

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-23493 AND
APPLICATION FOR TRANSFER NO.
78252 IN THE NAME OF ALLEN RANCH
LLLP

DEFAULT ORDER

PROCEDURAL HISTORY

On October 3, 2013, the Idaho Department of Water Resources (“Department”) served all parties to this matter, including West Mountain Water Association Inc., a *Notice of Hearing and Pre-Hearing Order*. The notice included a certificate of mailing showing the parties were duly served. The notice scheduled a hearing to commence at 9:30 a.m. on Tuesday, December 10, 2013, at the Department’s state office, Idaho Water Center, 322 E. Front St., Boise, Idaho.

On December 4, 2013, the Department notified Protestant West Mountain Water Association Inc. in writing that it must be represented by a licensed attorney at the hearing.

[A] business entity, such as a corporation, limited liability company, or partnership, must be represented by a licensed attorney before an administrative body or a judicial body. *Indian Springs LLC v. Indian Springs Land Inv., LLC*, 147 Idaho 737, 744-45, 215 P.3d 457, 464-65 (2009).

On Tuesday, December 10, 2013, and Wednesday, December 11, 2013, the Department’s hearing officer conducted a hearing in connection with the protests filed against application for permit no. 65-23493 and application for transfer no. 78252. Protestant West Mountain Water Association Inc. did not appear as instructed because it was not represented by a licensed attorney at the hearing on December 10, 2013, or on December 11, 2013.

On December 13, 2013, the Department served a *Notice of Proposed Default Order* on West Mountain Water Association Inc. pursuant to Rule 700 of the Department’s Rules of Procedure (IDAPA 37.01.01.700).

Pursuant to Rule 701 of the Department’s Rules of Procedure (IDAPA 37.01.01.701), the party against whom a proposed default order is filed has seven days to file a written petition requesting that the order not be entered.

The Department has not received a petition from West Mountain Water Association Inc. requesting that a proposed default order not be entered.

SCANNED

DEC 24 2013

CONCLUSIONS OF LAW

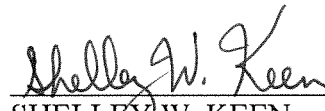
Rule 702 of the Department's Rules of Procedure (IDAPA 37.01.01.702) authorizes the Department to issue default orders excluding parties from further participation in contested cases.

The Department should issue a default order excluding the West Mountain Water Association Inc. from further involvement in this matter because it did not appear at the hearing and because it has not requested that the default order not be entered.

ORDER

IT IS THEREFORE HEREBY ORDERED that West Mountain Water Association Inc. is in default and its protest is **DISMISSED** and will not be further considered by the Department in the above captioned matter.

Dated this 24th day of December, 2013.



SHELLEY W. KEEN
Hearing Officer

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CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing DEFAULT ORDERS to the person(s) listed below:

RE: Transfer No. 78252 65-3111X
Application for Permit 65-23493

SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

JIM BUNCE
C/O HAVASU RV RESORT
1905 VICTORIA FARMS RD 350
LAKE HAVASU AZ 86404

WEST MOUNTAIN WATER ASSOCIATION INC
C/O SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

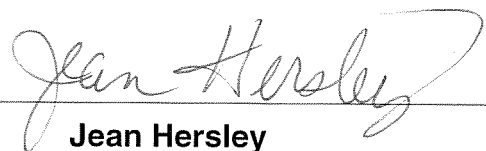
WEST MOUNTAIN PROPERTIES LLC
C/O DWIGHT JIVIDEN
413 CABARTON RD
CASCADE ID 83611

CRIS & RANDY MCCLINTICK
PO BOX 7
OROVADA NV 89425

BRUCE SMITH
MOORE SMITH BUXTON & TURCKE CHTD
950 W BANNOCK STE 520
BOISE ID 83702

ALLEN RANCH LLP
2624 S INGLENOK PLACE
MERIDIAN ID 83642

GARY HENKEL
9109 W BURNETT DR
BOISE ID 83709



Jean Hersley

Technical Records Specialist II

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