

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

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 82640 IN THE
NAME OF CLINTON K. ASTON**

**ORDER EXTENDING DEADLINE TO
ISSUE FINAL ORDER**

BACKGROUND

On October 29, 2019, hearing officer James Cefalo issued his *Amended Preliminary Order Approving Transfer* (“Order Approving Transfer”) in this matter.

On November 12, 2019, Clinton K. Aston (“Aston”) filed *Aston’s Petition for the Director to Review Amended Preliminary Order Approving Transfer* and supporting *Aston’s Exceptions to Amended Preliminary Order Approving Transfer* (collectively “Aston Exceptions”) with the Director of the Idaho Department of Water Resources (“Department”). On November 12, 2019, Jay N. Fannesbeck (“Fannesbeck”) filed a *Petition for Review and Response to Amended [sic] Preliminary Order for Transfer No. 82640* (“Fannesbeck Exceptions”) and a second *Motion to Dismiss and Cancel Transfer Application 82640* (“Second Motion to Dismiss”).

On November 26, 2019, Fannesbeck filed his *Response to Aston Exceptions* (“Response to Aston Exceptions”) and an additional *Petition for Review and Response to Amended Preliminary Order for Transfer No. 82640*. On November 26, 2019, Aston filed a *Response to Fannesbeck’s Petition for Review and Response to Amended Preliminary Order for Transfer No. 82640* (“Response to Fannesbeck Exceptions”). Aston also filed a *Response to Second Motion to Dismiss and Cancel Transfer Application 82640* on November 26, 2019 (“Response to Second Motion to Dismiss”).

ANALYSIS

The Department’s Rule of Procedure 730.02.d requires the Director to issue a final order within fifty-six days of receipt of 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. As described above, the last written brief regarding the exceptions was filed on November 26, 2019. The Director is required to issue a final order thereon by January 21, 2020, 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 various exceptions and related briefing raise important legal and policy issues that require careful consideration and additional analysis. Additional time is needed to conduct the necessary research and conduct an evaluation of the issues presented prior to issuance of a final order. Accordingly, the Director will extend the deadline for issuing a final order to January 31, 2020.

ORDER

IT IS HEREBY ORDERED that the deadline for the Director to issue a final order is EXTENDED to January 31, 2020.

Dated this 21st day of January 2020.


Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of January 2020, 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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