

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

IN THE MATTER OF PERMIT #67-14952)

IN THE NAME OF DAVID F ROBIDOUX)

DAVIES NON-APPEARANCE

PRELIMINARY DEFAULT ORDER

FINDINGS OF FACT

1. On November 16, 2006, David F Robidoux filed application for permit #67-14952 with the Idaho Department of Water Resources for surface water from Deer Creek and an unnamed stream. The beneficial use was irrigation and stockwater. Notice of the application was published in the "*Weiser Signal American*" newspaper on April 3, & 10, 2008. The protest deadline was April 21, 2008.

2. A timely protest with fee was received from Wayne W. Williamson on April 03, 2008. On April 21, 2008, a protest without fee was received from Jim Davies. The fee was received on May 1, 2008 making the protest untimely; Mr. Davies was given intervenor status.

3. A prehearing conference was scheduled for February 10, 2009. Notices for the conference were sent November 24, 2008 to all parties.

4. On February 10, 2009, Mr. Williams, Mr. Robidoux, Mr. Sands, and Ms. Horton, Watermaster appeared at the conference set time and location. Mr. Davies did not appear.

5. The conference yielded a draft set of permit approval conditions by parties attending. On February 27, 2009, the Williamson protest was withdrawn contingent on the set approval conditions placed on the permit approval.

6. On March 9, 2009, IDWR sent the preliminary permit approval order to parties including Mr. Davies. A petition for reconsideration must be filed within 14 days of the service date. To date, no response has been received from Mr. Davies.

CONCLUSION

1. Rules of Procedure IDAPA 37.01.01 Rule 55 states in part: *the officer designated by the agency to serve rules, notices, complaints and order issued by the agency may serve these documents by regular mail or certified mail, return receipt requested.* Rule 303 also states: *Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate: "I hereby certify that I have this day of _____ served the foregoing (names) a copy"...*

2. Mr. Davies was properly notified of the prehearing conference date and location. Mr. Davies did not contact IDWR to offer an explanation of his non-appearance, nor file a petition for reconsideration upon receipt of the permit approval preliminary order. The intervention of Mr. Davies should be dismissed.

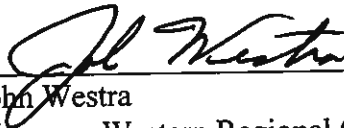
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ORDER

It is HEREBY ORDERED the intervention of Jim Davies in the proceedings for Permit #67-14952 under the name of David F Robidioux is **DISMISSED**.

Dated this 23rd day of April, 2009



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2009 I mailed a true and correct copy, postage prepaid of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

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

Denise Buffington
Administrative Assistant

Application for Permit 67-14952

David F Robidoux
1827 Deer Creek RD
Weiser ID 83672

Wayne Williamson
1691 Thousand Springs RD
Weiser ID 83672

Jim Davies
1709 Deer Creek RD
Weiser ID 83672