

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO 67-14991 IN THE NAME OF)
A DON &/OR NANCY M EVANS)**

**NOTICE OF PROPOSED DEFAULT
ORDER-- FAILURE TO RESPOND**

On December 4, 2008, A Don &/or Nancy M Evans (Applicants) filed with the Idaho Department of Water Resource (IDWR) Application for Permit #67-14991 for ground water sourced irrigation and domestic beneficial use. The application was protested by Terry D. Williams represented by Attorney James R. Gillespie. To date, a settlement has not been reached for the contested application.

On January 12, 2010, IDWR contacted Attorney Gillespie's office by telephone requesting dates he would be available for a pre-hearing protest conference. No response was returned. On January 22, 2010, IDWR sent Attorney Gillespie a letter requesting available conference dates for the months of April through June 2010 with a February 26, 2010 response deadline. On February 1, 2010, IDWR received a telephonic message from Attorney Gillespie stating, he was not be available the months of April through June 2010 for a conference. On February 4, 2010, IDWR sent Attorney Gillespie a letter requesting his availability dates for the months of July and August with a **March 1, 2010** response deadline. To date, IDWR has not received any response/correspondence from the protestant, Mr. Williams or Attorney Gillespie.

PROPOSED DEFAULT ORDER

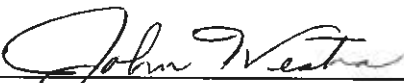
Based on the failure or refusal of the protestant, Terry D Williams to respond to the prehearing conference date availability request, it is ORDERED that Terry D Williams is dismissed as a protestant to the contested application for permit #67-14991 in the name of A Don &/or Nancy M Evans.

Notice of Proposed Default Order

RIGHT TO CHALLENGE

Pursuant to IDWR Rules of Procedure IDAPA 30.01.01.701 Rule 701, a party has seven (7) days after the service of this Notice to file a written petition that provides reasoning and grounds for the default order not be entered.

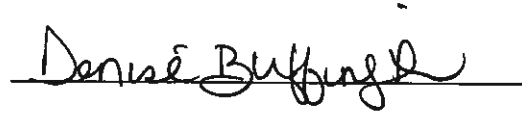
Dated this 2nd day of March 2010.



JOHN WESTRA, Manager Western Region

CERTIFICATE OF SERVICE

I hereby certify that on March 2nd, 2010 I mailed a true and correct copy, postage prepaid of the foregoing **Proposed Default Notice** to the person(s) listed below:

A handwritten signature in cursive script, reading "Denise Buffington", written over a horizontal line.

Denise Buffington
Administrative Assistant

Notice of Proposed Default,

**Terry D Williams
C/O James R Gillespie Atty
300 W Myrtle Ste 100
PO Box 2337
Boise ID 83701**

**A Don &/or Nancy M Evans
3820 W Woodmont DR
Meridian ID 83646**