

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED)
PERMIT NO. 37-8894 IN THE) **REINSTATEMENT**
NAME OF DRY CREEK PARTNERS) **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

The Department issued permit no. 37-8894 on March 7, 2000, 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 March 1, 2003.

On February 19, 2003, the Department granted a request filed by the permit holder to extend the deadline for filing proof of beneficial use to March 1, 2008. This extension was based on due diligence.

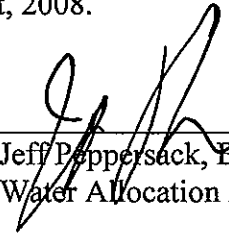
On February 8, 2008, the Department granted a request filed by the permit holder to extend the deadline for filing proof of beneficial use to July 19, 2008. This extension was based on federal agency delay.

On July 18, 2008, the Department received a Proof of Beneficial Use ("proof") filed by the permit holder. A signed copy of the proof was filed at the Southern regional office on July 18, 2008. The regional office held the copy waiting for the original before sending it to the State Office. The State Office lapsed the permit because it had not received proof timely.

Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit based on department error without advancing the permit's original priority date.

IT IS HEREBY ORDERED that Permit No. 37-8894 is **reinstated** with no advance of the June 1, 1999 priority date.

DATED this 20th day of August, 2008.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau

REINSTATEMENT ORDER