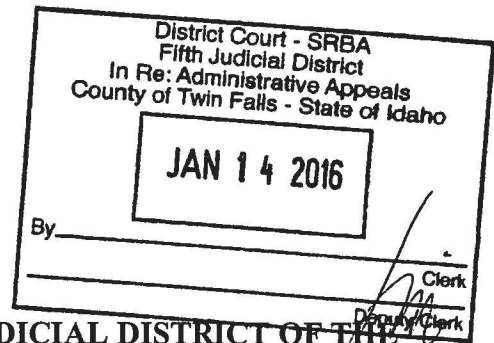


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DEPARTMENT OF
WATER RESOURCES



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

)

) **ORDER AMENDING**
) **PROCEDURAL ORDER IN**
) **PART**

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On December 14, 2015, the Court entered its *Procedural Order* in this matter. Among other things, the *Procedural Order* set forth the deadlines for the lodging of the agency record and transcript with the agency and the Court. The *Procedural Order* also established the briefing schedule as well as an oral argument date.

On January 14, 2016, a status conference was held, the purpose of which was to discuss the timing of the lodging of the agency record and transcript. Pursuant to the *Procedural Order*, the agency record and transcript were to be lodged with the agency by December 28, 2015, and with the Court by January 25, 2016. For reasons discussed and set forth on the record, the Court determined that the Petitioner may have until February 25, 2016, in which to have a transcript of the hearing held before the agency prepared and lodged with the agency. As a result, many of the deadlines previously set forth in the *Procedural Order* now need to be amended.

Therefore, the *Procedural Order* is amended in part as follows:

Preparation of Agency Record: The clerk of the Idaho Department of Water Resources shall lodge the agency record with the Department **on or before January 20, 2016**. Upon receipt of the agency record, the Department shall mail or deliver notice of lodging of the record to all attorneys of record or parties appearing in person and to the district court. The parties shall have 14 days from the date of mailing of the notice to pick up a copy of the agency record and to object to the record. All fees for the preparation of the record shall be paid by the responsible party at or before the pick up of the agency record. Any objection to the record shall be determined by the Department within 14 days of the receipt of the objection and the decision on the objection shall be included in the record on petition for review. Upon the failure of the party to object within 14 days, the record shall be deemed settled. Pursuant to I.R.C.P. 84(k), the settled record shall be lodged with the district court no later than **February 17, 2016**.

Preparation of Transcript: The Petitioner shall provide for the lodging of the agency transcript with the Idaho Department of Water Resources **on or before February 25, 2016**. Upon receipt of the transcript, the Department shall mail or deliver notice of lodging of transcript to all attorneys of record or parties appearing in person and to the district court. The parties shall have 14 days from the date of mailing of the notice to pick up a copy of the transcript and to object to the transcript. All fees for the preparation of the transcript shall be paid by the responsible party at or before the pick-up of the transcript. Any objection to the transcript shall be determined by the Department within 14 days of the receipt of the objection and the decision on the objection shall be included in the record on petition for review. Upon the failure of the party to object within 14 days, the transcript shall be deemed settled. The settled transcript shall be lodged with the district court no later than **March 24, 2016**.

Briefs and Memoranda in the Event the Transcript is Timely Lodged with the Agency: The petitioner's brief shall be filed with the clerk of the court within 35 days after lodging of the agency transcript with the Court. The respondents' brief, and the intervenor's brief shall be filed within 28 days after service of petitioner's brief. Any reply brief shall be filed within 21 days after service of respondents' brief. The organization and content of briefs shall be governed by I.A.R. 35 and 36. Pursuant to I.R.C.P. 84(p) only one (1) original signed brief may be filed with the court and copies shall be served on all parties.


Briefs and Memoranda in the Event the Transcript is Not Timely Lodged with the Agency: The petitioner's brief shall be filed with the clerk of the court within 35 days following February 26, 2016. The respondents' brief, and the intervenor's brief shall be filed within 28 days after service of petitioner's brief. Any reply brief shall be filed within 21 days after service of respondents' brief. The organization and content of briefs shall be governed by I.A.R. 35 and 36. Pursuant to I.R.C.P. 84(p) only one (1) original signed brief may be filed with the court and copies shall be served on all parties.

Oral Argument, Telephonic and Video Teleconferencing: Oral argument will be heard on **June 16, 2016, at 1:30 p.m. (Mountain Time)** at the Snake River Basin adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-720-279-0026 and entering 786692# when prompted. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the**

proceeding difficult to accurately record. Video teleconferencing ("VTC") will also be available by appearing at either (1) the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho, or (2) the Idaho Department of Water Resources, Eastern Regional Office, 900 N. Skyline Drive, Ste. A, Idaho Falls, Idaho. Parties should refer to the *Administrative Order Adopting Procedures for the Implementation of the Idaho Supreme Court Administrative Order Dated December 9, 2009* regarding protocol for telephone and VTC participation. The form and order of argument shall be governed by I.A.R. 37.

IT IS SO ORDERED.

Dated January 14, 2016



ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING PROCEDURAL ORDER IN PART was mailed on January 14, 2016, with sufficient first-class postage to the following:

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~~DIRECTOR OF IDWR
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A handwritten signature in dark ink, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.