

AFFIDAVIT OF CARL W. LUNDHOLM

COPY

STATE OF IDAHO)
) ss.
County of Bonneville)

Claimant, Carl W. Lundholm, being first duly sworn, on his oath deposes and says:

1. Affiant is the claimant in subcases numbers 31-335A, 31-372 and 31-4009. Affiant is well acquainted with the land referenced in those subcases and the irrigation thereof and makes this affidavit based on his own personal knowledge. Affiant was born in May, 1926, and his family moved to Hamer, Idaho, when he was about six (6) months old. Except for his time in the service of his country, affiant has resided and farmed in the Hamer area his entire life.
2. Affiant's family acquired much of the land now owned and farmed by affiant several decades ago. Affiant's grandfather, Samuel N. Lundholm, first acquired property in this area in 1907. Affiant's father, Samuel W. Lundholm, acquired the land consisting of most of the NW1/4 of Section 35, T.7N., R.35E., lying on the north side of Camas Creek, in 1937, and the NE1/4 of Section 34, also lying on the north side of Camas Creek in said township and range in 1945 and 1950. The land had been previously farmed, and affiant and his family have continued to farm the land every year since.
3. Originally, the land was served with water brought through a ditch from Deadline Lake, commencing in about 1908 or 1910. That source eventually dried up, and a well, known by affiant and affiant's family as the "North Well", located in the SWNE1/4, Section 26, T.7N., R.35E., drilled in about 1930, became the source of water for affiant's lands in the NW1/4 Section 35, and the NE1/4 Section 34, T.7N., R.35E. The well is a prolific well and produces adequate water for the irrigation of virtually all of the 320, plus or minus, acres in these two (2) quarter sections. A significant portion of the land in the NE1/4 of Section 34 has been used as pasture for a long time. Nevertheless, it has been flood irrigated with water from the same well and should have been included as part of the place of use in the Partial Decrees entered for water rights numbers 31-335A, 31-372 and 31-4009. Instead of 190.4 acres in Section 35 only, the total acreage under such rights should be about 412 acres, including the lands in the NE1/4 Section 34.

4. Unfortunately during the time I should have been working with IDWR officials to clarify these issues, I became ill and unable to concentrate or focus on these matters. I did meet with Mr. Bryce Contor of IDWR about February 21, 2001, and intended to follow up, but that is about the time I became too ill. By April 2001, I was not even able to take care of my normal business and it became worse until I finally underwent some major surgery on March 31, 2002. Since that time, I have been recovering very slowly. I am still improving, but have been able to refocus on these water rights matters in recent weeks. When I approached IDWR officials in the Idaho Falls office about the mistakes I felt had been present in some of the partial decrees, they told me about a possible process for obtaining relief from a Partial Decree and referred me to an attorney for assistance.
5. I have copies of some black and white aerial photographs taken in 1966, 1972 and 1980 on which can be seen much of the ditch system used for distributing the water for flood irrigation to the western and southern portions of the NE1/4 of Section 34 where pasture was historically flood irrigated. Copies are attached to this affidavit.

Dated this 29th day of March, 2005.

Carl W. Lundholm
Carl W. Lundholm

SUBSCRIBED AND SWORN TO before me this 29th day of March, 2005.



Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2010

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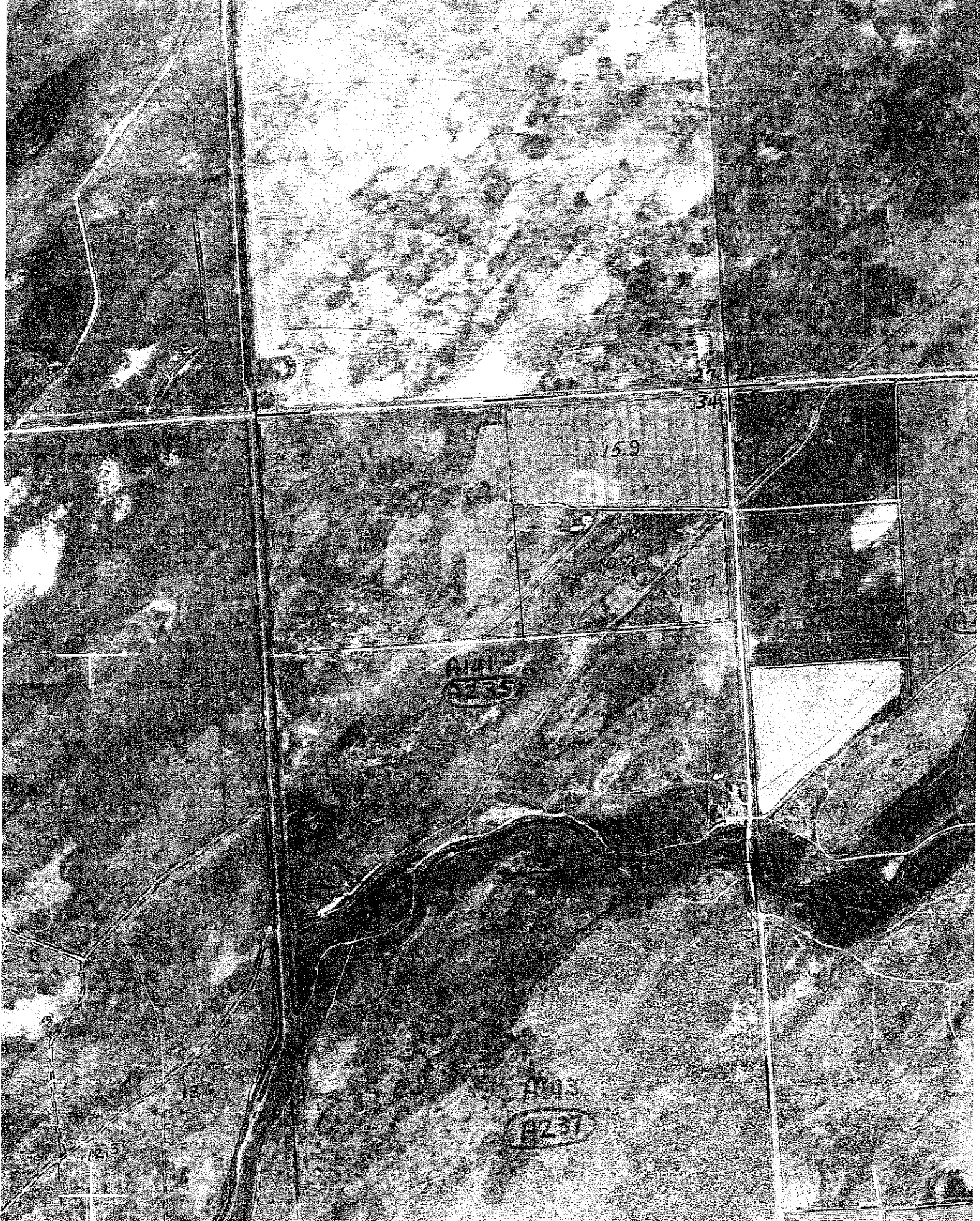
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