

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
FOR PERMIT NO. 65-23327 IN THE NAME)
OF SANDS LLC)
_____)

**DEFAULT ORDER
DISMISSING PROTEST**

This matter having come before the Department of Water Resources (Department) as a result of an Application for Permit, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 15, 2009, Sands LLC (Applicant) filed application for permit #65-23327 with the Department seeking spring water for domestic beneficial use. The application was protested by Tim and Jennifer Swenson (Protestant).

2. On November 15, 2010, the Department sent a letter to the Protestant requesting their current status and intention regarding the contested application. A December 15, 2010 deadline was set for their response.

3. On February 4, 2011, the Department sent the Protestant a *Notice of Proposed Default Order—Failure to Appear*. The Protestant was to provide “just cause” why they did not respond to the information request by the set deadline.

4. To date, the Department has not received contact or correspondence from Protestant.

CONCLUSIONS OF LAW

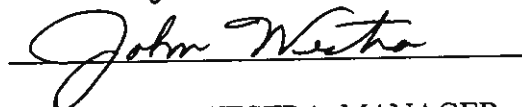
1. Rules of Procedure IDAPA 37.01.01 Rule 702 states in part: *the agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) days for the party to file a petition contesting the default order or receipt of a petition.....*

2. Tim and Jennifer Swenson have failed or refused to provide just cause why they failed to respond to the information request. The protest should be dismissed.

ORDER

IT IS HEREBY ORDERED the protest filed by Tim and Jennifer Swenson contesting Application for Permit #65-23327 in the name of Sands LLC is **DISMISSED**.

Dated this 15th day of February, 2011.



JOHN WESTRA, MANAGER

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing **DEFAULT ORDER DISMISSING PROTEST** to the person(s) listed below:



Denise Buffington
Administrative Assistant

Default Order Dismissing Protest, Application for Permit No. 65-23327

Tim Swenson
Jennifer Swenson
50 Webster Ln
Horseshoe Bend ID 83629

Sands LLC
Attn: Steve Loomis
7154 W State St, #187
Boise ID 83714

SPF Water Engineering
Attn: Lori Graves
300 E Mallard Dr, Ste 350
Boise ID 83706