

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
96-9251 IN THE NAME OF STEVE OR) **REINSTATEMENT ORDER**
TINA IMLAY)
_____)

The Department issued permit no. 96-9251 in the name Steve or Tina Imlay ("permit holder") with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use" or "proof") be submitted to the Department on or before October 1, 2006.

The Department notified the permit holders on July 31, 2006, that proof of beneficial use was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use or an extension of time request.

The Department sent the permit holders a lapse notice on October 10, 2006, since it had not received an acceptable proof of beneficial use statement or request for extension of time.

On October 19, 2006, the permit holders filed proof of beneficial use.

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 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 October 19, 2006 filing date.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-9251 is **REINSTATED** with an advance in priority to August 16, 2005.

DATED this 5th day of November, 2006.



GARY SPACKMAN