

06/25/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10614

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIAN BARTSCHI
Current Owner	PHILLIP D BARTSCHI 8555 NOUNAN RD MONTPELIER, ID 83254 (208)847-2992
Original Owner	DERRAHL V HOLMES RT 2 BOX 2294 BURLEY, ID 83318 (208)678-7904
Original Owner	BARTSCHI BROTHERS C/O PHILLIP D BARTSCHI 8555 NOUNAN RD MONTPELIER, ID 83254 (208)847-2992

Priority Date: 01/01/1950
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER	NFNWSE	Sec. 04	Township 12S	Range 26E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER	CASSIA County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	26E	4		NWSE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. C18 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-

Water Right 43-10614

1412(6), IDAHO CODE.

Remarks:

I. Explanatory PARCEL NO. RP12S26E041200 STOCKWATER, 100 BEEF

Dates:

Licensed Date:
Claim Received Date: 09/06/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S009081
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2001

PHILLIP D BARTSCHI
DIAN BARTSCHI
8555 NOUNAN RD
MONTPELIER ID 83254

RE: SRBA Claim(s) 43-10614

Dear Mr. and Mrs. Bartschi:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED**JUN 25 2001**Department of Water Resources
Southern Region

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-10614					
43-10615					

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) BARTSCHT BROS
8555 NOUNAN RD
4. New Owner/Claimant(s) MONTPELIER ID
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
PHILLIP D. BARTSCHT
 New Mailing Address 8555 NOUNAN RD
- City, State and ZIP Code MONTPELIER ID 83254
- New Telephone Number 208 837-2412
5. Date you acquired the property 6/1/2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>43-10614</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) Phillip D. Bostert
(include title if applicable) _____

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

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>6/25/01</u>	Fee <u>\$25.00</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by _____	AJ Date _____	WR _____	Date _____

173037

99 JUL 2 AM 9 26
J. Anderson
FEE

WARRANTY DEED

For Value Received O. Duane Bartschi and Alice LaNae Bartschi, husband and wife, the grantors of Malta, Idaho, do hereby grant, bargain, sell and convey unto Phillip D. Bartschi and Dian Bartschi, husband and wife, of 8555 Nounan Road, Montpelier, ID 83263, the grantees, the following described premises, to-wit:

See Exhibit A for Bear Lake County, Idaho, attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

O. Duane Bartschi
O DUANE BARTSCHI
Alice LaNae Bartschi
ALICE LANAE BARTSCHI

STATE OF IDAHO)
County of Cassia : ss.

On this 30th day of June, 1999, before me the undersigned, a notary public in and for said County and State, personally appeared O. Duane Bartschi and Alice LaNae Bartschi, known or identified to me to be the persons whoses names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Sherrice Erickson
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Almo Idaho
My commission expires: 3/14/02

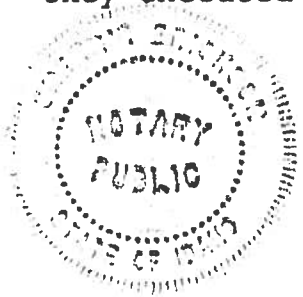


EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 42 EAST OF THE BOISE MERIDIAN:
 Section 25: SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$.

TOWNSHIP 10 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:
 Section 29: W $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$.

EXCEPT THEREFROM all that portion of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Northerly of the Southerly Right of Way Line of the Oregon Short Line Railroad Company's Railroad.

Section 30: Lot 4; E $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

EXCEPT THEREFROM the following tract of land, to-wit:
 Beginning at a point 734 feet North 57° East from the Center of said Section 30, and running thence North 22°15' West 208 $\frac{1}{2}$ feet; thence North 67°45' East 208 $\frac{1}{2}$ feet; thence South 22°15' East 208 $\frac{1}{2}$ feet; thence South 67°45' West 208 $\frac{1}{2}$ feet, to the Point of Beginning.

Section 31: Lots 2; 3 and 4; N $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

ALSO: The North 60 rods of the SE $\frac{1}{4}$ NE $\frac{1}{4}$.

ALSO: Beginning at a point which is 33 feet West and 82 feet South of the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, and running thence West 208.71 feet; thence South 417.72 feet; thence East 208.71 feet; thence North 417.72 feet to the Point of Beginning.

Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$.

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:
 Section 5: Lot 4; SW $\frac{1}{4}$ 1/4NW $\frac{1}{4}$; NW $\frac{1}{4}$ 1/4SW $\frac{1}{4}$.

EXCEPT THEREFROM: Beginning at the Southwest Corner of the NW $\frac{1}{4}$ 1/4SW $\frac{1}{4}$ of said Section 5, and running thence North 300 feet; thence East 1120 feet, more or less, to the Westerly Right of Way of the County Road; thence Southeasterly 315 feet, more or less, to a point due East of the point of beginning; thence West to the Point of Beginning.

ALSO EXCEPT: A parcel of land located in Section 5, Township 11 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, and further described as follows:

Beginning at the Northwest Corner of said Section 5; thence East 137.29 feet along the North line of said Section to a 5/8" rebar with cap labelled "AA HUDSON PLS 4735" set on the Westerly right-of-way fence of the Nounan Road; thence along said Westerly right-of-way fence through the following courses: thence South 18°28'11" East 59.09 feet to a 5/8" rebar with cap; thence South 13°55'16" East 70.29 feet to a 5/8" rebar with cap; thence South 04°32'36" East 180.32 feet to a 5/8" rebar with cap; thence South 06°01'21" East 962.70 feet to a 5/8" rebar with cap; thence South 09°37'53" East 572.35 feet to a 5/8" rebar with cap set at a fence corner; thence North 78°22'16" West 389.76 feet along an existing fenceline to a 5/8" rebar with cap set on the West line of said Section; thence North 00°04'21" West 1747.13 feet along said West

EXHIBIT A (Continued)

line to the Point of Beginning.

ALSO EXCEPT: Beginning at a point 498 feet South and 400 feet West of the Northeast Corner of the NW1/4SW1/4 of said Section 5, said point being the center of the Nounan-Georgetown Road, and running thence West 243 feet; thence North 208 feet; thence East 208 feet, more or less, to the center of said County Road; thence Southeasterly along said County Road, to the Point of Beginning.

ALSO EXCEPT: Beginning at a point 498 feet South and 400 feet West of the Northeast Corner of the NW1/4SW1/4 of said Section 5, said point being the center of the Nounan-Georgetown Road, and running thence Southeasterly along center of said Road 50 feet; thence West 380 feet; thence North 366 feet; thence East 335 feet, more or less, to the center of said County Road; thence Southeasterly along center of said road 110 feet; thence West 208 feet; thence South 208 feet; thence East 243 feet to the True Point of Beginning.

ALSO EXCEPT: Beginning at a point South 00°04'21" East 1,747.13 feet from the Northwest Corner of said Section 5, and running thence South 78°22'16" East 389.76 feet to the Nounan-Georgetown Road; thence Southeasterly along said roadway 1510.5 feet, more or less, to the Northeast Corner of the Todd Alleman residence; thence West 885 feet, more or less, to the West Line of said Section 5; thence along said Section Line North 00°04'21" West 1502 feet, more or less, to the Point of Beginning.

ALSO EXCEPT THEREFROM: Any portion of the above two parcels thereof lying within the Right of Way of said Nounan-Georgetown Road.

Section 6: Lots 2; 3; 4; 5; 6 and 7; SE1/4NW1/4; E1/4SW1/4.

Section 7: Lots 1; 2; 3 and 4; NW1/4SE1/4; NE1/4SW1/4; E1/4NW1/4; SW1/4NE1/4.

EXCEPTING THEREFROM any portion thereof lying within the Right of Way of County Roads or the Oregon Short Line Railroad as presently located.

*

EXHIBIT B

Caribou County, Idaho

Township 5 South, Range 44 East of the Boise Meridian:

Section 27: ~~W $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$~~ , ~~SW $\frac{1}{2}$ NE $\frac{1}{2}$~~ , ~~NE $\frac{1}{2}$ NW $\frac{1}{2}$~~ , ~~S $\frac{1}{2}$ SW $\frac{1}{2}$~~ , ~~W $\frac{1}{2}$ SE $\frac{1}{2}$~~ , and all that part of the ~~SE $\frac{1}{2}$ NE $\frac{1}{2}$~~ and the ~~E $\frac{1}{2}$ SE $\frac{1}{2}$~~ lying West of a County Road.

Section 28: ~~S $\frac{1}{2}$ SE $\frac{1}{2}$~~ .

Section 33: ~~NE $\frac{1}{2}$~~ , ~~NE $\frac{1}{2}$ NW $\frac{1}{2}$~~ .

Section 34: ~~NW $\frac{1}{2}$~~ , ~~SW $\frac{1}{2}$ NE $\frac{1}{2}$~~ , and all that part of the ~~N $\frac{1}{2}$ NE $\frac{1}{2}$~~ lying West of a County Road.

Cassia County, Idaho:

Township 12 South, Range 26 East of the Boise Meridian:

Section 3: ~~S $\frac{1}{2}$ NW $\frac{1}{2}$~~ , ~~W $\frac{1}{2}$ SW $\frac{1}{2}$~~ .

Section 4: ~~S $\frac{1}{2}$~~ , ~~S $\frac{1}{2}$ N $\frac{1}{2}$~~ .

Section 5: ~~S $\frac{1}{2}$ N $\frac{1}{2}$~~ , ~~SE $\frac{1}{2}$~~ , ~~N $\frac{1}{2}$ SW $\frac{1}{2}$~~ .

Section 6: ~~E $\frac{1}{2}$ SE $\frac{1}{2}$~~ .

173749

BEAR LAKE COUNTY RECORDERS
JAN R. F. 1979

99 SEP 10 AM 11 05
Andrew
DEPUTY FEE \$15.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 26 2001

Idaho Department of Water Resources
Boise Region

June 12, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mr. and Mrs. Phillip D. Bartschi
8555 Nounan Rd.
Montpelier, ID 83254

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #43-10614
and Partial Decree #43-10615

Dear Mr. and Mrs. Bartschi:

Thank you for clearing up my confusion when I called you on Tuesday, Mrs. Bartschi, by telling me Phillip bought out his brother. As I mentioned, before we can change our records showing you as the current owners of the property and water right claim shown above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use. Please note Item 8 in the instructions regarding the \$25.00 fee to change ownership on your partially-decreed right #43-10615. There is no charge to change ownership on your claim #43-10614 because it is still pending before the Court.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN -4 2001

Department of Water Resources

May 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BARTSCHI BROTHERS
5430 SHENENDOAH DR
CHUBBUCK ID 83202-1672

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim #~~43-423~~, ~~43-2353~~, ~~43-2545~~, 43-10614 and 43-10615

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by June 11, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

6-12-01 Mrs. Phillip Bartschi told me
They bought out Phillip's Brother.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

CHANGE OF OWNERSHIP

LETTER SENT 6-12-01

SS:region

#####

The address is correct as shown above or as otherwise changed.

No Longer BARTSCHI Bros
Claimant Signature

Telephone No.

PHILLIP D. BARTSCHI
8555 NOUNAN RD

(NOUNAN RD.)

208-837-2992

MONTPELIER Id 83254

RETURN TO SENDER

fee due 60

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

ADDRESS SERVICE
REQUIRED

Dept. of Water Resources
Administration Bureau
P.O. Box 83720
Boise, ID 83720-0088

BART037 833422221 1800 04 05/20/01
FORM 3547
BARTSCHI
5430 SHENENDOAH DR
CHUBBUCK ID 83202-1672



Bart 037

43-10614
BARTSCHI BROTHERS
PO BOX 37
MALTA ID 83342

43-10614
B. Brothers
Bartschi Bros.
43-10615
P.O.
1-98

RECEIVED
MAY 21 2001
Depot



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 2001

PHILLIP D BARTSCHI
8555 NOUNAN RD
MONTPELIER ID 83254

RE: Notice of Error on 43-10614

Dear Mr. Bartschi,

I am in receipt of your **Notice of Error Reply** for the above-mentioned right. In order to change our records as you requested, you must complete the enclosed **Change of Ownership** form and enclose copies of the required documents, showing the partnership has been dissolved and that you alone now own the property.

As for your other request of changing the number of cows from 100 (as claimed) to 500, we would need to leave the number at 100 in order to retain the original priority date of 1/1/1950. If you wish to **amend your claim and change the priority date to when you increased the number of cattle**, I can assist you with that after the ownership change has been completed. This right for all uses would still be limited to up 13,000 gallons per day.

Please feel free to call the office if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie'.

Jeanie Robertson
Sr. Water Resource Agent

**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: June 15, 2001

Water right number: 43-10614

BARTSCHI BROTHERS

PO BOX 37

MALTA ID 83342

Telephone Number: (208) 645-2255

RECEIVED

MAY 31 2001

Department of Water Resources
Southern Region

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

*WATER RIGHT OWNER
NUMBER OR COWS*

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

*BARTSCHI BROS. TO PHILLIP D. BARTSCHI
100 COWS TO 500*

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

*BARTSCHI BROS. PARTNERSHIP DROPPED, PHILLIP BARTSCHI, OWNER
400 to 500 HD WATERED HERE FOR PAST 10 YRS*

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

DATE: _____ SIGNATURE: _____

Please print your name:

*PHILLIP D BARTSCHI
8555 VOUNARD RD
MONTPELIER ID 83254*

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-18-1997

PAGE: A-273

RIGHT NUMBER: 43-10614

NAME & ADDRESS: BARTSCHI BROTHERS
PO BOX 37
MALTA ID 83342

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T12S R26E S04 NENWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T12S R26E S04 NWSE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP12S26E041200
STOCKWATER, 100 BEEF

Claim proofread by: ET
Date: 9-5

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-8-1997
PAGE: A-280

RIGHT NUMBER: 43-10614

NAME & ADDRESS: BARTSCHI BROTHERS
PO BOX 37
MALTA ID 83342

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T12S R26E S04 NENWSE Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STOCKWATER, 100 BEEF	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T12S R26E S04 NWSE

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

PARCEL NO. RP12S26E041200

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: AST

Date: 8/15/97

Data entry verified by: [Signature]

Date: 8-15-97

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: **A43-10614**

Date Received: 9/ 6/1989

Receipt No: S009081

Received By: *ownership change JK*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARTSCHI BROTHERS

208-645-2255

Address: PO BOX 37

MALTA ID

83342

2. Date of Priority: JAN 1, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	26E	4	NE	NW	SE		CASSIA

5. Description of diverting works:

240' WELL, 3/4HP SUBMERSIBLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	26E	4	NW	SE		STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SPRING WATER

14. Remarks:

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAR 05 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 9.13.89

APR 20 1992

LEGAL DESCRIPTION OF PROPERTY: Township 12 S Range 26 E Department of Water Resources
 Section 04, 1/4 of 1/4 of 1/4 Govt. Lot 1, BM Northern Region Office
 Lot 1, Block 1, Subdivision/Townsite 1.

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

See attached Exhibit A

☐ 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)
Assigned by IDWR:

A 43-10614 -

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Derrahl V HolmesRoute #2 Box 2294 -Burley, ID 83318

☐ New Owner/Claimant
(Purchaser):

Bantech Brothers

☐ New Mailing Address:

P.O. Box 37 -Malta, ID 83342 -

☐ New Telephone Number:

(208) 645 - 2255

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

Copy of recorded Warranty Deed -

(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)

Bantech Brothers
by [Signature]Date 4-20-92

Date

☐ Signature of Former
Owner/Claimant(s):

Date

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/28/92 By: [Signature]

Further Action Needed

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 5/28/92 By: [Signature]

Claim Numbers of Split, if any:

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MAR 15 1993

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

203892

WARRANTY DEED

For Value Received

DERRAHL V. HOLMES and FAYE HOLMES, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 BARTSCHI BROTHERS, a general partnership
 Address: 8555 Nounan
 Montpelier, Idaho 83254

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho,
 to-wit:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 3: S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$ Section 5: S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6: E $\frac{1}{2}$ SE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch
 rights used thereon or appurtenant thereto.

ALSO TOGETHER WITH all Bureau of Land Management grazing permits

SUBJECT TO: Taxes for 1989 and subsequent years.

RECORDED AT THE REQUEST OF
 LAND TITLE & ESCROW
 FILM 209
 SEP 14 4 27 PM '89
 CASSIA COUNTY, IDAHO
 FRANK H. KEARNS
 RECORDER
 FEE \$20.00
 OFFICE

203892

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 13, 1989

Derrahl V. Holmes
 Derrahl V. Holmes

Faye Holmes
 Faye Holmes

STATE OF IDAHO, COUNTY OF Cassia

On this 14th day of September, 1989,
 before me, a notary public in and for said State, personally appeared

Derrahl V. Holmes and
 Faye Holmes

known to me to be the person s whose name s are
 subscribed to the within instrument, and acknowledged
 to me that they executed the same.

Larry Roberts
 Notary Public
 Residing at Burley, Idaho.



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APR 20 1992

Department of Water Resources
 Southern Region Office

to-wit:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: $S\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$

Section 4: $S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$

Section 5: $S\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$

Section 6: $E\frac{1}{2}SE\frac{1}{4}$

RECEIVED

APR 20 1992

Department of Water Resources
Southern Region Office

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MAR 6 5 1993

STATE

Use	
Code	Desc

04 STOCK

(Menu _____)

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MAR 05 1993

SD-0604-2 Township: 12S Range: 26E Section: 4 Tract: Lot:

S	L	STATE	O	S	Max #	Records	2			
E	O	Water	W	T	Priority	Use				
L	Tract	T	Right No.	Name	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	NWSE		A43-10614	HOLMES, DERRAHL V.	C		J	01/01/1950	04	STOCK
---	NWSE		R43-10614	HOLMES, DERRAHL V	C		J	01/01/1950	04	STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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MAR 5 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-May-1992

RE: ADJUDICATION CLAIM NO. A43-10614

BARTSCHI BROTHERS
PO BOX 37
MALTA ID 83342

Dear Claimant(s):

Enclosed please find a copy of a computer-generated claim based on the information from your original claim, which has been entered in our records.

Please review the claim for accuracy. In a few instances, clarifications may have been added by the Department at the time of data entry. Should you have any questions or objections regarding this record of your claim, please contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
MAR 05 1993

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: A43-10614
Date Received: 9/06/1989
Receipt No: S009081
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DERRAHL V. HOLMES
Address: RT 2 BOX 2294
BURLEY, ID

208-678-7904

83318

2. Date of Priority: JAN 01, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	26E	4	NE	NW	SE		CASSIA

5. Description of diverting works:
240' WELL, 3/4HP SUBMERSIBLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
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10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	26E	4	NW	SE		STOCK	

11. Place of use in counties: CASSIA

A43-10614

Page

1

Date: 09/06/89

MICROFILMED
MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

. Bartschi Brothers
. 8555 Nawnan
Montpelier ID 83254

MAILING DATE: April 8, 1992

RESPONSE DATE: April 22, 1992

RE: NOTICE OF CLAIM NO[S]: A43-10614

Dear Claimant(s):

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

APR 13 1992

Department of Water Resources
Southern Region Office

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

. Hannah V. Holmes
. Rt. 2 Box 2294
. Burley ID 83318

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

Change of Ownership Form
Change of Address Form

MICROFILMED

MAR 05 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Water Right Number - R43-10614 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BARTSCHI BROTHERS
1 - PO BOX 37
2 -
3 -
City- MALTA
Phone - 208-645-2255
State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
HOLMES
DERRAHL V
1 - RT 2 BOX 2294
2 -
3 -
City- BURLEY
Phone - 208-678-7904
State- ID Zip- 83318

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1950 17 SOUTHERN J - BENEFICIAL USE
+ - - Source - - - - + + - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

12S 26E 4 NE NW SE (31) CASSIA

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.040
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.040 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
12S 26E 4 NW SE 04 STOCKWATER (31) CASSIA

Total Acres:

+ - - Diversion Means - 240' WELL, 3/4HP SUBMERISBLE
+ - - Non-Irrigation Use - STOCKWATER, 100 BEEF
+ - - Other Rights for Same Use - SPRING WATER
+ - - - - - - - - - - - - - - - Remarks - - - - - +
PARCEL NO. RP12S26E041200

MICROFILMED
MAR 5 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Prefix Translation: RESEARCH

Water right number - R43-10614

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - No Old Water Right Numbers Found
+ - - - - Conditions of Approval - - - - - +
+ - - - - No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - - Decree Date - - +
+ - - - - 00/00/0000

+ - - - - Comments - - - - - +
Date: D5/28/1992 User Id: ROBERTSO Subject: OWNERSHIP CHANGE
Change of ownership form received 4/20/92. Original owner Derrahl Holmes new owner Bartschi Brothers. Copy of deed submitted with
form. Copy forwarded to S.O. 5/29/92. A43-10614 also changed on t his date. Contractor to continue review.

+ - - - - Audit Fields - - - +
05/28/92 ROBERTSO

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 09/06/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S009081 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -

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MAR 05 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 9-13-89

APR 20 1992

LEGAL DESCRIPTION OF PROPERTY: Township 12 S Range 24 E Department of Water Resources
Section 04, 1/4 of 1/4 of 1/4 Govt. Lot , BMthern Region Office
Lot , Block , Subdivision/Townsite .

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

See attached Exhibit A

[] 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)
Assigned by IDWR: A 43-10614 -

[] Name and Address of Former Owner/Claimant(s)(Seller): Derrahl V Holmes -

Route #2 Box 2294 -

Burley, ID 83318

[] New Owner/Claimant (Purchaser):

Bantchi Brothers

[] New Mailing Address:

P.O. Box 37 -

Malta, ID 83342 -

[] New Telephone Number: (208) 645-2255

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached:

Copy of recorded Warranty Deed -

(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)

Bantchi Brothers
by [Signature]

Date 4-20-92

Date _____

[] Signature of Former Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/28/92 By: [Signature]

Further Action Needed

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5/28/92 By: [Signature]

Claim Numbers off Split, if any:

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MAR 6 5 1993

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

[illegible]

| | | |
|-------------------------|---|-------|
| CIVIL CASE NUMBER | - | 39576 |
| OLD CASE NUMBER | - | |
| OLD JUDICIAL DISTRICT | - | |
| TEMPORARY RIGHT | - | P |
| WATER DISTRICT | - | |
| FEDERAL/STATE INDICATOR | - | S |
| PRESUMPTION FLAG | - | |

Bartolchi, Brothers
8555 Norman
Montpelier, 83254

*
Charm of the
evening
4/7/92
Dove

ENTERED 4-21-92 DAB
CHECKED 6/16/92 AS

"Verified By"
 Tonto Map/Ortho-PQ
 A/CS Map
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 iDWR Records

VERIFIED
OCT 17 1991