

RECEIVED

DEC 16 2009

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 LLPMailing Address: 4565 Nounan Rd Montpelier, Id 83254
(Name of Claimant)Telephone 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) 2002 - dam built in 1941 as letters claim
Required
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)
unnamed stream / unnamed stream
Skinner Creek / Stauffer Creek tributary to Bear River

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>1.4</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. 1.4 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 15 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.

Earth & Concrete dam built to flood meadows in 1941 as
testimonials say. Used in may and early june - provide great wetland
area - the keeps water table up for some of the nearby
springs that dry up in June but would have in May if not
for dam - dam is put in for 5 days then let out for 1-2 w
so as not to promote people's and to let fish by - dam is
not during trout spawn and as deemed necessary to protect wildl

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	R4E	15						8.8	8.3										17.1
11S	43E	16	4.6			33									14.2	0.7			52.5
																			69.6

TOTAL ACRES 69.6

- 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: POD GPS N 42° 28.276' W 111° 25.426'

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.

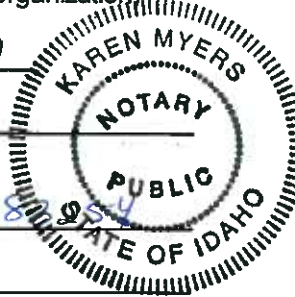
Melba Bartlett Owen
Claimant's Signature (and title if claim is for an organization)

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 DK Date 4-14-10
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 Dam



Legend

-  POD
-  Bartschi Dam
-  Township/Range
-  Sections
-  QQ

0 0.1 0.2 0.4 0.6 0.8 Miles

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



11 - 7663



Existing structure 1991 ↓ ↑



New concrete and metal gate ↑ ↓



DEED

FOR VALUE RECEIVED, BAR-NONE INCORPORATED, an Idaho Corporation a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto DON FRED BARTSCHI and MELBA C. BARTSCHI Husband and wife grantee, the following described real estate, to-wit:

Undivided $\frac{1}{2}$ interest in the following property

TOWNSHIP 11 SOUTH, RANGE 43 EAST BOISE MERIDIAN:

Section 9: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 15: 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
Section 19: SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20: 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: N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29: N $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
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: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$

SUBJECT TO ALL PUBLIC ROAD RIGHT-OF-WAYS.

Subject to executed MORTGAGE to Federal Land Bank, real estate taxes, easements and restrictions of record.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said grantee their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this DATED February 25, 1976.

BAR-NONE INCORPORATED

By

REID W. SMITH PRESIDENT.

ATTEST:

IRIS J. SMITH SECRETARY.

STATE OF IDAHO, COUNTY OF Caribou

On this 25th day of February, 1976, before me, a notary public in and for said State, personally appeared

REID W. SMITH

and IRIS J. SMITH known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Leonard O. Kingsford
Notary Public
Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Bear Lake.

I hereby certify that this instrument was filed for record at the request of Bear Lake Title Co.

at 0 minutes past 4 o'clock P.M.,
this 4th day of Mar. h
1976, in my office, and duly recorded in Books
Microfilm Records.

Betty Wallentine

Ex-Officio Recorder

By

Fees \$ 1.00

Deputy.

Mailed to: Don Fred Bartschi

Route 2, Montpelier, Idaho 83254

QUITCLAIM DEED

For Value Received

REID W. SMITH and IRIS J. SMITH, Individually and
as Husband and Wife

do hereby convey, release, remise and forever quit claim unto

DON FRED BARTSCHI and MELBA C. BARTSCHI
Husband and Wife

the following described premises, to-wit:

Undivided $\frac{1}{2}$ interest in the following described property

TOWNSHIP 11 SOUTH, RANGE 43 EAST BOISE MERIDIAN:

Section 9: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 15: 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
Section 19: SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20: 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: N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29: N $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
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: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{2}$ NW $\frac{1}{4}$

SUBJECT TO ALL PUBLIC ROAD RIGHT-OF-WAYS

Subject to executed MORTGAGE to Federal Land Bank,
real estate taxes, easements and restrictions of record.

together with their appurtenances.

Dated: February 25, 1976.

REID W. SMITH

IRIS J. SMITH

STATE OF IDAHO, COUNTY OF Caribou
On this 25th day of Feb. 1976
before me, a notary public in and for said State, personally
appeared

REID W. SMITH
IRIS J. SMITH

known to me to be the person ^s who ^{se} ^{are}
subscribed to the within instrument, and to be acknowledged to
me that they executed the same.

Leonard O. Hingst
Notary Public

Residing at Soda Springs
County, Idaho August 14, 1977.

STATE OF IDAHO, COUNTY OF Bear Lake.

I hereby certify that this instrument was filed for record at
the request of Bear Lake Title Co.

at 05 minutes past 4 o'clock P.M.
this 4th day of March,
1976, in my office, and duly recorded in ~~book~~
~~Microfilm~~ records.

Betty Wallentine

By

Fee \$1.00

Made to Don Fred Bartschi

7668 2, Montpelier, Idaho 83254

INSTRUMENT No.

107603

QUITCLAIM DEED

For Value Received

HEBER J. SMITH, a single man

do hereby convey, release, remise and forever quit claim unto

DON FRED BARTSCHI and MELBA C. BARTSCHI
Husband and Wife

the following described premises, to-wit:

Undivided $\frac{1}{2}$ interest in the following described property

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

Parcel A: Sec. 9: E1/2 NE1/4 and NE1/4 SE1/4
Parcel B: Sec. 10: SW1/4 NW1/4 and W1/2 SW1/4
Parcel C: Sec. 15: W1/2 NW1/4
Parcel D: Sec. 16: E1/2 NE1/4 and S1/2, except 5 acres
evenly distributed along East line of
said Section
Parcel E: Sec. 19: SW 1/4 SE1/4
Parcel F: Sec. 20: E1/2 E1/2, SW1/4 NE1/4 and SE1/4 NW1/4
Parcel G: Sec. 21: N1/2, SE1/4, N1/2 SW1/4, SW1/4 SW1/4
Parcel I: Sec. 30: NE1/4
Parcel J: Sec. 32: E1/2 NE1/4, NW1/4 NE1/4
Parcel K: Sec. 33: W1/2 W1/2 NE1/4, E1/2 NW1/4, NW1/4 NW1/4
Parcel H: Sec. N₂, E₂SE₄, and SW₂SE₄.
SUBJECT TO ALL PUBLIC ROAD RIGHT-OF-WAYS and
MORTGAGE TO FEDERAL LAND BANK, REAL ESTATE TAXES,
EASEMENTS and RESTRICTIONS OF RECORD

together with their appurtenances.

Dated: December 10, 1975

HEBER J. SMITH

STATE OF IDAHO, COUNTY OF Blaine
On this 10th day of December, 1975,
before me, a notary public in and for said State, personally
appeared

HEBER J. SMITH

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

Notary Public

Residing at
Commission Expires

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record
at the request of Bear Lake Title Co.

on 10th day of March, 1976, in my office and duly recorded in Book
Microfilm Records.

Betty Wallentine

By

Fee \$ 1.00
Paid to

INSTRUMENT NO.

107664

MARSHALL DEEDS

THIS INSTRUMENT is to this 10 day of April, 1972, between VIRGINIA S. LEWIS, A single woman, dealing with her sole and separate property, the party of the first part, and DON FRED BARTSCH and BEIDA C. BARTSCH, his wife, the parties of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars, of the United States of America, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Bear Lake County, State of Idaho, to-wit:

An undivided one-half interest in the following described property:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

Parcel A: Section 9: $E\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$.
Parcel B: Section 10: $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}SW\frac{1}{4}$
Parcel C: Section 15: $W\frac{1}{2}NW\frac{1}{4}$.
Parcel D: Section 16: $E\frac{1}{2}NE\frac{1}{4}$ and $S\frac{1}{2}$, EXCEPT 5 acres evenly distributed along east line of said section.
Parcel E: Section 19: $SW\frac{1}{4}SE\frac{1}{4}$.
Parcel F: Section 20: $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, and $SE\frac{1}{4}NW\frac{1}{4}$.
Parcel G: Section 21: $N\frac{1}{2}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$.
Parcel H: Section 29: $N\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$.
Parcel I: Section 30: $NE\frac{1}{4}$
Parcel J: Section 32: $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$.
Parcel K: Section 33: $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$.

Together with all leases between Legrande F. Smith and

Robert J. Smith and the United States Bureau of Land Management and contracts with the State of Idaho used in connection with said land above described and the following described real property being purchased on contract from the State of Idaho:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$

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

Section 29: NW $\frac{1}{4}$ SE $\frac{1}{4}$

Together with all ditch and ditch rights, all water and water rights, improvements, hereditaments and appurtenances thereto, however evidenced, and subject to all easements, rights-of-way and encumbrances of record or established by user with respect thereto.

Subject to all real property taxes assessed after April 12, 1963.

Subject to a Mortgage dated October 26, 1965, executed by Heber J. Smith and Matilda M. Smith, husband and wife; Reid W. Smith and Iris J. Smith, husband and wife; Legrande F. Smith and Phyllis Smith, husband and wife; and Rulon D. Lewis and Virginia S. Lewis, husband and wife, as Grantors to The Federal Land Bank of Spokane as Beneficiary, for the sum of Thirty-Seven Thousand Two Hundred and No/100 (\$37,200.00) Dollars with interest as recorded in Book 32 of Mortgages on Page 470 under Instrument Number 67213, recorded November 17, 1965, in the records of Bear Lake County, Idaho.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said party of the first part.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

-2-

And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, against the said party of the first part, and her heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

WITNESS the hand of the party of the first part, this

16 day of April, 1972.

Virginia S. Lewis
Virginia S. Lewis

STATE OF ⁴⁴⁻⁶IDAHO)
County of S. H. Lake) : ss.

On the 16 day of April, 1972, personally appeared before me Virginia S. Lewis, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

(Seal)

C. R. J. [Signature]
Notary Public for Idaho
Residing at: S. H. Lake, E. T.
My Comm. expires: 1-14-75

98153

STATE OF IDAHO
County of Boer Lake
Date April 11, 1972
Time 4:00 P.M.
No. 11600-16000
Clerk Robert B. Hughes
By Jacqueline Parker Deputy
INDEXED

WARRANTY DEED

THIS INDENTURE made this 10 day of April, 1972, between LEGRANDE F. SMITH and PHYLLIS D. SMITH, his wife, the parties of the first part, and VIRGINIA S. LEWIS, a single woman, dealing with her sole and separate property, the party of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars, of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents doth grant, bargain, sell, convey and confirm, unto the said party of the second part, and to her heirs and assigns forever, all the following described real estate, situated in Bear Lake County, State of Idaho, to-wit:

An undivided one-half interest in the following described property:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

- Parcel A: Section 9: $E\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$.
- Parcel B: Section 10: $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}SW\frac{1}{4}$.
- Parcel C: Section 15: $W\frac{1}{2}NW\frac{1}{4}$.
- Parcel D: Section 16: $E\frac{1}{2}NE\frac{1}{4}$ and $S\frac{1}{2}$, EXCEPT 5 acres evenly distributed along east line of said section.
- Parcel E: Section 19: $SW\frac{1}{4}SE\frac{1}{4}$.
- Parcel F: Section 20: $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, and $SE\frac{1}{4}NW\frac{1}{4}$.
- Parcel G: Section 21: $N\frac{1}{2}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$.
- Parcel H: Section 29: $N\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$.
- Parcel I: Section 30: $NE\frac{1}{4}$.
- Parcel J: Section 32: $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$.
- Parcel K: Section 33: $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$.

Together with all leases between Legrande F. Smith and Heber J. Smith and the United States Bureau of Land

Management and contracts with the State of Idaho used in connection with said land above described and the following described real property being purchased on contract from the State of Idaho;

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$

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

Section 29: NW $\frac{1}{4}$ SE $\frac{1}{4}$

Together with all ditch and ditch rights, all water and water rights, improvements, hereditaments and appurtenances thereto, however evidenced, and subject to all easements, rights-of-way and encumbrances of record or established by user with respect thereto.

Subject to all real property taxes assessed after April 12, 1963.

Subject to a Mortgage dated October 26, 1965, executed by Heber J. Smith and Matilda M. Smith, husband and wife, Legrande F. Smith and Phyllis Smith, husband and wife; Reid W. Smith and Iris J. Smith husband and wife; and Rulon D. Lewis and Virginia S. Lewis, husband and wife, as Grantors to The Federal Land Bank of Spokane as Beneficiary, for the sum of Thirty-Seven Thousand Two Hundred and No/100 (\$37,200.00) Dollars with interest as recorded in Book 32 of Mortgages on Page 470 under Instrument Number 87213, recorded November 17, 1965, in the records of Bear Lake County, Idaho.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said party of the first part.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever.

-2-

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, her heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

WITNESS the hands of the parties of the first part, this

10 day of April, 1972.

Legrande F. Smith
Legrande F. Smith

Phyllis D. Smith
Phyllis D. Smith

STATE OF ~~IDAHO~~ UTAH)
: ss.
County of SALT LAKE)

On the 10 day of April, 1972, personally appeared before me Legrande F. Smith and Phyllis D. Smith, his wife, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

(Seal)

R. L. Wood
Notary Public for ~~Idaho~~ UTAH
Residing at: Salt Lake City, Utah
My Comm. expires: 1-14-75

98151

STATE OF IDAHO
County of Bear Lake
Date April 11, 1972
Time 3:50 P.M.
No. Microfilmed
By James B. Hulmel
By Jeanne Parker Deputy

INDEXED

LAW OFFICE
ALVA A. HARRIS
371 South Emerson
SHELLEY, IDAHO 83274

11- 766

WARRANTY DEED

For Value Received Heber J. Smith and *MAT: Ma M.* Smith, his wife, the grantors, do hereby grant, bargain, sell and convey unto Bar- None, Incorporated, the grantee, the following described premises, to-wit:

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

- Parcel A: Sec. 9: E1/2 NE1/4 and NE1/4 SE1/4
- Parcel B: Sec. 10: SW1/4 NW1/4 and W1/2 SW1/4
- Parcel C: Sec. 15: W1/2 NW1/4
- Parcel D: Sec. 16: E1/2 NE1/4 and S1/2, except 5 acres evenly distributed along East line of said Section.
- Parcel E: Sec. 19: SW 1/4 SE1/4
- Parcel F: Sec. 20: E1/2 E1/2, SW1/4 NE1/4 and SE1/4 NW1/4
- Parcel G: Sec. 21: N1/2, SE1/4, N1/2 SW1/4, SW1/4 SW1/4
- Parcel H: Sec. 29: N1/2, E1/2 SE1/4, and SW1/4 SE1/4
- Parcel I: Sec. 30: NE1/4
- Parcel J: Sec. 32: E1/2 NE1/4, NW1/4 NE1/4
- Parcel K: Sec. 33: W1/2, W1/2 NE1/4, E1/2 NW1/4, NW1/4 NW1/4

SUBJECT TO ALL PUBLIC ROAD RIGHT OF WAYS

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

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

Dated this *First* day of *February*, 1966.

Heber J. Smith

MAT: Ma M. Smith

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On this *1st* day of *February*, 1966, before me, the undersigned, Notary Public in and for said State, personally appeared Heber J. Smith and *MAT: Ma M.* Smith, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS My hand and official seal.

My commission expires: *Dec 8, 1970*

Residing: *Spencer, Ind. Utah*

Paul W. Storey
NOTARY PUBLIC

98212

11- 7663

STATE OF IDAHO

County of Bear Lake

Date *April 24, 1972*

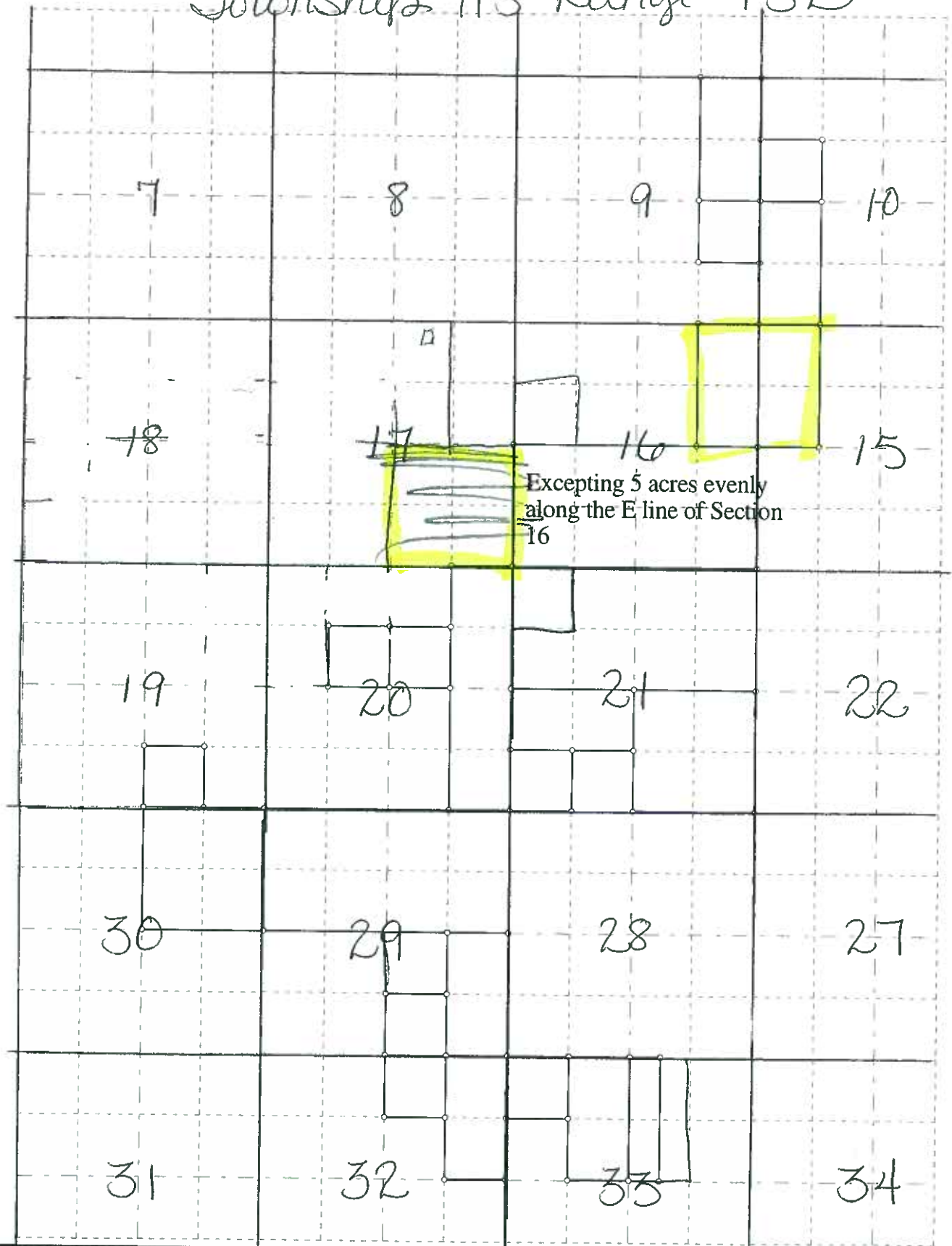
Time *9:45 A.M.*

No. *Microfilm*

Clerk *Abner B. Hedberg*

By *Jeannine Parker* INDEXED

Township 11S Range 43E



Title:

Date: 03-30-2009

Scale: 1 inch = 3000 feet

File:

Bar None - Bartchi

11-7663



Idaho Department of Water Resources

Adjudication Claim
11-7645
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bear Lake County
IDWR Basin 11

Prepared by Denise Kidman
On April 14, 2010
2004 Aerial Photography



11-7663

To: Idaho Department of Water Resources

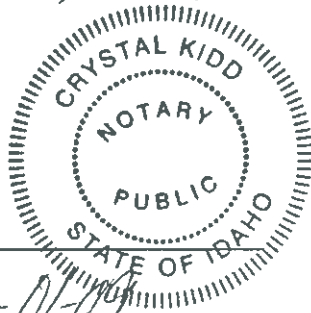
We, Boyd L. and Beth Woolstenhulme, began working on the ranch currently owned by Melba Bartschi in 1945, just after leaving the service. The irrigation/fish pond was already in existence and use prior to our working on the ranch. The dam found down in the area referred to as "the narrows" was also in existence and use before our arrival at the ranch. The water coming out of CO-OP canyon and surrounding sources/springs was put to extensive irrigation and livestock use before and during our time on the ranch. It should also be noted that both of the wells near the ranch house were also drilled and in use before 1945.

Boyd L. Woolstenhulme Boyd L. Woolstenhulme

Date: 6-1-09

Beth Woolstenhulme Beth Woolstenhulme

Date: June 1, 2009



Date: 6-01-09

Crystal Kidd
Notary Public
Residing - Montpelier
Commission Expires - 3-18-2018

RECEIVED

SEP 04 2009

Department of Water Resources
Eastern Region

11- 7663

To: Idaho Department of Water Resources

I, Lee Smith have been asked by the Bartschi's to help in determining the age of some of their water assets. Specifically, the dam that can be found in the "narrows", water troughs and improvements on springs, the wells around the place both culinary and commercial and finally the irrigation pond found near the corrals. I began working on the ranch as a teenager back in 1942. I remember that the dam in the narrows had already been constructed for years before my arrival upon the ranch. Several bands of sheep were on the ranch before my arrival and had used the springs and troughs for water. They must have been done many years prior to my working on the place. The wells were also done long before 1942, when I started working. I have some rather scary memories of the irrigation pond as well, I remember swimming there as a teenager and almost drowning. I would say the pond would have been constructed in 1940-41 as its water was used to irrigate gardens grown by displaced Japanese-Americans during WWII. These assets were all in existence before my labor at the ranch.

Leland H. Smith

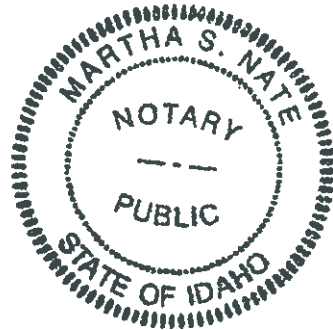
Leland H. Smith

Date: Aug 26 2009

Martha S. Nate

Notary Public

Date: 8/26/09



RECEIVED

SEP 04 2009

Department of Water Resources
Eastern Region



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[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

[[Help Me Print/View TIFF](#)]

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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

Instrument # 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
Index to: WARRANTY DEED
Cindy Garver

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 BARTSCHILAND, LLLP, an Idaho limited liability 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 24 2010

11 - 7 6 6 3

208178

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

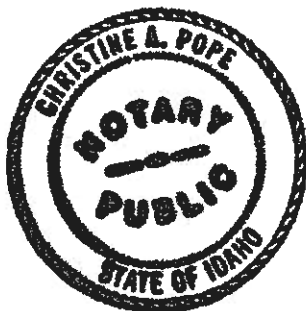
STATE OF IDAHO)

: 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 2010

Department of
Corrections

11- 7663

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 $\frac{1}{4}$.



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

BARTSCHI LAND 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: Total Diversion: 0.06 CFS

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

BARTSCHILAND LLLP 11-7669
4565 NOUNAN RD
MONTPELIER, ID 83254

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