

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

IN THE MATTER OF PERMIT NO. 94-9198	)	PRELIMINARY ORDER
IN THE NAME OF GEORGE CARLSON	)	REINSTATING A PERMIT
AND/OR PAMELA CARLSON	)	
_____	)	

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

FINDINGS OF FACT

1. On June 6, 2013, the Department issued Permit No. 94-9198 ("Permit") in the name of George Carlson and/or Pamela Carlson ("Permit Holders") authorizing the diversion of 0.04 cubic feet per second of water from Black Lake for domestic use in Lot 11(SW¼SE¼) of Section 1, Township 47 North, Range 3 West, B.M., Kootenai County. A condition of permit approval required the Permit Holders to submit proof of beneficial use of water to the Department on or before June 1, 2018.
2. On March 30, 2018, the Department notified the Permit Holders by certified mail that proof of beneficial use was due and instructed the Permit Holders 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 June 1, 2018, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On June 7, 2018, the Department mailed a lapse notice to the permit holders.
5. On July 30, 2018, the Permit Holders filed a proof of beneficial use statement.

CONCLUSIONS OF LAW

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

A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by the department to the applicant at the address of record by regular mail

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

The permit holder has provided a reasonable showing why this permit should be reinstated, by submitting an acceptable proof of beneficial use. The permit shall be reinstated based upon the July 30, 2018, filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 94-9198 is **REINSTATED** and the permit's priority date is advanced to June 8, 2013.

DATED this 17th day of August 2018.



Pamela S. Skaggs, Water Rights Supervisor