

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

IN THE MATTER OF PERMIT
NO. 67-14496 IN THE NAME OF
AIRDOG LLC
C/O STEVE NASH

**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 October 10, 2008, 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 September 1, 2010. The permit bore the priority date of February 2, 2005.
2. On June 30, 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 September 1, 2010, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.
7. On October 8, 2010, the owner of the property listed as the place of use under the permit, known as AIRDOG LLC 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.

AIRDOG LLC 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 October 8, 2010 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 67-14496 is **REINSTATED** and the permit's priority date is advanced to March 11, 2005.

DATED this 22nd day of November, 2010.

A handwritten signature in black ink, appearing to read 'Jeff', is written over a horizontal line.

Jeff Peppersack, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I hereby certify that on **November 22, 2010** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Preliminary Order Reinstating A Permit)** to the person(s) listed below:

RE: Water Permit No. 67-14496

**AIRDOG LLC
C/O STEVE NASH
73285 WILLOW ST
PALM DESERT, CA 92260**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

**Darla Block
Technical Records Specialist**