

GARY - CAROLE GALLANT RELINGUIST
OUR THE WATER RIGHT FILINGS WITHOUT
PREJUDICE (THAT WENT WITH ^{OUR} GRAZING
PERMITS) TO CODY - BRITTANY CHANDLER
CASE NUM 15209 15210 1511-1512
WHEREAS WE SOLD THEM THE GRAZING PERMITS
WE'RE KEEPING OUR BLM INDIVIDUAL (THORN
SPRINGS) ALLOTMENT WATER FILING - CASE
NUMBER 39576 - SUBCASE ⁶⁷⁻¹⁵²⁰⁸ ~~67-15208~~ WITH OUT
PREJUDICE.

CHANDLERS WILL NOW BE PUTTING THE WATER
TO BENEFICIAL USE.

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls-State of Idaho

AUG 27 2025

By

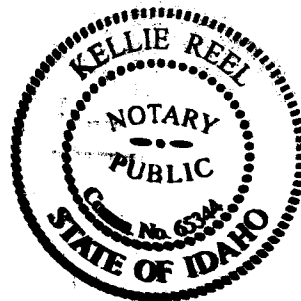
Deputy Clerk

2 file AT COURT HOUSE
2 file COMPANY

CHANDLER CASE NUMBER

Brittany Chandler
Carole M. Gallant

Kellie Reel
Notary For State of Idaho
Washington County
Kellie Reel
Comm exp. 10/04/27



2021 Legislation

HOUSE BILL 186

The status of each bill, resolution, proclamation, and memorial is updated when the offices of the Secretary of the Senate and the Chief Clerk of the House publish the un-official daily journals and should not be deemed official. The official bill actions are located in the final journal, which are maintained by the offices of the Secretary of the Senate and the Chief Clerk of the House. **The daily journals are published at the end of each legislative day.**

Full Bill Information

Individual Links:

Bill Text

Statement of Purpose / Fiscal Note

H0186

by RESOURCES AND CONSERVATION COMMITTEE

WATER – Amends existing law to revise provisions regarding notices of claim associated with the use of stockwater on federal land and to revise provisions regarding the director's determination of specified elements to define and administer the water rights acquired under state law.

02/16 Introduced, read first time, referred to JRA for Printing

02/17 Reported Printed and Referred to Resources & Conservation

02/26 Reported out of Committee with Do Pass Recommendation, Filed for Second Reading

03/01 Read second time; Filed for Third Reading

03/02 U.C. to hold place on third reading calendar one legislative day

03/03 Read Third Time in Full – Previously Read in Full – **PASSED - 66-0-4**

AYES – Adams, Addis, Amador, Andrus, Armstrong, Barbieri, Berch, Blanksma, Boyle, Bundy, Cannon, Chew, Christensen, Clow, Crane, DeMordaunt, Dixon, Erickson, Ferch, Furniss, Galloway, Gannon, Gestrin, Gibbs, Giddings, Green, Hanks, Harris, Hartgen, Holtzclaw, Kauffman, Kerby, Kingsley, Lickley, Manwaring, Marshall, Mathias, McCrostie, Mendive, Mitchell, Monks, Moon, Moyle, Nash, Nate, Necochea, Nichols, Okuniewicz, Palmer, Rubel, Ruchti, Scott, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, von Ehlinger, Weber, Wisniewski, Wood, Yamamoto, Young, Youngblood, Mr. Speaker

NAYS – None

Absent – Chaney, Davis, Ehardt, Horman

Floor Sponsor - Lickley

Title apvd - to Senate

03/04 Received from the House passed; filed for first reading

Introduced, read first time; referred to: Resources & Environment

03/10 Reported out of Committee with Do Pass Recommendation; Filed for second reading

03/11 Read second time; filed for Third Reading

04/06 Read third time in full – **PASSED - 35-0-0**

AYES – Agenbroad, Anthon, Bair, Bayer, Burgoyne, Burtenshaw, Cook, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Nelson, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Wintrow, Woodward, Zito

NAYS – None

Absent and excused – None

Floor Sponsor - Harris

Title apvd - to House

04/07 Returned from Senate Passed; to JRA for Enrolling

Reported Enrolled; Signed by Speaker; Transmitted to Senate

Received from the House enrolled/signed by Speaker

Signed by President; returned to House

04/08 Returned Signed by the President; Ordered Transmitted to Governor

04/09 Delivered to Governor at 10:14 a.m. on April 8, 2021

04/14 Reported Signed by Governor on April 9, 2021

Session Law Chapter 159

Effective: 07/01/2021

Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 42

IRRIGATION AND DRAINAGE — WATER RIGHTS AND RECLAMATION

CHAPTER 14

ADJUDICATION OF WATER RIGHTS

42-1409. NOTICE OF CLAIM. (1) The director shall prepare and furnish on request a standard notice of claim form. The notice of claim form shall include the following:

- (a) The name and address of the claimant;
- (b) The source of water;
- (c) The quantity of water claimed:
 - (i) The quantity of water claimed to be used for water rights acquired under state law shall describe the rate of diversion or, for an instream flow claim, a rate of water flow in cubic feet per second or the annual volume of diversion of water for use or storage in acre-feet per year, or both;
 - (ii) The quantity of water claimed for water rights established under federal law shall describe for each and every purpose the rate of present and future water diversion or, in the case of an instream flow claim, the rate of flow in cubic feet per second or annual volume of present and future diversion in acre-feet per year, or both;
- (d) The date of priority claimed:
 - (i) The date of priority claimed for water rights acquired under state law shall be from any license, permit, or decree; or if the right is not based upon a license, permit, or decree, then the date when the water was first applied to beneficial use; provided, that 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;
 - (ii) The date of priority claimed for water rights established under federal law shall be determined in accordance with federal law;
- (e) The number of claims, if founded upon a right on file with the department; or if the right is founded upon judicial decree not on file with the department, then the title of the court and cause, number of the action and the date of entry;
- (f) The legal description of the existing point(s) of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;
- (g) The purpose(s) of use and the period of use:
 - (i) The purpose(s) of use for water rights acquired under state law shall describe each purpose of use and the period of the year

when water is used for each purpose;

(ii) The purpose(s) of use for a water right established under federal law shall describe the purposes for which the water included in the claim is presently being used, if at all, and the period of the year when water is necessary for the designated purposes;

(h) A legal description of the place of use:

(i) The legal description of the place of use for water rights acquired under state law shall describe the land where the water is beneficially used; if one (1) of the purposes of use is irrigation, then the number of irrigated acres within each forty (40) acre subdivision, except as provided in section 42-219, Idaho Code; if one (1) of the purposes of use is stockwater on federal land, then the federal grazing allotment name and managing federal agency and the legal description of the base property to which the water right is appurtenant;

(ii) The legal description of the place of use for a water right established under federal law shall describe the federal reservation and the existing or proposed place of use for each consumptive use;

(i) The dates of any changes or enlargements in use for water rights acquired under state law, including the dimension of the diversion works as originally constructed and as enlarged;

(j) Conditions on the exercise of any water right included in any decree, license, approved transfer application or other document; and

(k) Such remarks and other matters as are necessary for definition of the right, for clarification of any element of a right or for administration of the right by the director.

(2) With respect to any water right for which a change was approved by the director pursuant to section 42-211 or 42-222, Idaho Code, after filing the notice of claim and prior to filing of the director's report, the claimant shall amend the notice of claim consistent with the determination of the director on the change.

(3) Each claimant, through submission of a claim, shall solemnly swear or affirm under penalty of perjury that the statements contained in the notice of claim or amended notice of claim are true and correct.

(4) All claimants of water rights that are included in a general adjudication shall file with the director a notice of claim for all water rights, except for those types of water rights designated in paragraphs (a) through (d) of subsection (1) of section 42-1420, Idaho Code.

(5) Any person who fails to submit a required notice of claim shall be deemed to have been constructively served with notice of a general adjudication by publication and mailing as required by section 42-1408, Idaho Code.

(6) Each purchaser of a water right from the water system shall inquire of the director whether a notice of claim has been filed and, if not, shall file a notice of claim in accordance with this section. All claimants and purchasers shall provide the director written notice of any change in ownership or of any change in mailing address during the pendency of a general adjudication in the manner prescribed in section 42-248, Idaho Code.

(7) At least one hundred twenty (120) days prior to filing of the director's report with the court, the director may notify each holder of a

permit or license to appropriate water from the water system, for which proof of beneficial use was filed after entry of the court's order commencing a general adjudication, to file a notice of claim within thirty (30) days of mailing of the notice. The director shall notify the holder of the permit or license by certified mail at the most recent address shown in the records of the department.

(8) The district court or director may extend the time for filing a notice of claim.

History:

[42-1409, added 1986, ch. 220, sec. 11, p. 570; am. 1994, ch. 454, sec. 15, p. 1457; am. 1994, ch. 455, sec. 1, p. 1479; am. 1997, ch. 374, sec. 3, p. 1196; am. 2007, ch. 187, sec. 1, p. 545; am. 2021, ch. 157, sec. 2, p. 435; am. 2021, ch. 159, sec. 1, p. 438.]

How current is this law?

Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 42

IRRIGATION AND DRAINAGE — WATER RIGHTS AND RECLAMATION

CHAPTER 14

ADJUDICATION OF WATER RIGHTS

42-1411. REPORT OF THE DIRECTOR. (1) The director shall prepare a director's report on the water system. The director may file the director's report in parts as the director deems appropriate. The director may include such explanatory material as he deems appropriate in the director's report. Such explanatory material shall not impose any conditions or restrictions on the rights reported and shall not be subject to objection. This explanatory material shall not be used to support any notice of claim, objection to a notice of claim, or response to an objection.

(2) The director shall determine the following elements, to the extent the director deems appropriate and proper, to define and administer the water rights acquired under state law:

- (a) The name and address of the claimant;
- (b) The source of water;
- (c) The quantity of water used describing the rate of water diversion or, in the case of an instream flow right, the rate of water flow in cubic feet per second or annual volume of diversion of water for use or storage in acre-feet per year as necessary for the proper administration of the water right;
- (d) The date of priority; provided that 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;
- (e) The legal description of the point(s) of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;
- (f) The purpose of use;
- (g) The period of the year when water is used for such purposes;
- (h) A legal description of the place of use; if one (1) of the purposes of use is irrigation, then the number of irrigated acres within each forty (40) acre subdivision, except that the place of use may be described using a general description in the manner provided under section 42-219, Idaho Code, which may consist of a digital boundary as defined in section 42-202B, Idaho Code, if the irrigation project would qualify to be so described under section 42-219, Idaho Code; provided that 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;

(i) Conditions on the exercise of any water right included in any decree, license, or approved transfer application; and

(j) Such remarks and other matters as are necessary for definition of the right, for clarification of any element of a right, or for administration of the right by the director.

(3) The director may include such general provisions in the director's report, as the director deems appropriate and proper, to define and to administer all water rights.

(4) The director shall file the director's report with the district court, and the director's report shall be a part of the record. Upon filing with the court, the director's report, except for the explanatory material referred to in subsection (1) of this section, shall constitute prima facie evidence of the nature and extent of the water rights acquired under state law. The unobjected to portions of the director's report shall be decreed as reported.

(5) Each claimant of a water right acquired under state law has the ultimate burden of persuasion for each element of a water right. Since the director's report is prima facie evidence of the nature and extent of the water rights acquired under state law, a claimant of a water right acquired under state law has the burden of going forward with the evidence to establish any element of a water right that is in addition to or inconsistent with the description in a director's report. Any party filing an objection to any portion of the director's report shall have the burden of going forward with the evidence to rebut the director's report as to all issues raised by the objection. Provided however, that a claimant objecting to the director's recommended place of use described by a digital boundary or other similar technology shall not be required to produce digital boundary or other similar technology-generated evidence in order to meet the burden provided by this section. Places of use described using digital boundaries or other similar technology-based descriptions shall not be entitled to any greater weight than descriptions by metes and bounds, the number of irrigated acres within each forty (40) acre subdivision, or other method adequate for the description of water rights. Any other party to the proceeding may submit evidence in opposition to the objector's position and in support of the director's report. All such proceedings shall be governed by the Idaho rules of civil procedure and Idaho rules of evidence.

(6) The director shall file an original of the director's report with the district court. The director shall also distribute for display and review at least one (1) copy of the director's report to the office of the clerk of the district court for each county in which any part of the water system is located. The director shall also serve on each claimant or the claimant's attorney whose water right is listed in the director's report a notice of filing of the director's report. Notice shall be sent to the last known address of the claimant or the claimant's attorney. The notice shall be prepared by the director using plain and concise language and shall include:

(a) A statement that the director's report of the various water rights acquired under state law has been filed with the district court, naming the district court(s) to which the report was filed;

(b) A copy of that portion of the report setting forth the claimant's water right;

(c) A statement that a complete copy of the director's report is available for inspection, listing the locations at which the director's report is available, which shall include the office of the clerk of the district court for each county in which any part of the water system is located, the offices of the department, and any other locations the director may designate;

(d) A statement that all or a portion of the director's report is available upon request at the offices of the department, subject to payment of a reasonable fee to cover costs of reproduction and mailing;

(e) A statement that any claimant may file objections to any portion of the director's report with the district court specified in the notice and must mail a copy of the objection to the director, and to the claimant of each claimed right objected to, if the objector is not also the claimant of the right for which the objection is filed;

(f) The date prior to which all objections must be filed, which shall not be less than sixty (60) days for any director's report containing five hundred (500) claims or less, one hundred twenty (120) days for any director's report containing more than five hundred (500) claims and not more than five thousand (5,000) claims, and one hundred eighty (180) days for any director's report containing more than five thousand (5,000) claims; the above-stated periods of time shall commence on the date of service by mail of the notice of filing;

(g) A statement that claimants may file responses with the court to objections filed against their claims and that a copy of any response must be mailed to the director and to the objector;

(h) The date prior to which all responses to objections must be filed with the court, which shall not be less than sixty (60) days following receipt of a copy of the objection; and

(i) A statement that any part of the report to which no objections are filed shall be decreed by the district court and the time and location set for the hearing at which the unobjected parts of the report will be decreed, which time shall not be less than sixty (60) days following the expiration of the period for filing objections.

(7) The director shall file an affidavit with the district court demonstrating compliance with the notice requirements of subsection (6) of this section.

History:

[42-1411, added 1986, ch. 220, sec. 13, p. 573; am. 1994, ch. 454, sec. 18, p. 1461; am. 1994, ch. 455, sec. 2, p. 1481; am. 1996, ch. 186, sec. 2, p. 586; am. 1997, ch. 374, sec. 4, p. 1198; am. 2002, ch. 12, sec. 1, p. 14; am. 2002, ch. 13, sec. 1, p. 17; am. 2002, ch. 306, sec. 3, p. 873; am. 2003, ch. 167, sec. 1, p. 472; am. 2021, ch. 159, sec. 2, p. 440.]

How current is this law?

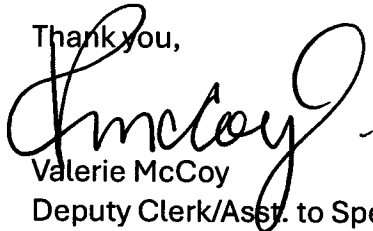
Idaho Water Adjudications
253 3rd Ave N
Twin Falls, ID 83301

August 27, 2025

To Whom It May Concern:

The Court received the enclosed correspondence from Mr. Gallant on August 27, 2025. Where there was no certificate of mailing with said correspondence, the Court is unsure whether or not all parties were notified properly. As such, the Court has mailed a copy of the correspondence from Mr. Gallant to each party for their review in order to prepared for the upcoming Status Conference on September 2, 2025, at 1:30p.m. (MT) for 67-15208 and September 2, 2025 at 2:00p.m. (MT) for 67-15209, et al.

Thank you,

A handwritten signature in black ink, appearing to read "V. McCoy", written over the printed name "Valerie McCoy".

Valerie McCoy

Deputy Clerk/Asst. to Special Masters

Idaho Water Adjudication | 253 3rd Ave N Twin Falls, ID

Office: 208-736-3011 | Fax: 208-736-2121

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of CORRESPONDENCE received from Mr. Gary Gallant were mailed on August 27, 2025, by first-class mail to the following:

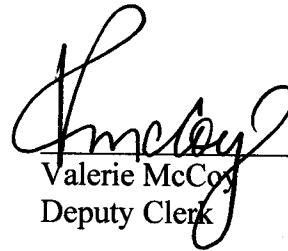
State of Idaho
Department of Lands
300 N 6th St ,Ste 103
PO Box 83720
Boise, ID 83720-0050

Represented by:
United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Cody and Britney Chandler
1151 Devil's Elbow Rd
Weiser, ID 83672

Gary Gallant
1677 Goodrich Rd
Council, ID 83612-5252



Valerie McCoy
Deputy Clerk