

IN THE MATTER OF LAPSED PERMIT)
NO. 85-7626B IN THE NAME OF H.D.I., INC.) **REINSTATEMENT ORDER**
_____)

FINDINGS OF FACT

6. On May 14, 2007 the Department received proof of beneficial use, a letter stating the basis for filing documents after the proof deadline and requesting reinstatement of the permit and evidence to substantiate construction of the water system. On October 23, 2007, the Department received additional evidence 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;

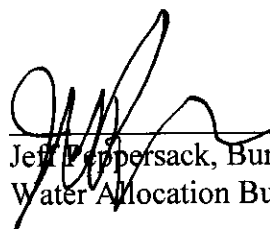
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate Permit No. 85-07626B with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 85-07626B, in the name of the H.D.I., Inc. is **REINSTATED**, with the priority advanced to May 14, 2007.

Dated this 21st day of November, 2007.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau