

**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

SECOND 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”).

The Director of the Idaho Department of Water Resources (“Department”) issued an *Order Extending Deadline to Issue Final Order* (“Extension”) on September 7, 2021. The Extension extended the deadline for issuance of a final order on Exceptions to October 14, 2021. *Extension* at 1.

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. Therefore, the Director was required to issue a final order thereon by September 14, 2021, unless “good cause” was shown to extend the deadline. *See Id.* Good cause was found to exist to extend the deadline. *Extension* at 1. The new deadline to issue a final order on Exceptions was October 14, 2021. *Id.*

Good cause again 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 November 2, 2021.

ORDER

IT IS HEREBY ORDERED that the deadline for the Director to issue a final order is EXTENDED to November 2, 2021.

Dated this 14th day of October 2021.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October 2021, I served a true and correct copy of the *Second Order Extending Deadline to Issue Final Order* to the following parties via U.S. Mail and by email:

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<p>WHITTAKER TWO DOT RANCH LLC P.O. Box 177 Leadore, ID 83464 twodotirrigation@gmail.com</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 fjwhitt@yahoo.com</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>

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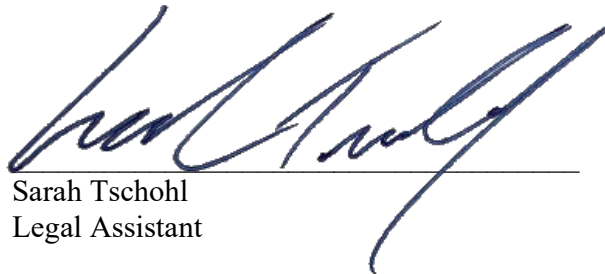
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