



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 30, 2022

Josh and Jill Taylor
992 N Westside Hwy
Dayton, ID 83232

RE: Proposed Ownership Change and Transfer Application for Water Right 13-7604

Dear Property Owners:

On February 22, 2022, you filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for a portion of water right 13-7604. This water right is a statutory claim filed in 2001 by Craig Campbell pursuant to Idaho Code § 42-243 and was intended to reflect the water system and uses in place in 1953, when Campbell asserts the spring system was first developed. The original claim filed by Campbell described domestic use at two homes and commercial/stockwater use at a dairy. Evidence available to the Department suggests that Campbell only owned one of the two original homes on the system when he filed a claim for water right 13-7604. He should have only filed a claim for the water uses associated with his property.

Zachary and Trisha Beutler purchased the home and dairy from Campbell in 2021. On April 25, 2022, Zachary and Trisha Beutler filed an amended claim for water right 13-7604, describing domestic use at one home and stockwater/commercial use at a dairy. Water right 13-7604 is currently only associated with the Beutler property. The other two homes currently connected to the spring water system may have valid, unrecorded beneficial use water rights, which may be claimed in the upcoming Bear River Basin Adjudication.

Your ownership change notice included an untitled document, signed by Zachary and Trisha Beutler, stating: "We Zach & Trisha Beutler do hereby convey .04 cfs of water right #13-7604 to Josh and Jill Taylor." It is not clear what portion of water right 13-7604 the Beutlers conveyed. Water right 13-7604 includes domestic, stockwater and commercial uses. Without further information about what portion of the right was conveyed, the Department is unable to split the right. The conveyance document should be amended to clearly state what portion of water right 13-7604 (domestic, stockwater or commercial use) has been conveyed. Please note, water right 13-7604 is currently limited to domestic use at one home. If the domestic portion of the right was conveyed to you, then there is no domestic use remaining for the home on the Beutler property. If you now own the domestic use under water right 13-7604, the Beutlers would need to file an application for permit to cover the domestic use at the home on their property. I have decided to return your ownership change to allow you and the Beutlers an opportunity to amend or clarify the conveyance document.

On May 5, 2022, you filed an Application for Transfer, proposing to change the point of diversion and place of use for a 0.04 cfs portion of water right 13-7604. You propose to use the 0.04 cfs to supply domestic water for a new home to be constructed on your property. As noted above, there is ambiguity in the conveyance document from Beutler to Taylor. If the Beutlers conveyed to you the domestic use for one home described in water right 13-7604, then the domestic use on the Beutler property must be covered by another water right. If, on the other hand, the Beutlers conveyed a portion of the stockwater or commercial use, then the new domestic use would be limited to the historical consumptive use associated with the stockwater or commercial uses. You would need to provide additional information about the historical stockwater or commercial use occurring at the dairy to help us quantify the amount being converted to domestic use. I have decided to return your transfer application to allow you and the Beutlers an opportunity to clarify what portion of water right 13-7604 (domestic, stockwater or commercial use) is being transferred to the Taylor property.

Your transfer application states that the transfer is meant to cover a new home to be constructed on your property. Rather than filing an application for transfer or attempting to split water right 13-7604, perhaps the better approach would be to file an application for permit, seeking a new water right for the home. It appears you already have the agreements in place to access and use the spring water. In recent years the Department has issued permits for domestic use from springs tributary to the Bear River but has limited such permits to in-house use only (no outside irrigation of lawns, gardens, or landscaping).

As noted above, I have decided to return your ownership change notice and transfer application and refund the associated filing fees (Receipt No. E047836, \$100; Receipt No. E048100, \$200). Please re-file the application and notice once you have amended or clarified the conveyance document from the Beutlers. Feel free to contact me with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo
208-525-7161

Cc: Zachary and Trisha Beutler
2605 W 2800 N
Malad City, ID 83252