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PRO SE

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho
FEB - 1 2016
By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN THE MATTER OF APPLICATION FOR REVIEW
TRANSFER NUMBER 79357 AND 79380 AREA 47
TWIN FALLS, COUNTY

RICHARD PARROTT

Petitioner,

vs

IDAHO DEPARTMENT OF WATER RESOURCES
AND Gary Spackman, in his official capacity as Director
of IDWR

Respondents

Case No. CV-42-2015-4552

RE: CEDAR RIDGE DAIRY
MOTION TO CLARIFY

2nd version - final

COMES NOW the Petitioner, Richard Parrott, moves the court to rule for petitioner in allowing
Transfer Number 79357 to be included with Transfer Number 78380 in judicial review.

FACTUAL BACKGROUND

IDWR responded to Cedar Ridge exceptions to IDWR Hearing Officer Ceflo's decisions.

1. The Ceflo Decision did not grant 1970 priority date from the leno well near Jackpot.
2. The Hearing Officer Ceflo restricted date of use of water transfer to summer time (for cow cooling)
3. Director Spackman overruled the above points. Due to clerical error, the Order was confusing and conflicting in wording. All parties were confused.

Response to Motion to clarify Scope of Appeal -1

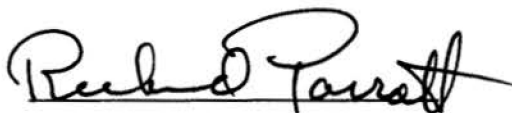
4. Protestant Ed Smith and 7 other parties appealed to IDWR Director citing the correctness of Hearing Officer Ceflo's ruling. Cedar Ridge moved for clarification and a second amended order was issued.
5. When second amended order was issued Richard Parrott appealed to IDWR on a Monday, not realizing 14 days for appeal begins to run on date of the written order, not the day it was received via mail.
6. Richard Parrott petitioned for review listing Transfer 79380 in the caption. Knowing fourteen days are allowed for amending, he filed on December 21, 2015, documents A-1, A-2, B-3.
7. These represented a copy of an email to IDWR appealing the final amended Order and included Petitioner Ed Smith's support of Hearing Officer Ceflo's findings. The point was to inform the court that 79357 was a part of Richard Parrott's IDWR appeal.
8. A meeting between Richard Parrott and IDWR Director was arranged for January 4, 2016, but then blocked by Cedar Ridge Council.
9. The Petition for Judicial review was timely both in filing (December 9, 2015) and amending (December 11, 2015).
10. No response from IDWR is considered a NO. Richard Parrott assumed correctly that NO was IDWR decision.
11. Informational^{ly}, the only thing lacking in this process is a page with a caption with the numbers 79357.
12. Transfer 79357 and 78380 have been handled together and identically throughout the hearing and final order and final amended order.

CONCLUSION

An order from the court to combine Transfer 79357 and 78380 would be welcomed by the Petitioner. So doing would not thwart the actual public process of protecting the State of Idaho's water.

RESPECTFULLY SUBMITTED, February 1, 2016

RICHARD PARROTT, 208-308-7113

A handwritten signature in black ink, appearing to read "Richard Parrott", written over a horizontal line.

Richard Parrott

Pro-se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of February, 2016, I served true and correct copies of the foregoing upon the following by the method indicated:

SRBA District Court
253 3rd Ave. North
PO Box 2707
Twin Falls, Idaho 83303-2707

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
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Garrick Baxter
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Idaho Department of Water Resources

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