

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-8859 IN THE)
NAME OF SMOKEY DOME LLC) **DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On September 14, 2012, the department served a Notice of Proposed Default Order upon VM Diamond Ranch LLC for failure to appear or participate by phone at a pre-hearing conference held on August 1, 2012.
2. On September 24, 2012, Virginia Vanderpool, a member of VM Diamond Ranch LLC, telephoned the department responding to the Notice of Proposed Default Order. She indicated VM Diamond Ranch LLC has sold their property in Camas County Idaho and has no interest in pursuing their protest and agrees to being defaulted or dismissed from the contested case.

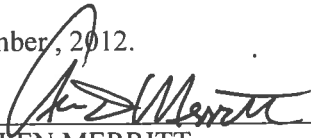
CONCLUSIONS OF LAW

1. The department should dismiss or default VM Diamond LLC as a party to the contested case for Application for Permit No. 37-8859.

ORDER

IT IS THEREFORE, HEREBY ORDERED that VM Diamond Ranch LLC is in default and dismissed as a party to the contested case for Application for Permit No. 37-8859 and their protest will not be further considered by the department.

Dated this 24th day of September, 2012.



ALLEN MERRITT
Conference Officer

CERTIFICATE OF SERVICE

I certify that on this 24th day of September, 2012, a true and correct copy of the document described below 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:

Document(s) Served: Default Order

VM Diamond Ranch LLC
570 Dry Creek Rd
Upton, WY 82730

Smokey Dome LLC
c/o Chuck Hill
Pistol Creek Financial
PO Box 1607
Bellevue, WA 98009

Speck & Aanestad
Attn: James Speck
PO Box 987
Ketchum, ID 83340

Pamela Tucker
PO Box 713
Hailey, ID 83333

Haemmerle & Haemmerle
Attn: Fritz Haemmerle
PO Box 1800
Hailey, ID 83333

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant