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JAN 21 2011
DEPARTMENT OF
WATER RESOURCES

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	)	Subcase No. 63-33143
	)	
Case No. 39576	)	AFFIDAVIT OF NORMAN A. BATT
	)	
	)	

STATE OF IDAHO)
): ss.
County of Canyon)

NORMAN A. BATT, being first duly sworn upon oath, deposes and states as follows:

1. I, along with my spouse, and Frederick C. Batt and Ellen B. Batt, husband and wife (the "Claimants"), own certain real property in Canyon County, State of Idaho, known as the "Batt Place."

2. Water Right No. 63-4428 is appurtenant to the Batt Place.

3. On April 22, 1979, the Claimants purchased real property known as the "Cook Place," in Canyon County, State of Idaho, which is more specifically described in the attached **Exhibit A.**

4. Contemporaneously, and as part of our purchase of the Cook Place, the sellers, John and Yvonne Cook, husband and wife, assigned all of their right, title and interest in that certain irrigation equipment, which is referred to more specifically in the attached **Exhibit B**.

5. Using the irrigation equipment referred to in **Exhibit B**, in May of 1979, we began diverting water from the point of diversion described in Water Right No. 63-4428 that was injected into the Golden Gate Canal operated by the Wilder Irrigation District.

6. At the same time, under a water exchange agreement with the Wilder Irrigation District, an amount equal to that injected into the Golden Gate Canal was diverted from the same to, in part, irrigate the eighty (80) acres that makes up the Cook Place, to be used for agricultural purposes; such as growing crops.

7. Since May of 1979, we have continuously irrigated the Cook Place, using the water from Water Right No. 63-4428 and the Wilder Irrigation District for agricultural purposes.

8. No additional amount of water is sought to be diverted beyond the limits of that established in Water Right No. 63-4428, and we have always operated within its restrictions, as set forth in the Partial Decree for the same.

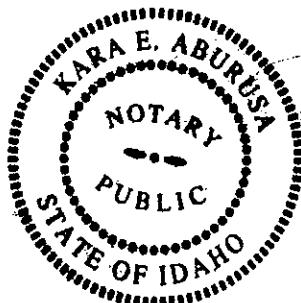
FURTHER YOUR AFFIANT SAITH NAUGHT.

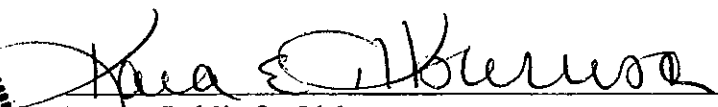
DATED This 19 day of January, 2011.



NORMAN A. BATT

SUBSCRIBED AND SWORN TO Before me this 19th day of January, 2011.





Notary Public for Idaho
Commission Expires: 5.27.2014

CERTIFICATE OF MAILING

I CERTIFY That on January 20 2011, I mailed the original and copies of the foregoing to the following persons, as indicated below:

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. **One copy to the claimant of the water right at the following address:**

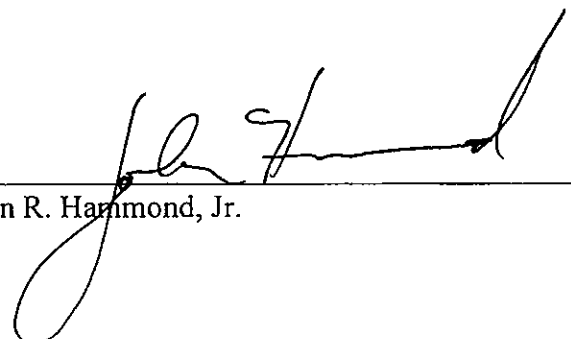
Norman A. Batt, Ellen G. Batt, Frederick C. Batt, and Ellen B. Batt
1621 Idaho Avenue
Caldwell, ID 83605

3. **Copies to:**

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

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



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
NOTARY PUBLIC
IDAHO

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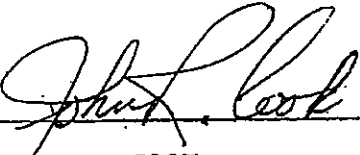
CLAYTON ANDERSEN
NOTARY PUBLIC
IDAHO

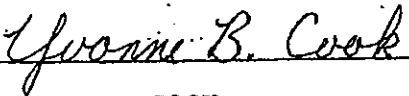
CLAYTON ANDERSEN
NOTARY PUBLIC
IDAHO

EXHIBIT B

ASSIGNMENT OF PROPERTY

We, JOHN R. COOK and YVONNE B. COOK, husband and wife, hereby assign to FREDRICK C. BATT and ELLEN B. BATT, husband and wife, and NORMAN A. BATT and ELLEN G. BATT, husband and wife, all right, title and interest in the irrigation pipe, equipment, and attachments thereto for rental numbers 21299 and 21329 under the terms and conditions with RAIN FOR RENT, INC. of Nampa, Idaho.


JOHN R. COOK


YVONNE B. COOK

STATE OF IDAHO, County of Quincy) : 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.

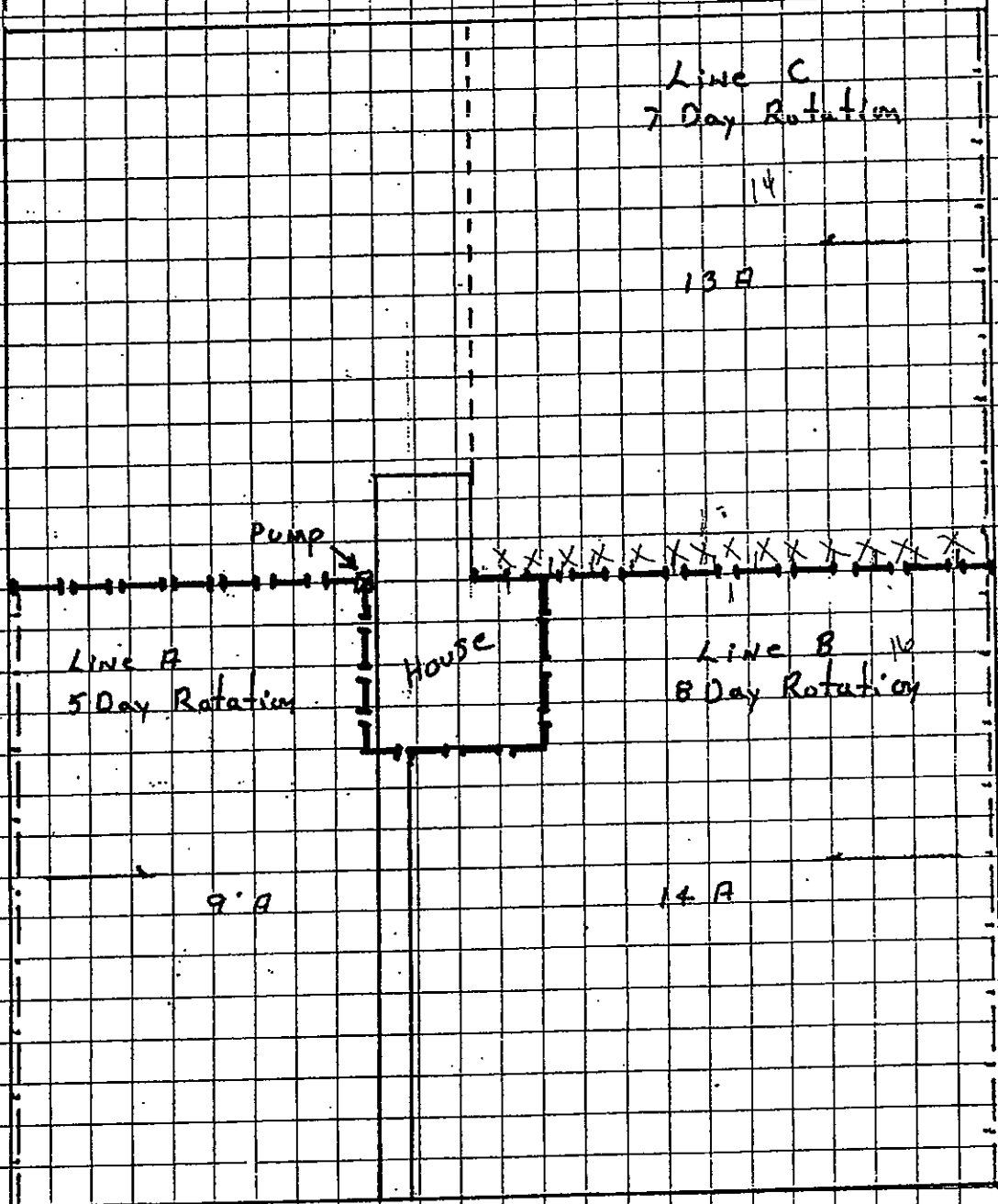
SUBSCRIBED AND SWORN to before me on May 6, 1979.


Notary Public for Idaho.

Residing at Homedale, Idaho

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DESIGN DATA

I. FACTORS AFFECTING DESIGN

Acres to be irrigated
Crop
Feeder root depth (feet)
Soil Type
Soil water holding capacity (inches per foot)
Infiltration rate (inches per hour)
Climate
Peak transpiration rate (inches per day)
Effective soil depth (feet)
Water source
Irrigation efficiency
Topography

* 36
* Potatoes - Hay - Grain
2'
* Loam
2.4 +
.32 +
* Moderate
.30
* 3 +
* Ditch
65%
* Sloaping

II. SYSTEM REQUIREMENTS

Sprinkler spacing (feet)
Lateral spacing (feet)
Sprinkler capacity (gallons per minute)
Application rate (inches per hour)
Operating time per lateral (hours)
Water applied (gross) (inches per setting)
Water applied (net) (inches per setting)
Number of sets per line
Number of days to complete Irrigation
Consumptive use in _____ days

<u>Line A</u>	<u>Line B</u>	<u>Line C</u>
<u>40</u>	<u>40</u>	<u>40</u>
<u>50</u>	<u>50</u>	<u>50</u>
<u>4.2</u>	<u>6.6</u>	<u>6</u>
<u>.20</u>	<u>.32</u>	<u>.29</u>
<u>11.5</u>	<u>11.5</u>	<u>11.5</u>
<u>2.3</u>	<u>3.7</u>	<u>3.3</u>
<u>1.5</u>	<u>2.4</u>	<u>2.1</u>
<u>10</u>	<u>16</u>	<u>14</u>
<u>5 Days</u>	<u>8 Days</u>	<u>7 Day</u>
<u>5 Days</u>	<u>8 Days</u>	<u>7 Days</u>

* Based on owner's information:

The above figures represent sprinkler system operation in accordance with established norms.

