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RECEIVED

JUL 06 2021

Department of Water Resources  
Eastern Region

*Attorneys for James Whittaker and Whittaker Two Dot Ranch LLC*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR  
TRANSFER 84441 IN THE NAME OF  
BRUCE AND GLENDA MCCONNELL

**PETITION FOR THE DIRECTOR  
TO REVIEW PRELIMINARY ORDER  
APPROVING TRANSFER,  
ORDER DENYING  
PETITION TO RE-OPEN  
HEARING, AND PETITION FOR  
SITE VISIT**

Protestants James Whittaker and Whittaker Two Dot Ranch LLC (collectively “Whittaker”), by and through their attorneys of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., pursuant to the *Explanatory Information to Accompany a Preliminary Order* provided in this matter and the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01), hereby submits this *Petition for the Director to Review Preliminary Order Approving Transfer, Order Denying Petition to Re-open Hearing, and Petition for Site Visit*. This petition is in response to both the original *Preliminary Order Approving Transfer* issued on May 18, 2021, as well as the *Order Denying Petitions for Reconsideration* and *Order Denying Petition to Re-open Hearing and*

*Petition for Site Visit* issued on June 21, 2021. These decisions were issued by Hearing Officer James Cefalo.

This petition is brought pursuant to Idaho Code § 67-5245(3) and IDAPA 37.01.01.730.02.b-d, and is supported by the *Exceptions to Preliminary Order Approving Transfer, Order Denying Petition to Re-open Hearing, and Petition for Site Visit* filed contemporaneously herewith.

DATED this 6<sup>th</sup> day of July, 2021.



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Robert L. Harris, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

## CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of July, 2021, I served a copy of the following described pleading or document on the attorneys and/or individuals listed below by the method indicated below.

**DOCUMENT SERVED: PETITION FOR THE DIRECTOR TO REVIEW PRELIMINARY ORDER APPROVING TRANSFER, ORDER DENYING PETITION TO RE-OPEN HEARING, AND PETITION FOR SITE VISIT**

**ORIGINAL VIA FIRST-CLASS MAIL AND EMAIL TO:**

**Gary Spackman**

Megan Jenkins, Administrative Assistant

Idaho Department of Water Resources

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