

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: A37-10210B
Date Received: 6/22/1988
Receipt No: X777777
Received By: O/C ALB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEVEN MOHR
Address: HCR 60 BOX 306
BLISS ID 83314

AND

Name: ELIZABETH A MOHR
Address: HCR 60 BOX 306
BLISS ID 83314

2. Date of Priority: MAY 1, 1896

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	17E	31	SE	SE	SW		LINCOLN

5. Description of diverting works:
VIA BIG WOOD CANAL CO. & AMERICAN FALLS RES. DIST. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	16E	12	SE SW		IRR	20.0
Section Acres						20.0
Total Acres						20.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
AMERICAN FALLS SUPPLEMENTAL WATER

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF THE OLD RIGHT 37-00533. THE WATER IS DELIVERED VIA THE MILNER GOODING CANAL IN EXCHANGE FOR WATER FROM BIG WOOD RIVER DELIVERED INTO BIG WOOD CANAL CO. SYSTEM.

OWNERSHIP CHANGE MADE 6/20/96 BY TLB.

OWNERSHIP CHANGE RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO SHIELDS AND THE "B" PORTION BELONGS TO MOHR. MEMO OF CONTRACT SALE, POWER OF ATTORNEY, AND MAP WAS INCLUDED AS PROOF. TLB 9/25/97

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER CO., ET. AL.

vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SEP 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVE & ELIZABETH MOHR
HCR 60 BOX 306
BLISS ID 83314

RE: SRBA CLAIM(S): A37-10205 & A37-10210(SPLIT)
SHIELDS

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. THESE COPIES ARE FOR YOUR RECORDS. PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L. BACKLUND
ADJUDICATION RECORDS CLERK

/tlb
ENCLOSURES

CC: SHIELDS, PO BOX 861, BELLEVUE, ID 83313

RECEIVED

MAY 14 1997



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region

DATE OF CLOSING: NOVEMBER 12, 1996

LEGAL DESCRIPTION OF PROPERTY: Township 5 South Range 16 EAST of the Boise Meridian
Section 12, se 1/4 of sw 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

AS DESCRIBED ON ATTACHED MEMO OF CONTRACT

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) A37-10205 and A37-10210 Split 20/20 acres
Assigned by IDWR:
- [] Name and Address of Former Owner/Claimant(s)(Seller): HEATHER HOLLANDER SHIELDS
BUTCH SHIELDS
- [] New Owner/Claimant (Purchaser): P.O. BOX 861 BELLEVUE, IDAHO 83313
STEVEN AND ELIZABETH A. MOHR
- [] New Mailing Address: HCR 60 BOX 306
BLISS, IDAHO 83314
- [] New Telephone Number: () -
- [] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no (as to #A37-102)
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
SEE DESCRIPTION ON WARRANTY DEED TO MOHR'S

- [] Attach proof of ownership, describe proof attached: C/S #161550 (also see power of attorney #161549)

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) Steven & Elizabeth A. Mohr, Wy Attorney at Law Date 11/26/96
- [] Signature of Former Owner/Claimant(s): Butch Shields Date 9/9/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date By:
Further Action Needed

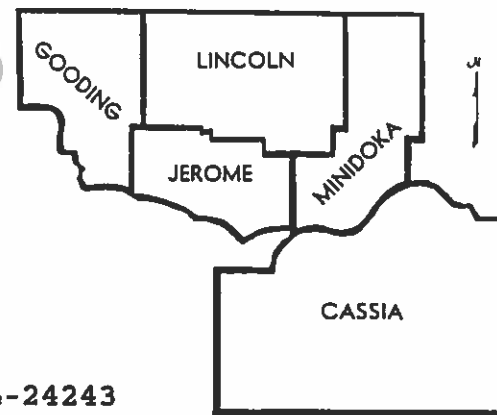
Further Action Taken
Date By:

Final Review and Data-Entry
Date 9/18/97 By: HB
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE:

L-24243
Gooding

May 12, 1997

RECEIVED

MAY 14 1997

State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
MOHR/SHIELDS
Cert Mail #P 248 124 310

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on the above for Water Right Numbers as indicated
- Copy of Memo of Sale #161550

Thank you,

LAND TITLE AND ESCROW, INC.


Betty Fredericksen
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc: MOHR

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1198

MEMORANDUM OF CONTRACT

On NOV 8th, 1996, Heather Hollander Shields and Butch Shields, as Vendor and Steven Mohr and Elizabeth A. Mohr husband and wife, as Vendee made and entered into a certain Land Sale Contract wherein said Vendor agreed to sell to said Vendee and the latter agreed to purchase from said Vendor the fee simple title in and to the following described real property in Lincoln County, State of Idaho, To-Wit:

A parcel of land located in the Southeast 1/4 of the Southwest 1/4 of Section 12, T. 5 S., R. 16 E., B.M. containing 20 more or less, being Parcel 2 as shown on the attached map and more particularly described in the attached description.

Together with an easement 40 feet in width for ingress and egress as recorded as instrument #160713 and #160720 in the records of Lincoln County.

Subject to rights and easements of record in favor of the Big Wood Canal Co., American Falls Reservoir Dist . #2 and The Idaho Power Co. servicing the premises

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

This Memorandum is executed to evidence and confirm said sale which includes the following terms:

- 1) Date of agreement: NOV 8, 1996
 - 2) Interest transferred: all
 - 3) True and actual consideration: \$47,000.00
 - 4) Unless a change is requested, all Tax statements shall be sent to the following address: P. O. Box 861, Bellevue, ID 83313
- Dated this 8 day of NOV, 1996

VENDOR:

Heather Hollander Shields
Butch Shields

VENDEE:

Steven Mohr
Elizabeth A. Mohr
Attorney in fact

MEMORANDUM OF CONTRACT

SCHEDULE A

A parcel of land located in the SE1/4 SW1/4, Section 12, T. 5 S., R. 16 E., B.M., Lincoln County, Idaho, more particularly described as follows;

Beginning at a brass cap marking the South 1/4 Corner of said Section 12, said point also being the REAL POINT OF BEGINNING;

thence N 0°14'27" W 1206.83 feet along the east boundary of said SE1/4 SW1/4 Section 12;

thence N 88°55'27" W 192.41 feet;

thence S 65°24'18" W 561.93 feet;

thence S 6°11'18" W 396.66 feet;

thence S 19°11'45" W 595.52 feet to the south boundary of said SE1/4 SW1/4 Section 12;

thence S 88°48'09" E 947.18 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH a grant of easement instrument #160713 and #160714 as recorded in the office of the Lincoln County Recorder, Lincoln County, Shoshone, Idaho.

ALSO TOGETHER WITH a 50 foot wide access and public utility easement being 50 feet right of and 0 feet left of the following described line, Beginning at the northeast corner of said SE1/4 SW1/4 Section 12, thence S 0°14'27" E 118.70 feet to the point of terminus.

SUBJECT TO a 50 foot wide access and public utility easement affecting the easterly 50 feet of the above described parcel of land.

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto including but not limited to 20 inches decreed water priority date May 1, 1896.

161550

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

Land Title & Abstract

NOV | 2 1996

at 20 minutes past 4 P.M.

recorded by *Helen Jackson, Dep.*

Fee: *2.00* Return to: *above*

SPECIAL POWER OF ATTORNEY

Know All Men by These Presents; That I.....

ELIZABETH A. MOHR

have made, constituted, and appointed, and by these presents do make, constitute and appoint.....

STEVEN MOHR

of.....BLISS, IDAHO.....true and lawful attorney for and in.....my.....

name, place and stead, and for.....his.....use and benefit as follows:
TO PRESERVE, MANAGE, LEASE, EXCHANGE, SELL FOR CASH, CREDIT OR ON
CONTRACT, CONVEY, ENCUMBER BY MORTGAGE OR DEED OF TRUST, ALL UPON SUCH
TERMS AND CONDITIONS AS HE SEES FIT PERTAINING TO THAT CERTAIN REAL
PROPERTY DESCRIBED AS FOLLOWS:

SEE SCHEDULE A ATTACHED

and to sign, seal, execute, deliver and acknowledge such instruments in writing of whatever kind and nature
as may be necessary or proper in the premises.

