

**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)

**NOTICE OF PROPOSED
DEFAULT ORDER**

On July 16, 2012, the Idaho Department of Water Resources (“Department”) served a *Notice of Pre-Hearing Conference* on all parties to this matter including protestant VM Diamond Ranch LLC. The notice contained a certificate of mailing showing these parties were duly served.

The notice scheduled a pre-hearing conference for August 01, 2012. Participation could be in person or by phone.

On August 01, 2012, beginning at 1:00 pm, Allen Merritt conducted a pre-hearing conference in person and by phone for the protested application for permit No. 37-8859. VM Diamond Ranch LLC did not appear or participate by phone in the pre-hearing conference.

Based upon these facts, the Department notifies VM Diamond Ranch LLC that a default order will be issued dismissing them as parties to the contested case because of the failure of the protestant to appear at the time and place or participate by phone for the set pre-hearing conference pursuant to IDAPA 37.01.01.700.

PROPOSED DEFAULT ORDER

The following is a portion of the proposed default order:

Based upon Protestant’s failure to appear or participate by phone at the time and place set for the pre-hearing conference, it is ORDERED that VM Diamond Ranch LLC is dismissed as a party to the contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestant VM Diamond Ranch LLC 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 issued. The petition must state the grounds why the petitioning party believes that a default order should not be issued.

Dated this 14th day of September, 2012.

A handwritten signature in black ink, appearing to read "Allen Merritt", is written over a horizontal line.

ALLEN MERRITT
Hearing Officer

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on this 14th 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: Notice of Proposed Default Order

VM Diamond Ranch LLC *Certified Mail*
3000 E Lake Hazel Rd
Meridian, ID 83642

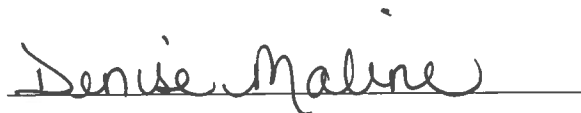
VM Diamond Ranch LLC *Certified Mail*
570 Dry Creek Rd
Upton, WY 82730

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