

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

AUG 31 2020

By _____ Clerk
Deputy Clerk

Norman M. Semanko, ISB #4761
PARSONS BEHLE & LATIMER
800 West Main Street, Suite 1300
Boise, Idaho 83702
Telephone: 208-562-4900
Facsimile: 208-562-4901
NSemanko@parsonsbehle.com

Aaron M. Worthen, ISB #11125
PARSONS BEHLE & LATIMER
350 Memorial Drive, Suite 300
Idaho Falls, ID 83402
Telephone: 208-522-6700
Facsimile: 208-522-5111
AWorthen@parsonsbehle.com

Attorneys for Appellant-Petitioner

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

ECKHARDT FAMILY LLLP, an Idaho
Limited Partnership,

Appellant-Petitioner,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent,

and

DOUBLE C & J LAND CO., INC.,

Intervenor-Respondent.

Case No. CV-44-20-39

NOTICE OF APPEAL

Supreme Court No. 48264-2020

IN THE MATTER OF APPLICATIONS FOR
PERMIT 67-15298 AND 67-15300 IN THE
NAME OF ECKHARDT FAMILY LLLP

NOTICE IS HEREBY GIVEN THAT AN APPEAL IS TAKEN AS FOLLOWS:

1. Designation of Judgment or Order Appealed From. The above-named Appellant-Petitioner hereby takes an appeal to the Idaho Supreme Court of the following attached decision, order and judgment entered in this matter by the Honorable Eric J. Wildman, affirming the Final Amended Order of the Respondent Idaho Department of Water Resources:

- A. Memorandum Decision and Order, issued on July 20, 2020; and
- B. Judgment, entered on July 20, 2020.

2. Jurisdictional Statement. Appellant-Petitioner has a right to appeal the above-listed decision, order and judgment to the Idaho Supreme Court under the Idaho Appellate Rules (I.A.R.), Rule 11, and Idaho Code § 1-204.

3. Preliminary Statement of Issues on Appeal. The issues on appeal include the following:

- A. Whether the district court erred in concluding that the Idaho Department of Water Resources' Final Amended Order was supported by substantial evidence in the record;
- B. Whether the district court erred in independently weighing evidence and making additional findings of fact to affirm the agency's arbitrary and capricious final decision;
- C. Whether the district court erred in concluding that substantial rights of the Appellant-Petitioner were not injured; and

- D. Whether the district court erred in determining that the Appellant-Petitioner is not entitled to an award of attorney fees under Idaho Code § 12-117.

Appellant-Petitioner reserves the right to submit additional issues on appeal as allowed by I.A.R. Rule 17(f).

4. Transcript. Appellant-Petitioner requests a standard transcript, in an electronic format, of the hearing held on June 18, 2020, regarding Appellant-Petitioner's petition for judicial review of an agency determination.

5. Record. Appellant-Petitioner requests that the administrative record and administrative hearing transcript filed with the district court be included in the clerk's record, in addition to those documents automatically included under Idaho Appellate Rule 28.

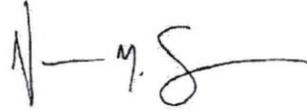
6. No Sealed Order. No protective order has been entered in this case.

7. Certification. I certify:

- A. That a copy of this notice of appeal has been served on a reporter of the trial or proceeding.
- B. That the court reporter for Judge Wildman has been paid the estimated fee for preparation of the reporter's transcript.
- C. That the estimated fee for preparation of the clerk's record has been paid.
- D. That the appellate filing fee has been paid.
- E. That service has been made upon all parties as required to be served pursuant to I.A.R. Rule 20.

DATED THIS 28th day of August, 2020.

PARSONS BEHLE & LATIMER



By _____
Norman M. Semanko
Attorneys for Appellant-Petitioner

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

KRISTINA GLASCOCK
CLERK OF THE DISTRICT
COURT

By _____
Deputy Clerk



CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2020, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service.

Garrick Baxter
Jennifer Wendel
Deputy Attorney General
Water Resources Section
322 East Front Street
PO Box 83720
Boise, ID 83720
Garrick.baxter@idwr.idaho.gov
Telephone: 208-287-4800

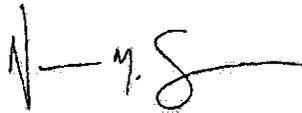
- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail/ECF Filing/iCourt

Candice McHugh
Chris Bromley
McHugh Bromley PLLC
380 South 4th Street, Suite 103
Boise, ID 83702
cmchugh@mchughbromley.com
cbromley@mchughbromley.com
Telephone: 208-287-0991

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail/ECF Filing/iCourt

Sabrina Vasquez
Court Reporter
SRBA District Court
P.O. BOX 2707
Twin Falls, ID 83301
Svasquez61@gmail.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail/ECF Filing/iCourt



Norman M. Semanko