

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

IN THE MATTER OF PERMIT NO. _____)	
95-9070 IN THE NAME OF _____)	REINSTATEMENT ORDER
THOMAS R. DE TAR _____)	
_____)	

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 6, 2001, the Idaho Department of Water Resources (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, 2006.
2. The Department notified the permit holder on May 31, 2006, by certified mail that proof of beneficial use was due on August 1, 2006, and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request.
3. On September 11, 2006, the Department granted a Request for Extension of Time based on due diligence that extended the filing of the proof of beneficial use for this permit to August 1, 2008.
4. The Department notified the permit holder on May 31, 2008, by certified mail that proof of beneficial use was due on August 1, 2008, and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request.
5. The permit holder filed a second request for extension of time on July 30, 2008. However the Department denied that request and issued an Order Denying Request for Extension of Time on August 21, 2008.
6. On August 20, 2008, the Department issued the permit holder a lapse notice, because the Department had not received an acceptable proof statement or extension request.
7. On August 28, 2008, the permit holder filed proof of beneficial use with the appropriate license examination fee.

CONCLUSIONS OF LAW

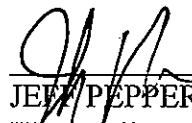
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 August 28, 2008 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-9070 is **REINSTATED** with an advance in priority to **April 12, 2001**.

DATED this 11th day of September, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau