


ADJUDICATION MEMORANDUM #2

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Late Fees for Adjudication Claims

REVISED: October 23, 2008

Section 42-1414(3), Idaho Code, provides for late fees for adjudication claims not filed by the deadline set in the commencement notice. The late fee is \$50.00 or 15% of the total filing fee for the late claim(s), whichever is greater. A late fee is due for each claim filed after the deadline. The Director can waive all or part of the late fees for good cause.

Late fees are required for all Snake River Basin Adjudication (SRBA) claims unless the claim is deferrable (i.e., most small domestic and/or stockwater claims). The rest of this memo refers to late fees for claims taken in other adjudications, such as adjudications in northern Idaho.

Late fees will be assessed for required claims, delivered in person to an IDWR office, including a recognized temporary office, or received by mail and postmarked after the deadline set by the Director during second round service of the commencement notices. The following are exceptions to assessing late fees for claims received after the deadline set by the Director during second round service of the commencement notices:

1. Late fees are only assessed for claims where filing is required. Claims are not required for deferrable domestic and/or stockwater claims or for permits upon which proof of beneficial use had not been received by the date of an adjudication's commencement order (i.e., November 12, 2008, for the Coeur d'Alene-Spokane River Basin Adjudication).
2. If the claim is received prior to the second round service deadline, late fees will not be assessed.
3. If the claim is received after the deadline for second round service, a late fee will not be assessed if the claimant or the claimant's predecessor(s) did not receive a mailed commencement notice, either in first round service or second round service.
4. Late fees will not be assessed for corrected claims initially timely filed, found defective and returned to the claimant if IDWR receives the corrected claim within 30 days after return to the claimant.
5. Late fees will not be assessed from claimants who received an extension of time to file their claims, and who file no later than the extension deadline. See Adjudication Memo #3 for more information on extensions of time.

Questions regarding late fees should be addressed to the Adjudication Bureau Chief.