

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

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

ORDER EXTENDING DEADLINE TO  
ISSUE FINAL ORDER

**BACKGROUND**

On May 18, 2021, hearing officer James Cefalo issued his *Preliminary Order Approving Transfer* (“Preliminary Order”) in this matter. On July 6, 2021, Protestants James Whittaker and Whittaker Two Dot Ranch LLC (“Whittaker”) filed *Exceptions to Preliminary Order Approving Transfer, Order Denying Petition to Re-Open Hearing, and Petition for Site Visit and Petition for the Director to Review Preliminary Order Approving Transfer, Order Denying Petition to Re-Open Hearing, and Petition for Site Visit* (“Exceptions”). On July 20, 2021, Applicants Bruce and Glenda McConnell filed *McConnell Response to Whittaker Exceptions to Preliminary Order Approving Transfer, Order Denying Petition to Re-Open Hearing, and Petition for Site Visit* (“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. The last written brief regarding the Exceptions was filed by Applicants on July 20, 2021. The Director is required to issue a final order thereon by September 14, 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 7<sup>th</sup> day of September 2021.

  
\_\_\_\_\_  
Gary Spackman  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of September 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:

<p>Chris M. Bromley Candice McHugh MCHUGH BROMLEY, PLLC 380 S. 4th St., Ste. 103 Boise, ID 83702 <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p> <p><i>For Applicants</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Robert L. Harris Luke H. Marchant HOLDEN, KIDWELL, HAHN &amp; CRAPO, P.L.L.C. P.O. Box 50130 Idaho Falls, ID 83405 <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a> <a href="mailto:lmarchant@holdenlegal.com">lmarchant@holdenlegal.com</a></p> <p><i>For Protestants Whittaker and Whittaker Two Dot Ranch LLC</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>WHITTAKER TWO DOT RANCH LLC P.O. Box 177 Leadore, ID 83464 <a href="mailto:twodotirrigation@gmail.com">twodotirrigation@gmail.com</a></p> <p><i>Protestant</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>James A. Whittaker P.O. Box 240 Leadore, ID 83464 <a href="mailto:fjwhitt@yahoo.com">fjwhitt@yahoo.com</a></p> <p><i>Protestant</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>

Kipp L. Manwaring  
MANWARING LAW OFFICE, P.A.  
2677 E. 17th St., Ste. 600  
Idaho Falls, ID 83406  
[kipp@manwaringlaw.com](mailto:kipp@manwaringlaw.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

*For Protestant David Tomchak*

Steven L. Johnson  
1019 Lee Creek Rd.  
Leadore, ID 83464-5011  
[stevenjohnson01056@gmail.com](mailto:stevenjohnson01056@gmail.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

*Protestant*

Smith 2P Ranch  
c/o Shanna Foster  
213 Grady Rd.  
Leadore, ID 83464  
[shannudy@yahoo.com](mailto:shannudy@yahoo.com)

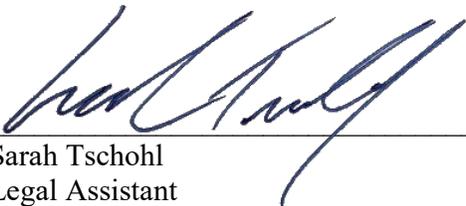
- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

*Protestant*

Rosalie Ericsson  
c/o Brady Ericsson  
3738 E. 38 N.  
Rigby, ID 83442  
[bericsson@depatco.com](mailto:bericsson@depatco.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

*Protestant*



---

Sarah Tschohl  
Legal Assistant