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DEPARTMENT OF
WATER RESOURCES

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Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Dr., Ste. 200
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 7018

**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

A. Subcase: 34-2459, 34-2460, 34-2461,
34-2462, 34-10925 and 34-7037

MOTION TO SET ASIDE PARTIAL DECREES

Case No. 39576

Mitchell Sorensen, by and through his counsel of record, Holden, Kidwell, Hahn & Crapo, PLLC, hereby moves this Court to set aside the Partial Decrees to the above referenced water rights. The water rights have been partially decreed to Charles B. Isom and Fern A. Isom, and these rights are appurtenant to property Mr. Sorensen is now leasing. In the lease agreement, Mr. Sorensen was given authority to undertake any and all necessary matters pertaining to the water rights. In the course of Mr. Sorensen's investigation of the water rights, he discovered that the Water Right Partial Decrees as they are currently issued do not comport with the historical practices of the Isoms, and their predecessors-in-interest. As such, Mr. Sorensen moves to set them aside in order to accurately reflect the historic use of these water rights.

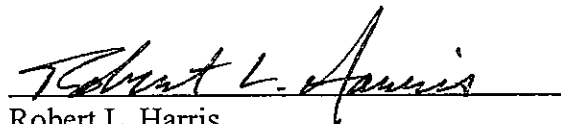
As the water rights are currently listed, Water Right Nos. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925 share two common points of diversion which are located in the SWSENW and the SENESW, both in Section 2, T3N., R26E. These wells are commonly referred to as the "Airport Wells". Water Right No. 34-7037 is diverted through two wells found in the NESENW of Section 3, T4N., R26E., and the SENWSW of Section 34, T5N., R26E. These wells are commonly referred

to as the "Island Wells", and these wells divert into the Island Canal to be delivered to the appropriate place of use.

The partial decrees for all of the water rights should list all four of the above points of diversion (*i.e.*, both the Airport Wells and the Island Wells) as authorized points of diversion under 34-2459, 34-2460, 34-2461, 34-2462, 34-10925 and 34-7037. Based upon the historic practices of the Isoms, and their predecessor-in-interest, Mr. Willard Bell, the wells were used interchangeably depending on the time of the year to divert the entirety of Mr. Isom's 24.5 cfs of groundwater authorized under the above rights. As such, there has been an accomplished transfer pursuant to Idaho law, and all four points of diversion should be listed as authorized points of diversion under all of the above water rights. We would note additionally that all of the above-referenced water rights share a common place of use of 1980 acres, and further, share a combined annual diversion volume limitation of 8441.5 acre-feet. It follows that the rights should likewise all share the same points of diversion.

We respectfully request this court to set aside the partial decrees listed above. Mr. Sorensen reserves the right to supplement this motion with additional information as necessary. A copy of this motion will also be provided to the claimants, Charles B. Isom and Fern A. Isom, who may wish to offer additional information to the court in support of this motion. We anticipate that upon receipt of this motion, the Court will set an appropriate time and date for hearing to have the matter heard.

Dated this 23rd day of April, 2008.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

CERTIFICATE OF MAILING

I certify that on this 23rd day of April, 2008, 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, ID 83303-2707

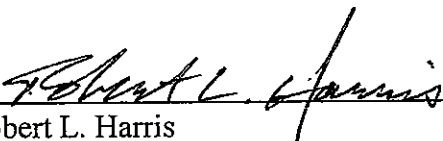
2. Copies to:

Charles B. & Fern A. Isom
3199 W. 2200 N.
Arco, ID 83213

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

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