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42-222 POD - 07/18

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
EASTERN REGION

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)** G. Wesley, Roxane, Zachary, & Trisha Beutler Phone 208.851.3569
 2. **MAILING ADDRESS** 812 N 4200 W City Weston
 State ID Zip 83286 Email gwbeut@gmail.com; zhughbeutler@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)** 13-2204 and 13-7863

- ☒ 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 2.73 cfs 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	SW	13	15S	38E	Franklin	Fivemile Creek	
	1		NW	NW	19	15S	39E	Franklin	Fivemile Creek	
			SE	SE	19	15S	39E	Franklin	Fivemile Creek	

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:

3 pumps in creek piped in one system to 2 places of use.

- 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:

Written easement between applicants.

- 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 ¼ ¼ 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.

Trisha Bentler
Signature of applicant or authorized agent

Trisha Bentler & Wesley Bentler
Print name and title if applicable

02/21/24
Date

Wesley Bentler
Signature of applicant or authorized agent

Wesley Bentler & Roxane Bentler
Print name and title if applicable

02/21/24
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 _____ pages of attachments.

Received by _____

Date _____

Fee paid \$660.00 Date 2/23/24

Received by CEH

Receipt # E049827

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

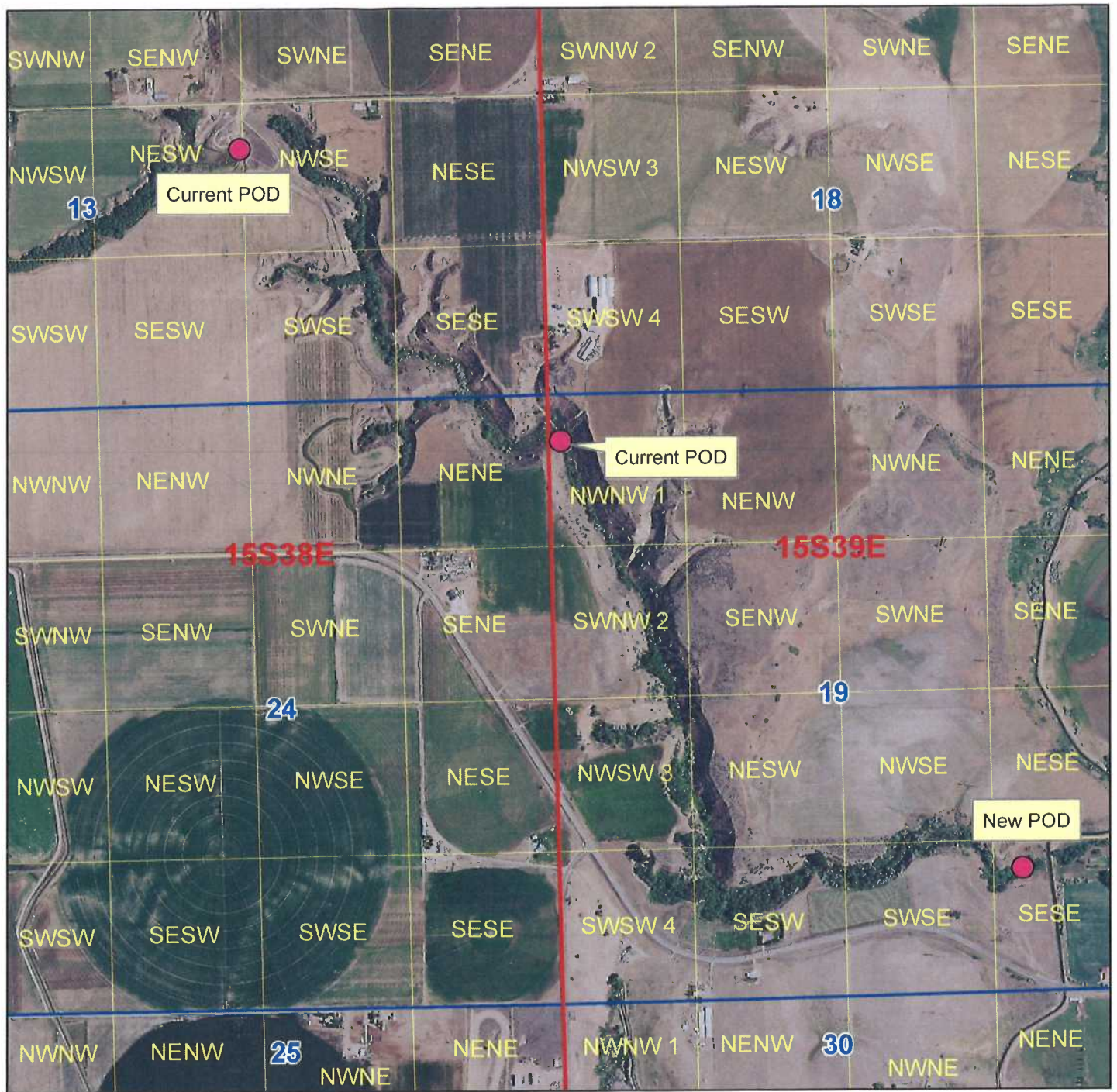
W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

Beutler Transfer



Legend

- Proposed POD
- Township/Range
- Sections
- QQ

0 1,500 3,000 6,000 Feet



MH

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2024

Water Right 13-2204

Owner Type **Name and Address**
Current Owner ROXANE BEUTLER
812 N 4200 W
WESTON, ID 83286-5020
(208) 851-3569

Current Owner G WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286-5020
(208) 851-3569

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	NESW	Sec. 13, Twp 15S, Rge 38E, FRANKLIN County
FIVEMILE CREEK	L1(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											28.0 L4	40.0			10.0		78.0
15S	39E	19		11.0			36.0	10.0 L1											57.0

Right Acre Limit: 130.00
POU Total Acres: 135.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 130 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 13-2168 and 13-2204 when combined shall not exceed the irrigation of 135 acres.

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Proof Report

3. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 11.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. R63 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates and Other Information:

Licensed Date: 8/22/1962
Owner Name Connector: AND
Water District Number: 11
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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2/20/2024

Water Right 13-7863

Owner Type **Name and Address**
Current Owner ZACHARY BEUTLER
2605 W 2800 N
MALAD CITY, ID 83252
(208) 251-8839

Current Owner TRISHA BEUTLER
2605 W 2800 N
MALAD CITY, ID 83252
(208) 251-8839

Priority Date: 2/22/1961

Basis: License

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.730 CFS	127.4 AF
	Total Diversion		0.730 CFS	127.4 AF

Source and Point(s) of Diversion:

FIVEMILE CREEK	NESW	Sec. 13, Twp 15S, Rge 38E, FRANKLIN County
FIVEMILE CREEK	L1(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	38E	13	1.2	7.5	22.0	5.7														36.4

POU Total Acres: 36.4

Conditions of Approval:

1. E02 Use of this right is combined with water from Twin Lakes Canal Co.
2. R63 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.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. R05 Use of water under this right may be regulated by a watermaster with

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- responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates and Other Information:

Licensed Date: 3/22/1979
Owner Name Connector: AND
Water District Number: 11
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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

February 28, 2024

ZACHARY BEUTLER
TRISHA BEUTLER
2605 W 2800 N
MALAD CITY, ID 83252

ROXANE BEUTLER
GEORGE WESLEY BEUTLER
812 N 4200 W
WESTON, ID 83286

RE: Transfer No. 88799
Water Right No(s). 13-2204, 13-7863

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 3/6/2024 and 3/13/2024. 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 28, 2024 2:37 PM
To: 'legals@prestoncitizen.com'
Subject: Legal Notice for Preston Citizen
Attachments: 88799 Preston Citizen.docx

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

RE: Transfer No. 88799
Water Right No(s). 13-2204, 13-7863

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 3/25/2024. 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. 88799**

ZACHARY BEUTLER and TRISHA BEUTLER, 2605 W 2800 N, MALAD CITY, ID 83252; ROXANE BEUTLER and GEORGE WESLEY BEUTLER, 812 N 4200 W, WESTON, ID 83286 has filed Application No. 88799 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2204, 13-7863; 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; and Lot 1 (NWNW) and SESE, Sec 19 T15S R39E for 2.73 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 3/25/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/6/2024 and 3/13/2024