

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 57-11600 IN THE NAME OF	)	REINSTATEMENT ORDER
HOPE HOUSE INC.	)	
_____	)	

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 20, 2001, the Department issued Permit No. 57-11600 in the name of Hope House Inc. ("permit holder") authorizing the diversion of 0.20 cubic feet per second ("cfs") of ground water for domestic use for potable water for staff and residents of a licensed childcare facility in the SW1/4NW1/4 of Section 23, in Township 02 North, Range 04 West, B.M., Owyhee County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before January 1, 2004.

2. On October, 31, 2003, 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 of beneficial use ("proof") or an extension of time request ("extension").

3. On January 9, 2004 the Department sent the permit holder a lapse notice since the department had not received an acceptable proof statement or extension request.

4. On November 4, 2008, the Department received the proof of beneficial use statement. The permit holder filed evidence of the construction of the well and the water system by providing the well construction log, laboratory results of water quality tests, invoice of water line construction, and a letter explaining the reason the proof was filed late. This establishes that beneficial use of the water occurred during the period when the permit was active.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon

finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

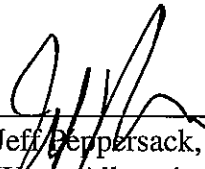
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate permit no. 57-11600 with the priority advanced to the date that proof was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 57-11600 in the name of Hope House, Inc. is **REINSTATED**, with the priority advanced to **November 4, 2008**.

Dated this 21st day of November, 2008.



Jeff Deppersack, Chief
Water Allocation Bureau