BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER NOS. 4983, 4984, 4988, 4989 AND 4990 IN THE NAME OF W. BRUCE WILLIS	))))	**DEFAULT ORDER IN PART AND WITHDRAWAL OF PROPOSED DEFAULT IN PART**

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

FINDINGS OF FACT

1. On December 24, 2001 the Department served a NOTICE OF PROPOSED DEFAULT ORDER ("notice") upon W. Bruce Willis ("Applicant") for failure to respond to information requests made to the Applicant regarding his continuing interest in the above captioned applications.

2. The Applicant responded to the notice through his attorney, Ned C. Williamson by filing a PETITION CHALLENGING PROPOSED DEFAULT ORDER ("petition") dated December 31, 2001.

3. The petition specifically states the Applicant wishes to proceed with Applications for Transfer Nos. 4988, 4989 and 4990 and requests that default not be entered in connection with these applications.

4. The petition did not state the Applicant's continuing interest in Applications for Transfer Nos. 4983 and 4984 and did not show grounds why a default order should not be entered for these applications.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to withdraw a Notice of Proposed Default Order upon a satisfactory showing why a default order should not be entered.

2. Rule of Procedure 702 also authorizes the Department to issue a Default Order for failure to respond to the Notice of Proposed Default Order.

3. The Department should withdraw the Notice of Proposed Default Order for Applications for Transfer Nos. 4988, 4989 and 4990 and should issue a Default Order for Applications for Transfer Nos. 4983 and 4984.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Applications for Transfer Nos. **4983** and **4984** are **SET ASIDE** and **DISMISSED** and will not be further considered by the Department.

IT IS FURTHER HEREBY ORDERED that the Notice of Proposed Default issued by the Department on December 31, 2001 in connection with Applications for Transfer Nos. **4988**, **4989** and **4990** is **WITHDRAWN** and that the applications will be further considered by the Department.

Dated this 7th day of January, 2002.

ALLEN MERRITT, P.E.
Southern Region Manager (Presiding Officer)

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of January, 2002 a true and correct copy of the above and foregoing Default Order In Part and Withdrawal of Proposed Default Order In Part was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:

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