

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 37-00321
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Alex Anchustegui

Address: P.O. Box 414; Shoshone, Idaho 83352-0414

Name: Elsa Anchustegui

Address: 1900 S. Phillippi St.; Boise, Idaho 83705-3641

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

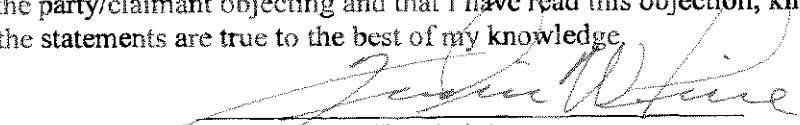
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

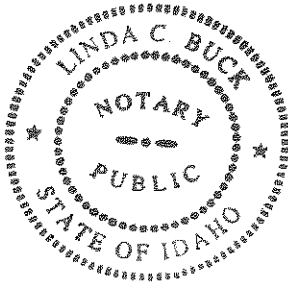
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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


(Signature of person filing objection)

Daniel N. Price, Esq. LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 29, 2006




Linda C. Buck
Notary Public in and for the State of Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G.

CERTIFICATE OF MAILING

I certify that on March 9, 2006, I mailed the original and copies of this objection, 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:

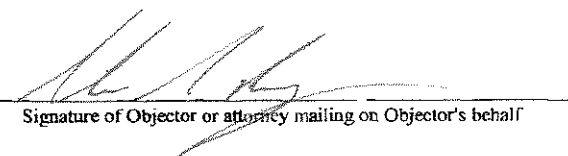
Name: Alex Anchustegui
Address: P.O. Box 414; Shoshone, Idaho 83352-0414
Name: Elsa Anchustegui
Address: 1900 S. Phillippi St.; Boise, Idaho 83705-3641
Name: ;
Address: ;
Name: ;
Address: ;

3. 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


Signature of Objector or attorney mailing on Objector's behalf

11/01/2005

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

RIGHT NUMBER: 37-321
NAME AND ADDRESS: ALEX ANCHUSTEGUI
PO BOX 414
SHOSHONE ID 83352-0414
ELSA ANCHUSTEGUI
1900 S PHILLIPPI ST
BOISE ID 83705-3641

MIXED POU
- THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MAHAD RIVER

QUANTITY: 3.000 CFS
USE OF THIS RIGHT WITH RIGHT NO. 37-59A IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 692 AF.

PRIORITY DATE: 04/30/1884

POINT OF
DIVERSION: T05S R18E S13 NWNESE Within LINCOLN County
T05S R18E S13 NWNESE Within LINCOLN County
T05S R18E S23 SWNESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	3.000 CFS 692.00 APY

PLACE OF USE: IRRIGATION Within LINCOLN County

BLM/PVT	T05S R18E S14	SESW	3.0	T05S R18E S14	NESE	4.0	BLM/PVT
BLM/PVT	T05S R18E S14	NWSE	2.0	T05S R18E S14	SWSE	26.0	
	T05S R18E S14	SESE	33.0	T05S R18E S23	NENE	22.0	
	T05S R18E S23	NWNE	30.0	T05S R18E S23	SWNE	4.0	
	T05S R18E S23	NENW	23.0	T05S R18E S23	SWNW	6.0	
	T05S R18E S23	SENW	20.0				

173 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-59A IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 173 ACRES IN A SINGLE IRRIGATION SEASON.

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.

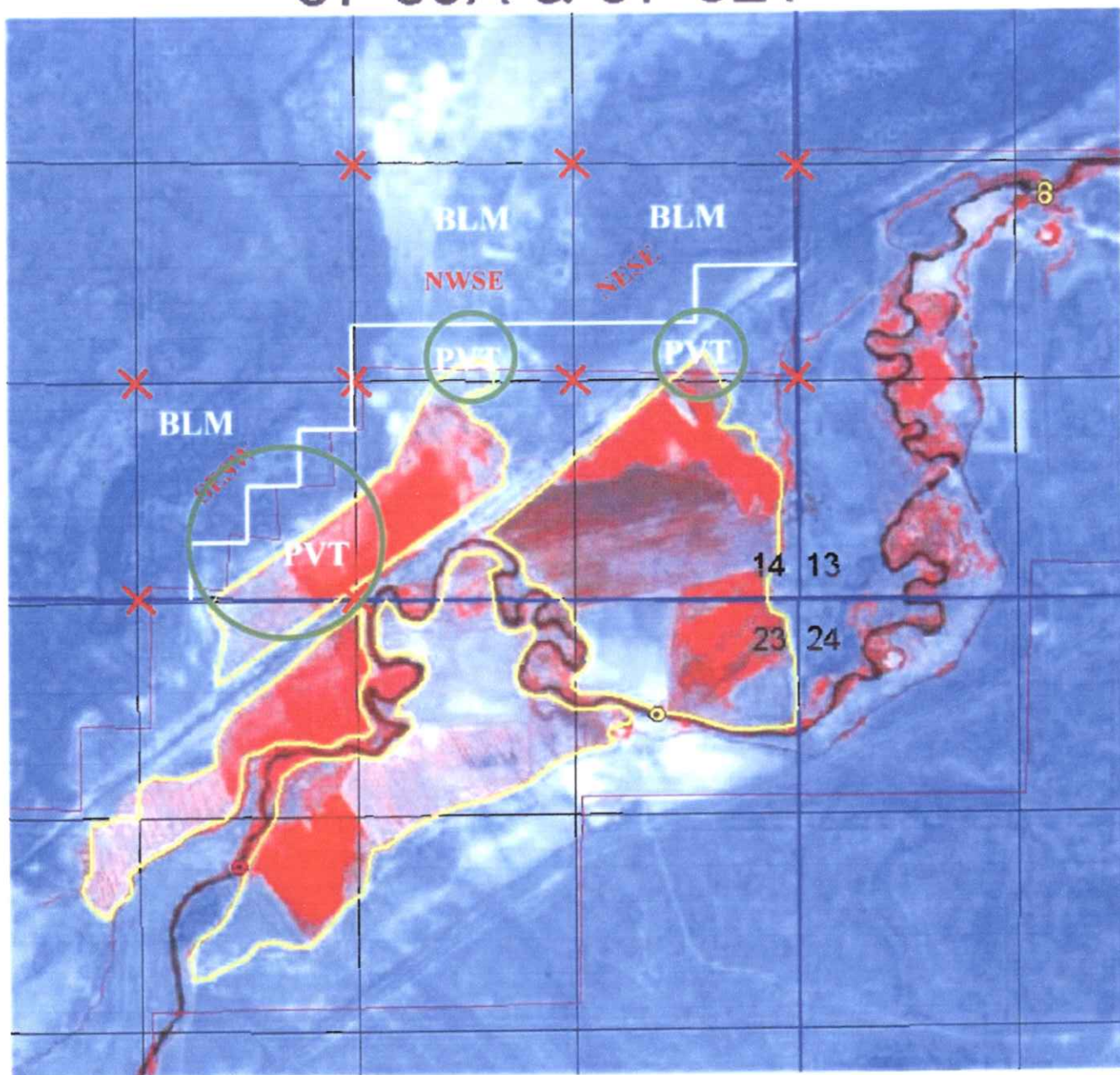
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Three of the eleven pous are MIXED OWNERSHIP. The following limiting language inserted
under Place of Use would resolve the BLM's Objection to POU;

"PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS"

IDAHO DEPT OF WATER RESOURCES

37-59A & 37-321



1320 0 1320 Feet

- Basin 37 part 1-POU
- Basin 37 part 1-POD
- Ownership FED-Private
- Streams
- Section Lines
- Quarter - Quarter lines

TWN: 5S
RNG: 18E

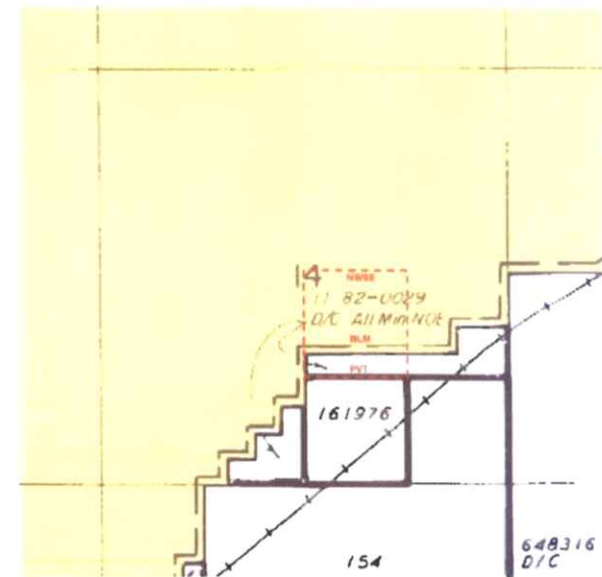


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 31, 2003

37-00059A & 37-00321 – Alex and Elsa Anchustegui T05S, R18E, S14, NWSE

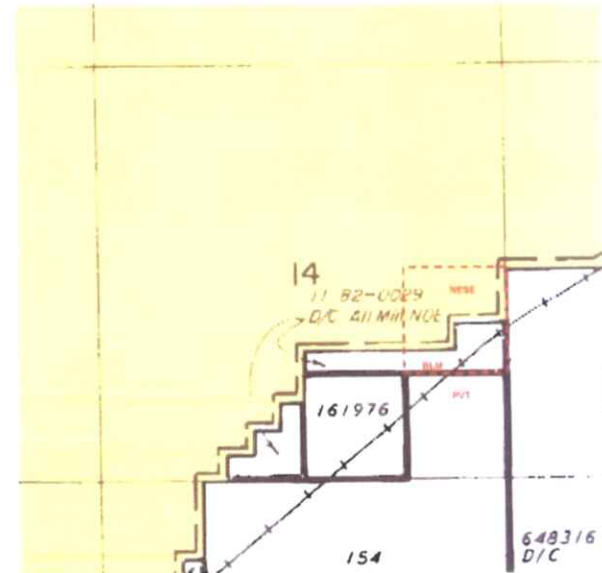
Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	18E	37-00059A	14 NW	SE	37			☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU
05S	18E	37-00321	14 NW	SE	37			☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU



Add remark under Place of Use;
"The use of water under this
right does not include a use on
Federal Public Land."

37-00059A & 37-00321 – Alex and Elsa Anchustegui T05S, R18E, S14, NESE

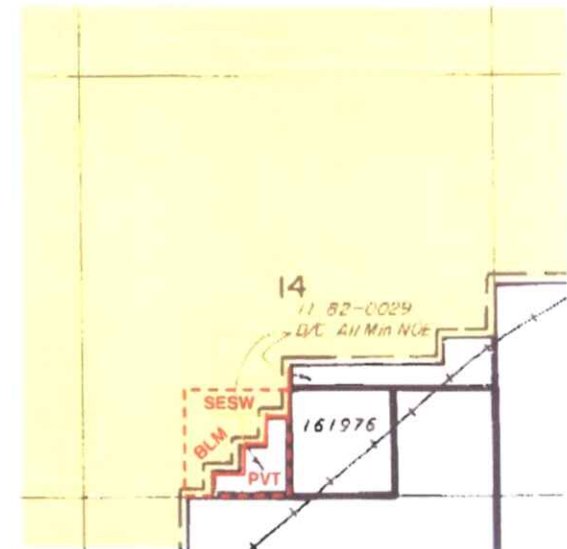
	Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
▶	05S	18E	37-00059A	14	NE	SE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU
	05S	18E	37-00321	14	NE	SE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU



Add remark under Place of Use;
**"The use of water under this
 right does not include a use on
 Federal Public Land."**

37-00059A & 37-00321 – Alex and Elsa Anchustegui T05S, R18E, S14, SESW

Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	18E	37-00059A	14 SE	SW	37			☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU
05S	18E	37-00321	14 SE	SW	37			☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU



Add remark under Place of Use;
**“The use of water under this right
 does not include a use on Federal
 Public Land.”**

