

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

IN THE MATTER OF PERMIT
NO. 25-14181 IN THE NAME OF
FALCON RIDGE HOA

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**PRELIMINARY ORDER
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 March 8, 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 March 1, 2009. The permit bore the priority date of January 13, 2006.

2. On December 31, 2008, 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 January 12, 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 March 1, 2011 was set.

4. On December 29, 2010, 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").

5. On January 18, 2011, the Department received an assignment of permit which changed the permit holder to Falcon Ridge HOA.

6. On January 18, 2011, the permit holder filed an extension request, along with a \$50.00 filing fee. This extension was not processed, as the extension request clearly stated that the project was complete.

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

8. On March 15, 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 March 15, 2011 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 25-14181 is **REINSTATED** and the permit's priority date is advanced to January 27, 2006.

DATED this 16th day of March, 2011.



Jeff Peppersack, Chief
Water Allocation Bureau