

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

IN THE MATTER OF PERMIT	)	
NO. 95-9432 IN THE NAME OF	)	REINSTATEMENT ORDER
DELMAR ALLEN ORSER.	)	
_____	)	

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 February 5, 2008, 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 February 1, 2009. The permit bore the priority date of October 15, 2007.
2. On November 20, 2008, 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 February 1, 2009, 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 February 9, 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 March 26, 2009, 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 March 26, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-9432 is **REINSTATED** and the permit's priority date is advanced to December 7, 2007.

DATED this 28th day of May, 2009.

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

JEFF PEPPERSACK, Chief
Water Allocation Bureau