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DISTRICT COURT - CFPRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 30 2025	
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 CFPRBA

Case No. 69576

**MOTION FOR CONTINUANCE  
OF HEARING ON UNCONTESTED  
WATER RIGHTS IN BASIN 97,  
PART 1 DIRECTOR'S REPORT**

The Idaho Department of Water Resources ("IDWR"), through the Office of the Attorney General, and pursuant to Idaho Code §§ 42-1411 and 42-1412, the Clark Fork – Pend Oreille River Basins Adjudication ("CFPRBA") Administrative Order 1 ("AO1"), and Idaho Rule of Civil Procedure 2.2(b), files this *Motion for Continuance of the Hearing on Uncontested Water Rights in the Basin 97, Part 1 Director's Report*. The Hearing on Uncontested Water Rights is currently scheduled for January 20, 2026.

IDWR does not request a hearing on its motion.

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### **Legal Standard**

Idaho Code § 42-1411(6)(i) requires the Court to set a hearing to decree unobjected parts of the director's report "not [...] less than sixty (60) days following the expiration of the period for filing objections." Idaho Code § 42-1412(7) provides: "Following hearing, the district court shall enter a partial decree as to those portions of the director's report for which no objection has been filed. However, the district court may exclude unobjected claims from this list if the unobjected claim may be affected by the outcome of a contested matter."

AO1 12(a)(4) requires that a party wishing to change the date and time of a hearing to file a motion at least fourteen (14) days prior to the scheduled hearing.

Pursuant to Rule 2.2(b)(1)(A), "When an act may or must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the Court acts, or if a request is made, before the original time or its extension expires."

### **Argument**

The filing of this motion complies with AO1 12(a)(4) as it was filed more than fourteen (14) days prior to the January 20, 2026 hearing date.

IDWR avers that there is good cause for the continuance. The continuance complies with Idaho Code § 42-1411(6)(i) as the proposed continued hearing date will be more than sixty (60) days following the expiration of the period for filing objections, which ran on May 12, 2025.

Pursuant to AO1 11(d), IDWR prepared a Case Management Report for the Special Master identifying contested subcases. These contested subcases are currently being scheduled for initial hearings. Dates have not yet been set for initial hearings but are anticipated to be sometime in March / April 2026. Holding the in-person initial hearings in the spring will avoid winter road conditions for participants who need to travel.

Idaho Code § 42-1412(7) provides that "the district court may exclude unobjected claims ... if the unobjected claim may be affected by the outcome of a contested matter." If a recommendation needs to be pulled out from the list of uncontested recommendations as a result of the initial hearings, it is procedurally less complicated to do so before the recommendation Motion for Continuance of Hearing on Uncontested Water Rights in Basin 97, Part 1  
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proceeds to decree. On the chance that an uncontested water right is identified as an overlap to a contested water right during the initial hearing, it will be more efficient to be able to resolve that relationship prior to proceeding to decree.

There will be no prejudice to the claimants with uncontested subcases to continue the hearing, as the objection and response deadlines have already passed.


Historic practice has been to hold initial hearings before the uncontested hearing. IDWR requests that the Court continue the Hearing on Uncontested Water Rights for the Basin 97, Part 1 Director's Report to accommodate the scheduling of the initial hearings.

### **Conclusion**

There is good cause for granting the continuance of the Hearing on Uncontested Water Rights in this matter. It is in the interest of judicial efficiency and economy to continue the January 20, 2026 uncontested hearing until after the initial hearings have been held for the Basin 97, Part 1 Director's Report.

Therefore, IDWR respectfully requests continuing the Hearing on Uncontested Water Rights currently set for January 20, 2026, to the Court's monthly hearing calendar, no earlier than June 2026.

DATED this 30th day of December, 2025.

  
LACEY RAMMELL-O'BRIEN  
Deputy Attorney General  
Idaho Department of Water Resources

## CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 2025, I served a true and correct copy of this *Motion for Continuance of Hearing On Uncontested Water Rights in Basin 97, Part 1 Director's Report* on the following persons by the identified method:

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