

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

IN THE MATTER OF APPLICATION)	
FOR TRANSFER # 74563 IN THE)	PRELIMINARY ORDER
NAME OF NAGEL BEVERAGE)	REJECTING APPLICATION
COMPANY INC.)	
_____)	

FINDINGS OF FACT

1. On February 20, 2008, Nagel Beverage Company Inc. filed an application for transfer with the Idaho Department of Water Resources (IDWR). The application was submitted by the consultant, Hydro Logic Inc.; on behalf of the applicant.
2. On December 23, 2009, IDWR sent a letter to the consultant requesting additional information, in reference to several items on the application. A thirty (30) day deadline from the date of the letter was set.
3. On January 26, 2010, IDWR received an e-mail response from the consultant, requesting an additional thirty (30) days to submit the information requested.
4. On January 27, 2010, IDWR granted additional time. The deadline was extended to March 1, 2010.
5. On March 1, 2010, IDWR received an e-mail from the consultant, providing a brief outline of the circumstances; and also providing part of the additional information requested. The consultant also requested an additional six (6) month extension, to provide the requested information in full.
6. On March 3, 2010, IDWR granted the extension. The deadline was extended to September 1, 2010.
7. To date, IDWR has received no response from the consultant, or the applicant.

CONCLUSIONS OF LAW

1. Idaho Code (IC) § 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit the requested information to IDWR within the allotted time frame, IDWR may reject the application.
2. The consultant failed or refused to provide the requested information to IDWR. The application should be rejected.

ORDER

IT IS HEREBY ORDERED that Application for Transfer # 74563 in the name of Nagel Beverage Company Inc. be REJECTED.

Dated this 23rd day of September, 2010



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2010, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

NAGEL BEVERAGE COMPANY INC
8925 BIRCH LANE E
NAMPA ID 83687

HYDRO LOGIC INC
ATTN: ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702



Denise Buffington
Administrative Assistant