

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

IN THE MATTER OF LAPSED PERMIT	)	
NO. 35-8024 IN THE NAME OF	)	REINSTATEMENT ORDER
CRAIG D. GOODWIN AND/OR	)	
PATTY GOODWIN	)	
_____	)	

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 April 13, 1982, the Department issued Permit no. 35-8024 to Scott M. Vail and/or Marvin W. Vail ("permit holder"). These permits authorized the diversion of 3.59 cubic feet per second ("cfs") of ground water to be diverted for irrigation of 320 acres in the SE1/4, SE1/4 of Section 17, Township 02 South, Range 33 East, B.M., Bingham County. This application was processed and approved based on the applicants' representation that water right no. 35-7194 irrigated the same places of use. The applicant was required to submit proof of beneficial use of water ("proof") to the Department on or before April 1, 1987.
2. On January 31, 1987, 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 ("extension request").
3. On April 13, 1987, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request for these permits.
4. On July 18, 2005, the permit holder submitted Proof of Beneficial Use, with the required license examination fees to the Department, and evidence for reinstatement and reason for delay. The proof was filed by Craig D. Goodwin and/or Patty Goodwin (Goodwins). The Goodwins also filed an Assignment of Permit signed by Marvin W. Vail.

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 water was beneficially used during the authorized development period.

3. The Department should reinstate the permit with the priority advanced to the date that Proof of Beneficial Use was received.

4. The beneficial use recognized by this permit, the beneficial use field examination, and any license issued should be limited to the beneficial use completed before April 1, 1987.

ORDER

IT IS HEREBY ORDERED, that Permit No. 35-8024 shall be **REINSTATED** in the name of Craig D. Goodwin and/or Patty Goodwin with the priority advanced to **July 18, 2005**.

IT IS FURTHER ORDERED, that the beneficial uses recognized by this permit is limited to the beneficial use completed before April 1, 1987, and be the same point of diversion and places of use as water right decree no. 35-7194.

Dated this 31st day of August, 2005.



Gary Spackman