

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

IN THE MATTER OF PERMIT	)	
NO. 65-22632 IN THE NAME OF	)	PRELIMINARY ORDER
ROBERT E WILSON	)	REINSTATING A PERMIT
_____	)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 20, 2001, 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 January 1, 2007. The permit bore the priority date of August 3, 2001.

2. On November 28, 2006, the Department issued an order changing the proof of beneficial use due date to February 1, 2007.

3. On November 30, 2006, 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”).

4. On December 5, 2006, 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 February 1, 2012 was set.

5. On November 30, 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”).

6. On December 9, 2011, the permit holder filed a request for extension of time to submit proof of beneficial use with the Department.

7. On January 25, 2012, the Department issued an order denying the request for extension of time.

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

9. On March 14, 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 March 14, 2012 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-22632 is **REINSTATED** and the permit's priority date is advanced to September 14, 2001.

DATED this 15th day of March, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau