

Montana Water Court
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FILED

JUN 29 2020

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
DEARBORN RIVER BASIN (41U)

David M. Hoon and Teri L. Hoon,

Plaintiffs

vs.

Gary E. Murphy, Betty Murphy, and
Bear Mountain, LLC

Defendant

Bear Mountain LLC; Peter A. Burggraff; Judy B.
Burggraff

Objectors

WC-2017-02

41U 97014-00

41U 97016-00

41U 108084-00

41U 215967-00

Implied Claim:

41U 30117667

Certified From:

Montana First

Judicial District Court

Cause No. BDV-2017-123

ORDER CORRECTING CLAIM AND CLOSING CASE

FINDINGS OF FACT

Implied claim 41U 30117667 was generated by the Water Court pursuant to its Order Closing Certification Case in Case WC-2017-02. On appeal, the Montana Supreme Court affirmed the claim. *Hoon v. Murphy*, 2020 MT 50, ¶ 54, 399 Mont. 110, 460 P.3d 849.

Following remittitur from the Supreme Court David Hoon filed a letter with the Water Court requesting that the Court correct errors to the place of use legal description for the claim as follows (deletions in strikeout, additions in bold):

PLACE OF USE: HOON

ID	ACRES	GOVT LOT	QTR SEC	SEC	TWP	RGE	COUNTY
1	210.00		S2	33	17N	5W	LEWIS AND CLARK
2	99.00		E2	4	16 17N	5W	LEWIS AND CLARK
3	108.00		W2	4	16 17N	5W	LEWIS AND CLARK
4	4.00	4	NENE W2	54	16 17N	5W	LEWIS AND CLARK

On June 5, 2020, the Water Court notified the parties to this case, including co-owner In I Am We Trust, of the request. The Court requested that any party with comments to the request notify the Court by June 22, 2020. No comments or objections were filed by this deadline.

CONCLUSIONS OF LAW

M.R.Civ.P. Rule 60(a) provides the Court with authority to correct clerical mistakes whenever one is found in a judgment, order, or other part of the record. Rule 60(a) applies to corrections to existing water rights within the jurisdiction of the Court. Parties potentially affected by the correction were given notice and the opportunity to raise any objection. Because no objections were filed and the correction is clerical in nature, Hoon has shown good cause to make the corrections.

ORDER

Based upon the forgoing, the Court ORDERS as follows:

1. Claim 41U 30117667 is corrected consistent with this Order.
2. As there are no remaining issues before the Court, case WC-2017-02 is CLOSED.

A post-decree abstract of water right claim is provided to confirm the modified abstract is included in the state's centralized water record system.

DATED this *29th* day of *June*, 2020.



Stephen R. Brown
Associate Water Judge

Service via Electronic Mail:

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