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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
24-7032 IN THE NAME OF)
J. DELOS OR MAURINE ANDERSON)
_____)

ORDER

This matter having come before the Department of Water Resources (Department) as a result of the payment of an examination fee, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On February 5, 1980, J. Delos and Maurine Anderson applied to the Department for a permit to appropriate 1.2 cubic feet per second of water from Davis Spring for the irrigation of 60 acres within Section 17, Twp. 7S, Rge. 46E, Caribou County, Idaho.
2. On April 23, 1980, the Department approved the application submitted by the Andersons as Permit No. 24-7032 (permit).
3. On March 18, 1985, the Department received proof of beneficial use of the permit.
4. On January 26, 1987, the Department mailed the permit holders a notice that within 60 days they must submit to the Department an examination fee or a notice that a certified water right examiner had been retained to conduct an examination of the development accomplished in connection with the permit. The notice also informed the permit holder that failure to submit the required fee or information within 60 days would result in advancement of the priority date of the permit and that failure to submit the fee or a completed field report within one year would result in lapsing of the permit.
5. On July 13, 1987, the Department received a field examination fee from the permit holders.
6. Idaho Code § 42-217 says, in pertinent part:

Holders of permits who have submitted proof of beneficial use but have not had their project examined for beneficial use shall submit the fee required in § 42-221, Idaho Code, within sixty (60) days of notification by the director of the department of water resources that a license examination fee is required. Failure to submit the fee in the time allowed

shall be cause for the director to advance the date of priority of the permit one (1) day for each day that the fee is late; provided that if the fee is not fully paid within one (1) year of the time it is due, the director of the department of water resources may consider the proof of beneficial use for the permit to be incomplete and lapse the permit, as provided in § 42-218a, Idaho Code.

CONCLUSIONS OF LAW

1. The examination fee for the permit was submitted 108 days late.
2. The Department should advance the priority date of the permit 108 days to May 24, 1980.

ORDER

IT IS HEREBY ORDERED, that the priority date of Permit No. 24-7032 in the name of J. Delos or Maurine Anderson be advanced to **May 24, 1980**.

DATED this 21st day of September, 2005.


GARY SPACKMAN