

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	REINSTATEMENT
NO. 63-31606 IN THE NAME OF	)	ORDER
CASTLE ROCK DEVELOPMENT INC.	)	
_____	)	

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

FINDINGS OF FACT

1. On April 25, 2003, the Department issued Permit No. 63-31606 (permit) in the name of Castle Rock Development Inc. (“permit holder”). The permit authorizes the diversion of 0.36 cubic feet per second (“cfs”) of ground water for domestic use for 18 homes, including lawn irrigation not to exceed ½ acre for each subdivision lot which a home has been constructed. The place of use for the permit is in the NE quarter and the NWSE of Section 15, Township 04 North, Range 01 West, Ada County. A condition of permit approval required the permit holder to submit proof of beneficial use of water (“proof”) to the Department on or before May 01, 2008.
2. On February 29, 2008, the Department notified the permit holder and its consultant Hydro Logic Inc., that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit either proof of beneficial use or request an extension of time. The notice was mailed to the address on record, 1639 Lakemoor Way, Eagle, Idaho 83616. The notice to the permit holder was returned undeliverable on July 07, 2008.
3. On May 09, 2008, the Department notified the permit holder and its consultant, Hydro Logic Inc., that the permit had lapsed. The notice was mailed to 1017 S. Arbor Island Way, Eagle, Idaho 83616.
4. On June 16, 2008, the Department received a request for extension of time from Ed Squires of Hydro Logic Inc.
5. On June 23, 2008, the Department issued an order granting the request for extension of time with the priority date advanced to February 07, 2003. The order also extended the time within which to submit proof of beneficial use to May 01, 2013. The order was mailed to 1639 Lakemoor Way, Eagle, Idaho 83616. The notice to the permit holder was returned undeliverable on June 27, 2008.
6. On February 28, 2013, the Department notified the permit holder and its consultant, Hydro Logic Inc., that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit either proof of beneficial use or request an extension of time. The notice was

mailed to 1017 S Arbor Way, Eagle, Idaho 83616.

7. On May 08, 2013, the Department issued the permit holder a lapse notice because it had not received an acceptable proof statement or extension request.

8. On July 05, 2013, the Department received a proof of beneficial use statement with a request for reinstatement of the permit and evidence of the beneficial use of water during the authorized development period of the permit.

9. The proof of beneficial use statement was received on July 05, 2013, or fifty-nine (59) days after the May 08, 2013 notice of lapsing.

CONCLUSIONS OF LAW

1. Idaho Code § 42-218a.2 provides as follows:

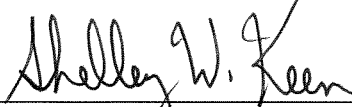
That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting acceptable proof of beneficial use on July 5, 2013, and evidence that beneficial use of the water occurred during the period when the permit was active. The Department should reinstate the permit with the priority advanced 59 days to April 7, 2003.

ORDER

IT IS HEREBY ORDERED, that Permit No. 63-31606, in the name of Castle Rock Development Inc. is **REINSTATED**, with the priority advanced to April 7, 2003.

Dated this 26th day of July, 2013.



Shelley W. Keen, Manager
Water Rights Section