

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT	)	
NO. 63-31785 IN THE NAME OF THE	)	REINSTATEMENT ORDER
CORPORATION OF THE PRESIDING	)	
BISHOP OF THE CHURCH OF JESUS	)	
CHRIST OF LATTER-DAY SAINTS	)	
_____	)	

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 January 7, 2004, the Department issued Permit No. 63-31785 in the name of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints (“permit holder”) authorizing the diversion of 3.30 cubic feet per second (“cfs”) of ground water for fire protection use in the NE1/4SE1/4 of Section 33, Township 04 North, Range 02 West, Canyon County. A condition of permit approval required the permit holders to submit proof of beneficial use of water (“proof”) to the Department on or before January 1, 2005.
2. On October 31, 2004, 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 permit lapsed on January 2, 2005. The Department did not send notice of the lapsed permit to the permit holder before receiving proof.
4. On January 3, 2005, the permit holder filed proof of beneficial use.

CONCLUSIONS OF LAW

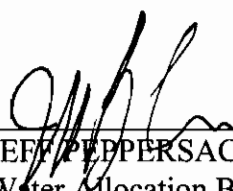
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

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 January 3, 2005 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-31785 is **REINSTATED** with an advance in priority to October 9, 2003.

DATED this 17th day of July, 2007.



JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau