

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

IN THE MATTER OF LAPSED PERMIT	)	
NO. 13-7560 IN THE NAME OF	)	REINSTATEMENT ORDER
EDWARD C. MOSER	)	
_____	)	

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 July 20, 1999, the Department issued Permit No. 13-7560 in the name of Edward C. Moser (“permit holders”) authorizing the diversion of 20 acre feet (“af”) of surface water for recreational use within the NW1/4NW1/4, Section 29, Township 15 South, Range 40 East, Franklin County. A condition of permit approval required the permit holders to submit proof of beneficial use of water (“proof”) to the Department on or before July 1, 2000.
2. On April 30, 2000, 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 the proof or a Request for Extension of Time.
3. On July 11, 2000, the Department granted an extension of time for filing proof of beneficial use to the permit holder based on government delay until December 1, 2000.
4. On September 30, 2000, 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 the proof or a Request for Extension of Time.
5. On December 5, 2000, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.
6. On January 9, 2006, the department received a Proof of Beneficial Use form filed with evidence of the development of the permit. The evidence provided to the department contained proof of 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 by submitting sufficient information to show that:

3. The Department should reinstate permit no. 13-7560 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 13-7560, in the name of Edward C. Moser is **REINSTATED**, with the priority advanced to **January 9, 2006**.

Dated this 11th day of February, 2006.


Gary Spackman