

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 95-08894 IN THE NAME OF)
FIRST UNITED METHODIST)
CHURCH)
_____)

**ORDER OF
REINSTATEMENT**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On January 3, 1995, the Department issued Permit No. 95-08894 in the name of First United Methodist Church (permit holder). The Department issued permit 95-08894 with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before January 1, 1998.

2. On October 31, 1997, the Department notified the permit holder by certified mail 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.

3. On January 30, 1998, the Department sent the permit holder a lapse notice because the Department had not received an acceptable proof of beneficial use statement or request for extension of time to submit proof of beneficial use.

4. On April 29, 2010, the Department received a completed proof of beneficial use statement submitted by the permit holder along with a \$50.00 licensing examination fee.

5. On May 17, 2010, the Department notified the permit holder that it had received the proof of beneficial use statement and filing fees but that the permit was lapsed. The Department informed the permit holder of the information required to reinstate the permit and gave the permit holder 30 days to submit that documentation to the Department.

6. On May 31, 2010, the permit holder requested an additional 45 days to supply the Department with necessary documentation needed to reinstate the permit.

7. On June 7, 2010, the Department acknowledged the permit holders request and informed the permit holder that the deadline to submit evidence to support reinstating the permit was August 2, 2010.

8. On June 28, 2010, the permit holder provided an explanation for filing late proof and submitted evidence supporting that beneficial use authorized by permit 95-08894 had occurred during the authorized period.

5. 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;

CONCLUSIONS OF LAW

1. The permit holder provided sufficient information to show that water was beneficially used during the authorized development period in accordance with the permit.

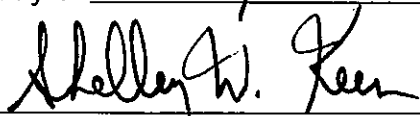
2. The permit holder demonstrated reasonable cause for filing late proof of beneficial use.

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

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-08894 is **REINSTATED** with an advance in priority to **April 29, 2010**.

DATED this 12th day of July, 2010.



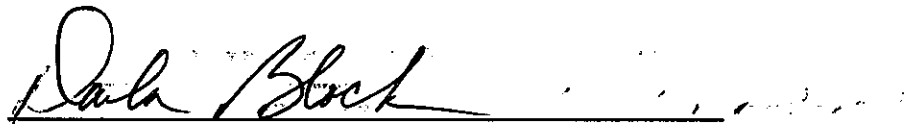
SHELLEY KEEN, Manager
Water Rights Section

CERTIFICATE OF SERVICE

I hereby certify that on **July 12, 2010** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Order of Reinstatement)** to the person(s) listed below:

RE: Water Permit No. 95-08894

**FIRST UNITED METHODIST CHURCH
1470 W HANLEY AVE
COEUR D ALENE, ID 83815**

A handwritten signature in black ink, appearing to read "Darla Block", is written over a horizontal line.

**Darla Block
Technical Records Specialist**