



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2005

GERALD BARTAUSKY
310 E 200 N
BLACKFOOT ID 83221

RE: LAPSED PERMIT NO. 27-7456

Dear Mr. Bartauskys:

I received your Proof of Beneficial Use (proof) and documented evidence for reinstatement of the above referenced lapsed permit on April 6, 2005. I have reviewed the proof and the evidence you provided and request additional information because the evidence you submitted was for 1982. The department issued the above referenced permit on June 20, 1991, with the length of the development period or active status being until the proof deadline on June 1, 1994. I need specific evidence that establishes the "beneficial use" during the time the permit was active. Additionally, the affidavit and the receipts do not provide enough detailed information identifying the lands described in the permit, but can be used as supporting evidence of work done prior to applying for the permit.

To further explain the department's requirements for reinstatement of a permit, Section 42-218a(2), Idaho Code states:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received.

The department will hold this matter for thirty (30) days from the date of this letter while you gather the additional evidence of development to submit to the department. I suggest that you contact the Soil Conservation Service or other government agency that may have aerial photographs of your farm that are dated and show that the land was irrigated sometime during 1991 to 1994. After receipt of your additional evidence, the department will review it for issuance of a reinstatement order. Please be aware that this permit is lapsed and is of no force nor effect unless it is reinstated.

Gerald Bartauský
September 9, 2005
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You may consider reapplying for this permit based on a beneficial use established prior to November of 1987, by filing an Application for Permit with the Eastern Regional office in Idaho Falls, and utilize the evidence you have provided to me regarding the irrigation of this land.

If you have any questions regarding reinstatement, please feel free to contact me at (208) 287-4942, or the Eastern Regional office at (208) 525-7161. You may submit your additional evidence to the regional office and ask that they forward it to me, or submit it to the above address to my attention.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson". The signature is written in black ink and is positioned above the printed name and title.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR – Eastern Region