

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 96-9072 IN THE NAME OF	)	REINSTATEMENT ORDER
SPIRES WATER CO.	)	
_____	)	

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 September 20, 2001, the Department issued Permit No. 96-9072 in the name of Spires Water Co. ("permit holder"). This permit authorized the diversion of 0.45 cubic feet per second ("cfs"), of ground water for Municipal use, in the permit holder's service area generally located in Sections 20 and 29, Township 58 North, Range 02 West, Bonner 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 October 1, 2003.
2. On July 31, 2003, 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. On October 7, 2003, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.
4. On December 5, 2003, the department received a Request for Extension of Time from the permit holder. The extension of time was approved and the proof of beneficial use deadline was extended to October 1, 2005. Additionally, the priority date of the permit was advanced to June 9, 2001, because the extension was filed after the proof deadline.
5. On July 31, 2005, 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.
6. On October 12, 2005, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.

7. On December 18, 2006, the department received a Proof of Beneficial Use form and a \$50.00 examination fee filed by the permit holder with evidence of the development and use of the permit.

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;

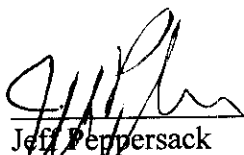
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting clear evidence to show that beneficial use had been completed before the permit had lapsed.

3. The Department should reinstate permit no. 96-9072 with the priority advanced to the date that the proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 96-9072, in the name of the Spires Water Co. is **REINSTATED**, with the priority advanced to **December 18, 2006**.

Dated this 6th day of March, 2007.



Jeff Peppersack
Acting Bureau Chief
Water Allocation Bureau