

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 22-07225  
(Insert water right number)

**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 the Department of Interior,  
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

**Name & Address of Attorney, if any:**

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax  
United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

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

Name: Kenneth T. and Douglas K. Sakota

Address: P.O. Box 163; Rexburg, Idaho 83440

Name:

Address: ;

Name:

Address: ;

**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** See attached.

11. **Recommendation:**

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

**REASONS SUPPORTING RESPONSE:**

The Objector is seeking to expand the Place of Use (POU) to include the service areas of the Teton Island Feeder Canal Co. and the Fremont Madison Irrigation District. BLM has filed objections to the inclusion of federal public land within the digital boundary of the Fremont Madison Irrigation District water claims. The description of the POU should be specific enough to exclude federal public land.

E.

**VERIFICATION** (Must be Completed)

State of Idaho )  
 ) ss.  
County of ADA )

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

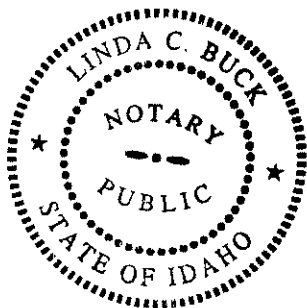
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price  
(Signature of person filing response)

Lane A. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 27, 2006  
Linda C. Buck  
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

## 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 July 27, 2006, 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  
P.O. Box 2707  
Twin Falls, ID 83303-2707

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

Kenneth T. and Douglas K. Sakota  
P.O. Box 163; Rexburg, Idaho 83440

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

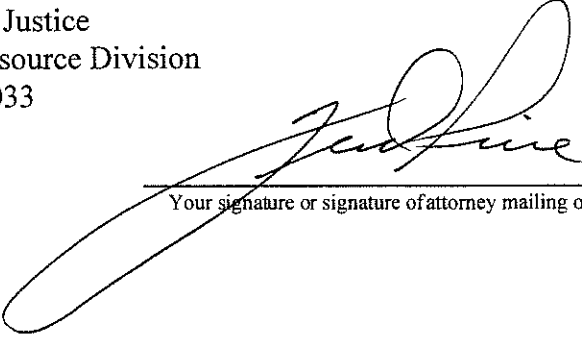
Kenneth T. and Douglas K. Sakota  
P.O. Box 163; Rexburg, Idaho 83440

4. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

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

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

  
Your signature or signature of attorney mailing on your behalf

05/02/2006

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

RIGHT NUMBER: 22-7225  
NAME AND ADDRESS: DOUGLAS K SAKOTA  
PO BOX 163  
REXBURG ID 83440  
  
KENNETH T SAKOTA  
PO BOX 163  
REXBURG ID 83440

SOURCE: GROUND WATER                      TRIBUTARY:  
QUANTITY: 2.880 CFS  
504.00 AFY  
PRIORITY DATE: 04/11/1977  
POINT OF  
DIVERSION: T06N R40E S18 NENENE Within MADISON County  
PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/15          | 2.880 CFS<br>504.00 AFY |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within MADISON County  
T06N R40E S18      NENE      33.00      T06N R40E S18      NWNE      36.00  
T06N R40E S18      SWNE      36.00      T06N R40E S18      SENE      39.00

144 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Teton Island Canal & Fremont Madison Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.