

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

IN THE MATTER OF LAPSED PERMIT	)	PRELIMINARY ORDER
NO. 85-15690 IN THE NAME OF	)	REINSTATING A PERMIT
TAMMANY VIEW LLC	)	
_____	)	

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 June 15, 2007, the Department issued Permit 85-15690 in the name of Tammany View LLC ("permit holder"). This permit authorized the diversion of 0.20 cubic feet per second ("cfs") of ground water for municipal use in the SWSE and SESE of Section 7 and NWNE, NENE, SWNE, and SENE of Section 18, Township 34 North, Range 4 West, Nez Perce 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 June 1, 2011.
2. On March 31, 2011, 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 either proof of beneficial use or to request an extension of time. The Department mailed the notice to the address on record, PO Box 356 Grangeville, ID, 83530.
3. On June 8, 2011, the Department issued the permit holder a lapse notice because it had not received an acceptable proof statement or extension request.
4. Idaho Code § 42-218a.2 provides as follows:

In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the department:

- (a) A report prepared by a certified water right examiner as a result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on a form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director.

- (b) A statement of reasonable cause for filing a late proof of beneficial use.
- (c) A reinstatement fee of two hundred fifty dollars (\$250).

5. On August 5, 2016, the Department received a request to reinstate Permit 85-15690 along with a beneficial use field report prepared by a certified water right examiner, a statement of completion for submitting proof of beneficial use, a statement of reasonable cause for filing a late proof of beneficial use, and the required reinstatement fee.

CONCLUSIONS OF LAW

1. The permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use statement on August 05, 2016, and evidence that beneficial use of the water occurred during the period when the permit was active.
2. The Department should reinstate Permit 85-15690 with the priority advanced to the date that proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED that Permit 85-15690 in the name of Tammany View LLC is **REINSTATED** with the priority date advanced to August 5, 2016.

Dated this 27th day of September, 2016.



Shelley Keen
Water Rights Section Manager