

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

IN THE MATTER OF LAPSED PERMIT	)	PRELIMINARY ORDER
NO. 47-7578 IN THE NAME OF	)	REINSTATING A PERMIT
H. H. THOMPSON	)	
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On November 05, 1979, the Department issued Permit No. 47-7578 in the name of H. H. Thompson ("permit holder"). This permit authorized the diversion of 0.20 cubic feet per second ("cfs") of ground water for domestic use for 1 home, heating, and recreation in Lot 2 (SWNW) of Section 10, Township 09 South, Range 14 East, Twin Falls County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before November 01, 1984.

2. On August 11, 1984, 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 either proof of beneficial use or request an extension of time. The notice was mailed to the address on record, 477 Jackson St. Twin Falls, Idaho 83301.

3. On November 06, 1984, the Department issued the permit holder a lapse notice because it had not received an acceptable proof statement or extension request.

4. Idaho Code § 42-218a.2 provides as follows:

In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the department:

- (a) A report prepared by a certified water right examiner as a result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on a form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director.

- (b) A statement of reasonable cause for filing a late proof of beneficial use.
- (c) A reinstatement fee of two hundred fifty dollars (\$250).

5. On June 27, 2012, the Department received a request to reinstate permit 47-7578 along with a beneficial use field report prepared by a certified water right examiner, a statement of reasonable cause for filing a late proof of beneficial use, and the required reinstatement fee. The permit holder did not submit the required proof of beneficial use statement.

6. On August 7, 2012, the Department received a proof of beneficial use statement in connection with the permit.

CONCLUSIONS OF LAW

1. The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting an acceptable proof of beneficial use statement on August 07, 2012, and evidence that beneficial use of the water occurred during the period when the permit was active.

2. The Department should reinstate permit no. 47-7578 with the priority advanced to the date that proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 47-7578, in the name of H. H. Thompson is **REINSTATED**, with the priority advanced to August 07, 2012.

Dated this 22nd day of October, 2012.



Jeff Peppersack, Chief
Water Allocation Bureau