

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 77-4207
Date Received: 1/23/1990
Receipt No: S011038
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HABITAT HOLDINGS LLC
JOHN A SANDY
13348 W REDWIDK DR
BOISE ID USA 83713

Phone: (208) 939-2088

2. Date of Priority: 07/12/1922

3. Source: KNAPP CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
12N	12E	18	NW	NW	NE	CUSTER	

5. Description of diverting works:

HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	4.7	

7. Total Quantity Appropriated is:
4.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	11E	13	SW	NE	IRRIGATION	18
			SW	NW	IRRIGATION	12
			SE	NW	IRRIGATION	35
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	13
			NW	SE	IRRIGATION	27
Section Acres						159
Total Acres						159

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 5/21/2004

H.E. SURVEY NO. 575.

TRACT I

15. Basis of Claim: Statutory Claim

RECEIVED
MAY 14 2004
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 13 2004
Department of Water Resources
Adjudication Bureau

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

RECEIVED
MAY 20 2004
WATER RESOURCES
WESTERN REGION

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	77-4207				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Florence M. Sandy & W.A. Sandy Cymmatom & Valley
Properties - Family Transfers for deed

4. New Owner/Claimant(s)

Habitat Holdings LLC - John A. Sandy

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

13348 W Redwick Dr.

City, State and ZIP Code

Boise, Idaho 83713

New Telephone Number

208 939 2088

5. Date you acquired the property

4/13/04

SCANNED
MAY 20 2004

SCANNED
MAY 14 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Jim & Sandy, Manager
Habitat Holdings L.L.C.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>AS</u>	Date <u>5-14-04</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
MAY 20 2004

SCANNED
MAY 14 2004

229024
Custer County Rec. of
Richard A. Cummings
Time 11:15 A Date 4-19-2004
Ethel M. Peck, Clerk
Deputy Betsy Doughty \$ 9.00

BARGAIN AND SALE DEED

MOUNTAIN AND VALLEY PROPERTIES L.P., an Idaho limited partnership, herein referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto **HABITAT HOLDINGS L.L.C.**, an Idaho limited liability company, whose address is 13348 West Redwick Drive, Boise, Idaho 83713, herein referred to as Grantee, all of Grantor's interest in and to the following described real property situated in the County of Custer, State of Idaho:

H.E. Survey No. 575, embracing a portion of, approximately, Section 13, Township 12 North, Range 11 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at Corner No. 1 from which U.S. located Monument No. 574 bears North 53°45' East, 2.92 chains distance; thence South 29°02' East, 39.89 chains to Corner No. 2; thence South 60°49' West, 39.70 chains to Corner No. 3; thence North 29°01' West, 39.91 chains to Corner No. 4; thence North 60°51' East, 39.66 chains to Corner No. 1, the PLACE OF BEGINNING, containing 158.34 acres, according to the Official Plat of the Survey of said land, on file in the General Land Office.

SUBJECT, HOWEVER, to those certain rights of first refusal contained in Section 21 of the Agreement for Dissolution and Winding Up of Jones and Sandy Livestock Company, an Idaho partnership, and for the Division of Assets and Liabilities of the Partnership, as modified by the First Addendum to the Agreement for Dissolution and Winding Up of Jones and Sandy Livestock Company, an Idaho partnership, and for the Division of Assets and Liabilities of the Partnership. Both the Agreement and the First Addendum were made effective July 2, 1981, and have been executed by all general partners of the Jones and Sandy Livestock Company. A memorandum of the Agreement as modified by the First Addendum was recorded on January 27, 1982, as Microfilm Instrument No. 93262, records of Gooding County, Idaho.

Grantor hereby confirms that Grantee is an entity wholly owned by John A. Sandy or members of his immediate family; and this conveyance is therefore exempt from the terms of the right of first refusal referenced above pursuant to Section "2.e" of the First Addendum, to which reference is made for its specific terms and conditions.

Subject to liens, encumbrances, restrictions, and easements of record or appearing on the premises.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand this 13 day of April, 2004.

MOUNTAIN AND VALLEY PROPERTIES L.P.,
an Idaho limited partnership,

By: HABITAT HOLDINGS L.L.C., an Idaho
limited liability company, its General Partner

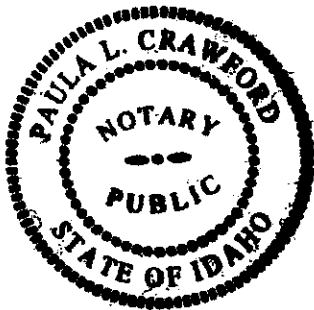
By: John A. Sandy
John A. Sandy, Manager

STATE OF IDAHO)

County of Ada)

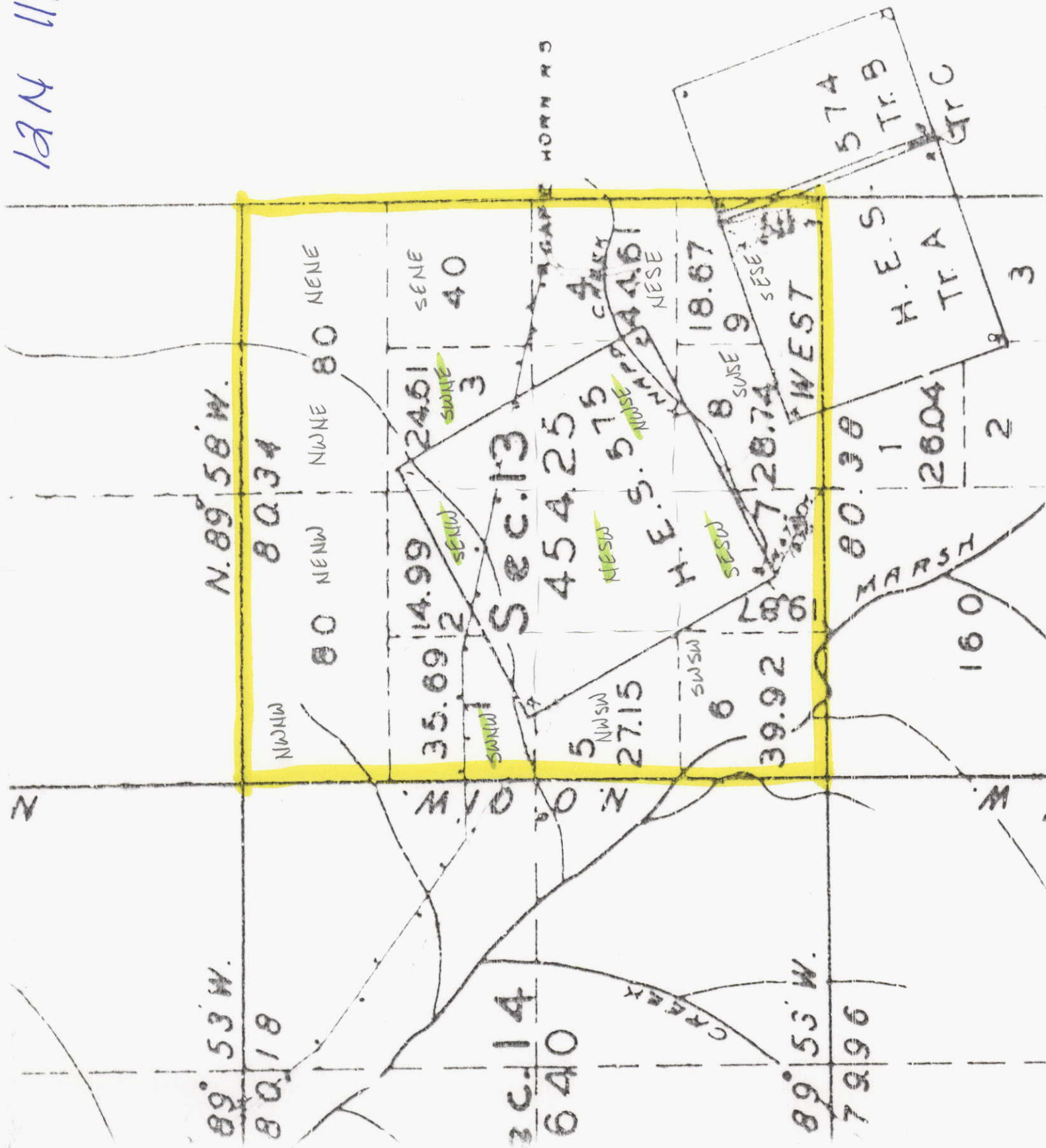
On this 13th day of April, 2004, before me, a Notary Public in and for the state of Idaho, personally appeared JOHN A. SANDY, known or identified to me to be the sole Member of Habitat Holdings L.L.C. which is the General Partner in the partnership of Mountain and Valley Properties L.P., and the partner which subscribed said partnership name to the foregoing instrument, and acknowledged to me that Habitat Holdings L.L.C. executed the same in the name of Mountain and Valley Properties L.P.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Paula L. Crawford
Notary Public for Idaho
Residing at: Kuna, ID
My Commission Expires: 10/7/05

124 11E



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

RECEIVED

JAN 24 1990

Ident. Number: A77-04207
Date Received: 1/23/1990
Receipt No: S011038
Received By: SCC

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W.A. SANDY 208-837-4554
Address: P.O. BOX 326
HAGERMAN, ID 83332

OR

Name: FLORENCE M. SANDY 208-837-4554
Address: P.O. BOX 326
HAGERMAN, ID 83332

2. Date of Priority: JUL 12, 1922

3. Source: KNAPP CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	12E	18	NW	NW	NE		CUSTER

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.700		

7. Total Quantity Appropriated is:
4.700 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 397.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A77-04207

Page 1

Date: 01/23/90

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	11E	13	SW	NE		IRR	18.0
			SW	NW		IRR	12.0
			SE	NW		IRR	35.0
			NE	SW		IRR	40.0
			NW	SW		IRR	14.0
			SE	SW		IRR	13.0
			NW	SE		IRR	27.0

Section Acres 159.0

Total Acres 159.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE

14. Remarks:

H.E. SURVEY NO. 575.

TRACT I

15. Basis of Claim: STATUTORY CLAIM

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OCT 05 1992

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." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Sh Sandy* Date: 1/23/90
_____ Date: _____

State of Idaho)
County of *Twin Falls*) SS.

Subscribed and sworn (or affirmed) before me this 23RD day
of *January* 19 90 *Steve Cell*
Seal Notary Public

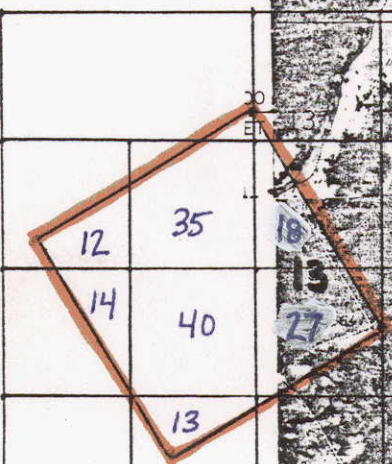
Residing at *Twin Falls*
My Commission Expires *Dec 7 1994*

12N.

11E. 12E.

KAPP CREEK

R.D.



18

17

Kelly Creek

19

20

24

A77-04207

25

30

MICROFILMED
OCT 8 5 1952

CUSTER COUNTY

John W. Jones Sr. and Ethel H. Jones
husband and wife

-to-

John W. Jones Jr. and Deloris D. Jones,
husband and wife
W. A. Sandy and Florence M. Sandy,
husband and wife

WARRANTY DEED.

Dated, January 1, 1965
Recorded, June 17, 1965
Book 35 Deeds Page 504
records of Custer Co.

1/4 interest to each of the grantees in: Custer County

*Grant
Station*

Tract One: H.E. Survey No. 575, embracing a portion of, approximately, Section 13, Twn. 12 N of R 11 E.B.M., more particularly bounded and described as follows:
Beginning at corner No. 1, from which U.S. Location Monument No. 574 bears north fifty-three degrees forty-five minutes east, two and ninety-two hundredths chains distance; thence south twenty-nine degrees two minutes east, thirty-nine and eighty-nine hundredths chains to corner No. 2; thence, south sixty degrees forty-nine minutes west, thirty-nine and seventy hundredths chains to corner No. 3; thence, north twenty-nine degrees one minute west, thirty-nine and ninety-one hundredths chains to corner No. 4; thence, north sixty degrees fifty-one minutes east, thirty-nine and sixty-six hundredths chains to corner No. 1, the place of beginning, containing 158.34 acres, according to the Official Plat of the Survey of said land, on file in the General Land Office

*per
H.M.*

Tract Two: H.E. Survey No. 574, comprising Tracts "A" and "B", embracing a portion of, approximately, Section 13, 18, 19 and 24, unsurveyed, Township 12 North Range 11 and 12 E.B.M., more particularly described as follows:

*CAP. H.M.
H.M. 51*

Tract A: Beginning at corner No. 1 from whence U.S.L.M. No. 574 (approved) bears North 34 degrees 20 minutes West 58.02 chains; thence South 19 degrees 06 minutes East 32.00 chains to corner No. 2; thence South 71 degrees 08 minutes West 30.86 chains to corner No. 3; thence North 19 degrees 03 minutes West 31.93 chains to corner No. 4; thence North 71 degrees 00 minutes East 30.85 chains to Corner No. 1, the place of beginning.

*per
H.M.*

Tract B: Beginning at corner No. 5 from whence corner No. 1 of Tract A of this survey, heretofore described bears South 71 degrees 00 minutes West 50 links distant; thence North 71 degrees 00 minutes East 19.00 chains to corner No. 6; thence South 19 degrees 07 minutes East 32.00 chains to corner No. 7; thence South 71 degrees 08 minutes West 19.00 chains to Corner No. 8; thence North 19 degrees 03 minutes West 32 chains to corner No. 5, the place of beginning. F.C. issued July 12, 1922. 159.42 acres.

*J. J. J.
del.*

L. M. P.

MICROFILMED

OCT 05 1992