

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

IN THE MATTER OF LAPSED PERMIT )  
NO. 27-7586 IN THE NAME OF )  
LILLIAN VALLEY SCHOOL, INC. )  
\_\_\_\_\_ )

**REINSTATEMENT ORDER**

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 20, 1999, the Department issued Permit No. 27-7586 to Lillian Valley School, Inc. ("permit holder") authorizing the diversion of 0.04 cubic feet per second of ground water to be used for a domestic use within the SENE of Section 23, Township 03 South, Range 34 East, in Bingham 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 July 1, 2004.
2. On April 30, 2004, 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.
3. The Department issued the permit holder a lapse notice on August 12, 2004, because it had not received an acceptable proof statement or extension request.

**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;

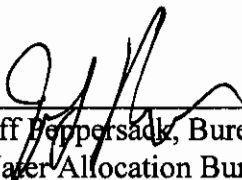
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting proof of beneficial use on October 16, 2007 and documents that provide evidence of the beneficial use of this water right.

3. The Department should reinstate the permit with the priority advanced to the date that proof was received.

### ORDER

IT IS HEREBY ORDERED, that Permit No. 27-7586 in the name of Lillian Valley School, Inc. is **REINSTATED** for domestic use, with the priority advanced to **October 16, 2007**.

Dated this 24<sup>th</sup> day of January, 2008.

  
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Jeff Peppersack, Bureau Chief  
Water Allocation Bureau