

RECEIVED

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APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s)
 ☒ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Wesley and Roxane Beutler Phone 208-851-3569
 2. **MAILING ADDRESS** 812 N 4200 W City Weston
 State ID Zip 83268 Email gwbeut@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 13-2162, 13-4025

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.87 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. 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:

We divert all of our Fivemile Creek rights at two pump stations on the creek. The pump stations are tied together into a common mainline. The pumps are equipped with flow meters currently.

- b. Who owns the property at the point(s) of diversion? Applicants
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

A. Wesley Beutler
Signature of applicant or authorized agent

B. Wesley Beutler
Print name and title if applicable

3-10-22
Date

Roxane Beutler
Signature of applicant or authorized agent

Roxane Beutler
Print name and title if applicable

3-10-22
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 8 pages of attachments. Received by _____ Date _____

Fee paid \$685 Date 3/14/22 Received by _____ Receipt # _____

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

\$605 from E047798
\$80 from E047886

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/2/2022

Water Right 13-2162

Owner Type **Name and Address**
 Current Owner ROXANE BEUTLER
 812 N 4200 W
 WESTON, ID 83286-5020

Current Owner G WESLEY BEUTLER
 812 N 4200 W
 WESTON, ID 83286-5020

Priority Date: 4/2/1953

Basis: License

Status: Active

Source
 FIVEMILE CREEK

Tributary
 BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.300 CFS	
	<u>Total Diversion</u>		1.300 CFS	

Source and Point(s) of Diversion:

FIVEMILE CREEK NESW Sec. 13, Twp 15S, Rge 38E, FRANKLIN County

Place of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	38E	13													40.0	6.0		19.0	65.0

PQU Total Acres: 65.0

Conditions of Approval:

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

3/2/2022

Water Right 13-4025

Owner Type **Name and Address**
Current Owner G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

Priority Date: 5/1/1960
Basis: Statutory Claim
Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.570 CFS	
	<u>Total Diversion</u>		1.570 CFS	

Source and Point(s) of Diversion:
FIVEMILE CREEK NESW Sec. 13, Twp 15S, Rge 38E, FRANKLIN County

Place of Use:
IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	18															23.0	34.0	57.0
15S	39E	19	15.0	7.0															22.0

POU Total Acres: 79.0

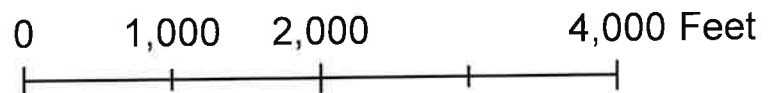
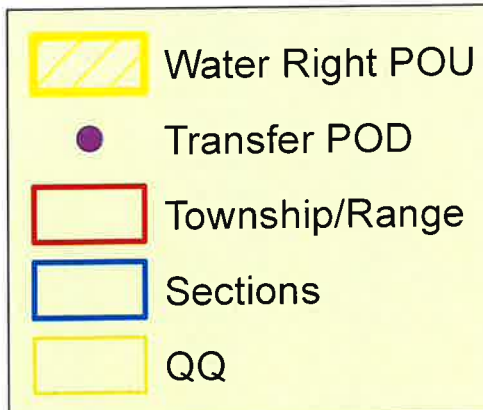
Conditions of Approval:

1. AC. IRR.=78.8.

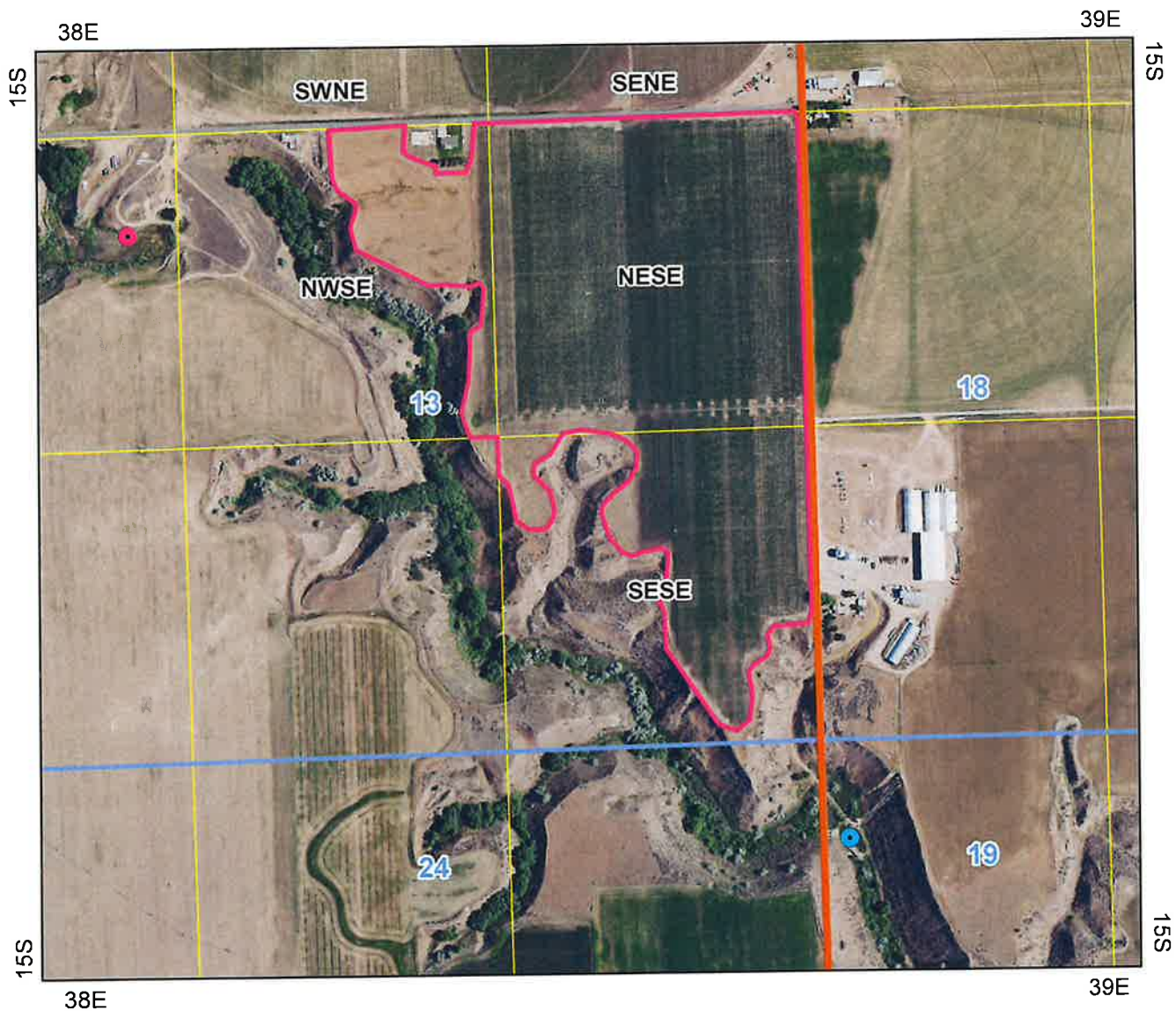
**Application for Transfer - POD
Water Rights 13-2162 and 13-4025**



2013 Imagery



State of Idaho
Department of Water Resources
Map of Proposed Transfer
13-2162



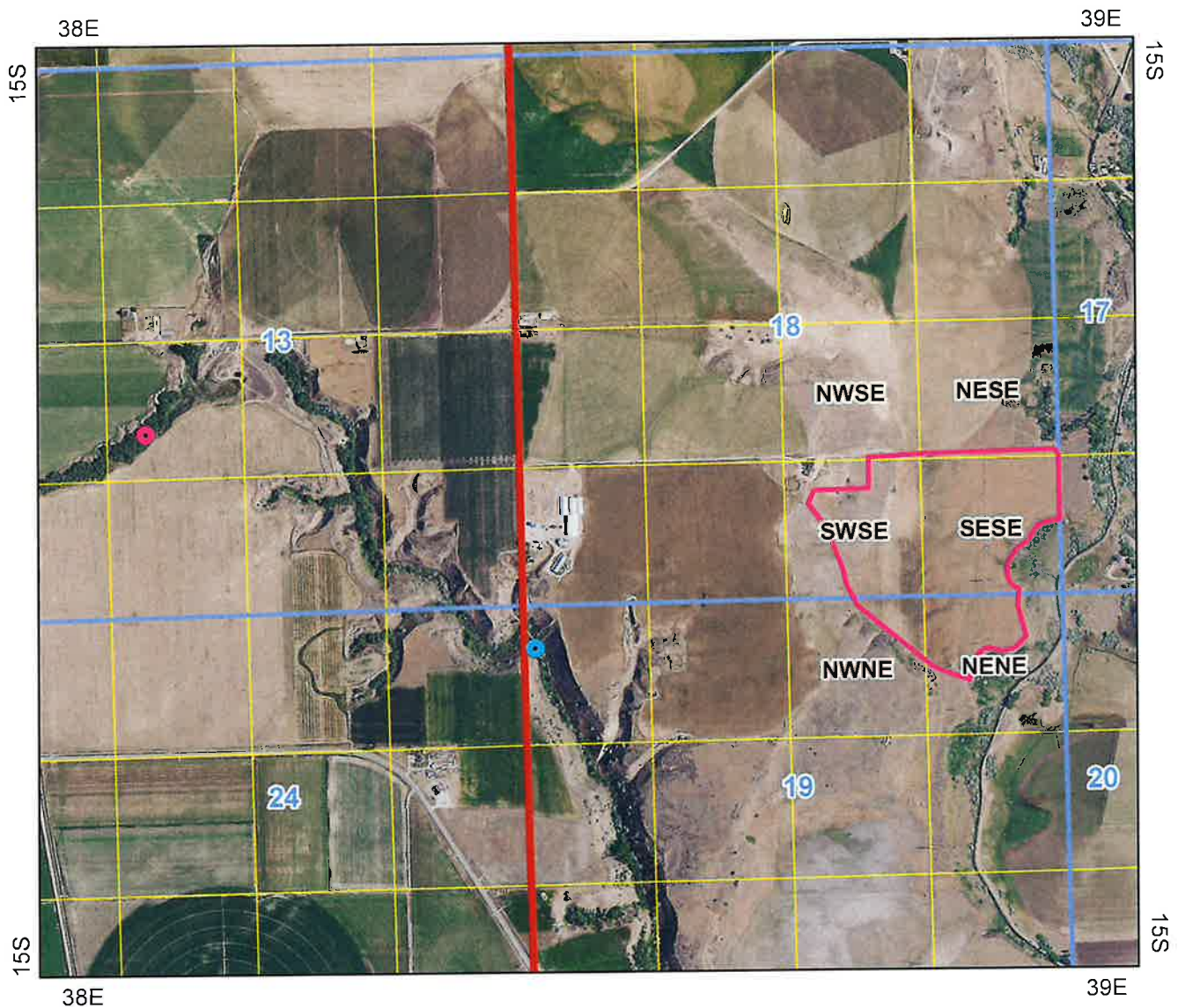
-  Proposed Point of Diversion
-  Existing Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



Map of Proposed Transfer

13-4025



-  Proposed Point of Diversion
-  Existing Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.2 0.4 0.8 Miles



February 24, 2022

To whom it may concern:

I hereby certify that I witnessed Leon Nuffer pumping water, for irrigation,
from in front of the Five Mile dam (see map 1) on or before 05/01 1960.

Water was put to beneficial use in the area outlined in yellow as shown on the
attached map 2.

