

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

IN THE MATTER OF LAPSED PERMIT	)	REINSTATEMENT
NO. 95-9333 IN THE NAME OF	)	ORDER
DENNY RYERSON	)	
_____	)	

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 May 11, 2006, the Department issued Permit No. 95-9333 in the name of Denny Ryerson ("permit holder"). This permit authorized the diversion of 0.07 cubic feet per second ("cfs") of surface water from Coeur d' Alene Lake for irrigation use in the NE1/4 SE1/4 of Section 10, Township 49 North, Range 04 West, Kootenai 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 May 1, 2007.

2. On February 28, 2007, 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 either proof of beneficial use or request an extension of time.

3. The Department issued the permit holder a lapse notice on May 7, 2007, because it had not received an acceptable proof statement or extension request.

4. On May 30, 2007 the Department received a Request for Extension of Time for filing proof of beneficial use. The Department granted the request and extended the proof deadline to May 1, 2008. The Department also reinstated the permit and advanced the priority date to March 25, 2006, because the request was filed after the proof deadline.

5. On February 29, 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 either proof of beneficial use or request an extension of time.

6. The Department issued the permit holder a lapse notice on May 9, 2008, because it had not received an acceptable proof statement or extension request.

7. On August 13, 2008, the department received proof of beneficial use and evidence of the application of the beneficial use of the water from the permit holder with a request for reinstatement of the permit.

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;

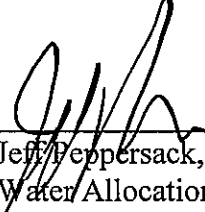
2. The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting acceptable proof of beneficial use on August 13, 2008.

3. The Department received evidence that beneficial use of the water occurred during the period when the permit was active. The Department should reinstate permit no. 95-9333 with the priority advanced to August 13, 2008.

ORDER

IT IS HEREBY ORDERED, that Permit No. 95-9333, in the name of Denny Ryerson is **REINSTATED**, with the priority advanced to August 13, 2008.

Dated this 4th day of September, 2008.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau