

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
FOR TRANSFER NO. 75265 IN THE NAME)
OF ARK PROPERTIES 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 November 28, 2008 Ark Properties LLC filed application for transfer no.75265 with the Idaho Department of Water Resources (IDWR). The application was protested by Double Anchor Ranches Inc. and Half Moon/Barber Caven Ranches.
2. On August 12, 2010, IDWR held a pre-hearing protest conference for the contested application. IDWR sent notices for the conference on May 25, 2010. Reminder calls were made to parties on August 5, 2010.
3. The Applicant and Protestant Half Moon/Barber Caven Ranches appeared at the scheduled time and conference location. Protestant, Double Anchor Ranches Inc. failed to appear at the conference.
4. On August 12, 2010, IDWR sent Double Anchor Ranches Inc. a *Notice of Proposed Default Order—Failure to Appear*. A response stating “just cause” was to be received by **August 20, 2010**.
5. On August 19, 2010, IDWR received a response from Double Anchor Ranches stating they were unable to attend the conference. There was no reason given. The response outlined the protestant’s concerns relating to the contested application. The protest should be dismissed.

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. Double Anchor Ranches Inc. has failed or refused to provide just cause for non appearance at the pre-hearing protest conference. The protest should be dismissed.

ORDER

IT IS HEREBY ORDERED the protest filed by Double Anchor Ranches Inc. contesting Application for Transfer No. 75265 in the name of Ark Properties LLC is **DISMISSED**.

Dated this 23rd day of August, 2010.



JOHN WESTRA, MANAGER

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of August, 2010, I mailed a true and correct copy, postage prepaid, of the attached **DEFAULT ORDER** to the following parties:

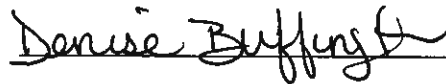
DOUBLE ANCHOR RANCHES INC
C/O LYNN R RIGGS
5714 DOUBLE ANCHOR DR
GLENN'S FERRY, ID 83623-5022

ARK PROPERTIES LLC
C/O JOHN MC CALLUM
11204 N BAR 21 DR
GLENN'S FERRY, ID 83623-5033

MOORE SMITH BUXTON & TURCKE, CHARTERED
ATTN: BRUCE SMITH
950 W BANNOCK ST, STE 520
BOISE, ID 83702

SPF WATER ENGINEERING LLC
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

BARBER-CAVEN RANCHES
HALF MOON RANCH LLC
C/O RINGERT LAW CHARTERED
ATTN: CHARLES HONSINGER
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Denise Buffington
Administrative Assistant