BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 78356 (SHEKINAH INDUSTRIES); APPLICATION FOR TRANSFER NO. 78355 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 63-32499 (MAYFIELD TOWNSITE); APPLICATION FOR PERMIT NO. 61-12095 (NEVID-CORDER); APPLICATION FOR PERMIT NO. 61-12096 (NEVID); APPLICATION FOR PERMIT NO. 63-32703 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 61-12256 (INTERMOUNTAIN SEWER AND WATER); APPLICATION FOR PERMIT NO. 63-33344 (ARK PROPERTIES-MAYFIELD TOWNSITE)	)	**NOTICE OF PROPOSED DEFAULT ORDER**

On April 8, 2013, the Idaho Department of Water Resources ("Department") served all parties to this matter, including Idaho Water Co LLC, Griffin Herren and the City of Pocatello, a *Notice of Hearing*. The notice contained a certificate of mailing showing the parties were duly served. The notice scheduled a hearing to begin on April 17, 2012, recess at the end of the day on April 18, 2012, to begin again on April 22, 2013 and conclude on or before April 30, 2013.

On April 17, 2013, beginning at 9:00 a.m., Gary Spackman, Hearing Officer, conducted a hearing regarding the limited issue of the sufficiency of the ground water supply for consolidated applications for transfer/new water rights: Transfer nos. 73356 and 73855, and application for permit nos. 61-12095, 61-12096, 61-12256, 63-32499, 63-32703, and 63-33344. Protestants Idaho Water Co LLC, Griffin Herren and the City of Pocatello did not appear at the hearing.

Based upon these facts, the Department notifies Protestants Idaho Water Co LLC, Griffin Herren and the City of Pocatello that the following default order is proposed to be issued because of the failure of the protestant(s) to appear at the time and place set for hearing pursuant to IDAPA 37.01.01.700.

PROPOSED DEFAULT ORDER

Based upon Protestants Idaho Water Co LLC, Griffin Herren and the City of Pocatello's failure to appear at the time and place set for hearing, it is ORDERED that the Protestants Idaho Water Co LLC, Griffin Herren and the City of Pocatello are dismissed as parties to the contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Idaho Water Co LLC, Griffin Herren and the City of Pocatello have seven (7) days after the service of this *Notice of Proposed Default Order* to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 29th day of May, 2013.

GARY SPACKMAN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 2013, a true and correct copy of the document described below was served by placing the same in the United States mail, certified with return receipt, postage prepaid and properly addressed to the following:

Document(s) Served: NOTICE OF PROPOSED DEFAULT ORDER

MICHAEL PRESTON
SHEKINAH INDUSTRIES INC
420 BITTEROOT DR
BOISE ID 83709

MICHAEL CREAMER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

ERICK POWELL
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

BRUCE SMITH
MOORE SMITH
950 W BANNOCK STE 520
BOISE ID 83702

CLEVELAND CORDER LLC
622 20 E LN
GARDEN CITY ID 83714

SPF WATER ENGINEERING
300 E MALLARD DR STE 350
BOISE ID 83706

TONYA D BOLSHAW
PO BOX 16022
BOISE ID 83715

DANA QUINNEY
SCOTT QUINNEY
160 S PRONGHORN
BOISE ID 83716

NORMAN M SEMANKO
ATTORNEY AT LAW
PO BOX 1256
BOISE ID 83701-1256

TIM CONRADS
75 S PRONGHORN RD
BOISE ID 83716

DEL KOHTZ
IDAHO WATER COMPANY
1135 VALLEY RD S
EDEN ID 83325

INTERMOUNTAIN SEWER AND
WATER CORP
C/O GREG JOHNSON
1710 S WELLS AVE STE 110
MERIDIAN ID 83680

MARY FRISCH
155 S PRONGHORN DR
BOISE ID 83716

GRIFFIN HERREN
719 DESERT WIND RD
BOISE ID 83716

DARLA BATEMAN
404 E INDIAN CREEK RD
BOISE ID 83716

WENDY TIPPETTS
999 N SLATER CREEK
MAYFIELD ID 83716

LORI ATKINS
602 E MIKE'S PL
BOISE ID 83716

ED VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642

DARWIN ROY
147 EAST INDIAN CR RD
MAYFIELD ID 83716

WAYNE SHEPHERD
DIRECTOR OF PUBLIC WORKS
CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

BROWN FARMS LLC
ATTN CLIFFORD BROWN ESQ
HOLZER EDWARDS & HARRISON
1516 W HAYS ST
BOISE ID 83702

JAMES C TUCKER
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

ROBERT MAYNARD
ERIKA MALMAN
PERKINS COIE LLP
PO BOX 737
BOISE ID 83701-0737

CITY OF POCATELLO
C/O JOSEPHINE BEEMAN
BEEMAN & ASSOCIATES
409 W JEFFERSON ST
BOISE ID 83702

JOHN WESTRA
IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

Deborah J. Gibson

Deborah J. Gibson
Assistant to the Director