

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 22-13178 IN THE NAME OF	)	REINSTATEMENT ORDER
TETON SPRINGS GOLF & CASTING CLUB	)	
_____	)	

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 July 19, 2001, the Department issued Permit No. 22-13178 in the name of Teton Springs Golf & Casting Club ("permit holder") authorizing the diversion of 1.10 cubic feet per second ("cfs") of ground water for domestic, in-house use for 710 residential units within parts of Sections 13, 14, 23, and 24, in Township 03 North, Range 45 East, B.M., Teton County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before August 1, 2006.

2. On May 31, 2006, 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 the proof of beneficial use ("proof") or an extension of time request ("extension").

3. On August 8, 2006 the Department sent the permit holder a lapse notice since the Department had not received an acceptable proof statement or extension request.

4. On April 9, 2008, the Department received the proof of beneficial use statement. The permit holder's representative, Rendezvous Engineering, filed evidence of the construction of the well and the water system by providing the Department of Environmental Quality's Sanitary Survey Report, water distribution system record drawings, and a letter explaining the reason the proof was filed late. This establishes that beneficial use of the water occurred during the period when the permit was active.

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;

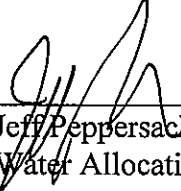
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit.

3. The Department should reinstate permit no. 22-13178 with the priority advanced to the date that proof was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 22-13178 in the name of Teton Springs Golf and Casting Club is **REINSTATED**, with the priority advanced to **April 9, 2008**.

Dated this 13th day of March, 2009.



Jeff Peppersack, Chief
Water Allocation Bureau