

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 63-33064 IN THE NAME OF	)	DEFAULT ORDER
LAWRENCE AND KAY HANSEN	)	
_____	)	

On December 17, 2009, the Department served a Notice of Proposed Default Order to Herbert H. Nitz for failure to appear at a hearing held on December 3, 2009, in Boise, Idaho, in the above captioned matter.

On December 17, 2009, the Department also served a Notice of Proposed Default Order to Herbert D. Lloyd for failure to appear at the hearing held on December 3, 2009, in Boise, Idaho, in the above captioned matter.

Pursuant to IDAPA Rule 37.01.01701 (Rule of Procedure 701) the party against whom a proposed default order was filed has seven days to petition that the notice not be entered.

The 7-day deadline for opposing the entry of a default order has past.

The Department did not receive responses to the Notices of Proposed Default Order from either Herbert H. Nitz or Herbert D. Lloyd within seven days.

IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to issue a Default Order for failure to timely respond to a Notice of Proposed Default Order.

The department should issue Default Orders excluding Herbert H. Nitz and Herbert D. Lloyd from further involvement in this matter.

ORDER

IT IS THEREFORE HEREBY ORDERED that Herbert H. Nitz and Herbert D. Lloyd are in default and that their protests are **DISMISSED** and will not be further considered in the above captioned matter by the Department.

Dated this 18th day of December, 2009.



SHELLEY W. KEEN, Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 2009, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Default Order in the Matter of Application for Permit No. 63-33064

HERBERT H NITZ
5445 S LOCUST GROVE RD
MERIDIAN ID 83642

HERBERT D LLOYD
1360 E TANYA LANE
MERIDIAN ID 83642

A handwritten signature in black ink, reading "Danni M Smith", is written over a horizontal line.

Danni M Smith
Office Services Supervisor 1
Water Management Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 2009, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order in the Matter of Application for Permit No. 63-33064
Default Order

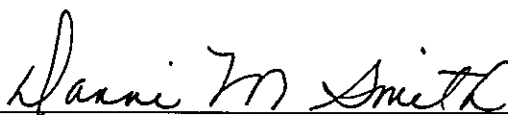
LAWRENCE AND KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642

JO BEEMAN
BEEMAN & ASSOCIATES PC
409 W JEFFERSON ST
BOISE ID 83702-6049

FRED NITZ
5325 S LOCUST GROVE RD
MERIDIAN ID 83642

JOHN JOBE
5495 W LOCUST GROVE RD
MERIDIAN ID 83642

STEVE HANNULA
ERO RESOURCES
3314 GRACE ST
BOISE ID 83703



Danni M Smith
Office Services Supervisor 1
Water Management Division