

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

IN THE MATTER OF PERMIT
NO. 57-11678 IN THE NAME OF
DELBERT PHIFER

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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 January 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 January 1, 2011. The permit bore the priority date of June 17, 2005.
2. On October 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").
3. On January 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 January 20, 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 January 20, 2011 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 57-11678 is **REINSTATED** and the permit's priority date is advanced to July 6, 2005.

DATED this 24th day of January, 2011.



Jeff Peppersack, Chief
Water Allocation Bureau