

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Wesley and Roxane Beutler

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 09 2022

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) Wesley and Roxane Beutler Phone 208-851-3569
Mailing address 812 N 4200 W, Weston, ID 83268 Email gwbeut@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

A. Wesley Beutler
Signature of Applicant or Authorized Representative

B. Wesley Beutler
Print Name and Title if applicable

Feb 1, 2022
Date

Roxane Beutler
Signature of Applicant or Authorized Representative

Roxane Beutler
Print Name and Title if applicable

2-1-22
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☒ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This application proposes to combine water rights 13-2168 and 13-2204 onto a 135-acre irrigation place of use.
These rights already overlap each other. The application also proposes to add both of our active pump stations on Five Mile Creek as authorized points of diversion for both water rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	13-2168	0.70 cfs	Irrigation	4/1 to 10/31	Fivemile Creek
☒ ☐	13-2204	2.00 cfs	Irrigation	4/1 to 10/31	Fivemile Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.70 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.70 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NE	SW	13	15S	38E	Franklin	Fivemile Creek	Upper Pump Station
N	L1		NW	NW	19	15S	39E	Franklin	Fivemile Creek	Lower Pump Station

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	18											28	40			10		78
													L4						
		19		11			36	10											57
								L1											
Total Acres (for irrigation use)																			135

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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 two pump stations are tied together into a common mainline that serves all of our irrigated acres from the creek. The pumps can be equipped with flow meters if measurement is required in the future.
- 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:
N/A
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water rights will remain on property and are simply being rearranged to match current irrigation system.
 It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Transfer will rearrange water rights to match current irrigation use. After factoring out any overlapping acres, water rights 13-2168 and 13-2204 have been used to irrigate 135 acres.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water rights 13-4025 and 13-2162 are diverted from the same pump stations on Fivemile Creek. All Fivemile Creek rights are combined with water from Twin Lakes Canal Company.
- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2022

Water Right 13-2168

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: 1/5/1953

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	0.700 CFS	
	<u>Total Diversion</u>		0.700 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											40.0	10.0					50.0
15S	39E	19						14.0											14.0

POU Total Acres: 64.0

Conditions of Approval:

Licensed Date: 3/23/1979

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2022

Water Right 13-2204

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: 12/8/1959

Basis: License

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.000 CFS	
	Total Diversion		2.000 CFS	

Source and Point(s) of Diversion

FIVEMILE CREEK NWNW Sec. 19, Twp 15S, Rge 39E, 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											35.0	40.0					75.0
15S	39E	19					40.0	15.0											55.0

POU Total Acres: 130.0

Conditions of Approval:

Licensed Date: 8/22/1962

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

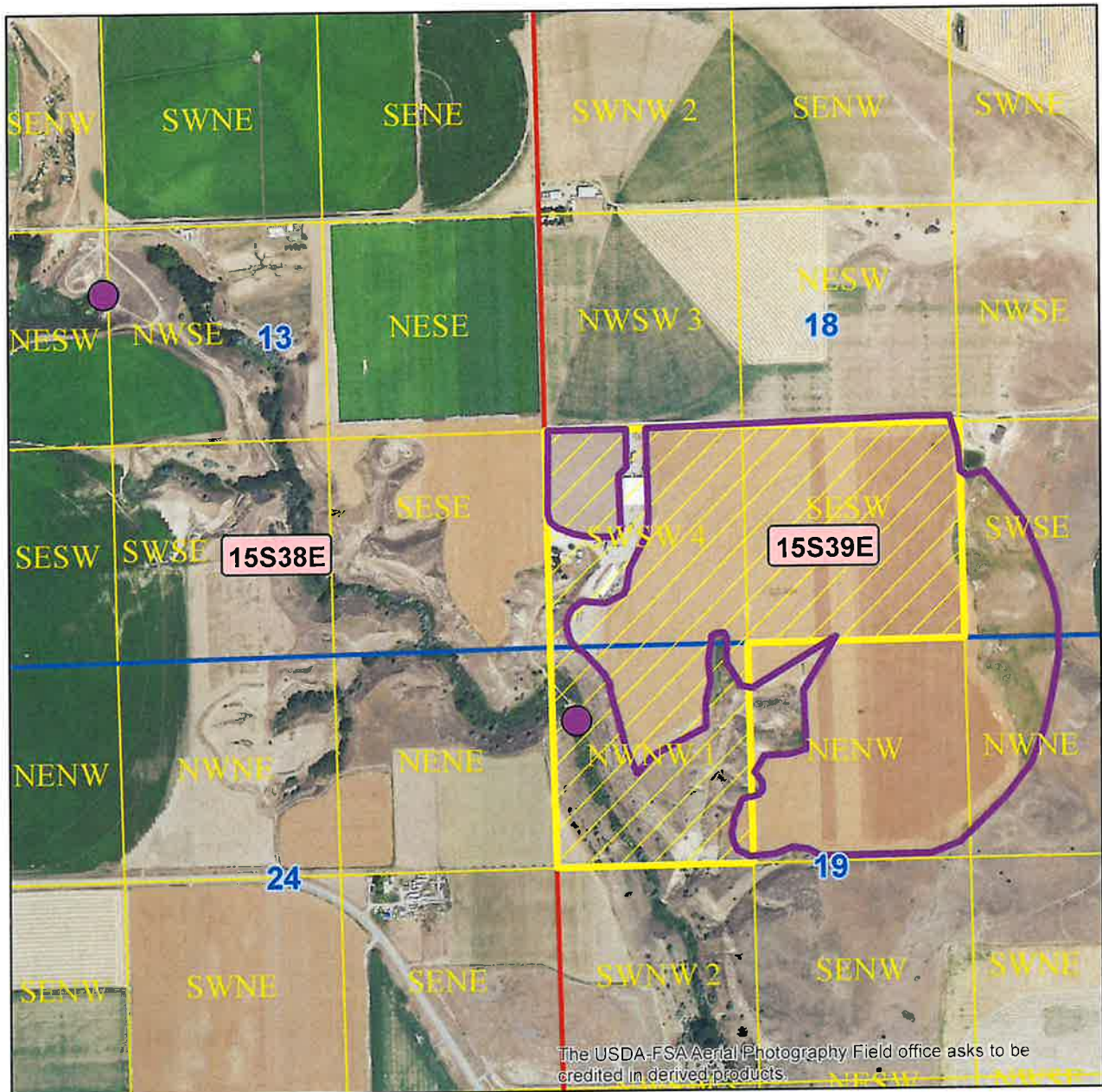
Fee paid \$1265.00 Date 2/9/22 Received by C.H. Receipt # 6047798

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

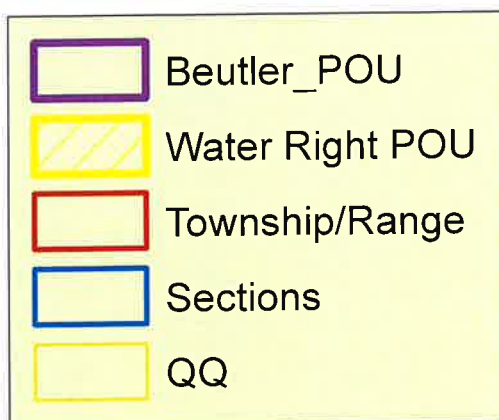
\$660 THIS APP.

Application for Transfer - Beutler Water Rights 13-2168 and 13-2204



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2013 Imagery



0 500 1,000 2,000 Feet



NESE NWSW 3 NESW NWSE

13 18

SESE SWSW 4 SESW SWSE

15S38E 15S39E

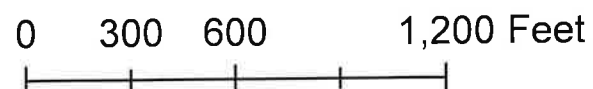
NENE NWNW 1 NENW NWNE

24 19

SENE SWNW 2 SENW SWNE

The USDA-FSA Aerial Photography Field office asks to be credited in derived products

 Beutler_POU
 Water Right POU
 Township/Range
 Sections
 QQ





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

February 16, 2022

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

RE: Transfer No. 85805
Water Right No(s). 13-2168, 13-2204

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 2/23/2022 and 3/2/2022. 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, February 16, 2022 11:32 AM
To: legals@prestoncitizen.com
Subject: Legal Notice for Preston Citizen
Attachments: 85805 Preston Citizen.docx

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

RE: Transfer No. 85805
Water Right No(s). 13-2168, 13-2204

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 3/14/2022. 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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85805**

ROXANE BEUTLER and G WESLEY BEUTLER, 812 N 4200 W, WESTON, ID 83286-5020 has filed Application No. 85805 for changes to the following water rights within FRANKLIN County(s): Right No(s): 13-2168, 13-2204; 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 and change place of use. The proposed points of diversion are in Lot 1 (NWNW) Sec 19 T15S R39E and NESW Sec 13 T15S R38E for 2.70 cfs from Fivemile Creek. The proposed place of use is in Lot 4 (SWSW), SESW and SWSE Sec 18, and NWNE, NENW and Lot 1 (NWNW) Sec 19, T15S R39E for 135 acres.

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 3/14/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/23/2022 and 3/2/2022

Cefalo, James

From: Cefalo, James
Sent: Thursday, January 27, 2022 3:03 PM
To: Zach Beutler
Subject: Draft Application for Transfer
Attachments: Beutler Transfer App 1.pdf; Beutler Application for Transfer - Maps.pdf; Beutler Application for Transfer - Water Rights.pdf; Maps for Other Rights.pdf

Zach,

Attached is a draft transfer application proposing to rearrange the place of use for water rights 13-2168 and 13-2204. The application also proposes to add both pump stations on Fivemile Creek as authorized points of diversion for the rights. Currently, each right only lists one point of diversion. Please review the application. I included responses to the questions based on our conversation. Feel free to make any changes you feel are appropriate. If the application reflects the changes you would like to make to the water rights, please have Wesley and Roxane sign the application. The filing fee for the application is \$660. This is based on the amount of water being moved. Because each of the water rights will add a second point of diversion, the entirety of the water rights are included in the application. You only need to send in a copy of the signature page, the filing fee, and any pages you revise. I have a copy of the rest of the application.

When you were in the office, we discussed possible transfers for the other acres served by Fivemile Creek rights. As I reviewed aerial photos and refined some of the map shapes, I discovered that the other rights are sufficient as they currently exist. No transfers needed. I went ahead and updated our map shapes to reflect the current irrigated acres. Please review the maps for water rights 13-4025 and 13-2162 and let me know if you have any concerns. Keep in mind, water rights 13-4025 and 13-2162 only list one point of diversion (the pump station in Section 13). If you want to include both pump stations as points of diversion for these rights, you would need to file a transfer application after all. The filing fees for each application would be \$580. Of course, you can wait and claim both points of diversion in the Bear River Basin Adjudication.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov