

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

IN THE MATTER OF PERMIT NO. 63-33904	)	PRELIMINARY ORDER
IN THE NAME OF KOONTZ WAGNER	)	REINSTATING A PERMIT
CUSTOM CONTROLS HOLDINGS LLC	)	

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

FINDINGS OF FACT

1. On June 17, 2014, the Department issued the above-captioned permit in the name of Koontz Wagner Custom Controls Holdings LLC, ("permit holder") with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before July 1, 2015. The permit bore the priority date of January 17, 2014.
2. On April 30, 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 proof of beneficial use or a Request for Extension of Time ("extension request").
3. On June 29, 2015, the permit holder filed a Request for Extension of Time ("extension request") which was accepted by the Department. A proof of beneficial use deadline of July 1, 2017 was set.
4. On April 28, 2017, 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 proof of beneficial use or a Request for Extension of Time ("extension request").
5. On July 1, 2017, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
6. On July 6, 2017, the Department notified the permit holder by certified mail that the above-captioned permit had lapsed.
7. On July 12, 2017, the permit holder filed the proof of beneficial use statement that was considered acceptable.

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:

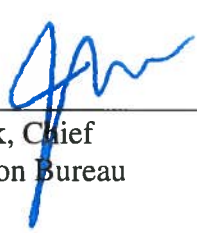
Within sixty (60) days after such notice of lapsing the Department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof

The permit holder has provided a reasonable showing why this permit should be reinstated, by submitting an acceptable proof of beneficial use statement. The permit shall be reinstated based upon the July 12, 2017 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-33904 is **REINSTATED** with an advance in priority to January 26, 2014.

Dated this 28th day of June, 2017.



Jeff Peppersack, Chief
Water Allocation Bureau