

**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); ) **NOTICE OF PROPOSED**  
APPLICATION FOR PERMIT NO. ) **DEFAULT ORDER**  
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) )  
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On April 8, 2013, the Idaho Department of Water Resources (“Department”) served all parties to this matter, including Intermountain Sewer & Water Corporation, 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, 2013.

On April 17, 2013, beginning at 9:00 a.m., Gary Spackman, Director, 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. Protestant Intermountain Sewer & Water Corporation did not appear at the hearing.

Based upon these facts, the Department notifies Protestant Intermountain Sewer & Water Corporation 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 hearing pursuant to IDAPA 37.01.01.700.

**PROPOSED DEFAULT ORDER**

Based upon Protestant Intermountain Sewer & Water Corporation’s failure to appear at the time and place set for hearing, it is ORDERED that the Protestant Intermountain Sewer & Water Corporation is dismissed as party to the contested case.

## RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestant Intermountain Sewer & Water Corporation 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 31<sup>st</sup> day of July, 2013.



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GARY SPACKMAN  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31<sup>st</sup> day of July, 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

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  
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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  
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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  
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ERIKA MALMAN  
PERKINS COIE LLP  
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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  
Assistant to the Director