

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

IN THE MATTER OF PERMIT	)	
NO. 85-7618 IN THE NAME OF	)	PRELIMINARY ORDER
STEPHEN SCHAUB RANCH	)	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 October 19, 1995, the Department issued the above-captioned permit in the name of Steve St Clair , 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 November 1, 2000. The permit bore the priority date of June 29, 1995.

2. On February 4, 1999, the permit holder filed an assignment of permit to change the ownership of this permit into the name of Stephen Schaub Ranch.

3. On August 31, 2000, 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 October 26, 2000, 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 November 1, 2001 was set.

5. On December 16, 2004, the Department issued an Order Changing Proof Due Date because of Department failure to enter the proof due deadline in its database. A new proof due date of March 1, 2005 was set to give the permit holder time to file their proof of beneficial use.

6. On December 31, 2004, 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").

7. On March 1, 2005, 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 November 1, 2010 was set.

8. On August 31, 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").

9. On November 1, 2010, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

10. On January 4, 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 4, 2011 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 85-7618 is **REINSTATED** and the permit's priority date is advanced to September 1, 1995.

DATED this 7th day of January, 2011.



Jeff Peppersack, Chief
Water Allocation Bureau