

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

IN THE MATTER OF PERMIT	)	
NO. 91-7363 IN THE NAMES OF	)	
WILLIAM F BARDEN AND/OR	)	PRELIMINARY ORDER
KATHLEEN E BARDEN	)	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 September 08, 2011, the Department issued the above-captioned permit in the names of William F Barden and/or Kathleen E Barden, 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 September 01, 2012. The permit bore the priority date of May17, 2011.
2. On June 29, 2012, 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 September 01, 2012, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.
4. On September 13, 2012, 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 September 13, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 91-7363 is **REINSTATED** and the permit's priority date is advanced to May 29, 2011.

DATED this 23rd day of October, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau