

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

I, R. I. 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, in 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 said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for

Two consecutive issues thereof; first publication having been made on the

25th day of *September*, 19*52*

and last publication on the

2nd day of *October*, 19*52*

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 bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this *15th*

day of *Oct*, 19*52*

(SEAL)

Hape B Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires *Jan 30*, 19*54*

Publication Fee: \$ *pd*

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT
Notice is hereby given that Samuel W. Lundholm, of Hamer, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Subterranean sources as follows: Amount: 3.0 cubic feet per second; Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 26, Township 7 N., Range 35 E. Place of Use: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26 and NW $\frac{1}{4}$ Section 35 Twp. 7 N. R. 35 E. E. B. M.
Transfer to Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 N., Range 35 E. Place of Use: 2 cubic feet per second to NW $\frac{1}{4}$ Section 35 and 1 cubic feet per second to NE $\frac{1}{4}$ Section 34, Twp. 7 N.R. 35 E.E.M.
And that on the 3rd day of October 1952, at 10 o'clock, a. m., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.
MARK R. KULP,
State Reclamation Engineer.
(38-39)

MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Lundholm, Samuel W.	3.0		31-0330
800	Lundholm, Samuel W.	3.0	0	31-0330A

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RECEIVED

C O P Y

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Samuel W. Landholm, of
Hamer, Idaho

For a Transfer of Water Right, in Water
District No. 66, Jefferson County, Idaho.

ORDER GRANTING TRANSFER

No. 890

WHEREAS, On the 3rd day of October, 1933, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Samuel W. Landholm, of Hamer, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of January, A.D. 1935.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 800.

THIS IS TO CERTIFY That SAMUEL W. LUNDHOLM, of Hamar, Idaho, is the owner of and using Three (3) cubic feet per second of the waters from subterranean sources with priority of August 19, 1931, said water being decreed to him by Judge C. J. Taylor of the Ninth Judicial District of the State of Idaho, in and for the County of Jefferson, in the case of

SAMUEL W. LUNDHOLM

Plaintiff.

vs.

ELVIN W. HESCHKINGER, Watermaster of Water District No. 68

Defendant.

said decree bearing date of December 8, 1944, and being appurtenant to the following described lands, to-wit:

W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25,
NW $\frac{1}{4}$ Section 35, Township 7 North, Range 35 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 6 of Decrees, beginning at Page 926.

And that now, upon the application of Samuel W. Lundholm, of Hamar, Idaho, for the transfer of Three (3) cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Three (3) cubic feet per second of the waters of subterranean sources upon the above described land is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

2 cubic feet per second to NW $\frac{1}{4}$ Section 35,
1 cubic foot per second to NE $\frac{1}{4}$ Section 34,
Township 7 North, Range 35 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount to-wit:

3 cubic feet per second of water from subterranean
sources with priority of August 19, 1931.

That the water right hereby transferred has heretofore been conducted to the first above described lands through private ditches with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 North, Range 55 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditches with no change in points of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of January, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Samuel W. Lundholm, of
Hamer, Idaho

For a Transfer of Water Right, in Water-
District No. 66, Jefferson County, Idaho.

ORDER GRANTING TRANSFER

No. 800

WHEREAS, On the 3rd day of October, 1953, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Samuel W. Lundholm, of Hamer, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of January, A.D. 1953.

MARK H. KULP
State Reclamation Engineer

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 800.

THIS IS TO CERTIFY That SAMUEL W. LUNDHOLM, of Hamar, Idaho, is the owner of and using Three (3) cubic feet per second of the waters from subterranean sources with priority of August 19, 1931, said water being decreed to him by Judge C. J. Taylor of the Ninth Judicial District of the State of Idaho, in and for the County of Jefferson, in the case of

SAMUEL W. LUNDHOLM

Plaintiff.

vs.

ELVIN W. HEMMINGER, Watermaster of Water District No. 66

Defendant.

said decree bearing date of December 8, 1944, and being appurtenant to the following described lands, to-wit:

W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36,
NW $\frac{1}{4}$ Section 35, Township 7 North, Range 35 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 6 of Decrees, beginning at Page 926.

And that now, upon the application of Samuel W. Lundholm, of Hamar, Idaho, for the transfer of Three (3) cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Three (3) cubic feet per second of the waters of subterranean sources upon the above described land is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

2 cubic feet per second to NW $\frac{1}{4}$ Section 35,
1 cubic foot per second to NE $\frac{1}{4}$ Section 34,
Township 7 North, Range 35 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount to-wit:

3 cubic feet per second of water from subterranean source with priority of August 19, 1931.

That the water right hereby transferred has heretofore been conducted to the first above described lands through private ditches with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 North, Range 35 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditches with no change in points of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of January, 1953.

MARK R. KULP
State Reclamation Engineer

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON.

SAMUEL W. LUNDHOLM,

Plaintiff,

vs.

ELVIN W. HENNINGER, Watermaster
of Water District No. 66,

Defendant.

FINDINGS, CONCLUSION,
JUDGMENT AND DECREE.

F I L E D

December 9th, 1944

1:50 o'clock P. M.

RONALD Y. HOGGE,

Clerk District Court,

By: Helen Duffy, Deputy

This cause came on for hearing before the Court, at Chambers at Idaho Falls, Idaho, this 8 day of December, 1944. O. A. Johannesen, Esq., appeared for and on behalf of the plaintiff, and the defendant did not appear either in person or otherwise. Documentary evidence was thereupon introduced on the part of the plaintiff. The Court being fully informed as to the facts and the law, therefore, makes the following FINDINGS, CONCLUSION, JUDGMENT AND DECREE.

FINDINGS OF FACT:

The Court finds as facts proven by competent and satisfactory evidence the following:

I

That the defendant is the duly elected, qualified, and acting Watermaster of Water District No. 66, and that said District is located in the Counties of Clark and Jefferson in the State of Idaho.

II

That the plaintiff has for many years past been, and now is the owner and in the possession of the following described real property situated in Jefferson County, State of Idaho, to-wit:

The Northwest Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter of Section 25; the Northeast Quarter of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter; and the Northwest Quarter of the Southeast Quarter of Section

NOT RECORDED

26; the Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 35, all in Township 7 North, Range 35 East Boise Meridian.

III

That on the 19th day of August, 1931, the plaintiff filed in the office of the Commissioner of Reclamation of the State of Idaho an application, which is numbered 24637, and that in said application the plaintiff claimed the right to the use of three (3) cubic feet per second of subterranean water for use upon his said described lands in the irrigation thereof and for domestic purposes, and that the points of diversion are located in the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 25, and the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 26, Township 7 North, Range 35 East Boise Meridian; that there was issued to the plaintiff by the Department of Reclamation Water Permit No. 17543, which granted to him the aforesaid application and rights claimed thereby. That the plaintiff has diligently and uninterruptedly completed his works of diversion and has applied the water to beneficial use, and that said water has been beneficially used, uninterruptedly, every year for more than ten years last past.

IV

That each and all of the allegations set forth in plaintiff's complaint on file herein have been proven by competent evidence, which is satisfactory to the Court, and the Court finds that said allegations, and each and all of them, are true.

V

That this action is brought by the plaintiff pursuant to the provisions of Title 7, Chapter 12 of the Idaho Code Annotated, and which Chapter is generally designated as the "Uniform Declaratory Judgment Act", passed by the 1933 Legislature of the State of Idaho, and any Acts amendatory thereto.

CONCLUSION OF LAW:

31-0330-
As a conclusion of law, the Court concludes that the plaintiff is entitled to have the order and decree of this Court determining and declaring that the plaintiff is the owner of and entitled to the use, continuously, of three (3) cubic feet per second of water from subterranean sources with points of diversion situated in the West half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 25, and the East half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 26, Township 7 North, Range 35 East Boise Meridian, with a date of priority dating from August 19th, 1931.

MEMORANDUM

TO: Eastern Region
FROM: Roberta Garrett
RE: Decree No. 31-0330 in 31-BW and 31-AW
DATE: June 14, 1985

Please change your records accordingly.

<u>OLD NO.</u>	<u>NEW NO.</u>	<u>NAME</u>
31-0330 T.800	31-0372	Samuel W. Jundholm (31-BW)

MICROFILMED

January 23, 1953

Messrs. Albaugh, Bloom, Barnard & Smith
Box 428
Idaho Falls, Idaho

ATT: Mr. John L. Bloom

Dear Mr. Bloom:

We enclose Transfer Certificate No. 800 in the name of Samuel W. Lundholm, issued in accordance with his application to change the place of use of subterranean water to the NW $\frac{1}{4}$ Section 35, and the NE $\frac{1}{4}$ Section 34, Township 7 North, Range 33 East, B.M.

We also enclose departmental receipt No. 25449 for the \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:fg
Enc.

cc: Mr. Elvin W. Henninger

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

RECEIVED
JAN 19 1953
Department of Reclamation

January 16, 1953

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

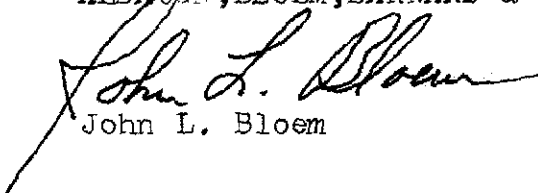
Dear Sir:

We have finally received the Affidavit of Publication regarding the Samuel W. Lundholm water transfer, and enclose the same herewith.

We trust you may now be able to issue the certificate.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH


John L. Bloem

JLB:jb
Encl

RECEIVED

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for Two consecutive issues thereof; first publication having been made on the

25th day of September, 1952

and last publication on the

2nd day of October, 1952

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 bona fide subscribers in Jefferson County.

least two hundred bona fide subscribers in

Subscribed in my presence and sworn to before me this 15th

day of Oct, 1952

(SEAL)

Hape B Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho
My commission expires Jan 30, 1952

Publication Fee: \$ 100.00

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that Samuel W. Lundholm, of Hamer, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Subterranean sources as follows: Amount: 3.0 cubic feet per second; Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section of Township 7 N., Range 40 E. Place of use: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 of T. 7 N., R. 40 E., S. 26.

Transfer to Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, Township 7 N., Range 40 E. Place of use: 2 cubic feet per second to NW $\frac{1}{4}$ Section 33 and 1 cubic foot per second to NW $\frac{1}{4}$ Section 34, Township 7 N., S. 26 E.B.M.

And that on the 15th day of October 1922 at 10 o'clock A.M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to present and present for his consideration any reason or reasons why such certificate should not be issued authorizing such transfer.

MADE BY KULP
State Reclamation Engineer.

Page 89) **State Reclamation Engineer**

RECORDED

January 10, 1953

Messrs. Albaugh, Bloom, Barnard & Smith
201 Rogers Building
Idaho Falls, Idaho

Attention- Mr. John L. Bloom

Dear Mr. Bloom:

Reference is made to your letter of
January 9th in regard to transfer application of
Samuel W. Ludholm.

We have not yet received the affi-
davit of publication, which you requested the
Rigby Star to send us in your letter of November
18th.

As soon as this affidavit is received,
we can issue certificate of transfer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2384

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

January 9, 1953

RECEIVED
JAN 10 1953
Department of Reclamation

Re: License No. 17543

MR. MARK R. KULP
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

On December 12 we wrote you concerning the transfer of water write of Samuel W. Lundholm, in answer to which you requested the Affidavit of Publication and \$1.00 recording fee.

On December 18 we forwarded you our check for \$1.00 together with a copy of a letter to The Rigby Star requesting that they send you the Proof of Publication. To date we have heard nothing further.

Mr. Lundholm is trying to obtain a loan on his place, which is being held up until the water right can be established. Please advise us if there is anything further we should do to accelerate this matter.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH

JLB.s

By


John L. Bloem

MICROFILMED

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-5 ROGERS BUILDING
IDAHO FALLS, IDAHO

RECEIVED
DEC 19 1952
Department of Reclamation

December 18, 1952

Re: Water License No. 17543
S. W. Lundholm

THE RIGBY STAR
Rigby
Idaho

Gentlemen:

Last September you published a notice of transfer of water right for S. W. Lundholm, a clipping of which is enclosed.

We are unable to locate the Proof of Publication of this notice, and were wondering if you could make a new one and mail it direct to Mark R. Kulp, State Reclamation Engineer, Boise, Idaho.

Very truly yours: J. L. B.

ALBAUGH, BLOEM, BARNARD & SMITH

JLB:s
Enc-Clipping

By

John L. Bloem
John L. Bloem

cc-State Reclamation Engineer

December 17, 1952

Messrs. Albaugh, Bloem, Bernard & Smith
Box 428
Idaho Falls, Idaho

ATT: Mr. John L. Bloem

Dear Mr. Bloem:

In answer to your letter of December 12, 1952, in which you inquired about the S. W. Lundholm application for transfer of water right, we wish to refer you to office letter of September 10, 1952, in which we stated that it would be necessary for you to furnish this department with an affidavit of publication from the Rigby Star, also the statutory fee of \$1.00 for recording same in this office.

