

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79943 IN THE)
NAME OF ALBION 12 INVESTMENTS, LLC)

DEFAULT ORDER

On March 30, 2015, Albion 12 Investments, LLC filed Application for Transfer No. 79943 with the Idaho Department of Water Resources ("department"). Protests against the application were filed by Norman L Smyer, Kevin Smyer, H Lee Jolley, Christopher J, King, Earl Lavell Warthen represented by Charlie Honsinger of Honsinger Law PLLC and James Wahlgren (who withdrew his protest on April 14, 2016).

Notices scheduling pre-hearing and status conferences were mailed to protestant H Lee Jolley for conferences held on October 1, 2015, November 5, 2015, July 7, 2016 and October 25, 2016. Mr. Jolley did participate in any of the prehearing or status conferences, either in person or by telephone. Mr. Jolley has never contacted the department to excuse himself from the conferences or to provide a reason for his failure to participate.

On October 28, 2016, the Department issued a Notice of Proposed Default Order against Mr. Jolley, pursuant to Rule 700 of the department's Rules of Procedure (IDAPA 37.01.01). Mr. Jolley was given seven days to respond to the proposed default order. Mr. Jolley did not respond to the order. Rule 702 (IDAPA 37.01.01) requires the Department to issue a final default order promptly after a failure to respond to a proposed default order. In this case, a final default order should be issued, dismissing Mr. Jolley as a party to the proceeding.

DEFAULT ORDER

Based upon the protestant's failure to appear at the time and place set for multiple prehearing conferences, IT IS HEREBY ORDERED that H. Lee Jolley is dismissed as a party to the contested case.

Dated this 6th day of December, 2016.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2012, a true and correct copy of the document(s) described above was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Albion 12 Investments LLC
Mike Merriman
7595 E McDonald Dr Ste 130
Scottsdale AS 85250-6081

James Wahlgren
PO Box 73
Albion ID 83311-0073

Brockway Engineering PLLC
c/o Erick Powell
2016 N Washington St Ste 4
Twin Falls ID 83301-3082

Parsons Smith & Stone
William A. Parsons
PO Box 910
Burley ID 83318-0910

Honsinger Law PLLC
Charlie Honsinger
PO Box 517
Boise ID 83701-0517

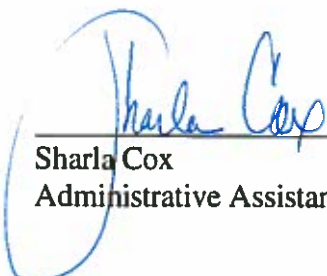
Christopher J. King
940 S Hwy 77
PO Box 54
Albion Id 83311-0054

H Lee Jolley
PO Box 21
Albion ID 83311-0021

Kevin Smyer
PO Box 482
Albion ID 83311-0482

Norman L Smyer
76 S Hwy 77
Declo ID 83323

Earl L Warthen
1047 S Hwy 77
Albion ID 83311-9714



Sharla Cox
Administrative Assistant