

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

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

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 24, 2009, the Department served a Notice of Proposed Default Order upon Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn ("protestants") for failure to appear at the hearing held on April 15, 16, & 22-24, 2009, in Boise, Idaho in the above captioned matter.
2. Bill Lawton responded to the Notice of Proposed Default Order saying that he wished to speak during the hearing in a witness capacity. The other protestants did not respond to the Notice of Proposed Default Order.

CONCLUSIONS OF LAW


1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to issue a Default Order for failure to timely respond to the Notice of Proposed Default Order.
2. The Department should issue a Default Order on Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn.

ORDER

Based upon protestants Bill Lawton, Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn'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. The hearing officer will attempt to notify the public witnesses when their testimony can be offered.

Dated this 14th day of May, 2009.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on this 15th day of May, 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: Default Order

BILL LAWTON
3145 N OSPREY RD
EAGLE ID 83616

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

M HOWARD GOLDMAN
3837 N GREEN VALLEY WY
EAGLE ID 83616

NORMAN L EDWARDS
884 W BEACON LIGHT RD
EAGLE ID 83616


TIMOTHY R MILBURN
1381 W MEANDER DR
EAGLE ID 83616

ALAN SMITH
3135 OSPREY RD
EAGLE ID 83616

ROBERT L WOOD
1380 W MEANDER DR
EAGLE ID 83616

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

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


Deborah J. Gibson
Administrative Assistant
Water Management Division