

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 85-15650 IN THE NAME OF)
RICHARD L. KOLLER)
_____)

REINSTATEMENT ORDER

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

On February 3, 2006, the Department issued Permit No. 85-15650 in the name of Richard L. Koller ("permit holder") authorizing the diversion of 0.04 cubic feet per second ("cfs") of ground water for domestic use in the NW1/4SW1/4 of Section 29, Township 37 North, Range 2 West, Nez Perce 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 February 1, 2008.

On November 30, 2007, 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").

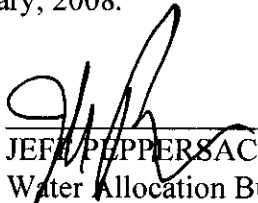
On February 1, 2008, the permit holder filed a faxed copy of the proof of beneficial use.

The Department issued the permit holder a lapse notice on February 6, 2008, because of an error at the time the faxed proof was received.

Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit based on department error without advancing the permit's original priority date.

IT IS HEREBY ORDERED that Permit No. 85-15650 is **REINSTATED** with no advance of the December 9, 2005 priority date.

DATED this 12th day of February, 2008.



JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau