

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

IN THE MATTER OF PERMIT)
NO. 63-33702 IN THE NAME OF)
VALLEY ARGONOMICS LLC)
_____)

**PRELIMINARY ORDER
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 December 27, 2012, the Department issued original Permit No. 63-33702 ("Permit") in the name of Valley Argonomics LLC 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 December 1, 2012. The permit bore the priority date of September 14, 2012.
2. On February 6, 2013, the Department issued corrected Permit No. 63-33702 ("Permit") in the name of Valley Argonomics LLC 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 January 1, 2017. The permit bore the priority date of September 14, 2012.
3. On October 31, 2016, the Department notified the permit holder by certified mail that proof of beneficial use was due by January 1, 2017, and instructed the permit holder of the steps to be taken to submit the proof or a request for extension of time to submit proof.
4. On January 1, 2017, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
5. On January 6, 2017, the Department mailed a lapse notice to the permit holder.
6. On January 20, 2017, the permit holder filed a proof of beneficial use statement with the appropriate 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:

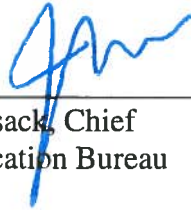
Within sixty (60) days after such notice of lapsing the department may, upon showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

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 January 20, 2017 filing date.

IT IS HEREBY ORDERED that Permit No. 63-33702 is **REINSTATED** with an advance in priority to October 1, 2012.

Dated this 1st day of March, 2017.



Jeff Peppersack, Chief
Water Allocation Bureau