

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

REINSTATEMENT ORDER

The Department issued the above-captioned permit with the condition that proof of construction of works and application of water to the permitted beneficial use be submitted to the Department on or before January 1, 2007.

On October 31, 2006, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to take to submit proof of beneficial use or to request an extension of time.

On January 19, 2007, the Department issued a Lapse Notice to the permit holder because the Department had not received a response from the permit holder.

On February 26, 2007, the Department received a Request for Extension of Time for filing Proof of Beneficial Use ("extension") filed by Randall C. Budge, Attorney for the permit holder. With the filing of the extension Mr. Budge requested that the permit be reinstated without an advance of the priority date because the Department did not notify him of the issuance of the permit or the proof due notice.

The Department should reinstate the permit, based on a Department error. Reinstatement can be approved according to Idaho Code, Section 42-218a(1) and (3), which provides that the Department may reinstate a permit based upon a showing of reasonable cause and without advancing the permit's original priority date upon a showing of a Department error.

IT IS HEREBY ORDERED that Permit No. 29-13733 is **REINSTATED** with no advance of the original priority date.

DATED this 2nd day of March, 2007.



Jeff Peppersack, Acting Bureau Chief
Water Allocation Bureau