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Attorneys for Respondents

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

RICHARD PARROTT,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES and GARY SPACKMAN, in
his capacity as Director of the Idaho
Department of Water Resources,

Respondents,

and

CEDAR RIDGE DAIRY LLC,

Intervenor.

Case No. CV-42-2015-4552

**RESPONDENTS' JOINDER IN CEDAR
RIDGE DAIRY LLC'S REPLY IN
SUPPORT OF MOTION TO CLARIFY
SCOPE OF APPEAL**

COME NOW, Respondents Gary Spackman, in his official capacity as Director of the Idaho Department of Water Resources (“Department”), and the Department, an executive agency of the State of Idaho, by and through their attorneys of record, and give notice that they join in *Cedar Ridge Dairy LLC’s Reply in Support Motion to Clarify Scope of Appeal*, filed on February 2, 2016.

REPLY

In addition to joining Cedar Ridge Dairy LLC’s reply the Department wishes to focus the Court’s attention on a couple of items. The order on Transfer 79357 was separate from the order on Transfer 79380, the order Mr. Parrott timely appealed. *See Ex. A to Thompson Aff.* The explanatory information accompanying the final order on Transfer 79357 explicitly states “[t]he appeal must be filed within twenty-eight (28) days: a) of the service date of the final order. . .” *Ex. A to Thompson Aff*, Explanatory Information to Accompany a Final Order, p. 2. Mr. Parrott had until December 10, 2015 to timely file an appeal to the order on Transfer 79357 and he did not. A court lacks jurisdiction over a final order that was not timely appealed. I.R.C.P. 84(n); *City of Eagle v. Idaho Dept. of Water Resources*, 150 Idaho 449, 454 (2011). Mr. Parrott’s failure to timely file a petition for judicial review of the final order on Transfer 79357 prevents this Court from considering Mr. Parrott’s collateral challenge to the order in this proceeding. The Department requests the Court grant the *Motion to Clarify*.

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DATED this 3rd day of February, 2016.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division



MEGHAN CARTER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of February, 2016, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

Original to:

SRBA DISTRICT COURT
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