



U.S. Department of Justice

Environment and Natural Resources Division

90-6-2-63C

Reply to:

Angela Minahan
General Litigation Section
P.O. Box 663
Washington, DC 20044-0663

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Room 3404
Washington, D.C. 20004

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Facsimile (202) 305-0506

January 12, 2004

By Federal Express

Clerk of the Court
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, Idaho 83303-2707
208-736-3011

RECEIVED

JAN 15 2004

Department of Water Resources

Re: Filing of SF-2
Subcase: 29-13572

Dear Clerk of the Court:

Enclosed for filing with the Court is the above listed SF-2.

Please do not hesitate to contact me concerning this filing.

Sincerely,

Angela Minahan
Paralegal
U.S. Department of Justice

Enclosure(s)

RECEIVED

JAN 15 2004

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 29-13572
(Insert water right number From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B.

NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America, Acting Through
U.S.D.I., Bureau of Land Management
Idaho State Office
Address: 1387 S. Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

Larry A. Brown, Attorney
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435
FAX: (202) 305-0274

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Thomas J. Katsilometes
Address: 639 University Drive
Pocatello, Idaho 83201
(208) 251-5287

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(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation

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

The Claimant's objection seeks to add a Place of Use (hereinafter "POU") that was claimed but was not recommended: SESE, S25, T06S, R35E. The United States opposes the inclusion of this POU as the Claimant is not authorized to use federal public land. The Claimant's objection attaches his original notice of claim which contains several unauthorized POUs on federal public land: NENE, NWNE, SENE, and SESE, S25, T06S, R35E. The United States opposes inclusion of these POUs. IDWR did not recommend the NENE nor the SENE of S25. The Claimant's objection appears to seek removal of a POU on BLM in NENE, S35, T06S, R35E.

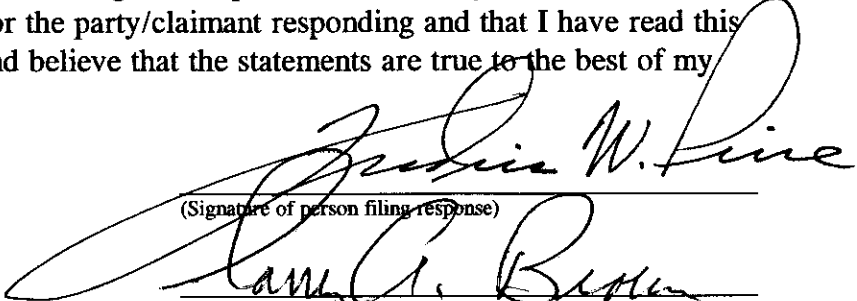
E.

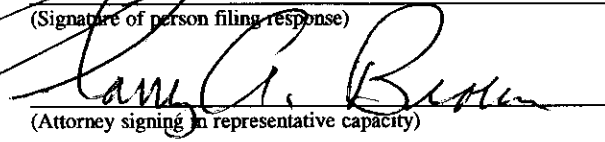
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, duly sworn, upon oath, deposes and says:
(Name of person filing response)

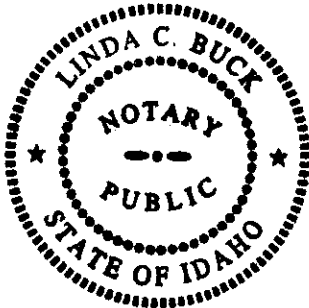
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

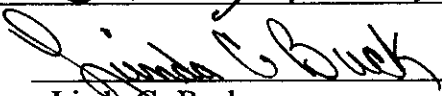

(Signature of person filing response)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2004




Linda C. Buck

Notary Public in and for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2005

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 Jan. 12, 2004 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:

Thomas J. Katsilometes
639 University Dr.
Pocatello, Idaho 83201

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

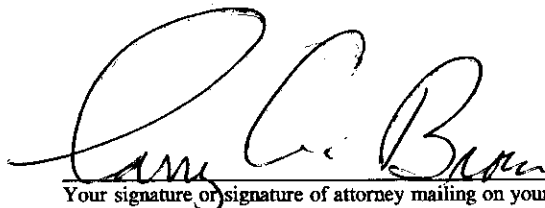
The objector is also the claimant (same as address above).

4. Copies to:

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Your signature or signature of attorney mailing on your behalf

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13572

NAME AND ADDRESS: THOMAS J KATSILOMETES
639 UNIVERSITY DR
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/10/1974

POINT OF
DIVERSION: T06S R35E S26 SENESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for mobile sheep camp.

PLACE OF USE: STOCKWATER Within BANNOCK County

<u>T06S R35E S25 BLM NWNW</u>	T06S R35E S25	SWNE
T06S R35E S25 NWNW	T06S R35E S25	SWNW
T06S R35E S25 SENW	T06S R35E S25	NESW
T06S R35E S25 NWSW	T06S R35E S25	SWSW
T06S R35E S25 SESW	T06S R35E S25	NESE
T06S R35E S25 NWSE	T06S R35E S25	SWSE
T06S R35E S26 SWNE	T06S R35E S26	SENE
T06S R35E S26 NESE	T06S R35E S26	NWSE
T06S R35E S26 SWSE	T06S R35E S26	SESE
<u>T06S R35E S35 BLM NENE</u>	T06S R35E S36	NENW
T06S R35E S36 NWNW		

DOMESTIC same as STOCKWATER

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No(s): R3851022400, R3581022500, R3581022616, R3581022617, R3581022619, R3581022620, and R3581022621

Stockwater use is for 2000 sheep.