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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

Subcase 74-2047H

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Robert A. Bonuccelli

Address: P.O. Box 141449

Spokane, WA 99214

Daytime Phone: (509) 924 - 9730

Name & Address of Attorney, if any:

Josephine P. Beeman

Beeman & Associates, P.C.

409 West Jefferson Street

Boise, Idaho 83702

(208) 331-0950

(208) 331-0954 (fax)

jo.beeman@beemanlaw.com

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Vergil O. Olson

Address: 536 Lemhi Rd.

Salmon, ID 83467

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Robert A. Bonuccelli
P.O. Box 141449
Spokane, WA 99214
2. ☒ **Source**
Should be: Lemhi River
3. ☒ **Quantity**
Should be: .701 CFS
4. ☒ **Priority Date**
Should be: 09/19/1909
5. ☒ **Point(s) of Diversion**
Should be: Lemhi River NWNW Sec. 33 T 21N R 23E
(L-9, also known as the "Mormon Ditch")
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 3/15 to 11/15
9. ☒ **Place of Use**
Should be: Motion to Amend filed concurrently, corrects the place of use to 10.2 acres in the NWSW of Section 12, 4.8 acres in the NESE of Section 11, and 2 acres in the SESE of Section 11, all in T21N, R22E.
10. ☒ **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

SRBA Claim 74-2047H for diversion from the Lemhi River through L-9, also known as the Mormon Ditch, should not have been disallowed. 74-2047B, the root right for 74-2047H, was

decreed in the Lemhi Adjudication on December 30, 1982, and has always been diverted from the Lemhi River through L-9 (the Mormon Ditch). Right 74-2074, also decreed in the Lemhi Adjudication, has always been diverted from Kirtley Creek, a tributary to the Lemhi River. 74-2074 and 74-2047 could easily be confused if the last two digits in either are transposed. This Objection was made necessary by such an apparent transposition.

During one of many changes in ownership of the underlying place of use previously decreed for Lemhi River Right 74-2047B, Vergil Olson apparently transposed 74-2047B into 74-2074B, the Kirtley Creek right, when Mr. Olson acquired (additional) shares of the Mormon Ditch (the point of diversion for 74-2047B, from the Lemhi River, also known as L-9). The shares are referenced in Mr. Olson's subsequent misnumbered SRBA Claim 74-2074B. Neither the Lemhi Adjudication for Kirtley Creek Right 74-2074, nor current SRBA recommendations for splits of Kirtley Creek Right 74-2074 include any property listed on Olson's SRBA Claim 74-2074B. When the property listed in Olson's SRBA Claim 74-2074B was subsequently sold to Robert Bonuccelli, this transposition of 74-2047B into 74-2074B was discovered in research to determine the status of Vergil Olson's SRBA claim for these additional shares from the Mormon Ditch.

Vergil Olson's misnumbered SRBA Claim 74-2074B was disallowed, but subsequent research of 74-2047B disclosed SRBA Claim 74-2047H, also filed by Vergil Olson, for which there are watermaster delivery and assessment records for every year from 1994 through 2005. This subsequent research also disclosed that SRBA recommendations for the split of 74-2047B do not total the acres or cfs originally decreed to 74-2047B in the Lemhi Adjudication. The recommended disallowal of 74-2047H on January 19, 2006 was never objected to by Vergil Olson. The memorandum which will be filed in support of the Motion to File Late Objection and the Motion to Amend SRBA Claim 74-2047H explains that the original Lemhi decree for 74-2047B includes part of the Bonuccelli property, that the Bonuccelli property has been receiving water from the Mormon Ditch, and that 74-2047H should be recommended for Robert Bonuccelli as described in this Objection, with a correction to the legal description for the place of use.

VERIFICATION

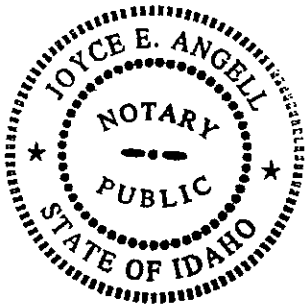
State of Idaho)
)ss.
County of Ada)

I, Josephine P. Beeman, duly sworn, upon oath, depose and say 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.

Josephine P. Beeman
Josephine P. Beeman

Subscribed and sworn to before me on: October 21, 2008



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2014

CERTIFICATE OF MAILING

I certify that on October 21st, 2008, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

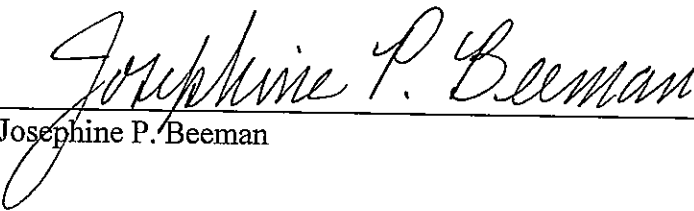
Vergil O. Olson
536 Lemhi Rd.
Salmon, ID 83467

3. Copies to:

IDWR Document Depository
PO 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



Josephine P. Beeman