

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76437

DEC 16 2009

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources

Name of Applicant(s) Melba Bartschi / Bartschi Land LLP Phone 208-847-0318

Mailing address 4565 Nounan Road Montpelier, Idaho 83254 Email bartshciranch@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Eric L Olsen LLM Phone (208) 232-6101 Ext 3

Mailing address 201 East Center Pocatello ID 83204 Email elo@racine-law.net

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Melba Bartschi
Signature of Applicant or Authorized Representative

Melba Bartschi
Print Name and Title if applicable

12/11/09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- 1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
- ☐ Change nature of use ☐ Change period of use ☒ Other change of ownership

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. old use map was completely wrong had water being used on hillside 1500' above source - this was a clerical error done decades ago - we want to correct the error and show actual usage area

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.		<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part						
☒	☐	11-316	0.80	Irrigation	4/20 to 9/30	Co-op Creek & Stauffer Crk
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.8 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.8 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y		SW	SE	NW	20	11S	43E	BEAR LAKE	CO-OP CREEK	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	43E	17													22.3	9.8	5.5	2.5	40.1

Total Acres (for irrigation use) 40.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: The diversion is a rock pile in the creek. it runs to a ~~sett~~ small pond to settle debris this is screened into the 10" main line - main line is 10" for 1/2 mile, 8" for 1/4 and then 6" for 1/4 all ~~over~~ underground PVC. Flow could be measured at diversion - private land
- b. Who owns the property at the point(s) of diversion? Applicant no access - locks not needed - but could put one on diversion screen
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: no

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: meadows & swamps would dry up - dry arid land would become abundant - mostly weeds & mule's ear dack would grow wild life would all but disappear - no alfalfa or decent meadows
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 11-316

Priority Date: 05/01/1876

Origin: Water Right

Basis: Decreed

Status: Active

Source: CO-OP CREEK**Tributary to:** NOUNAN CREEK**Source:** DAIRY CANYON CREEK**Tributary to:** NOUNAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/20 9/30	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

DAIRY CANYON CREEK SWNE 11S 43E 20 BEAR LAKE

CO-OP CREEK SWNE 11S 43E 20 BEAR LAKE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 43E 17													X				X

Conditions/Remarks:

1. P/D SEE LEGAL DESCRIPTION IN DECREE.
P/U AC. IRR. = 55.
SOURCE AKA STAUFFER CREEK.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 11-316

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Would not effect irrigated area as we are correcting an error. The proposed POU has been historically irrigated.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76437

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Yursa, Secretary of State

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[[Get a certificate of filing for BARTSCHI LAND, LLLP](#)]

BARTSCHI LAND, LLLP

4565 NOUNAN RD
MONTPELIER, ID 83254

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT, 2ND AR NOTICE SENT 01 Mar 2010

State of Origin: IDAHO

Date of 26 Feb 2009

Origination/Authorization:

Initial Registered Agent: ERIC L OLSEN
201 E CENTER ST
POCATELLO, ID 83201

File Number: L6237

Date of Last Annual Report: 31 Mar 2010

Original Filing:

Filed 26 Feb 2009 CERTIFICATE
OF LP

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Image \(TIFF format\)](#)

Annual Reports:

Report for year 2010 ANNUAL REPORT

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[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

Instrum # 208178
BEAR LAKE COUNTY
8-23-2010 02:17:52 No. of Pages: 3
Recorded for: RACINE OLSON NYE BUDGE & BAILEY
KERRY HADDOCK Fee: 16.00
Ex-Officio Recorder Deputy *Cindy Garner*
Index to: WARRANTY DEED

DEED

THIS DEED is made and executed by MELBA C. BARTSCHI, as personal representative of THE ESTATE OF DON F. BARTSCHI, DECEASED, and MELBA C. BARTSCHI as an individual (collectively "Grantor"), to BARTSCHI LAND, LLLP, an Idaho limited liability limited partnership, hereinafter referred to as the ("Grantee"), whose address is 4565 Nounan Road, Montpelier, Idaho 83254.

WHEREAS, Melba C. Bartschi is the qualified personal representative of said estate, filed as Probate Case Number SP-01-00058 in Bear Lake County, Idaho;

THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor hereby grants, sells, transfers and conveys to Grantee all of the Grantor's interest in the following described real property in Bear Lake County, Idaho:

SEE ATTACHED EXHIBIT A

This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity.

It is anticipated that, in the future, a portion of the property including the residence on such property will be transferred to Melba C Bartschi as an individual.

[Signature on next page]

RECEIVED

AUG 21 2010

76437

DATED this 12th day of August, 2010.

Melba C. Bartschi

MELBA C. BARTSCHI

As Personal Representative of the Estate of
Don F. Bartschi, Deceased, and as an
individual

STATE OF IDAHO)

: ss.

County of Bear Lake

On this 12th day of August, 2010, before me, a notary public, personally appeared MELBA C. BARTSCHI, known to me to be the person whose name is subscribed to the within instrument as personal representative of THE ESTATE OF DON F. BARTSCHI, DECEASED and as an individual, and acknowledged to me that she executed the same as such personal representative and as an individual.

(SEAL)



Christine A. Pope

NOTARY PUBLIC FOR IDAHO

Residing at: Bear Lake County

My Commission Expires: 01-26-2016

RECEIVED

AUG 27

Depository

PARCEL 1:
TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, BEAR LAKE COUNTY,
IDAHO:

Section 10: All that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southerly of the North Nounan County Road as said road now exists.

Section 15: N $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 16: E $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$.

EXCEPT: 5 acres evenly distributed along East line of said Section 16.

ALSO: All that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the Nounan Oil Road.

Section 17: E $\frac{1}{4}$ SE $\frac{1}{4}$.

ALSO: All that portion of the W $\frac{1}{4}$ SE $\frac{1}{4}$ lying Easterly of the Co-op Road as said road now exists.

ALSO: All that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the Nounan Oil Road as said road now exists.

Section 19: SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 20: SW $\frac{1}{4}$; W $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{4}$ E $\frac{1}{2}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 21: All.

Section 28: W $\frac{1}{4}$ W $\frac{1}{2}$.

Section 29: All.

Section 30: NE $\frac{1}{4}$.

Section 32: E $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

PARCEL 2:
TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, BEAR LAKE COUNTY,
IDAHO:

Section 30: Lot 4

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

ALSO: TOWNSHIP 12 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 6: Lot 1.

PARCEL 3:
TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, BEAR LAKE COUNTY,
IDAHO:

SECTION 22: E $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

SECTION 23: S $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

EXCEPT: That portion lying East of the Union Pacific Railroad right of way.

ALSO EXCEPT: That portion lying Northerly of the Georgetown-Nounan County Road.

SECTION 25: W $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

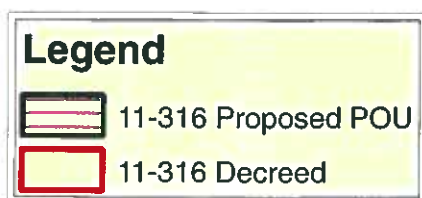
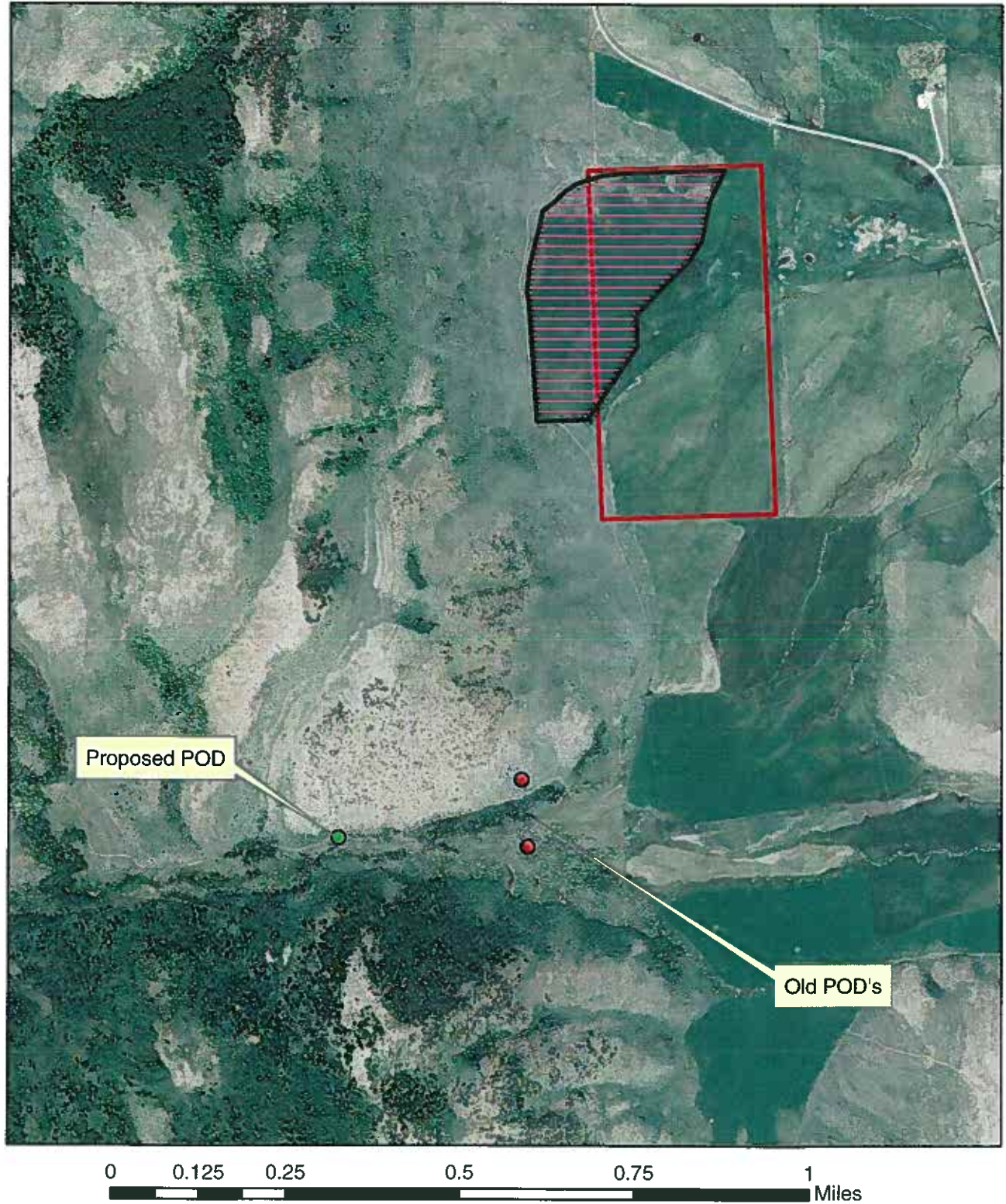
EXCEPT: All that portion of the W $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the Bear River, and that portion comprising the right of way of the Oregon Short Line Railroad through said land.

SECTION 26: N $\frac{1}{4}$ N $\frac{1}{2}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.

SECTION 27: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

SECTION 35: N $\frac{1}{4}$ N $\frac{1}{2}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T76437 Bartschi Land LLLP



Prepared by Denise Kidman
On October 15, 2010
2009 Aerial Photography



76437

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-316

WATER RIGHT NUMBER: 11-316

Owner Type Name and Address

Current Owner DAVID CHUGG

, ZZ

Priority Date: 05/01/1876

Basis: Decreed

Status: Active

SourceCO-OP CREEK
DAIRY CANYON CREEKTributaryNOUNAN CREEK
NOUNAN CREEKBeneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion: 0.800 CFSLocation of Point(s) of DiversionDAIRY CANYON CREEK
BEAR LAKE County

SW 1/4NE1/4

Sec. 20, Twp 11S, Rge 43E, B.M.

CO-OP CREEK
BEAR LAKE County

SW 1/4NE1/4

Sec. 20, Twp 11S, Rge 43E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	43E	17														X			X

Conditions of Approval:

1. P/D SEE LEGAL DESCRIPTION IN DECREE.
P/U AC. IRR. = 55.
SOURCE AKA STAUFFER CREEK.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-316

Licensed Date:
Decreed Date: 7/14/1920
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 11
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Civil Case Number:
Judicial District: District Court Eastern Division
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

(b) At a point about 20 rods South of the Northwest corner of the Southeast quarter of the Southeast quarter of said Section 31.

CO-OP OR DAIRY CANYON CREEK

36. *Heber Crane:*
1876—May 1

11-315

12.0 c.f.s.

Said water to be diverted through five ditches from said creek as follows:

(a) At a point about 30 rods West and 5 rods South of the Northeast corner of the Northwest quarter of the Southeast quarter of Section 21, Township 11 South, Range 43 East, B. M.

(b) At a point about 40 rods South and 30 rods West of the Center of said Section 21.

(c) At a point about the center of the Northeast quarter of the Southwest quarter of said Section 21.

(d) At a point about 20 rods South and about 15 rods East of the Northeast corner of the Northeast quarter of the Southeast quarter of Section 20, Township 11 South, Range 43 East, B. M.

(e) At a point about 10 rods Northeastly from the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 20.

For the irrigation of 600 acres in the West half of the Northwest quarter of Section 15, the East half of the Northeast quarter and the Southeast quarter of Section 16, the Northeast quarter, the North half of the Southeast quarter, the Southeast quarter of the Southeast quarter, the South half of the Northwest quarter and the North half of the Southwest quarter of Section 21, the South half of the Northeast quarter, the Northeast quarter of the Southeast quarter, and the Southeast quarter of the Northwest quarter of Section 20, all in Township 11 South, Range 43 East, B. M.

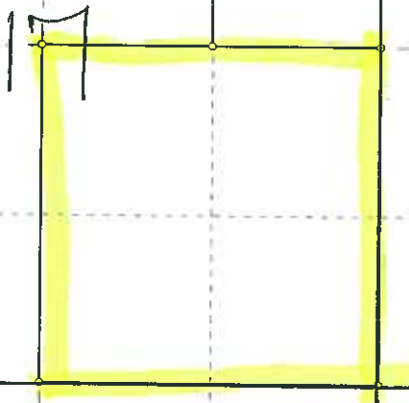
37. *David Chugg:*
(a) 1876—May 1

11-312

0.8 c.f.s.

To be diverted through ditch diverting at a point 40 rods South of the Northeast corner of the Southwest quarter of the Northeast quarter of Section 20, Township 11 South, Range 43 East, B. M.

Township 11 South Range 48 East



Title:			Date: 03-30-2009
Scale: 1 inch = 1500 feet	File:		
Tract 1: 160.000 Acres: 6969600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 10560 Feet Tract 2: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet Tract 3: 2.025 Acres: 88209 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1188 Feet			
001=/SE,SE,SE,17,1TS,43E	009=/SE,SE,SE,17,1TS,43E	017=/ne,17,1Ts,43e	
002=/N00E 2640.00	010=/N00E 5280.00	018=/n90w 1419	
003=/N90W 0.00	011=/N90W 0.00	019=/s00e 49.5	
004=S00W 2640.00	012=S00W 2640.00	020=n90w 297	
005=N90W 2640.00	013=N90W 1320.00	021=s00e 297	
006=N00E 2640.00	014=N00E 2640.00	022=n90e 297	
007=N90E 2640.00	015=N90E 1320.00	023=n00e 297	
008=@0 e,ne,17,1Ts,43e	016=@0		

Chugg - Charles Bastchi 1920

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

JOSEPH D. KLAMT and YEVETTE E. KLAMT, husband and wife

the grantor S, do hereby grant, bargain, sell and convey unto

DON F. BARTSCHI and MELBA C. BARTSCHI, husband and wife
4656 Nounan Road; Montpelier, Idaho 83254

the grantees, the following described premises, in Bear Lake County Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, IDAHO:

Section 17: E1/2SE1/4.

ALSO: All that portion of the W1/2SE1/4 lying Easterly of the Co-Op Road as said road now exists.

ALSO: All that portion of the SE1/4NE1/4 lying South of the Nounan Oil Road.

Section 16: All that portion of the SW1/4NW1/4 lying Southerly of the Nounan Oil Road as said road now exists.

GRANTOR RESERVES STOCK WATER USE OF CHUGG SPRING.

GRANTOR ALSO RESERVES A PERPETUAL RIGHT OF WAY ALONG THE WESTERLY SIDE OF THE SE1/4NE1/4 OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee S, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 02 July 1993

Joseph D. Klamt
Yvette E. Klamt

STATE OF IDAHO, COUNTY OF Bear Lake
On this 02nd day of July, 1993,
before me, a notary public in and for said State, personally
appeared

JOSEPH D. KLAMT and YEVETTE E. KLAMT,
husband and wife

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

Walter P. Johnson

Residing at Ovid
County Expires 7-7-98

Notary Public
Idaho

1993 JUL 2 PM 2:00
Cindy S. Sorenson
Notary Public
Idaho

156893

INSTRUMENT NO

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

GARALD L. SKINNER and KAREN P. SKINNER, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

JOSEPH D. KLAMT

5856 South, Azure Meadow Drive, Kearns, Utah 84118

the grantees, the following described premises, in Bear Lake County Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 16: All that part of the SW1/4NW1/4 Lying Southerly of the Nounan County Road, as said road now exists.

Section 17: S1/2NW1/4; SW1/4; SE1/4; and all that part of the SE1/4NE1/4 lying Southerly of the Nounan County Road, as said road now exists, records of Bear Lake County, Idaho.

Section 18: Lots 2 and 3, S1/2NE1/4; SE1/4NW1/4; E1/2SW1/4; SE1/4.

Section 19: E1/2NE1/4.

Section 20: NW1/4NE1/4; W1/2NW1/4;

ALONG with the right to use the waters of Co-Op Creek for stock watering purposes, and reserving to their use in connection with such stock watering a right of way 50 feet in width beginning at a point near the Northwest Corner of the E1/2SE1/4 of Section 19, aforesaid, and running South to said Co-Op Creek.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 17 September 1991

Gerald L. Skinner
Karen P. Skinner

STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 17 day of September 91,
before me, a notary public in and for said State, personally
appeared

GARALD L. SKINNER and KAREN P.
SKINNER, husband and wife

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

Notary Public

Residing at QVIO
Comm. Expires 12/1/94

91 SEP 17 PM 2 12
DEPT. OF REVENUE
FEE

BEAR LAKE COUNTY RECORDER

153112

INSTRUMENT NO

Deed

25-326

This deed was made the 9th day of February in the year of our Lord one thousand nine hundred and twenty between David R. Chugg and Sarah A. Chugg, husband and wife, of the County of Bear Lake, State of Idaho, part 108 of the first section and Charles Bartashli, of the County of Bear Lake, State of Idaho, part 7 of the second part:

WITNESSETH, That the parties of the first part, for and in consideration of the sum of Twenty Thousand ----- DOLLARS, lawful money of the United States of America to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM, unto the said part 7 of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the county of Bear Lake, State of Idaho, and known and described as follows, to-wit:

The South east quarter and the East half of the North east quarter of Section Seventeen (17) Township Eleven (11) South of Range Forty three (43) East of Boise Meridian containing 240 acres of land also

Commencing at a point Eighty six rods west and Three rods South from the North East corner of Section Seventeen, Township Eleven South, of Range Forty three East Boise Meridian said point being in the center of the County road running East and West (about 80 rods south of Skinner Creek in Mounan) and straight or in line with the West line of the County road running North and South at same place running thence West along center of road Eighteen rods, thence South Eighteen rods, thence East Eighteen rods to the west line of main road, thence North along said road line Eighteen rods to place of beginning, containing two acres and two square rods.

Together with all water rights appertaining or belonging.

\$ 20.00 Cancelled I. R. Stamps attached to original Deed.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto in any way relating, and the rents, issues and profits thereof, and also, all the estate, right, title, interests, property, possessions, demand whatsoever, as well in law as in equity, of the said parties of the first part, and to said premises, and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD. All and singular the said premises, together with the appurtenances, unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 7 of the first part, and to said premises, in the quiet and peaceable possession of the said part 7 of the second part.

76437

The West line of the road running North and South at same place running thence East along center of road eighteen rods, thence South East sixteen rods, thence East sixteen rods to the west line of main road, thence North along said road line sixteen rods to place of beginning, containing two acres and two square rods. Together with all water rights appertaining or belonging.

\$ 20.00 Cancelled I. R. Stamps attached to original Deed.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also, all the estate, right, title, interest, property, possessions, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against any and all persons whosoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

G. D. Gray.

David R. Chugg, (SEAL)

Sarah A. Chugg, (SEAL)

United States of America.

STATE OF IDAHO,

County of Bear Lake

ss.

On this 11th day of February in the year of our Lord one thousand nine hundred and twenty, before Richard Groo, a Notary Public,

David R. Chugg and Sarah A. Chugg, husband and wife, within and for said County and State, personally appeared personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

My Commission Expires June 20th, 1922.

(Seal)

Richard Groo,
Notary Public.

Recorded at request of E. L. McClave,

at 11 o'clock A. M., this 18 day of Feb. A. D. 1920.

S. H. Rich,

County Recorder.

Fee, \$

76437

Deputy.

WARRANTY DEED RECORD No. 44

Instrument No. 68673

pg 484

THIS INDENTURE, Made the 17th day of February, in the year of our one thousand nine hundred and Fifty-Four, between Wylar F. Bartschi, a widower, of Montpelier State of Idaho, part Y of the first part, and Lester Skinner of Nounan County of Bear Lake, State of Idaho, the part Y of the second part:

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of Ten Thousand lawful money of the United States of America to him in hand paid by the said part Y of the second part, the whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and he presents do **GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM** unto the said part Y of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the Bear Lake, State of Idaho, and known and described as follows, to-wit:

The East half of the Northeast quarter of Section 17, Township II South, Range East of Boise Meridian, in Idaho.

Also, the Southeast quarter of Section 17, Township II South, Range 43 East of Meridian, in Idaho.

Also, Commencing at a point 86 rods West and 3 rods South from the Northeast corner of Section 17, Township II South, Range 43 East of Boise Meridian, in Idaho, said point being in the center of the County Road running East and West, (about 80 rods South of Skinner Creek in Nounan, Idaho, and straight or in line with the West line of the County Road running North and South at same place) and running thence West along center of 18 rods; Thence South 18 rods; Thence East 18 rods, to the West line of Main road; 1 North along said road line 18 rods to the place of beginning.

Also, the Southwest quarter of the Northwest quarter of Section 16, in Township II South, Range 43 East of the Boise Meridian, in Idaho.

SAVE AND EXCEPT from the above described land that portion thereof heretofore deeded to Bear Lake County, Idaho, as a right of way for a road as shown by that certain right-of-way deed dated September 24, 1951 and Recorded in Book 42 of deeds at page 572 of records of Bear Lake county, Idaho.

Together with all water and water rights belonging to the above described land, particularly 50 shares of the Capital stock in the Skinner Irrigation Company, a corporation. Also including 8/10th of a second foot of water diverted from Corp creek.

\$11.00 Cancelled Documentary Stamps affixed.

South Range 43 East of the Boise Meridian, in Idaho.

SAVE AND EXCEPT from above described land that portion thereof heretofore deeded to Bear Lake County, Idaho, as a right of way for a road shown by that certain right-of-way deed dated September 24, 1951 and Recorded in Book 42 of deeds at page 572 of the records of Bear Lake county, Idaho.

Together with all water and water rights belonging to the above described land and particularly 50 shares of the Capital stock in the Skinner Irrigation Company, a corporation. Also including 8/10th of a second foot of water diverted from Coop creek,

\$11.00 Cancelled Documentary Stamps affixed.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also all the estate right, title, interest, property possession, claim and demand whatsoever, as well in laws as in equity of the said part Y of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said part Y of the second part, and to his heirs and assigns forever, and said part Y of the first part, and his heirs, the said premises, in the quiet and peaceable possession of the said part Y of the second part, his heirs and assigns against the said part Y of the first part, and his heirs and against any and all persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Wylar F. Bartschi (SEAL)

(SEAL)

STATE OF IDAHO,
COUNTY OF BEAR LAKE } SS.

UNITED STATES OF AMERICA

On this 17th day of February in the year of our Lord one thousand nine hundred and Fifty-Four, before Me, Fred J. Price, a Notary Public, within and for said County and State personally appeared Wylar F. Bartschi, a widower, personally known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

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

(SEAL)

My commission expires
Oct. 1, 1954

Fred J. Price
Notary Public for Idaho
Residing at Paris, Idaho.

Recorded at request of Lester Skinner
at 11:30 o'clock A.M., this 17 day of Feb., A.D. 1954.

Fees, \$ 1.75

Sen V. Tunks

County Recorder.

Ruby Boston, Deputy.

WARRANTY DEED

REC. O. BARBARO STATIONERY CO. ST. LOUIS

26/409

Warranty Deed Made the 20th day of October in the year of our Lord one thousand

1911, between Bertha Bartschi, a widow

and Myler Bartschi County of Bear Lake, State of Idaho, part Y of the first part, and

Idaho part Y of the second part: County of Bear Lake

Witnesseth, that the part Y of the first part, for and in consideration of the sum of One Dollar and no part thereof, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT,

SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM, unto the said part Y of the second part, and to his

heirs forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as

part of the SE 1/4 and the E 1/2 of the NE 1/4 Section 17 and the SW 1/4 of the NW 1/4 of Section 16 in Township 11 South of Range 43 East Boise Meridian, containing 720 acres.

Also commencing at a point 86 rods West and 3 rods South from the north part corner of Section 17, Twp. 11 S.R. 43 E.B.M., said point being in the center of the 200 ft road on

the East and West (about 80 rods South of Skinner Creek in corner of Section 16 and 17) and

thence West along the West line of the County road running North and South at some place, thence

West along center of road 16 rods; thence South 14 rods; thence East 25 rods to a

line of main road, thence North along said road 11 rods to a corner of road 16 rods, containing 2 acres and 2 quarter rods.

Together with a - water right appurtenant to the above described land.

Together with all water rights appertaining or belonging
to, Dairy Canyon, Idaho, and all other rights and interests
therein and to the same.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the
rents, issues and profits thereof, and also all the estate, right, title, interest, property, possessions, claim and demand whatsoever, as well in law as in
equity, of the said part Y..... of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said part Y..... of the second
part, and to..... his..... heirs and assigns, forever, and the said part Y..... of the first part, and..... her..... heirs, the said premises, in the
quiet and peaceable possession of the said part Y..... of the second part,..... his..... heirs and assigns, against the said part Y..... of the
first part, and..... her..... heirs, and against any and all persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and
by these presents forever defend.

IN WITNESS WHEREOF, The said part Y..... of the first part ha. S. hereunto set..... her..... hand and seal, the day and
year first above written.

Signed, Sealed and Delivered in the Presence of

D. C. Kunz

Bertah Bartschi

(SEAL)

(SEAL)

STATE OF IDAHO.)
County of Bear Lake } ss.

UNITED STATES OF AMERICA.

On this..... 20th..... day of..... October..... in the year of our Lord one thousand nine hundred and..... forty-two.
before..... D. C. Kunz, a Notary Public.....
within and for said County and State, personally appeared..... Bertah Bartschi, a widow.....
..... personally known to me to be the person whose name
subscribed to the within instrument, and duly acknowledged to me that..... she..... executed the same.

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

D. C. Kunz

Notary Public

Montpelier, Idaho.

(SEAL)

Recorded at request of..... E. L. McClave.....
at 10..... o'clock A. M., this..... 30th..... day of..... March.....

A. D. 1923

E. S. Peterson

County Recorder.

Deputy.

Fee, \$ 1.

...the Southwest Quarter of Section 26, and the Southeast Quarter of Section 17, and the Southwest Quarter of Section 16, all in Township 11 South, Range 43 East Boise

Point 96 rods West and 3 rods South from the Northeast corner of the Section 26, Range 43 East Boise Meridian, said point being in the center of the line with the West line of the county road running North and South at the West line of said line of road; thence north along said road line 18 rods to the beginning of, containing 2 acres and 3 square rods.

together with all water rights appertaining or hereafter and especially Northwest corner, Fairy Canyon Creek waters and 50 shares Skinner Irrigation Company, excepting two acres located to School District No. 22,

Dated January 30th, 1923.

W. Smith Howe,
Probate Judge.

Probate Judge of Bear Lake County, Idaho, hereby certify that the foregoing is a full, true and complete copy of the original ORDER DISTRIBUTING the Estate of Charles Barischi, deceased, estate, now on file and on record in my office.

W. Smith Howe,
Probate Judge.

Witnessed in the request of D. L. McClave Feb. 1st, 1923 at 50 min. past 1 o'clock a.m.

By P. Kelsey Deputy. J. S. Peterson, Recorder.

QUIT CLAIM DEED.

THIS INDENTURE Made on the first day of February in the year of our Lord one thousand nine hundred and twenty three between Mary Jones, widow of David L. Jones, deceased of Paris, County of Bear Lake, State of Idaho, the party of the first part, and Clifford I. Clark of Georgetown, County of Bear Lake, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One and no/100 Dollars to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does, deliver, release and forever Quitclaim to the said party of the second part, and to his heirs, assigns, the following described real estate, situated in the County of Bear Lake, State of Idaho to-wit:

The South east quarter of the South west quarter of Section 12 in Township 11 South of Range 43 East of the Boise Meridian, containing 20 acres, more or less.

This deed is given for the reason that said premises situate in with her estate that certain deed in favor of Mary Jane Hopworth Bee together with all tenements, hereditaments and appurtenances thereto belonging, and to her reversion and reversions, remainder and remainders, rents, issues, profits, dividends, and also all the estate, right, title, interest, warranty, and all claims, demands, whatsoever as well in law as in equity, of the said party of the first part, of the said premises and every part or parcel thereof.

TO HAVE AND TO HOLD, all the above described premises, together with all the said party of the second part his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Witness, Sealed and Delivered in the presence of D. L. McClave

County of IDAHO,
State of Idaho,
County of Bear Lake,