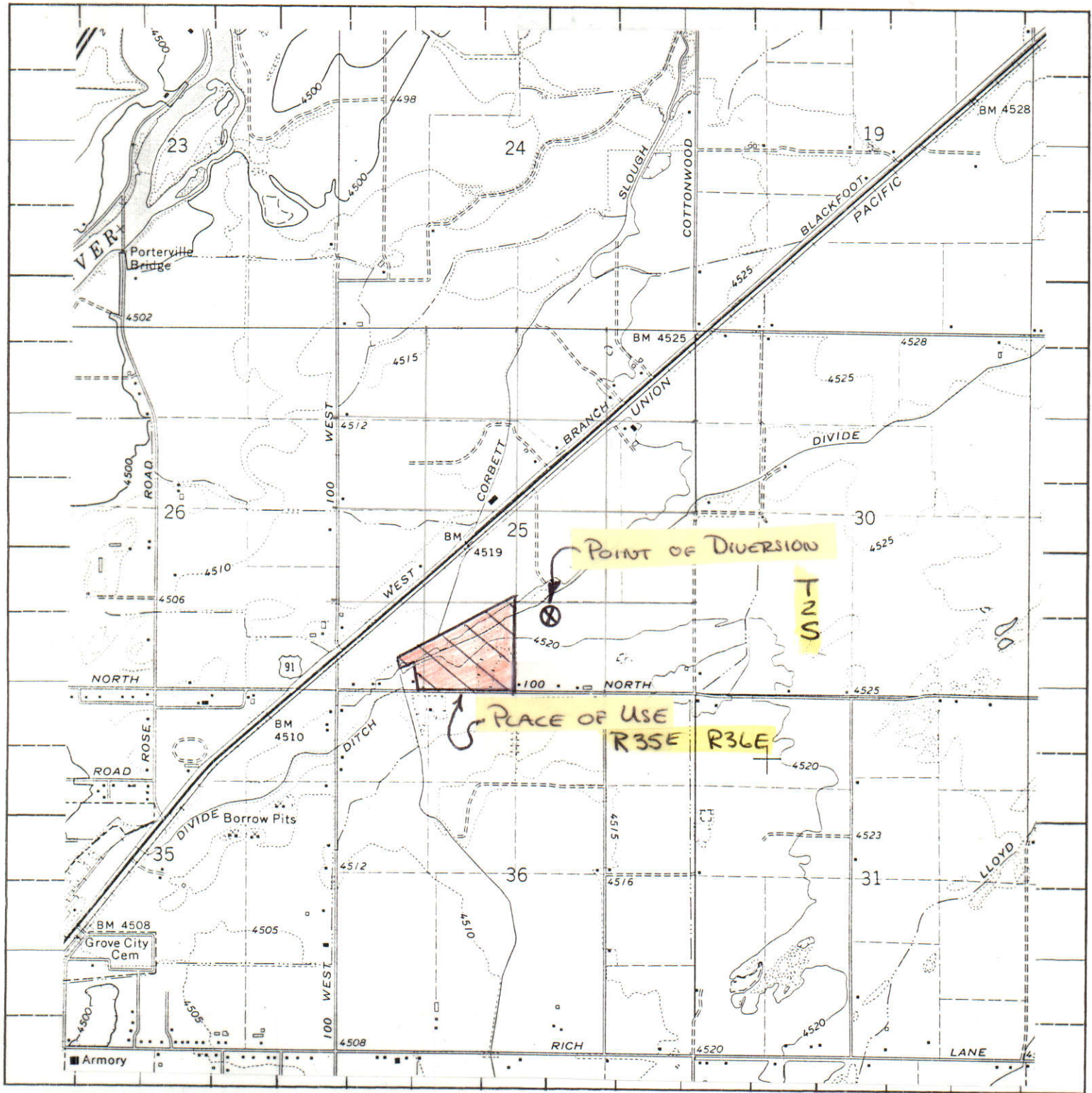


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



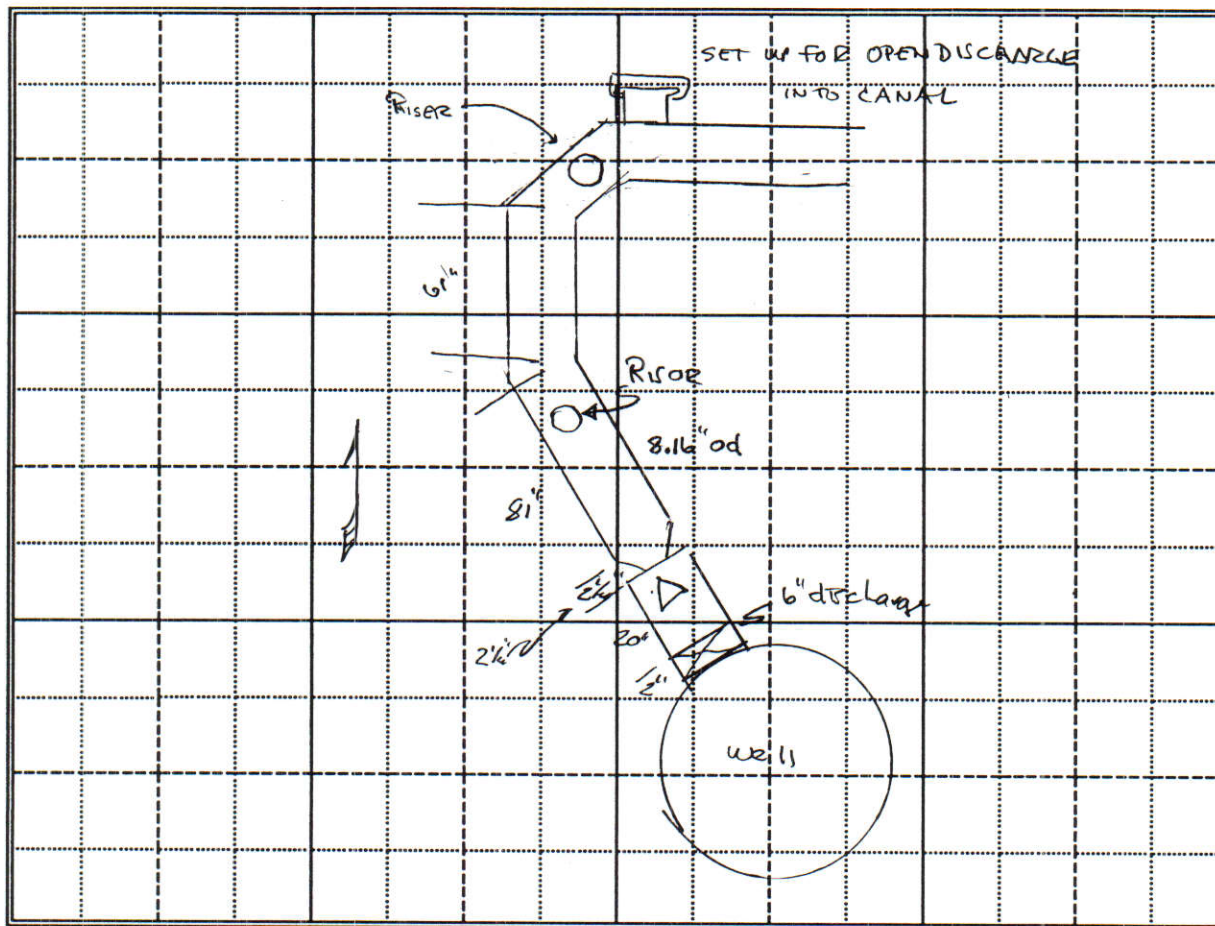
Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

AUG 17 1989

*Robert B. Smith*  
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make    | Hp | Motor Serial No.        | Pump Make              | Pump Serial No. or Discharge Size |
|---------------------------------------|---------------|----|-------------------------|------------------------|-----------------------------------|
|                                       | U.S. Electric | 40 | 6229/<br>U02T353R167R-2 | WESTERN LAND<br>ROLLER | 6"                                |
|                                       |               |    |                         |                        |                                   |
|                                       |               |    |                         |                        |                                   |

\*Code to correspond with No. on map and aerial photo

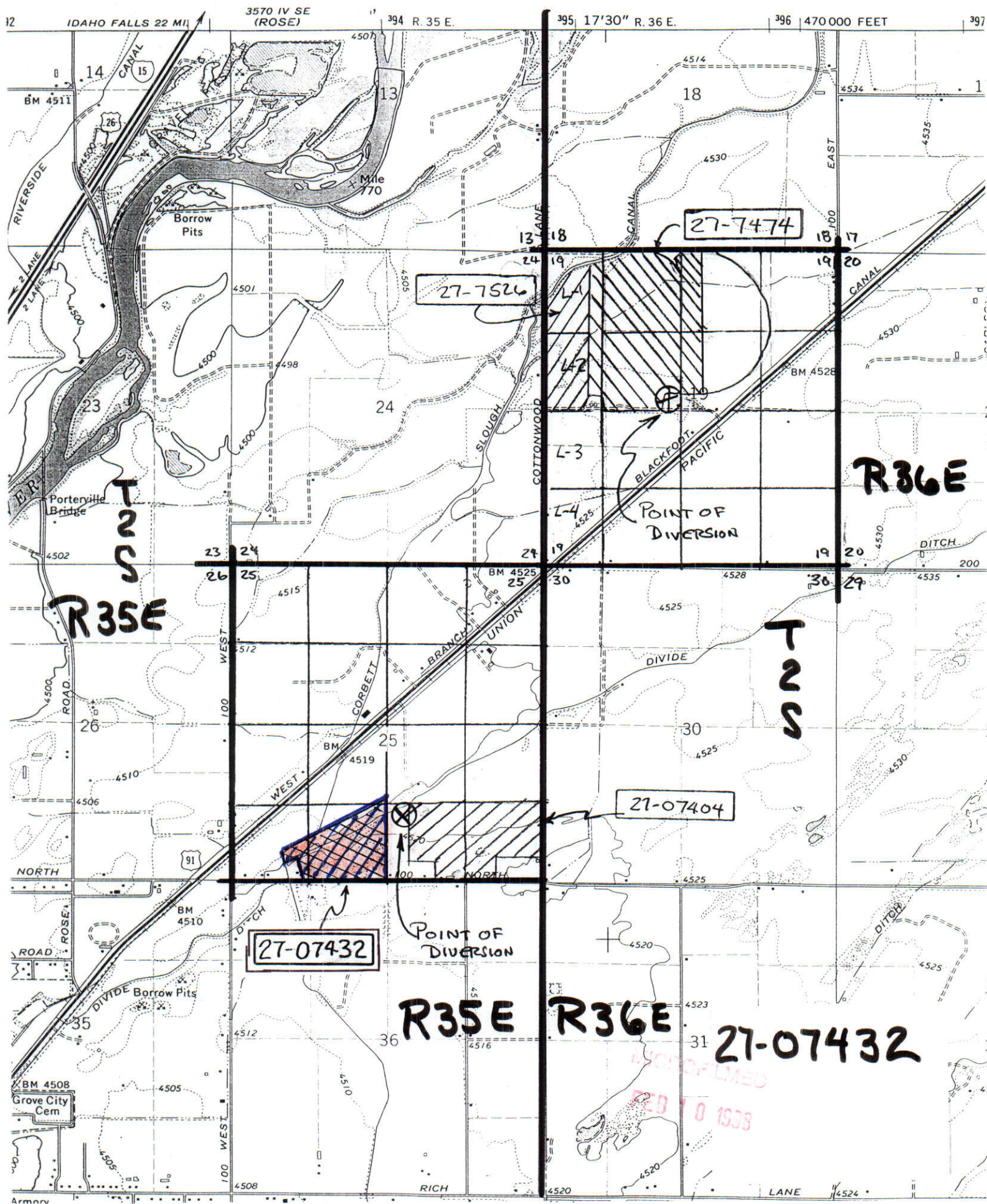
#### D. FLOW MEASUREMENTS *THEORETICAL*

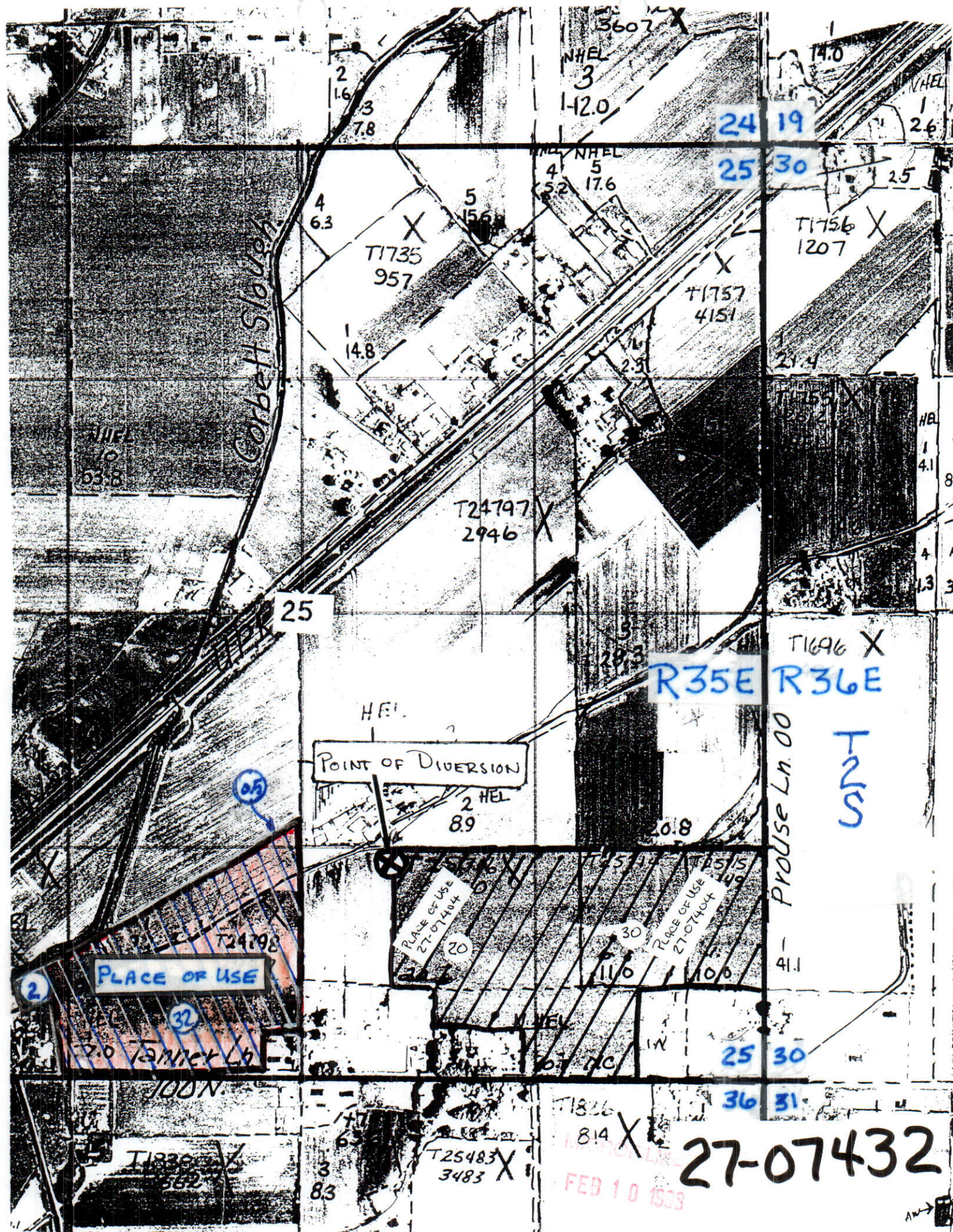
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

MICROFILMED  
FEB 10 1998





POINT OF  
DIVERSION  
(27-07404 ; 27-07432)



DOWN TURN OF  
MAINLINE TO  
SPRINKLER SYSTEM  
(27-07404)

COUPLING FOR OPEN DISCHARGE  
INTO CANAL (27-07432)

27-07432  
FEB 10 1973

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 27-07432

Priority: July 10, 1987

Maximum Diversion Rate:

0.70 CFS

This is to certify, that TOM BARTAUSKY  
281 N COTTONWOOD DR  
BLACKFOOT ID 83221

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated July 10, 1987; and  
has submitted Proof of Beneficial Use on June 1, 1990. An examination indicates  
that the works have a diversion capacity of 2.860 cfs of water from a **GROUNDWATER**  
source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.70 CFS                 |                      |

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 25, Township 02S, Range 35E  
BINGHAM County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 02S        | 35E        | 25         | NESW 1       | SWSW 2       | SESW 32      | 35           |

Total number of acres irrigated: 35

## CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

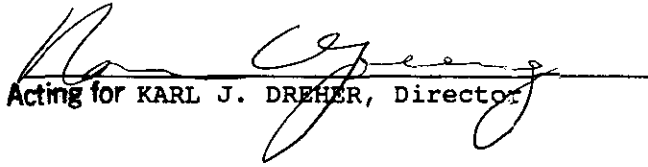
State of Idaho  
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 27-07432

**CONDITIONS OF APPROVAL AND REMARKS**

8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 140.0 af for the lands above.
10. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
11. Right 27-07404 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 30<sup>TH</sup> day of JANUARY, 1998.

  
Acting for KARL J. DREHER, Director

RECEIVED

JAN 26 1988

State of Idaho  
Department of Water Resources

Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 27-07432**

**Date of Priority:** July 10, 1987      **Maximum Diversion Rate:** 0.70 CFS  
**Comes now** TOM BARTAUSKY  
281 N COTTONWOOD DR  
BLACKFOOT ID 83221      and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 27-07432, and requests that the permit be changed as follows:

**Source: GROUNDWATER**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.70 CFS                 |                      |

**LOCATION OF POINT(S) OF DIVERSION:** SWSE, Sec. 25, Township 02S, Range 35E  
BINGHAM County

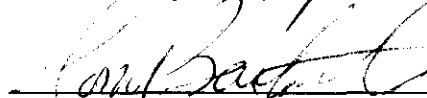
**PLACE OF USE:** IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 02S        | 35E        | 25         | NESW 1       | SWSW 2       | SESW 32      | 35           |

Total number of acres irrigated: 35

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Blackfoot, IDAHO, this 21<sup>st</sup> day of January, 1988.

  
(Signature)

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 27-07432**

\*\*\*\*\*

**FOR DEPARTMENT USE ONLY**

Preliminary check by SWK Fee = 500 Receipted by VB # 0011024 Date 1/20/98

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 27-07432 with the following;

**CONDITIONS OF APPROVAL AND REMARKS**

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 27-07432**

**CONDITIONS OF APPROVAL AND REMARKS**

9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 140.0 af for the lands above.
10. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
11. Right 27-07404 is also diverted through the point(s) of diversion described above.

Witness my hand this 30<sup>th</sup> day of January, 1978.

  
Acting for KARL J. DREHER, Director

RECEIVED  
JUN 5 1990

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Department of Water Resources

## PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 27-07432 Telephone No. 785-2392

Name(s) of Permit Holder(s): TOM Bartauský

Post Office Address: 8 West 100 N. Blackfoot, ID 83221

Source of Water: Groundwater

If ground water, well driller's name: Lamar Barrus Date drilled: 1987 - July

Extent of Use:

|                                          |                                     |
|------------------------------------------|-------------------------------------|
| Domestic _____ (No. of households)       | Irrigation <u>39</u> (No. of acres) |
| Stockwater _____ (No. and type of stock) | Other _____                         |

Total rate and/or volume for which proof is submitted 0.78 cfs \_\_\_\_\_ acre/feet

Show date water was first diverted and beneficially used under this permit: 1987

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Fee Enclosed: \$ 100 <sup>xx</sup> (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Name See above Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6-1-90  
Date

Lamar Barrus  
Signature (and title if on behalf of a company or organization)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 27-7432

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Tom Bartauský Phone 785-2392  
Post office address 8 West 100 North, Blackfoot, ID 83221
2. Source of water supply groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is NW ¼ of SW ¼ of SE ¼, Govt. Lot \_\_\_\_\_  
Sec. 25 Township 2S Range 35E B.M. Bingham County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.78cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.78 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. well pump mainline to laterals with  
sprinklers
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is 16 inches; proposed depth of well is 80 feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
one years (minimum 1 year).

RECORDED

AUG 17 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 2S  | 35E   | 25   |     |     |     |     |     |     |     |     |     |     | 4   | 35  |     |     |     |     | 39     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 39

10. Describe any other water rights used for the same purposes as described above. Blackfoot Irrigation

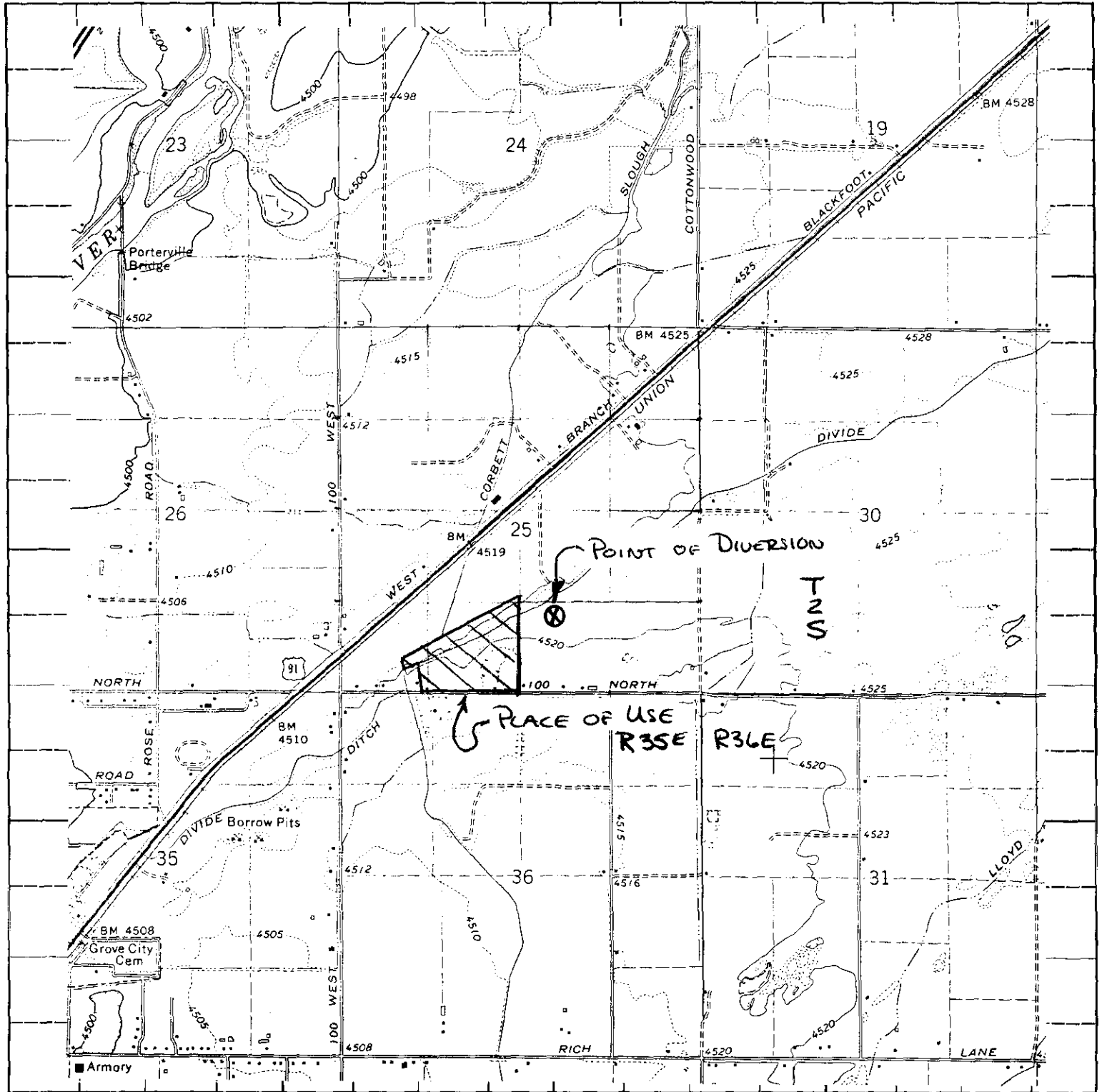
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? LaVerl George
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. long term lease

12. Remarks: P/D same as for 27-7404 (Application)

**NOT FILMED**

400-17 1984

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

AUG 17 1989

(Applicant)

Proposed Priority 7/10/87

Received by Kew Date 10 July 87 Time 1145 hrs Preliminary check by \_\_\_\_\_

Fee \$ 45.00 Receipted by Kew # 41267 Date 10 July 87

Publication prepared by dog Date 7-29-87 Published in Blackfoot News 8/6 - 8/13/87

Publication approved QW Date 8-27-87

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7432, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 19<sup>th</sup> day of May, 1989.

