

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

|                             |   |                             |
|-----------------------------|---|-----------------------------|
| IN THE MATTER OF PERMIT     | ) |                             |
| NO. 22-13404 IN THE NAME OF | ) | <b>PRELIMINARY ORDER</b>    |
| EE-DAH-HOW WATER USERS      | ) | <b>REINSTATING A PERMIT</b> |
| ASSOCIATION                 | ) |                             |
| _____                       | ) |                             |

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 July 19, 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 July 1, 2011. The permit bore the priority date of May 26, 2005.
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 July 1, 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 September 1, 2011, 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 April 4, 2011 filing date.

**ORDER**

IT IS HEREBY ORDERED that Permit No. 22-13404 is **REINSTATED** and the permit's priority date is advanced to July 27, 2005.

DATED this 7th day of September, 2011.

  

---

Jeff Peppersack, Chief  
Water Allocation Bureau