

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 57-11659 IN THE NAME OF	)	REINSTATEMENT ORDER
DANIEL P. TEMPLE OR MURIEL J.	)	
ANDERSON	)	
_____	)	

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 April 7, 2004, the Department issued Permit No. 57-11659 in the name of Daniel P. Temple or Muriel J. Anderson ("permit holder") authorizing the diversion of 1.20 cubic feet per second ("cfs") of ground water for Irrigation, Heating, Aesthetic, Aesthetic Storage & Diversion to Storage uses in the NESW of Section 7, Township 01 North, Range 03 West, Owyhee County. A condition of permit approval required the permit holders to submit proof of beneficial use of water ("proof") to the Department on or before April 1, 2007.
2. On January 31, 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 the proof or a Request for Extension of Time ("extension request").
3. On April 11, 2007, 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.
4. On January 14, 2008, the Department received a Proof of Beneficial Use form filed with evidence of the development of the permit. The evidence provided to the Department contained an affidavit from Joan D. Anderson, a 2003 real estate listing describing the property prior, a pump test conducted May 25, 2005, a well log dated February 13, 1995, as proof that beneficial use of the water occurred during the period when the permit was active and a letter explaining the reason for filing proof late.

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;

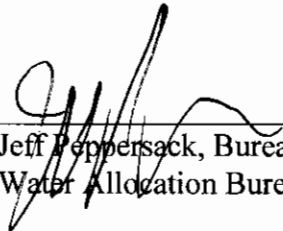
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate permit no. 57-11659 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 57-11659, in the names of Daniel P. Temple or Muriel J. Anderson is **REINSTATED**, with the priority advanced to **January 14, 2008**.

Dated this 16th day of January, 2008.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau