

RECEIVED

MAR 02 2006

01/05/2006

DEPARTMENT OF  
WATER RESOURCES

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-4207

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

208-939-2088

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

1/23/06

SIGNATURE:

Habitat Holdings LLC by John A. Sandy

Please print your name:

Habitat Holdings LLC by John A. Sandy

IDWR State Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

SCANNED  
MAR 03 2006

05/02/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-4207

NAME AND ADDRESS: HABITAT HOLDINGS LLC  
JOHN A SANDY  
13348 W REDWIDK DR  
BOISE ID 83713

SOURCE: KNAPP CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 7.450 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/12/1922

POINT OF DIVERSION:

T12N R12E S18 NWNWNE Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05/01 10/31          | 7.450 CFS       |
| STOCKWATER            | 04/15 10/15          | 0.020 CFS       |

PLACE OF USE: IRRIGATION Within CUSTER County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12N R11E S13 | SWNE | 18.0 | T12N R11E S13 | SWNW | 12.0 |
| T12N R11E S13 | SENE | 35.0 | T12N R11E S13 | NESW | 40.0 |
| T12N R11E S13 | NWSW | 14.0 | T12N R11E S13 | SESW | 13.0 |
| T12N R11E S13 | NWSE | 27.0 |               |      |      |

STOCKWATER Within CUSTER County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R11E S13 | SWNE | T12N R11E S13 | SWNW |
| T12N R11E S13 | SENE | T12N R11E S13 | NESW |
| T12N R11E S13 | NWSW | T12N R11E S13 | SESW |
| T12N R11E S13 | NWSE |               |      |

159 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

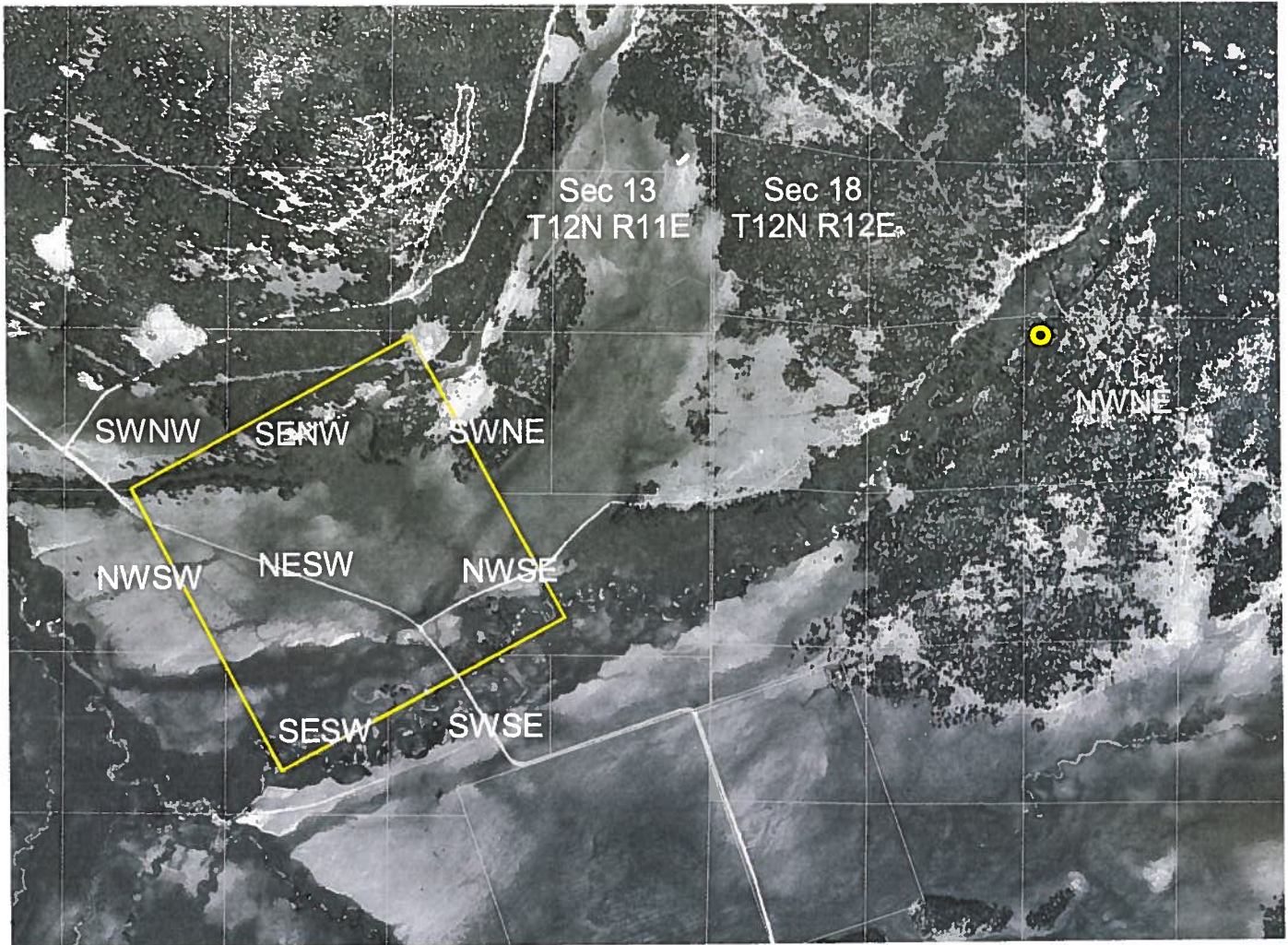
The quantity of water decreed for this water right is not a determination of historical beneficial use.

