

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 95-09320 IN THE NAME OF)
HARBOR VIEW ESTATES WATER)
AND SEWER DISTRICT)
_____)

**ORDER OF
REINSTATEMENT**

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

FINDINGS OF FACT

1. On June 19, 2006, the Department issued Permit No. 95-09320 in the name of Harbor View Estates Water and Sewer District (permit holder). The Department issued permit 95-09320 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 June 1, 2011.

2. On March 31, 2011, the Department notified the permit holder 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.

3. On May 19, 2011, the Department received a beneficial use field examination report, but did not receive a proof of beneficial use statement.

4. On June 8, 2011, the Department sent the permit holder a lapse notice because the Department had not received an acceptable proof of beneficial use statement or request for extension of time to submit proof of beneficial use.

5. On June 13, 2011, the Department received a proof of beneficial use statement submitted by the permit holder.

CONCLUSIONS OF LAW

1. Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the notice of lapsing.

2. The permit holder has provided a reasonable showing why this permit should be reinstated, by submitting an acceptable proof of beneficial use. The permit shall be reinstated based on the June 13, 2011 filing date.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-09320 is **REINSTATED** with an advance in priority to **December 13, 2005**.

DATED this 27th day of July, 2011.



SHELLEY KEEN, Manager
Water Rights Section