

D. I am responding to the Objections to the following elements. (Please check the appropriate box(es)).

- 1. Name and Address
- 2. Source
- 3. Quantity
- 4. Priority Date
- 5. Point of Diversion
- 6. Instream Flow Beginning and Ending Point
- 7. Purpose(s) of Use
- 8. Period of Year
- 9. Place of Use
- 10. Recommendation:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements described above.

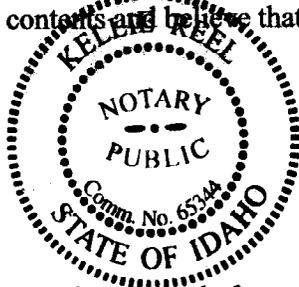
Please see attached

E. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Washington)

Cody & Britney Chandler, duly sworn, upon oath, deposes and says:
(Name of Person filing objection)

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



Cody R. Chandler
(Signature of person filing objection)
Britney S. Chandler
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 02/11/26
Kelli Reel
Notary Public for Washington CO
Residing at: Wesley
My Commission Expires: 10-04-27

INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on Feb 11th, 2024, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Chandler
Address: 1151 Devil Elbow Rd
Weiser ID 83672

3. One copy to the party who filed the Objection at the following address:

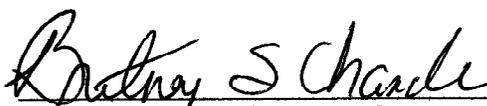
Name: Bureau of Land Management Idaho State office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
PO Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

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


Your signature or signature of attorney
mailing on your behalf

Case no. 39576

Sub case 67-15209

BLM Objections – Chandler Response

In response to the objection raised by BLM to right number 67-15209, a trough that is supplied by a pipeline from Strawberry Spring.

1. BLM had no valid stock water rights on Strawberry Springs in 1973 when BLM acquired an easement to the spring from the private landowner. Since BLM owns no livestock, the purpose was presumably to water livestock that belonged to permittees, who are predecessors-in-interest to Cody and Britney Chandler (Chandlers).

BLM asserts they hold a licensed and decreed water right 67-07270 with a 03/25/1976 priority date. BLM does not claim to have any signed agency agreements from grazing permittees at that time stating the permittees were putting the water to beneficial use on behalf of the BLM. Nor does BLM provide any evidence that the water was claimed for any other purpose than for providing stockwater. Therefore, absent any evidence to the contrary, the water in dispute was for the sole purpose of watering the livestock owned by the predecessors-in-interest to Chandlers.

The Crosley brothers are the ones who created the point of diversion. They were the local ranchers and permittees at the time. The BLM did provide some materials but Crosleys did the work. They had a dozer cut the line and put the pipe and trough in. They had an easement and beneficial use for the stockwater. Historically every stockman after them has used the trough and water for watering the cattle on that allotment.

Absent any evidence to the contrary and, based upon historical practice, it must be concluded that the livestock permittees, who are Chandler's predecessors-in-interest, completed the development, solely for the purpose of watering livestock on the allotment.

Therefore, when BLM asserts "Water that is already appropriated is not subject to appropriations by another user" omits the fact that BLM has shown no evidence that the water was developed by BLM, nor that it was developed for any reason other than to provide stockwater for the grazing permittees who are the predecessors-in-interest to Chandlers, giving them claim to the water.

2. Although Chandlers did not acquire Gary Gallant's (Gallant) base property, Chandlers did acquire the grazing preference rights from Gallant. 42-113 (2)(b), Idaho code states: "When a federal grazing permit is transferred or otherwise conveyed to a new owner, the

associated stockwater rights may also be conveyed and, upon approval of an application for transfer, shall become appurtenant to the new owner's base property."

It would be an absurd result if the law which allows Gallant to transfer water rights appurtenant to his base property along with the federal grazing permit to the new owner and his base property, did not allow Gallant to transfer the claims that he was in the midst of getting approved. It appears to be a clerical error in the Director's Report where it "defines that this claim is appurtenant to Gallant's base property, which Chandler did not acquire." (BLM objection paragraph 2)

Even so, Chandler does have base property to which the grazing right Chandler purchased from Gallant is attached, and the claims in process should therefore be listed in the Director's report as appurtenant to Chandler's base property based upon 42-113(2)(b), Idaho Code.

3. It is unclear what legal basis BLM bases their assertion on that "Chandler could have a priority date no earlier than the date of his grazing permit on the relevant federal land." 42-1409, (1)(d), Idaho Code states in relevant part: "for stockwater use on federal land, the claimant may claim the date of the first grazing permit issued on the federal grazing allotment, pursuant to federal grazing authorizations, including but not limited to the Taylor grazing act, as evidence of the date of priority, unless the claimant has evidence of earlier stockwater use on the federal land, which shall then establish the claimed date of priority."

In addition, 42-1411(2)(d), Idaho Code states in relevant part: "for stockwater use on federal land, the director shall accept the date of the first grazing permit issued on the federal grazing allotment, pursuant to federal grazing authorizations, including but not limited to the Taylor grazing act, as prima facie evidence of the date of priority, unless the claimant produces evidence of earlier stockwater use on the federal land, which shall then establish the date of priority."

42-1411(2)(h), Idaho Code also states: "for stockwater use on federal land, there shall be a rebuttable presumption that the claimant's base property relates back to the base property when the first grazing permit was issued on the federal grazing land or when water was first applied to beneficial use on the federal land."

It is clear under Idaho Code Chandler may claim 1934 as the priority date since that is the date the Taylor Grazing Act was adopted by Congress, which created the BLM grazing allotments. There is no ambiguity as to the historic date Chandler may claim.

4. While BLM claims Chandlers do not have a right to POD, that is only a requirement for stockwater under 42-113(3), Idaho Code. Chandler is not claiming a right under subsection (3). Chandler's claim is under subsection (2) of 42-113, Idaho Code, which has no such requirement.

5. Finally the Idaho Department of water resources own definition of a water right “is authorization to use water in a prescribed manner, not to own the water itself, without diversion and beneficial use there is no water right.” BLM has no beneficial use for the strawberry spring water

It has only been within the past 15-20 years that BLM and other federal agencies have been obsessive about claiming water rights and claiming ownership of water developments. Historically, both the USFS and BLM have been land managers and have left developments including fencing, corrals, water systems – including tanks, pumps, pipelines and troughs – to be accomplished and owned by permittees.

Absent any evidence to the contrary, it cannot be demonstrated that BLM does in fact own what they claim to be a “private water facility.”

In conclusion, Chandler’s claim to the trough that is supplied by Strawberry Spring is based in Idaho Law. BLM has shown no evidence that the water was developed for any other purpose than for watering the livestock of Chandler’s predecessors-in-interest. Neither has BLM shown any evidence that the pipeline and trough are in fact owned by BLM and not by the permittees, which has been their historic practice. Neither are Chandlers required to have legal access to the POD according to 42-113, Idaho Code.

In review, for all other stockwater claims Chandler has made, everyone agrees that Chandlers have lawfully acquired grazing preference rights on the Goodrich allotment from Gallant.

According to Idaho law, Chandlers can seek water rights on federal grazing allotments using 1934 as the historic use date, with the rebuttable presumption that Chandler’s base property relates back to the base property when the first grazing permit was issued on the federal grazing land or when water was first applied to beneficial use on the federal land. (42-1409 and 42-1411, IC)

Chandlers are not required to have legal access to any POD under 42-113, Idaho Code. However, the only claim at issue here is the one for the trough that receives water via a pipeline from Strawberry Springs.

All water rights decreed to Chander through this process will become appurtenances to his base property as required in 42-113(2)(b).

Chandlers respectfully ask the court to decree all stockwater claims that have no objections. Chandlers also respectfully ask the court to address the one remaining claim with an objection based upon briefings submitted.