

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

IN THE MATTER OF LAPSED PERMIT	)	
NO. 11-7390 IN THE NAME OF	)	REINSTATEMENT
BOY SCOUTS OF AMERICA	)	ORDER
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds concludes and orders as follows:

FINDINGS OF FACT

1. On December 26, 1990, the Department issued Permit No. 11-7390 in the name of Boy Scouts of America, Lake Bonneville Council ("permit holder"). The permit authorized the diversion of water from Fern Creek to fill a recreation reservoir, up to 49.0 acre-feet. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before June 1, 1994.
2. On April 13, 1994, the permit holder filed a Request for Extension of Time in which to submit proof of beneficial use. The Requests for Extension of Time was granted, extending the proof of beneficial use date two years, to June 1, 1996.
3. On March 31, 1996, 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 either proof of beneficial use or request an extension of time. The notice was mailed to the address on record, 1200 East 5400 South, Ogden, UT 84403.
4. The Department issued a lapse notice to the permit holder on June 20, 1996, because it had not received an acceptable proof statement or extension request.
5. On October 28, 2011, the Department received proof of beneficial use, a request for reinstatement of the permit, and a field exam completed by Paul Scoresby, a certified water rights examiner. The request for reinstatement and field exam contained sufficient evidence that water had been put to beneficial use during the authorized development period, prior to June 1, 1996.

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 a reasonable showing why the permit should be reinstated, by submitting acceptable proof of beneficial use on October 28, 2011, and evidence that beneficial use of the water occurred during the period when the permit was active. The Department should reinstate permit no. 11-7390 with the priority advanced to October 28, 2011.

ORDER

IT IS HEREBY ORDERED, that Permit No. 11-7390, in the name of Boy Scouts of America is **REINSTATED**, with the priority advanced to October 28, 2011.

Dated this 31st day of October, 2011.



James Cefalo
Water Resources Program Manager