

IN THE MATTER OF APPLICATION FOR PERMIT 15-7401 IN THE NAME OF
TOD DANIELS

BEFORE HEARING OFFICER: JAMES CEFALO

May 19, 2015 – 9:19 a.m.

James Cefalo: Good morning, my name is James Cefalo, I am here on the behalf of Idaho Department of Water Resources. I am the Water Resource Program Manager out of the Eastern Region located in Idaho Falls. Sharla Cox is here assisting me today; she is helping maintain the audio record of this proceeding. Prior to starting today, parties are on the phone and we were able to have a discussion. It sounds like Mr. Nielsen is prepared to withdraw his protest. So the matter in hand today is Application for Permit number 15-7401, filed in the name of Tod Daniels. The matter was protested by Elden Nielsen, he is the only protestant. We were scheduled to go to hearing today, but prior to the hearing we had some informal discussions and Mr. Nielsen has decided to withdraw his protest in this matter. Parties share a well, it sounds like not only Mr. Nielsen and Mr. Daniels and maybe some other people in the area, need to get together and create an updated well sharing agreement and define what their rights and obligation are with regards to the existing well. So, Mr. Nielsen with that given us a little background, if you will confirm that you are withdrawing your protest for the record?

Mr. Nielsen: yes

James Cefalo: Ok, that is done without any contingencies, correct?

Mr. Nielsen: Yes

James Cefalo: Okay, good. I appreciate you being willing to have the discussions we have had at the prehearing conference and the little bit of discussions we had today, I encourage you both to get together to bring these other neighbors who may have rights in that well. All sit down as a group and get things put in writing so moving forward in the future you can avoid conflict over who gets water from the well. Anything else we should discuss while we are on the record?

Mr. Nielsen: Do I need to come in and reschedule or move my water right back up to this piece of ground. Is that what you are telling me?

James Cefalo: That is right Mr. Nielsen I think what would be helpful, you need to come in, like Mr. Daniels came in here a year ago and updated that 1954 water right, the portion that covers his property he updated it to be his name, I think you should come in and do the same thing Mr. Nielsen to update the ownership of the water right.

Mr. Nielsen: Do I see that Cooper?

James Cefalo: That would be fine, he is already familiar with it or anybody in our Idaho Falls office can help with that. Anything else we need to discuss while the record is on? Hearing nothing, thank you all, we are off the record.