

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

IN THE MATTER OF PERMIT NO.	)	
65-13831 IN THE NAME OF	)	REINSTATEMENT ORDER
HOWARD MAXWELL and/or	)	
LYNN MAXWELL	)	
_____	)	

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. 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 May 1, 2004.

2. The permit bore a priority date of February 4, 1999. The Department notified the permit holder on February 29, 2004, by certified mail that proof of beneficial use was due on May 1, 2004, 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 August 25, 2004, 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 May 1, 2008.

4. The Department notified the permit holder on February 29, 2008, by certified mail that proof of beneficial use was due on May 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 Department sent the permit holder a lapse notice on May 12, 2008, because it had not received an acceptable proof of beneficial use statement or extension of time.

6. On July 8, 2008, the permit holder filed proof of beneficial use.

CONCLUSIONS OF LAW

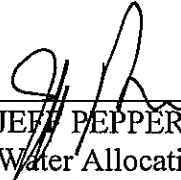
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 July 8, 2008 filing date.

ORDER

IT IS, HEREBY ORDERED that Permit No. 65-13831 is **REINSTATED** with an advance in priority to **April 13, 1999**.

DATED this 17th day of July, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau