

Dept. of Water Resources  
Adjudication Bureau  
P. O. Box 83720  
Boise, ID 83720-0098

NMR

 RETURN TO SENDER

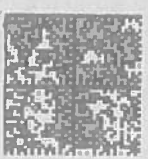
☐ INSUFFICIENT ADDRESS  
☐ NO SUCH NUMBER  
☐ UNCLAIMED ☐ REFUSED  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH STREET  
☐ VACANT  
☒ NOT RECEPTABLE  
☐ NOT DELIVERABLE AS  
ADDRESSED UNABLE  
TO FORWARD  
ROUTE NO. DATE  
CARRIAGE/INITIALS

ADDRESS SERVICE  
REQUESTED

CAPE HORN RANCH LLC  
2427 NORTHVIEW DR  
HAGERMAN ID 83332

2724

FIRST CLASS



UNITED STATES  
POSTAL SERVICE  
02 1A  
0004310839  
JAN 11 2006  
MAILED FROM ZIP CODE 83702  
\$00.63

RECEIVED  
JAN 17 2006  
DEPARTMENT OF  
WATER RESOURCES

77-4208

03/14/2006

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

RIGHT NUMBER: 77-4208

NAME AND ADDRESS: CAPE HORN RANCH LLC  
2724 NORTHVIEW DR  
HAGERMAN ID 83332

SOURCE: KNAPP CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 6.520 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 NESENE Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 04/15 10/15          | 0.020 CFS       |
| IRRIGATION            | 05/01 10/31          | 6.500 CFS       |

PLACE OF USE: IRRIGATION Within CUSTER County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T12N R11E S13 | SWSE | 6.00  | T12N R11E S13 | SESE | 20.00 |
| T12N R11E S24 | NENE | 40.00 | T12N R11E S24 | NWNE | 14.00 |
| T12N R11E S24 | SWNE | 2.00  | T12N R11E S24 | SENE | 6.00  |
| T12N R12E S18 | NWSW | 29.00 | T12N R12E S18 | SWSW | 34.00 |
| T12N R12E S18 | SESW | 7.00  | T12N R12E S19 | NWNW | 1.00  |

STOCKWATER Within CUSTER County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R11E S13 | SWSE | T12N R11E S13 | SESE |
| T12N R11E S24 | NENE | T12N R11E S24 | NWNE |
| T12N R11E S24 | SWNE | T12N R11E S24 | SENE |
| T12N R12E S18 | NWSW | T12N R12E S18 | SWSW |
| T12N R12E S18 | SESW | T12N R12E S19 | NWNW |

159 ACRES TOTAL

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

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

H.E. SURVEY NO. 574. TRACT II

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: BASIS OF CLAIM - Beneficial Use

RECEIVED

01/05/2006

MAR 09 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: 77-4208

CAPE HORN RANCH LLC  
2427 NORTHVIEW DR  
HAGERMAN ID 83332

2724

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:

Talked To Kew Knoblock about the 6.5 CFS water measurement taken and he agreed.

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

X I AGREE with this proposed recommendation: IF changed To 6.5  
no changes need to be made.

DATE: 3-3-06

SIGNATURE:

Robert Sandy

Please print your name:

Robert Sandy

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

SCANNED  
MAR 10 2006

Flow Agreement SMFMCKC-01

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Whereas: This agreement is not for the purpose of limiting or intringing on irrigator's water rights or the right to divert flows above decreed rights, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum measured flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the optimum diverted flow for the above diversion will be 6.5 CFS ( \_\_\_\_\_ Idaho's Miners Inches)

Idaho Department of Fish and Game  
Lynn Stratton, Program Coordinator

\_\_\_\_\_  
Date

Fluence M. Sandy  
Water User

7/29/04  
Date

W. A. Sandy  
Water User

7/29/04  
Date

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

*Cape Horn Ranch, LLC*

**Between:** Idaho Department of Fish and Game and W. A. Sandy or Florence M. Sandy and U S Dept. of Agriculture Forest Service owner(s)\user(s) of Knapp Creek diversion 01, also known as Salmon\Middle Fork\Marsh Creek\Knapp Creek-01 (SMFMCKC-01).

**Purpose:** This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

**Whereas:** Irrigators have the right to divert flows above their decreed right during maximum flows from Knapp Creek, and

**Whereas:** Maximum flows vary in time of year and in length of time from year to year, and

**Whereas:** Maximum flows vary in level from year to year, and

**Whereas:** Measured flows by the Idaho Department of Water Resources (IDWR) and Idaho Department of Fish and Game are only one point in time measurements, and

**Whereas:** These measurements give only an approximation and not a definitive value for maximum flows, and

**Whereas:** In the past, the Idaho Department of Fish and Game has designed screening facilities for approximated maximum flows based on their or IDWR flow measurements, and

**Whereas:** In some cases, measured maximum flows following construction of new fish screens have exceeded design flows, and

**Whereas:** Idaho Department of Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

**Whereas:** Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and

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

RIGHT NUMBER: 77-4208

NAME AND ADDRESS: CAPE HORN RANCH LLC  
2427 NORTHVIEW DR  
HAGERMAN ID 83332

SOURCE: KNAPP CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 6.170 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 NESENW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 04/15 10/15          | 0.020 CFS       |
| IRRIGATION            | 05/01 10/31          | 6.150 CFS       |

PLACE OF USE: IRRIGATION Within CUSTER County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12N R11E S13 | SWSE | 6.0  | T12N R11E S13 | SESE | 20.0 |
| T12N R11E S24 | NENE | 40.0 | T12N R11E S24 | NWNE | 14.0 |
| T12N R11E S24 | SWNE | 2.0  | T12N R11E S24 | SENE | 6.0  |
| T12N R12E S18 | NWSW | 29.0 | T12N R12E S18 | SWSW | 34.0 |
| T12N R12E S18 | SESW | 7.0  | T12N R12E S19 | NWNW | 1.0  |

STOCKWATER Within CUSTER County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R11E S13 | SWSE | T12N R11E S13 | SESE |
| T12N R11E S24 | NENE | T12N R11E S24 | NWNE |
| T12N R11E S24 | SWNE | T12N R11E S24 | SENE |
| T12N R12E S18 | NWSW | T12N R12E S18 | SWSW |
| T12N R12E S18 | SESW | T12N R12E S19 | NWNW |

159 ACRES TOTAL

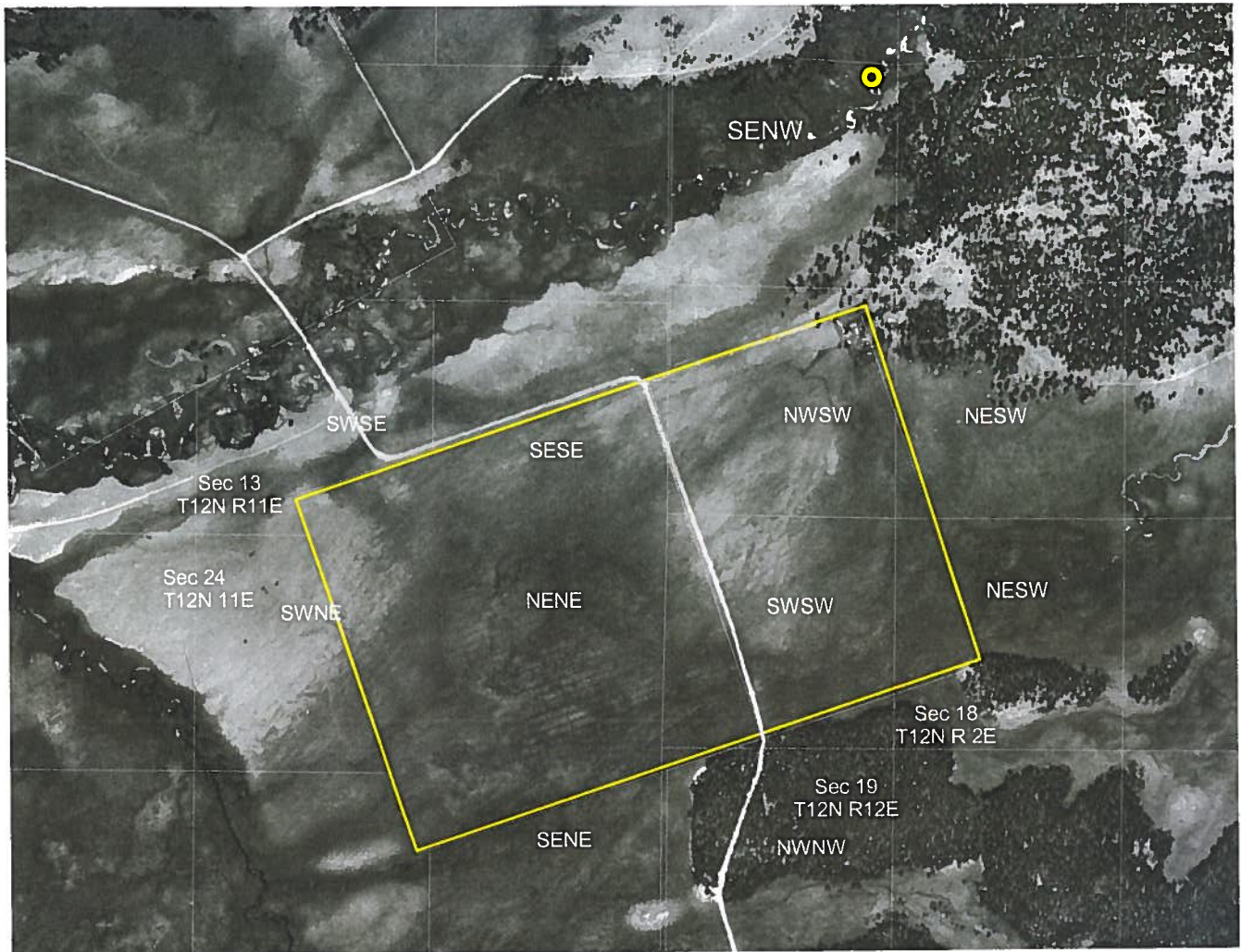
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