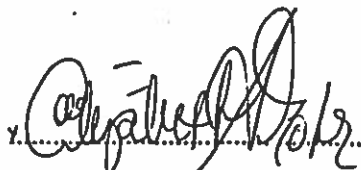
Giving and granting unto said attorney full power and authority to do and perform all and every act
and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to
all intents and purposes as the signer might or could do if personally present, and hereby ratifying and confirm-
ing all that said attorney shall lawfully do or cause to be done in the above stated premises by virtue of these
presents.

IN WITNESS WHEREOF,.....I.....have hereunto set.....my.....hand and seal on the.....24th.....

day of.....OCTOBER....., 19..96....

Signed, sealed and delivered in presence of

ELIZABETH A. MOHR

} .....(Seal)

SCHEDULE "A"

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 12: A parcel of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section, more particularly described as follows:

Beginning at a brass cap marking the South quarter corner of said Section 12, said point also being the REAL POINT OF BEGINNING:

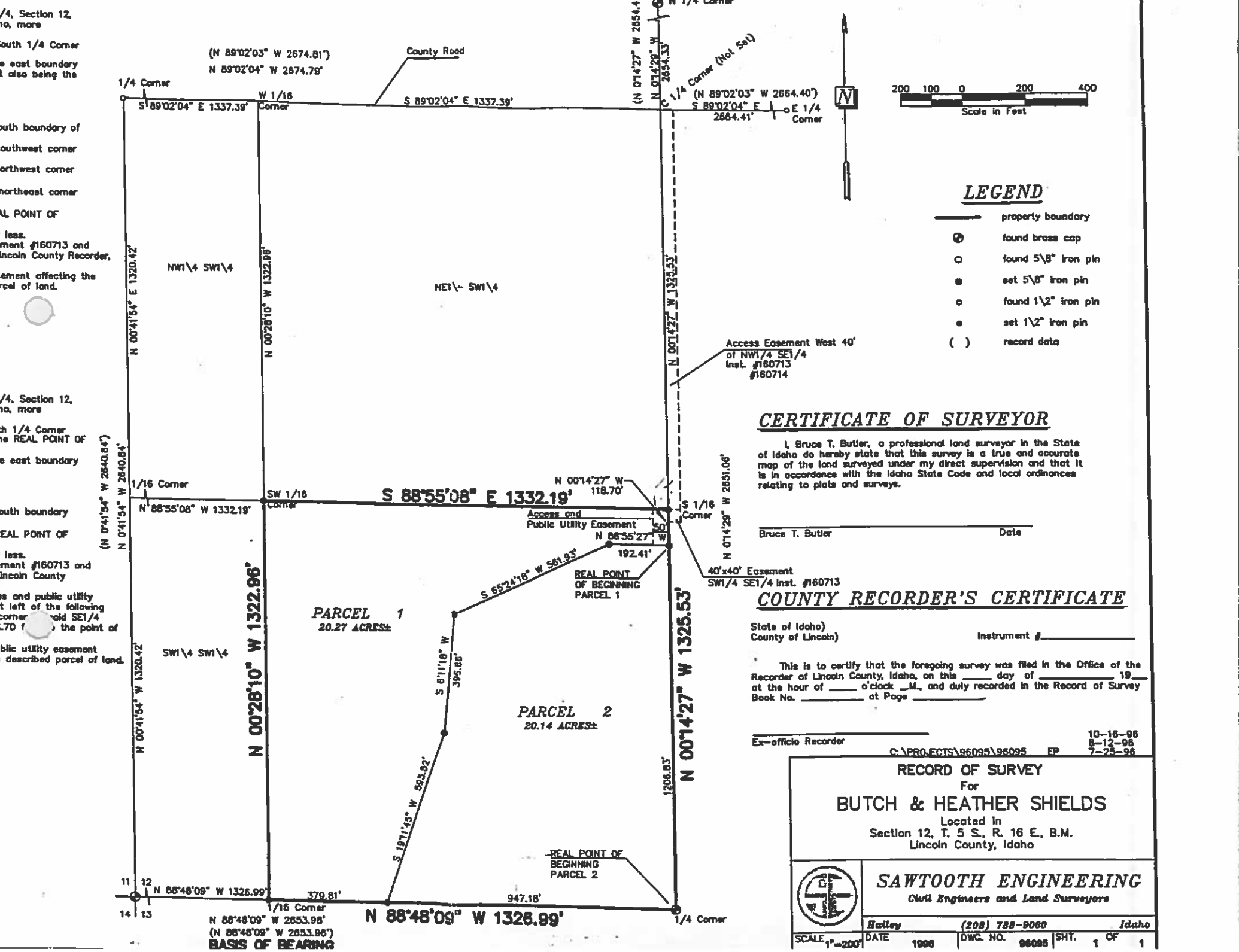
Thence North 0° 14' 27" West 1206.83 feet along the east boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12;
Thence North 88° 55' 27" West 192.41 feet;
Thence South 65° 24' 18" West 561.93 feet;
Thence South 6° 11' 18" West 396.66 feet;
Thence South 19° 11' 45" West 595.52 feet to the south boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12;
Thence South 88° 48' 09" East 947.18 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH a grant of easement instrument No. 160713 and Instrument No. 160714 as recorded in the office of the Lincoln County Recorder, Lincoln County, Shoshone, Idaho.

W 161549

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of <i>Land Title & Escrow</i>
NOV 12 1996
at 19 minutes past 4 P.M. recorded by <i>Walter Jackson, Dep.</i> Fee <i>per</i> Return to: <i>above</i>

By hand.



LEGEND

- property boundary
- ⊙ found brass cap
- found 5/8" iron pin
- set 5/8" iron pin
- found 1/2" iron pin
- set 1/2" iron pin
- () record data

CERTIFICATE OF SURVEYOR

I, Bruce T. Butler, a professional land surveyor in the State of Idaho do hereby state that this survey is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code and local ordinances relating to plats and surveys.

Bruce T. Butler _____ Date _____

COUNTY RECORDER'S CERTIFICATE

State of Idaho) _____
County of Lincoln) Instrument # _____

This is to certify that the foregoing survey was filed in the Office of the Recorder of Lincoln County, Idaho, on this _____ day of _____ 19____ at the hour of _____ o'clock _____ M., and duly recorded in the Record of Survey Book No. _____ at Page _____

Ex-officio Recorder _____ C:\PROJECTS\96095\96095 EP 10-18-98
8-12-98
7-25-98

RECORD OF SURVEY For BUTCH & HEATHER SHIELDS Located in Section 12, T. 5 S., R. 16 E., B.M. Lincoln County, Idaho		
	SAWTOOTH ENGINEERING Civil Engineers and Land Surveyors	
	Halley (208) 788-9060 DATE 1998	Idaho DWG. NO. 96085 SHT. 1 OF 1

04/07/2005

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

RIGHT NUMBER: 37-10210B
NAME AND ADDRESS: ELIZABETH A MOHR
HCR 60 BOX 306
BLISS ID 83314

STEVEN MOHR
HCR 60 BOX 306
BLISS ID 83314

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.400 CFS
PRIORITY DATE: 05/01/1896
POINT OF DIVERSION:

T04S R18E S15 SWNWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County
T05S R16E S12 SESW 20.0

20 ACRES TOTAL

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

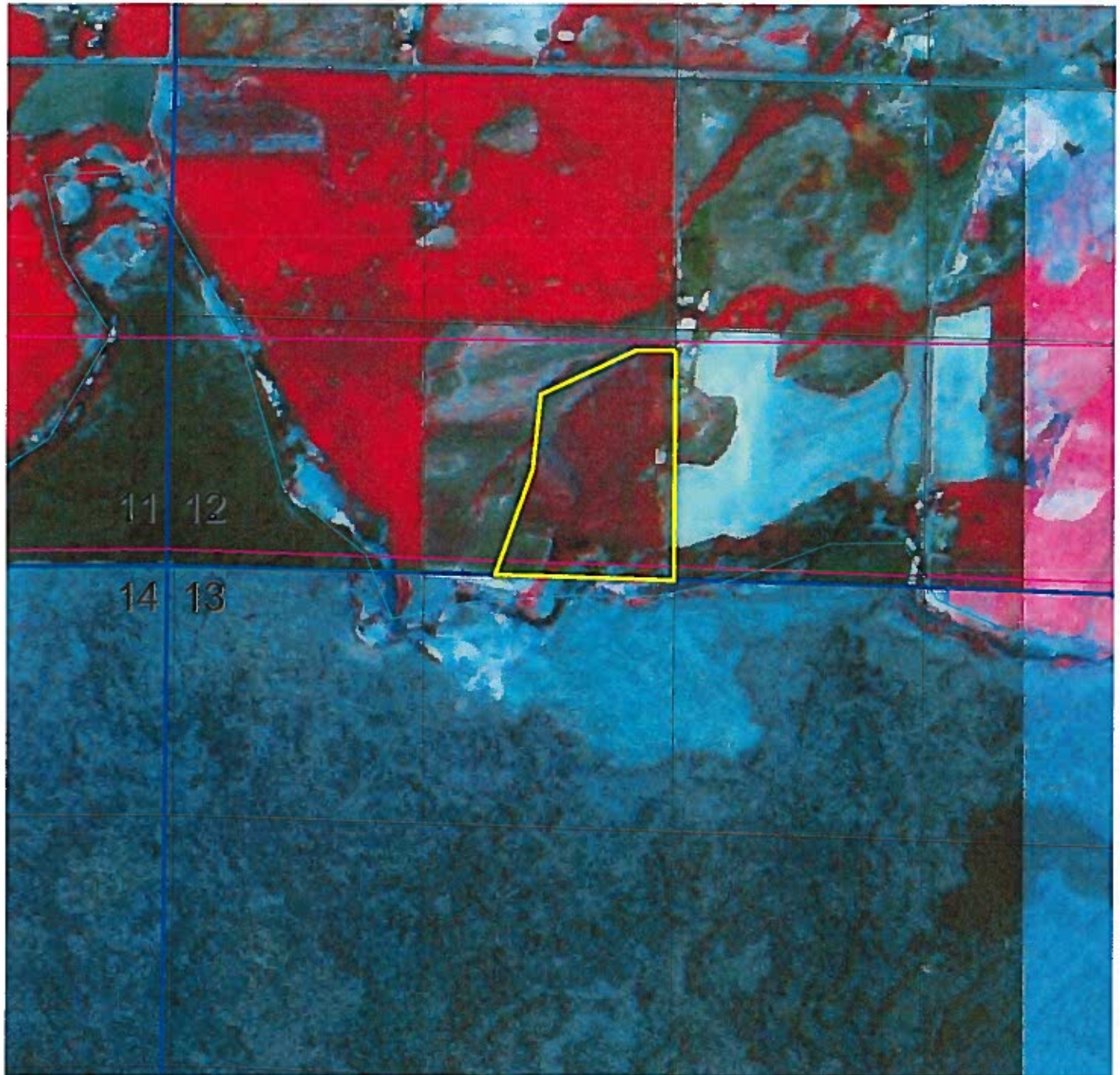
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH NORTH SHOSHONE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-10210B



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 16E
SEC: 12



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 7, 2005

MARCH 6, 2003

BIG WOOD BELOW MAGIC DECREE BOOK

DIVER NO	R	DIVER_NAME	OWNER	ST ID NO	DECREE TO	PRIOR DATE	INCHES	CFS	OWNER CFS	CANAL CFS
0005	H	LINCOLN BY-PASS	GENE GOOLD RLR-01	37-0577	W.T.RILEY	03/24/1883	49.70	0.99	0.99	0.99
0005	H	LINCOLN BY-PASS	GENE GOOLD	37-0126	WILLIAM CANZLER	08/02/1897	120.00	2.40	3.39	3.39
0013	H	BAYLISS	BRAD STEPANEK	37-0245	J.B.GEHRIG	06/01/1898	80.00	1.60	1.60	1.60
0013	H	BAYLISS	BRAD STEPANEK	37-0248	G.B.GEHRIG	06/01/1901	40.00	0.80	2.40	2.40
0013	H	BAYLISS	BRAD STEPANEK	37-0247	G.B.GEHRIG	06/01/1902	40.00	0.80	3.20	3.20
0017	H	CALHOUN	RANDY KEADING	37-0586	G.AND JACK ROESSLER	04/30/1889	132.00	2.64	2.64	2.64
0017	H	CALHOUN	RANDY KEADING	37-0589	J.E.ROESSLER	05/01/1904	150.00	3.00	5.64	5.64
0017	H	CALHOUN	RANDY KEADING	37-0587	G.AND JACK ROESSLER	04/02/1905	40.00	0.80	6.44	6.44
0019	H	SILVA	CORWIN SILVA TRUST	37-0611	A.D.SILVA	04/30/1891	140.00	2.80	2.80	2.80
0019	H	SILVA	CORWIN SILVA TRUST	37-0612	A.D.SILVA	06/02/1903	80.00	1.60	4.40	4.40
0019	Z	SILVA	CORWIN SILVA TRUST #302	37-AFSW	AMERICAN FALLS	AFSW	61.75	1.24		
0020	H	BUTLER	LAVERN CARPENTER	37-0533	J B PECK	05/01/1896	28.00	0.56	0.56	0.56
0020	Z	BUTLER	LAVERN CARPENTER 272	37-AFSW	AMERICAN FALLS	AFSW	14.50	0.29		
0020	H	BUTLER	JAMES F ENGLE	37-0533	J.B.PECK	05/01/1896	14.00	0.28	0.40	0.84
0020	Z	BUTLER	JAMES F ENGLE	37-AFSW	AMERICAN FALLS	AFSW	4.31	0.09		
0020	H	BUTLER	STEVEN MOHR	37-0533	J.B.PECK	05/01/1896	12.00	0.24	0.40	1.08
0020	H	BUTLER	STEVEN MOHR	37-0533	J.B.PECK	05/01/1896	20.00	0.40	0.64	1.48
0020	Z	BUTLER	STEVEN MOHR-CERT #334	37-AFSW	AMERICAN FALLS	AFSW	6.25	0.13		
0020	Z	BUTLER	STEVEN MOHR-CERT #327	37-AFSW	AMERICAN FALLS	AFSW	9.69	0.19		
0020	H	BUTLER	DONALD R PEAK	37-0531	CHARLES M.PEAK	05/01/1905	40.00	0.80	0.80	2.28
0020	H	BUTLER	BRET RASMUSSEN	37-0533	J.B.PECK	05/01/1896	20.40	0.41	0.41	2.69
0020	Z	BUTLER	BRET RASMUSSEN # 359	37-AFSW	AMERICAN FALLS	AFSW	6.19	0.12		
0020	H	BUTLER	MIKE SANT	37-0533	J.B.PECK	05/01/1896	45.60	0.91	0.91	3.60
0020	Z	BUTLER	MIKE SANT #271	37-AFSW	AMERICAN FALLS	AFSW	26.31	0.57		

37-10210B

↓ T5s R16E

T4s
R17E
S.31

POD?

ST-1021
T5S R1E
S.31

SHIELDS
'A'

MOHR
'B'

12

13

T5s
R16E

37-10210 B

By COGO map

12/27/02
SM

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-533

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False