

COPY

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RECEIVED
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 HOWARD BINFORD**
_____))
_____)

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

HOWARD BINFORD, being first duly sworn upon oath, deposes and states as follows:

1. I have resided at the irrigated and farmed property located at 22589 Upper Pleasant Ridge Road, Caldwell, Idaho, since the mid-1970s.
2. My property is adjacent to the western boundary of real property owned in part by Norman A. Batt, located at 22347 Upper Pleasant Ridge Road, Caldwell, Idaho, 83607, and more specifically described in the attached **Exhibit A**.
3. Based upon my personal knowledge, I have witnessed irrigation equipment being placed on the this real property owned by the Claimants, and it being irrigated continuously for growing crops, since at least the beginning of the 1979 growing season.

4. To my knowledge, I have suffered no injury as a result of this real property being irrigated continuously since at least the beginning of the 1979 growing season.

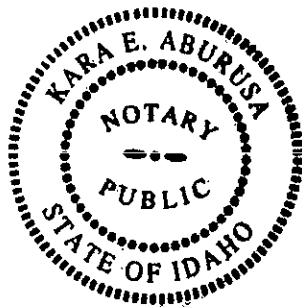
FURTHER YOUR AFFIANT SAITH NAUGHT.

DATED This 19th day of January, 2011.



HOWARD BINFORD

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:**

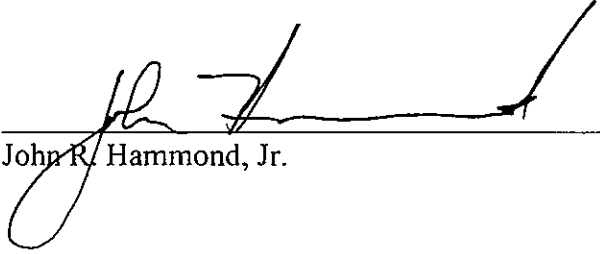
Norman A. Batt, Ellen G. Batt, Frederick C. Batt, and Ellen B. Batt
1621 Idaho Avenue
Caldwell, ID 83605

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.

NOTARIES SUBSCRIBED AND SWORN to before me on APR 22 1979.

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

CLAYTON ANDERSON — ATTORNEY AT LAW — POST OFFICE BOX 1180 — HOMEDALE, IDAHO 83421