

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

In Re SRBA	)	<b>ADMINISTRATIVE ORDER 13</b>
Case No. 39576	)	<b>APPEALS IN THE SNAKE RIVER</b>
_____	)	<b>BASIN ADJUDICATION</b>

This order establishes additional procedures for appealing matters in the Snake River Basin Adjudication (SRBA) to the Idaho Supreme Court. This order is entered under the Presiding Judge's authority to effectively and expeditiously manage proceedings in this case and may be amended as needed. This order is intended to supplement the Idaho Appellate Rules.

**Rule 25. Reporter's transcript - Contents.**

If an appeal is filed in the Snake River Basin Adjudication 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 of the hearing for the requested transcript. If a partial transcript is requested, the appellant must specifically indicate which portions of the hearings are to be included.

**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 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.

**Rule 28. Preparation of clerk's or agency's record -- Content and arrangement.**

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.

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

- Notice of Claim to a Water Right
- Director's Report for Water Right on Appeal
- Notice of Filing Director's Report which establishes the deadlines for filing objections and responses
- All Objections filed
- All Responses filed
- Standard Form 5 Stipulations
- Amended Director's Reports
- Special Master's Report and Recommendation
- Motion to alter or amend Special Master's Report and Recommendation
- Order on Motion to Alter or Amend
- Any motion for reconsideration or motion for permissive review
- Any order granting or order denying the motion for reconsideration or motion for permissive review
- Notice of Issuance of Special Master's Recommendation (reiterates deadline – 21 days from the date of service of the Docket Sheet – for filing motions to alter or amend)
- Notice of Challenge
- Order and/or Memorandum Decision on Challenge
- Order of Partial Decree
- Partial Decree

If the appellant requests the inclusion in the clerk's record of any briefs or memoranda, these documents will be included as exhibits to the clerk's record, not as part of the actual record.

Exhibits and attachments to motions or affidavits requested will be included as exhibits to the clerk's record and not as part of the clerk's record.

The clerk's record shall include those additional documents specifically requested in the notice of appeal. When requesting the inclusion of additional documents, the appellant must specify the document title and the date the document was filed, not the date it was signed.

**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 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 the multiple subcases or consolidated subcases were treated as a group by the court, but were decreed 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 appellate fee and record on appeal.

IT IS SO ORDERED.

DATED June 25, 2001.

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ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the **ADMINISTRATIVE ORDER 13 APPEALS IN THE SNAKE RIVER BASIN ADJUDICATION** was mailed on June 25, 2001, with sufficient first-class postage to the following:

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Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

The Court Certificate of Mailing for Expedited Hearings

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Deputy Clerk