

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

IN THE MATTER OF PERMIT NO. 37-20598	)	
IN THE NAME OF U.S. DEPT. OF INTERIOR	)	REINSTATEMENT
BUREAU OF LAND MANAGEMENT	)	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 January 14, 2002, the Department issued Permit No. 37-20598 in the name of U.S. Department of Interior, Bureau of Land Management (“permit holder”). This permit authorized the diversion of 0.02 cubic feet per second (“cfs”) of ground water for stockwater use in the SW1/4 NE1/4 of Section 31, Township 03 South, Range 23 East, Lincoln 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 January 1, 2004.
2. On October 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 either proof of beneficial use or request an extension of time.
3. The Department issued the permit holder a lapse notice on January 9, 2004, because it had not received an acceptable proof statement or extension request.
4. On January 12, 2007 the department received evidence of the construction of the water system in response to a telephone conversation in December 2006 when the permit holder requested reinstatement of the permit. On September 18, 2007, the department received a Proof of Beneficial Use form and on September 19, 2007 the department received a letter stating the basis for filing these documents after the proof deadline.

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;

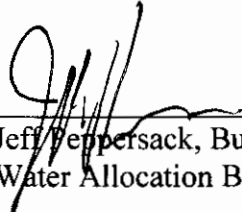
2. The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting acceptable proof of beneficial use on September 18, 2007.

3. The Department received evidence that beneficial use of the water occurred during the period when the permit was active. The Department should reinstate permit no. 37-20598 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 37-20598, in the name of the U.S. Department of Interior, Bureau of Land Management is **REINSTATED**, with the priority advanced to September 18, 2007.

Dated this 19th day of September, 2007.



Jeff Peppersack, Bureau Chief
Water Allocation Bureau