Orvid Balls
1522 N. 4000 W
Wayton Id 83232

Karol Balls

February 26th 2022

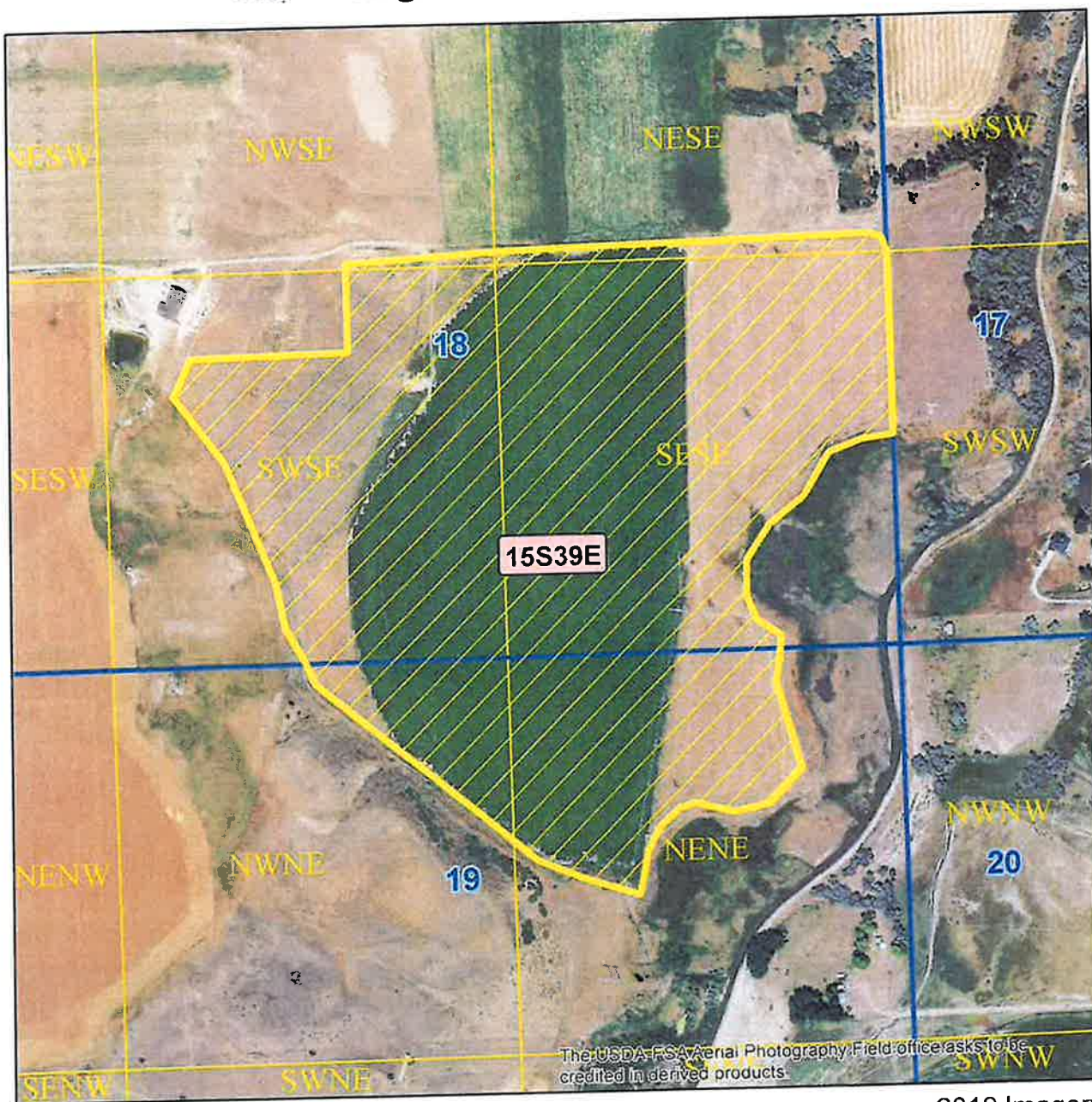
To whom it may concern:

I hereby certify that I witnessed water being pumped, for irrigation,
from Five Mile Creek (see map 1) and put to beneficial use on crops
on property outlined on map 2 at the time my husband Denzel
Coleman and family purchased adjacent farm in 1962 and in
subsequent years.

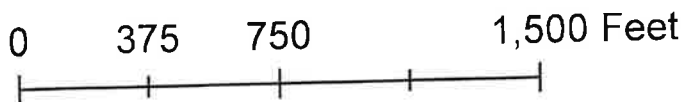
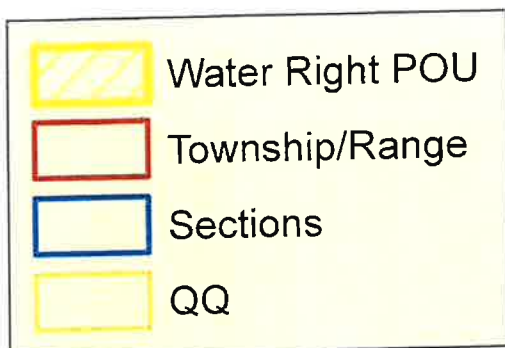
Elaine Coleman
80 North 380 East
Smithfield, Utah 84395

MAR 2

Water Right 13-4025 Place of Use



2019 Imagery





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

May 25, 2022

ROXANE BEUTLER
G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

RE: Transfer No. 86256
Water Right No(s). 13-2162, 13-4025

Dear Applicants:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on 6/1/2022 and 6/8/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 25, 2022 2:19 PM
To: 'legals@prestoncitizen.com'
Subject: Legal Notice for Preston Citizen
Attachments: 13-8095, 86256 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Application for Permit No. 13-8095, Transfer No. 86256

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 6/21/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-8095

JUSTIN N. ROBERTS FARMS LLC, 2187 S 3200 W, WESTON, ID 83286-5004

Point of Diversion SWSWSW S25 T15S R38E FRANKLIN County

Source SPRING Tributary UNNAMED STREAM

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 02-02-2022

Place Of Use: DOMESTIC

T16S R38E S1

L2(SWNE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86256

ROXANE BEUTLER and G WESLEY BEUTLER, 812 N 4200 W, WESTON, ID 83286-5020 has filed Application No. 86256 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2162, 13-4025; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. Proposed points of diversion are in NESW Sec 13 T15S R38E (existing) and NWNW Sec 19 T15S R39E (new) for 2.87 cfs from Fivemile Creek. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/1/2022 and 6/8/2022