H.E. SURVEY NO. 574.  
TRACT II

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: BASIS OF CLAIM - Beneficial Use

# 77-4208



0 800 1600 Feet



Sections 13 & 24  
T12N R11E  
Sections 18 & 19  
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

Location of measurement: Knapp Creek 01

Date if measurment: 6/29/2004

### Global Inputs:

REW value: 1.00

LEW value: 6.50

Space between

readings (ft): 0.50

**Note to user:**

**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**

**Fax (208) 769-1454**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 18, 2005

Cape Horn Ranch LLC  
2427 Northview Dr.  
Hagerman, ID 83332

RE: 77-4208

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 'Knoblock', written over a horizontal line.

Kenneth Knoblock  
Water Resources Agent

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 77-4208  
Date Received: 1/23/1990  
Receipt No: S011038  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
FEB 16 2005  
WATER RESOURCES  
WESTERN REGION

1. Name of Claimant(s)

CAPE HORN RANCH LLC  
2427 NORTHVIEW DR  
HAGERMAN ID USA 83332

Phone: (208)280-0133

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      | NE SE NW              | 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 | 6.5    |            |
| STOCKWATER | 04/15 | 10/15 | 0.02   |            |

7. Total Quantity Appropriated is:  
6.5 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 SE          | IRRIGATION | 5     |
|          |       |         | SE SE          | IRRIGATION | 17    |

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
|     |     |    | SW | SE | STOCKWATER    |     |
|     |     |    | SE | SE | STOCKWATER    |     |
|     |     |    |    |    | Section Acres | 22  |
| 12N | 11E | 24 | NE | NE | STOCKWATER    |     |
|     |     |    | NW | NE | STOCKWATER    |     |
|     |     |    | SE | NE | STOCKWATER    |     |
|     |     |    | NE | NE | IRRIGATION    | 40  |
|     |     |    | NW | NE | IRRIGATION    | 10  |
|     |     |    | SE | NE | IRRIGATION    | 8   |
|     |     |    |    |    | Section Acres | 58  |
| 12N | 12E | 18 | SW | SW | IRRIGATION    | 38  |
|     |     |    | SE | SW | IRRIGATION    | 2   |
|     |     |    | SW | SW | STOCKWATER    |     |
|     |     |    | SE | SW | STOCKWATER    |     |
|     |     |    |    |    | Section Acres | 40  |
| 12N | 12E | 19 | NE | NW | STOCKWATER    |     |
|     |     |    | NW | NW | STOCKWATER    |     |
|     |     |    | NE | NW | IRRIGATION    | 7   |
|     |     |    | NW | NW | IRRIGATION    | 32  |
|     |     |    |    |    | Section Acres | 39  |
|     |     |    |    |    | 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:

H.E. SURVEY NO. 574.  
TRACT II

15. Basis of Claim: Statutory Claim

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

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

**RECEIVED**  
**FEB 22 2005**  
**IDWR/North**

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.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 77-4208               |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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 ETAL

4. New Owner/Claimant(s)

Cape Horn Ranch LLC

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

2427 Northview Dr

City, State and ZIP Code

Hagerman ID 83332

New Telephone Number

(208) 280-0133

5. Date you acquired the property

\_\_\_\_\_

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) Robert Sandy  
(include title if applicable) Member of Cape Horn Ranch LLC

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 SCC Date 2-15-05 Fee NONE  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by SCC AJ Date 2-15-05 WR \_\_\_\_\_ Date \_\_\_\_\_

RECORDING REQUESTED BY  
AND  
WHEN RECORDED RETURN TO

Thomas C. Praggastis  
Post Office Box 6090  
Ketchum, Idaho 83340

# 230189  
Custer County Req. of  
Thomas Praggastis  
Time 11:15 A.M. Date 10/27/2004  
Ethel M. Peck, Clerk  
Ruth Brunk \$ 12.00  
Deputy

Mail Tax Statements To:

Cape Horn Ranch, LLC  
P. O. Box 326  
Hagerman, ID 83332

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, WILLIAM A. SANDY, FLORENCE M. SANDY, ROBERT J. SANDY, LORA S. SILVER AND CHERYL M. SANDY, collectively Grantor, do hereby convey, release, remise and forever quitclaim unto CAPE HORN RANCH, LLC, an Idaho limited liability company, Grantee, all right, title and interest Grantors own in the real property, located in Custer County, Idaho, as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

DATED: 10/18/04

William A. Sandy  
WILLIAM A. SANDY

DATED: 10/18/04

Florence M. Sandy  
FLORENCE M. SANDY

DATED: 10/18/04

Robert J. Sandy  
ROBERT J. SANDY

DATED: 10/18/04

Lora S. Silver  
LORA S. SILVER

230189

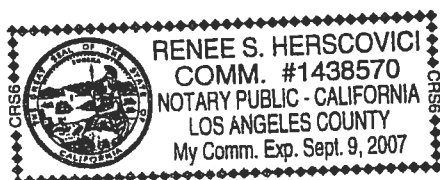
DATED: 10/18/04

Cheryl M. Sandy  
CHERYL M. SANDY

STATE OF CALIFORNIA )

County of Los Angeles )<sup>SS.</sup>

On this 18 day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared CHERYL M. SANDY, known or proved to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.



RENEE S. HERSCOVICI  
Notary Public for State of California

Residing at 737 Foothill bl La Canada Ca  
Commission expires 9/9/07 911

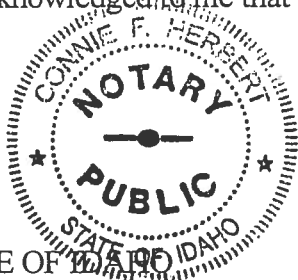
230189

STATE OF IDAHO )

SS.

County of GOODING )

On this 18<sup>th</sup> day of OCTOBER, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM A. SANDY and FLORENCE M. SANDY, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Connie F. Herbert  
 Notary Public for State of Idaho  
 Residing at Hagerman  
 Commission expires 6/14/2010

STATE OF IDAHO )

SS.

County of GOODING )

On this 18<sup>th</sup> day of OCTOBER, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT J. SANDY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.



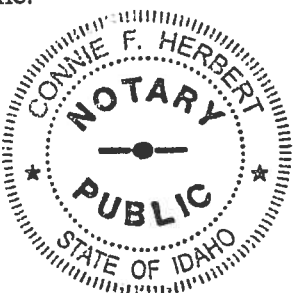
Connie F. Herbert  
 Notary Public for State of Idaho  
 Residing at HAGERMAN  
 Commission expires 6/14/2010

STATE OF IDAHO )

SS.

County of GOODING )

On this 18<sup>th</sup> day of OCTOBER, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared LORA S. SILVER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.



Connie F. Herbert  
 Notary Public for State of Idaho  
 Residing at Hagerman  
 Commission expires 6/14/2010

230189

EXHIBIT A

LEGAL DESCRIPTION

H.E. Survey No. 574, comprising Tracts "A" and "B," embracing a portion of, approximately, Sections 13, 18, 19 and 24, unsurveyed, Township 12 North, Ranges 11 and 12 East, Boise Meridian, more particularly described as follows:

