

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

IN THE MATTER OF APPLICATION FOR	)	
PERMIT TO APPROPRIATE WATER	)	DEFAULT ORDER
NO. 96-9292 IN THE NAME OF	)	
STEVE BARNHART	)	
_____	)	

FINDINGS OF FACT

On July 13, 2006, Steve Barnhart filed Application for Permit to Appropriate Water No. 96-9292.

The following parties filed timely protests to the application:

- Susan Bourguignon
- Randy K. Williams and Debra Carter
- Scott Spray
- Linda Williams and Greg Williams
- Barbara J. Spray
- Henry Felts and Charlotte Felts
- Tim Tope and Joan Tope

Henry Felts and Charlotte Felts withdrew their protest. Tim Tope and Joan Tope also withdrew their protest.

For the remainder of this order, the following parties will collectively be termed “the Protestants”:

- Susan Bourguignon
- Randy K. Williams and Debra Carter
- Scott Spray
- Linda Williams and Greg Williams
- Barbara J. Spray

On March 26, 2012, the Idaho Department of Water Resources (“Department”) served all parties to this matter a *Notice of Hearing, 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 Wednesday, June 13, 2012, at the Department’s northern regional office, 7600 North Mineral Ave., Ste. 100, Coeur d’Alene, Idaho.

On Wednesday, June 13, 2012, the Department’s hearing officer waited at the appointed place and time to conduct a hearing for settlement of the protests filed against application for

permit no. 96-9292. The Protestants did not appear for the hearing, and the hearing officer did not conduct a hearing.

On June 18, 2012, the Department served a *Notice of Proposed Default Order* to each of the Protestants for failure to appear at the place and time appointed for the hearing.

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 any of the Protestants requesting that a proposed default order not be entered.

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.

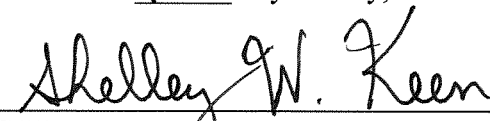
Because they had ample time to arrange for representation at the hearing or to seek a continuance, yet they did neither, the Department should issue a default order excluding the Protestants from further involvement in this matter.

ORDER

IT IS THEREFORE HEREBY ORDERED that the following Protestants are in default and their protests are **DISMISSED** and will not be further considered by the Department in the above captioned matter:

- Susan Bourguignon
- Randy K. Williams and Debra Carter
- Scott Spray
- Linda Williams and Greg Williams
- Barbara J. Spray

Dated this 2nd day of July, 2012.



SHELLEY W. KEEN, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2012, I mailed a certified true and correct copy, postage prepaid, of the foregoing **DEFAULT ORDER** to the person (s) listed below:

RE: DEFAULT ORDER OF PROTESTS FOR APPLICATION FOR PERMIT NO. 96-9292

**SUSAN BOURGUIGNON
1201 SUNSET RD
ATHOL ID 83801**

**SCOTT SPRAY
2272 SUNSET RD
ATHOL ID 83801**

**RANDY K WILLIAMS
DEBRA CARTER
2117 SUNSET RD
ATHOL ID 83801**

**GREG & LINDA WILLIAMS
PO BOX 403
BAYVIEW ID 83803**

**BARBARA J SPRAY
2132 SUNSET RD
ATHOL ID 83801**

**STEVE BARNHART
485 KRIPPLE KREEK RD
ATHOL ID 83801**



Jean Hersley
Technical Records Specialist I