

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
25-7100 IN THE NAME OF)
PANORAMA HILLS WATER CO.)
_____)

REINSTATEMENT 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 October 27, 1976, Panorama Hills Water Company applied to the Department for a permit to appropriate 12.74 cubic feet per second from a groundwater source for domestic use for 253 homes and to irrigate 480 acres in Bonneville County, Idaho.

2. On December 1, 1976, the Department approved the application submitted by Panorama Hills Water Company (permit holder) as Permit No. 25-7100 (permit).

3. On February 24, 1982, the Department received a request for extension of time in which to submit proof of beneficial use from the permit holder.

4. On March 12, 1982, the Department approved the request for extension of time and reinstated the permit, advancing the priority date of the permit to January 20, 1977.

5. On September 12, 1985, the Department received proof of beneficial use from the permit holder.

6. On May 28, 1986, the Department mailed the permit holder a notice that within 60 days it 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.

7. On May 28, 1987, the Department lapsed Permit 25-7100 for failure to submit the examination fee or a completed field report.

8. On June 22, 1987, the Department received a field examination fee from the permit holder.

9. 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 330 days late.
2. The Department should reinstate the permit and advance the priority date of the permit 330 days to December 16, 1977.

ORDER

IT IS HEREBY ORDERED, that Permit No. 25-7100 in the name of Panorama Hills Water Company, is **REINSTATED** with the priority date advanced to **December 16, 1977**.

DATED this 30th day of December, 2004.


GARY SPACKMAN