

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 70645 IN THE NAME)
OF OXFORD MOUNTAIN RANCH CO.)**

**NOTICE OF PROPOSED
DEFAULT ORDER**

On June 20, 2003, Downata Ranch & Recreation Inc, filed an Application for Transfer No. 70645 with the Idaho Department of Water Resources (department). The application sought to add a point of diversion and change the place of use for Water Right No. 29-2293. The application was protested by Lynn Bastian, Carl Barnes and Cris Davis. On September 9, 2003, Egan Ranch LLC, filed a petition to intervene as a protestant. On June 8, 2010, Mount Oxford Ranch Company (created through an organizational split of Downata Ranch & Recreation), represented by Jarin Hammer of Beard St. Clair Gaffney, filed an Amended Application for Transfer seeking to only add a point of diversion to Water Right No. 29-2293 and to change the name listed on the application.

A notice scheduling a pre-hearing conference was mailed to the applicant and the protestants on August 4, 2010 for a conference to be held on September 16, 2010.

On September 16, 2010, beginning at 9:00 a.m., the Department conducted a pre-hearing conference for protested Application for Transfer No. 70645. Protestants, Lynn Bastian, Carl Barnes, Cris Davis, and Egan Ranch LLC, did not appear at the pre-hearing conference.

Based upon these facts, the Department hereby notifies protestants Lynn Bastian, Carl Barnes, Cris Davis and Egan Ranch LLC that a default order will be issued dismissing them as parties to the contested case because of the failure of the protestants to appear at the time and place set for the pre-hearing pursuant to IDAPA 37.01.01.700.

PROPOSED DEFAULT ORDER

The following is the relevant portion of the proposed default order:

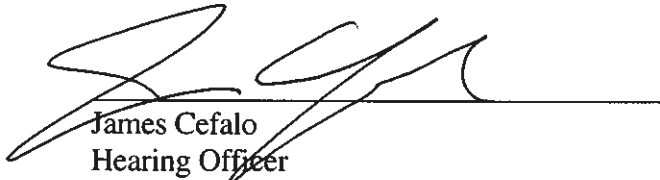
Based upon the protestants failure to appear at the time and place set for the pre-hearing conference, IT IS HEREBY ORDERED that Lynn Bastian, Carl Barnes, Cris Davis and Egan Ranch LLC are dismissed as a parties to the contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Lynn Bastian, Carl Barnes, Cris Davis and Petitioner Egan Ranch LLC have 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. Service is complete three days following the date of mailing this *Notice of Proposed Default Order* as set forth in the Certificate of Service. This petition must state the grounds why the protesting party believes that a default order should not be issued.

Dated this 24th day of September 2010.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of September 2010, a true and correct copy of the document(s) described below was served on the following by placing a copy of the same in the United States mail, certified, return receipts requested, postage prepaid and properly addressed to the following:

Egan Ranch LLC
1451 W Hawkins Rd
Arimo ID 83214

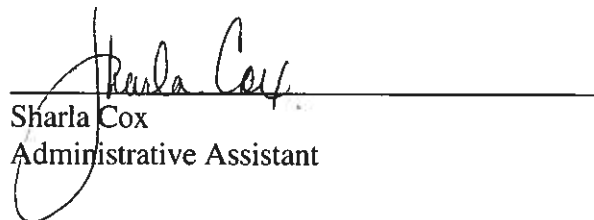
Lynn Bastian
16580 S Marsh Valley Rd
Arimo ID 83214

Carl Barnes
3717 E Back Downata Rd
Downey ID 83234

Cris Davis
PO Box 75
Downey ID 83234

Mount Oxford Ranch Co
PO Box 185
Downey ID 83235

Jarin O. Hammer
Beard St. Clair Gaffney Attorneys
2105 Coronado St
Idaho Falls ID 83404



Sharla Cox
Administrative Assistant