

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

|                                |   |                            |
|--------------------------------|---|----------------------------|
| IN THE MATTER OF LAPSED PERMIT | ) |                            |
| NO. 95-9187 IN THE NAME OF     | ) | <b>REINSTATEMENT ORDER</b> |
| FRANK LEEROY MILLER            | ) |                            |
| _____                          | ) |                            |

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 July 30, 2003, 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 August 1, 2008. The permit bore the priority date of March 4, 2003.
2. On May 31, 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 August 8, 2008, the Department sent the permit holder a lapse notice because it had not received an acceptable proof of beneficial use statement or extension of time request.
4. On September 30, 2008, the permit holder filed proof of beneficial use.

**CONCLUSIONS OF LAW**

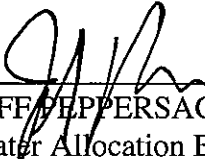
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 September 30, 2008 filing date.

**ORDER**

IT IS HEREBY ORDERED that Permit No. 95-9187 is **REINSTATED** and the permit's priority date is advanced to May 3, 2003.

DATED this 18<sup>th</sup> day of November, 2008.

  
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JEFF PEPPERSACK, Chief  
Water Allocation Bureau