

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

IN THE MATTER OF PERMIT	)	
NOS. 95-9348 AN 95-9349 IN THE NAME OF	)	REINSTATEMENT ORDER
JOEL K DECKER	)	
_____	)	

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 August 21, 2006, the Department issued the above-captioned permits 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 August 1, 2009. The permits each bore the priority date of June 9, 2006.
2. On May 31, 2009, 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 August 1, 2009, each 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 August 7, 2009, the Department sent a lapse notice to the permit holder since the Department had not received an acceptable proof of beneficial use statement or extension of time request.
5. On August 21, 2009, the permit holder filed Statements 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 each permit should be reinstated, by submitting an acceptable proof of beneficial use. The permits shall be reinstated based upon the August 21, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit Nos. 95-9348 and 95-9349 are **REINSTATED** and each permit's priority date is advanced to June 27, 2006.

DATED this 1st day of September, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau