



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 9, 2012

Denise Matthews
PO Box 62
Albion, ID 83311

RE: Application for Transfer No. 71522

Dear Mrs. Matthews:

As you may know, the Department conducted a pre-hearing conference for your application for transfer referenced above on March 6, 2012. You failed to appear at the pre-hearing conference so I must inform you that the Department will issue a "Default Order" if you do not respond to the enclosed "Notice of Proposed Default Order". I urge you to contact this office.

The enclosed "Notice of Proposed Default Order" has been prepared pursuant to Rules of Procedure 700 through 702 listed below. Pursuant to Rule of Procedure 701 the applicant must petition within seven (7) days from the date of service to prevent the issuance of the default order. Rules of Procedure 053 through 057 may have bearing on responding to this notice.

700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR OR RESPOND (Rule 700). If an applicant or claimant or appellant, petitioner, protestant, complainant, or moving party fails to appear at the time and place set for hearing, or prehearing conference, on an application or claim or appeal, petition, complaint, or motion, or fails to respond to a written information inquiry, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the applicant or claimant or appellant, petitioner, complainant or moving party to appear at the time and place set for hearing or prehearing conference, or to respond to the information inquiry. The notice of proposed default order may be mailed to the last known mailing address of the party proposed to be defaulted. (4-5-00)

701. SEVEN DAYS TO CHALLENGE PROPOSED DEFAULT ORDER (Rule 701). Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered. (7-1-93)

702. ISSUANCE OF DEFAULT ORDER (Rule 702). The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) days for the party to file a petition contesting the default order or receipt of a petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. Costs may be assessed against a defaulting party. (7-1-93)

053. COMMUNICATIONS WITH AGENCY (Rule 53). All written communications and documents that are intended to be part of an official record for a decision in a contested case must be filed with the officer

designated by the agency. Unless otherwise provided by statute, rule, order or notice, documents are considered filed when received by the officer designated to receive them, not when mailed, or otherwise transmitted. (7-1-93)

054. IDENTIFICATION OF COMMUNICATIONS (Rule 54). Parties' communications addressing or pertaining to a given proceeding should be written under that proceeding's case caption and case number, if applicable. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like, if this information is known. (7-1-93)

055. SERVICE BY AGENCY (Rule 55). Unless otherwise provided by statute or these rules, the officer designated by the agency to serve rules, notices, complaints, and orders issued by the agency may serve these documents by regular mail or by certified mail, return receipt requested, to a party's last known mailing address or by personal service. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is deposited in the United States mail, or the Statehouse mail if the party is a State employee or State agency. The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency. (4-5-00)

056. COMPUTATION OF TIME (Rule 56). Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. (7-1-93)

057. ADDITIONAL TIME AFTER SERVICE BY MAIL (RULE 57). Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, three (3) days shall be added to the prescribed period. This rule, however, shall not extend the time for filing a protest, a petition for reconsideration of a preliminary, recommended or final order before the agency, the time for filing exceptions with the agency head to a preliminary or recommended order, or the time for filing an appeal with the district court from a final decision of the agency. (4-5-00)

All "Administrative Rules" of the Department may be found at the following internet address:
<http://www2.state.id.us/adm/adminrules/rules/idapa37/37index.htm>

If you have any questions regarding this matter please feel free to contact me at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", written in a cursive style.

Allen Merritt, PE
Southern Region Manager