

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	)	ORDER
LAWRENCE AND KAY HANSEN	)	
_____	)	

At the conclusion of the hearing in this matter on December 3, 2009, the hearing officer authorized the parties to submit additional information about the herbicide 2,4-D and its relevance to the water use proposed in Application for Permit 63-33064 by Lawrence and Kay Hansen. The hearing officer granted seven days for the additional information to be submitted.

The hearing officer received the following items from the applicants' attorney, Josephine P. Beeman:

- December 10, 2009, letter from Steven R. Hannula of ERO Resources Corp. to Josephine Beeman.
- December 2000 information about 2,4-D from the State of Wisconsin.
- July 2004, chemicalWATCH Factsheet on 2,4-D published by Beyond Pesticides of Washington, D.C.
- Label for 2,4-D Amine Weed Killer.
- October 1999 Oregon State University Extension Service article *Preventing Phenoxy Herbicide Damage to Grape Vineyards*.
- Undated and unsigned *Statement of Larry Hansen*.

The hearing officer received the following items from the protestant Fred Nitz:

- December 7, 2009, letter from Tim Page of the Boise Project Board of Control to Caroline Nitz.
- December 7, 2009, unsigned letter from Roger Williamson of Williamson Orchards and Vineyards to Caroline Nitz.

Rule 302 of the Department's Rules of Procedure (IDAPA 37.01.01302) states:

All documents intended to be part of the agency record for decision must be served upon the representatives of each party of record concurrently with filing the original with the officer designated by the agency to receive filings in the case.

Rule 303 of the Department's Rules of Procedure (IDAPA 37.01.01303) states:

Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate: I HEREBY CERTIFY (swear or affirm) that I have this day of, served

the foregoing (name(s) of document(s) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names))).
(Signature)

The hearing officer did not receive a certificate of service demonstrating that protestant Fred Nitz served copies of the two December 7, 2009, letters to the other parties in this matter. However, in a telephone conversation on December 14, 2009, the hearing officer informed Carolyn Nitz, spouse of Fred Nitz, that copies of any documents submitted into the record must be served on the other parties.

Unless informed otherwise, the hearing officer assumes that all parties received and possess copies of each of the bulleted items listed above.

Each party should have an opportunity to respond to the items submitted by the other party.

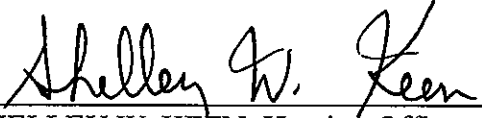
ORDER

IT IS THEREFORE HEREBY ORDERED that the parties have fourteen (14) days from the service date of this order to submit written argument in response to the bulleted items listed above in this order.

IT IS FURTHER HEREBY ORDERED that the record in this matter is CLOSED to the submission of new evidentiary materials other than those listed in the bulleted items above.

IT IS FURTHER HEREBY ORDERED that any and all written argument submitted to the hearing officer in response to this order must be served on all parties and accompanied by a proof of service in accordance with Rules 302 and 303 of the Department's Rules of Procedure (IDAPA 37.01.01302 and 37.01.01303).

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: Order in the Matter of Application for Permit No. 63-33064
Default Order

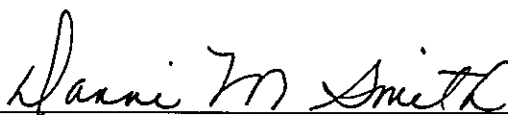
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