

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

IN THE MATTER OF PERMIT)
NO. 71-10943 IN THE NAME OF)
USDA FOREST SERVICE)
_____)

**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 June 18, 2014, the Department issued permit 71-10943 ("permit") in the name of USDA Forest Service ("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 November 1, 2016. The permit bore the priority date of July 28, 2011.
2. On August 31, 2016, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").
4. On November 1, 2016, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.
5. On November 8, 2016, the Department sent the permit holder notice that the permit had lapsed.
6. On November 21, 2016, the permit holder filed a Statement of Completion for submitting proof of beneficial use.

CONCLUSIONS OF LAW

1. Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.
2. The permit holder has provided a reasonable showing why this permit should be reinstated by submitting an acceptable proof of beneficial use. The permit shall be reinstated based upon the November 21, 2016, filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 71-10943 is **REINSTATED** and the permit's priority date is advanced to August 17, 2011.

Dated this 12th day of December, 2016.



Shelley Keen, Manager
Water Right Section