

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 57-11840 IN THE NAME OF)
ROHL HIPWELL)
_____)**

**DEFAULT ORDER
DISMISSING PROTEST**

This matter having come before the Department of Water Resources (IDWR) as a result of an Application for Permit, IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On August 13, 2013, Rohl Hipwell filed Application for Permit 57-11840 with IDWR seeking ground water for irrigation beneficial use.
2. Timely protests against the application were filed by Dave Alley, Lee Humphrey, Leah Osborn and Reva Tobias.
3. IDWR sent a Notice of Pre-Hearing Conference to the parties on June 26, 2014.
4. The conference was conducted on September 30, 2014. Alley did not attend.
5. On September 30, 2014, IDWR sent a Notice of Proposed Default Order to Alley for failure to appear. The notice allowed 7 days for a response.
6. That notice was returned to IDWR on October 15, 2014, marked by the U.S. Post Office as "box closed, unable to forward, return to sender." IDWR did not receive further contact from Alley as of October 29, 2014.

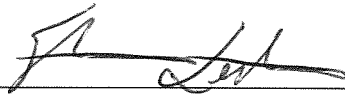
CONCLUSIONS OF LAW

1. IDWR Procedure Rule 702 states in part the agency shall promptly issue a default order following the 7 day petition expiration provided by the Notice of Proposed Default Order if a timely response is not submitted to IDWR.
2. Dave Alley failed or refused to provide just cause why he did not appear at the pre-hearing protest conference. His protest should be dismissed.

ORDER

IT IS HEREBY ORDERED that the protest filed by Dave Alley contesting Application for Permit 57-11840 is **DISMISSED**.

Dated this 30th day of October, 2014



Steve Lester
Interim Western Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2014, I mailed a true and correct copy of the foregoing **Default Order** to the person(s) listed below:

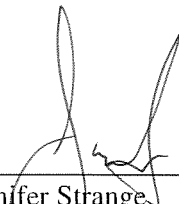
REVA TOBIAS
17813 OREANA LOOP RD
OREANA ID 83650-5054

LEAH OSBORN
16837 BATES CREEK RD
OREANA ID 83650-5061

LEE V HUMPHREY
16959 SHORT CUT RD
OREANA ID 83650-5064

ROHL HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650-5056

CHARLES HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701-0517


Jennifer Strange
Office Specialist II

NOTE: Dismissed protestant Alley is not served pursuant to Fact No. 6.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 30, 2014

REVA TOBIAS
17813 OREANA LOOP RD
OREANA ID 83650-5054

LEAH OSBORN
16837 BATES CREEK RD
OREANA ID 83650-5061

LEE V HUMPHREY
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CHARLES HONSINGER
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PO BOX 517
BOISE ID 83701-0517

Re: Default Order Dismissing Protest

Dear Interested Parties:

Please find enclosed Default Order Dismissing Protest. The protest from Dave Alley has been dismissed.

If you have any questions, please contact the office 208-334-2190.

Sincerely,

Jennifer Strange
Office Specialist II

Enclosures