

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED	)	
PERMIT NO. 87-10019 IN THE	)	REINSTATEMENT ORDER
NAME OF ROGER ERNEST CALZA	)	
_____	)	

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 July 25, 2002, the Department issued Permit No. 87-10019 in the name of Roger Ernest Calza ("permit holder") authorizing the diversion of 3.5 acre feet ("af") of surface water referred to as an Unnamed Stream tributary to the Middle Fork Bear Creek for Wildlife Storage use in the NW1/4NW1/4, Section 29, Township 41 North, Range 03 West, B.M., Latah 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 August 1, 2004.

2. On May 31, 2004, 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 of beneficial use or an extension of time request.

3. On August 12, 2004, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.

4. On April 22, 2008, the Department received a Proof of Beneficial Use form filed with evidence of the development of the permit, and a letter explaining the reason for filing proof late. Evidence provided to the Department contained documentation that reflects construction and compliance of the structure according to NRCS guidelines for a WHIP project during the active period of the permit, July 25, 2002 through August 12, 2004, as proof that beneficial use of the water occurred during the period when the permit was active.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish

the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

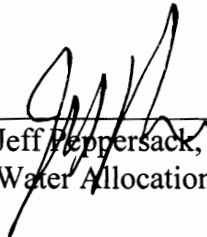
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate permit no. 87-10019 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 87-10019, in the names of Roger Ernest Calza is **REINSTATED**, with the priority advanced to **April 22, 2008**.

Dated this 28th day of April, 2008.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau