

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

IN THE MATTER OF PERMIT	)	
NO. 37-21243 IN THE NAME OF	)	PRELIMINARY ORDER
CITY OF CAREY	)	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 May 19, 2004, 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 June 1, 2009. The permit bore the priority date of December 8, 2003.

2. On March 31, 2009, 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 June 1, 2009, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

4. On June 17, 2009, 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 June 1, 2011 was set.

5. On March 31, 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 June 1, 2011, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

7. On June 2, 2011, the permit holder filed an assignment of permit to change the ownership of this permit into the name of City of Carey.

8. On June 2, 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 June 2, 2011 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-21243 is **REINSTATED** and the permit's priority date is advanced to December 25, 2003.

DATED this 8th day of June, 2011.



Jeff Peppersack, Chief
Water Allocation Bureau