

IN THE MATTER OF:

Claims to Water Rights
Filed by E. Jay Hartvigsen

ATTENDANT

State of Idaho
County of Ada

Rudolph Lundgren, being first duly sworn, deposes and says:

That I am familiar with the use of water on the property now owned by E. Jay Hartvigsen on Quaking Aspen Creek in Bannock County, Idaho. My father, Nils Lundgren and my uncle, Emanuel Martin homesteaded adjoining pieces of land along the creek in 1915. These lands lie in Secs 34 and 35 T12S R37E 1W. I was 17 years old at the time these homesteads were taken up and I worked on the property. The water from several springs and seeps was used for domestic, stockwatering and irrigation purposes. One of these springs, Mud Spring, was filed on by my father but Proof of Beneficial Use was apparently never submitted. I personally was on the property part of each year from 1915 to 1917 and then again from 1924 to 1930. In 1930 I took over my father's property and operated this farm from 1930 to 1971 when I sold it to the present owner.

In 1926 I personally piped the water from Mud Spring to the house where it continued to be used for domestic, stockwatering and irrigation. In all, about 4 acres were irrigated from the Mud Spring, about 7 acres along the east side of Quaking Aspen Creek and a small area from an unnamed stream to the west of Quaking Aspen Creek. We watered a total of 8 horses, 10 milk cows, 10 pigs and 200 chickens from the various water sources. The water supplied the needs for one family. To my knowledge, the use of water has been continuous from 1915. It has also been with the full knowledge of the owners of water from Quaking Aspen Creek and streams to which it is tributary.

R. Lundgren

(Signature)

Subscribed and sworn to before me this 29 day of April, 1983.

Francis P. [Signature]

(Notary Public)

At Boise, Idaho

My Commission Expires 2/21/84

MAY 4 1983