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MAY 27 2015  
DEPARTMENT OF  
WATER RESOURCES

David R. Tuthill, Jr.  
Manager, Innovative Mitigation Solutions, LLC  
2918 N. El Rancho Pl.  
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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR ) APPLICANT'S RESPONSE TO  
PERMIT NOS. 37-22682 AND 37-22852 IN ) PROTESTANTS' MOTION FOR ENTRY  
THE NAME OF INNOVATIVE ) OF DEFAULT PURSUANT TO  
MITIGATION SOLUTIONS, LLC ) IDWR RULE 700

Innovative Mitigation Solutions, LLC provides this response to the *Protestants' Motion for Entry of Default Pursuant to IDWR Rule 700*. The Applicant contends that Entry of Default would not be just given the timing of this case.

The representative of the Applicant in this matter is David R. Tuthill, Jr. Dr. Tuthill departed the Boise Airport at 6:00 am on Friday, May 22, 2015, to meet with family out of state over the Memorial Day weekend. At that time he had received no notice whatsoever that the Hearing Officer had issued his Order Granting Motion to Compel the day before. Dr. Tuthill did not work on this case over the weekend, a national holiday. He returned to the Boise airport at 10:26 pm on Tuesday night.

Today he prepared a response and submitted it to the Hearing Officer and Parties at 2:06 pm this afternoon, May 27<sup>th</sup>.

It is difficult to imagine that anyone reviewing this case would consider the time allowed for response to the *Order Granting Motion to Compel* to have been adequate, given the circumstances of this case.

Accordingly the Applicant requests the Hearing Officer to deny the *Protestants' Motion for Entry of Default Pursuant to IDWR Rule 700*, and to proceed with conducting a full and fair hearing based on the merits of the applications.

Dated this 27<sup>th</sup> day of May, 2015



David R. Tuthill, Jr.  
Manager, Innovative Mitigation Solutions, LLC