

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
63-31589 IN THE NAME OF GERALD)
HALE AND/OR SHARON HALE)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before January 1, 2005; and

1. The Department notified the permit holder on October 31, 2004, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request.

2. On January 5, 2004, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder.

3. On approximately January 18, 2005 the permit holder contacted the State office of the Department of Water Resources and informed the department that he had previously submitted the proof of beneficial use with the license examination fee. Upon further investigation it was verified that the department had received the proof and the fee on November 9, 2004.

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

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-31589 is **REINSTATED** with no advance in priority.

DATED this 10th day of February, 2005.



Gary Spackman