

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

IN THE MATTER OF PERMIT NO.)
85-7645 IN THE NAME OF THE)
RON HALL)
_____) **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

1. On April 28, 1998, the Department issued Permit No. 85-7645 to Ron Hall ("permit holder") authorizing the diversion of 1.70 cubic feet per second (cfs) of water from groundwater to be diverted for irrigation and domestic use from a well located within the SE1/4SE1/4, Section 35, Township 36 North, Range 5 West, Nez Perce County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before May 1, 2003.
2. On February 28, 2003, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit Proof of Beneficial Use or a Request for Extension of Time ("extension request").
3. On May 5, 2003, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.
4. On August 21, 2003, the permit holder submitted Proof of Beneficial Use to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

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;

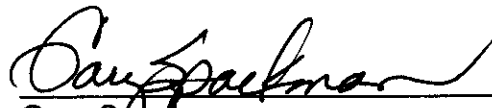
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information to show that water was beneficially used during the authorized development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 85-7645 in the name of Ron Hall is **REINSTATED** with the priority advanced to **August 21, 2003**.

Dated this 16th day of September, 2003.



Gary Spackman