TRACT A: BEGINNING at Corner No. 1 from whence U.S.L.M. No. 574 (approved) bears North 34°20' West, 58.02 chains; thence South 19°06' East, 32.00 chains to Corner No. 2; thence South 71°08' West, 30.86 chains to Corner No. 3; thence North 19°03' West, 31.93 chains to Corner No. 4; thence North 71°00' 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°00' West, 50 links distant; thence North 71°00' East, 19.00 chains to Corner No. 6; thence South 19°07' East, 32.00 chains to Corner No. 7; thence South 71°08' West, 19.00 chains to Corner No. 8; thence North 19°06' West, 32.00 chains to Corner No. 5, the PLACE OF BEGINNING. F.C. issued July 12, 1922. 159.42 acres.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, specifically including water rights and claims as set forth in Snake River Adjudication Claim No. 77-4208, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

RECEIVED

JAN 14 2005

WATER RESOURCES  
WESTERN REGION

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 77-4208  
Date Received: 1/23/1990  
Receipt No: S011038  
Received By: SCC

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WILLIAM A SANDY

Phone: (208)837-4554

PO BOX 326  
HAGERMAN ID USA 83332

FLORENCE M SANDY

Phone: (208)837-4554

PO BOX 326  
HAGERMAN ID USA 83332

LORA L. SILVER

Phone:

PO BOX 326  
HAGERMAN ID USA 83332

CHERYL M. SANDY

Phone:

BOX 326  
HAGERMAN ID USA 83332

ROBERT J. SANDY

Phone:

BOX 326  
HAGERMAN ID USA 83332

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      | NE SE NW              | 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  
STOCKWATER

04/15 10/15 6.5  
04/15 10/15 0.02

7. Total Quantity Appropriated is:  
6.5 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  | SE     |     | IRRIGATION    | 5     |
|          |       |         | SE  | SE     |     | IRRIGATION    | 17    |
|          |       |         | SW  | SE     |     | STOCKWATER    |       |
|          |       |         | SE  | SE     |     | STOCKWATER    |       |
|          |       |         |     |        |     | Section Acres | 22    |
| 12N      | 11E   | 24      | NE  | NE     |     | STOCKWATER    |       |
|          |       |         | NW  | NE     |     | STOCKWATER    |       |
|          |       |         | SE  | NE     |     | STOCKWATER    |       |
|          |       |         | NE  | NE     |     | IRRIGATION    | 40    |
|          |       |         | NW  | NE     |     | IRRIGATION    | 10    |
|          |       |         | SE  | NE     |     | IRRIGATION    | 8     |
|          |       |         |     |        |     | Section Acres | 58    |
| 12N      | 12E   | 18      | SW  | SW     |     | IRRIGATION    | 38    |
|          |       |         | SE  | SW     |     | IRRIGATION    | 2     |
|          |       |         | SW  | SW     |     | STOCKWATER    |       |
|          |       |         | SE  | SW     |     | STOCKWATER    |       |
|          |       |         |     |        |     | Section Acres | 40    |
| 12N      | 12E   | 19      | NE  | NW     |     | STOCKWATER    |       |
|          |       |         | NW  | NW     |     | STOCKWATER    |       |
|          |       |         | NE  | NW     |     | IRRIGATION    | 7     |
|          |       |         | NW  | NW     |     | IRRIGATION    | 32    |
|          |       |         |     |        |     | Section Acres | 39    |
|          |       |         |     |        |     | 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:

H.E. SURVEY NO. 574.  
TRACT II

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): *[Signature]* Date: 1-12-05  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup>  
of January 2005 *[Signature]*

Notary Public

Residing at Meridian, ID  
My commission Expires 12/7/2006



Water rate of diversion was  
measured by the forest service  
F&C

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

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APR 09 2004

Department of Water Resources

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.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 77-4208                      | No    |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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WATER RESOURCES  
WESTERN REGION

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) W. A. and Florence M. Sandy  
PO Box 326, Hagerman, ID 83332
4. New Owner/Claimant(s) W. A. and Florence M. Sandy, Lora L. Silver,  
Cheryl M. Sandy and Robert J. Sandy  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
c/o W. A. Sandy  
 New Mailing Address PO Box 326  
 City, State and ZIP Code Hagerman, ID 83332  
 New Telephone Number (208) 837-4554
5. Date you acquired the property 1/1/04

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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| 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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) W. A. Sandy Florence M. Sandy  
(include title if applicable) Lora L. Silver Cheryl M. Sandy

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. Robert J. Sandy

## For Office Use Only

Received by S.O. Date 4-9-04 Fee —  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

B 49591

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Department of Water Resources

# 228914

Custer County Reg. of

First American Title

Time 11:09 A.M. Date 3-25-2004

Ethel W. Peck, Clerk

Deputy Betty Doughty \$ 9.00

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP  
1101 WEST RIVER STREET, SUITE 340  
POST OFFICE BOX 7156  
BOISE, ID 83707-1156  
208/344-8600

(SPACE ABOVE LINE FOR RECORDER'S USE)

## BARGAIN AND SALE DEED

\*\*\*\*\*

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, MOUNTAIN AND VALLEY PROPERTIES L.P., an Idaho limited partnership, Grantor, does hereby grant, bargain, sell, and convey all of its right, title and interest, comprising an undivided 91.95% interest, in and to that certain parcel of real property located in Custer County, Idaho, to the following named Grantees:

W. A. SANDY AND FLORENCE M. SANDY, husband and wife, whose address is PO Box 326, Hagerman, ID 83332, as to an undivided 45.74% interest as tenants in common;

LORA SANDY SILVER, a single woman, whose address is PO Box 71, Hagerman, ID 83332, as to an undivided 16.04% interest as a tenant in common;

CHERYL M. SANDY, a single woman, whose address is 771 E. Woodbury Road, Altadena, CA 91001-3030, as to an undivided 14.52% interest as a tenant in common; and

ROBERT J. SANDY, a single man, whose address is PO Box 326, Hagerman, ID 83332, as to an undivided 15.65% interest as a tenant in common;

said property being more particularly described as follows:

H.E. Survey No. 574, comprising Tracts "A" and "B," embracing a portion of, approximately, Sections 13, 18, 19 and 24, unsurveyed, Township 12 North, Ranges 11 and 12 East, Boise Meridian, more particularly described as follows:

TRACT A: BEGINNING at Corner No. 1 from whence U.S.L.M. No. 574 (approved) bears North 34°20' West, 58.02 chains; thence South 19°06' East, 32.00 chains to Corner No. 2; thence South 71°08' West, 30.86 chains to Corner No. 3; thence North 19°03' West, 31.93 chains to Corner No. 4; thence North 71°00' 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°00' West, 50 links distant; thence North 71°00' East, 19.00 chains to Corner No. 6; thence South 19°07' East, 32.00 chains to Corner No. 7; thence South 71°08' West, 19.00 chains to Corner No. 8; thence North 19°06' West, 32.00 chains to Corner No. 5, the PLACE OF BEGINNING. F.C. issued July 12, 1922. 159.42 acres.

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 this conveyance is 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.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, specifically including water rights and claims as set forth in Snake River Adjudication Claim No. 77-4208, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

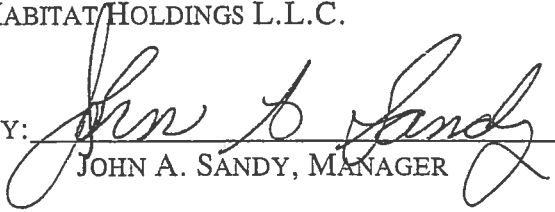
IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of January, 2004.

GRANTOR:

MOUNTAIN AND VALLEY PROPERTIES L.P.,  
BY ITS SOLE GENERAL PARTNER:

HABITAT HOLDINGS L.L.C.

BY:

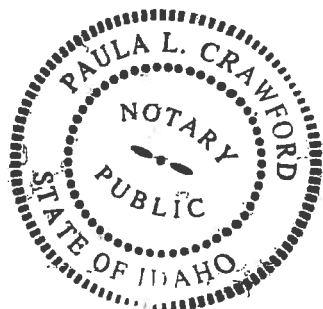
  
JOHN A. SANDY, MANAGER

228914

STATE OF IDAHO )  
COUNTY OF Ada )  
SS.

On this 15<sup>th</sup> day of March, 2004, before me, the undersigned Notary Public in and for said State, personally appeared JOHN A. SANDY, known or identified to me to be the Manager of HABITAT HOLDINGS L.L.C., the within named Idaho limited liability company, which is the sole General Partner of MOUNTAIN AND VALLEY PROPERTIES L.P., the within named Idaho limited partnership, and the person whose name is subscribed to the foregoing instrument and acknowledged to me that said limited partnership executed the same.

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 Crawford  
NOTARY PUBLIC, State of Idaho

Residing at: Kuna, ID

Commission expires: 10/7/05

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APR 09 2004

Department of Water Resources

LAW OFFICE

THORNTON & BYRON LLP

TAX • BUSINESS • ESTATE PLANNING • WEALTH PRESERVATION

THE GOLDEN EAGLE AT FOREST RIVER  
1101 WEST RIVER STREET, SUITE 340  
BOISE, IDAHO 83702-7067

POST OFFICE BOX 7156  
BOISE, IDAHO 83707-1156

TELEPHONE: (208) 344-8600  
FACSIMILE: (208) 344-8720

D. JOHN THORNTON, P.A.  
GREGORY A. BYRON, LL.M., P.A.  
AMBER R. MYRICK, LL.M., P.A.

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APR 13 2004

KEVIN C. BELEW, LL.M.  
JOSEPH S. KOZLOWSKI, LL.M.  
NICHOLAS S. MARSHALL, LL.M.  
TIMOTHY D. SCOTT, LL.M.

WATER RESOURCES  
WESTERN REGION

KATHLEEN A. ROCKNE, R.P.  
LEGAL ADMINISTRATOR

LICENSED TO PRACTICE IN  
IDAHO, OREGON, WASHINGTON,  
NEVADA, CALIFORNIA

STRATEGIC LEGAL ALLIANCES:  
ARIZONA, UTAH

April 8, 2004

Ms. KariLynn Townsend  
State of Idaho  
Department of Water Resources  
1301 N. Orchard  
Boise, ID 83706-2237

Re: Sandy / Mountain and Valley Properties L.P.

Dear KariLynn:

Enclosed is a Notice of Change in Water Right Ownership for Adjudication Claim No. 77-4208. We are also including a copy of the Bargain and Sale Deed from Mountain and Valley Properties L.P. to W. A. Sandy and Florence M. Sandy, Lora Sandy Silver, Cheryl M. Sandy and Robert J. Sandy, for H.E.S. 574, recorded in Custer County on March 25, 2004, as Instrument No. 228914. This will also confirm our previous discussion, in which you advised me that this transfer would not require a fee.

If you have any questions, please call. We look forward to hearing from you.

Very truly yours,

Kathleen A. Rockne, R.P.  
Legal Administrator

/K

Enclosures

cc w/enc: Richard Cummings, Esq.  
Thomas C. Praggastis, Esq.

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: A77-04208  
Date Received: 1/23/1990  
Receipt No: S011038  
Received By: SCC

RECEIVED

JAN 24 1990

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources  
Western Regional Office

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      | NE     | SE     | NW     |     | 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 | 4.800  |      |        |

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

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

9. Non-irrigation uses:

A77-04208

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     | SE  |               | IRR | 5.0   |
|          |       |         | SE     | SE  |               | IRR | 17.0  |
|          |       |         |        |     | Section Acres |     | 22.0  |
|          |       | 24      | NE     | NE  |               | IRR | 40.0  |
|          |       |         | NW     | NE  |               | IRR | 10.0  |
|          |       |         | SE     | NE  |               | IRR | 8.0   |
|          |       |         |        |     | Section Acres |     | 58.0  |
|          | 12E   | 18      | SW     | SW  |               | IRR | 38.0  |
|          |       |         | SE     | SW  |               | IRR | 2.0   |
|          |       |         |        |     | Section Acres |     | 40.0  |
|          |       | 19      | NE     | NW  |               | IRR | 7.0   |
|          |       |         | NW     | NW  |               | IRR | 32.0  |
|          |       |         |        |     | Section Acres |     | 39.0  |
|          |       |         |        |     | 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. 574.  
TRACT II

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): *Shirley* 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

12N.

11E 12E

KAPP CREEK

P.D.

