

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATIONS FOR  
PERMIT NO. 63-34832 THROUGH 63-34838  
AND 63-34840 THROUGH 63-34846 ALL IN  
THE NAME OF EDEN'S GATE LLC**

**ORDER EXTENDING DEADLINE TO  
ISSUE FINAL ORDER**

**BACKGROUND**

On May 28, 2021, hearing officer Nick Miller issued his *Preliminary Order Partially Approving Applications* ("Preliminary Order") in this matter. On June 11, 2021, Eden's Gate LLC filed its *Notice of Appeal and Petition to Review Preliminary Order* and *Memorandum in Support of Notice of Appeal and Petition to Review Preliminary Order* ("Exceptions"). On June 24, 2021, Farmers Co-Operative Ditch Company (FCDC) filed *Protestant Farmers Co-Operative Ditch Company's Response to Notice of Appeal and Petition to Review Preliminary Order* ("FCDC's Response").

**ANALYSIS**

The Department's Rules of Procedure require the Director to "issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument [(regarding exceptions to a preliminary order)], whichever is later, unless waived by the parties or for good cause shown." IDAPA 37.01.01.730.02.d. FCDC's Response, filed June 24, 2021, was the last written brief regarding the Exceptions.<sup>1</sup> Therefore, the Director is required to issue a final order by August 19, 2021, unless "good cause" is shown to extend the deadline. *Id.*

Good cause exists to extend the deadline for the Director to issue a final order. The Exceptions raise important legal and policy issues that require careful consideration and extensive legal research and analysis of the record. Additional time is needed to conduct the necessary research and conduct an exhaustive evaluation of the issues prior to issuance of a final order. The Director will extend the deadline for issuing a final order to October 14, 2021.

**ORDER**

IT IS HEREBY ORDERED that the deadline for the Director to issue a final order is EXTENDED to October 14, 2021.

Dated this 18 day of August 2021.



Gary Spackman  
Director

<sup>1</sup> On July 6, 2021, Eden's Gate LLC filed its *Reply in Support of Notice of Appeal and Petition to Review Preliminary Order* ("EG's Reply"). The Rules of Procedure of the Idaho Department of Water Resources do not allow replies to responses to exceptions. IDAPA 37.01.01.730.02.c. Therefore, EG's Reply will not be considered on exceptions.

**CERTIFICATE OF SERVICE**

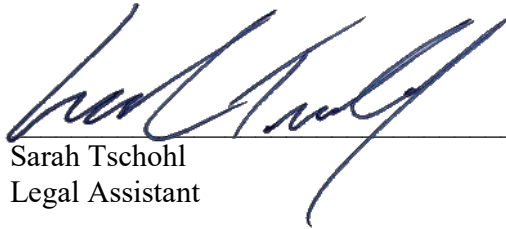
I HEREBY CERTIFY that on this 18<sup>th</sup> day of August 2021, I served a true and correct copy of the Order Extending Deadline to Issue Final Order to the following parties via U.S. Mail and by email:

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*For Applicants*

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- Hand Delivery
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