Z. Glen Saylor

**MICROFILMED**

AUG 17 1989

NOTICE OF APPLICATION  
FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

27-7436

COOPER, STEPHEN  
1111 EAST AIRPORT, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSESW Sec 21 T 02S R 36E  
Use: IRRIGATION (2.640 CFS)  
Date Filed: 07/13/1987  
In: NESW NWSW SWSW Sec 21 T 2S  
R 36E FOR 132 ACRES

27-7435

WASIA FARMS  
C/O DICK WASIA, 54 NORTH 50 EAST,  
BLACKFOOT, ID 83221  
Source: GROUNDWATER  
Diversion Pt: Lot 02 (NWSWNW) Sec 31 T  
02S R 36E  
Use: IRRIGATION (1.3 CFS)  
Date Filed: 07/10/1987  
In: SWNW SENW LOT 02 (SWNW) Sec 31 T  
02S R 36E FOR 65 ACRES

27-7434

EVANS, THAIN &/or HELEN &/or DEAN  
&/or JANET  
108 EAST 200 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSW Sec 20 T 02S R 36E  
Use: IRRIGATION (4.4 CFS)  
Date Filed: 07/10/1987  
In: SWNW SENW NESW NWSW SWSW  
SESW Sec 20 T 02S R 36E FOR 220 ACRES

27-7433

EVANS, THAIN  
270 NORTH 150 EAST, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSE Sec 17 T 02S R 36E  
Use: IRRIGATION (0.8 CFS)  
Date Filed: 07/10/1987  
In: SWSE Sec 17 T 02S R 36E FOR 40  
ACRES

27-7432

BARTAUSKY, TOM  
8 WEST 100 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSE Sec 25 T 02S R 35E  
Use: IRRIGATION (0.780 CFS)  
Date Filed: 07/10/1987  
In: SWSW SESW Sec 25 T 02S R 35E FOR  
39 ACRES

27-7404

BARTAUSKY, TOM  
8 WEST 100 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Date Filed: 04/03/1985  
Diversion Pt: SWSE Sec 25 T 02S R 35E  
Use: IRRIGATION (1.00 CFS)  
In: SWSE SESE Sec 25 T 02S R 35E FOR 50  
ACRES

These applications are being advertised for emergency temporary approval under the Department's Water Appropriation Rules and Regulations and for future administrative consideration pursuant to Chapter 2, Title 42, Idaho Code.

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before August 24, 1987.

RECEIVED  
AUG 20 1987

Department of Water Resources  
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Michael Bell

do solemnly

swear that I am the Publisher of  
The Morning News which is a daily newspaper of general  
circulation published each day except Sunday at  
Blackfoot, Bingham County, Idaho, said newspaper hav-  
ing been so published at Blackfoot, aforesaid for more  
than one year past; that said newspaper heretofore com-  
plied with all the provisions of Chapter 154 of the Ses-  
sions Laws of Idaho of 1933, approved March 11, 1933,  
and duly designated, pursuant to law, a particular day of  
the week as the day on which legal notices required by  
law or by the order of any Court of competent jurisdiction  
within the State of Idaho shall be published to-wit: Thursday  
of each week; that the notice attached hereto and which  
is a part of this affidavit and part of the proof of  
publication was published in said issue or said  
newspaper two consecutive weeks

the first publication having been made on the  
6th day of August, 19 87

and the last publication having been made on the  
13th day of August, 19 87

that said notice was published in the regular and entire  
issue of every number of the paper as aforesaid during  
the period and time of publication, and that notice was  
published in the newspaper and not in a supplement.

Michael Bell  
Subscribed and sworn to before me this 17th

day of August, 19 87

Oliver Baumgartner  
Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho  
My commission expires  
Aug. 20, 1992



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 2, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

TOM BARTAUSKY  
281 N COTTONWOOD RD  
BLACKFOOT ID 83221

RE: WATER RIGHTS 27-07432/27-07474/27-07526

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are Preliminary Orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department 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 Department 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 issuance 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

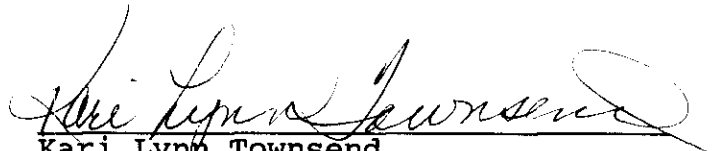
Enclosure

**CERTIFICATE OF MAILING**

I hereby certify that on the 2nd day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amended License)** to the person(s) listed below:

**Water Rights 27-07432/27-07474/27-07526**

TOM BARTAUSKY  
281 N COTTONWOOD DR  
BLACKFOOT ID 832219

  
Kari Lynn Townsend  
Secretary



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 6, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

TOM BARTAUSKY  
281 N COTTONWOOD DR  
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 27-07432

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

## MEMORANDUM

**TO: File 27-07432 and 27-07404**

**FROM: Sharla**

**DATE: December 16, 1997/January 5, 1998**

**RE: Recommendation Adjustment(s)**

The final license recommendations for Permit Nos. 27-07432 and 27-07404<sup>^</sup> are based on the following:

27-07432:

### C. DIVERSION AND DELIVERY SYSTEM

#### 2. Place(s) of Use:

T2S, R35E, S25 - NESW (1 acres), SWSW (2 acres)  
SESW (32 acres)

TOTAL 35 acres

### H. RECOMMENDATIONS

|            |             |          |
|------------|-------------|----------|
| Irrigation | 4/1 - 10/31 | 0.70 cfs |
|------------|-------------|----------|

For irrigation of more than 5 acres, the total number of acres listed per ¼¼ is rounded to the nearest whole number. The rate and volume figures have been adjusted accordingly.

27-07404:

The license for this right will show a capacity of 2.86 cfs, based on the highest theoretical calculation of the system.

In a telecon with Keith Wilson on 1/5/98, Keith stated that Mr. Bartauskysold the property with surface water only. After the licenses are issued, Tom will file a transfer to move the groundwater rights to property which also has surface water rights, thus the groundwater rights will remain supplemental.

Examiner: Keith Wilson  
Exam Date: July 22, 1997

# LICENSE REVIEW CHECKLIST

PERMIT NO. 27-07432

DATE 12/9/97

REVIEWER: SHARLA

|              |                 |             |                                                                 |
|--------------|-----------------|-------------|-----------------------------------------------------------------|
| NAME         | Change <u>—</u> | OK <u>✓</u> | Address Change <u>yes</u>                                       |
| SOURCE       | —               | <u>✓</u>    | Is change clarification of originally intended source? <u>—</u> |
| POINT OF DIV | —               | <u>✓</u>    | If not, prepare Notice of Intent to Void <u>—</u>               |
| PLACE OF USE | <u>✓</u>        | —           | Amendment required <u>NO</u>                                    |
|              |                 |             | Amendment required <u>yes</u>                                   |

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

## RATE OF DIV

|                |                                    |
|----------------|------------------------------------|
| Permitted Rate | <u>.70</u> cfs                     |
| Fee limit      | <u>1.0</u> cfs \$100 <sup>00</sup> |
| Measured       | <u>—</u> cfs                       |
| Theoretical    | <u>2.86</u> cfs                    |

Recommended Total Div Rate .70 cfs

ANNUAL VOLUME/  
NATURE OF USES —

|          |                 |                |                               |    |
|----------|-----------------|----------------|-------------------------------|----|
| <u>✓</u> | Use <u>irr.</u> | cfs <u>.70</u> | Volume Calc <u>35 X 4.0 =</u> | af |
|          |                 |                |                               | af |
|          |                 |                |                               | af |
|          |                 |                |                               | af |
|          | SUBTOTAL        | <u>.70</u>     | <u>140.0</u>                  | af |

Flow rate .70 cfs X — days X 1.98 = — af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

## REMARKS

CONDITIONS — Watermaster Control WD# —

Flow GW Measurement/Measuring Device

Flow Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo

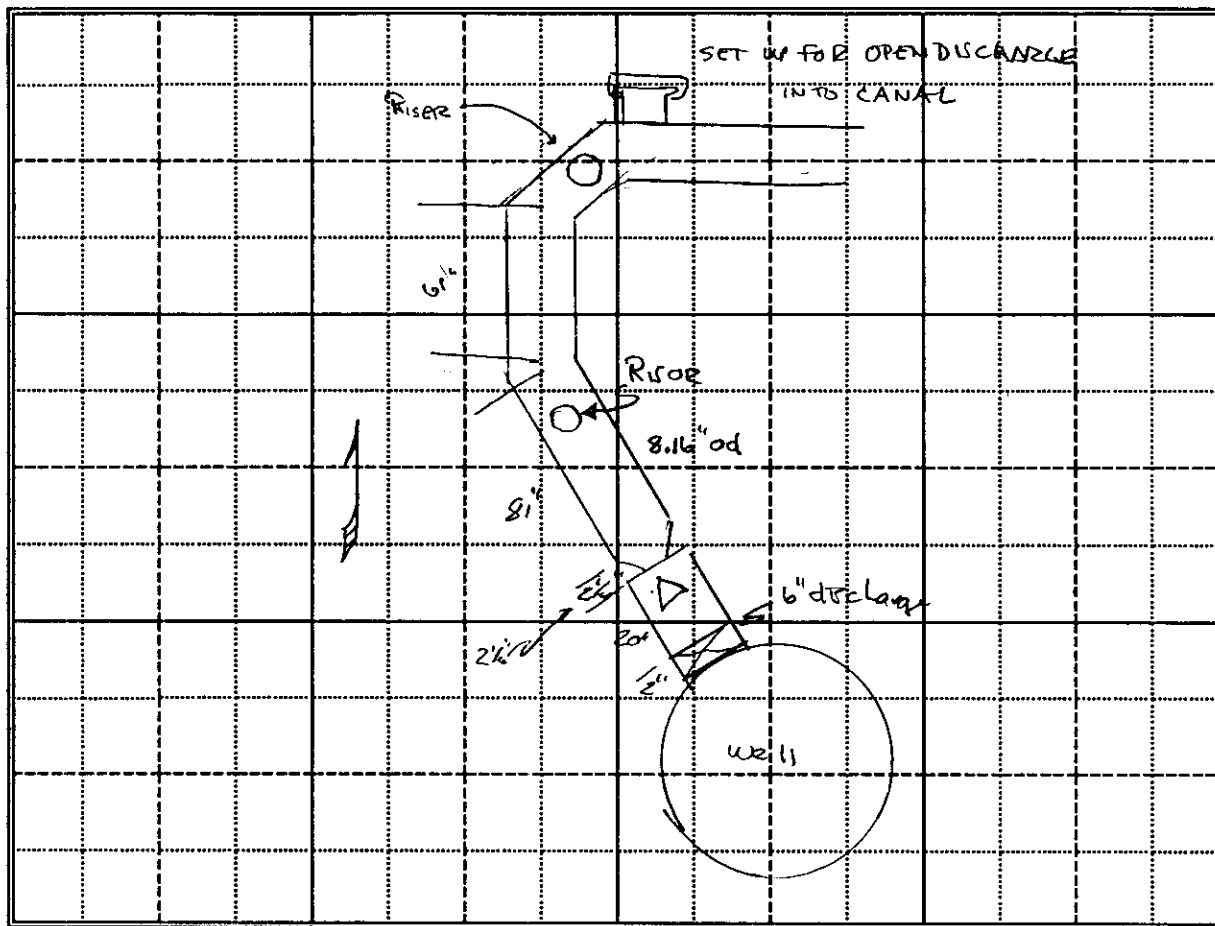
rounded across  
rate/vol

1st Amend Letter P41, P38

2nd Amend Letter P42

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make    | Hp | Motor Serial No.        | Pump Make              | Pump Serial No. or Discharge Size |
|---------------------------------------|---------------|----|-------------------------|------------------------|-----------------------------------|
|                                       | U.S. Electric | 40 | 6229/<br>402T353R167R-2 | WESTERN LAND<br>ROLLER | 6"                                |
|                                       |               |    |                         |                        |                                   |
|                                       |               |    |                         |                        |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS *THEORETICAL*

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**E. NARRATIVE/REMARKS/COMMENTS**

Well pump mainline to LATERALS WITH SPRINKLERS (27-7404) ; OPEN  
DISCHARGE INTO BLACKFOOT CANAL ; REDIRECTED FOR FLOOD  
IRRIGATION (27-07432)

NOTE: AT THE TIME OF EXAM ONLY ABOUT 20 ACRES WERE BEING  
IRRIGATED. IRRIGATION SYSTEM WAS EVIDENT TO SUPPORT  
IRRIGATION OF ACRES INDICATED FOR 27-07404 ; 27-07432.  
PERMIT HOLDER WILL FILE A TRANSFER TO MOVE THESE  
RIGHTS TO NEW PLACE OF USE UPON LICENSING OF 27-07404  
AND 27-07432

ACCORDING TO MR BARTAUSKY HE RETAINED OWNERSHIP OF THIS  
PERMIT / LICENSE ON ANY PROPERTY UNDER THIS PERMITTED PLACE  
OF USE THAT HAS BEEN SOLD.

Have conditions of permit approval been met? ☒ yes ☐ no

## F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method: *THEORETICAL*

$$(27-07404) Q = 1.48 \text{ cfs } Q_{\text{LIMITED TO}} Q = 1.00 \text{ cfs}$$

$$(27-07432) Q = 2.86 \text{ cfs PERMIT LIMITS TO } 0.78 \text{ cfs}$$

$$34.5 \text{ ac } @ 0.02 \text{ cfs/ac} = 0.69 \text{ cfs}$$

$$Q_{\text{LIMITED TO}} 0.02 \text{ cfs/ac} = 0.69 \text{ cfs}$$

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 34.5 \text{ ac} \times 4 = 138 \text{ cfs}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.69 (214) 1.9835 = 292.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 138 \text{ cfs}$$

### 2. Volume Calculations for Other Uses:

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <u>IRRIGATION</u> | <u>4/1</u>    | <u>10/31</u> | <u>0.69 cfs</u>              | <u>138 afa</u>           |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
| Totals:           |               |              | <u>0.69 cfs</u>              | <u>138 afa</u>           |

### 2. Recommended Amendments

☐ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☐ None  
☒ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other

## I. AUTHENTICATION

Field Examiner's Name KEITH C. WILSON Date 7-22-1997

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

## THEORETICAL PUMP FLOW CALCULATIONS

Formula:  $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$

SYSTEM: OPEN DISCHARGE (27-07432)

Hp = Horsepower = 40  
Eff = Efficiency = 0.70 (Usually 70%)  
Lift: (Static Level + Assumed Draw down)  
Static Water Level = 25 ft.  
Assumed Draw down = + 15 ft.  
Lift = 40

OR

Measured Dynamic Water Level = \_\_\_\_\_ ft.

psi = Operating Pressure = 20 psi (ASSUMED)

$$Q_{cfs} = \left[ \frac{40}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[ \frac{40}{Lift} + \left( \frac{20}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[ \frac{246.792}{1} \right] \div \left[ \frac{86.16}{1} \right]$$

$$Q_{cfs} = \underline{2.86} \text{ cfs SYSTEM } \underline{OPEN DISCHARGE (27-07432)}$$

SYSTEM: SPRINKLER SYSTEM (27-07404)

Hp = Horsepower = 40  
Eff = Efficiency = 0.7 (Usually 70%)  
Lift: (Static Level + Assumed Draw down)  
Static Water Level = 25 ft.  
Assumed Draw down = + 15 ft.  
Lift = 40

OR

Measured Dynamic Water Level = \_\_\_\_\_ ft.

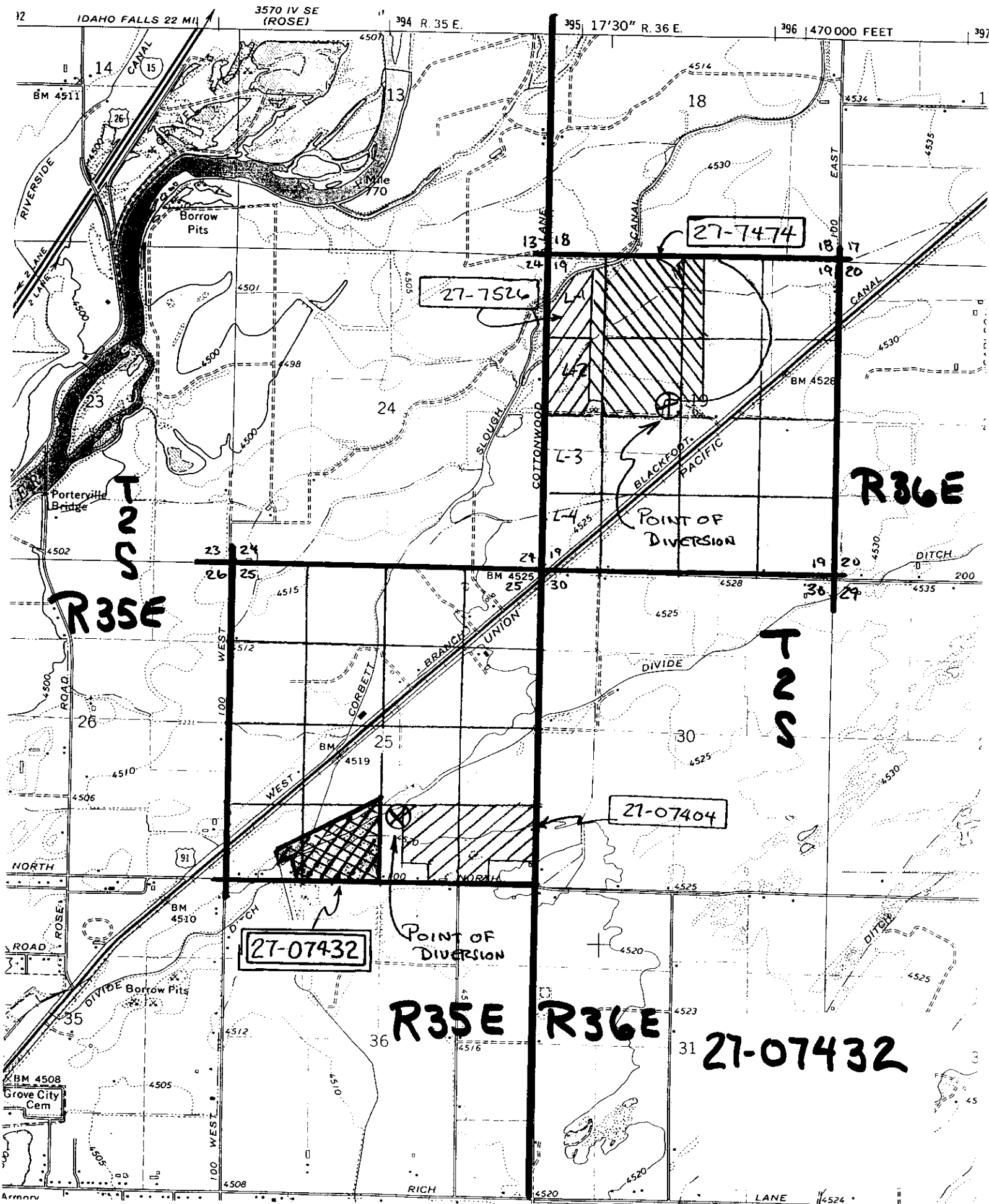
psi = Operating Pressure = 55 psi ASSUMED

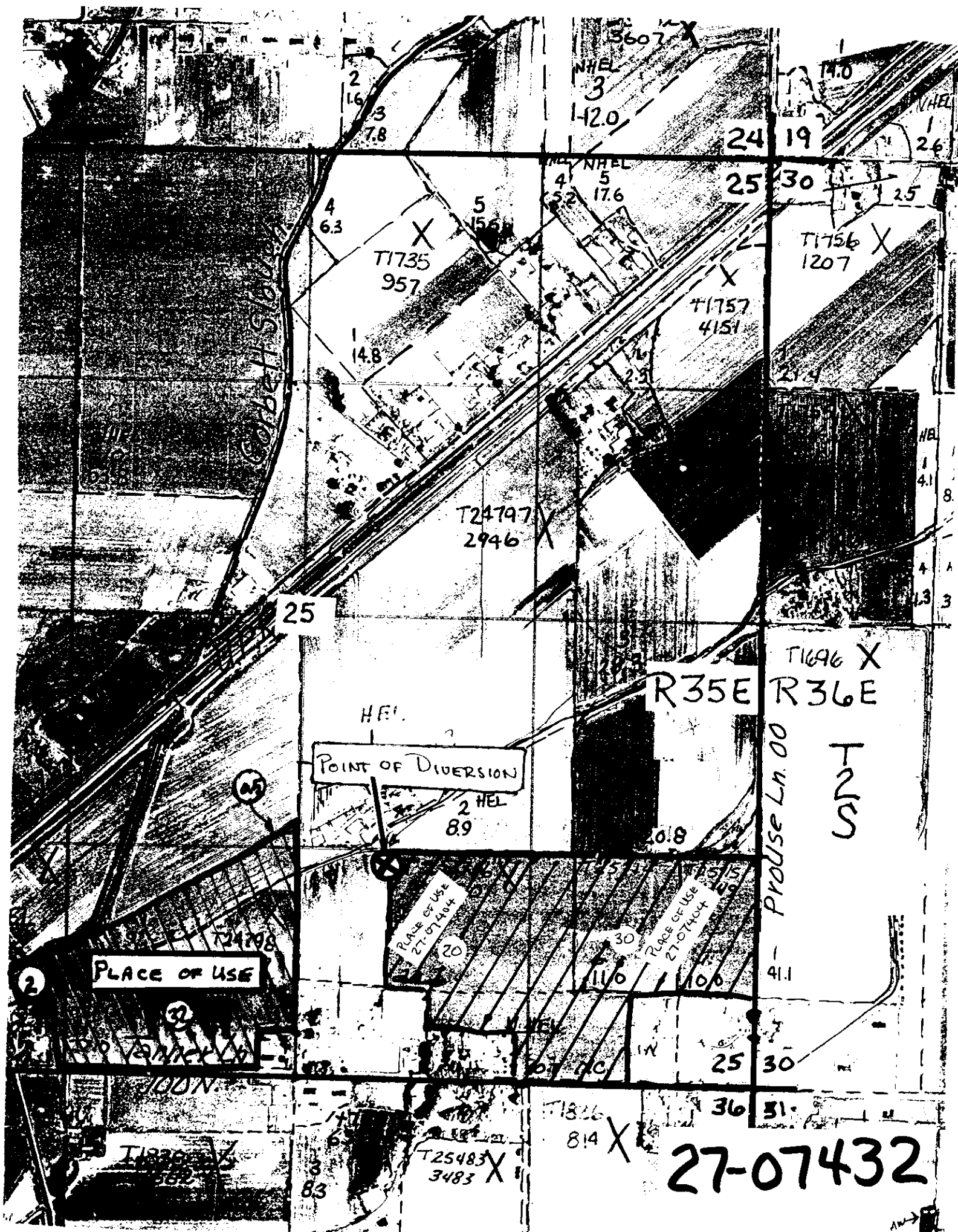
$$Q_{cfs} = \left[ \frac{40}{Hp} \times 8.814 \times \frac{0.70}{eff} \right] \div \left[ \frac{40}{Lift} + \left( \frac{55}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[ \frac{246.792}{1} \right] \div \left[ \frac{166.94}{1} \right]$$

$$Q_{cfs} = \underline{1.48} \text{ cfs SYSTEM } \underline{SPRINKLER SYSTEM (27-07404)}$$

PERMIT NO. 27-07404/07432





POINT OF  
DIVERSION  
(27-07404 ; 27-07432)

DOWN TURN OF  
MAINLINE TO  
SPRINKLER SYSTEM  
(27-07404)

COUPLING FOR OPEN DISCHARGE  
INTO CANAL (27-07432)



27-07432

July 17, 1990

TOM BARTAUSKY  
8 W. 100 N.  
BLACKFOOT, ID 832210000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07432

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

**MICROFILMED**

JUL 17 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 27-7432

Date: 7-6-90

General Considerations:

- ☒ Name same as permit  
☒ Signature the same as permit holder  
☒ Address change NO If yes, prepare a data entry  
☒ Proof received timely  
☐ Reinstated

Source of Water:

- ☐ Surface water  
☒ Groundwater  
☒ 1. well log in file  
☒ 2. drilling permit  
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses  
☒ Is rate or volume and fee appropriate?  
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?  
☒ Has one been installed?  
☒ Waiver or modification of measuring device requested

Remarks:

*proof received at region on date due*  
*med w.c. D.P. — OK (proof acceptable)*

Priority Calculation:

|                     |           |   |
|---------------------|-----------|---|
| Date proof received | <u>NA</u> |   |
| Date proof due      |           | - |
| No. of days late    |           | = |
| Priority date       |           | + |
| NEW PRIORITY DATE   |           | = |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

138421  
March 31, 1990

TOM BARTAUSKY  
8 W. 100 N.  
BLACKFOOT, ID 832210000

PROOF DUE NOTICE

RE: PERMIT NO. 27-07432

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

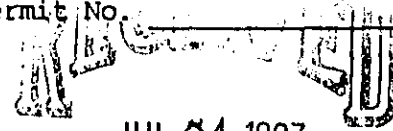
Rita Fleck  
Secretary/Records Manager

Enclosures

**MICROFILMED**

JUL 25 1991

Drilling Perm No. 27-87-E-003  
Water Permit No. 27-7404  
Injection Permit No. 27-7404



JUL 24 1987

State of Idaho  
Department of Water Resources

DRILLING PERMIT

Department of Water Resources

(Authorizing Construction of a Well)\*

*Emergency  
Temporary  
Approval*

1. Applicant TOM BARTAUSKY  
2. Address 8 WEST 100 NORTH, BLACKFOOT, ID 83221

☒ Well Owner    ☐ Well Operator    ☐ Other, specify \_\_\_\_\_

3. Water right permit no. 27-7404; Injection well permit no. \_\_\_\_\_

4. Proposed well location NW 1/4 SW 1/4 SE 1/4, or Gov't lot No. \_\_\_\_\_,  
Sec. 25, Twp. 2 S, Rge. 3 SE, County BINGHAM,  
Lot, block and subdivision \_\_\_\_\_

5. Proposed use of well: (Check all that apply)

☐ Domestic                      ☐ Stockwater                      ☐ Monitoring  
☒ Irrigation                      ☐ Industrial                      ☐ Municipal  
☐ Injection                      ☐ Other, Specify \_\_\_\_\_

6. Well construction information:

☒ New well                      ☐ Deepen                      ☐ Replace  
Proposed surface diameter 16"                      Proposed depth 80

Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)  
☐ 85°F to 212°F (Low temp. geothermal well)  
☐ 212°F or more (Geothermal well)

**MICROFILMED**

JUL 23 1990

7. Anticipated construction start date July 13, 1987

8. Well Driller (if known) Berrus # 023

Address \_\_\_\_\_

Date 10 July 1987 Applicant's signature Tom Bartausk

Title \_\_\_\_\_

\* After other pre-requisite approvals have been obtained.

*Log Rec*

## ACTION OF IDWR

(X) Approved ( ) Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

## GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

## SPECIFIC CONDITIONS:

MICROFILMED

JUL 23 1990

Dated this 15 day of July, 1987.

Signed Harold G. Jones For Ron D. Carlson  
Title \_\_\_\_\_

Received by Kaw Fee 100<sup>00</sup> Date 10 July 87  
Receipt No. 41267 Construction start date 14 July 87  
Construction start extension to \_\_\_\_\_  
Extension approved by \_\_\_\_\_

## WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well.

## 1. WELL OWNER

Name Tom BartuszyAddress 8 West 100 North Blackfoot Id 83221Owner's Permit No. 27-740427-P7-E-003

## 7. WATER LEVEL

Static water level 25 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow \_\_\_\_\_

Artesian closed-in pressure \_\_\_\_\_ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature \_\_\_\_\_ °F. Quality \_\_\_\_\_

Describe artesian or temperature zones below.

## 2. NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
- 
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

## 8. WELL TEST DATA

☐ Pump ☒ Baller ☐ Air ☐ Other \_\_\_\_\_

Discharge G.P.M.

Pumping Level

Hours Pumped

## 3. PROPOSED USE

- ☐
- Domestic
- ☒
- Irrigation
- ☐
- Test
- ☐
- Municipal
- 
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
- 
- ☐
- Other \_\_\_\_\_ (specify type)

## 4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
- 
- ☒
- Cable
- ☐
- Dug
- ☐
- Other \_\_\_\_\_

## 5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other \_\_\_\_\_

| Thickness         | Diameter         | From           | To             |
|-------------------|------------------|----------------|----------------|
| <u>1/2</u> inches | <u>16</u> inches | <u>16</u> feet | <u>79</u> feet |
| _____ inches      | _____ inches     | _____ feet     | _____ feet     |
| _____ inches      | _____ inches     | _____ feet     | _____ feet     |
| _____ inches      | _____ inches     | _____ feet     | _____ feet     |

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☐ TorchSize of perforation 1/2 inches by 4 inches

| Number                  | From           | To             |
|-------------------------|----------------|----------------|
| <u>250</u> perforations | <u>40</u> feet | <u>75</u> feet |
| _____ perforations      | _____ feet     | _____ feet     |
| _____ perforations      | _____ feet     | _____ feet     |

Well screen installed? ☐ Yes ☒ No

Manufacturer's name \_\_\_\_\_

Type \_\_\_\_\_ Model No. \_\_\_\_\_

Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel \_\_\_\_\_

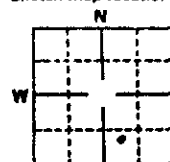
Placed from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Surface seal depth 24 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Pudding clay ☐ \_\_\_\_\_Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent☐ Weld☐ Cemented between strata

Describe access port \_\_\_\_\_

## 6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name \_\_\_\_\_

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

County Bingham

EV 1/4

T. 25 S. 2 R. 33 E. N1

## 11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were  
complied with at the time the rig was removed.Firm Name Bartuszy Drilling Firm No. 23Address Box 67 Bagley ID 83221 Date 7/25/87Signed by (Firm Official) Tom Bartuszy

and

(Operator) Shirley Bartuszy

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

-----

Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
May 19, 1989

TOM BARTAUSKY  
8 WEST 100 NORTH  
BLACKFOOT, ID 832210000

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.        27-07432

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

**MICROFILMED**

AUG 17 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

Dist. for staffing \_\_\_\_\_

Submitted for advertising \_\_\_\_\_

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

*Advertising Complete*

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 5-12-89 APPLICATION NUMBER 27-7432

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
☒ Address  
☒ Source (See USGS Quad for names of water sources)  
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
☒ County  
☒ Quantity (flow and/or volume)  
☒ Period of Use  
☒ Nature of proposed use (Include description of use.)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ Place of use or acres irrigated  
☒ Map  
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)  
☒ Fee  
☒ Yes ☐ No\* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)  
☐ Overlapping point of diversion  
☐ Yes ☒ No Field check required  
Field check by \_\_\_\_\_  
☐ Yes ☒ No Field report attached  
☐ Yes ☒ No Critical groundwater area  
☐ Yes ☒ No Groundwater management area  
☐ Yes ☒ No Send dam safety information  
☐ Yes ☒ No Send power requirement letter  
☐ Yes ☒ No Send fish farm requirement letter  
☐ Yes ☒ No Power residency affidavit  
☐ Yes ☒ No Power efficiency form  
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
☐ See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested \_\_\_\_\_

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising  
☐ Yes ☒ No Statewide advertising  
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service  
☐ Idaho Dept. of Lands ☐ Water District  
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received  
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application  
☐ Yes ☒ No Protests received  
Final date for protest  
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application  
☐ Yes ☒ No Recommendations attached  
☐ Yes ☒ No Measuring device required  
☒ Yes ☐ No Access port required  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. P05 27  
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information  
Date of priority recommended 7-10-1987  
By HWT Date 5-12-87

STATE OFFICE REVIEW P23, P05, P03, P16 46 48 49 04 016  
By KW See below for additional information  
Date 5/19/89

ADDITIONAL INFORMATION

Conditions - LOIG7

App. in NON-TRUST area -



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Eastern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Mailing Address:  
150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

December 3, 1987

Tom Bartauský  
8 West 100 North  
Blackfoot, Idaho 83221

RE: LAPSED EMERGENCY TEMPORARY APPROVAL #27-7404 & #27-7432

Dear Mr. Bartauský:

On 10 November, 1987, the Emergency Temporary Approval of Application for Permit No.'s 27-7404 and 27-7432 lapsed. Consequently, they cannot be used as a basis for the diversion of groundwater subsequent to the above date.

These temporary approvals were issued on 14 July, 1987. It granted the drilling of well and diversion of groundwater to supplement irrigation needs when surface water was no longer available in 1987.

With the lapsing of the temporary approval, the status of your filing will revert to pending applications for permit. They will remain on file in this office; however, future administrative review of the application will be deferred until the Swan Falls Agreement has been ratified by the Federal Energy Regulatory Commission.

You should be aware that drilling permit no. 27-87-E-003 has also lapsed. This permit was issued in conjunction with the emergency temporary approval of application no. 27-7404 and authorized the drilling of an irrigation well. This permit was in effect until 15 August, 1987.

Feel free to call or contact this office should you have questions concerning the status of your application.

Respectfully submitted,

Ernest Carlsen  
Water Rights Supervisor

**MICROFILMED**

AUG 17 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

JULY 28, 1987

The Blackfoot News  
P. O. Box 70  
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1987.

Yours truly,

Michelle Davis  
Office Secretary

Encl.

MICROFILMED

AUG 17 1989

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

These applications are being advertised for emergency temporary approval under the Department's Water Appropriation Rules and Regulations and for future administrative consideration pursuant to Chapter 2, Title 42, Idaho Code.

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42.203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before August 24, 1987.

