

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 95-09351 IN THE NAME OF)
COEUR D'ALENE FIBER FUELS)
INC (CDAFF))
_____)

**ORDER OF
REINSTATEMENT**

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

FINDINGS OF FACT

On September 12, 2006, the Department issued Permit No. 95-09351 in the name of Coeur D'Alene Fiber Fuels Inc (CDAFF) (permit holder). The Department issued permit 95-09351 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 August 1, 2008.

On May 31, 2008, 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.

On August 7, 2008, 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.

On November 12, 2009, the Department received a proof of beneficial use statement submitted by the permit holder along with a completed change of address form. The permit holder provided an explanation for filing late proof and submitted evidence supporting that beneficial use authorized by permit 95-09351 had occurred during the authorized period.

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

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

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

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. 95-09351 is **REINSTATED** with an advance in priority to **November 12, 2009**.

DATED this 18th day of December, 2009.



SHELLEY KEEN, Manager
Water Rights Section