

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

|                                    |                      |
|------------------------------------|----------------------|
| IN THE MATTER OF APPLICATION )     | <b>NOTICE OF</b>     |
| FOR TRANSFER NOS. 72881 IN THE )   | <b>PROPOSED</b>      |
| <u>NAME OF THE CITY OF AMMON</u> ) | <b>DEFAULT ORDER</b> |

On June 20, 2007, the Idaho Department of Water Resources ("Department") served a notice of prehearing conference on all parties to this contested case by certified mail. Following service of the notice but before the prehearing conference, the following individuals petitioned to intervene in the contested case: Richard D. Fowler, Charles Maggart, Jesse Saxton, Diane R. Burke, Richard B. Fisher, Dennis Kiser and Doyle Robertson. The Department hand delivered a copy of the notice of pre-hearing conference to each petitioner for intervention the day the petitioner delivered a petition to intervene to the Department. The Department also sent notice of pre-hearing conference to each petitioner by U.S. mail.

The notice scheduled a prehearing conference for August 20, 2007.

On August 20, 2007, beginning at 9:30 a.m., the Department conducted a pre-hearing conference for protested applications for transfer nos. 72881. Petitioners Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher, and Doyle Robertson did not appear at the pre-hearing conference.

Based upon these facts, the Department notifies petitioners Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher, and Doyle Robertson that a default order will be issued dismissing them as parties to the contested case because of the failure of the petitioners to appear at the time and place set for pre-hearing pursuant to IDAPA 37.01.01.700.

**PROPOSED DEFAULT ORDER**

The following is a portion of the proposed default order:

Based upon the petitioners' failure to appear at the time and place set for the pre-hearing, IT IS HEREBY ORDERED that Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson are dismissed as parties to the contested case.

## RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Petitioners Richard D. Fowler, Jesse Saxton, Diane R. Burke, Richard B. Fisher and Doyle Robertson have seven (7) days after the service of this *Notice of Proposed Default Order* to file a written petition requesting that a default order not be issued. Service is complete three days following the date of mailing this *Notice of Proposed Default Order* as set forth in the Certificate of Service. The petition must state the grounds why the petitioning party believes that a default order should not be issued.

Dated this 3<sup>rd</sup> day of December, 2007.

  
GARY SPACKMAN  
Hearing Officer

## CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on this 4<sup>th</sup> day of December, 2007, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, certified, return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order

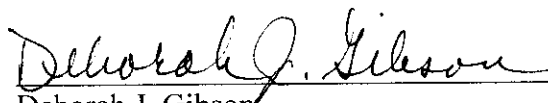
RICHARD D FOWLER  
5121 E 21<sup>ST</sup> SOUTH  
AMMON ID 83406

JESSE SAXTON  
4589 E SUNNYSIDE  
IDAHO FALLS ID 83406

DIANE R BURKE  
2911 S 45<sup>TH</sup> EAST  
IDAHO FALLS ID 8341

RICHARD B FISHER  
2990 S 45 EAST  
IDAHO FALLS ID 83401

DOYLE ROBERTSON  
4561 E SUNNYSIDE  
AMMON ID 83406

  
Deborah J. Gibson  
Administrative Assistant