Norm Young

Acting Director

Published August 6, and August 13, 1987

**MICROFILMED**

AUG 17 1989

27-7432

BARTAUSKY, TOM

IS WEST 100 NORTH, BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: SWSE Sec 25 T 025 R 35E

Use: IRRIGATION (0.780 CFS)

Date Filed: 07/10/1987

In: SWSW SESW Sec 25 T 025 R 35E FOR 39 ACRES

**MICROFILMED**

AUG 17 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region  
150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

**27-7436**

COOPER, STEPHEN  
1111 EAST AIRPORT, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSESW Sec 21 T 02S R 36E  
Use: IRRIGATION (2.640 CFS)  
Date Filed: 07/13/1987  
In: NESW NWSW SWSW SESW Sec 21 T 2S  
R 36E FOR 132 ACRES

**27-7435**

WASIA FARMS  
C/O DICK WASIA, 54 NORTH 50 EAST,  
BLACKFOOT, ID 83221  
Source: GROUNDWATER  
Diversion Pt: Lot 02 (NWSWNW), Sec 31 T  
02S R 36E  
Use: IRRIGATION (1.3 CFS)  
Date Filed: 07/10/1987  
In: SWNW SENW LOT 02 (SWNW) Sec 31 T  
02S R 36E FOR 65 ACRES

**27-7434**

EVANS, THAIN &/or HELEN &/or DEAN  
&/or JANET  
108 EAST 200 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSW Sec 20 T 02S R 36E  
Use: IRRIGATION (4.4 CFS)  
Date Filed: 07/10/1987  
In: SWNW SENW NESW NWSW SWSW  
SESW Sec 20 T 02S R 36E FOR 220 ACRES

**27-7433**

EVANS, THAIN  
270 NORTH 150 EAST, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSE Sec 17 T 02S R 36E  
Use: IRRIGATION (0.8 CFS)  
Date Filed: 07/10/1987  
In: SWSE Sec 17 T 02S R 36E FOR 40  
ACRES

**27-7432**

BARTAUSKY, TOM  
8 WEST 100 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Diversion Pt: SWSE Sec 25 T 02S R 35E  
Use: IRRIGATION (0.780 CFS)  
Date Filed: 07/10/1987  
In: SWSW SESW Sec 25 T 02S R 35E FOR  
39 ACRES

**27-7404**

BARTAUSKY, TOM  
8 WEST 100 NORTH, BLACKFOOT, ID  
83221  
Source: GROUNDWATER  
Date Filed: 04/03/1985  
Diversion Pt: SWSE Sec 25 T 02S R 35E  
Use: IRRIGATION (1.00 CFS)  
In: SWSE SESE Sec 25 T 02S R 35E FOR 50  
ACRES

These applications are being advertised for emergency temporary approval under the Department's Water Appropriation Rules and Regulations and for future administrative consideration pursuant to Chapter 2, Title 42, Idaho Code.

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before August 24, 1987.

Norm Young  
Acting Director

(9659)  
Pub.: 8/6, 13

July 14, 1987

Tom Bartausky  
8 West 100 North  
Blackfoot, Idaho 83221

RE: Water Right No. 27-7432

Dear Water Right Applicant:

Enclosed is a temporary approval for diversion of groundwater during the 1987 irrigation season.

The copy of the application for permit to appropriate water attached to the interim approval defines the various components of your temporary approval. The inclusion of the copy of the application is only for the purpose of definition, and any terms contained therein are limited by the conditions of the temporary approval.

As described in condition of approval (2), this office will hold the original application for permit for future processing, pursuant to Chapter 2, Title 42, Idaho Code, unless directed otherwise by you. This processing will include advertisement for two weeks in the county where the point of diversion is located. It will be initiated subsequent to ratification of the Swan Falls Agreement.

Sincerely,

Ronald Carlson  
Manager, Eastern Regional Office

Enclosures: Temporary Approval  
Copy of Application for Permit

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES  
WITH RESPECT TO TEMPORARY APPROVAL OF  
APPLICATION FOR PERMIT NO. 27-7432

This is to certify that I have examined Application for Permit to Appropriate the public waters of the State of Idaho No. 27-7432 and a temporary approval to divert groundwater is granted until November 10, 1987, subject to the following limitations and conditions:

- a. The water use approved herein is subject to all prior water rights.
- b. The water user acknowledges that the temporary approval does not convey a continuing right to divert water and does not convey any right to divert water except as specifically provided in the temporary approval.
- c. The water user assumes all risk that he or she will be successful in obtaining a permanent water right permit when the application is processed under the provisions of Chapter 2, Title 42, Idaho Code and the Water Appropriation Rules and Regulations.
- d. Violation of temporary approval conditions, provisions of the Idaho Code, or the Water Appropriation Rules and Regulations is cause for cancellation of the temporary approval and denial of future requests.
- e. By commencing diversion of water under this temporary approval, the water user acknowledges and agrees that the Director of IDWR is authorized to disconnect the power supply from the pump motor used to divert water under the temporary approval, or to take other reasonable steps to insure that water is not diverted during any period the temporary approval is suspended or revoked.
- f. The Director may impose additional conditions not a part of the original temporary approval conditions.
- g. The temporary approval applies only to uses and lands which normally have an adequate supply of water from surface water sources, but are temporarily water short because of drought conditions.
- h. The temporary approval granted under the expedited procedure shall not be effective for more than the 1987 irrigation season and will expire upon termination of the declared drought emergency, or on the expiration of the term of the approval set herein, whichever is earlier.

**RECORDED**

AUG 17 1989

- i. The Director will retain jurisdiction of any temporary approval given.
- j. By acceptance of the temporary approval and diversion of water under the temporary approval, the water user assumes all risk relative to interference with other water rights and acknowledges and agrees that the Director is authorized to take reasonable steps to insure that water is not diverted under the approval at any time the Director determines there is not water available for diversion.
- k. Temporary approval granted will be of no force nor effect from and after the 1987 irrigation season. The application for permit, however, will be held by the Department for future processing under the provisions of Chapter 2, Title 42, Idaho Code, and Water Appropriation Rules and Regulations, unless directed otherwise by the applicant.

Witness my hand this 14 day of July, 1987.

*Handwritten signature: Harold W. Jones* For Ron D. Carlson  
RONALD D. CARLSON  
Manager, Eastern Regional Office

AUG 17 1987

#### ADDITIONAL CONDITIONS OF APPROVAL

The emergency procedure for temporary approval will not be valid so long as the priority of the surface water used to irrigate the declared acreage is being served.

The applicant, by accepting this emergency temporary permit, acknowledges that the well/pump will be inoperative on or before April 1, 1988, unless the emergency status is reinstated or the application is granted permanent status.

The applicant acknowledges that the Director is authorized to enforce the above conditions in a court of competent jurisdiction.

Form No. 202a Temp  
4/87

27-7432  
Ident. No. Bartausky

State of Idaho  
Department of Water Resources  
Temporary Approval Analysis Sheet

- ☒ Yes ☐ No Basin No. Correct?
- ☒ Yes ☐ No Source is Groundwater?
- ☒ Yes ☐ No Lands are irrigated with surface water rights?
- ☒ Yes ☐ No Lands are outside Critical Groundwater Area & Groundwater Management Area boundaries?
- ☒ Yes ☐ No County has been declared a drought emergency area by the Governor's Office?

Remarks: Appears to be several rights that are

part of the place of use. These include Blackfoot  
irrigation & Riverside Canal. See attached microfiche  
copy. Also Richard Brown, watermaster of Blackfoot Irrig., says  
Laver Gorge does have Blackfoot Irrig water on his property.

Application Initially Received Date 7-10-87 Time 11:45am

File Prepared By HLWJ Date 7-10-87 Time 1:26pm

Staff Review By HLWJ Date 7-10-87 Time 1:29pm

Temporary Approval Prepared By      Date      Time     

Temporary Approval Signed By      Date      Time     

Temporary Approval Mailed By      Date      Time     

Index Updated By      Date      Time     

Test date 8-24-87  
Investigation by 8-24-87

July 14, 1987

Idaho Department of Water Resources  
Eastern Region Office  
150 Shoup, Suite 15  
Idaho Falls, Idaho 83402

RE: EMERGENCY TEMPORARY APPROVAL

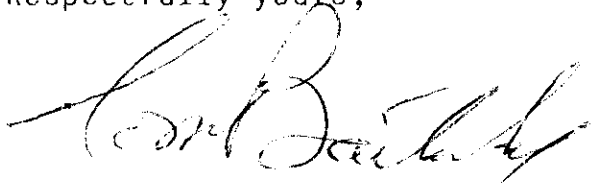
Mr. Ron Carlson:

I am requesting my application for permit #27-7432 be considered for emergency temporary approval.

I understand the nature of an emergency temporary approval and agree to abide by the conditions imposed by the Department of Water Resources.

To obtain a permanent water right permit after expiration of the emergency temporary approval, I do/~~do not~~ want the Department to hold my application until it can be processed under the provisions of Chapter 2, Title 42, Idaho Code, and the Water Appropriation Rules and Regulations.

Respectfully yours,



**MICROFILMED**

**AUG 17 1989**

