

Closing the Case

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Following the resolution of the case The SRBA clerk will notify the clerk of the district court where the petition for judicial review or action for declaratory judgment was originally filed of the completion of the case upon the happening of either:

- a) the expiration of the time to appeal any decision of this court if no appeal to the Idaho Supreme Court is filed: or
- b) the filing of the remittitur from the Idaho Supreme Court or Idaho Court of Appeals with this court in the event that an appeal to the Idaho Supreme Court is timely filed following a decision of this court.

The receiving clerk will ROA the documents (using the dates of the file stamp on original filing) and will close the case entering the appropriate disposition information.

NOTE:

Copies of the

“NOTICE OF REASSIGNMENT” and

**“ADMINISTRATIVE ORDER
ADOPTING PROCEDURES FOR THE
IMPLEMENTATION OF THE IDAHO
SUPREME COURT AMENDED
ADMINISTRATIVE ORDER DATED
(XXX)”**

Will be attached.

I.S.C.

**Idaho Supreme Court
451 W. State St.
PO Box 83720
Boise, Id 83720-0101**

**208-334-2850
Fax: 208-947-7429**

7/1/2010



Idaho Supreme Court

SRBA Water Case Filings 7/1/2010



1-2-3 Clerical Case Processing

Phone: 208-334-2850

1-2-3 Case Processing

Judicial Review of cases heard by the Director of the Department of Water

Resources:

An Administrative Order dated December 9, 2009, Chief Justice Daniel T. Eismann outlined a new process for the courts to perform a "Judicial Review" or an "Action for Declaratory Judgment" of any aggrieved decision made by the Director of the Department of Water Resources.

Chief Justice Eismann stated that the Snake River Basin Adjudication District Court of the Fifth Judicial District has the particular expertise in the area of water rights adjudication and he signed the order regarding review of any of these cases, will be held in accord with Title 67, Chapter 52 of the Idaho Code, except that "once filed, all petitions for judicial review shall be forwarded to the clerk of the Snake River Basin Adjudication District Court of the Fifth Judicial District" commencing the 1st day of July 2010.

A new fee category was created to assist the clerks with this process. Here are a few basic instructions.

1-

The filing attorney, person or agency will file the petition for judicial review or an action for declaratory judgment using the **L3a – filing code**. The fee amount for this will be **\$88.00**.

The petition will be filed in the county in which:

- a) the hearing was held
- b) the final agency action was taken; or
- c) the aggrieved party resides or operates its principal place of business in Idaho ; or
- d) the real property or personal property that was the subject of the agency decision is located.

ISTARS will assign the case number and the water adjudication Judge (at this time Judge Eric Wildman).

The clerk will accept the filing, receipt the fees, assign the new case number and create a file for the documents, and issue file and concurrently serve upon the Department of water Resources, a

notice of reassignment assigning the matter to the presiding judge of the SRBA, and will forward a copy of the file to the clerk of the SRBA at;

The Snake River Basin Adjudication District Court of the Fifth Judicial District.
PO Box 2707
Twin Falls, Id 73303-2707.

SRBA Contact: Diana Delaney
Phone: (208) 736-3011

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The SRBA court will send out an "Administrative Order Adopting Procedures for the Implementation of the Idaho Supreme Court Amended Administrative Order.

This document will instruct all parties that subsequent filings shall be filed with the SRBA at the above address. Further filing fees (if any) will be made payable to the county where the original petition was filed. The SRBA will forward those fees to that county and they will be receipted through ISTARS in the originating county.