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DEC 23 2008

Department of Water Resources
Adjudication Bureau

John R. Hammond Jr., ISB No. 5470
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Boise, ID 83701
Telephone: (208) 331-1000
Facsimile: (208) 331-2400

Attorneys for Norman A. Batt, Ellen G. Batt, Frederick C. Batt & Ellen B. Batt

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 39576

Subcase 63-33143

AFFIDAVIT IN SUPPORT OF
MOTION TO FILE LATE NOTICE
OF CLAIM

STATE OF IDAHO)
 : ss.
County of Ada)

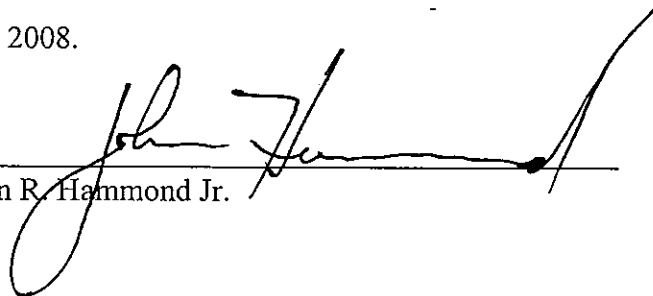
JOHN R. HAMMOND, being first duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys for the claimants, Norman C. Batt, Ellen G. Batt, Frederick C. Batt and Ellen B. Batt in the above-referenced action and as such, am competent to testify to the matters set forth herein, which are based upon my personal knowledge.

2. Attached hereto as *Exhibit A* is a true and correct copy of a Quitclaim Deed dated April 22, 1979, and recorded as Instrument No. 970757 in the records of Canyon County, Idaho.

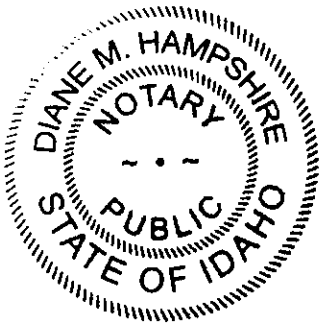
FURTHER YOUR AFFLANT SAITH NAUGHT.

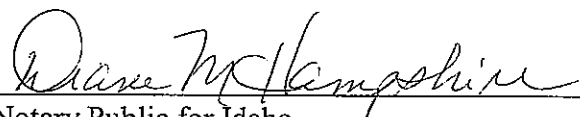
DATED This 22 day of December, 2008.



John R. Hammond Jr.

SUBSCRIBED AND SWORN TO before me this 22nd day of December, 2008





Notary Public for Idaho
Commission Expires 08-04-14

CERTIFICATE OF SERVICE -

I HEREBY CERTIFY that on this 22nd day of December, 2008, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and addressed to; by fax transmission to; by overnight delivery to; or by personally delivering to or leaving with a person in charge of the office as indicated below:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P O Box 2707
Boise ID 83303-2707

☒ U.S. Mail
☐ Facsimile
☐ Overnight Delivery
☐ Messenger Delivery
☐ Email

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

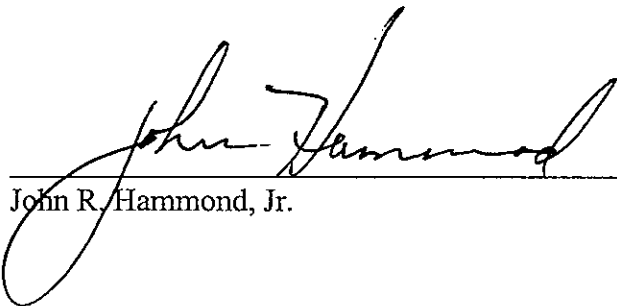
☒ U.S. Mail
☐ Facsimile
☐ Overnight Delivery
☐ Messenger Delivery
☐ Email

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

☒ U.S. Mail
☐ Facsimile
☐ Overnight Delivery
☐ Messenger Delivery
☐ Email

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Facsimile
☐ Overnight Delivery
☐ Messenger Delivery
☐ Email



John R. Hammond, Jr.

Exhibit A

9707571

WARRANTY DEED

THE PARTIES HERETO are JOHN R. COOK and YVONNE B. COOK, husband and wife (herein called grantor) and FREDERICK C. BATT and ELLEN B. BATT, husband and wife, and NORMAN A. BATT and ELLEN G. BATT, husband and wife (herein called grantees) whose current addresses are both Route 1, Wilder, Idaho.

FOR VALUE RECEIVED, the grantor hereby GRANTS, BARGAINS, SELLS AND CONVEYS unto the grantees, as a community property estate, and to the heirs and assigns of the grantees, all of the following described property, situate, lying and being in the County of Canyon, State of Idaho, to wit:

The West Half of the Northeast Quarter of Section 32, Township 4 North, Range 4 West of the Boise Meridian, in Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT to the burdens incident to the inclusion of the land within the boundaries of Wilder Irrigation District.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the Grantees, as a community property estate, and to the heirs and assigns of the Grantees, forever.

THE GRANTORS, for themselves and for their successors and assigns, do hereby covenant to and with the Grantees, and with their heirs and assigns, that they are lawfully free from all encumbrances, and that the Grantors will and their successors and assigns shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever. Singular terms used herein shall be read as if written in the plural when the context so requires or permits.

IN WITNESS WHEREOF, the Grantors have executed this Warranty Deed and affixed their seals this 22nd day of April, 1979.

John R. Cook
John R. Cook, Grantor

Yvonne B. Cook
Yvonne B. Cook, Grantor

STATE OF IDAHO, County of Owyhee):ss.

On this date, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN R. COOK and YVONNE B. COOK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same.

SUBSCRIBED AND SWORN to before me on APR 22 1979

Clayton Andersen
Notary Public for Idaho.
Residing at Homedale, Idaho

CLAYTON ANDERSEN — ATTORNEY AT LAW — POST OFFICE BOX 1180 — HOMEDALE, IDAHO 83222

9707571

RECORDED

'97 MAR 12: AM 11:42

NEEDLE LEARN
CANYON CNTY RECORDER

U. Davis

REQUEST Danica Davis
Fee 6.00

DEC 23 2008

Should questions arise during the processing of this application please contact:
John Hammond, Attorney at Law @ 101 S. Capitol Blvd., Boise, Idaho, 208-331-1006 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

63-33143

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Ellen B. Batt, Ellen G. Batt, Frederick C. Batt and Norman A. Batt
Phone (208)- 453-8588
Mailing Address 1621 Idaho Street, Caldwell, Idaho Zip 83605
2. Date of Priority (Only one (1) per claim) April 22, 1979
3. Source of water supply (a) Ground Water
Which is tributary to (b) N.A.
4. a. Location of point of diversion is: Township 04N Range 05W Section 23, NW ¼ of NW ¼ of
Govt. Lot N.A., B.M., County of Canyon
Additional points of diversion if any: N.A.
b. If instream flow, beginning point of claimed instream flow is: N.A. ¼ of N.A. ¼ of N.A.
¼, Govt. Lot N.A. B.M., County of N.A.
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. An 8-inch diameter cased well, less than 200 feet deep, with a
GE "Peerless Pump" 15 HP, 3PH, Model 5k6503XA2B, Pump SN, 164050 and diversion facilities, including
an 8" diameter discharge pipe, associated with Water Right No. 63-4428 are used to divert water into
Wilder Irrigation District's Golden Gate Canal. The claimant is given credit for ground water pumped into
the canal to offset additional diversions of Wilder Irrigation District water. Wilder Irrigation District water
is diverted through laterals serving the place of use listed for this claim.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from March 1 to November 15 amount 1.5 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
4N	4W	32		40	40														80

Total number of acres irrigated 80

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

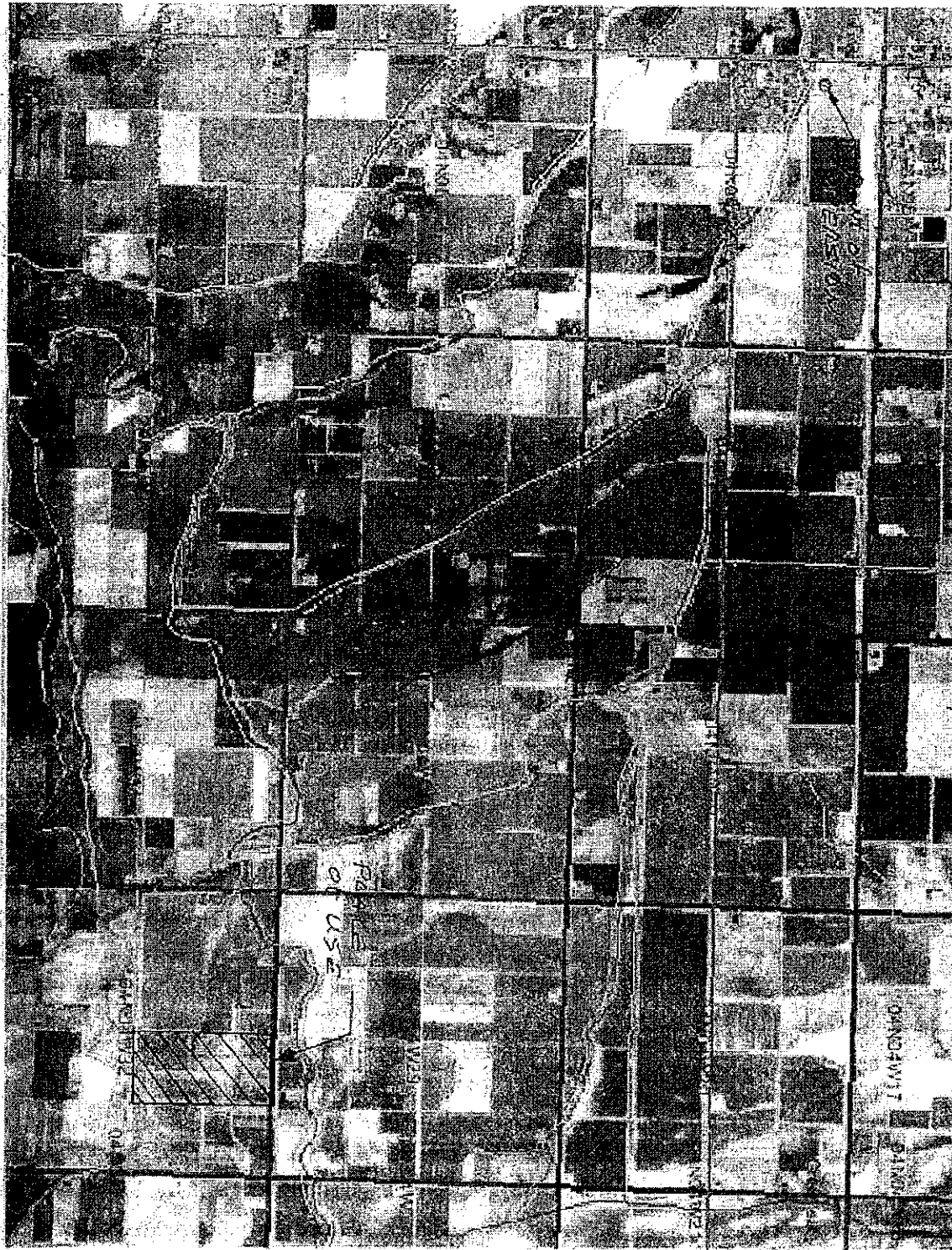
13. Describe any other water rights used at the same place and for the same purposes as described above.

Wilder Irrigation District Entitlement or None ()

14. Remarks:

- a. This claim is to an enlargement of Water Right No. 63-4428 pursuant to Section 42-1426, Idaho Code.
No additional rate of diversion is claimed from that listed in Right No. 63-4428.
- b. The water diverted under this right is injected into the Golden Gate Canal in exchange for Wilder Irrigation District Water by diverting an equal amount of Wilder Irrigation District water for irrigation of the place of use listed on this right.
- c. The place of use listed on this right was purchased April 22, 1979 and the exchange provisions described above were extended to this parcel at that time. A copy of the deed is included as an attachment.

Last Name Batt Ident. Number 63-33143



Base: IIR 1986 Adjunctive Photo
Map to accompany Batt Encasement Section

Last Name Batt Ident. Number 63-33143

15. Basis of Claim (Check One) Beneficial Use (Enlargement per §42-1426, Idaho Code) XX
Posted Notice _____ License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Norman A. Batt

Date _____

Date 12.22.08

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn to (or affirmed) before me this 22nd day of DECEMBER 20 08

Notary Public Dianne M. Hampshire

Residing at Boise ID

My Commission Expires 08/04/14



17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, John Hammond, Jr. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 101 S. Capitol Blvd., Boise, Idaho 83701

Date 12/22/08

Last Name Batt Ident. Number 63-33143

9707371

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THE PARTIES HERETO are JOHN R. COOK and YVONNE B. COOK, husband and wife (herein called grantor) and FREDERICK C. BATT and ELLEN B. BATT, husband and wife, and NORMAN A. BATT and ELLEN G. BATT, husband and wife (herein called grantees) whose current addresses are both Route 1, Wilder, Idaho.

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John R. Cook, Grantor

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NOTARY PUBLIC AND SWORN to before me on APR 22 1979
Clayton Ambrose
Notary Public for Idaho,
Residing at Homedale, Idaho