

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 92-10006 IN THE NAME OF	)	REINSTATEMENT ORDER
MICHAEL J. NEEDHAM	)	
_____	)	

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 November 26, 2002, the Department issued Permit No. 92-10006 in the name of Michael J. Needham ("permit holder") authorizing the diversion of 0.01 cubic feet per second ("cfs") of surface water from an Unnamed Stream for Fish Propagation in the SESW of Section 35, Township 44 North, Range 03 West, Benewah 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 December 1, 2007.
2. On September 30, 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. The Department issued the permit holder a lapse notice on December 7, 2007, because it had not received an acceptable proof statement or extension request.
4. On December 14, 2007, the permit holder filed proof of beneficial use.

CONCLUSIONS OF LAW

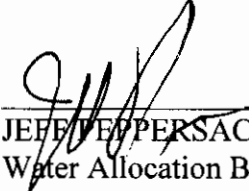
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 December 14, 2007 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 92-10006 is **REINSTATED** with an advance in priority to August 25, 2002.

DATED this 18th day of December, 2007.



JEFF PETERSACK, Bureau Chief
Water Allocation Bureau