

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

IN THE MATTER OF PERMIT	)	
NO. 65-22918 IN THE NAME OF	)	REINSTATEMENT ORDER
CITY OF EMMETT	)	
_____	)	

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 November 12, 2004, 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 November 1, 2009. The permit bore the priority date of April 30, 2003.
2. On August 31, 2009, 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 or a Request for Extension of Time ("extension request").
3. On November 2, 2009, 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 November 10, 2009, the Department sent a lapse notice to the permit holder since the Department had not received an acceptable proof of beneficial use statement or extension of time request.
5. On November 27, 2009, the permit holder filed a Statement of Completion for submitting proof of beneficial use ("proof") with the appropriate license examination fee.
6. On November 27, 2009, the permit holder filed an Assignment of Permit assigning ownership of the permit over to City of Emmett, without the assignment filing fee.
7. On December 01, 2009, the Department sent City of Emmett a deficiency notice requesting the \$25.00 filing fee for the Assignment of Permit.
8. On December 10, 2009, City of Emmett filed the appropriate assignment of permit fee, and permit ownership was changed from County of Gem to City of Emmett.

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 November 27, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-22918 is **REINSTATED** and the permit's priority date is advanced to May 25, 2003.

DATED this 17th day of December, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau