

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

IN THE MATTER OF LAPSED PERMIT	)	
NO. 25-13984 IN THE NAME OF	)	REINSTATEMENT ORDER
RUSS DONAHOO	)	
_____	)	

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 June 23, 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 June 1, 2008. The permit bore the priority date of March 13, 2003.
2. On March 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 June 9, 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 June 25, 2008, the permit holder filed proof of beneficial use.

CONCLUSIONS OF LAW

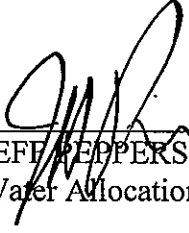
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 June 25, 2008 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 25-13984 is **REINSTATED** and the permit's priority date is advanced to April 6, 2003.

DATED this 16th day of July, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau