

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

IN THE MATTER OF PERMIT NO. 91-7841	)	PRELIMINARY ORDER
IN THE NAMES OF MARY NEMETH	)	REINSTATING A PERMIT
And/Or PETER NEMETH	)	
_____	)	

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

FINDINGS OF FACT

1. On December 17, 2014, the Department issued the above-captioned permit in the names of Mary Nemeth, and/or Peter Nemeth, (permit holders) 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, 2016. The permit bore the priority date of November 3, 2014.
2. On October 30, 2015, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders of the steps to be taken to submit proof of beneficial use or a Request for Extension of Time ("extension request").
3. On January 1, 2016, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
4. On January 4, 2016, the permit holder filed a proof of beneficial use statement.

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 this permit should be reinstated, by submitting an acceptable proof of beneficial use statement. The permit shall be reinstated based upon the January 4, 2016 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 91-7841 is **REINSTATED** and the permit's priority date is advanced to November 6, 2014.

DATED this 29th day of January, 2016.



Jeff Peppersack, Chief
Water Allocation Bureau