

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 79-7209 IN THE NAME OF)
FRANK O. GRIMM)
_____)

**ORDER REINSTATING A PERMIT
AND ADVANCING THE
PRIORITY DATE**

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

FINDINGS OF FACT

1. On May 15, 1992, the Department issued Permit No. 79-7209 ("permit") in the name of Frank O. Grimm ("permit holder"). The Department issued the 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 June 1, 1994.
2. On March 31, 1994, the Department notified the permit holder 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 June 1, 1994, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder.
4. On June 3, 1994, the Department received a completed proof of beneficial use statement with an insufficient examination fee of \$15. Proof of beneficial use was rejected and returned to the permit holder. The Department requested that the permit holder resubmit proof of beneficial use with the appropriate examination fee.
5. On July 19, 1994, the Department received a completed proof of beneficial use statement along with the required \$50 filing fee.
6. Because the permit holder initially supplied incomplete proof only two days after the date the permit lapsed, notice that the permit lapsed was not sent to the permit holder.

CONCLUSIONS OF LAW

1. Proof of beneficial use and the required filing fee was received forty-eight days after the proof due date of June 1, 1994.
2. Idaho Code Section 42-218a, 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.

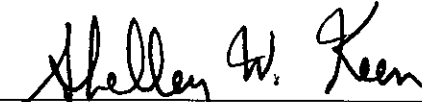
3. The permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use statement.

4. The permit should be reinstated with the priority date advanced forty-eight (48) days to February 19, 1992.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 79-7209 is **REINSTATED** and the permit's priority date is advanced to **February 19, 1992**.

DATED this 14th day of July, 2010.

A handwritten signature in black ink, reading "Shelley W. Keen", is written over a horizontal line.

SHELLEY W. KEEN, Manager
Water Rights Permits Section