Property is ~~also~~ known as Homestead Entry Survey No. 575.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

# 77-4207



0 300 600 Feet

Section 13  
T12N R11E  
Section 18  
T12N R12E



● Point of Diversion

□ Place of Use

Map prepared on May 2, 2005  
By Kenneth Knoblock  
Idaho Department of Water Resources

filename: c:\docs\forms\ditch flow computations upgraded.xls

Measurement done by:

Weeks/Sandy

Knapp Creek 02

6/29/2004

1.00

6.00

readings (ft):

0.50

**Make entries in cells without shading.**

[illegible]

[illegible]



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 18, 2005

Habitat Holding LLC  
John Sandy  
13348 W. Redwidk  
Boise, ID 83713

RE: 77-4207

On January 23, 1990, you submitted a Notice of Claim in the Snake River Adjudication. It lists the irrigation of 159 acres and stockwater in Section 18 Township 12N Range 12E. We understand that the US Forest Service measured the amount of water that you divert from Knapp Creek. A measurement like that would be a tremendous help in confirming your claim. I would appreciate a copy of that measurement.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Knoblock', written over a horizontal line.

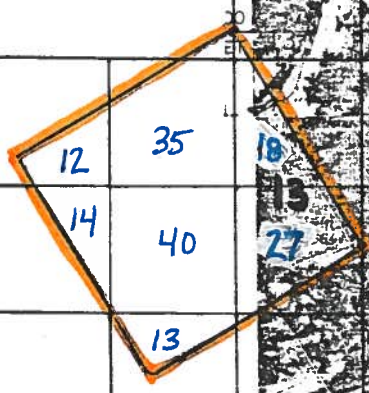
Kenneth Knoblock  
Water Resources Agent

12N.

11E. 12E.

Knap Creek

P.D.



18

17

Kelly Creek

19

20

24

A77-04207

25

30

SCANNED  
MAY 21 2004

MICROFILMED  
OCT 25 1992

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: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 21 2004

WATER RESOURCES  
WESTERN REGION

RECEIVED  
DEC 27 2004  
IDWR/North

1. Name of Claimant(s)

HABITAT HOLDINGS LLC

Phone:

JOHN A SANDY  
13348 W REDWIDK DR  
BOISE ID USA 83713

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 | 04/15 | 10/15 | 7.45   |            |
| STOCKWATER | 04/15 | 10/15 | 0.02   |            |

7. Total Quantity Appropriated is:  
7.45 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    |
|          |       |         | SW  | NE     |     | STOCKWATER    |       |
|          |       |         | SW  | NW     |     | STOCKWATER    |       |
|          |       |         | SE  | NW     |     | STOCKWATER    |       |
|          |       |         | NE  | SW     |     | STOCKWATER    |       |
|          |       |         | NW  | SW     |     | STOCKWATER    |       |
|          |       |         | SE  | SW     |     | STOCKWATER    |       |
|          |       |         | NW  | SE     |     | STOCKWATER    |       |
|          |       |         |     |        |     | 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

Stockwater place of use same as irrigation.

H.E. SURVEY NO. 575. TRACT I

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am MANAGER of  
Habitat Holdings LLC, Title  
Organization that I have signed the foregoing  
document in the space below as MANAGER of  
Habitat Holdings LLC Title  
Organization and that the statements contained in the  
foregoing document are true and correct.

John A. Sandy  
Signature of Authorized Agent  
Manager of Habitat Holdings LLC  
Title and Organization

12/17/04  
Date

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day  
of December 2004 Steve Clelland

Notary Public

Residing at Meridian, ID

My commission Expires 12/7/2006



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:

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

*Cap Hm*

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:

*PR*

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.

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.

*John W. Jones Jr.*

SCANNED  
MAY 21 2004

MICROFILMED

OCT 05 1997

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>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 Croyman farm & Valley  
Properties - Family Transfers per deed  
Habitat Holdings LLC - John A. Sandy

4. New Owner/Claimant(s)

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*John & 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 AS Date 5-14-04 Fee 0  
 Receipted 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 M Date 4-19-2004  
Ethel M. Peck, Clerk  
Billy Doughty \$ 9.00  
Deputy

## 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

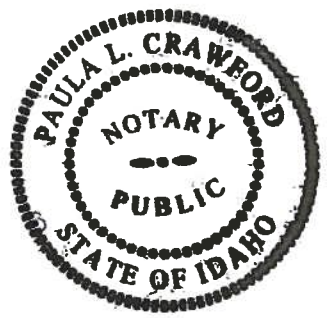
229024

STATE OF IDAHO )

County of Ada )

On this 13<sup>th</sup> 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



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

**RECEIVED**  
JAN 24 1990

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

SCANNED MICROFILMED  
MAY 21 2004 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

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 *23<sup>RD</sup>* day  
of *January* 19 *90* *Steve Cell*  
Notary Public

Seal

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



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 21, 2004

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

Re: Notice of Claim to a Water Right No. 77-4207

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region Office

DB: db

Enclosure

SCANNED

MAY 21 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 17, 2004

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

RECEIVED

MAY 20 2004

WATER RESOURCES  
WESTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

RECEIVED

MAY 19 2004

DEPARTMENT OF  
WATER RESOURCES S.O.

RE: Notice of Change of Water Right Ownership No. 77-4207

Dear Claimants:

Enclosed is your Notice of Change of Water Right Ownership form that was recently submitted to our office. However, we cannot continue to process the ownership change without your **signature**.

Please sign and return this form to our office, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region  
(208) 334-2190

DB: db

Enclosures



State of Idaho

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Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region  
(208) 334-2190

DB: db

Enclosures

SCANNED

MAY 17 2004