Upon receipt of said affidavit and fee, we will immediately complete the transfer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

December 12, 1952

RECEIVED
DEC 15 1952
Department of Reclamation

Re: License No. 17543

MARK R. KULP
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

I had an occasion to use the
S. W. Lundholm file today, and note that we have
received no word as to the action taken on his
Application for Transfer or Water Right filed
last September.

Mr. Lundholm is borrowing on
his place and the loan company is requiring that
this be completed.

Please advise the present
status.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH

JLB:s

By

John L. Bloem
John L. Bloem

RECEIVED
DEC 15 1952

September 10, 1952

Messrs. Albaugh, Bloom, Bernard & Smith
Box 428
Idaho Falls, Idaho

ATT: Mr. John L. Bloom

Dear Mr. Bloom:

Under this date, we have mailed to the Rigby Star, newspaper at Rigby, Idaho, notice of publication in connection with a transfer of water right in the name of Samuel W. Lundholm of Hamer, Idaho.

It will be necessary to furnish affidavit of publication from the newspaper. Also, there is a \$1.00 fee for recording to be paid this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
cc: Mr. Samuel W. Lundholm

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date September 10, 1952

**The Rigby Star,
Rigby, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **October 3, 1952** the date set for the hearing, the expense of the publication to be paid by the applicant, **Samuel W. Lundholm. Hamer, Idaho.**

to whom you should furnish proof of publication on or prior to the date set for the hearing.

Please acknowledge receipt of this notice, and furnish this department with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By **Roy.W.Thompson,**
Supervisor of Water Distribution,

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Samuel W. Lundholm,
of Hamer, Idaho. has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the ~~point of diversion~~
~~and~~ place of use of the waters of Subterranean sources

as follows: Amount: 3.0 cubic feet per second,
and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 26
Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 7.N.,
Range 35.E. Place of Use:

W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26 and NW $\frac{1}{4}$ Section 35

Twp. 7.N. R. 35.E. B.M.

Transfer to
Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25 and ENE $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26
35.E., Township 7.N.,
Range 35.E. Place of Use:
2 cubic feet per second to NW $\frac{1}{4}$ Section 35 and 1. cubic feet per second
to NE $\frac{1}{4}$ Section 34, Twp. 7.N. R. 35.E. B.M.

And that on the 3rd, day of October 1952, ~~1951~~
at 10 o'clock A M., at Room 107, State House, Boise Idaho.
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK. R. KULP.
State Reclamation Engineer.

RECORDED

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 426
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

August 21, 1952

RECEIVED
AUG 23 1952
Department of Reclamation

Re: Permit 17543

MR. MARK R. KULP
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Enclosed you will find the application of Samuel W. Lundholm for change of place of use of water right.

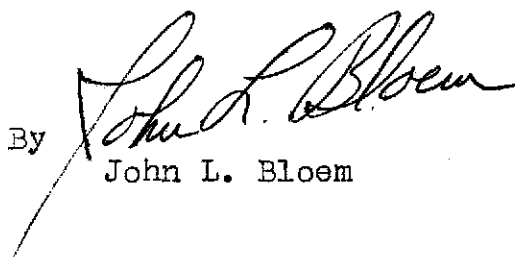
I presume you have forms for giving notice of this application, as provided in Section 42-222, Idaho Code.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH

JLB:s
Enc-1

By


John L. Bloem

THE

of quieting title in the plaintiff and against the above named defendants and each and all of them, in and to all the real property described in the caption hereof.

WITNESS My hand and the Seal of said District Court this 26th day of August, 1952.

EILEEN MADSEN, Clerk.

T. HAROLD LEE,
Attorney for Plaintiff;
Residence and Post Office
and 25, 1952.
Address, Rigby, Idaho.
Publish: August 28; September 4, 11, 18.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Samuel W. Lundholm, of Hamer, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Subterranean sources as follows: Amount: 3.0 cubic feet per second; Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 26, Township 7 N., Range 35 E. Place of Use: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26 and NW $\frac{1}{4}$ Section 35 Twp. 7 N. R. 35 E. B. M.

Transfer to Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 N., Range 35 E. Place of Use: 2 cubic feet per second to NW $\frac{1}{4}$ Section 35 and 1 cubic feet per second to NE $\frac{1}{4}$ Section 34, Twp. 7 N.R. 35 E.B.M.

And that on the 3rd day of October 1952, at 10 o'clock, a. m., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,

State Reclamation Engineer.

(38-39)

Application for Transfer of Water Right

STATE OF IDAHO,

County of Bonneville

} ss.

SAMUEL W. LUNDHOLM

, being first duly sworn, deposes and says:

That his name is Samuel W. Lundholm; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Hamer, Idaho

That he is the owner and using a certain water right, bearing date of priority of Aug. 19 1931, for three cubic feet per second of the waters of subterranean sources County of Jefferson, State of Idaho, decreed to Samuel W. Lundholm by decree of Judge, C. J. Taylor of the Ninth Judicial District of the State of Idaho, in and for the County of Jefferson, in the case of Samuel W. Lundholm vs. Elvin W. Henninger, said decree bearing date of December 8, 1944 (or obtained by virtue of License No. 17543, issued by the State Engineer of the State of Idaho, dated July 28, 1936, bearing date of priority of August 19, 1931) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 66 in the County of Jefferson and State of Idaho, to-wit: N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, NW $\frac{1}{4}$ Section 35, all in Township 7 North, Range 35, E.B.M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

as per abstract of title of said water right hereto attached and made a part of this statement:
subterranean sources

That said waters are now diverted from said ~~stream~~ in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 North, Range 35 East, B. M., and conducted to the above described lands through private irrigation ditches

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of three cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Jefferson and State of Idaho, to-wit:
2 cubic feet per second to NW $\frac{1}{4}$ Section 35, and 1 cubic foot per second to NE $\frac{1}{4}$ Section 34, Twp. 7 N.R. 35 E.B.M.

That his reasons for desiring to make such transfer are as follows: Applicant has conveyed the lands upon which he desires to abandon his right, and has acquired the NE $\frac{1}{4}$ Section 34, aforesaid. He conveyed said land reserving the waters.

RECORDED

That he intends to divert and convey said three second feet of water to the tract of land last above described in the following manner, to-wit: Extending existing ditches as shown on map

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Samuel W Lundholm
Applicant.

Subscribed and sworn to before me this 21st day of May

A. D. 1952

John L. Bloem
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Underground

Where is the diversion point located? NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26 T 7 N 35 E

Through what ditch is it now conducted? Private ditch

How much land is now irrigated by the water sought to be transferred? 150 acres

Give the description: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, NW $\frac{1}{4}$ Section 35, Twp. 7 N.R. 35 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 3 cfs

What kind of crops are being raised? Hay and grain

How much water per acre is now required to irrigate said land? 1 inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Lands will be used for pasture.

Give location of new point of diversion, if change is to be made. No change

Through what ditch will it be conducted after transfer? Private ditch, extended

How much water will be required per acre to irrigate the land to which this water is transferred?

1 inch

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No.

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. No.

Signed Samuel W Lundholm
Applicant.

UNRECORDED

STATE OF IDAHO,

County of Jefferson

ss.

Frank S. Jackson and August M. Kretzger

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Hamer, Idaho

that he is a user of water from underground stream, in Water District No. 66

County of Jefferson, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Samuel W. Lundholm and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

14

day of

August

A. D. 1952.

Shane H. Smith
NOTARY PUBLIC, in & for said State.
Residing at: Jerome, Idaho

STATE OF IDAHO,

County of Clark

ss.

I, Elvin W. Henninger, Watermaster of

Water District No. 66, County of Jefferson, State of Idaho, whose postoffice address

is Dubois, Idaho, have read or heard read the foregoing affidavit and petition

of Samuel W. Lundholm, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be

authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of

Reclamation issue the certificate of transfer as petitioned; or ~~(do not approve of the issuance of the~~

~~certificate of transfer prayed for) for the following reasons:~~

Watermaster, Dist. No. 66

Elvin W. Henninger

Dated at Dubois, Idaho, this 17th day of August, 1952

RECORDED

Name of Applicant

SAMUEL W. LUNDHOLM

TR 7 No. RANGE 35 EBM

90-WE 445

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 25

SEC.

SEC.

SEC. 26

SEC. 35

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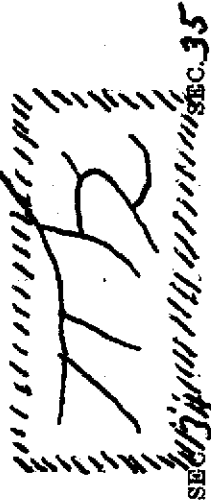
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