

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 95-9290 IN THE NAME OF BIG ROCK	)	REINSTATEMENT ORDER
TIMBER & DEVELOPMENT 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 November 1, 2005, the Department issued Permit No. 95-9290 in the name of Big Rock Timber & Development, LLC (“permit holder”) authorizing the diversion of 0.50 cubic feet per second (“cfs”) of ground water for a municipal use in the Sections 18 and 19, Township 49 North, Range 03 West, Kootenai County. A condition of permit approval required the permit holders to submit proof of beneficial use of water (“proof”) to the Department on or before November 1, 2008.
2. On August 31, 2008, 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. The Department issued the permit holder a lapse notice on November 14, 2008, because it had not received an acceptable proof statement or extension request.
4. On December 18, 2008, the permit holder filed proof of beneficial use.

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 December 18, 2008 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-9290 is **REINSTATED** with an advance in priority to October 19, 2005.

DATED this 2nd day of January, 2009.



JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau