

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NOS.)
01-07054 AND 37-07842 BOTH)
IN THE NAME OF LOWER SNAKE)
AQUIFER RECHARGE DISTRICT)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of the filing of proof of beneficial use of water and a beneficial use field report with the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 2, 1982, the department issued Permit No. 01-07054 to the Lower Snake Aquifer Recharge District (permit holder) authorizing the diversion of 1,200 cubic feet per second (cfs) of water from the Snake River for ground water recharge purposes. Proof of construction of works and application of water to beneficial use (proof) was originally due on June 1, 1987 but was extended by the department to June 1, 1992.
2. On June 2, 1982, the department also issued Permit No. 37-07842 to the permit holder authorizing the diversion of 800 cfs of water from the Little Wood and the Big Wood Rivers for ground water recharge purposes. Proof of beneficial use was originally due on June 1, 1987, but was extended by the department to June 1, 1992.
3. On March 31, 1992, the department sent a proof due notice for each permit to the permit holder. On June 5, 1992, the department sent a lapse notice for each permit to the permit holder, since the permit holder had not responded and both permits had lapsed.
4. On July 27, 1992, the permit holder filed proof of beneficial use together with a field report completed by Gerald Martens, a certified water right examiner. The proof was identified as being for Permit No. 37-07842 with authorized sources of the Little Wood and Big Wood Rivers.
5. On August 12, 1993, the permit holder advised the department that the proof which was filed on July 27, 1992 was intended for both Permit Nos. 01-07054 and 37-07842.
6. The department's review of the completed field examination and

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PETITIONER'S
EXHIBIT 203

supporting data shows that the permit holder diverted water from both the Snake River and the Big and Little Wood Rivers even though the proof was identified as being only for Permit No. 37-07842.

CONCLUSIONS OF LAW

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

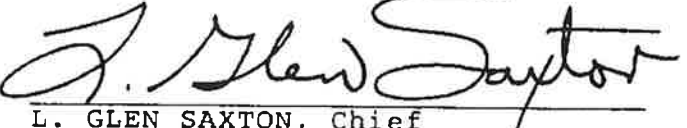
That within sixty (60) days after such notice of lapsing the department, may upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof;

2. The Director should reinstate both Permit Nos. 01-07054 and 37-07842 pursuant to Section 42-218a.1., Idaho Code, and should advance the priority of each permit to August 25, 1980.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit Nos. 01-07054 and 37-07842 are reinstated and the priority is advanced to August 25, 1980.

Dated this 1st day of December, 1993.


L. GLEN SAXTON, Chief
Water Allocation Bureau