

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 16 2009

Department of Water Resources
Eastern Region

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that (Melba Bartschi) Bartschi Land... LLP
(Name of Claimant)Mailing Address: 4565 Nounan Rd. Montpelier, Id 83254Telephone No: 208-847-0318 Email: bartschiranch@yahoo.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 1880's - present
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Stauffer Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>2.0</u>	Use <u>Irrigation</u>	Period of Use From <u>4-15</u> to <u>10-31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 2.0 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE ¼ of NE ¼ of SE ¼, Govt. Lot _____
Sec. 17 Township 11S Range 43E B.M., Bear Lake County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
diverted with stones, boards, and plastic to flood the surrounding area
Stream is about 1" to 1.5" in a channel about 12" wide - it is cool
slow moving water - we have never changed the old time chug system
of flooding other than to clean out ditches

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	43E	16									7.5	40	40	18.5					106

TOTAL ACRES 106

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: _____

7. Remarks: GPS POD - N42° 27.914' W 111° 26.814'

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
County of Beauregard) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

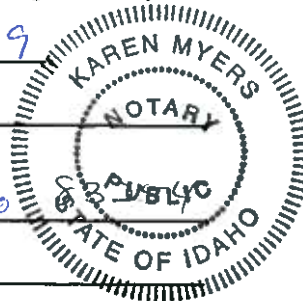
Melba Bartock Shuman
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 14th day of December, 2009

Karen Myers
Notary Public

Residing at: Montpelier Idaho

My commission expires: 9-13-10



FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee 290 Receipt # E035738
Receipt prepared by DK Date 4-14-10

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____



Idaho Department of Water Resources

Bartschi Spring #1



Legend

- POD
- Pt 86 Bartschi Spring
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 0.3 0.4 Miles

Prepared by Denise Kidman
On November 18, 2009
2004 Aerial Photography



11- 7664

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]

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

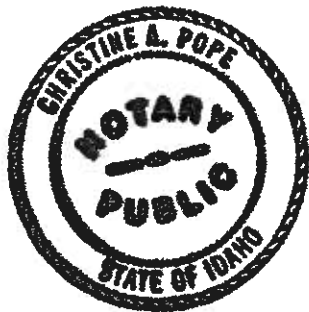
STATE OF IDAHO)

: 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 2010

11- 7664

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 $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NW $\frac{1}{4}$.

Section 16: E $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$.

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 $\frac{1}{2}$ SE $\frac{1}{4}$.

ALSO: All that portion of the W $\frac{1}{2}$ 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 $\frac{1}{2}$ SE $\frac{1}{4}$.

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

Section 29: All.

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

Section 32: E $\frac{1}{2}$ 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 $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ 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 $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

SECTION 23: S $\frac{1}{2}$ 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 $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPT: All that portion of the W $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ N $\frac{1}{2}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$.



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

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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:

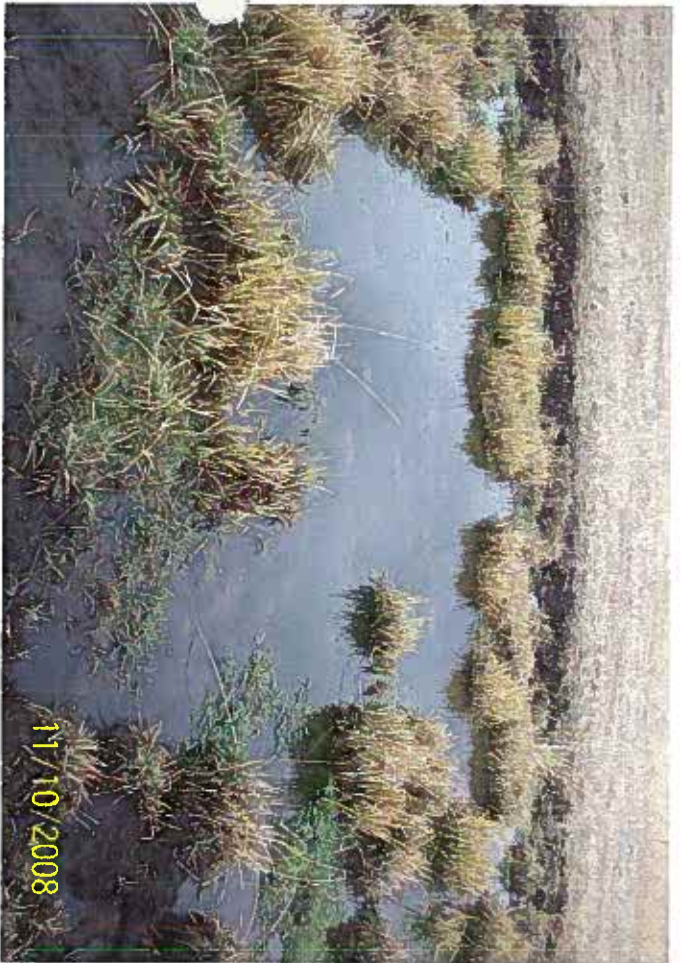
Report for year 2010 ANNUAL REPORT

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[State of Idaho Home Page](#)

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



11- 7664

Bartschi Spring #1
11-7664





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

November 23, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BARTSCHILAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Water Right Claim No. 11-7661, 11-7662, 11-7662, 11-7663, 11-7664, 11-7665, 11-7665, 11-7666, 11-7667 and 11-7668

Dear Claimant(s):

A legal notice of the claim has been prepared and is scheduled for publication in the NEWS EXAMINER on December 1 and 8, 2010. If exceptions to the claim are filed, you will be sent a copy of each exception.

The filing and advertising of the claim does not confirm or validate the water right. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence you would like to include with the claim, you may submit it at any time. You may correct the claim by filing an amended claim. No additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any Department office or visit the Department's web site at <http://www.idwr.idaho.gov> to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please contact this office if you have any questions.

Sincerely,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, November 23, 2010 10:11 AM
To: 'addesignne@dcdi.net'
Subject: Legal Ad for your paper

Contacts: News Examiner



News Examiner.RTF

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

November 23, 2010

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Statutory Claim No.: 11-7658, 11-7659, 11-7660, 11-7661, 11-7662, 11-7663, 11-7664, 11-7665, 11-7666, 11-7667, 11-7669

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 20, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7658

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Point of Diversion SESESW S25 T11S R43E BEAR LAKE County Source SPRING Tributary SINKS

Use: STOCKWATER 05/20 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/14/2010

Place Of Use: STOCKWATER

T11S R43E S25 NWSW SWSW SESW

T11S R43E S26 NESE SESE

T11S R43E S35 NENE NWNE SENE

T11S R43E S36 NENW NWNW

11-7659

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Point of Diversion SESESE S22 T11S R43E BEAR LAKE County Source GROUNDWATER Tributary

Use: STOCKWATER 05/20 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/14/2010

Place Of Use: STOCKWATER

T11S R43E S22 SESE

T11S R43E S26 NWNW

11-7660

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Point of Diversion SESENE S32 T11S R43E BEAR LAKE County Source SPRING Tributary SINKS

Use: STOCKWATER 05/20 to 11/30 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/14/2010

Place Of Use: STOCKWATER

T11S R43E S28 SWSW

T11S R43E S29 SWSE SESE

T11S R43E S32 NENE NWNE SENE NESE

T11S R43E S33 NWNW SWNW NWSW

11-7661

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Point of Diversion SESENE S29 T11S R43E BEAR LAKE County Source SPRING Tributary SINKS

Use: STOCKWATER 05/20 to 11/30 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/14/2010

Place Of Use: STOCKWATER

T11S R43E S20 SWSE SESE

T11S R43E S21 NESW NWSW SWSW SESW NWSE SWSE

T11S R43E S28 NWNW SWNW NWSW SWSW

T11S R43E S29 NENE NWNE SENE NESE SESE

11-7662

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

Point of Diversion SESESW S29 T11S R43E BEAR LAKE County Source SPRING Tributary SINKS

Use: STOCKWATER 05/20 to 11/30 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 12/16/2009

Place Of Use: STOCKWATER

T11S R43E S19 SESE

T11S R43E S20 SWSW
 T11S R43E S29 NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
 NESE NWSE SWSE
 T11S R43E S30 NENE SENE NESE SESE
 T11S R43E S32 NWNE NENW NWNW

11-7663

BARTSCHI LAND LLLP
 4565 NOUNAN RD
 MONTPELIER, ID 83254

Point of Diversion SENWNW S15 T11S R43E BEAR LAKE County Source SKINNER CREEK Tributary BEAR RIVER
 Use: IRRIGATION 04/15 to 10/31 1.4 CFS

Total Diversion: 1.4 CFS

Date Filed: 12/16/2009

Place Of Use: IRRIGATION

T11S R43E S15 NWNW SWNW
 T11S R43E S16 NENE SENE NESE NWSE

Total Acres: 69.6

11-7664

BARTSCHI LAND LLLP
 4565 NOUNAN RD
 MONTPELIER, ID 83254

Point of Diversion NENESE S17 T11S R43E BEAR LAKE County Source SPRING Tributary STAUFFER CREEK
 Use: IRRIGATION 04/15 to 10/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 12/16/2009

Place Of Use: IRRIGATION

T11S R43E S16 NESW NWSW SWSW SESW

Total Acres: 106

11-7665

BARTSCHI LAND LLLP
 4565 NOUNAN RD
 MONTPELIER, ID 83254

Point of Diversion NENESW S16 T11S R43E BEAR LAKE and NWNESW S16 T11S R43E BEAR LAKE County
 Source SPRING Tributary STAUFFER CREEK

Use: IRRIGATION 04/15 to 10/31 1.7 CFS

Total Diversion: 1.7 CFS

Date Filed: 12/16/2009

Place Of Use: IRRIGATION

T11S R43E S16 NESW NESE NWSE

Total Acres: 86

11-7666

BARTSCHI LAND LLLP
 4565 NOUNAN RD
 MONTPELIER, ID 83254

Point of Diversion NENESE S21 T11S R43E BEAR LAKE County Source SPRING Tributary STAUFFER CREEK

Use: IRRIGATION 04/15 to 10/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 4/14/2010

Place Of Use: IRRIGATION

T11S R43E S21 NENE SENE NESE

Total Acres: 110

11-7667

BARTSCHI LAND LLLP
 4565 NOUNAN RD
 MONTPELIER, ID 83254

Point of Diversion NENENW S21 T11S R43E BEAR LAKE County Source GROUNDWATER Tributary

Use: STOCKWATER 11/01 to 02/28 0.02 CFS

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Date Filed:
Place Of Use: DOMESTIC
T11S R43E S21 NENW
Place Of Use: STOCKWATER
T11S R43E S21 NENW

Total Diversion: 0.06 CFS

BARTSCHI LAND LLLP
4565 NOUNAN RD
MONTPELIER, ID 83254

11-7669

Point of Diversion SESESE S23 T11S R43E BEAR LAKE County Source GROUNDWATER Tributary
Use: STOCKWATER 05/20 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/16/2010

Place Of Use: STOCKWATER

T11S R43E S23 SENE NESE NWSE SWSE SESE

T11S R43E S24 SWSW

T11S R43E S25 NWNW SWNW

T11S R43E S26 NENE NWNE SWNE SENE

Exceptions to a claim may be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

GARY SPACKMAN, Interim Director

Published on December 1 and 8, 2010