

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89393**

This is to certify that: **G WESLEY BEUTLER AND
ROXANE BEUTLER
812 N 4200 W
WESTON, ID 83286-5020**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-9110	WR/LICENSE	6/2/1961	0.460 cfs	80.7 af	N/A	23.0	GROUND WATER, POND
13-9111	WR/LICENSE	11/1/1961	0.540 cfs	N/A	N/A	52.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-2234	WR/LICENSE	6/2/1961	1.000 cfs	175.3 af		50.0	GROUND WATER, POND
13-2249	WR/LICENSE	11/1/1961	1.300 cfs	N/A		126.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-9110	NO	YES	YES	NO	NO	NO
13-9111	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-9110	13-9110	0.460 cfs	80.7 af	23.0	183.0	N/A	N/A	N/A	N/A	N/A
13-9111	13-9111	0.540 cfs	182.0 af	52.0	183.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.000 cfs	262.7 af	75.0	183.0		N/A	N/A	N/A	N/A

Transfer No. 89393

**Support Data
In File # 13-2234**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 89393

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 27th day of December, 2024.



Regional Manager



Transfer No. 89393

Support Data
In File # 13-2234

WATER RIGHT NO. 13-9110 **As Modified by Transfer No. 89393**

In accordance with the approval of Transfer No. 89393, Water Right No. 13-9110 is now described as follows:

Right Holder: ROXANE BEUTLER AND
G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

Priority Date: 6/2/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.460 cfs	80.7 af
			0.460 cfs	80.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 2 Twp 16S Rge 38E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	38E	2									40.0	14.0	9.0	40.0		40.0	40.0		183.0
Right Acre Limit:			23.0																
POU Total Acres:			183.0																

CONDITIONS OF APPROVAL

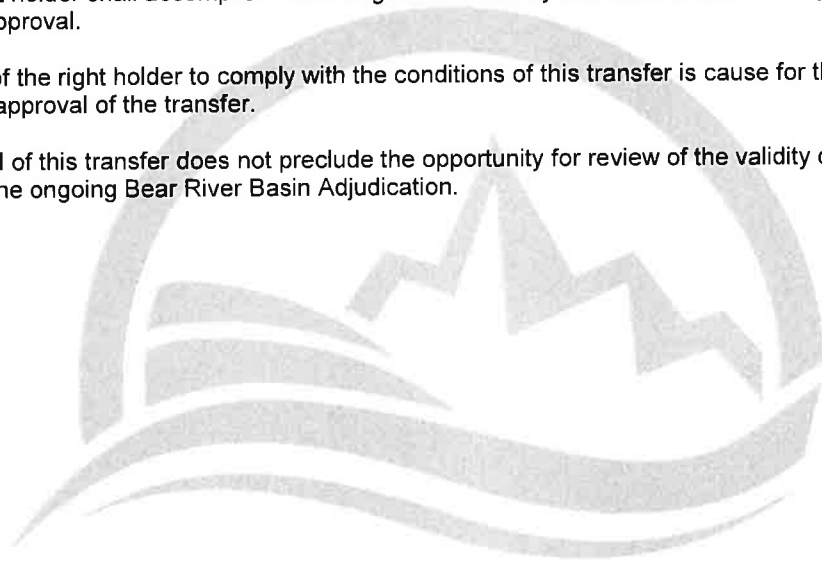
1. This right is limited to the irrigation of 23 acres within the authorized place of use in a single irrigation season.
2. Rights 13-9110 and 13-9111 are limited to the irrigation of a specific 75 acres within the 183-acre place of use authorized by these rights in a single irrigation season. The specific 75 acres to be irrigated by the right holder are shown in the electronic shape files associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 75 acres to be irrigated within the 183-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. Use of this right is combined with water from Twin Lakes Canal Co.

Transfer No. 89393

WATER RIGHT NO. 13-9110
As Modified by Transfer No. 89393

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Bear River Basin Adjudication.



WATER RIGHT NO. 13-9111

As Modified by Transfer No. 89393

In accordance with the approval of Transfer No. 89393, Water Right No. 13-9111 is now described as follows:

Right Holder: ROXANE BEUTLER AND
G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

Priority Date: 11/1/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.540 cfs	182.0 af
			0.540 cfs	182.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 2 Twp 16S Rge 38E FRANKLIN County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	38E	2									40.0	14.0	9.0	40.0		40.0	40.0		183.0

Right Acre Limit: 52.0
POU Total Acres: 183.0

CONDITIONS OF APPROVAL

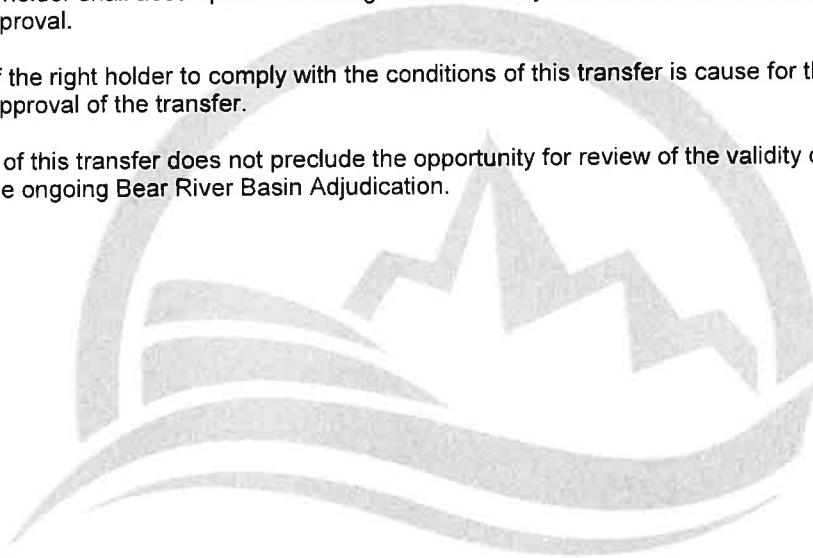
1. This right is limited to the irrigation of 52 acres within the authorized place of use in a single irrigation season.
2. Rights 13-9110 and 13-9111 are limited to the irrigation of a specific 75 acres within the 183-acre place of use authorized by these rights in a single irrigation season. The specific 75 acres to be irrigated by the right holder are shown in the electronic shape files associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 75 acres to be irrigated within the 183-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. Use of this right is combined with water from Twin Lakes Canal Co.

Transfer No. 89393

WATER RIGHT NO. 13-9111
As Modified by Transfer No. 89393

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Bear River Basin Adjudication.



WATER RIGHT NO. 13-2234

As Modified by Transfer No. 89393

In accordance with the approval of Transfer No. 89393, Water Right No. 13-2234 is now described as follows:

Right Holder: ROXANE BEUTLER AND
G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

Priority Date: 6/2/1961

Source: GROUND WATER
Source: POND

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1,000 cfs	175.3 af
			1,000 cfs	175.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 22 Twp 15S Rge 38E	FRANKLIN County
POND	NWSW	Sec 23 Twp 15S Rge 38E	FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	22													37.0				37.0
15S	38E	23										13.0							13.0

POU Total Acres: 50.0

WATER RIGHT NO. 13-2249

As Modified by Transfer No. 89393

In accordance with the approval of Transfer No. 89393, Water Right No. 13-2249 is now described as follows:

Right Holder: ROXANE BEUTLER AND
G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020

Priority Date: 11/1/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.300 cfs

1.300 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENE

Sec 23 Twp 15S Rge 38E FRANKLIN County

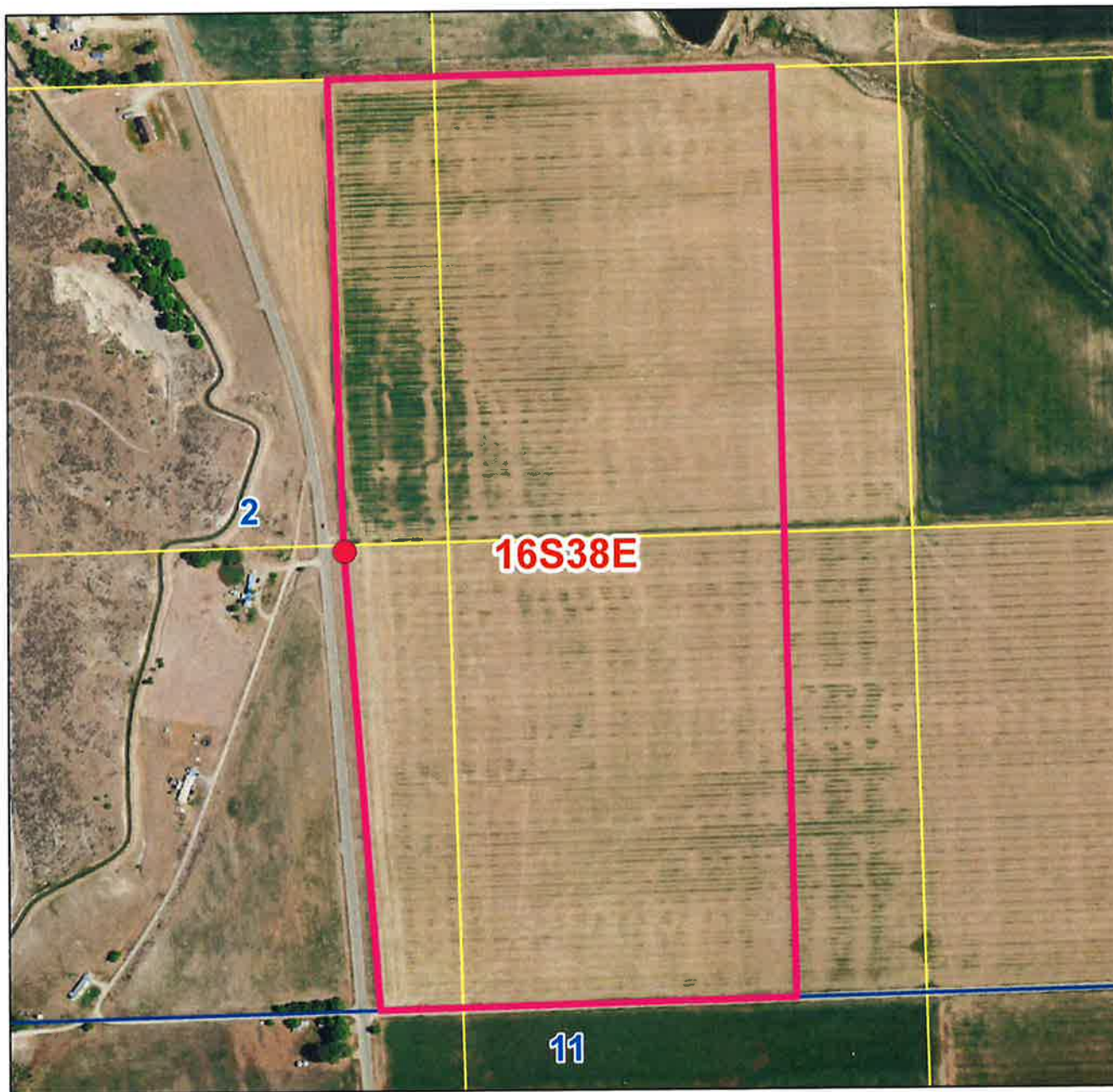
PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	13											32.0	37.0			12.0		81.0
15S	38E	14																13.0	13.0
15S	38E	24		10.0			22.0												32.0

POU Total Acres: 126.0

Attachment to Transfer Approval 89393

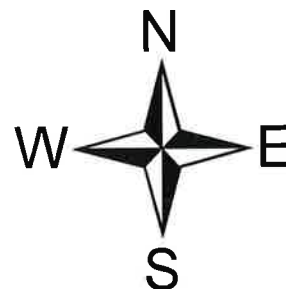
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 12/27/2024



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 Mathew Weaver

December 27, 2024

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

Re: Transfer No: 89393
Water Right No(s): 13-2234, 13-2249, 13-9110, 13-9111

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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 office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405-0130

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89393

Water Right No(s): 13-2234, 13-2249, 13-9110, 13-9111

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

**ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405-0130**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.