

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

IN THE MATTER OF PERMIT	)	
NO. 51-7346 IN THE NAME OF	)	REINSTATEMENT ORDER
J R SIMPLOT SELF DECLARATION	)	
REVOCABLE TRUST	)	
_____	)	

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 May 19, 1995, 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 May 1, 1999. The permit bore the priority date of September 14, 1993.
2. On April 30, 1999, the Department received a Request for Extension of Time ("extension request") which was granted giving the permit holder until May 1, 2004 to submit proof of beneficial use.
3. On April 30, 2004, the Department received an extension request which was granted giving the permit holder until May 1, 2009 to submit proof of beneficial use.
4. On February 28, 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 extension of time.
5. On April 17, 2009, the Department received an extension request which was subsequently denied as no further extension could be granted based on good cause.
6. On May 1, 2009, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement.
7. On May 4, 2009, the Department issued an order denying the request for extension of time and notice was sent to the permit holder. The permit holder was also given notice that the permit had lapsed and was of no further force nor effect.
8. On June 4, 2009, the permit holder filed a Statement of Completion for submitting proof of beneficial use ("proof") with the appropriate 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 the permit should be reinstated, by submitting an acceptable proof of beneficial use. The permit shall be reinstated based upon the June 4, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 51-7346 is **REINSTATED** and the permit's priority date is advanced to October 18, 1993

DATED this 11th day of June, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau