DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR - 4 2015
By
Clerk
Deputy Clerk

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 GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**AMENDED CSRBA ADMINISTRATIVE ORDER 1**
	)	**RULES OF PROCEDURE**
Case No. 49576	)	**[Effective March 4, 2015]**

On July 23, 2013, the Court adopted *CSRBA Administrative Order 1, Rules of Procedure* ("*AO1*"). On October 22, 2014, the State of Idaho filed a *Motion* moving the Court to amend the address for the service of documents on the Attorney General's Office, Chief of the Natural Resources Division found on the service list of the Standard Forms attached to *AO1*. The Court entered an *Order* granting the State's *Motion* on November 14, 2014. On March 2, 2015, the United States filed a *Motion* moving the Court to amend Section 7.e.(2)(c) of *AO1* to change the address for documents served under Docket Sheet Procedure on the United States by messenger or overnight delivery service. The Court entered an *Order* granting the United States' *Motion* on March 4, 2015. The sole purpose of this *Amended CSRBA Administrative Order 1, Rules of Procedure* is to implement into *AO1* the address changes for the State and the United States approved by, and reflected in, the Court's *Orders* dated November 14, 2014, and March 4, 2015.

This amended order establishes procedures for the trial of claims or issues in the Coeur d'Alene-Spokane River Basin Adjudication ("CSRBA") and is entered under the Presiding Judge's authority to effectively and expeditiously manage proceedings in this case and may be amended as needed.

IT IS ORDERED that any party to the adjudication desiring to litigate any claim or issue in the CSRBA, including all or a portion of a recommendation, notice of federal claim or negotiated agreement in a Director's Report shall comply with these ***Rules of Procedure.***

DATED: March 4, 2015

ERIC J. WILDMAN
Presiding Judge
Coeur d'Alene-Spokane River Basin Adjudication

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PROCEDURES IN THE COEUR D'ALENE-SPOKANE RIVER BASIN ADJUDICATION

1. SCOPE AND PURPOSE

a. The litigation of the Coeur d'Alene-Spokane River Basin Adjudication ("CSRBA") will be governed by the Idaho Rules of Civil Procedure ("I.R.C.P."), the Idaho Rules of Evidence ("I.R.E.") and the Idaho Appellate Rules ("I.A.R.").

b. These procedures supplement the I.R.C.P., I.R.E., I.A.R., and any other applicable laws or orders of this Court only to the extent necessary to allow for the fair and expeditious resolution of all claims or issues in the CSRBA.

c. Provisions setting forth the manner of service and notice are adopted under the authority granted by *Supplemental Order Granting Additional Powers to District Judge,* Idaho S. Ct. 99143 (February 20, 1988). Special jurisdiction and venue for the CSRBA was confirmed in the Presiding Judge of the SRBA effective August 8, 2008. *See Provisional Order Re: Appointment of District Judge, Confirmation of Special Jurisdiction and Determination of Venue for the General Adjudication of the Coeur d'Alene Spokane River Basin,* Idaho S. Ct. (August 8, 2008).

2. DEFINITIONS

a. **AO1** - CSRBA Administrative Order 1, Rules of Procedure.

b. **Basin-Wide Issue** - An issue designated by the Presiding Judge as potentially affecting the interests of a large number of Claimants to the use of water within the CSRBA and the resolution of which will promote judicial economy.

c. **Claimant** - Any person who has filed a claim to the use of water in the CSRBA.

d. **Clerk of the Court** - The Clerk of the CSRBA Court.

e. **Court** - The CSRBA Court located at 253 Third Avenue North, Twin Falls, Idaho 83301. Mailing address: PO Box 2707, Twin Falls, ID 83303-2707; Telephone: (208) 736-3011; FAX: (208) 736-2121; Internet: www.csrba.idaho.gov

f. **CSRBA** - The Coeur d'Alene-Spokane River Basin Adjudication.

g. **Director** - The Director of the Idaho Department of Water Resources.

h. **Director's Report** – Report of the Director as defined by I.C. § 42-1411.

i. **Docket Sheet Procedure** - The procedure established to give notice of proceedings to CSRBA Claimants and parties.

j. **Domestic Use** - Domestic water use is defined by I.C. §§ 42-111 and 42-1401A(4).

k. **IDWR** - The Idaho Department of Water Resources.

l. **Initial Hearing** - The first hearing before the Court held for the purpose of facilitating settlement, setting additional hearings and setting trial schedules.

m. **IWATRS** - The Court's computerized registry of actions that lists all Pleadings and documents filed or lodged with the Court, all orders entered by the Presiding Judge or Special Masters, and also provides additional information such as lists of upcoming hearings. IWATRS' registry of actions may be accessed via the Court's website (www.csrba.idaho.gov), and includes links for viewing scanned copies of Pleadings, orders, and other Court documents.

n. **Notice of Federal Claim** – A claim established under federal law provided by I.C. § 42-1411A, and processed in accordance with Section 13.b. if no objection is filed and Section 14 if an objection is filed.

o. **Objector/Respondent** - Unless the context indicates otherwise, a Party to the adjudication filing an objection or response to a water right Recommendation reported in a Director's Report as provided by I.C. §§ 42-1411 and 42-1412 or claimed under federal law as provided by I.C. § 42-1411A.

p. **Partial Decree/Judgment** - The final determination of the elements of a water right. A Partial Decree shall be treated as a final judgment in individual Subcases for purposes of appeal, motions for attorney fees and other post-judgment motions under I.R.C.P. 54(b). The Court may also certify any order as final in accordance with I.R.C.P. 54(b).

q. **Party to a Subcase** - The Claimant, any Objector or Respondent to a water right Recommendation, any Party to a Subcase which has been consolidated with another Subcase, any Party to the Adjudication granted leave to participate in a Subcase by the Presiding Judge or a Special Master, and any Party to the Adjudication once they have filed a *Motion to Alter or Amend* the *Special Master's Recommendation*.

r. **Party to the Adjudication** – Pursuant to I.C. § 42-1401A(6), Party to the Adjudication means any person who is a claimant or any person who is served or joined.

s. **Pleadings** - All documents defined as Pleadings by the I.R.C.P., and objections, responses to objections, and notices of claims.

t. ***Pro Se*** - Claimants or other parties representing themselves without legal counsel.

u. **Recommendation** - The statements by the Director, as set out in a Director's Report, as to elements of a water right claim.

v. **Special Master** - A person appointed by the Presiding Judge through an *Order of Reference* to hear Subcases or other matters and who reports to the Presiding Judge. I.C. § 42-1422; I.R.C.P. 53.

w. **Special Master's Recommendation** - A final written submission to the Presiding Judge containing the decisions and Recommendations of the Special Master under the *Order of Reference*.

x. **Stock Watering Use** - Stock watering use as defined by I.C. § 42-1401A(11).

y. **Subcase** - A water right which is the subject of any post-Director's Report pleading.

3. PLEADINGS

a. All Pleadings shall comply with the I.R.C.P. and these *Rules of Procedure*.

b. Documents or Pleadings filed in any courthouse other than the CSRBA Courthouse in Twin Falls will not be accepted and will not be deemed "filed" until received by the Clerk of the CSRBA Court.

c. Pleadings shall be signed by counsel as required by I.R.C.P 11(a)(1) or by *Pro Se* Claimants or other parties.

d. **Caption** - The following caption shall be used on all Pleadings in the CSRBA and must begin 2 inches from the top of the page. Pleadings filed in the individual Subcases shall include the name and main case number for the CSRBA and the Subcase (water right) number inserted above the document name. Pleadings filed in the Basin-Wide Issues shall include the Basin-Wide Issue number inserted above the document name.

(2" from the top of page)

Leave this area blank
for court file stamp

↓

Name of Party Filing Document:
Attorney Name & Address
ISB #

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA	)	(SUBCASE NUMBER)
	)	
Case No. 49576	)	(DOCUMENT NAME)
	)	

(Begin Document Text Here)

e. The document name shall identify the specific type of document and the action or relief requested.

f. All documents or Pleadings shall include the name of the document typed at the bottom of each page, including all attachments or exhibits. I.R.C.P. 10(a)(1).

g. All attached exhibits must be legible and subject to reproduction or must be accompanied by a typewritten duplicate. I.R.C.P. 10(a)(1).

h. **Filing by FAX** - Documents and Pleadings may be filed by FAX pursuant to I.R.C.P. 5(e)(2):

(1) FAX filings are only accepted for filing during the normal working hours of the Clerk of the CSRBA Court: 8:30 a.m. to 5:00 p.m. (Mountain Time), Monday through Friday. Any FAX transmission not **completed** by 5:00 p.m. will be file stamped the next business day.

(2) Documents or Pleadings filed by FAX are limited to 10 pages, **including** attachments and exhibits.

(3) The signature on the FAXed copy shall constitute the required signature under I.R.C.P 11(a)(1). Do not send the original by mail.

(4) Except for Standard Forms 5 and 7, CSRBA Standard Forms **will not** be accepted for filing by FAX.

(5) The Clerk of the CSRBA Court shall accept for filing a copy of any FAXed document or pleading not transmitted directly to the Court. The signature on the FAXed copy shall constitute the required signature under I.R.C.P. 11(a)(1).

i. **Filing by Electronically Transmitted Document**

[Reserved]

j. **Injunctive Relief**

(1) Any action for injunctive relief may be brought pursuant to I.R.C.P. 65 or I.R.C.P. 74.

(2) On receipt of any motion or petition for injunctive relief, the Clerk of the Court shall assign a separate Subcase file number to the matter. This new Subcase file number shall be included on all documents filed regarding the injunctive relief matter.

(3) Injunctive relief proceedings will be handled on an expedited basis as described in the Idaho Rules of Civil Procedure, and all related documents will appear on the Docket Sheet.

k. **Multiple Subcases** - When filing a document affecting multiple Subcases, the filing party shall provide the Court a copy of the document for each Subcase affected. If the document is filed by FAX, the copies shall be mailed to the Court the same day. When Subcases are consolidated by court order and a lead Subcase is designated, only one document needs to be filed in the lead Subcase; however, service is still required on all parties in each Subcase. Restrictions on the use of standard forms (Section 4) for multiple Subcases are set forth in the instructions located on the face of the standard forms.

l. **IDWR Central Depositories** - IDWR shall maintain copies of all Pleadings and other documents filed or lodged in the CSRBA and which appear on the Docket Sheet. Copies shall be available for inspection and copying during normal business hours at its central

office located at 322 E. Front Street, 6th Floor, Boise, Idaho. The mailing address is: IDWR Document Depository, PO Box 83720, Boise, Idaho 83720-0098; telephone is (800) 451-4129; FAX is (208) 287-6701. Most documents may be viewed online at www.idwr.idaho.gov or on the Court's website at www.csrba.idaho.gov.

m. **IDWR Regional Depositories** – IDWR Northern Regional Office shall make available for inspection and copying objections, responses and supporting documents, if any, for all water rights reported in that region. These Pleadings and IDWR's investigative files for reported water rights shall be available for inspection and copying during normal business hours.

4. STANDARD PLEADING FORMS

a. Parties must use the following standard forms:

(1) *Objection* (Standard Form 1).

(2) *Response to Objection* (Standard Form 2).

(3) *Motion to File Amended Notice of Claim* (Standard Form 3).

(4) *Motion to File a Late Notice of Claim* (Standard Form 4).

(5) *Stipulated Elements of a Water Right* (Standard Form 5).

(6) *Motion to File a Late Objection and/or Set Aside and Modify Partial Decree or Final Order Disallowing Water Right Claim* (Standard Form 7).

b. The standard forms may be obtained from IDWR or the CSRBA Court or downloaded from either the Court's website or from IDWR's website. A copy of each standard form is attached to these rules.

c. A party may copy or reproduce any standard form. The form may be electronically modified to include only those sections being used. No other portion of the forms may be modified unless ordered by the Court. The Court will not accept incorrect or incomplete forms. Refiling of returned incorrect or incomplete forms must be made under the original filing deadline or pursuant to a motion and order for a late filing.

d. **Use of standard forms**:

(1) *Objection* (Standard Form 1) and *Response to Objection* (Standard Form 2) -

(a) Objections and responses to a Recommendation or Notice of Federal Claim in a Director's Report shall be on CSRBA Standard Forms 1 and 2. No other form of objection or response may be filed with the Court.

(b) A Claimant **may not** amend a claim by filing an objection or a response (see Section 4.d.(2)).

(c) The Director shall notify Claimants that the Court requires the use of standard objection or response forms. This notice may be included in the *Notice of Filing the Director's Report.*

(d) **Deadlines for Filing an Objection or a Response Form** - The *Notice of Filing the Director's Report*, filed by IDWR, shall set out the dates when objections and responses are due and shall be computed to include weekends and holidays. The objection or response must be **received** by the Court by the deadline specified.

(e) Any party filing 25 or more objections or responses must contact the Clerk of the CSRBA Court at least 7 days prior to the deadline for filing their Pleadings.

(f) **Service of an Objection or a Response Form** - A party filing an objection or a response must send a copy, including supporting documents, to each individual identified on that form's certificate of mailing.

(2) *Motion to File Amended Notice of Claim* (Standard Form 3) -

(a) In reporting areas where a Director's Report **has not** been filed, an amended notice of claim shall be filed with IDWR. A *Motion to File Amended Notice of Claim* is not required to be filed with the Court.

(b) In reporting areas where a Director's Report **has** been filed, a *Motion to File Amended Notice of Claim* must be filed with the Court.

(c) A *Motion to File an Amended Notice of Claim* must be filed using Standard Form 3 and must be used for a single water right only.

(d) After the Director's Report has been filed for a particular claim, leave of Court is required to amend the claim through the filing of a Standard Form 3 unless the parties stipulate to the elements as provided in Section 4.d.(4)(e). The Court will decide whether to require a hearing depending on the nature and extent of the amendment. Leave to amend a notice of claim shall be freely given when justice so requires, and the Court may make such order for the payment of costs as it deems proper.

(e) IDWR investigation of amended claim - IDWR shall prepare an Amended Director's Report for any amended claim, including claims amended at trial to conform to the evidence. Notice of filing of the Amended Director's Report will appear on the Docket Sheet pursuant to Section 5. The Claimant may be ordered to pay all necessary costs associated with investigating and reporting the amended claim.

(3) *Motion to File a Late Notice of Claim* (Standard Form 4) -

(a) In reporting areas where a Director's Report **has not** been filed, a late notice of claim shall be filed with IDWR. A *Motion to File a Late Notice of Claim* is not required to be filed with the Court.

(b) In reporting areas where a Director's Report **has** been filed, a *Motion to File a Late Notice of Claim* must be filed with the Court.

(c) A *Motion to File a Late Notice of Claim* must be filed using Standard Form 4 and must be used for a single water right only.

(d) A *Motion to File a Late Notice of Claim* shall proceed before the Presiding Judge, shall follow Docket Sheet motion practice procedure (Section 7.f.), and will be reviewed under the criteria of I.R.C.P. 55(c). Parties to the adjudication opposing the *Motion to File a Late Notice of Claim* shall proceed in accordance with Section 7.f.(4)(b) herein.

(e) A *Motion to File a Late Notice of Claim* shall have attached:

1) A completed Notice of Claim (available from IDWR); and

2) The claim filing fee and late claim fee for claims. Payment shall be in the form of a check made payable to: State of Idaho Department of Water Resources. To determine the exact amount of these fees, call IDWR at (800) 451-4129.

3) Pursuant to I.C. §§ 42-1414 and 42-1415, additional costs may apply to late notices of claim or to amended notices of claim other than for Domestic Use and Stock Watering Use as defined herein.

(f) When a *Motion to File a Late Notice of Claim* is granted, the Clerk of the Court shall forward the check and completed Notice of Claim to IDWR. If the motion is denied, the Clerk of the Court shall return the claim filing fee and the late claim fee.

(g) IDWR shall file a Director's Report for late-filed claims on at least an annual basis, or more frequently as determined necessary by the Court.

(h) Notice of the filing of the Director's Report for a late claim shall appear on the Docket Sheet.

(i) Unless otherwise ordered by the Court, objections or responses to Director's Reports for late claims shall be as set forth in the late claims Director's Report.

(4) *Stipulated Elements of a Water Right* (Standard Form 5) -

(a) Where parties reach an agreement on a contested water right Recommendation, they shall file either a stipulation with the Court using Standard Form 5 or some other stipulation acceptable to the Court. Subcases may also be resolved orally on the record.

(b) Standard Form 5 may only be used if **all** parties have stipulated to **all** elements of **one** water right and may be submitted at any time following the close of the statutory response period.

(c) Standard Form 5 is used to report the stipulated elements of **one** water right acquired under state law or **one** federal reserved water right.

(d) When IDWR does not concur with a proposed settlement, the Presiding Judge or Special Master shall conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a Partial Decree for the water right as stipulated in the Standard Form 5 or proposed settlement.

(e) Where the stipulated elements require an amendment of the claim and IDWR concurs with the proposed settlement, leave of Court to amend the claim is not required. In that case, the Standard Form 5 can be used as an Amended Claim and an Amended Director's Report if one is required by the Court, by checking the appropriate box. If the settlement results in an expansion of the water right beyond what was originally claimed (i.e. increase in rate of diversion, acreage, more consumptive purpose of use, etc.), or results in a change that would

potentially affect a party not already a Party to the Subcase, then an Amended Claim/Director's Report is required to provide notice to third parties not already parties to the Subcase. The Amended Claim/Director's Report shall appear on the Docket Sheet to provide notice and an opportunity to object to persons not already party to the Subcase.

(f) Standard Form 5 or a substantially similar form of proposed settlement may be used to report the stipulated elements of one water right established under federal law; provided, however, that IDWR concurrence shall not be required for any proposed settlement of a federal reserved water right.

(5) *Motion to File a Late Objection* or *Motion to Set Aside and Modify Partial Decree or Final Order Disallowing Water Right Claim* (Standard Form 7).

(a) Where the time period for filing objections has expired, a *Motion to File a Late Objection* (Standard Form 7) must be filed with the Court. *Motions to File Late Objection* will be reviewed under the criteria of I.R.C.P. 55(c). When a *Motion to File a Late Objection* is filed to a previously "unobjected-to" Recommendation or Notice of Federal Claim:

(1) The motion shall appear on the Docket Sheet; and

(2) A hearing on the motion shall be scheduled by the Special Master assigned to that reporting area and notice of the hearing shall appear on the Docket Sheet.

(b) Where a Partial Decree or a final order disallowing a water right claim has been issued for a water right claim a *Motion to Set Aside and Modify Partial Decree or Final Order Disallowing Water Right Claim* (Standard Form 7) must be filed with the Court. *Motions to Set Aside and Modify Partial Decree or Final Order Disallowing Water Right Claim* will be reviewed under the criteria of I.R.C.P. 60(a) or 60(b).

5. FILING OF AMENDED DIRECTOR'S REPORTS

Unless otherwise ordered by the Court, if an Amended Director's Report is required under these Rules or is otherwise filed by IDWR, the Amended Director's Report shall be docketed in the Subcases indicating the type of amendment made and will appear on the Docket Sheet. Any party wishing to file an objection to an Amended Director's Report may do so by filing an Objection within 21 days following the notice of filing the Amended Director's Report on the Docket Sheet, unless a different schedule is ordered by the Court or Special Master. Parties who previously filed Objections and/or Responses in a Subcase are required to file new Objections and/or Responses to an Amended Director's Report, unless the Court or Special Master orders otherwise.

6. EVIDENCE AND DOCUMENT PRESERVATION

a. After a Director's Report has been filed, employees or contractors of IDWR may go on a Claimant's property in that reporting area to further investigate a reported claim only with permission from the Claimant or leave of the CSRBA Court.

b. No party to the CSRBA may destroy any document or evidence kept in any medium which relates to a pending claim in the CSRBA or has been prepared for use in the CSRBA, except on motion and order by the CSRBA Court. This order is intended to override any records management or document destruction program used by any party. This order does not apply to documents protected by the attorney-client privilege or to attorney work product.

c. IDWR may not destroy any document or evidence, in any medium, relating to a water right or which has been used or relied upon in making a Recommendation in a Director's Report. Further, IDWR shall keep all policies and procedures, past or current, in draft or final form, which were actually relied upon by IDWR, its employees or agents in making any Recommendation in a Director's Report.

7. DOCKET SHEET PROCEDURE

a. The Docket Sheet and corresponding Docket Sheet Procedure is the method used by the Court to provide notice to the parties to the CSRBA of certain filings and proceedings identified in these Rules of Procedure. The identified filings and proceedings consist of those which can affect claims outside the scope of a Subcase and therefore basin-wide notice is necessary. The Docket Sheet is published by the Court on the 7th day of each month and is available at the County Clerk's office for each county included in whole or in part in the adjudication, the Court's website, and by annual subscription available via electronic media or paper print out.

b. The Docket Sheet shall include the following sections:

(1) A chronological list of all orders, Pleadings (except objections, responses, Pleadings or orders filed in Subcases) and other documents (i.e., motions for late or amended claims or motions for late objections) filed with the Court since the last Docket Sheet including:

(a) The CSRBA case number;
(b) The document name;
(c) The name of the party and the party's attorney, if any; and
(d) The date the document was filed.

(2) A chronological list of all objections and responses filed since the last Docket Sheet including:

(a) The Subcase number;
(b) The name of the Claimant, Objector or Respondent;
(c) The address of the Objector or Respondent if not represented by an attorney;
(d) The name and address of the attorney representing the Objector or Respondent;
(e) The box number(s) checked on the objection or response form;
(f) The date the document was filed; and
(g) The source of the water right as stated in the Director's Report.

(3) A chronological list of the hearings scheduled for the next three months (except hearings in Subcases) including:

(a) The CSRBA case number;
(b) The date and time of the hearing;
(c) The subject; and
(d) The names of the parties.

(4) A list of all Special Master's Reports and Recommendations issued since the last Docket Sheet;

(5) A list of all Amended Director's Reports issued since the last Docket Sheet; and

(6) A list of all Partial Decrees issued since the last Docket Sheet.

c. The CSRBA Court shall compile the Docket Sheet and send copies to:

(1) The Clerk of the District Court in each county located within the boundaries of the CSRBA. The Docket Sheet shall be posted by the Clerk of the District Court in each county or the Clerk shall post a notice telling where in the county building the Docket Sheet is available for inspection. Depending on the particular county, the Docket Sheet may be in printed hard copy version, as electronic media or via internet access to the Court's website.

(2) One copy to IDWR for inclusion in the document depository:

IDWR
Document Depository

PO Box 83720
Boise, ID 83720-0098

IDWR shall make the Docket Sheet available for inspection at its central and regional offices.

(3) The Docket Sheet is also available on the Court's website.

d. The Court charges an annual subscription fee based on the actual cost of copying and mailing. The Docket Sheet is available in electronic medium or a paper printout version upon request. The Court shall maintain a Docket Sheet mailing list.

e. Service of Pleadings and other documents under the Docket Sheet Procedure.

(1) Pleadings or other documents shall be filed with the Clerk of the CSRBA Court, 253 Third Avenue North, PO Box 2707, Twin Falls, Idaho 83303-2707.

(2) Copies of any pleading or other document shall be delivered or mailed to:

(a) IDWR Document Depository, PO Box 83720, Boise, Idaho 83720-0098;

(b) Chief, Natural Resources Division, Office of the Attorney General, State of Idaho, PO Box 83720, Boise, Idaho 83720-0010;

(c) U.S. Department of Justice, Environment and Natural Resources Division, 550 West Fort Street, MSC 033, Boise, Idaho 83724. Documents served by messenger or overnight delivery service should be sent to the U.S. Department of Justice, Environment and Natural Resources Division, c/o U.S. Attorney's Office, 800 Park Blvd., Suite 600, Boise, ID 83712, Tel: (208) 334-1211; and

(d) All parties identified in the pleading from whom relief is sought. If relief is sought against a class or group, service shall be made on the representative of that class or group.

f. Motion practice under the Docket Sheet Procedure.

(1) **Hearing Date** - Unless otherwise ordered, a motion to be heard by the Presiding Judge will be heard on the third Tuesday of the second month following its appearance on the Docket Sheet. Any motion filed with the Court before 5:00 p.m. (Mountain Time) of the last working day of a month will be placed on the Docket Sheet for that month. For example, a document filed before 5:00 p.m. on August 31, 2012, will appear on the Docket Sheet on September 7, 2012. The hearing will be held on Tuesday, November 20, 2012.

(2) **Expedited Hearings** - Any party moving for an order to expedite a hearing controlled by Docket Sheet motion practice procedure (Section 7.f.) shall contact the Clerk of the Court for a hearing date. The party shall then send a copy of the notice of hearing, the motion and supporting documents to all parties listed in Section 7.e.(2) and each person on the current copy of the *Court Certificate of Mailing for Expedited Hearings* which is available from the Clerk of the CSRBA Court or from the Court's website. Parties to the adjudication seeking to be added to the expedited mailing list shall make a written request to the Clerk of the CSRBA Court. Parties preferring expedited service electronically via e-mail in lieu of a hard copy may specify as such in written request. This section does not apply to hearings regarding matters that are not required to appear on the Docket Sheet.

(3) Notice of hearings under the Docket Sheet Procedure:

(a) Service of a notice of hearing shall be made pursuant to Section 7.e.(2). A party requesting and receiving an expedited hearing shall meet the service requirements of Section 7.f.(2).

(b) Compliance with the Docket Sheet Procedure constitutes notice to all parties to the adjudication.

(4) Briefing schedule under the Docket Sheet Procedure.

(a) **Documents in Support of a Motion** - All documents and briefs in support of a motion shall be filed with the motion and served on the parties listed in Sections 7.e.(2) or 7.f.(2).

(b) **Responses to Motions** - Parties may file documents and briefs supporting or opposing a motion by the fifteenth day of the month following the motion's first appearance on the Docket Sheet. Service shall be made on the movant and the parties identified in Sections 7.e.(2) or 7.f.(2). If a motion is to be heard on an expedited basis, a response shall be filed with the Court at least one day prior to hearing and served on the *Court Certificate of Mailing for Expedited Hearings*.

(c) **Replies to Responses** - Documents or briefs in reply to responses must be filed before the last working day of the month following the motion's first appearance on the Docket Sheet, unless the matter is set on an expedited basis. Service shall be made on the party who filed the response and on the parties identified in Sections 7.e.(2) or 7.f.(2). A matter set on an expedited basis will rarely allow time for a reply to be filed prior to hearing.

(d) **Extensions** - For good cause a party may move for an extension of time to file a response or reply to a motion. A *Motion for Extension of Time* shall be filed with the Court and served as provided in Sections 7.e.(2) or 7.f.(2), prior to the date the brief is due. If the motion is granted, the movant shall serve a copy of the order as provided in Sections 7.e.(2) or 7.f.(2).

8. COURT FEES

Unless otherwise precluded by applicable law, the following fees apply in the CSRBA. You must contact the Clerk of the CSRBA Court for the amount of the fee.

a. **Transcript fee** - A per-page fee is charged for the preparation of any transcript of any CSRBA hearing. Arrangements for transcripts must be made through the CSRBA court reporter. Fees must be paid to the court reporter **prior** to preparation of the transcript.

b. **Appellate fees** -

(1) The Idaho Supreme Court requires payment of a filing fee for all appeals. This fee must accompany any notice of appeal.

(2) All appeals to the Idaho Supreme Court must include a clerk's record. Payment of a per-page fee for the preparation of the clerk's record is required. An estimate of this fee must be paid at the time the notice of appeal is filed.

c. **Fees for services** - Fees for services including but not limited to the copying of files or records, the certifying of files or records, affixing court certificate and seal, and the copying of an audiotape or CD of any CSRBA hearing shall be as provided in I.C. § 31-3201.

9. ERROR CORRECTION PROCEDURE

a. Upon written notification by IDWR of an error in a Partial Decree and compliance with the service requirements for correspondence as set forth in Section 11.j., depending upon the nature of the error, the Court in its discretion, may:

(1) Correct the error without a hearing pursuant to I.R.C.P. 60(a); or

(2) Issue a Notice of Court's Intent to correct the error, pursuant to Docket Sheet notice, allowing an opportunity for parties to be heard on the Court's intended action.

b. Notification by Claimant or other party to the CSRBA:

(1) Use the Standard Form 7.

10. SPECIAL MASTERS

a. The Presiding Judge may refer Subcases and other matters to a Special Master by an *Order of Reference* pursuant to I.R.C.P. 53.

b. Subcases referred to a Special Master will proceed in accordance with the I.R.C.P. and these *Rules of Procedure*. Each Subcase shall proceed in the same manner as any court case. Special Masters are exempt from the time requirements of I.R.C.P. 53(d)(1).

c. A Special Master shall file reports with the Presiding Judge on the matters submitted by the *Order of Reference* and, if required, shall include findings of fact and conclusions of law. I.R.C.P. 53(e)(1). Service shall be made on the parties to the Subcases covered. Notice of the filing of the *Special Master's Recommendation* shall appear on the Docket Sheet.

d. **Permissive Review** - A Special Master or any Party to the Subcase may seek permissive review by the Presiding Judge of the Special Master's interlocutory determination which involves a controlling question of law as to which there are substantial grounds for difference of opinion and on which immediate consideration of the determination may advance the orderly resolution of the litigation following the procedures set forth in I.A.R. 12. The Special Master shall review the motion and responses and recommend, with findings, whether it should be granted or denied. The motion and the Special Master's recommendation shall be forwarded to the Presiding Judge for determination.

11. PROCEDURE FOR WATER RIGHTS WHERE AN OBJECTION HAS BEEN FILED

a. When the first objection to a Recommendation or Notice of Federal Claim is filed, a Subcase file shall be opened and separately docketed on IWATRS. The water right number becomes the Subcase number. All subsequent filings for that water right, including objections and responses, will be docketed under that Subcase.

b. Subcases will generally be referred to a Special Master by an *Order of Reference*. Depending upon the nature of the claim, court staffing, or for case management purposes, the Presiding Judge may elect to preside over a particular Subcase or administrative basin.

c. Unless otherwise ordered by the Presiding Judge or a Special Master, each Subcase shall proceed separately from other Subcases or matters at issue in the CSRBA.

d. After the objection period has expired, IDWR shall coordinate with the Special Master the timing of the filing of a case management report to be used for the scheduling and efficient processing of Subcases at the Initial Hearing. The case management report shall also include those claims for which no objection has been filed but may be affected by the outcome of the proceedings involving a contested claim. I.C. § 42-1412(7). The case management report is not served on the parties.

e. **Scheduling**

(1) At the end of the objection period, the Court may hold an Initial Hearing for each Subcase. At the Initial Hearing, each Claimant, Respondent, and/or Objector shall be given an opportunity to meet with IDWR in an attempt to reconcile the difference between the Director's Report, the claim and the objection(s) for each Subcase. If the objection(s) cannot be reconciled, the Court shall set the matter for trial. The Claimant and objecting party, if any, must be present at the Initial Hearing. Any Claimant whose water right has been identified as potentially being affected by the outcome of a contested claim shall be present at the Initial Hearing.

f. **Procedures on I.C. § 42-1425 Objection to Accomplished Transfer**

(1) Where an Objector, in a Standard Form 1, objects to a recommendation in a Director's Report because it includes an accomplished transfer under I.C. § 42-1425 resulting in injury and/or enlargement, the Special Master shall address the objection at the initial hearing. Following the initial hearing, the Special Master shall, unless waived by the parties, issue a scheduling order remanding the water right to the Director pursuant to I.C. § 42-1425(2)(a) for the limited purpose of determining whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right. The proceedings before the Director on remand do not constitute an independent administrative proceeding under Idaho's Administrative Procedures Act, but rather an opportunity to submit information and/or argument to the Director, limited to injury or enlargement, that may have not otherwise been considered by the Director in preparing the recommendation. Following the proceedings before the Director, the Director shall submit a supplemental report setting forth his findings and conclusions and, if necessary, an amended Director's Report. Parties can elect to waive this process and proceed on the evidence to be presented at a subsequent CSRBA proceeding before the Special Master. Once waived any subsequent request for remand for this purpose is discretionary with the Special Master or Presiding Judge.

(2) If a Party files a *Motion to Amend Objection* or a *Motion to File Late Objection* that seeks to object to a recommendation because it includes an accomplished transfer and the initial hearing has already been held, the Special Master or Presiding Judge shall address the request for remand at the hearing on the motion.

g. **IDWR Involvement**

(1) IDWR is an independent expert and technical assistant to assure that claims to water rights acquired under state law are accurately reported. I.C. § 42-1401B.

(2) The Court in its discretion may call IDWR as a witness in any Subcase involving a water right pursuant to I.R.E. 614(a) or I.R.E. 706.

(3) Any Party to a Subcase involving a water right acquired under state law may call a representative of IDWR as a witness. In a Subcase involving a water right acquired under federal law, leave of Court is required. A deposition of the witness may be taken by any Party and the witness shall be subject to cross-examination by the parties, including the Party calling IDWR as a witness. I.R.E. 706. Should any Party choose to cross-examine IDWR or call IDWR at trial, IDWR must be notified, in writing, consistent with any deadlines set forth in the pre-trial scheduling order and no later than the pre-trial conference.

(4) The Court on its own motion or the motion of any Party may request a Supplemental Director's Report from IDWR setting forth the basis of IDWR's Recommendation on the disputed element(s) of any water right acquired under state law. If a Supplemental Director's Report is requested by a Party, the Presiding Judge or Special Master will determine, in his or her discretion, whether to grant or deny the request. IDWR shall serve the report on each Party and shall file the report with the Court. The Court may consider the report for any pre-trial matter or in lieu of any direct testimony by IDWR at trial.

(5) A representative of IDWR shall attend all hearings in contested Subcases involving a water right acquired under state law unless excused by the Presiding Judge or the Special Master.

h. Service of documents in a Subcase need be made only on parties to the Subcase and IDWR. When a document is filed in a Subcase, the Docket Sheet Procedure **is not required to be followed**, except for: motions and notices of hearings to designate Basin-Wide Issues; proceedings on Basin-Wide Issues; *Special Master's Recommendations*; notices of challenge to a *Special Master's Recommendation*; motions

and notices of hearings for entry of Partial Decrees; proceedings by the Presiding Judge on decrees; motions or orders for I.R.C.P. 54(b) certification or permissive review; actions for injunctive relief; notices of appeal; and any other matter ordered by the Court to follow the Docket Sheet Procedure

i. **Motion to Participate** - Any Party to the Adjudication who is not a Party to a Subcase may seek leave to participate in a Subcase by filing a timely *Motion to Participate*. A *Motion to Participate* shall be treated like a motion to intervene under I.R.C.P. 24 and shall be decided by the Presiding Judge or the assigned Special Master. A Party to the Adjudication who does not file an objection, a response or a timely *Motion to Participate* waives the right to be a Party to the Subcase and to receive notice of further proceedings before the Special Master, except for *Motions to Alter or Amend*.

j. If **all** parties to a Subcase stipulate to **all** elements of **one** water right, a Standard Form 5 may be submitted at any time following the close of the response period.

k. If a Party must correspond with the CSRBA Court, the Party shall identify the Subcase involved and must include a statement that all Parties to the Subcase have been sent a copy of the correspondence and any attachments. If these procedures are not followed, the correspondence may not be accepted by the Court.

12. HEARINGS

a. **Resetting Subcase Hearing Dates** - Any Party to the CSRBA who requests that a hearing be reset shall comply with the following requirements:

(1) Contact the Clerk of the CSRBA Court to obtain alternative dates and times;

(2) Contact each Party to the Subcase(s) or their attorney, if any, and reach an agreement on an alternative date and time provided by the clerk; and

(3) Prepare and file with the Court a *Stipulation to Reset* the hearing. The hearing must be reset on one of the dates and times provided by the clerk or it will not be accepted for filing. The stipulation must specify the agreed upon date and time and must contain a statement that the Party moving to reset the hearing has contacted each Party or their attorney and that all have agreed on the alternate date and time. If granted, the Court will send a notice resetting the hearing.

(4) If the parties cannot reach agreement, the Party wishing to change the date and time must file a *Motion to Change the Hearing Date* at least 14 days prior to the scheduled hearing.

b. **Participation in Hearings by Telephone and Video Teleconferencing (VTC)** – This section supplants I.R.C.P. 7(b)(4). Unless otherwise ordered by the Court, telephone participation and/or VTC participation will be allowed in all hearings, except as follows:

(1) Oral testimony will not be allowed by telephone. Oral testimony may be allowed by VTC as determined by the Court.

(2) The Court may require in-person or VTC attendance at Initial Hearings, settlement conferences, and trials.

(3) A notice setting hearing will specify participation restrictions, telephone conferencing numbers and participant codes and/or location of VTC facilities.

(4) In cases where telephone or VTC participation is restricted, telephone or VTC participation may still be permitted upon request, if available, for monitoring proceedings.

(5) Speakerphones and cell phones often pick up background noise and/or cause interference with sensitive courtroom equipment. **Therefore, the use of speakerphones and cell phones is prohibited.**

(6) Place your call to the Court a few minutes prior to the scheduled start of your hearing so that the Clerk of the Court may identify who is participating by telephone.

13. PROCEDURES FOR WATER RIGHTS WHERE NO OBJECTION HAS BEEN FILED

a. Claims for water rights based on state law where no objection has been filed shall proceed in accordance with I.C. § 42-1412(7).

b. Claims for water rights based on federal law where no objection has been filed shall proceed in accordance with I.C. § 42-1411A(14). Unless otherwise ordered by the Court, the Claimant may present evidence to establish the required *prima facie* showing through the filing of affidavits.

14. NOTICE OF CLAIMS BASED ON FEDERAL LAW

Notice to parties to the adjudication of the filing of Notice of Claims based on federal law will be reported in a Director's Report and will appear in substantially the same format as the Director's Recommendations for claims based on state law. The filing of the Director's Report will proceed according to the same filing and service procedures as claims based on state law. The Director's Report shall state that the claim is based on federal law and shall include instruction and deadlines for filing Objections and Responses.

15. PROCEDURES FOR UNPERFECTED WATER RIGHT PERMITS

Unperfected water right permits will be adjudicated in conformance with I.C. § 42-1421; provided, however, the Court can make a determination whether to stay CSRBA adjudication proceedings to allow completion of the administrative process and issuance of the license. In the event of such a determination IDWR shall notify the Court by filing a *Notice of Completed Administrative Proceeding* upon issuance of the license. Unperfected water right permits that are adjudicated may be subject to later amendment in the CSRBA in the event of a subsequently issued license.

16. CONSOLIDATION OR SEPARATION OF SUBCASES AND ISSUES

Any matter at issue in any proceeding in the adjudication, including portions of or entire Subcases, may be consolidated with or separated from any other matter at issue in the adjudication. Any Party to a Subcase may move for consolidation or separation of claims or issues. The Presiding Judge or Special Master may order consolidation or separation on the basis of such motion or on their own. I.R.C.P. 42. If a motion to consolidate concerns issues from Subcases which are all before the same Special Master, it shall be served only on parties to those Subcases and shall be decided by the Special Master. If such a motion concerns Basin-Wide Issues or issues from Subcases which are not all before the same Special Master, it shall be served on all parties to those Subcases, noticed through the Docket Sheet Procedure and decided by the Presiding Judge or a Special Master by *Special Order of Reference*.

NOTE: A motion to consolidate Subcases is appropriate in situations where common issues of law or fact present themselves in more than one Subcase and resolution of those issues can be most expeditiously and effectively achieved through presentation to the Presiding Judge or a Special Master in consolidated hearings.

17. SETTLEMENT CONFERENCES

a. **Mediated Settlement Conferences** – The Presiding Judge or Special Master may order a Subcase to mediation pursuant to I.R.C.P. 16(k). When available, a Special Master not assigned to the Subcase may be appointed to act as mediator at no charge to the parties. Unless otherwise ordered by the Court, each Party is required to be present, together with the individual(s) possessing full settlement authority on every aspect of the contested Subcase, and participate in the settlement conference.

b. **Informal (non-mediated) Settlement Conferences** – The Presiding Judge or Special Master may order the parties to participate in a settlement conference without a mediator.

c. **IDWR Participation** – A representative of the Department may, at the discretion of the Presiding Judge or Special Master, attend or not attend any settlement conference ordered by the Presiding Judge or Special Master.

18. PROCEEDINGS ON A SPECIAL MASTER'S RECOMMENDATION

a. The Special Master shall prepare and file with the Court a *Special Master's Recommendation* which shall be served on the parties to the Subcase and notice of its entry shall appear on the Docket Sheet. Any Party to the Adjudication, including parties to the Subcase, may file a *Motion to Alter or Amend* within 21 days from the date the *Special Master's Recommendation* appears on the Docket Sheet. The additional time provisions of I.R.C.P. 6(e)(1) shall not apply to this prescribed period. Any Party to the Adjudication not already a Party to the Subcase may respond to a *Motion to Alter or Amend* by filing a *Notice of Participation* which shall set forth the Party's name; the water right number; the name, address and telephone number of the attorney; and a short

statement of the Party's position on the issues presented in the *Motion to Alter or Amend*. **Failure of any Party in the adjudication to pursue or participate in a *Motion to Alter or Amend* the *Special Master's Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.** This waiver shall also apply to further proceedings in the Subcase if remanded back to the Special Master.

b. Where a *Motion to Alter or Amend* is filed in a Subcase, notice will appear on the Docket Sheet and the motion will be decided by the Special Master without responsive briefing or a hearing, unless ordered by the Special Master. No second *Motion to Alter or Amend* may be filed on the decision granting or denying a *Motion to Alter or Amend*.

c. Any Party who first filed or participated in a *Motion to Alter or Amend* before the Special Master may file a *Notice of Challenge* to the decision on a *Motion to Alter or Amend*. A *Notice of Challenge* shall be filed within 14 days following the date of the filing of the decision on a *Motion to Alter or Amend*. The additional time provisions of I.R.C.P. 6(e)(1) shall not apply to this prescribed period. The *Notice of Challenge* shall include a detailed statement of the issue(s) and a detailed description, including hearing dates and times, of any transcript(s) requested. Once raised and detailed, the issue(s) on challenge **may not** be amended to include additional issue(s) not specifically identified in the *Notice of Challenge* except on motion and leave of court. The *Notice of Challenge* shall appear on the Docket Sheet and shall be served on all parties to the Subcase(s) challenged, the CSRBA court reporter and the parties listed in Section 7.e.(2).

d. If a transcript is requested in a *Notice of Challenge*, the Party filing the *Notice of Challenge* must contact the CSRBA court reporter for an estimate of the cost for preparation of the transcript. The estimated fee must accompany the *Notice of Challenge* served on the court reporter.

(1) The transcript shall be lodged with the Court within 35 days following the deadline for filing a *Notice of Challenge*. An extension of the time for lodging may be granted by the Court for good cause.

(2) There will be no time for settlement of the transcript. If the transcript is incomplete or erroneous, the requesting Party may file the appropriate motion to correct the transcript.

(3) One copy of the transcript shall be served on the challenger and the opposing Party. When multiple parties are involved, the parties are required to submit a stipulation to the Court stating which parties are to receive the transcript copies.

e. At the close of the time period for filing a *Notice of Challenge*, the Court will issue a scheduling order. Unless otherwise ordered, the following schedule for briefing and oral argument shall be set:

(1) Opening briefs shall be filed within 21 days following the deadline for filing *Notice of Challenge*. If a reporter's transcript is requested, opening briefs shall be filed within 21 days following lodging of the transcript. Briefs shall be limited to 25 pages and shall be served on the parties to the Subcase and any Party filing a *Notice of Challenge*.

(2) Responsive briefs shall be filed within 14 days after the deadline for filing opening briefs. Responsive briefs shall be limited to 25 pages and shall be served on the parties to the Subcase and any Party filing a *Notice of Challenge*.

(3) Challenger's optional reply briefs shall be filed within 10 days after the deadline for filing responsive briefs. Reply briefs shall be limited to 25 pages and shall be served on the parties to the Subcase and any Party filing a *Notice of Challenge*.

(4) All parties lodging briefs in conjunction with a *Notice of Challenge* are required to submit an original and one copy to the Court. The time computation provisions of I.R.C.P. 6(a) shall apply and should be referred to by the parties in the event that any briefing deadlines fall on a Saturday, Sunday, or legal holiday.

(5) Unless otherwise ordered by the Court, only those parties filing briefs will be allowed oral argument, and each Party will be limited to 30 minutes.

f. In the event the Presiding Judge elects to preside over an administrative basin or Subcase in lieu of referring the basin or Subcase to a Special Master, the Presiding Judge may modify the procedures set forth herein upon notice to the parties through the Docket Sheet Procedure.

19. ENTRY OF PARTIAL DECREES AND ORDERS DISALLOWING WATER RIGHT(S)

a. The form of the Partial Decree for a water right shall be decided by the Presiding Judge.

b. The Presiding Judge shall enter a Partial Decree for uncontested water rights or any water right not referred to a Special Master by an *Order of Reference*.

c. Following review of a *Special Master's Recommendation* and the resolution of any challenges, the Presiding Judge shall enter a Partial Decree. The Partial Decree shall be served only on parties to the Subcase and notice of its entry shall appear on the Docket Sheet. A certified copy of the Partial Decree shall be served on IDWR in compliance with I.C. §§ 42-1403 and 42-1412(6).

d. Parties seeking to modify a Partial Decree or set aside a final order disallowing water right shall comply with I.R.C.P. 60(a) or 60(b). Parties seeking to modify a Partial Decree or set aside a final order disallowing water right shall file with the Court a *Motion to Set Aside and Modify a Partial Decree or Final Order Disallowing Water Right Claim* (Standard Form 7) in accordance with Section 4.d.(5)(b). Partial Decrees are final judgments and cannot be modified by an administrative proceeding except as provided in I.C. § 42-222.

e. Orders disallowing water right(s) are final judgments and shall be certified pursuant to I.R.C.P. 54(b).

20. APPEALS FROM PARTIAL DECREES

a. Appeals from a Partial Decree or any final order of the Court by a Party to a Subcase may be brought pursuant to I.R.C.P. 54(b) or I.A.R. 12.

b. Motions and proceedings for certification of a judgment as final shall follow Docket Sheet motion practice procedure (Section 7.f.).

c. The following procedures shall supplement the Idaho Appellate Rules as follows:

(1) Rule 17. Notice of Appeal – Contents.

Appellant shall state whether the requested transcript and record shall be provided in hard copy or electronic format. Refer to I.A.R. 27 for associated costs.

(2) Rule 25. Reporter's transcript – Contents.

If an appeal is filed in the CSRBA and a transcript is requested by the appellant, the notice of appeal must state specifically the Subcase number, the Special Master or Judge presiding and the date(s) of the hearing(s) for the requested transcript. If a

partial transcript is requested, the appellant must specifically indicate which portions of the hearings are to be included.

(3) Rule 27. Clerk's or agency's record – Number – Clerk's fees – Payment of estimated fees – Time for preparation – Waiver of clerk's fee.

(a) Number and Use of Record. When an appeal involves multiple appellants and/or Respondents, the parties must determine by stipulation which Party shall be served with the appellant's copy of the record and which Party shall be served with the Respondent's copy. If no stipulation is received by the Court prior to the service of the record, the Clerk of the Court will provide the appellant's copy to the first appellant listed in the caption of the Clerk's Certificate of Appeal. The Respondent's copy shall be provided to the first Respondent listed in the caption of the Clerk's Certificate of Appeal.

(b) Clerk's fee. When more than one Party files a notice of appeal, the cost of preparing the clerk's record on appeal is divided among the parties. The cost of those documents required under I.A.R. 28 and this supplement to I.A.R. 28 is divided equally among the parties. The cost of including any additional documents is paid by the Party or Parties requesting their inclusion.

(4) Rule 28. Preparation of clerk's or agency's record – Content and arrangement.

(a) Only documents filed or lodged in the Subcase(s) at issue in the notice of appeal will be included in the clerk's record. Documents filed or lodged in other Subcases may be included only by motion granted by the Presiding Judge. Any such motion shall be filed simultaneously with the Notice of Appeal.

(b) In addition to the documents automatically included in a clerk's record, pursuant to I.A.R. 28(a) and (b)(1), the following CSRBA documents will be automatically included in the clerk's record for any appeal:

1) Notice and Amended Notice(s) of Claim to a Water Right.
2) Director's Report for a water right on appeal.
3) Notice of Filing Director's Report which establishes the deadlines for filing objections and responses.
4) All Objections filed.
5) All Responses filed.
6) Standard Form 5 Stipulations.
7) Amended Director's Reports.
8) Special Master's Reports and Recommendations.
9) Motion to Alter or Amend Special Master's Report and Recommendations.
10) Order on Motion to Alter or Amend.
11) Any Motion for Reconsideration or Motion for Permissive Review.

12) Any Order Granting or Order Denying the Motion for Reconsideration or Motion for Permissive Review.
13) Notice of Issuance of Special Master's Recommendation (reiterates deadline from the service of the Docket Sheet – for filing Motions to Alter or Amend).
14) Notice of Challenge.
15) Order and/or Memorandum Decision on Challenge.
16) Partial Decree.

(c) The clerk's record shall include those additional documents specifically requested in the Notice of Appeal.

(5) Filing a notice of appeal in multiple Subcases or in consolidated Subcases.

To file a notice of appeal for multiple Subcases or for consolidated Subcases, parties must consider how those Subcases were decreed by the Court. If the Court treated the Subcases as one group and issued one Order of Partial Decree or one interlocutory decision for the group, the appellant need only file one Notice of Appeal listing all the Subcases in the group. There would be only one appellate fee and one record on appeal. If multiple Subcases were treated as a group by the Court, but where Orders of Partial Decree were issued individually or if an interlocutory decision was entered in each individual Subcase, then the appellant must file an individual notice of appeal for each Subcase. Each notice of appeal would require a separate fee and record on appeal.

21. BASIN-WIDE ISSUES

a. **Designation -**

(1) Any Party to the Adjudication may file a *Motion to Designate Basin-Wide Issue* if that Party believes an issue materially affects a large number of parties to the adjudication. The motion to designate shall be decided by the Presiding Judge or a Special Master by *Special Order of Reference*. A motion to designate shall state:

(a) The issue, in 20 words or less;
(b) Why the issue is broadly significant and is better resolved as a Basin-Wide Issue;
(c) The need for its early resolution;
(d) The type of right(s) affected by the issue; and
(e) A description of how those rights will be affected.

(2) The Presiding Judge may enter a *Notice of Intent to Designate Basin-Wide Issue*.

(3) Unless otherwise ordered, a motion or notice of intent to designate shall follow the Docket Sheet motion practice procedures (Section 7.f.).

(4) Any Party to the Adjudication may respond to a motion or notice of intent to designate. The response shall be served on the movant, if any, and the parties listed in Section 7.e.(2) or, if being heard on an expedited basis, to the addresses on the *Court Certificate of Mailing for Expedited Hearings* which is available from the Clerk of the CSRBA Court.

(5) A motion or notice of intent to designate may be filed at any time after the filing of a Director's Report which raises the issues that are the subject of the motion. The motion shall not be heard until after the objection and response periods to the Director's Report have run.

(6) On receipt of a motion or notice of intent to designate, the Clerk of the Court shall assign a separate Subcase number to the Basin-Wide Issue. This new Subcase file number shall be included on all documents filed in the Basin-Wide Issue and all entries appearing on the Docket Sheet.

(7) When Basin-Wide Issues are designated by the Presiding Judge, hearings may be expedited, and all parties to the adjudication will be given notice of proceedings through the Docket Sheet Procedure.

b. **Service -**

(1) When the Presiding Judge issues an *Order Designating Basin-Wide Issue*, a separate certificate of mailing shall be created for each Basin-Wide Issue. This Basin-Wide Issue certificate of mailing will consist of the parties who filed the motion to designate or a response thereto, a response to the notice of intent or a brief in response to the order designating. Parties to the adjudication may also become parties to the Basin-Wide Issue by filing a *Notice of Intent to Participate* no later than 30 days after publication of the order designating in the Docket Sheet or within the time specified on the order designating.

(2) Any pleading filed in the Basin-Wide Issue shall be served on the parties listed on the Basin-Wide Issue certificate of mailing. Parties to the adjudication will be given notice of further proceedings through the Docket Sheet.

(3) Only those parties listed on the Basin-Wide Issue certificate of mailing will be permitted to file Pleadings or participate in oral argument on the Basin-Wide Issue.

c. **Proceedings on Basin-Wide Issues to be Heard by the Presiding Judge** - A Basin-Wide Issue will proceed as specified in the order designating, which will state the briefing schedule and the date for oral argument. Once the hearing has been held, the Presiding Judge will issue a memorandum decision.

d. **Proceedings on Basin-Wide Issues Assigned to a Special Master -**

(1) A Basin-Wide Issue, once designated, may be assigned by the Presiding Judge to a Special Master by a *Special Order of Reference*. The Special Master shall:

(a) Issue a scheduling order stating the briefing schedule and the date for oral argument, and

(b) After hearing, file a *Special Master's Recommendation* with the Presiding Judge.

(2) **Challenges to a *Special Master's Recommendation on a Basin-Wide Issue*** - Any Party to the Basin-Wide Issue may file a *Notice of Challenge* within 30 days after the issuance of the *Special Master's Recommendation*. When a challenge has been filed, the Presiding Judge shall issue a scheduling order setting a briefing schedule and the date for oral argument.

22. IDWR ADMINISTRATIVE PROCEEDINGS TO CHANGE REPORTED WATER RIGHTS

a. In a reporting area where a Director's Report **has not** been filed or where a Partial Decree has been issued, a Claimant requesting an administrative change to their water right claim(s) must contact IDWR. Notice to the CSRBA Court is not required.

b. In a reporting area where a Director's Report **has** been filed and prior to the issuance of the Partial Decree, Claimants seeking to change their address or the ownership of a water right claim shall follow the procedures outlined under subsections (1) and (2) below. Claimants seeking to change point of diversion, place of use and period of use shall follow the procedures outlined under subsection (3).

(1) **Change of Address, Change of Ownership** (I.C. §§ 42-248 and 42-1409(6)) - Unless the Court orders otherwise, water right Claimants are required to notify IDWR of any change of address or ownership. Claimants shall use the appropriate forms provided by IDWR. Upon the completion of the processing of such a change, IDWR shall file with the Court a *Notice of Completed Administrative Proceeding* and shall attach a copy of the Amended Director's Report reflecting the change of

address or ownership. Change of address and ownership forms may be downloaded off of the Court's or IDWR's websites.

(2) **Split Water Rights** - Unless the Court orders otherwise, when notice is given to IDWR for a change in ownership of a water right proposing to split a water right, IDWR shall immediately notify the Court by submitting a *Notice of Administrative Proceeding*. Upon receipt of the *Notice of Administrative Proceeding*, the Court may stay CSRBA proceedings for that water right during the pendency of the administrative proceeding, or the Court may proceed as determined by the Court on a case-by-case basis. Once the administrative proceeding is complete and all appeal times have run, IDWR shall file with the Court a *Notice of Completed Administrative Proceeding* with an attached Amended Director's Report reflecting the division or split that has occurred. IDWR must also attach a copy of an Amended Director's Report for any and all overlapping water right claims. This procedure **cannot** be used to accomplish an enlargement as provided by I.C. §§ 42-1425, 1426 or 1427.

(3) **Other Changes - Period/Place/Purpose of Use/Nature of Use and Point of Diversion Proceedings Under I.C. § 42-222** - Claimants seeking a change in their claimed water right under I.C. § 42-222 shall contact IDWR. When an application is made with IDWR for a change pursuant to I.C. § 42-222 for a water right which has been reported in a Director's Report but where a Partial Decree has not been entered, IDWR shall immediately notify the Court by submitting a *Notice of Administrative Proceeding* stating the type of change sought. Upon receipt of the *Notice of Administrative Proceeding*, the Court may stay CSRBA proceedings for that water right during the pendency of the administrative proceeding, or the Court may proceed as determined by the Court on a case-by-case basis. Once the administrative proceeding is complete and all appeal times have run, IDWR shall submit a *Notice of Completed Administrative Proceeding* with an attached Amended Director's Report which shall report all administrative changes made pursuant to I.C. § 42-222. IDWR shall include Amended Director's Reports for any and all overlapping water right claims.

c. Amended Director's Reports issued as a result of IDWR administrative proceedings shall follow the procedure and deadlines in Section 5.

23. DEFERRAL AND FILING PROCEDURES FOR DOMESTIC AND STOCKWATER USES

a. Parties to the adjudication may elect to defer the adjudication of Domestic Use and Stock Watering Use claims as defined herein in accordance with the procedures set

forth in the *Order Establishing Procedures for the Adjudication of De Minimis Domestic and Stockwater Claims in the Coeur d'Alene Spokane River Basin Adjudication* entered in Twin Falls County Case No. 49576 on November 12, 2008.

b. Claimants filing for Domestic Use or Stock Watering Use in a reporting area where the deadline for filing claims has expired, but no Director's Report has been filed should follow the procedures set forth in section 4.d.(2)(a).

c. Claimants filing for Domestic Use and Stock Watering Use claims in a reporting area where a Director's Report has been filed should follow the procedures for filing late claims as set forth in Section 4.d.(3)(b) and (e).

24. PROCEDURES FOR *PRO HAC VICE* ADMISSION

a. Admission *pro hac vice* must be obtained from the Presiding Judge in each individual Subcase in which the out-of-state attorney intends to appear, whether on behalf of a Claimant, Objector, or Respondent.

b. Idaho Bar Commission Rule 227 requires that the applicant for limited admission submit a copy of the motion and a $325 filing fee to the Idaho State Bar. In the CSRBA, this requirement applies only to the first motion to appear filed in any given CSRBA Subcase and does not apply to motions to appear filed in subsequent Subcases.

c. Service in any Subcase in which an attorney is admitted *pro hac vice* shall be made on the designated local counsel. The CSRBA Court may send courtesy copies to other counsel provided such arrangements are made in advance with the Clerk of the CSRBA Court.

d. The Presiding Judge or the Special Master to whom a Subcase is referred is authorized to excuse the attendance of the designated local counsel pursuant to Idaho Bar Commission Rule 227(b).

e. The Presiding Judge or Special Master may allow another attorney licensed in Idaho to personally appear in the stead of the designated local counsel. Provided, however, the responsibilities and obligations applicable under Idaho Bar Commission Rule 227 shall apply to both the designated local counsel and the counsel appearing in his or her stead.

f. In any motion for admission *pro hac vice*, the out-of-state attorney shall certify to the CSRBA Court that he/she is familiar with *CSRBA Administrative Order 1, Rules of Procedure*, Idaho Bar Commission Rule 227, the Idaho Rules of Civil Procedure, and the Idaho Rules of Evidence.

25. SELF REPRESENTED LITIGANTS

While an individual who is not authorized to practice law in the State of Idaho has the right to represent himself or herself *Pro Se* in the CSRBA, such an individual may not represent a business entity in the CSRBA under Idaho law. See e.g., *Indian Springs LLC v. Indian Springs Land Inv., LLC*, 149 Idaho 737, 744–45 215 P.3d 457, 464–65 (2009) (holding, "[T]he law in Idaho is that a business entity, such as a corporation, limited liability company, or partnership, must be represented by a licensed attorney before an administrative body or a judicial body").

26. COURT INFORMATION FOR THE PUBLIC AND PARTIES

The IWATRS computerized register of actions (ROA) is available to the parties to the adjudication and the public. The CSRBA Court's home page and electronic records can be accessed via the Internet at URL: *www.csrba.idaho.gov*. Most documents are scanned and can be viewed and downloaded at no cost via links within the ROA for a particular Subcase or the main case.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)	**A.**	**Subcase** _____ (Insert water right number)
)		
Case No. 49576)		**STANDARD FORM 1 OBJECTION**
)		
_____)		

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: _____

Address: _____

_____

Daytime Phone: _____

Name & Address of Attorney, if any:

_____

_____

_____

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: _____

Address: _____

_____

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point of Diversion**
   Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights

☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

_____

_____

_____

_____

_____

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on _____, 20___, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____
Address: _____
_____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

_____

Signature of Objector or attorney
mailing on Objector's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
)
Case No. 49576)
)
)
)
_____)

A. Subcase _____
(Insert water right number From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: _____

Address: _____

_____

Daytime Phone: _____

Name & Address of Attorney, if any:

_____

_____

_____

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: _____

Address: _____

_____

D. I am responding to the Objections to the following elements or general provision. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point of Diversion**
6. ☐ **Instream Flow Beginning and Ending Point**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
10. ☐ **General Provision**
11. ☐ **Recommendation:**

    ☐ This water right should not exist.

    ☐ This water right was not recommended, but should be recommended with the elements described above.

INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted**. You must also send a copy to all the parties listed below in the Certificate of Mailing.

E. CERTIFICATE OF MAILING

I certify that on _____, 20___, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Coeur d'Alene-Spokane River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: _____
   Address: _____
   _____

3. One copy to the party who filed the Objection at the following address:

   Name: _____
   Address: _____
   _____

4. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of Attorney General
   State of Idaho
   PO Box 83720
   Boise, ID 83720-0010

_____
Your signature or signature of attorney mailing on your behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA	**Subcase** _____ (Insert water right number)
Case No. 49576	**STANDARD FORM 3**
	MOTION TO FILE AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** amended Notice of Claim.

By filing a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I have read ***CSRBA Administrative Order 1***, Rules of Procedure.

My name is _____

My address is _____

_____

My phone number is: work _____ Home _____

☐ I am an attorney representing _____

My name is _____

My address is _____

_____

My phone number is _____

☐ I must amend my Notice of Claim to the use of water in the CSRBA because:

_____

_____

_____

☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

_____

_____

_____

I have attached:

☐ A fully completed amended Notice of Claim (available from IDWR).

☐ Any additional claim filing fee required pursuant to I.C. §42-1414(2). To determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $_____.

INSTRUCTIONS FOR MAILING

You must mail this motion to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 20___, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Coeur d'Alene-Spokane River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   PO Box 83720
   Boise, ID 83720-0010

_____
Signature of Movant or attorney
mailing on Movant's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA	)	**Subcase** _____ (Insert water right number)
	)	**STANDARD FORM 4**
Case No. 49576	)	**MOTION TO FILE A LATE NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your late Notice of Claim must be indicated above in the blank space following "Subcase." To obtain your water right number, contact the Idaho Department of Water Resources. You must use a **separate form for each** late Notice of Claim.

By filing a Motion to File a Late Notice Claim, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read ***CSRBA Administrative Order 1***, Rules of Procedure.

My name is _____

My address is _____

_____

My phone number is: work _____ Home _____

☐ I am an attorney representing _____

My name is _____

My address is _____

_____

My phone number is _____

☐ I did not file a Notice of Claim to the use of water in the CSRBA because:

_____

_____

_____

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

_____

_____

_____

A Motion to File Late Notice of Claim will require a hearing before the Presiding Judge.

Follow these instructions regarding the hearing on the motion.

1. Contact the Clerk of the CSRBA Court at (208) 736-3011 to request a hearing date and time.

2. Fill in the following information:

   This motion will be heard on _____
   (insert date and time)
   at the CSRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

I have attached:

☐ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. §42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $_____.

☐ A claim filing fee and a late claim fee for those claims other than domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $_____.

INSTRUCTIONS FOR MAILING

You must mail the Motion, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 20___, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Coeur d'Alene-Spokane River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of Attorney General
   State of Idaho
   PO Box 83720
   Boise, ID 83720-0010

_____
Signature of Movant or attorney
mailing on Movant's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA	)	**SUBCASE: _____**
	)	
	)	**STANDARD FORM 5**
	)	
Case No. 49576	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	
	)	☐ **AMENDED NOTICE OF CLAIM / DIRECTOR'S REPORT**
	)	
_____	)	

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT/OBJECTOR: OBJECTOR:

_____ Date _____ Date

IDWR CONCURRENCE:

_____ Date _____ Date

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA

Case No. 49576

Subcase _____
(Insert water right number)

STANDARD FORM 7

☐ **MOTION TO FILE LATE OBJECTION**
OR
☐ **MOTION TO SET ASIDE AND MODIFY PARTIAL DECREE OR FINAL ORDER DISALLOWING WATER RIGHT CLAIM**

NAME AND ADDRESS OF PERSON FILING MOTION FOR LATE OBJECTION OR MOTION TO SET ASIDE PARTIAL DECREE/FINAL ORDER DISALLOWING

Name: _____

Address: _____

Daytime Phone: _____

☐ I am an attorney representing _____

My name is _____

My address is _____

_____

My phone number is _____

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT OR PARTIAL DECREE/FINAL ORDER DISALLOWING

Name: _____

Address: _____

_____

If you are seeking to file a late Objection, list the reason(s) this objection is late and why it was not filed by the Objection deadline:

_____

_____

_____

_____

If you are seeking leave to file a late Objection,

YOU MUST ATTACH A COMPLETED STANDARD FORM 1 (Objection form).

If you are seeking to set aside and modify a Partial Decree/Final Order Disallowing, indicate the basis for your motion:

☐ Idaho Rule of Civil Procedure 59 (e)

☐ Idaho Rule of Civil Procedure 60(a)

☐ Idaho Rule of Civil Procedure 60(b)

And list the reason(s) why the Partial Decree/Final Order Disallowing should be set aside:

_____

_____

_____

_____

INSTRUCTIONS FOR MAILING

You must mail this motion, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 20___, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Coeur d'Alene-Spokane River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the each party involved in the Subcase including the claimant, all objectors, respondents and any party granted a motion to participate. Attach a list of names and addresses.

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of Attorney General
   State of Idaho
   PO Box 83720
   Boise, ID 83720-0010

_____
Signature of Movant or attorney
mailing on Movant's behalf