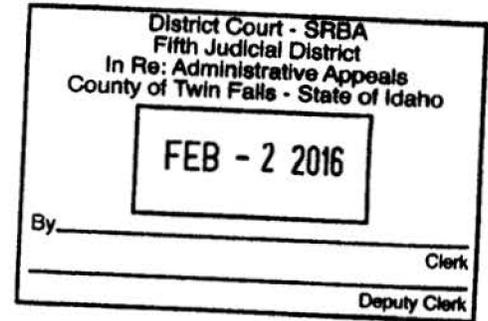


Travis L. Thompson, ISB #6168  
 Paul L. Arrington, ISB #7198  
**BARKER ROSHOLT & SIMPSON LLP**  
 195 River Vista Place, Suite 204  
 Twin Falls, Idaho 83301-3029  
 Telephone: (208) 733-0700  
 Facsimile: (208) 735-2444



*Attorneys for Cedar Ridge Dairy LLC*

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

RICHARD PARROTT,	)	
	)	<b>Case No. CV-42-2015-4552</b>
Petitioner,	)	
	)	<b>CEDAR RIDGE DAIRY LLC'S</b>
vs.	)	<b>REPLY IN SUPPORT OF MOTION</b>
	)	<b>TO CLARIFY SCOPE OF APPEAL</b>
THE IDAHO DEPARTMENT OF WATER	)	
RESOURCES, GARY SPACKMAN, in his	)	
official capacity as Director of the Idaho	)	
Department of Water Resources, and,	)	
	)	
Respondents.	)	
_____	)	

COMES NOW, Intervenor Cedar Ridge Dairy LLC (“Cedar Ridge”), and submits this *Reply* in support of its *Motion to Clarify Scope of Appeal*. This reply addresses the response filed by Petitioner Richard Parrott (“Petitioner”) on January 29, 2016 and is supported by the *Affidavit of Travis L. Thompson* (“*Thompson Aff.*”) filed together herewith.

**REPLY**

The Petitioner offers various statements in his “factual background.” *See Petitioner Resp.* at 1-2. Cedar Ridge disputes these statements and the Petitioner can point to no documents

in the record to support his contentions with respect to his characterizations of the agency decisions in transfer no. 79357. *See id.* at 1. Further, contrary to Petitioner's allegation, the Applicant and Cedar Ridge were not "confused" as to the Director's final orders in the separate transfer proceedings (nos. 79357, 79380, and 79384). The history of each proceeding is accurately set forth in Cedar Ridge's motion. *See Motion to Clarify* at 2.

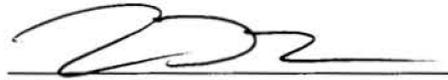
Finally, Cedar Ridge disputes the Petitioner's characterization of the procedural background set forth in paragraphs 3-7. *See Petitioner Resp.* at 1-2. The Director issued and served an amended final order approving transfer no. 79357 on November 12, 2015. *See Ex. A to Thompson Aff.* No party, including the Petitioner, appealed the final order concerning transfer no. 79357. Although the Petitioner states he "appealed to IDWR on a Monday" and references a 14-day appeal time, such actions and intentions are erroneous as a matter of law. As set forth in the amended final order for transfer no. 79357, the Petitioner was required to physically file a notice of appeal with the District Court within twenty-eight (28) days from the date of service of the order, on or before December 10, 2015. *See Idaho Code § 67-5273(2); I.R.C.P. 84(b)(1)*. It is undisputed that the Petitioner failed to file such an appeal.

Petitioner's confusion or mistake as to an alleged 14-day period to file a petition for judicial review or an amendment to a timely filed petition is not excusable under the law. *See Ade v. Batten*, 126 Idaho 114, 118 (Ct. App. 1994) ("Gross carelessness, ignorance of the rules, or ignorance of the law are insufficient bases for 60(b)(1) relief."). Furthermore, the fact that Petitioner is appearing *pro se* does not matter either. *See id.* ("pro se litigants in Idaho are held to the same standards and rules as those represented by attorneys.").

In sum, Petitioner's untimely attempt to include transfer no. 79357 in the present appeal is without merit and should be rejected. Cedar Ridge respectfully requests the Court to grant the *Motion to Clarify*.

Respectfully submitted this 2<sup>nd</sup> day of February, 2016.

**BARKER ROSHOLT & SIMPSON LLP**



Travis L. Thompson

*Attorneys for Cedar Ridge Dairy LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of February, 2016, I served true and correct copies of the foregoing upon the following by the method indicated:

SRBA District Court  
253 3<sup>rd</sup> Ave. North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Garrick Baxter  
Meghan Carter  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Richard Parrott  
1389 E 4400 N  
Buhl, Idaho 83316

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

  
\_\_\_\_\_  
Travis L. Thompson