

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO. 74580)	
OF WATER RIGHT NO. 63-33100 IN THE)	PRELIMINARY ORDER
NAME OF SCOT HALLADAY)	
_____)	

FINDINGS OF FACT

1. On November 4, 2008, the Department of Water Resources (Department) approved Application for Transfer No. 74580 (transfer) submitted in the name of Scot Halladay. The transfer changed the point of diversion authorized under Water Right No. 63-33100 from the SW ¼ NE ¼ Section 21, T1N, R1W. B.M. to the SE ¼ NE ¼ Section 26, T2N, R1E, B.M.
2. The transfer also changed the place of use authorized under Water Right No. 63-33100 from the SW ¼ NE ¼ Section 21, T1N, R1W. B.M. to the E ½ NE ¼ Section 26, T2N, R1E, B.M.
3. The transfer included an agreement between the seller, Mellin Properties Limited Partnership (Mellin), and the buyer, Halladay.
4. On April 16, 2009, Mellin and Halladay asked the Department to rescind the transfer approval because the development proposed in the transfer was not initiated. The petition included verification that Water Right No. 63-33100 should revert to its original point of diversion and place of use. The petition and supporting documentation in the transfer verified the water right is owned by Mellin.

CONCLUSIONS OF LAW

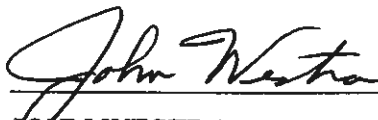
1. The Department is authorized to issue Preliminary Orders changing a prior approval.
2. Mellin and Halladay have shown sufficient cause for the transfer to be rescinded.

3. The Department should issue a Preliminary Order rescinding the November 4, 2008 transfer approval and restoring the water right to its original site.

ORDER

IT IS HEREBY ORDERED that Transfer No. 74580 is **RESCINDED** and the authorized point of diversion and place of use under Water Right No. 63-33100 are located in the SW ¼ NE ¼ Section 21, T1N, R1W., B.M.

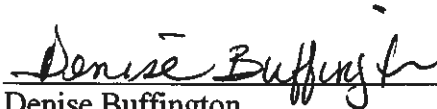
DATED this 15th day of May 2009.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of May 2009, I mailed a true and correct copy, postage prepaid, of this Preliminary Order to the parties listed:



Denise Buffington
Administrative Assistant

Scot Halladay
9246 W. Rockstone Ct.
Kuna, ID 83634

Mellin Properties Ltd. Partnership
Ralph Mellin, General Partner
4500 N. Tumbleweed Ln.
Boise, ID 83713

Scott King P.E.
SPF Water Engineering LLC
300 E. Mallard Dr., Ste. 350
Boise, ID 83706