

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 LAWRENCE & KAY HANSEN))
_____)

**DEFAULT ORDER
DISMISSING PROTEST**

This matter having come before the Department of Water Resources (Department) as a result of an Application for Permit, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On June 10, 2008 Lawrence & Kay Hansen filed application for permit #63-33064 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation beneficial use. On January 20, 2009 James & Michele Unsworth filed a protest against the application.

2. On May 6, 2009, IDWR held a pre-hearing protest conference for the contested application for permit. James & Michele Unsworth failed to appear at the conference.

2. On May 12, 2009, IDWR sent the Unsworths a *Notice of Proposed Default Order—Failure to Appear*. A response was to be received within 7 days of the certificate of service date.

3. To date, IDWR has not received a response from James and Michele Unsworth.

CONCLUSIONS OF LAW

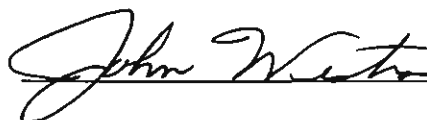
1. Rules of Procedure IDAPA 37.01.01 Rule 702 states in part the agency shall promptly issue a default order following the 7 day petition expiration provided by the proposed default order notice.

2. James and Michele Unsworth have failed or refused to provide just cause why they failed to appear at the pre-hearing protest conference. Their protest should be dismissed.

ORDER

IT IS HEREBY ORDERED the protest filed with IDWR in the name of James and Michele Unsworth contesting Application for Permit #63-33064 be **DISMISSED**.

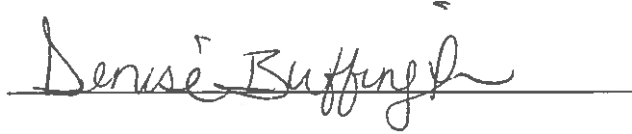
Dated this 19th day of May, 2009.



JOHN WESTRA, MANAGER

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2009, I mailed a true and correct copy, postage prepaid, of the foregoing **DEFAULT ORDER** to the person(s) listed below:

A handwritten signature in cursive script, reading "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

Fred Nitz
5325 S Locust Grove Rd
Meridian ID 83642

Herb Nitz
5445 S Locust Grove Rd
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John Jobe
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James & Michele Unsworth
1650 Suzan Dr
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Lawrence & Kay Hansen
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Steve Hannula
ERO Resources
3314 Grace St
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