

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

|                             |   |                             |
|-----------------------------|---|-----------------------------|
| IN THE MATTER OF PERMIT     | ) |                             |
| NO. 65-23316 IN THE NAME OF | ) | <b>PRELIMINARY ORDER</b>    |
| CHERRY GULCH INC            | ) | <b>REINSTATING A PERMIT</b> |
| _____                       | ) |                             |

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

**FINDINGS OF FACT**

1. On September 21, 2009, the Department issued the above-captioned permit in the name of Cherry Gulch, Inc., 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, 2014. The permit bore the priority date of October 1, 2008.
2. On July 31, 2014, 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”).
3. On October 1, 2014, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.
4. On October 14, 2014, the permit holder filed a Statement of Completion for submitting proof of beneficial use.

**CONCLUSIONS OF LAW**

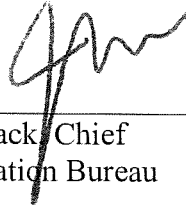
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 October 14, 2014 filing date.

**ORDER**

IT IS HEREBY ORDERED that Permit No. 65-23316 is **REINSTATED** and the permit's priority date is advanced to October 14, 2008.

DATED this 30th day of October, 2014.

A handwritten signature in black ink, appearing to read 'JP', is written over a horizontal line.

Jeff Peppersack, Chief  
Water Allocation Bureau