

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

RECEIVED

APR 25 2023

DEPARTMENT OF
WATER RESOURCES

Ident. Number: 11-4300
Date Received: 4/25/2023
Receipt No: C116060
Claim Fee: \$106.00
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LARRY BARTSCHI
359 BIENZ LN
BERN ID 83220

Phone: (208) 540-1564

OR

NANCY BARTSCHI
359 BIENZ LN
BERN ID 83220

Phone: (208) 540-1564

2. Date of Priority: 6/3/1897

3. Source:
SHEEP HOLLOW CREEK

Trib. to:
BEAR RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
12S	43E	24	SW SE		BEAR LAKE	

5. Description of diverting works:

Concrete headgate and earthen dam that moves water through a 4 inch pipe to the property. At the end of the pipe there are valves which are used to control the irrigation use. We typically run sprinklers from a garden hose at the end of the pipe.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	1/01	12/31	0.08		
IRRIGATION	4/15	10/15	0.92		
STOCKWATER	1/01	12/31	0.02		

7. Total Quantity Appropriated is:

1.02 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

3 homes used for exterior domestic use.

9. Place of use:

DOMESTIC within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
12S	43E	25	NE		NE		
12S	43E	25	SE		NE		

IRRIGATION within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
12S	43E	24	SW		SE		
12S	43E	24	SE		SE		
12S	43E	25	NE		NE		
12S	43E	25	NW		NE		
12S	43E	25	SE		NE		

STOCKWATER within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
12S	43E	25	NE		NE		
12S	43E	25	SE		NE		

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

1 well supplies the 1996 home, one well supplies the original and 1978 home.

12. Remarks:

Priority Date Explanation:

Based on statutory claim, this is when the use first began. This has been in the family since that date, and my father in-law's grandfather is the one who developed the source. The land is in CRP and has been since approximately the 80's except for the blue areas on the map which are still used to irrigate lawn/garden. The system is still used to supply the exterior domestic use and stockwater. There are 3 homes, the original home which is part of the homestead, the second home was added in 1978, and then the third home was added in 1994.

Source shown on claim as Sheep Corral Hollow Springs & Creek tributary to Unnamed Slough

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

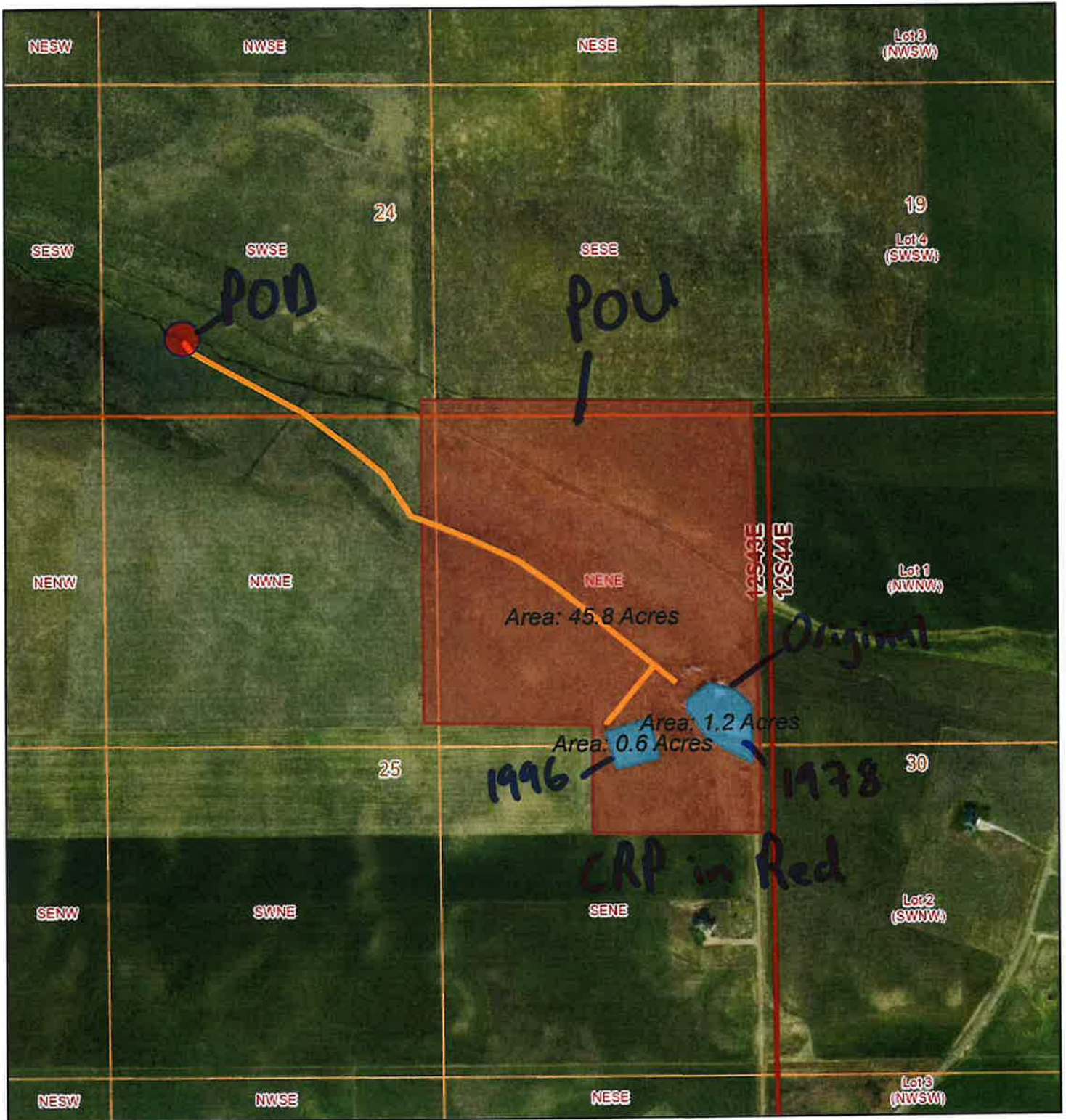
For Individuals:

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

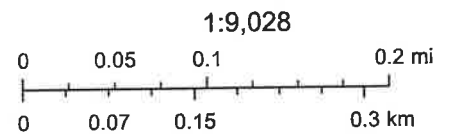
Signature of Claimant(s):  Date: 4/25/23

Date: _____

BRBA Claim



4/25/2023, 1:42:15 PM



Maxar

**LAST WILL AND TESTAMENT
OF
JOSEPH "RAY" BIENZ**

I, Joseph "Ray" Bienz, a resident of Bear Lake County, Idaho, declare that this is my Last Will and Testament.

I.

PRIOR WILLS. I hereby revoke all prior wills and codicils by me made.

II.

FAMILY. I am single. I have two (2) adult children, whose names are as follows:

Name

James R. Bienz
Nancy L. Bartschi

I have two deceased children, David T. Bienz, who had no children, and Rae Ann B. Chavez, who had two children.

III.

SPECIFIC GIFTS.

A. GIFTS OF PERSONAL PROPERTY. I give certain items of tangible personal property, described in a list or statement in either my own handwriting or signed by me, to the persons designated in the list or statement, in accordance with Idaho Code Section 15-2-513.

B. GIFTS OF REAL PROPERTY. I own approximately 44 contiguous acres in the Bern, Idaho area, located in Section 25, Township 12 South, Range 43 East of the Boise Meridian, together with all water rights and all other appurtenances.

1. I gift the home commonly known as 411 Bienz Lane and approximately one (1) acre of real property under and around said home to my son, James R. Bienz, and my daughter, Nancy L. Bartschi, in equal shares. My personal representative will be responsible in the personal representative's sole discretion to make the determination of the exact parcel and deeding it to said beneficiaries. It is my intent that if a beneficiary wants to sell their interest in the home, that the

other beneficiary will have the right of first refusal to buy the selling beneficiary's interest in the home at a reasonable amount. The beneficiaries can also both agree to sell the property and split the net proceeds. In the event either Nancy or James predeceases me, then their share shall go to their issue by right of representation.

2. I give the home, commonly known as 373 Bienz Lane, Bern, Idaho to my son, James R. Bienz, and my daughter, Nancy L. Barschi, in equal shares. Said gift includes my home and approximately one (1) acre of real property under and around said home. My personal representative will be responsible in their sole discretion to make the determination of the exact parcel. If James and Nancy decide to sell said property and split the proceeds, it is my intent that they allow my grand-daughter, Megan Merrit, and her husband, Jared Merrit, the right of first refusal to buy the home for the sum of \$100,000. In the event James predeceases me, then his share of the home shall go to Nancy. In the event Nancy predeceases me, her share of the home shall go to her husband, Larry Bartschi.

3. I give the remainder of my real property located in Section 25, Township 12 South, Range 43 EBM in Bear Lake County, Idaho, consisting of the remaining 42 acres, more or less, together with all water rights associated with the property, to my daughter, Nancy L. Bartschi. My personal representative will be responsible in their sole discretion to make the determination of the exact parcel. Said parcel will be subject to a well agreement for use of the well on said property, which provides culinary water to the homes at 411 Bienz Lane and 373 Bienz Lane. In the event my daughter, Nancy, predeceases me, then I gift said property to her husband, Larry Bartschi.

C. I give the commercial property located in Montpelier, Idaho, commonly known as 802 Washington Street and 113 North 8th Street, located in Lot 1, Block 7, and lot 20, Block 7, with PINs of RPM4160007001A and RPM4160007020A, to my son-in-law, Larry Bartschi, and my grandson, Brendan Bartschi, in equal shares.

IV.

GIFT OF REMAINDER. I give the rest, residue and remainder of my estate to my two living children, James R. Bienz and Nancy L. Bartschi, in equal shares. In the event either James R. Bienz or Nancy L. Bartschi shall predecease me, the share of my estate herein given to that child, I give to their issue by right of representation.

V.

OMISSION OF HEIRS. Except as otherwise provided in this Will, I have intentionally omitted to provide herein for any other heirs or persons.

VI.

NO CONTEST CLAUSE. If any heir of mine, or beneficiary under this Will in any manner, directly or indirectly, contests or attacks this Will or any of its provisions, any possible interest of my estate given to that contesting heir or beneficiary under this Will is revoked and shall be disposed of in the same manner provided herein as if that contesting heir or beneficiary had predeceased me without issue.

VII.

DISTRIBUTION TO MINORS AND DISABLED PERSONS

7.01 Grant of Permissive Authority. If any property of my estate vests outright under the provisions of this Will in a minor or in a person who, in the judgment of my personal representative, is unable to effectively manage or apply his/her estate to necessary ends, then my personal representative, (referred to in this Article VII as the "trustee"), in his/her discretion, in any jurisdiction, without giving or requiring bond, without intervention of a guardian, conservator or other representation, and without supervision of any Court, may hold or distribute such property (referred to in this Article VII as the "protected property") in accordance with Article 7.02.

7.02 In Trust. The trustee may hold any protected property in a separate trust for such person, exercising as trustee of such trust all the administrative powers conferred in this Will

upon my personal representative. The trustee shall pay to such person all, none or such part of the net income and principal of such trust as the trustee may in his/her discretion from time to time determine. Such trust shall terminate when such person attains majority and becomes able, in the judgment of the trustee, to effectively manage and apply his/her estate to necessary ends, or when such person dies, or when the trust assets are exhausted by discretionary distribution or otherwise. Upon such termination, the trustee shall distribute all property then belonging to such trust to such person or, if the trust terminates at such person's death, to the person's estate.

VIII.

DEFINITION OF "ISSUE". As used in this Will, the term "issue" shall include lineal descendants in any degree of the ancestor designated, and the terms "child," "children," and "issue" shall include adopted persons.

IX.

APPOINTMENT OF PERSONAL REPRESENTATIVE. I appoint my son-in-law, Larry Bartschi, to serve as Personal Representative. If Larry Bartschi, for any reason, shall fail to qualify or cease to act, I appoint my daughter, Nancy Bartschi, to serve as my Personal Representative. It is my desire that my Personal Representative serve without bond, any law to the contrary notwithstanding.

X.

TRANSFER TO PERSONAL REPRESENTATIVE AUTHORIZED. I expressly authorize my Personal Representative to transfer, as Personal Representative, all or any part of my estate, including real property, to which the Personal Representative is entitled under the provisions of this Will, or by law, to the Personal Representative as a devisee or heir under this Will.

Rest of page intentionally left blank.

IN WITNESS WHEREOF, I publish, declare and sign this instrument, consisting of six (6) typewritten pages, including this one, each of which bears my initials in the margin as my Last Will and Testament, in the presence of the subscribing witnesses this 22nd day of November, 2022.

Joseph Ray Bienz
JOSEPH "RAY" BIENZ

The foregoing instrument, consisting of six (6) typewritten pages, including this one, was signed, published and declared by the said Joseph "Ray" Bienz, as and for his Last Will and Testament, in the joint presence of us, who at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses this 22nd day of November, 2022.

Jeri W. Spurr
Residing at Hailey, Idaho

Mary Ann
Residing at Paris, Idaho

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STATE OF IDAHO

County of Bear Lake

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ss
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We, Joseph "Ray" Bienz, Jeri W. Spinner, and Melissa St. John, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his Last Will and Testament, and that he had signed willingly, or directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; that each of the witnesses, in the presence and hearing of the testator signed the Will as witness and that to the best of his/her knowledge the testator was at that time an adult, of sound mind and under no constraint or undue influence.

Joseph Ray Bienz

JOSEPH "RAY" BIENZ

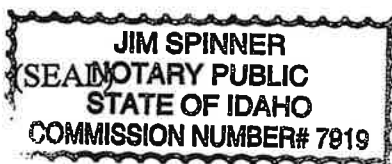
Jeri W. Spinner

Witness

Melissa St. John

Witness

SUBSCRIBED, SWORN to and ACKNOWLEDGED before me by Joseph "Ray" Bienz, testator, and SUBSCRIBED and SWORN to before me by Jeri W. Spinner, and Melissa St. John, witnesses, this 22nd day of November, 2022.



Jim Spinner
NOTARY PUBLIC for Idaho
Residing at: Pocatello
Commission Expires: 3-16-2023

JOSEPH "RAY" BIENZ

Brendan Bartsch

Signature Joseph Ray Bienz
Joseph "Ray" Bienz