

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

IN THE MATTER OF PERMIT	)	PRELIMINARY ORDER
NOS. 95-16181 & 95-16186	)	REINSTATING PERMITS
IN THE NAME OF	)	
RED FIR INVESTMENTS LLC	)	
_____	)	

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, 2011, the Department issued the above-captioned permits in the name of Red Fir Investments LLC, with the conditions that proofs of construction of works and application of water to beneficial use (“proofs of beneficial use”) be submitted to the Department on or before January 1, 2017. The permits bore the priority dates of September 20, 2011.
2. On October 31, 2016, the Department notified the permit holder by certified mail that proofs of beneficial use were due and instructed the permit holder of the steps to be taken to submit proofs of beneficial use or Requests for Extension of Time (“extension requests”).
3. On January 1, 2017, the permits lapsed since the Department had not received acceptable proof of beneficial use statements or extension requests.
4. On January 6, 2017, the Department issued a lapse notice to the permit holder.
5. On January 17, 2017, the permit holder filed proof of beneficial use statements.

CONCLUSIONS OF LAW

Idaho Code § 42-218a (1) provides as follows:

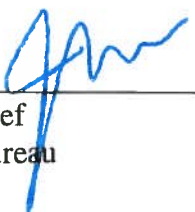
Within sixty (60) days after such notice of lapsing the Department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

The permit holder has provided a reasonable showing why these permits should be reinstated, by submitting acceptable proof of beneficial use statements. The permits shall be reinstated based upon the January 17, 2017 filing date.

ORDER

IT IS HEREBY ORDERED that Permit Nos. 95-16181 & 95-16186 are **REINSTATED** and both permit's priority dates are advanced to October 4, 2011.

DATED this 25th day of January, 2017.



Jeff Peppersack, Chief
Water Allocation Bureau