

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	REINSTATEMENT
NO. 63-31969 IN THE NAME OF	)	ORDER
STAR SEWER & WATER DISTRICT	)	
_____	)	

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 November 12, 2004, 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 August 01, 2009. The permit bore the priority date of June 09, 2004.
2. On July 31, 2009, 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 or a Request for Extension of Time ("extension request").
3. On October 08, 2009, the Department sent a lapse notice to the permit holder since the Department had not received an acceptable proof of beneficial use statement or extension of time request.
4. On October 23, 2009, the permit holder filed the Statement of Completion for submitting proof of beneficial use ("proof").

CONCLUSIONS OF LAW

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 date of notice of lapsing.

The permit holder has provided a reasonable showing why the permit should be reinstated, by submitting acceptable proof of beneficial use on October 23, 2009. The permit shall be reinstated based upon the October 23, 2009 filing date, with the priority advanced to July 1, 2004.

ORDER

IT IS HEREBY ORDERED, that Permit No. 63-31969, in the name of Star Sewer & Water District is **REINSTATED**, with the priority date advanced to July 1, 2004.

Dated this 9th day of November, 2009.

A handwritten signature in black ink, appearing to read 'Jeff', is written over a horizontal line.

Jeff Peppersack, Chief
Water Allocation Bureau