

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

IN THE MATTER OF PERMIT	)	
NO. 92-10220 IN THE NAMES OF	)	PRELIMINARY ORDER
MICHELLA DAVENPORT &/OR	)	REINSTATING A PERMIT
TERRY DAVENPORT	)	
_____	)	

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

FINDINGS OF FACT

1. On July 14, 2011, the Department issued the above-captioned permit in the names of Michella Davenport &/or Terry Davenport, 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, 2012. The permit bore the priority date of March 15, 2011.
2. On April 30, 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 July 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 July 24, 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 July 24, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 92-10220 is **REINSTATED** and the permit's priority date is advanced to April 6, 2011.

DATED this 9th day of August, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau