

RECEIVED

MAR 19 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 18 2009

Clerk

Deputy Clerk

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

Subcase: 63-33143

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On December 23, 2008, Ellen B. Batt, Ellen G. Batt, Frederick C. Batt and Norman A. Batt, by and through counsel, John R. Hammond, Jr., filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on March 17, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated March 18, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on March 18, 2009, with sufficient first-class postage to the following:

ELLEN B BATT
ELLEN G BATT
FREDERICK C BATT
NORMAN A BATT

Represented by:
HAMMOND, JR. JOHN RICHARD
FISHER PUSCH & ALDERMAN LLP
PO BOX 1308
BOISE, ID 83701
Phone: 208-331-1000

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RECEIVED

Should questions arise during the processing of this application please contact:
John Hammond, Attorney at Law @ 101 S. Capitol Blvd., Boise, Idaho, 208-331-1000

MAR 19 2009

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: 39576

Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 23 2008

Please type or print clearly

1. Name of Claimant(s) Ellen B. Batt, Ellen G. Batt, Frederick C. Batt and Norman A. BattPhone (208)-453-8588Mailing Address 1621 Idaho Street, Caldwell, IdahoZip 836052. Date of Priority (Only one (1) per claim) April 22, 19793. Source of water supply (a) Ground WaterWhich is tributary to (b) N.A.

4. a. Location of point of diversion is: Township 04N Range 05W Section 23, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ 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. $\frac{1}{4}$ of N.A. $\frac{1}{4}$ of N.A.
 $\frac{1}{4}$, 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.

ORIGINAL

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 _____

Base: IIR 1986 Adjudication Photo
Map to Accompany Batt Evaluation Report

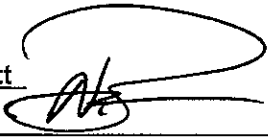


Last Name Batt Ident. Number

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 12.22.08

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
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 John Hammond, Jr.
Address 101 S. Capitol Blvd., Boise, Idaho 83701
Date 12/22/08

Last Name Batt Ident. Number _____

9707371

WARRANTY DEED

THE PARTIES HERETO are JOHN R. COOK and YVONNE S. COOK, husband and wife (herein called grantor) and FREDERICK C. BATT and EILEEN B. BATT, husband and wife, and ROHMAN 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 S. Cook
Yvonne S. 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 S. 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.

WITNESSED AND SOLEMN to before me on

APR 22 1979

Notary Public for Idaho
Residing at Homedale, Idaho