

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

IN THE MATTER OF PERMIT	)	
NO. 25-7662 IN THE NAME OF	)	REINSTATEMENT ORDER
JAB CONSTRUCTION.	)	
_____	)	

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 August 20, 1998, 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 September 1, 2003. The permit bore the priority date of May 23, 1998.
2. On June 30, 2003, 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 September 5, 2003, the Department sent the permit holder a lapse notice because it had not received an acceptable proof of beneficial use statement or extension of time request.
4. On October 10, 2003, the permit holder filed a request for extension of time for filing proof of beneficial use. The request was accepted and the proof deadline was extended to September 1, 2008. With the acceptance of the request, the permit was reinstated and the priority date was advanced to July 1, 1998.
5. On June 30, 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").
6. On September 8, 2008, the Department sent the permit holder a lapse notice because it had not received an acceptable proof of beneficial use statement or extension of time request.

7. On September 15, 2008, the permit holder filed a second extension request with the department. The Department issued an Order Denying the Request for Extension of Time because the permit holder had received the maximum of ten years for development of the permit and no additional extensions could be granted based on good cause.

8. On October 27, 2008, 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 October 27, 2008 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 25-7662 is **REINSTATED** and the permit's priority date is advanced to August 26, 1998.

DATED this 31st day of December, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau