

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

IN THE MATTER OF PERMIT NO. 95-9248)
IN THE NAME OF)
BLACK ROCK UTILITIES INC)
_____)

**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 March 9, 2005, the Department issued the above-captioned permit in the name of The Ridge at Blackrock Bay Homes, Inc. ("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 March 1, 2010. The permit bore the priority date of October 25, 2004.
2. On October 16, 2007, the permit holder filed an assignment of permit to change the ownership of this permit into the name of Black Rock Utilities, Inc.
3. On December 16, 2009, Black Rock Utilities, Inc ("permit holder") filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of March 1, 2015 was set.
4. On December 31, 2014, the Department notified the permit holder by certified mail that proof of beneficial use was due by March 1, 2015 and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time.
5. On December 16, 2009, the permit holder filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of March 1, 2015 was set.
6. On February 24, 2015, the permit holder filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of September 1, 2015 was set.
7. On June 30, 2015, the Department notified the permit holder by certified mail that proof of beneficial use was due by September 1, 2015 and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time.

8. On August 31, 2015, the permit holder filed a statement of completion for submitting proof of beneficial use at the Northern Regional Office of the Department for the above referenced permit.
9. On September 11, 2015, the State Office of the Department inadvertently issued a Lapse Notice to the permit holder for the above referenced permit.

CONCLUSIONS OF LAW

1. The Department issued the Lapse Notice in error. Section 42-218a (3), Idaho Code, provides that the Department may reinstate a permit with no advance in priority upon a showing of Department error.
2. The Department should reinstate permit no. 95-9248 with no change in the priority date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-9248 is **REINSTATED** with no advance of the original priority date.

DATED this 30th day of November, 2015.



JEFF PEPPERSACK, Chief
Water Allocation Bureau