

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

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SEP 20 2013
Department of Water Resources
Eastern Region

IN THE MATTER OF PETITION FOR)
CONJUNCTIVE MANAGEMENT)
IN WATER DISTRICT NO. 13-T IN)
THE NAME OF WARREN LLOYD) **DEFAULT ORDER**
(SECOND PETITION DATED)
JANUARY 13, 2006))
_____)

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

FINDINGS OF FACT

1. On September 10, 2013, the Department served a *Notice of Proposed Default Order* upon Warren Lloyd ("petitioner") and VP Farms, LLC, his successor owner in interest for failure to respond to the information inquiries pursuant to IDAPA 37.01.01.700.
2. Neither the petitioner nor VP Farms, LLC, his successor owner in interest responded to the *Notice of Proposed Default Order*

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01.702 (Rule of Procedure 702) authorizes the Director to issue a Default Order for failure to timely respond to the Notice of Proposed Default Order.
2. Because the petitioner or his successor owner in interest failed to respond to the *Notice of Proposed Default Order*, the Director should issue a Default Order.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED that petitioner Warren Lloyd is in default, and is **DISMISSED** as a party in the above captioned contested case.

IT IS FURTHER ORDERED, because the petitioner Warren Lloyd has been dismissed as a party, the Petition dated January 13, 2006 is now **DISMISSED** with prejudice.

DATED this 17th day of September, 2013.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 2013, a true and correct copy of the document described below was served by placing the same in the United States mail, certified with return receipt, postage prepaid and properly addressed to the following:

Document(s) Served: DEFAULT ORDER

KIMBERLY LLOYD
VP FARMS LLC
1499 MOUNTAIN RD
BANCROFT ID 83217

RANDALL C BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391

ALLEN H BROWNING
CURTIS & BROWNING
482 CONSTITUTION WAY STE 111
IDAHO FALLS ID 83402

VON N SIMONSON
1827 RICH RD
GRACE ID 83241

DATE E YOST
1846 LUND RD
BANCROFT ID 83217

BART O CHRISTENSEN
1364 ANDERSON RD
GRACE ID 83241

KIM WELCH
1632 CENTRAL RD
BANCROFT ID 83217

GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

CARL B JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

TERRY G RINDLISBAKER
1770 JORGENSEN RD
BANCROFT ID 83217

DC HANSEN
3543 S 100 W
BOUNTIFUL UT 84010

STODDARD FARMS OF GRACE
2004 TWO MILE RD
GRACE ID 83241

JORGENSEN BROTHERS
1928 OLD HWY 30
BANCROFT ID 83217

A BRUCE LARSEN
ABLE LAW
PO BOX 6369
POCATELLO ID 83205-6369

EASTERN REGIONAL OFFICE
IDAHO DEPT OF WATER RESOURCES
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718



Deborah J. Gibson
Assistant to the Director

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.