

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 29-13733 IN THE NAME OF	)	REINSTATEMENT ORDER
DIAMOND T RANCH, LLC	)	
_____	)	

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 January 19, 2006, 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 January 1, 2007. The permit bore the priority date of November 25, 2005.
2. On February 26, 2007, the Department received a Request for Extension of Time ("extension request") which requested an extension to December 31, 2008.
3. On March 2, 2007, the Department granted the extension request without a change in the priority date with proof of beneficial use being due by January 1, 2009.
4. On October 31, 2008, 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").
5. On January 1, 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.
6. On January 7, 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.
7. On January 20, 2009, the permit holder filed a Statement of Completion for submitting proof of beneficial use ("proof").

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 January 20, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 29-13733 is **REINSTATED** and the permit's priority date is advanced to December 14, 2005.

DATED this 28th day of May, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau