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OCT 22 2008

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 No. 74-2047H

)

)

Case 39576

)

) STANDARD FORM 4

)

)

) MOTION TO FILE:

)

) ☐ LATE NOTICE OF CLAIM

)

) ☒ AMENDED NOTICE OF CLAIM

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).
My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Robert A. Bonuccelli

My name is Josephine P. Beeman

My address is Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702

My phone number is (208) 331-0950 FAX: (208) 331-0954

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The original claim for 74-2047H, filed July 31, 1990 by Vergil Olson, erroneously listed the place of use as 16 acres in the NWNE Section 11, T21N, R22E. The place of use for water right 74-2047H should be 4.8 acres in the NESE of Section 11, 2 acres in the SESE of Section 11, and 10.2 acres in the NWSW of Section 12, , all in T21N, R22E.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Pursuant to I.R.C.P. 7(b)(3), a Memorandum in Support of the Motion to File an Amended Notice of Claim for 74-2047H will be filed within 14 days.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

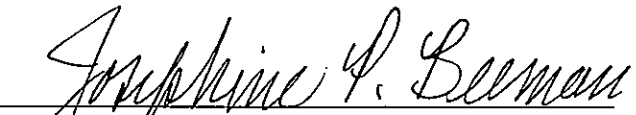
VERIFICATION

State of Idaho

County of Ada

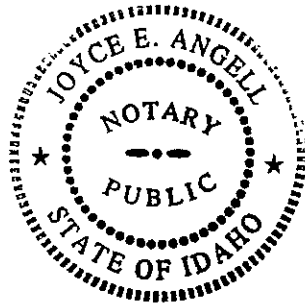
Josephine P. Beeman, being first duly sworn, upon oath, deposes and says:

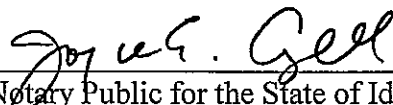
That I am the attorney for the party/claimant filing this motion for amended or late claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Attorney signing in representative capacity

Subscribed and sworn to before me on 10-21-08
(Insert Date)





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission expires: 7-29-14

CERTIFICATE OF MAILING

I certify that on October 21st, 2008 I caused to be served the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

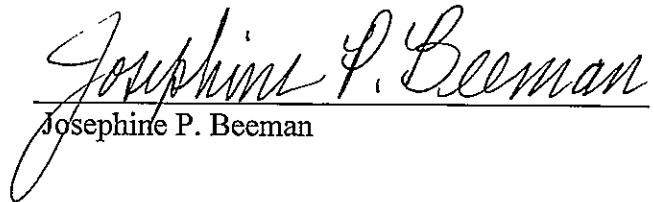
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

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DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409(2) a 1/88 (Internet)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 74-2047H
Date Received _____
Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s): Robert A Bonuccelli Phone: (509) 924-9730
Mailing Address: PO Box 141449, Spokane, WA Zip: 99214-1449
2. Date of Priority (Only one (1) per claim): 09/19/1909
3. Source of water supply (a): Lemhi River
Which is tributary to (b): Salmon River
4. a. Location of point of diversion is: Township: 21N Range: 23E Section: 33
1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, B.M., County of Lemhi
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headgate (L-9) at Lemhi River, Gravity Ditch through Mormon Ditch.

6. Water is claimed for the following purposes:

For Irrigation purposes from 3/15 to 11/15 amount 0.701 (cfs) or (acre feet)

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.701 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 40.0 acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Stockwater Incidental to Irrigation

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
21N	22E	11													4.8			2.0	6.8
		12										10.2							10.2

Total number of acres irrigated 17.0

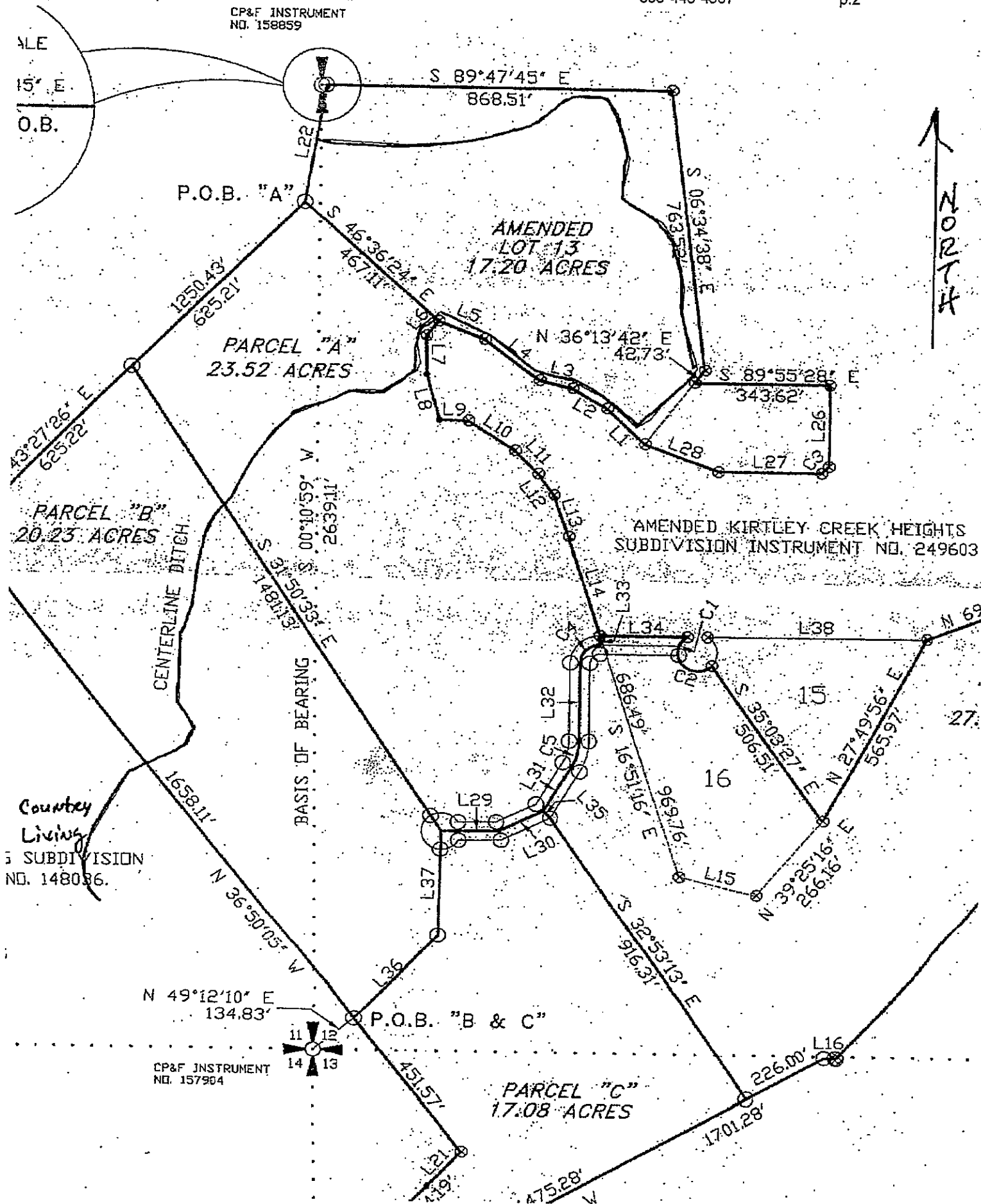
11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

 or None ()

14. Remarks:



Oct. 20. 2008 11:37AM

No. 0445 P. 5

15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 74-2047H is a split of 74-2047B, decreed in the Lemhi Adjudication

Court District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Lemhi
Case Number Civil No. 4948 Decree Date 30th of December, 1982

Plaintiff vs Defendant In the Matter of the General Determination of the Rights to the Use of the Surface Waters and Tributaries from Whatever Source of the Lemhi River Drainage Basin.

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

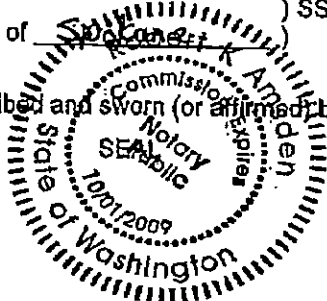
Signature of Claimant(s) [Signature] Date 10/20/08

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____, that I have signed the foregoing
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or WA)
County of Spokane) SS.

Subscribed and sworn (or affirmed) before me this 20th day of October 2008
Notary Public Robert K. Charles
Residing at Spokane Valley
My Commission Expires 10-01-2009



17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman
Address Beeman & Associates, 409 W. Jefferson Street, Boise, ID 83702
Date October 21, 2008

Last Name Bonuccelli Ident. Number 74-2047 H