

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

IN THE MATTER OF PERMIT)
NO. 95-9342 IN THE NAMES OF)
LARRY GRAY AND VELMA GRAY)
_____)

**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 June 5, 2006, the Department issued the above-captioned permit 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 May 1, 2009. The permit bore the priority date of April 3, 2006.
2. On February 28, 2009, the Department notified the permit holders that proof of beneficial use was due and instructed the permit holders of the steps to be taken to submit the proof or a Request for Extension of Time (“extension request”).
3. On April 6, 2009, the permit holders 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 May 1, 2012 was set.
4. On February 29, 2012, the Department notified the permit holders that proof of beneficial use was due and instructed the permit holders of the steps to be taken to submit the proof or a Request for Extension of Time (“extension request”).
5. On April 10, 2012, the permit holders filed a request for extension of time to submit proof of beneficial use with the Department.
6. On June 18, 2012, the Department issued an order denying the request for extension of time.
7. On May 1, 2012, the permit lapsed.
8. On June 20, 2012, the Department notified the permit holders that their permit had lapsed, and were given (60) days from this date to submit partial proof for the portion of this permit that had been developed.

9. On June 28, 2012, the permit holders 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 June 28, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-9342 is **REINSTATED** and the permit's priority date is advanced to May 31, 2006.

DATED this 29th day of June, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau