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MAR 25 2009

Department of Water Resources
Adjudication Bureau

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

Case No. 39576

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

**AFFIDAVIT OF
CHARLES B. ISOM**

STATE OF IDAHO)
) ss.
County of Bonneville)

I, Charles B. Isom, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

1. I am over the age of eighteen (18) and competent to testify as to the matters contained herein.
2. I am the current owner of Water Right Nos. 34-2459, 34-2460, 34-2461, 34-2462, 34-10925 and 34-7037 (the "Water Rights").

3. As listed on the partial decrees, 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".
4. As listed on the partial decrees, 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 same place of use as water from the Airport Wells are delivered.
5. The Water Rights, as they are currently listed on the partial decrees for the Water Rights, do not accurately reflect my historic irrigation practices.
6. Historically, at times during each irrigation season since I owned the property to which the Water Rights are appurtenant, I have diverted the allowed diversion rate of all of the Water Rights, up to 24.5 cfs, from the Island Wells only to irrigate my property when the Airport Wells were not producing sufficient amounts of water. Thus, at times, the entirety of the Water Rights were diverted from the Island Wells only.
7. It is my understanding from Mr. Bell, who is now deceased, that this practice was undertaken previous to 1987. The Island Wells were drilled in 1982, and since that time, the wells were used interchangeably depending on the time of the year to divert the entirety of the 24.5 cfs of ground water authorized under the Water Rights.
8. I have continued this historic practice, such that when the Airport wells are not producing sufficient amounts of water, the entirety of the Water Rights are diverted from the Island

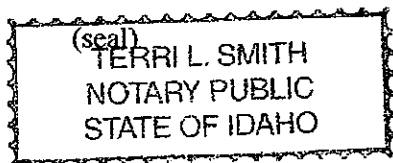
Wells. It was my belief and understanding that this practice was documented in the current partial decrees, but I now understand that it is not.

9. In my view, the partial decrees for the Water Rights should be changed so that the Water Right Nos. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925 should include two additional points of diversion in NESENW of Section 3, T4N., R26E., and the SENWSW of Section 34, T5N., R26E. A spreadsheet of how the water rights should be corrected is attached hereto as Exhibit A.

DATED this 26 day of March, 2009.

Charles B. Isom
Charles B. Isom

SUBSCRIBED AND SWORN TO before me this 23rd day of March, 2009.



[Signature]
Notary Public for Idaho
Residing at Bozeman, Idaho
My Commission Expires: 8/2/14

CERTIFICATE OF MAILING

I certify that on this 23rd day of March, 2009, 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

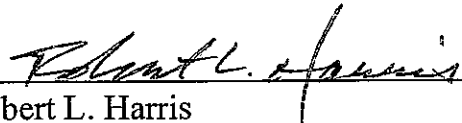
2. Copies to:

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Environment and Natural Resource Division
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Robert L. Harris

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EXHIBIT A

CHARLES AND FERN ISOM WATER RIGHT SUMMARY

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