DITCH

Kelly CREEK

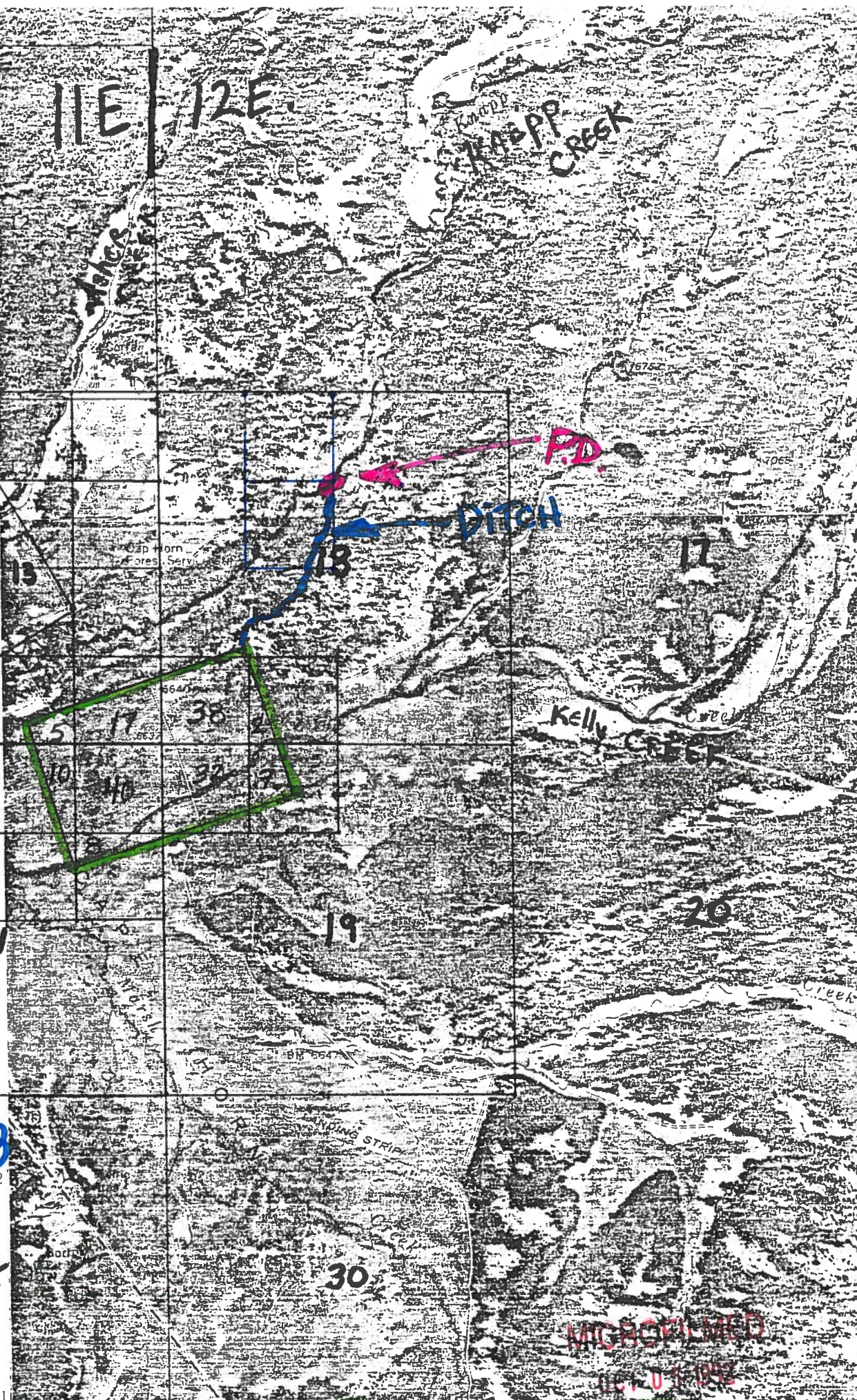
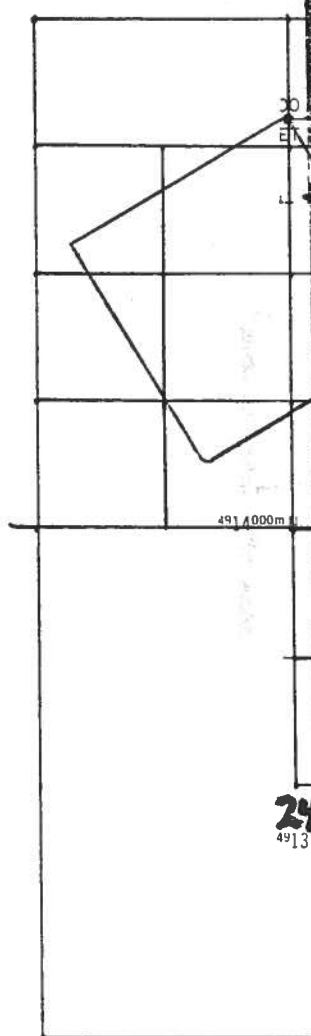
A77-04208

25

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DEC 01 1992



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 Statute*

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

*22. Apr.*

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. Hm 54*

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.

*2-9-65*

MICROFILMED

*1.11*

OCT 05 1992