

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED	)	
PERMIT NO. 85-15356 IN THE	)	REINSTATEMENT ORDER
NAME OF LEWISTON ORCHARDS	)	
IRRIGATION DISTRICT	)	
_____	)	

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 July 25, 2002, the Department issued Permit No. 85-15356 in the name of Lewiston Orchards Irrigation District ("permit holder") authorizing the diversion of 3.34 cubic feet per second ("cfs") of ground water for a Municipal use in the service area of Lewiston Orchards Irrigation District. A condition of permit approval required the permit holders to submit proof of beneficial use of water ("proof") to the Department on or before August 1, 2003.
2. On May 31, 2003, 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 the proof of beneficial use or an extension of time request.
3. On June 6, 2003, the Department received an extension request. The Department approved the request and extended the proof of beneficial use deadline to August 1, 2005.
4. On May 31, 2005, 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 the proof of beneficial use or an extension of time request.
5. On June 21, 2005, the Department received an extension request. The Department approved the request and extended the proof of beneficial use deadline to August 1, 2006.
6. On May 31, 2006, 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 the proof of beneficial use or an extension of time request.
7. On August 8, 2006, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.

8. On November 16, 2007, the Department received a Proof of Beneficial Use form filed with evidence of the development of the permit, and a letter explaining the reason for filing proof late. Evidence provided to the Department contained Well #4 Final Report and diversion records from well #4 for the period June 17, 2006 through August 6, 2006 as proof that beneficial use of the water occurred during the period when the permit was active.

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;

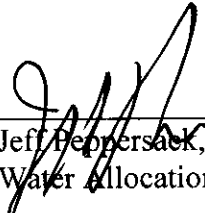
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate permit no. 85-15356 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 85-15356, in the names of Lewiston Orchards Irrigation District is **REINSTATED**, with the priority advanced to **November 16, 2007**.

Dated this 5th day of February, 2008.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau