

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

IN THE MATTER OF PERMIT	)	
NO. 63-33335 IN THE NAME OF	)	PRELIMINARY ORDER
SYMMS FRUIT RANCH INC	)	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 June 17, 2010, the Department issued the above-captioned permit in the name of Symms Fruit Ranch 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 July 1, 2011. The permit bore the priority date of February 11, 2010.

2. On April 29, 2011, 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 July1, 2011, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

4. On August 11, 2011, 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 August 1, 2012 was set.

5. On May 31, 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”).

6. On August 1, 2012, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

7. On August 23, 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 August 23, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-33335 is **REINSTATED** and the permit's priority date is advanced to April 15, 2010.

DATED this 29th day of August, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau