

2003

Green River Canal Company v. Jerry D. Olds : Errata Sheet

Utah Supreme Court

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UTAH APPELLATE COURTS
MAR 25 2004

Attorneys for Objector/Appellee, Green River Canal Company

In the Utah Supreme Court

IN THE MATTER OF THE GENERAL
DETERMINATION OF RIGHTS TO USE OF
WATER, BOTH SURFACE AND UNDERGROUND,
WITHIN THE DRAINAGE ARE OF THE PRICE
RIVER AND OF THE DRAINAGE AREA OF THE
GREEN RIVER FROM THE CONFLUENCE OF THE
PRICE AND GREEN RIVERS TO THE
CONFLUENCE OF THE GREEN AND COLORADO
RIVERS EXCLUDING THE DRAINAGE ARE OF
THE SAN RAFAEL RIVER IN UTAH

(Area 91, Book 5)

GREEN RIVER CANAL COMPANY,

Objector/Appellee,

v.

JERRY D. OLDS,

Utah State Engineer/Appellant.

Errata Sheet

To Green River Canal Company's Brief

Supreme Court Case No. 20030156-SC

Seventh District Civil No. 690708598

Objector/Appellee, Green River Canal Company ("Canal Company"), by and through its undersigned counsel of record, hereby files this Errata Sheet in connection with its Brief in the above-entitled appeal, filed on March 24, 2004.

THE ERRATA

Following the submission of its Brief, the Canal Company discovered that, through an oversight, its Brief contained a few errors or omissions. Of particular concern, an important footnote was inadvertently omitted from the text. The Canal Company deeply regrets these errors and offers the following in reparation:

The names of the attorneys for the Canal Company appear on the wrong side of the Brief's cover page. The names of counsel for the Canal Company should appear at the lower right side of the cover page.

On page 4, the following citation sentence in the first paragraph should include a footnote reference: "*See Statement of Water User's Claim to Diligence Rights*, 1 (attached as Addendum D).²" The missing footnote reads as follows:

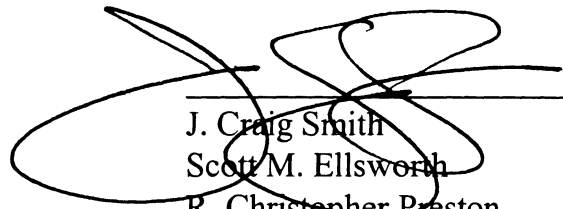
²Although this document does not appear in the record, this Court may take judicial notice of it since "judicial notice may be taken of . . . documents [located in the State Engineer's records] as public records." *Green River*, 2003 UT 50 at 30 n.8 (quoting *Lehi Irr. Co. v. Jones*, 115 Utah 136, 202 P.2d 892, 895 (1949).

All of the subsequent footnotes should be renumbered to reflect this change.

In addition, a citation sentence located on the third line from the bottom in footnote 4 (now footnote 5) on page 7 needs a slight modification. Instead of reading, "*See infra* n.2," the citation sentence should read, "*See supra* n.2."

DATED this 25th day of March, 2004,

Smith Hartvigsen, PLLC



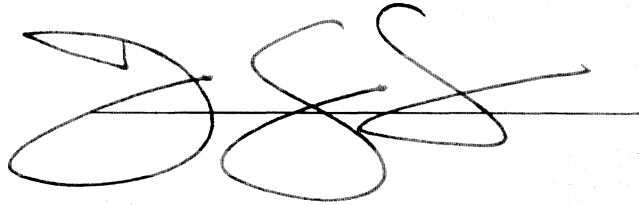
A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above a horizontal line that spans the width of the text below it.

J. Craig Smith
Scott M. Ellsworth
R. Christopher Preston

Certificate of Service

On this 25th day of March, 2004, two true and correct copies of the foregoing *Errata Sheet to Green River Canal Company's Brief* were mailed, United States mail, postage prepaid, to the following:

Norman K. Johnson
L. Ward Wagstaff
Julie I. Valdes
Mark L. Shurtleff
Utah Attorney General
1594 West North Temple, #300
Salt Lake City, Utah 84116

A handwritten signature in black ink, appearing to be 'M. Shurtleff', written over a horizontal line.