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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**

In Re the SRBA

Case No. 39576

SUBCASE NO. 67-2097A

**NOTICE OF APPEARANCE AND
RESPONSE IN SUPPORT OF IDWR'S
MOTION AND IN OPPOSITION TO
ECKHARDT FAMILY LLLP'S
OBJECTION**

You are hereby notified that Candice M. McHugh and Chris M. Bromley of the law firm McHugh Bromley, PLLC enter an appearance on behalf of Double C & J Land Co., Inc. ("Double C & J") in the above captioned matter. Please direct all future correspondence in the above captioned matter to the address listed above. Claimant and Water Right Owner, Double C & J, by and through counsel and hereby files this *Response In Support Of IDWR's Motion and In Opposition To Eckhardt Family LLLP's Objection*.

On February 25, 2019, the Idaho Department of Water Resources, filed a *Request for Correction of Error* to SRBA Partial Decree for Water Right No. 67-2097A. By this form, IDWR also informed the owners of the water right, Double C & J Land Co., Inc. of the error. The water right holders agree that the partial decree contained a clerical mistake. The error was

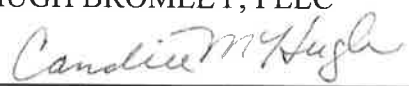
contained in the "Purpose of Use" section of the Partial Decree wherein the SRBA District Court inadvertently keyed in "AFY" rather than "CFS" for "diversion to storage." This error was not contained in IDWR's Director's Report which was published in accordance with IDWR procedure, but occurred when the Court issued the Partial Decree.

There were no objections to the Director's Report for right no. 67-2097A. On October 20, 2008, the Partial Decree was filed, with the above mentioned clerical error under the Diversion to Storage element. On March 4, 2019, the Court issued its *Intent to Issue Amended Partial Decree and Notice of Hearing Thereon*. ("Notice") On March 12, 2019, Eckhardt Family LLLP filed an Objection to the Court's Notice and to the issuance of the Amended Partial Decree. There is no dispute that there is a mistake on the partial decree and that the error occurred in the Partial Decree and not on the Director's Report. The objection lodged by Eckhardt focuses on a matter that is not before this Court, namely the administrative interpretation of the diversion to storage element and the quantity element of the water right. IDWR is simply asking the Court to correct an error in the Partial Decree that appears to have occurred when the elements of the partial decree were being keyed in or being transferred into the Court's database which generated the partial decree document. The question on what IDWR will do relative to the administrative interpretation of the partial decree once the clerical mistake is corrected is not yet ripe for a decision by this Court.

Thus, Double C & J ask that IDWR's request to correct the error be granted.

DATED this 7th day of June, 2019.

MCHUGH BROMLEY, PLLC

By: 

Candice M. McHugh
Attorneys for Double C & J

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th of June, 2019, I served a true and correct copy of the **foregoing** on the person(s) whose names and addresses appear below by the method indicated:

CLERK OF THE DISTRICT COURT CSRBA 253 THRID AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☐ U. S. Mail ☐ Hand Delivered ☐ Overnight Mail ☒ Facsimile ☐ E-mail
Norm Semanko PARSONS BEHLE & LATIMER 800 West Main Street, Suite 1300 Boise, ID 83702 Telephone: 208.562.4900 Facsimile: 208.562.4901 NSemanko@parsonsbehle.com ecf@parsonsbehle.com	☒ U. S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Facsimile ☒ E-mail
IDWR DOCUMENT DEPOSITORY PO BOX 83720 BOISE, ID 83 720-0098	☒ U. S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Facsimile ☐ E-mail

By: Candice M. McHugh
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