

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

IN THE MATTER OF LAPSED PERMIT)
NO. 63-12577 IN THE NAME OF) **REINSTATEMENT ORDER**
IDAHO SHAKESPEARE FESTIVAL)
_____)

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 28, 2000, the Department issued Permit No. 63-12577 to the Idaho Shakespeare Festival ("permit holder") authorizing the diversion of 0.11 cubic feet per second ("cfs") of water from the Boise River for aesthetic use within Lot 1 (SESE), Section 29, Township 03 North, Range 03 East, B.M., Ada 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, 2005.

2. 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 a Proof of Beneficial Use ("proof") or a Request for Extension of Time ("extension request").

3. On October 1, 2005, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder; and

4. 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 the notice of lapsing; and,

5. The permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on October 3, 2005.

IT IS HEREBY ORDERED that Permit No. 63-12577 is **REINSTATED** with an advance in priority to **December 2, 1999**.

DATED this 1st day of November, 2005.



GARY SPACKMAN