

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

IN THE MATTER OF PERMIT)
NO. 15-7158 IN THE NAME OF)
RICHARD D JONES)
_____)

REINSTATEMENT ORDER

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 March 28, 1997, 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 April 1, 2000. The permit bore the priority date of January 21, 1997.

2. On January 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").

3. On March 20, 2000, the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to April 1, 2002.

4. On January 31, 2002, 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").

5. On March 18, 2002, the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to April 1, 2003.

6. On June 30, 2009, the Department discovered that the proof due notice was not mailed out as required and then gave notice to 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 an extension request. The Department gave the permit holder until September 1, 2009 to submit proof of beneficial use or an extension of time.

7. On September 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.

8. On September 14, 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.

9. On November 9, 2009, the permit holder filed a Statement of Completion for submitting proof of beneficial use with a minimum license examination fee of \$50.00.

10. On December 02, 2009, the Department notified the permit holder that the license examination fee was not fully paid at the time of filing proof, and instructed the permit holder of the deficient amount to be submitted. The permit holder was also instructed to complete items no. 2, and 6 of the proof statement. This matter was held for (15) days from the date of the letter for a response.

11. On December 11, 2009, the permit holder submitted the completed proof statement along with the additional license examination fee.

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 9, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 15-7158 is **REINSTATED** and the permit's priority date is advanced to March 31, 1997.

DATED this 16th day of December, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau