

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

IN THE MATTER OF PERMIT NO. _____	)	
86-11923 IN THE NAME OF	)	REINSTATEMENT ORDER
EARLE W. ARNOLD	)	
_____	)	

FINDINGS OF FACT

The Department issued the above-captioned permit on October 27, 2004 in the names of Allen D. Henry or Alice L. Henry (permit holders). A condition of the permit established a deadline for filing Proof of Beneficial Use (proof) with the Department on or before October 1, 2005.

On November 5, 2004, the department received a proof from the permit holders. However, the proof was unacceptable because the license exam fee was not paid at the time of the filing of the proof. The department inadvertently failed to immediately request the filing fee. The proof was held in the file for review and acknowledgement. Additionally, because of the receipt of the proof a Proof Due Notice was not mailed to the permit holders.

On October 18, 2005, the department received an assignment of permit that assigned the permit to Earle W. Arnold (Arnold), along with a second proof of beneficial use signed by Arnold. The department accepted the assignment of permit and the proof of beneficial use because the forms were complete and the appropriate fees were received.

CONCLUSIONS OF LAW

Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit based on department error.

The current permit holder has provided a reasonable showing why the permit should be reinstated, by submitting proof of beneficial use.

ORDER

IT IS HEREBY ORDERED, that Permit No. 86-11923 is **REINSTATED**, with no advance in priority.

DATED this 11th day of February, 2006.



GARY SPACKMAN