BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT NO. 85-15360 IN THE NAME OF THE SUMMIT ACADEMY	))))	**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 November 5, 2002, the Department issued Permit No. 85-15360 in the name of Summit Academy ("permit holder") authorizing the diversion of 0.20 cubic feet per second ("cfs") of ground water for Domestic and Irrigation uses in the SESW of Section 32, Township 32 North, Range 01 East, Idaho 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 November 1, 2007.

2. On August 31, 2007, 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 or a Request for Extension of Time ("extension request").

3. The Department issued the permit holder a lapse notice on November 8, 2007, because it had not received an acceptable proof statement or extension request.

4. On November 29, 2007, the permit holder filed proof of beneficial use.

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 an acceptable proof of beneficial use. The permit shall be reinstated based upon the November 29, 2007 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 85-15360 is **REINSTATED** with an advance in priority to June 18, 2002.

DATED this 5th day of December, 2007.

JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau