

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 96-9355 IN THE NAME OF	)	REINSTATEMENT ORDER
JON COOKE AND LINDA COOKE	)	
_____	)	

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 December 14, 2007, the Department issued Permit No. 96-9355 in the name of Jon Cooke and Linda Cooke (“permit holders”) authorizing the diversion of 0.040 cubic feet per second (“cfs”) of surface water from Cocolalla Lake for domestic use in Lot 4 of the SW1/4 SW1/4 of Section 7, Township 55 North, Range 02 West, Bonner County. A condition of permit approval required the permit holders to submit proof of beneficial use of water (“proof”) to the Department on or before December 1, 2008.
2. On September 30, 2008, 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 the proof or a Request for Extension of Time (“extension request”).
3. The Department issued the permit holder a lapse notice on December 5, 2008, because it had not received an acceptable proof statement or extension request.
4. On December 18, 2008, the permit holder filed proof of beneficial use.

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 December 18, 2008 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-9355 is **REINSTATED** with an advance in priority to November 3, 2007.

DATED this 2nd day of January, 2008.



JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau