

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

IN THE MATTER OF PERMIT NO. 15-7153)
IN THE NAME OF ELDEN D. NIELSEN) **REINSTATEMENT ORDER**
_____)

This matter having come before the Idaho Department of Water Resources (“Department”) as a result of a late-filed proof of beneficial use, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On February 29, 1996, the Department issued the above-captioned permit 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, 1999. The permit bore the priority date of December 29, 1995.
2. The permit holder failed to file proof of beneficial use by the March 1, 1999 deadline and the Department issued a notice that the permit had lapsed on March 12, 1999.
3. On April 5, 1999, the Department received a Request for Extension of Time (“extension request”) which was granted giving the permit holder until March 1, 2003 to submit proof of beneficial use. Permit 15-7153 was reinstated with the priority date advanced 35 days to February 3, 1996.
4. On December 31, 2002, 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 the proof or extension of time.
5. On March 1, 2003, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement from the permit holder. On March 7, 2003, the Department sent a lapse notice to the permit holder stating that the permit was no longer in effect.
6. The permit holder filed proof of beneficial use on May 5, 1995, 59 days after the lapse notices was issued and 65 days after proof of beneficial use was due.

CONCLUSIONS OF LAW

Idaho Code § 42-218a provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting an acceptable proof of beneficial use. The permit shall be reinstated.

ORDER

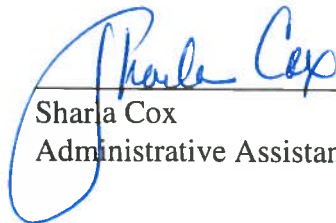
IT IS HEREBY ORDERED that Permit No. 15-7153 is **REINSTATED** and the permit's priority date is advanced to April 9, 1996.

DATED this 23rd day of February, 2015.


James Cefalo
Water Resource Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of February 2015, I mailed a true and correct copy of the foregoing REINSTATEMENT ORDER, with the United States Postal Service, postage prepaid and properly addressed to the person(s) listed below:


Sharla Cox
Administrative Assistant

US MAIL - STANDARD

RE: REINSTATEMENT ORDER (Permit 15-7153)

Elden Nielsen
930 West Samaria Lane
Malad City, ID 83252