

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

63-33064

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. ~~65-23244~~ IN THE NAME OF ) NOTICE OF PROPOSED  
LAWRENCE AND KAY HANSEN ) DEFAULT ORDER  
\_\_\_\_\_ )

On September 2, 2009, the Idaho Department of Water Resources ("Department") served all parties to this matter, including Herbert H. Nitz, a *Notice of Hearing*. The notice contained a certificate of mailing showing the parties were duly served. The notice scheduled a hearing for December 3, 2009.

On December 3, 2009, beginning at 9:30 a.m., at the Department's state office, Idaho Water Center, 322 E. Front St., Boise, Idaho, the hearing officer conducted a hearing for settlement of the protests file against application for permit no. 63-33064. Protestant Herbert H. Nitz did not appear at the hearing.

Pursuant to Rule 700 of the Department's Rules of Procedure (IDAPA 37.01.01.700) the Department hereby notifies Herbert H. Nitz that the following default order is proposed to be issued because of his failure to appear at the time and place set for hearing.

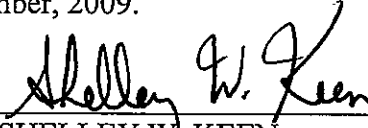
**PROPOSED DEFAULT ORDER**

Based on the failure of Protestant Herbert H. Nitz to appear at the time and place set for hearing, it is ORDERED that Herbert H. Nitz is dismissed as a party to the contested case.

**RIGHT TO CHALLENGE**

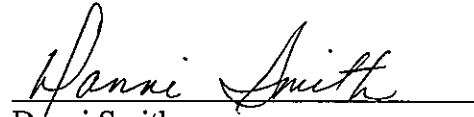
Pursuant to Rule 701 of the Department's Rules of Procedure (IDAPA 30.01.01.701), Herbert H. Nitz has seven (7) days after the service of this Notice of Proposed Default Order to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 8<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
SHELLEY W. KEEN  
Hearing Officer

## CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of December, 2009, I mailed a true and correct copy, postage prepaid, of the foregoing **NOTICE OF PROPOSED DEFAULT ORDER** to the person(s) listed below:



Danni Smith  
Office Services Supervisor I  
Water Management Division

Lawrence and Kay Hansen  
1440 E Mary Lane  
Meridian, ID 83642

Jo Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702-6049

Fred Nitz  
5325 S Locust Grove Rd  
Meridian, ID 83642

Herbert H. Nitz  
5445 S Locust Grove Rd  
Meridian ID 83642

John Jobe  
5495 W Locust Grove Rd  
Meridian, ID 83642

Herbert D. Lloyd  
1360 E Tanya Lane  
Meridian ID 83642

Steve Hannula  
ERO Resources  
3314 Grace St  
Boise, ID 83703