



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

October 2, 2006

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

RE: Subcase Nos. 31-335A, 31-372 & 31-4009 (Lundholm)

Dear Clerk:

Enclosed for filing, please find a Standard Form 5 for each of the above-referenced subcases.

An *Order Setting Deadlines, Status Conference and Trial* was issued by Special Master Bilyeu on September 26, 2006 and provided for a deadline to file an Amended Director's Report of November 9, 2006. In order to avoid any potential confusion, I have spoken with Robert Harris, and Mr. Harris indicated that he would be providing the Court with a letter indicating that his client will not be amending his claims.

If you should have any questions or comments, please feel free to contact me at 287-4810.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh  
Deputy Attorney General, IDWR

Enclosures

cc: Rob Harris  
Ernie Carlsen.

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. 31-4009      |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

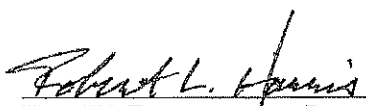
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT/OBJECTOR:**

Carl W. Lundholm

  
for Kent W. Foster      Date Sept. 27, 2006  
Attorney for Claimant/Objector

IDWR Concurrence:

Ernest Carlsen 9-22-06  
Ernest Carlsen Date  
IDWR Adjudication Supervisor

Candice McHugh 10/2/06  
Candice McHugh Date  
Deputy Attorney General  
Attorney for IDWR

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:  
GROUND WATER

Tributary:

QUANTITY:

1.550 CFS 3.500 CFS  
339.400 AFY 642.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 1047 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:

09/04/1947  
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>1.550 CFS</u> <u>339.40 AFY</u> |
|                |                | <u>3.500 CFS</u> <u>630.00 AFY</u> |
| STOCKWATER     | 01/01 12/31    | 0.050 CFS                          |

PLACE OF USE:

| IRRIGATION                     | within JEFFERSON County        |
|--------------------------------|--------------------------------|
| <u>T07N R35E S34 NENE 39.0</u> | <u>T07N R35E S34 NENE 40.0</u> |
| <u>T07N R35E S34 NWNE 39.0</u> |                                |
| <u>T07N R35E S34 SWNE 36.0</u> |                                |
| <u>T07N R35E S34 SENE 29.0</u> | <u>T07N R35E S34 SENE 6.4</u>  |
| <u>T07N R35E S35 NENW 39.0</u> | <u>T07N R35E S35 NENW 38.0</u> |
| <u>T07N R35E S35 NWNW 40.0</u> |                                |
| <u>T07N R35E S35 SWNW 37.0</u> | <u>T07N R35E S35 SWNW 39.0</u> |
| <u>T07N R35E S35 SENW 23.0</u> | <u>T07N R35E S35 SENW 27.0</u> |
| STOCKWATER Same As IRRIGATION  |                                |
| <u>282 ACRES TOTAL</u>         | <u>190.4 ACRES TOTAL</u>       |

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.~~

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

---

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.

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.

EMC

RH

SMC

## CERTIFICATE OF MAILING

I certify that on October 2, 2006, I mailed 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:

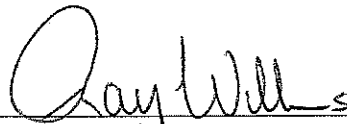
1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CARL W LUNDHOLM  
Represented by:  
KENT W FOSTER  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098



Signature of person or attorney mailing the form