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RECEIVED
MAY 27 2015
DEPARTMENT OF
WATER RESOURCES

Attorneys for Heart Rock Ranch, Golden Eagle HOA, Rinker Co., Spencer Eccles, Lower Snake River Aquifer Recharge District and the Thomas M. O'Gara Family Trust

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

IN THE MATTER OF APPLICATION FOR
PERMIT NOS. 37-22682 & 37-22852 in the
name of Innovative Mitigation Solutions, LLC

**MOTION FOR ENTRY OF
DEFAULT PURSUANT TO IDWR
RULE 700**

COME NOW, Protestants, HEART ROCK RANCH, GOLDEN EAGLE HOA, RINKER CO., SPENCER ECCLES, LOWER SNAKE RIVER AQUIFER RECHARGE DISTRICT and the THOMAS M. O'GARA FAMILY TRUST, and move the Hearing Office for an order of default to deny Application for Permit No. 37-22682¹ pursuant to IDWR Rule of Procedure 700 and the Hearing Officer's *Order Granting Motion to Compel*, dated May 21, 2015.

On May 11, 2015, the Protestants filed a *Motion to Compel*, seeking the disclosure of financial information as required by Idaho Code § 42-203A(5) and Department regulations. On May 21, 2015, the Hearing Office granted that motion and provided the following order:

IT IS FURTHER ORDERED that the Applicant, Innovative Mitigation Solutions must disclose information relative to financial resources as described in Rule 40.05.f of the Department's Water Appropriation Rules to the Department and parties to this matter on or before May 26, 2015. If the Applicant fails to disclose information as ordered, the Hearing Officer will proceed pursuant to Rule 700 of the Department's Rules of Procedure.

Order at 3.

¹ Application for Permit 37-22582 was previously rejected pursuant to the Hearing Officer's May 22, 2015 order granting summary judgment.

As of May 27, 2015, the Applicant had not disclosed any financial information to the above Protestants. In addition, counsel for the above Protestants confirmed with the Department that no financial information was filed on May 26, 2015, as required by the Hearing Officer's Order.

Rule 700 provides that

700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR OR RESPOND (RULE 700). If an applicant or claimant ... fails to respond to a written information inquiry, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion.

Since the Applicant failed to comply with the deadline, default should be entered as provided in the Hearing Officer's Order.

DATED this 27th day of May, 2015.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson
Paul L. Arrington

*Attorneys for Lower Snake River Aquifer Recharge
District, et al.*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2015, I served a true and correct copy of the foregoing, via email to the following:

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