

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

IN THE MATTER OF PERMIT NO. 95-9560	)	PRELIMINARY ORDER
IN THE NAME OF DANEEY W BEACH	)	REINSTATING A PERMIT
OR WENDY ROBERTSON	)	
_____	)	

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

FINDINGS OF FACT

1. On February 18, 2009, the Department issued the above-captioned permit in the name of Daney W. Beach or Wendy Robertson, 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 March 1, 2014. The permit bore the priority date of December 8, 2008.
2. On December 31, 2013, 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 24, 2014, 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 March 1, 2017 was set.
4. On December 30, 2016, 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 March 1, 2017, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
6. On March 7 2017, the Department mailed a lapse notice to the permit holder
7. On March 7, 2017, the permit holder filed a proof of beneficial use statement and license examination fee.

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:

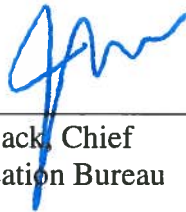
Within sixty (60) days after such notice of lapsing the Department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

ORDER

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 March 7, 2017 filing date.

IT IS HEREBY ORDERED that Permit No. 95-9560 is **REINSTATED** with an advance in priority to December 14, 2008.

Dated this 9th day of March, 2017.



Jeff Peppersack, Chief
Water Allocation Bureau