

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

IN THE MATTER OF PERMIT	)	
NOS. 36-16440 & 36-16441 IN THE NAME OF	)	REINSTATEMENT ORDER
JEROME JOINT SCHOOL DISTRICT NO 261	)	
_____	)	

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 June 4, 2007, the Department issued the above-captioned permits 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, 2009. The permits each bore the priority date of July 10, 2006.
2. On March 31, 2009, the Department notified the permit holder by certified mail that proof of beneficial use was due for each permit 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 June 1, 2009, the permits lapsed since the Department had not received acceptable proof of beneficial use statements or extension requests from the permit holder.
4. On June 8, 2009, the Department sent a lapse notice to the permit holder since the Department had not received acceptable proof of beneficial use statements or extension of time requests.
5. On July 23, 2009, the permit holder filed Statement of Completion for submitting proof of beneficial use ("proof") with the appropriate license examination fee for each of the above captioned permits.

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 permits should be reinstated, by submitting an acceptable proof of beneficial use for each permit. The permits shall be reinstated based upon the July 23, 2009 filing date.

ORDER

IT IS HEREBY ORDERED that Permit Nos. 36-16440 and 36-16441 are **REINSTATED** and the permits' priority date is advanced to August 31, 2006.

DATED this 4th day of August, 2009.

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

JEFF PEPPERSACK, Chief
Water Allocation Bureau