

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

IN THE MATTER OF PERMIT	)	
NO. 85-15636 IN THE NAME OF HARTY	)	REINSTATEMENT ORDER
SCHMAEHL OR MARJORIE SCHMAEHL	)	
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 10, 2005, 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 June 1, 2010. The permit bore the priority date of April 11, 2005.
2. On March 31, 2010, 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 a Request for Extension of Time ("extension request").
3. On June 1, 2010, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder.
4. On June 11, 2010, the Department sent a lapse notice to the permit holder since the Department had not received acceptable proof of beneficial use statements or extension of time requests.
5. On July 1, 2010, the permit holder filed a Statement of Completion for submitting proof of beneficial use ("proof") with the appropriate license examination fee.

CONCLUSIONS OF LAW

Section 42-218a, *Idaho Code*, 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 based upon the July 1, 2010 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 85-15636 is **REINSTATED** and the permit's priority date is advanced to May 11, 2005.

DATED this 9th day of July, 2010.



JEFF PEPPERSACK, Chief
Water Allocation Bureau