

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	ORDER GRANTING PETITION
FOR TRANSFER NO. 79125 IN THE)	FOR RECONSIDERATION
NAME OF SCOTT NELSON)	AND WITHDRAWING
_____)	PRELIMINARY ORDER

On February 24, 2014, Scott Nelson filed Application for Transfer 79125 seeking to change the point of diversion and place of use for water right 11-73. On March 6, 2015, the Idaho Department of Water Resources ("Department") issued a Preliminary Order Rejecting Transfer 79125. The order stated that the documentation provided by Mr. Nelson to support his claim of ownership was not sufficient to prove ownership of the right. Prior to issuing the order, the Department provided Mr. Nelson an opportunity to collect additional proof of ownership.

On March 20, 2015, the Department received a petition for reconsideration from Robert Harris, an attorney representing Mr. Nelson. The petition asked the Department to set aside its preliminary order to allow Mr. Nelson additional time to negotiate a settlement with the other potential owners of water right 11-73 or to pursue a quiet title action in court.

It is in the interest of the Department and the other water users on Paris Creek to have the ownership issues surrounding water right 11-73 finally resolved. The Department should take actions that encourage water users to eliminate uncertainty and ambiguity in the water right records. In this case, it is appropriate to grant Mr. Nelson a six-month time period to obtain better documentation of ownership. Such documentation may include signed settlements with other potential claimants to water right 11-73 or a court order determining ownership.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration filed by Mr. Nelson is GRANTED. Mr. Nelson shall have six months to demonstrate his ownership interest in water right 11-73. If additional documentation is not provided on or before October 9, 2015, the Preliminary Order Rejecting Transfer shall be reinstated.

IT IS FURTHER ORDERED that the Preliminary Order Rejecting Transfer is withdrawn. Application for Transfer 79125 remains an active transfer application before the Department.

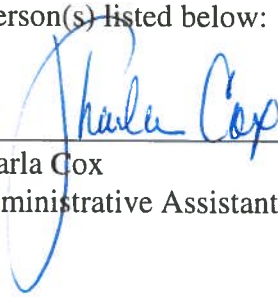
Dated this 8th day of April, 2015.



James Cefalo
Water Resources Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of April 2015, I mailed a true and correct copy of the foregoing ORDER GRANTING PETITION FOR RECONSIDERATION AND WITHDRAWING PRELIMINARY ORDER, with the United States Postal Service, postage prepaid and properly addressed to the person(s) listed below:



Sharla Cox
Administrative Assistant

US MAIL

RE: ORDER GRANTING PETITION FOR RECONSIDERATION

**Scott Nelson
PO Box 53
Paris, ID 83261**

**Robert Harris
Holden, Kidwell, Hahn & Crapo PLLC
PO Box 50130
Idaho Falls, ID 83405**

**Water District 11-E
David Matthews, Watermaster
PO Box 222
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