

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 95-16931	)	PRELIMINARY ORDER
IN THE NAME OF TODD BRINKMEYER	)	REINSTATING A PERMIT
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On November 7, 2014, the Department issued Permit No. 95-16931 ("Permit") in the name of Todd Brinkmeyer ("Permit Holder") authorizing the diversion of 0.12 cubic feet per second of ground water for irrigation use in the NW¼NE¼ of Section 8, Township 50 North, Range 04 West, B.M., Kootenai County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before November 1, 2015.
2. On August 31, 2015, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof"), or a *Request for Extension of Time* ("Extension Request").
3. On October 26, 2015, the Department received an Extension Request from the permit holder.
4. On December 15, 2015, the Department approved the Extension Request which extended the Proof date to November 1, 2017.
5. On August 31, 2017, the Department notified the Permit Holder by certified mail that a Proof or an Extension Request was due.
6. On November 6, 2017, the Department sent notice that the Permit had lapsed because a Proof or an Extension Request had not been received.
7. On January 02, 2018, the Department received a second Extension Request from the permit holder.
8. On January 12, 2018, the Department approved the Extension Request which reinstated the Permit and extended the Proof date to November 1, 2018, and the priority date was advanced to November 18, 2014.
9. On August 31, 2018, the Department notified the Permit Holder by certified mail that a Proof or an Extension Request was due.

10. On November 6, 2018, the Department sent notice that the Permit had lapsed because a Proof or an Extension Request had not been received.
11. On November 9, 2018, the Department received Proof from the permit holder.

CONCLUSIONS OF LAW

Idaho Code § 42-218a (1) states, in pertinent part:

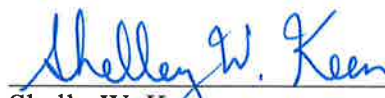
Within sixty (60) days after such notice of lapsing the Department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof

By submitting an acceptable Proof, the Permit Holder has provided a reasonable showing why this permit should be reinstated. The permit should be reinstated based upon the November 9, 2018, filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-16931 is **REINSTATED** and the permit's priority date is advanced to November 26, 2014.

DATED this 8th day of January, 2019.



Shelly W. Keen
Water Allocations Bureau Chief