

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 63-31957 IN THE NAME OF)
CITY OF MERIDIAN)
_____)

**PRELIMINARY ORDER
REINSTATING A PERMIT**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On May 26, 2005, the Department issued Permit No. 63-31957 in the name of J L J Enterprises Inc. The Department issued permit 63-31957 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 May 1, 2007.

2. On February 28, 2007, the Department notified J L J Enterprises Inc. by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On May 7, 2007, the Department sent J L J Enterprises Inc. a lapse notice because the Department had not received an acceptable proof of beneficial use statement or request for extension of time to submit proof of beneficial use.

4. On June 1, 2010, the Department received an assignment of permit from J L J Enterprises Inc. to the City of Meridian (permit holder).

5. Also included in the letter of June 1, 2010, was a completed proof of beneficial use statement submitted by Lori Graves of SPF Water Engineering, acting as a representative for the permit holder.

6. In the letter of June 1, 2010, Lori Graves of SPF, acting on behalf of the permit holder, provided an explanation for filing late proof and submitted evidence supporting that beneficial use authorized by permit 63-31957 had occurred during the authorized period.

7. Section 42-218a.2, Idaho Code provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the

time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

CONCLUSIONS OF LAW

1. The permit holder provided sufficient information to show that water was beneficially used during the authorized development period in accordance with the permit.

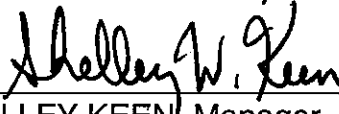
2. The permit holder demonstrated reasonable cause for filing late proof of beneficial use.

3. The Department should reinstate the permit with the priority date advanced to the date that proof of beneficial use was received.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-31957 is **REINSTATED** with an advance in priority to **June 1, 2010**.

DATED this 19th day of July, 2010.



SHELLEY KEEN, Manager
Water Rights Section