

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER REINSTATING PERMIT
NO. 67-02390 IN THE NAME	)	AND ADVANCING DATE OF PRIORITY
OF ARTHUR A. FAIRCHILD	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of record review, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

Idaho Code § 42-217 amended in 1986, required permit holders to pay a license examination fee or submit a completed certified field exam to the Department.

On April 10, 1987, the Department sent the permit holder, Arthur A. Fairchild, an Examination Fee Notice informing him that he had 60 days to submit the required examination fee.

Idaho Code § 42-217 provides that the Department may lapse a permit for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

On May 5, 1988, the Department lapsed Permit 67-02390 for failure to submit the examination fee.

On June 28, 1988, the Department received the examination fee for the permit. The fee was 384 days late, but the Department did not issue an order advancing the priority date or reinstating the permit.

CONCLUSIONS OF LAW

Idaho Code § 42-217 provides that the Department may lapse a permit for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 67-02390 is reinstated and the priority date is advanced to March 1, 1968.

DATED this 31st day of August, 2005.



GARY SPACKMAN