

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

RIGHT NUMBER: 31-4009

NAME AND ADDRESS:

CARL W LUNDHOLM
1806 N 2000 E
HAMER ID 83425

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

0.930 CFS

~~3.500 CFS~~

339.400 AFY

~~642.000 AFY~~

The rights listed below are limited to a total combined annual diversion volume of 987 af. Combined Right Nos.: 31-335A, 31-372, and 31-4009.

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.53 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2043.8 AF. COMBINED RIGHT NOS.: 31-335A,
31-372.~~

PRIORITY DATE:

07/13/1943

POINT OF DIVERSION:

T07N R35E S26 SWNE

Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 11/01	<u>0.930 CFS 339.40 AFY</u>
		~~3.500 CFS 630.00 AFY~~
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION within JEFFERSON County

<u>T07N R35E S34 NENE 39.0</u>	~~T07N R35E S34 NENE 40.0~~
<u>T07N R35E S34 NWNE 39.0</u>	
<u>T07N R35E S34 SWNE 36.0</u>	
<u>T07N R35E S34 SENE 29.0</u>	~~T07N R35E S34 SENE 6.4~~
<u>T07N R35E S35 NENW 39.0</u>	~~T07N R35E S35 NENW 38.0~~
<u>T07N R35E S35 NWNW 40.0</u>	
<u>T07N R35E S35 SWNW 37.0</u>	~~T07N R35E S35 SWNW 39.0~~
<u>T07N R35E S35 SENW 23.0</u>	~~T07N R35E S35 SENW 27.0~~

STOCKWATER Same As IRRIGATION

282 ACRES TOTAL

~~190.4 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 282 acres in a single irrigation season. Combined Right Nos.: 31-335A, 31-372, and 31-4009.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 180 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 190.4 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-335A, 31-372.~~

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.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 range/dairy cattle.

The following rights are also diverted through point of diversion described above:
31-335A, 31-372, and 31-4009.

INSTRUMENT NO. 85199.

WATER DISTRICT NO. 66
Elvin W. Henninger
Watermaster.

Dubois, Idaho.

County of Clark:

State of Idaho:

This is to certify the measurements of an irrigation well of Wes Lundholm's situated North of residence, as follows:

356 inches.

Measured September 4, 1947.

Elvin W. Henninger,

Watermaster Water District No. 66,
Dubois, Idaho.

Recorded at the request of Wes. Lundholm on February 28, 1948 at 11:45 o'clock A.M.

By: Nettie A. Kelley, Deputy.

Eileen Madsen, Recorder.

INSTRUMENT NO. 88548.

STATE OF IDAHO

LICENSE AND CERTIFICATE OF WATER RIGHT.

WATER LICENSE NO. 10220. PRIORITY 5-18-1914. Amount 4.74 sec. ft.

THIS IS TO CERTIFY that PETER McKEVITT, of Roberts, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 18, 1914; that permit No.

866 MILLIGAN ROAD • 522 - 8317
P.O. BOX 1814
IDAHO FALLS, IDAHO

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

SEVERANCE AGREEMENT

WHEREAS, Carl W. Lundholm and Gladys I. Lundholm
of Hamer, Idaho, County of Jefferson, State of

Idaho, herein called Borrower, has applied to the United States of America, herein called the Government, for a loan for the purpose of installing, constructing, erecting, adding, or refinancing indebtedness relating to, for other advance of funds, or for advantages in connection with the servicing of a loan previously made, and has agreed to give the Government as security a chattel lien(s) on the following structures, works, and equipment, to wit:

Sprinkler Equipment:

- 1 Pump - Berkeley Tracto-rain (portable) Ser#2154
- 630 ft. - 5" Portable Main line aluminum pipe with risers (Moore Rain)
- 2640 ft. of 4" lateral pipe, aluminum, w/risers and 5/32 rain trol nozzles
- 2 valves (connection)
- 2 end plugs (4 in.)
- 2 end plugs (5 in.)

located or to be located on the following-described real estate situated in the county and State aforesaid:

The NW $\frac{1}{4}$ of Section 35, and the NE $\frac{1}{4}$ of Section 34, all in Township 7, North Range 35 EDM

Beginning at a point 450 feet north of the SW corner of the SW $\frac{1}{4}$ of Section 35, Twp. 7 North, Range 35, E.B.M., and running thence East 257 feet; thence North 300 feet; thence west 95 feet; thence South 34 feet; thence West 38 feet; thence South 23 feet thence west 124 feet; thence South 243 feet to the point of beginning.

