

Affidavit of Publication
THE RIGBY STAR

RECEIVED
JUL 15 1974

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof; first publication having been made on the
20th day of June, 1974

and the last publication on the

27th day of June, 1974

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this 12th

day of July, 1974
(SEAL)

R H Gamma
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$-----

MY COMMISSION EXPIRES JULY 15, 1977

MB NOTICE OF CLAIM
TO A WATER RIGHT
NO. 31-4009

Notice is hereby given that Carl Lundholm, Hamer, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.5 cubic feet per second of water from a groundwater source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 35E, B.M., Jefferson County.

The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 180 acres and stockwatering purposes for 200 head of Beef and Dairy Cattle. only periodically during the year with a priority of July 13, 1943, the place of use is within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 34, T. 7N, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in The Rigby Star, Rigby, Idaho on June 20 and June 27, 1974.

31 4009

Identification No. 31 4009
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Carl Lundholm
post office address Hamer, Idaho 83425
2. The point of diversion is in ~~NE 1/4~~ ^{SE 1/4} of NE $\frac{1}{4}$ Section 26 Township 7N
Range 35E B.M. located on _____
(name of source)
tributary to underground in Jefferson County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
July 13, 1943 amount: 3.5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 3.5 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use irrigation period of use from April 15 to Nov. 1 (both dates inclusive)
use stock watering period of use from periodically (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of drilled well and pump 25 horsepower; length is -- feet; height is 45 feet; width at bottom is -- feet; width at top is -- feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known This is increase and use being claimed.
 - b. Underground water diverting works: is well flowing or pumped pumped; depth of well is 87 feet; diameter of well is 20 inches; type of pump is turbine (bowl type)
capacity of pump is 2925 g.p.m.; name and address of well driller is Cope Well Drilling, Idaho Falls, Idaho

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c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____.

d. If water is stored: name of reservoir: None

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____
if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

180 Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 200 beef and dairy cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Permit No. 17543 was issued with a priority of August 19, 1931 and
was confirmed in a decree in Jefferson County, Idaho, entitled Samuel
W. Lundholm, plaintiff, vs. Elvin W. Henninger, Water Master of Water
District No. 66, defendant, which decree bore date of December 8,
1944, and has been entered in the records of the Department of Recla-
mation, State of Idaho, in Volume VI of Decrees beginning at Page 926.
By the terms of such decree, Samuel W. Lundholm was decreed 3 cubic
feet per second of water from subterranean and underground sources.
Since 1943 applicant has been using from such subterranean source an
additional 3.5 c.f.s. and files a claim to a water right based upon
diversion and application for a period of time commencing July 13,
1943. Please refer to Certificate of Water Master attached.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

6-7-74
(Date)

Carl Lundholm
(Signature of Claimant) Carl Lundholm

State of Idaho }
County of Jefferson } ss.
Bonneville

On this 7th day of June 19 74, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Rigby, Idaho

My commission expires 5/3/77

For Department Use Only

Received by <u>MB</u> Date <u>6-14-74</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>NCP</u> Date <u>6/17/74</u>	_____	_____	_____
Fee received by <u>MB</u> Date <u>6-14-74</u> Fee <u>\$12.00</u>	_____	_____	_____
Approved for publication by <u>[Signature]</u>	_____	_____	_____
Published in <u>The Rigby Star</u> Dates <u>6/20-27/74</u>	_____	<u>31</u>	<u>4009</u>

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or			acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.

5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.

6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof; first publication having been made on the

21st day of June, 1974

and the last publication on the

27th day of June, 1974

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this 12th

day of July, 1974
(SEAL)

R. H. Harmon

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1977

NOTICE OF CLAIM TO A WATER RIGHT NO. 31-4009

Notice is hereby given that Carl Lundholm, Hamer, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.5 cubic feet per second of water from a groundwater source with point of diversion in the NE 1/4 NE 1/4, Sec. 26, T. 7N, R. 35E, B.M., Jefferson County.

The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 180 acres and stockwatering purposes for 200 head of Beef and Dairy Cattle. only periodically during the year with a priority of July 13, 1943, the place of use is within the N 1/2 NE 1/4, SW 1/4 NE 1/4, Sec. 35, S 1/2 NE 1/4, Sec. 34, T. 7N, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in The Rigby Star, Rigby, Idaho on June 20 and June 27, 1974.

TO WHOM IT MAY CONCERN:

I, Donald W. Shenton, Watermaster of Water Dist. #31 (formerly Water Dist. #61) hereby testify to the following statements.

I am acquainted with Carl Lundholm, I know of his farming operations. I am very familiar with his irrigation works and lands irrigated.

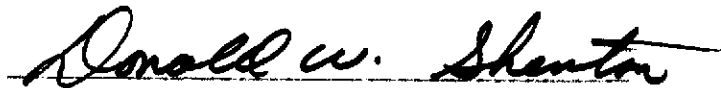
I testify that he has used water for many years on the lands mentioned in his claim to a water right.

I testify that I as watermaster measured his well on numerous occasions and found his flow from this well to be mostly in excess of 6.0 c.f.s. The well I refer to is the well mentioned in application to a claim to a water right.

I testify that Carl Lundholm has exchanged water into and out of Mud Lake and Camas Creek, using Mud Lake for a storage reservoir for this well water for a number of years now, as is recorded in Water Masters Annual Report and allotment reports. This custom has been permitted as a right like most other Mud Lake users, using the same practice.

I feel Mr. Carl Lundholm is entitled to this claim to a water right as stated in his application of a claim to a water right.

Dated this 22 day of May, 1974.



Donald W. Shenton
Watermaster, Dist. #31

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 15, 1974

Re: Claim to a Water Right No. 31-4009

Mr. Carl Lundholm
Hamer
Idaho 83425

Dear Mr. Lundholm:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copy of claim

31 4009

July 8, 1974

Re: Claim to a Water Right No. 31-4009 Lundholm
Application for Transfer No. 31-2426 Cal-Ida, Inc. CORRECTION

The Rigby Star
Box 37
Rigby, ID 83442

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on June 20 and June 27, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

31 4009

June 14, 1974

RE: Claim to a Water Right No. 31-4009 - Lundholm

The Rigby Star
Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

Bill submitted 7-15-74 by MB

Enc: Legal Notice (1)

31 4009

31 4009

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 31-4009

Notice is hereby given that Carl Landholm, Hammer, Idaho has filed a claim to a water right established by use of 3.5 cubic feet per second of water from a groundwater source with point of diversion in the NE 1/4, Sec. 28, T. 1N, R. 35E, B.M., Jefferson County, Idaho. The water is claimed to be used from April 15 to Nov. 1 for the irrigation of 180 acres and stockwatering purposes for 200 head of beef and dairy cattle, only periodically during the year with a priority of July 18, 1943, the place of use is within the NE 1/4, SW 1/4, Sec. 38, SW 1/4, NE 1/4, Sec. 34, T. 1N, R. 35E, B.M. Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1915 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director
Published in The Rigby Star, Rigby, Idaho on June 20 and June 21, 1974.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 31-4009

Notice is hereby given that Carl Lundholm,

Hamer, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 3.5 cubic feet per second ~~3000 feet per second~~
of water from a ground-water source

with point of diversion in the NE¹/₄NE¹/₄, Sec. 26, T. 7N, R. 35E, B.M.,
Jefferson County.

The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation
of 180 acres and stockwatering purposes only ^{1200 L} periodically during the year

with a priority of July 13, 1943;

the place of use is within the N¹/₂NE¹/₄, SW¹/₄NE¹/₄, Sec. 35, S¹/₂NE¹/₄, Sec. 34, T. 7N,
R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on June 20 and June 27, 1974.

*CB-2
Called 6-17-74 MB
CB-A
Called 6/20/74 MB
CB-A*

31 4009