

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
96-9262 IN THE NAME OF TONY)
HOWARD AND/OR MARLA HOWARD)
_____)

REINSTATEMENT ORDER

The Department issued the above-captioned permit with the condition that proof of construction of works and application of water to the permitted beneficial use be submitted to the Department on or before November 1, 2006.

On August 31, 2006, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to take to submit proof of beneficial use or to request an extension of time.

On October 17, 2006, the Department received a Proof of Beneficial Use ("proof") filed by the permit holder. The proof was attached to a request for extension of time for another permit the Howards owned, and was not found until the request was processed.

In error, on November 20, 2006, the Department issued a Lapse Notice to the permit holder because the Department believed it had not received a response from the permit holder.

Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit based on department error without advancing the permit's original priority date.

IT IS HEREBY ORDERED that Permit No. 96-9262 is **REINSTATED** with no advance of the October 3, 2005 priority date.

DATED this 5th day of December, 2006.



Gary Spackman