

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**FOR THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION ) FOR TRANSFER NO. 78356 <sup>1</sup> (SHEKINAH ) INDUSTRIES); APPLICATION FOR ) TRANSFER NO. 78355 <sup>2</sup> (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) ) _____ )	<b>NOTICE OF PROPOSED DEFAULT ORDER</b>
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On October 6, 2011, the Idaho Department of Water Resources (“Department”) served all parties to this matter, including Protestant G3 LLC, a *Notice of Pre-Hearing Conference*. On October 14, 2011, the Department served all parties to this matter, including Protestant G3 LLC, a *Notice of Pre-Hearing Conference Correction*. The notices contained a certificate of mailing showing the parties were duly served. The notices scheduled a pre-hearing conference to begin on October 25, 2011.

On October 25, 2011, beginning at 1:30 p.m., Gary Spackman, Hearing Officer, conducted a pre-hearing conference to discuss holding a single, consolidated hearing to take evidence regarding the water supply available for eight pending applications: Transfer nos. 73811 and 73834, and application for permit nos. 61-12095, 61-12096, 61-12256, 63-32499, 63-32703, and 63-33344. Protestant G3 LLC did not appear at the pre-hearing conference.

Based upon these facts, the Department notifies Protestant G3 LLC that the following default order is proposed to be issued because of the failure of the protestant to appear at the time and place set for the pre-hearing conference pursuant to IDAPA 37.01.01.700.

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<sup>1</sup> Transfer no. 78356 was renumbered from Transfer no. 73811.

<sup>2</sup> Transfer no. 78355 was renumbered from Transfer no. 73834.


## PROPOSED DEFAULT ORDER

Based upon Protestant G3 LLC's failure to appear at the time and place set for pre-hearing conference, it is ORDERED that the Protestant G3 LLC is dismissed as parties to the contested case.

## RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestant G3 LLC has 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 13<sup>th</sup> day of May, 2013.

  
GARY SPACKMAN  
Hearing Officer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> 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 BITTERROOT DR  
BOISE ID 83709

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

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

TONYA D BOLSHAW  
PO BOX 16022  
BOISE ID 83715

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

DANA QUINNEY  
SCOTT QUINNEY  
160 S PRONGHORN  
BOISE ID 83716

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

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

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

TIM CONRADS  
75 S PRONGHORN RD  
BOISE ID 83716

CLEVELAND CORDER LLC  
622 20 E LN  
GARDEN CITY ID 83714

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

CRAIG HAYNES  
G3 LLC  
2136 E LEW ANDOWSKI LN  
BOISE, ID 83716

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

JOHN WESTRA  
IDWR WESTERN REGION  
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DIRECTOR OF PUBLIC WORKS  
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PO BOX 10  
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BROWN FARMS LLC  
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CITY OF POCATELLO  
C/O JOSEPHINE BEEMAN  
BEEMAN & ASSOCIATES  
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Deborah J. Gibson  
Assistant to the Director