

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

IN THE MATTER OF PERMIT NO. 95-17463	)	PRELIMINARY ORDER
IN THE NAME OF HERITAGE BAPTIST	)	REINSTATING PERMIT
CHURCH	)	
_____	)	

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

FINDINGS OF FACT

1. On May 11, 2018, the Department issued Permit No. 95-17463 ("Permit") in the name of Heritage Baptist Church ("Permit Holder") authorizing the diversion of 0.16 cubic feet per second from ground water for irrigation and domestic uses in the NE¼NE¼, of Section 25 of Township 51 North, Range 05 West, Kootenai County, Boise, Meridian. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before May 1, 2023.
2. On February 28, 2023, 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 a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") or a *Request for Extension of Time* ("Extension Request").
3. On May 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On May 2, 2023, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use... has not been submitted, or a request for extension of time has not been received on or before the date set for such proof... shall lapse and be of no further force nor effect... Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

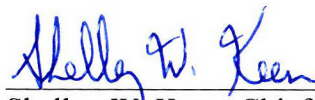
SCANNED
JUL 06 2023

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the May 2, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-17463 is **REINSTATED** and the Permit's priority date is advanced to March 16, 2018.

DATED this 5th day of July, 2023.



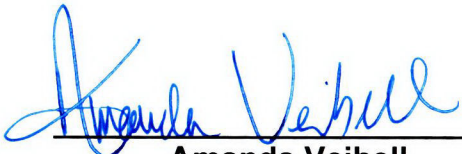
Shelley W. Keen, Chief
Water Allocations Bureau

CERTIFICATE OF SERVICE

I hereby certify that on **July 06, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING PERMIT** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **95-17463**

**HERITAGE BAPTIST CHURCH
PO BOX 2213
POST FALLS, ID 83877**



Amanda Veibell
Technical Records Specialist

SCANNED
JUL 06 2023

RECEIVED

MAY 05 2023

RECEIVED

MAY 02 2023

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

DEPARTMENT OF
WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. N043273
Received By NS
Date Received 5/2/23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE). Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 95-17463 Name of Permit Holder(s) Heritage Baptist Church
Telephone No. (208) 773-3864 Email russhoover@hpcpf.com
Mailing Address PO Box 2213 City Post Falls State ID Zip 83877

2. Source of Water Groundwater If Ground Water (well), Date Drilled mo. Sept / yr. 1984
Drilling Permit/Tag No. 95-84-N-95 Drilling Company's Name Flanigan & Flanigan

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) X Irrigation (No. acres) 3.0 Stockwater (No. and stock type) _____
Other The well supplies domestic water to the existing church

4. Total diversion rate or volume (storage only) for which proof is submitted 0.16 cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
There is a pump in the well that supplies water to the church and the underground irrigation system.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | Mitigation plan |
| ☐ | ☒ | Lockable controlling works |
| ☐ | ☒ | Measuring device |
| ☐ | ☒ | Fish screen |
| ☐ | ☒ | Other requirements of the water right permit _____ |
| ☐ | ☒ | Reasonably Anticipated Future Needs ("RAFN") Municipal use _____ |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Drew C. Dittman, PE Telephone No. (208) 676-0230 Email dittman@lakecityengineering.com
Mailing Address 126 E. Poplar Avenue City Coeur d'Alene State ID Zip 83814

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

*Attach power of attorney if completing on behalf of permit holder.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 04, 2024

HERITAGE BAPTIST CHURCH
PO BOX 2213
POST FALLS ID 83877

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-17463

Dear Permit Holder(s):

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Amanda Veibell

Technical Records Specialist

Enclosure(s)

MEMORANDUM

Date: 12/12/2023
To: WR No. 95-17463
From: Skyler Cheever – Water Resource Agent
Re: Field Exam Needed to Determine Additional Domestic Use

The Statement of Completion for Proof of Beneficial Use was received on May 2nd, 2023, with the correct fee payment received the same date. After an initial review of the permit and provided information, it was determined the review could not be completed because of two issues. First, no system specifications were provided to determine the extent of domestic use and therefore if additional beneficial use was achieved. Second, a domestic water right overlaps the place of use 95-8470 and is likely for the same place of use according to the backfile. A claim has also been filed, 95-11554, that does not mention 95-8740 but could have been filed to claim use from 95-8740. No information is currently available to confirm this. Therefore, I cannot determine the extent of additional domestic use or how 95-8740/95-11554 overlap the place of use. I recommend a field examination be conducted to clarify these concerns.

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, October 2, 2023 12:28 PM
To: Andrea Dittman
Subject: RE: Water Right 95-17463
Attachments: Water Right Report 95-8470.html

Hello Andrea,

Thank you for sending this email. Attached is a water right report for the overlapping domestic water right, 95-8470. We still don't know if the claim that was filed on the property already, 95-11554 is for this right or not. If you have any information on that front, please let me know. I can speak with our adjudication staff if more information is needed. If the claim is not for 95-8470 then they should be able to file a claim. However, it would only subtract 0.04 cfs of the 0.07 cfs permit 97-17463 authorizes for domestic use. If there is anyway to provide information on how much water the church uses, specs on the pump installed in the well or pumping records that would be helpful in determining additional domestic use developed under 95-17463. If you have any questions please let me know.

Best,

Skyler

From: Andrea Dittman <andrea@lakecityengineering.com>
Sent: Friday, September 29, 2023 4:36 PM
To: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Cc: Taylor Lander <Taylor@lakecityengineering.com>
Subject: Water Right 95-17463

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Skyler-

You and I spoke this morning regarding Water Right 95-17463 for the Heritage Baptist Church in Post Falls. I had a chance to speak with Drew Dittman, our Principal Engineer, who has been working with the Church on this permit. It sounds like the reason we sent in the Statement of Completion for 95-17463 was because the Church received the attached letter from IDWR, asking us to provide proof of beneficial use. Due to some communication complications with the Church, we unexpectedly ended up submitting the Statement of Completion a day late, on May 2, 2023.

I did mention to Drew that you'd said there's an unclaimed existing water right on the property. Do you have any paperwork more more information you could send us so we can work with the Church to see if they'd like to claim this water right as well?

Thanks,



ANDREA DITTMAN

Office Manager/Accounting/Executive Asst.

Email: andrea@lakecityengineering.com

Office: 208-676-0230

126 E. Poplar Avenue, Coeur d'Alene, Idaho 83814

Beneficial Use Proof Evaluation

Permit Number: 95-17463 Reviewer: AVEibell Review Date: 9/6/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 5/2/2023
- 4) Proof Due Date: 5/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: 1
- 8) Proof received timely? No

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number: 95-84-N-95
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N033214

Comments

Proof deemed acceptable after 60 day hold after reinstatement order signed. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 6, 2023

HERITAGE BAPTIST CHURCH
PO BOX 2213
POST FALLS, ID 83877

RE: Preliminary Order in the Matter of Water Appropriation Permit 95-17463

Dear Permit Holder(s):

I have enclosed an order correcting the priority date for Permit 95-17463. The order is a "preliminary order" issued by the department pursuant to Idaho Code §67-5243. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4945.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosures

SCANNED

JUL 06 2023

Reinstate Evaluation

Permit Number: 95-17463 Reviewer: AVeibell Review Date: 5/12/2023

Analysis

- 1) Proof/extension request received date: 5/2/2023
- 2) Number of days proof/extension request received late: 1
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 5/10/2023
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: -8
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 3/15/2018
- 8) New priority date: 3/16/2018
- 9) New status: Active

Comments

Proof received 1 day late. Reinstate permit and advance priority date to March 16, 2018.



Governor Brad Little

Director Gary Spackman

May 10, 2023

HERITAGE BAPTIST CHURCH
PO BOX 2213
POST FALLS ID 83877

LAPSE NOTICE

RE: PERMIT NO. 95-17463

IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.

Dear Permit Holder(s):

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated February 28, 2023. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Phill Hummer at 208-287-4925, if you need additional assistance.

Sincerely,

Angela Hansen, Manager
Water Rights Section

CERTIFICATION OF MAILING

I hereby certify that on 5-10-23
a copy/an original of this document was
deposited in the United States mail, postage
prepaid addressed to the individual(s)
named above.

SCANNED

MAY 11 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
February 28, 2023

Director Gary Spackman

HERITAGE BAPTIST CHURCH
PO BOX 2213
POST FALLS ID 83877

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 95-17463

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **May 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures



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SCANNED
MAR 01 2023