



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 20, 2019

Jay N. Fannesbeck  
6022 W Hwy 36  
Weston ID 83286

RE: Motion for Reconsideration

Dear Mr. Fannesbeck:

On August 5, 2019, I issued a *Preliminary Order Approving Transfer*. The order and transfer approval were mailed on August 5, 2019. The order included a document titled *Explanatory Information to Accompany a Preliminary Order*, which describes the process and deadlines for filing appeals. The document states that any petition for reconsideration must be filed within fourteen days of the service date of the order. See Rule 730 (IDAPA 37.01.01). Therefore, in this case, petitions for reconsideration were due on or before August 19, 2019. Aston and the Spradlins filed appeals to the Director on August 19, 2019. Your Petition for Reconsideration was filed on August 20, 2019. There is no provision in the Department's Rules of Procedure or Idaho Code which allows the Department to accept late appeals. This letter is meant to notify you that your Petition for Reconsideration cannot be accepted and will not be considered.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Cefalo', is written over a horizontal line.

James Cefalo  
Hearing Officer

Enclosure