

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

IN THE MATTER OF APPLICATION )  
FOR PERMIT WATER NO. 63-32573 ) **NOTICE OF PROPOSED**  
IN THE NAME OF M3 EAGLE LLC. ) **DEFAULT ORDER**  
\_\_\_\_\_ )

On December 19, 2008, the Idaho Department of Water Resources (“Department”) served all parties to this matter, including Bill Lawton protestant and spokesperson for Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn, a *Notice of Hearing*. The notice contained a certificate of mailing showing the parties were duly served. The notice scheduled a hearing for April 15 & 16, 22-24, and May 4 & 5, 2009.

On April 15 & 16, 2009, beginning at 9:00 a.m., Gary Spackman, Hearing Officer, conducted a hearing for protests filed against application for permit no. 63-32573. Protestant/spokesperson Bill Lawton did not appear at the hearing.

Based upon these facts, the Department notifies protestant/spokesperson Bill Lawton that the following default order is proposed to be issued because of his failure to appear at the time and place set for hearing pursuant to IDAPA 37.01.01.700.

**PROPOSED DEFAULT ORDER**


Based upon protestant/spokesperson Bill Lawton’s failure to appear at the time and place set for hearing, it is ORDERED that Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn are dismissed as parties to the contested case.

IT IS FURTHER ORDERED that Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn may appear and testify as public witnesses.

**RIGHT TO CHALLENGE**

Pursuant to IDAPA 37.01.01.701, Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn have seven (7) days after the service of this *Notice of Proposed Default Order* to file written petition(s) requesting that a default order not be entered. The petition(s) must state the grounds why the petitioning party believes that default should not be entered.

Dated this 24<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
GARY SPACKMAN  
Hearing Officer

**CERTIFICATE OF SERVICE**

I FURTHER CERTIFY that on this 24<sup>th</sup> day of April, 2009, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, certified with return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order

BILL LAWTON  
3145 N OSPREY RD  
EAGLE ID 83616

TIMOTHY R MILBURN  
1381 W MEANDER DR  
EAGLE ID 83616

M HOWARD GOLDMAN  
3837 N GREEN VALLEY WY  
EAGLE ID 83616

ROBERT L WOOD  
1380 W MEANDER DR  
EAGLE ID 83616

I HEREBY CERTIFY that on this 24<sup>th</sup> day of April, 2009, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order


JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
PO BOX 2720  
BOISE ID 83701

ALAN SMITH  
3135 OSPREY RD  
EAGLE ID 83616

M3 EAGLE LLC  
533 E RIVERSIDE DR STE 110  
EAGLE ID 83616

JOHN THORNTON  
NORTH ADA COUNTY GROUNDWATER  
USERS ASSO.  
5264 NORTH SKY HIGH LN  
EAGLE ID 83616

NORMAN L EDWARDS  
884 W BEACON LIGHT RD  
EAGLE ID 83616

  
Deborah J. Gibson  
Administrative Assistant  
Water Management Division

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APR 08 2009

DEPARTMENT OF  
WATER RESOURCES

Mr. Gary Spackman  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83702-0098

RE: Application 63-32573, M3 Eagle LLC.

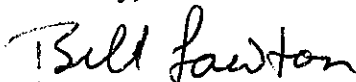
Dear Mr. Spackman,

This letter regards the hearing dates for the M3 Eagle application, beginning on April 16, 2009. I will be out of town on April 16 and 17, days that I understand will be in M3's time to present their case.

I would like to know if there is some way for me to be contacted telling me what day I will be able to make my statement in front of the hearing. I am self employed and I can be at the hearing anytime but I cannot afford to take more than one day off work. My statement in front of the hearing board should not take more than ten minutes.

I thank you for your help with this matter.

Sincerely,



Bill Lawton, (Protestant)  
3145 Osprey Rd.  
Eagle, ID 83616

208-939-8475