

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

IN THE MATTER OF PERMIT NO. 97-8496)	PRELIMINARY ORDER
IN THE NAME OF ROSS WORTHINGTON,)	REINSTATING PERMIT
<u>PAUL REAMER AND JANEAN HORLACHER)</u>	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On May 31, 2022, the Department issued Permit No. 97-8496 (“Permit”) in the name of Ross Worthington, Paul Reamer and Jeanean Horlacher (“Permit Holders”) authorizing the diversion of 0.08 cubic feet per second from ground water for domestic use in the SW¼NE¼ and NW¼SE¼ of Section 3 of Township 60 North, Range 04 West, Bonner County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before June 1, 2023.
2. On March 31, 2023, 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 a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”) or a *Request for Extension of Time* (“Extension Request”).
3. On June 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On June 7, 2023, the Department notified the Permit Holder the Permit lapsed.
5. On June 20, 2023, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use... has not been submitted, or a request for extension of time has not been received on or before the date set for such proof... shall lapse and be of no further force nor effect... Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

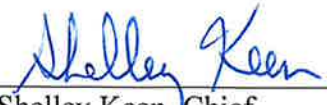
Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the June 20, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-35212 is **REINSTATED** and the Permit's priority date is advanced to April 18, 2022.

DATED this 31st day of July, 2023.



Shelley Keen, Chief
Regional Operations Bureau