


ADJUDICATION MEMORANDUM #3

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Extensions of Time to File Adjudication Claims

REVISED: October 23, 2008

This memo does not apply to Snake River Basin Adjudication (SRBA) claims. This memo applies to claims in other adjudications, such as those in northern Idaho.

Section 42-1409(8), Idaho Code, allows the Director to extend the time allowed to file a notice of claim to a water right beyond the deadline set in the commencement notice. The Director has delegated that authority to the Division Administrator and Adjudication Bureau Chief.

A "Request for Extension" (form 42-1409(8)-1) is available for individuals seeking an extension of time to file their claim. The request for extension can be filed any time until the Director's Report is filed with the court. An extension of time request filed after the deadline and before the claim is filed will be considered for the purpose of waiving late fees.

In assisting a claimant with a "Request for Extension," the agent should advise the claimant the extension is more likely to gain approval if the claimant makes a good faith effort to complete the claim by the deadline and is diligent in that effort. When granted, individual extensions will set a new deadline that is reasonable for the claimant but does not frustrate the department's effort to complete receiving all claims.

"Request for Extension" forms should be forwarded to the State Office and will be given expedient consideration. Staff recommendations regarding a particular extension should be on a separate sheet and attached to the extension request.

When action is taken on an extension request, the department will return the original to the claimant and make a copy for each necessary department office. The request form and any supporting information should be filed with the claim when it is received.