That part of the NE $\frac{1}{4}$ of Section 35 lying North of Camas Creek in Township 7 North, Range 35, E.B.M.

NOW, THEREFORE, for and in consideration of the making, insuring of, or servicing advantages with respect to, a loan by the Government and of the installation of such structures, works, and equipment by the Borrower, the parties hereto covenant and agree that, as to the liens of the Government or its assigns and until the Borrower is no longer indebted for any loans made or insured by the Government which are secured by a chattel lien thereon, such structures, works, and equipment, shall be considered as personal property, shall be and remain severed from and shall not be or become fixtures or a part of the real estate described above even though attached thereto, and shall not be subject to any encumbrances heretofore or hereafter placed on said real estate by any of the parties hereto or their successors and assigns, except the chattel liens of the Government.

IN WITNESS WHEREOF, The parties hereto have executed this instrument this 22nd day of

August, 19 1966.

Carl H. Lundholm
Borrower - Husband

Individual Mortgagee Owner *

Gladys I. Lundholm
Borrower - Wife

Individual Mortgagee Owner *

UNITED STATES OF AMERICA
Real Estate Mortgagee

If a corporation:

By

(Name of Corporation Mortgagee Owner) *

Title
Farmers Home Administration

By
Duly Authorized Officer

Title

CORPORATE SEAL

* Delete "Mortgagee" or "Owner"

ACKNOWLEDGMENTS

4-24-2006 - conversation with
Carl Lundholm

Prior to 1966 this N¹/₂ NE¹/₄ Sec 34, was flood irrigated
& intensively worked to channe water thru system. Sec
central ditch from well - This was mainly pasture.

Approx 1966 a trada pump irris system purchased. Water was taken
out of Independent canal, (well water pumped into canal (via old ditch)
to sprinkle the N¹/₂ NE¹/₄ Sec 34. This was put all
in pasture. This was set up to run 2 (1/2 mile) lines
or 4 (1/4 mile lines). Request made for copies of loan
money documents relative to the purchase. (X)

* Well in SW NW Sec 26 was Frank Jackitt (now Marty)
& this well pumped into Independent Canal & then was taken
out & put on NE¹/₄ of Sec 34. This took place prior to
1945 when claimants Father bought property.

* Area is now under low pressure pivots from pump/well
located in SENE Sec 35 (1977 well)

* Also small piece of ground in NWSW Sec 35 should have been
included in partial drive.

Steve Jones

1966

078-266-210

999

27 24

54 35

Ditch system

Ditch

Ditch 1

A141

A235

Ditch 2

1968
Ditch

A143

A237



1972 photo shows
additional imigation

Claim	31-4009
Doc Source	Chamant-1972
BA	
Date	2/21/01
Sig.	Die

AFFIDAVIT OF CARL W. LUNDHOLM

COPIED

STATE OF IDAHO)
) ss.
County of Bonneville)

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

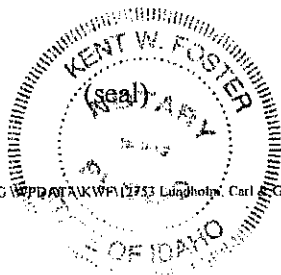
1. Affiant is the claimant in subcases numbers 31-335A, 31-372 and 31-4009. Affiant is well acquainted with the land referenced in those subcases and the irrigation thereof and makes this affidavit based on his own personal knowledge. Affiant was born in May, 1926, and his family moved to Hamer, Idaho, 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 SWNE, 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.

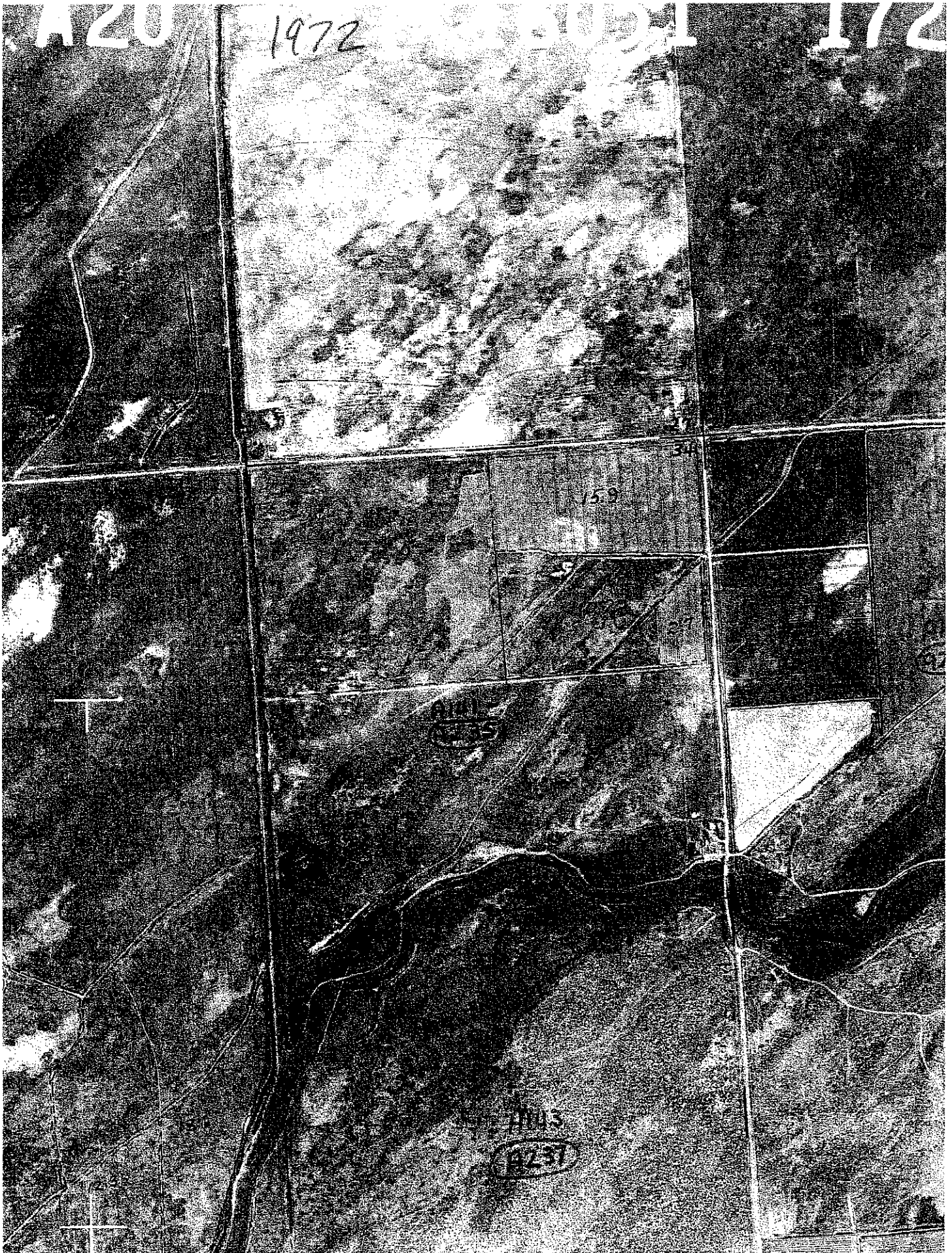
Dated this 29th day of March, 2005.

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



1980

