

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NOS. 72881 IN THE) **DEFAULT ORDER**
NAME OF THE CITY OF AMMON)

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. The following individuals filed petitions to intervene: Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson.
2. On December 4, 2007, the Department served a Notice of Proposed Default Order upon Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson ("petitioners") for failure to appear at a prehearing held on August 20, 2007, in Pocatello, Idaho, regarding the above captioned matter.
3. The petitioners Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson did not respond to the Notice of Proposed Default Order.
4. On December 10, 2007, petitioner Richard D. Fowler responded to the Notice of Default Order.
5. The file for this matter reflects that the petitioner Richard D. Fowler previously signed a Stipulation for Withdrawal filed with the Department of Water Resources on October 19, 2007, and is not a party to this action because of his acceptance of the conditions stated in the Stipulation for Withdrawal.

CONCLUSIONS OF LAW

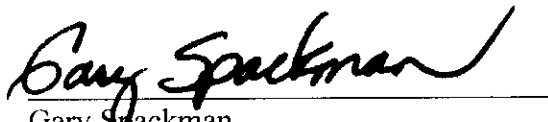
1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to issue a Default Order for failure to timely respond to the Notice of Proposed Default Order.
2. The Department should issue a Default Order on the parties that did not respond to the Notice of Proposed Default.

ORDER

IT IS HEREBY ORDERED that Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson are in default, and that the petitions to intervene in the names of Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson, in the protested transfer application identified as 72881, are **dismissed** and will be of no further consideration before the Department.

IT IS FURTHER ORDERED that Richard D. Fowler previously withdrew his petition to intervene and cannot participate as a party.

Dated this 8th day of January, 2008.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2008, 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

SANDI BROWN
1791 S 52ND EAST
IDAHO FALLS ID 83401

BOYD ENDECOTT
1931 SOUTH 52ND EAST
IDAHO FALLS ID 83401

RAYMOND L JUDY
1107 KEARNEY
IDAHO FALLS ID 83401

FRED ADAMS
624 S 52ND EAST
IDAHO FALLS ID 83401

VAUGHN W ADAMS
706 S 52ND EAST
IDAHO FALLS ID 83401

JAMES W ADAMS
648 S 52ND EAST
IDAHO FALLS ID 83401

W HARVEY OLSON
1965 S 52ND EAST
IDAHO FALLS ID 83401

NANCY PINNOCK
1896 S 52ND E
IDAHO FALLS ID 83401

MARY TAYLOR
4825 E 21ST SOUTH
IDAHO FALLS ID 83401

ROCKY MOUNTAIN
ENVIRONMENTAL
W ROGER WARNER
482 CONSTITUTION
IDAHO FALLS ID 83402

CITY OF AMMON
2135 S AMMON RD
AMMON ID 83406

HOLDEN KIDWELL HAHN & CRAPO
KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405-0130

JERRY RIGBY
PO BOX 250
REXBURG ID 83440

MR. & MRS. DENNIS KISER
2797 S 45TH EAST
IDAHO FALLS ID 83406

CHARLES MAGGART
5063 E 21ST SOUTH
AMMON ID 83406

RICHARD FOWLER
5121 E 21ST SOUTH
AMMON ID 83406

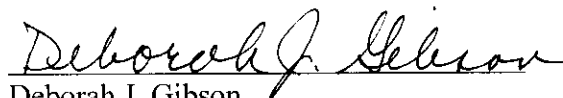
JESSE SAXTON
4589 E SUNNYSIDE
IDAHO FALLS ID 83406

DIANE R BURKE
2911 S 45 EAST
IDAHO FALLS ID 83401

RICHARD B FISHER
2990 S 45 E
IDAHO FALLS ID 83402

DOYLE ROBERTSON
4561 E SUNNYSIDE RD
AMMON ID 83406

IDWR – EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-6105

A handwritten signature in black ink, reading "Deborah J. Gibson". The signature is written in a cursive style with a horizontal line underneath the name.

Deborah J. Gibson
Administrative Assistant
Water Allocations Bureau