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APR 24 2009

DEPARTMENT OF
WATER RESOURCES

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October 20, 2008

Idaho Department of Water Resources
Attn: Ernie Carlson
900 North Skyline, Ste. A
Idaho Falls, Idaho 83402

Re: Water Rights 22-466, 22-467, 22-468 & 22-57

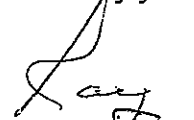
Dear Ernie:

I have enclosed herewith an affidavit from Jim H. Wilson which describes his use of the waters claimed, referenced above. I have been all over the lands and also submitted the affidavit of Mr. Ure whose father initiated the manner of irrigation described in the affidavits of both affiants.

In a recent telephone call from you, I was asked to get a statement verifying the acreage irrigated which Jim H. Wilson does in the enclosed affidavit (I would remind you that a representative of IDWR, helped him prepare his original claims).

I am sure you will submit this affidavit to the court for filing in this matter. Thanks for all your help.

Sincerely yours,



Ray W. Rigby

RWR/md
Enclosure

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DEPARTMENT OF
WATER RESOURCES

SECOND AFFIDAVIT

State of IDAHO)
 ss.
County of Teton)

RE: SRBA Water Right Claims 22-466, 220467, 22-468, 22-57

Jim H. Wilson, being first duly sworn, deposes and says:

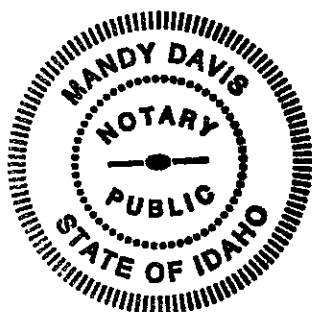
1. That he makes this second affidavit in support of the above numbered claims to water rights; and reaffirms the provisions contained in that certain affidavit he made on March 11, 2005 and in a letter from attorney Ray W. Rigby to the Idaho Department of Water Resources, dated March 9, 2005, and all attachments and enclosures submitted therewith.
2. That he still resides with his wife, Harriet L. Wilson, at 537 W. Hwy 33, Tetonia, ID 83452, and his telephone number is (208) 456-2815.
3. That he has been advised that personnel of the Idaho Department of Water Resources are inclined to recommend to the court that the above numbered claims be disallowed because the water master claims there is no record of calls for or delivery of any water to your affiant and his lands during some or all of the years during your affiant's ownership of the claimed "place of use" of said water rights.
4. Your affiant did not call the water master for delivery of water because, as stated in affiants first affidavit (particularly paragraph "7" thereof), the other water users of Badger Creek water in the area and your affiant agreed that all would be benefitted if your affiant could take his water out of the water that drained out of Badger Creek and off the lands of the other Badger Creek water users in the particular area, into a gully running down through affiants land, which resulted in more water for everyone, and ultimately to the Teton River, and affiants big ditch could be leveled instead of being an obstruction, and difficult to cross, particularly as said other water users worked and tilled their farms.
5. By using the water pump mounted on a tractor, which also provided the power to operate the pump, and the metal sprinkler pipelines, which would move the water up the sidehill lands on each side of the gully in which the water flowed towards the river, the system worked well and prevented the wasting of water.
6. Your affiant filed in the adjudication the originals of the four above numbered

claims to water rights WITH THE HELP OF IDWR PERSONNEL claiming the following acres were being irrigated; 30 acres in the SENW, 37 acres in the NESW and 40 acres in the NWSE, all in Section 24, Township 6 North, Range 44 East, Boise Meridian in Teton County, Idaho. Those are the acres your affiant continued to irrigate in the manner described above, until he and his wife sold the premises to Bob Wilson on October 26, 1995.

7. Your affiant reaffirms that the allegation contained in the claims numbered above are correct and should be the basis of the Idaho Department of Water Resources recommendations.
8. Your affiant and his said wife never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.

Jim H. Wilson
Jim H. Wilson

Subscribed and Sworn to before me this 17th day of October, 2008.



Mandy Davis
A Notary Public for Idaho
Residing At: St. Anthony
My Commission Expires: 6/24/2011

CERTIFICATE OF MAILING

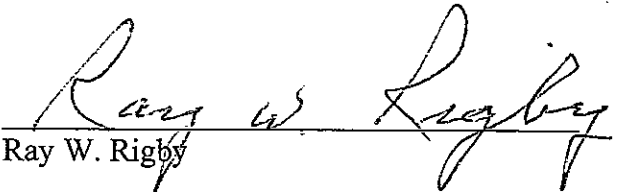
I certify that on April 21, 2009, I mailed the original and copies of this second affidavit, including all attachments, to the following persons:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098


Ray W. Rigby