

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.	)	
61-7738 IN THE NAME OF	)	REINSTATEMENT ORDER
CHESTER J. TINDALL	)	
_____	)	

The Department issued permit no. 61-7738 in the name of Chester J. Tindall. ("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 June 1, 2003.

On February 4, 2000, the Department received an Assignment of Permit signed by Chester J. Tindall assigning his right, title, and interest in permit no. 61-7738 to Theodore W. Hoffman and Rita S. Hoffman ("permit holders").

The Department notified the permit holders on March 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 holder a lapse notice on June 6, 2006, since it had not received an acceptable proof of beneficial use statement or extension of time.

On June 7, 2006, the Department received a Request for Extension of Time ("request") from the permit holders with a \$100.00 filing fee. On June 23, 2006, the Department contacted the permit holders by telephone and was informed that the permit holders intended to file proof of beneficial use, and that the fee paid was for the license examination. The Department returned the request and asked that an acceptable proof of beneficial use be filed according to Section 42-217, *Idaho Code* "...upon forms furnished by the department"

On June 28, 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 June 7, 2006 filing date.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7738 is **REINSTATED** with an advance in priority to September 21, 1997.

DATED this 13th day of July, 2006.



GARY SPACKMAN