IDWR”) to order the owner of water rights listed on Exhibit A as currently owned by the “BLM”, attached hereto, (collectively, “Water Rights”) to show cause why the Water Rights have not been lost through forfeiture pursuant to Idaho Code Sec. 42-222(2). As grounds for this Petition, Petitioners state as follows:

1. According to IDWR's records, the Water Rights are currently owned by the United States of America acting through the Department of the Interior, Bureau of Land Management ("BLM"). The Water Rights owned by the BLM correspond to the water rights owned by Petitioner Soulen Livestock Co., the managing member of Petitioner Soulen Grazing Association, LLC. See Exhibit A.

2. The Water Rights meet the requirements of Idaho Code Sec. 42-1401A(11) because the beneficial use of each water right is solely for stockwater in a quantity not to exceed 13,000 gallons per day.

3. Based upon Petitioners' knowledge of the Water Rights, including their sources, points of diversion, and places of use, as well as IDWR's records, the Water Rights' points of diversion or places of use are located on a federal grazing allotment known as the Paddock Valley Allotment (#370) and managed by the Four Rivers Field Office of the BLM.

4. Except for the water rights owned by Soulen Livestock Co., Exhibit A, there are no other water right decrees, licenses or permits known to have the same place of use or point of diversion.

5. Petitioner Soulen Grazing Association has held a valid permit from BLM to graze cattle and sheep on the Paddock Valley Allotment each of the last five years. A copy of this Permit No. 1101236 is attached as Exhibit B. Petitioner Soulen Grazing Association is the only permittee authorized by BLM to place livestock on the Allotment.

6. Petitioner Soulen Grazing Association has grazed its livestock on the Allotment in compliance with the permit for each year of the permit term.

7. As a permittee on the Paddock Valley Allotment, Petitioner Soulen Grazing Association's members and their officers, employees, or agents have regularly visited the

Allotment each grazing season of use and at other times outside the season of use each year for more than the past five years. These visits have included, but are not limited to:

- 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).

VERIFICATIONS

STATE OF IDAHO)
 : ss.
County of Ada)

Harry C. Soulen, the President of Soulen Livestock Co., being first duly sworn, deposes and says as follows:

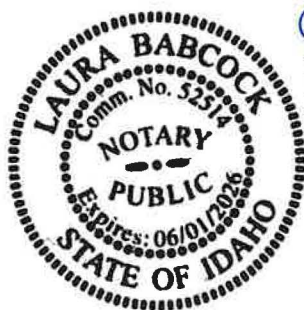
That Soulen Livestock Co. is a Petitioner herein, and that as the President thereof, I have read the foregoing instrument, know the contents thereof, and believe the contents thereof to be true and correct to the best of my knowledge.

DATED this 16 day of Sept, 2021.

Soulen Livestock Co.
an Idaho corporation

Harry C. Soulen
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__)

County of Ada) : ss.

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

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