

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

IN THE MATTER OF PERMIT NO. 22-13631	)	PRELIMINARY ORDER
IN THE NAME OF	)	REINSTATING A PERMIT
LUCRA INVESTMENTS INC	)	
_____	)	

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

FINDINGS OF FACT

1. On April 16, 2007, the Department issued the above-captioned permit in the name of Lucra Investments Inc., 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 April 1, 2009. The permit bore the priority date of November 15, 2006.
2. On January 31, 2009, 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 February 20, 2009, the permit holder filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of April 1, 2012 was set.
4. On January 31, 2012, 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 April 1, 2012, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
6. On April 10, 2012, the Department mailed a lapse notice to the permit holder.
7. On May 10, 2012, the permit holder filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. The permit was reinstated with the priority advanced to December 23, 2006. A proof of beneficial use deadline of April 1, 2017 was set.
8. On April 24, 2013, the Department issued an amended permit which was inadvertently issued with a priority date of December 24, 2006 instead of the priority date listed above in item #7. The Department doesn't find any evidence that the 1 day change in priority was deliberate, and believes this was an error or typo, therefore the priority date listed on the amended permit (preliminary order) was advanced 1 day to December 24, 2006.

9. On April 13, 2017, the permit holder 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) provides as follows:

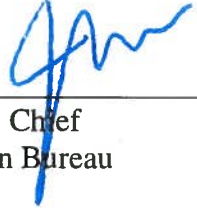
Within sixty (60) days after such notice of lapsing the Department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

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 April 13, 2017 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 22-13631 is **REINSTATED** and the permit's priority date is advanced to January 3, 2007.

DATED this 21st day of April, 2017.



Jeff Peppersack, Chief
Water Allocation Bureau