

LAWRENCE G. WASDEN
ATTORNEY GENERAL

DARRELL G. EARLY
Chief of Natural Resources Division

GARRICK BAXTER, ISB No. 6301
MARK CECCHINI-BEAVER, ISB No. 9297
Deputy Attorneys General
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
mark.cecchini-beaver@idwr.idaho.gov

Attorneys for Respondent

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI**

JAMES WHITTAKER, an individual, and
WHITTAKER TWO DOT RANCH LLC,
an Idaho limited liability company,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES, an administrative agency of
the State of Idaho,

Respondent.

Case No. CV30-21-0304

**NOTICE OF LODGING THE
SETTLED AGENCY TRANSCRIPT
AND RECORD WITH THE DISTRICT
COURT**

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84441 IN THE
NAME OF BRUCE AND GLENDA
MCCONNELL

TO: THE DISTRICT COURT AND THE PARTIES OF RECORD

On February 2, 2022, the Idaho Department of Water Resources ("Department") served its *Notice of Lodging the Agency Transcript and Record with the Agency* ("Notice") in this matter pursuant to I.R.C.P. 84(j). The Notice gave the parties fourteen (14) days from the date of the Notice to file any objection to the agency transcript and record.

On February 16, 2022, Bruce and Glenda McConnell filed *McConnell Objection to Agency Record* ("McConnell's Objection"). As described in the Department's *Response to Objection; Order Settling the Agency Transcript and Record* ("Department's Response") filed concurrently with this notice, one filing in the contested case that was included in the Notice is excluded from the record, and the McConnell's Objection and the Department's Response have been added to the record. With these changes, the transcript and record are deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled agency transcript and record are being filed with the District Court, pursuant to I.R.C.P. 84(k), through iCourt e-filing and by providing one (1) DVD containing documents in OCR format, dated February 17, 2022. A copy of the settled agency transcript and record filed with the District Court have been uploaded to the Department's website. The parties may visit <https://idwr.idaho.gov/legal-actions/district-court-actions/whittaker-v-idwr/> and follow their browser's document download procedure to obtain a copy of the settled agency transcript and record after expanding the accordion labeled "Settled Agency Transcript and Record" and clicking on the PDFs titled "Settled Agency Hearing Transcript on Appeal" and "Settled Agency Record on Appeal."

DATED this 17th day of February 2022.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



MARK CECCHINI-BEAVER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February 2022, I caused to be served a true and correct copy of the foregoing *Notice of Lodging the Settled Agency Transcript and Record with the District Court* by iCourt E-file and Serve to:

Robert L. Harris, ISB No. 7018
Luke H. Marchant, ISB No. 7944
HOLDEN, KIDWELL, HAHN
& CRAPO, P.L.L.C.
P.O. Box 50130
Idaho Falls, ID 83405
rharris@holdenlegal.com
efiling@holdenlegal.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- iCourt E-File and Serve

Attorneys for Petitioners James Whittaker and Whittaker Two Dot Ranch LLC

Chris M Bromley, ISB No. 6530
Candice McHugh, ISB No. 5908
McHUGH BROMLEY, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
cbromley@mchughbromley.com
cmchugh@mchughbromley.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- iCourt E-File and Serve

Attorneys for Bruce and Glenda McConnell



MARK CECCHINI-BEAVER
Deputy Attorney General
Idaho Department of Water Resources