

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

IN THE MATTER OF PERMIT
NO. 91-7443 IN THE NAME OF
ATM TRUST

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**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 August 29, 2011, the Department issued the above-captioned permit in the name of ATM Trust, 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 1, 2012. The permit bore the priority date of June 07, 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 1, 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 19, 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 19, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 91-7443 is **REINSTATED** and the permit's priority date is advanced to June 22, 2011.

DATED this 21st day of September, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau