

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

IN THE MATTER OF PERMIT NO 95-16494)
IN THE NAME OF HOWARD RUDE)
_____)

**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 October 5, 2012, the Department issued the above-captioned permit in the name of Howard Rude ("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 October 1, 2013. The permit bore the priority date of July 16, 2012.
2. On July 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 October 1, 2013, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
4. On December 2, 2013, the permit holder filed an extension request with the Department. The permit was reinstated to active status with the priority date advanced to September 16, 2012. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of October 1, 2015 was set.
5. On July 31, 2015, 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").
6. On October 1, 2015, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension request.
7. On October 26, 2015, 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 October 26, 2015 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-16494 is **REINSTATED** and the permit's priority date is advanced to October 11, 2012.

DATED this 1st day of December, 2015.



Jeff Peppersack, Chief
Water Allocation Bureau