

1 **Rule 6-104. District court water judges**

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3 **Intent:**

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5 To designate certain district court judges as water judges.

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7 To establish a procedure whereby district court water cases are heard by designated water
8 judges.

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10 To designate a supervising water judge.

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12 **Applicability:**

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14 This rule shall apply to district court judges.

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16 **Statement of the Rule:**

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18 (1) **Council Designation.** The Judicial Council shall formally designate at least three district
19 court judges who volunteer as water judges. In making the designation, the Judicial Council
20 shall consider the knowledge and experience of the judge in relation to cases involving the
21 adjudication of water rights, or the willingness of that judge to become familiar with this area of
22 the law.

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24 (2) **Request for Assignment.** If a party to an action filed under Utah Code Title 73, Chapter 3
25 or Chapter 4 makes a request, as part of the complaint or first responsive pleading, to have the
26 case assigned to a water judge, the case will be assigned to a water judge. Thereafter, a
27 request to have the case assigned to a water judge may be granted in the discretion of the
28 judge assigned to the case. Additionally, a party may request that a non-Chapter 3 or Chapter 4
29 case be assigned to a water judge. Non-Chapter 3 or 4 cases will be reviewed and assigned by
30 the supervising water judge if the case is of sufficient legal complexity as related to water law to
31 warrant assignment to a water judge.

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33 (3) **Assignments.** Assignment of cases involving water law to a water judge shall be made on a
34 random basis. Assignment may include an adjustment in the judge's calendar to allow the judge
35 to handle the case.

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37 (4) Reassignments. All cases involving water law that are pending before a water judge at the
38 time the water judge ceases to be a water judge or ceases to be a district judge will be
39 reassigned to another water judge.

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41 ~~(4)~~(5) **Supervising Water Judge.** The water judges shall elect one of the water judges to be the
42 supervising water judge. The term of office of the supervising water judge is two years
43 beginning July 1. The supervising water judge shall be primarily responsible for:
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45 ~~(4)~~(5)(A) the assignment and reassignment of water law cases to water judges;

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47 ~~(4)~~(5)(B) the coordination of schedules of water judges and the assignment of
48 courtrooms and facilities in conjunction with the state court administrator and the
49 presiding judge of each district court;

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51 ~~(4)~~(5)(C) addressing concerns of water judges, other district court judges, or the Judicial
52 Council regarding the management of district court water law cases;

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54 ~~(4)~~(5)(D) overseeing the water law education of the water judges, in conjunction with the
55 Standing Committee on Judicial Branch Education and the Utah Judicial Institute;

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57 ~~(4)~~(5)(E) presiding over meetings of the water judges;

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59 ~~(4)~~(5)(F) the use of law clerk resources to develop water expertise, to assist the water
60 judges, and to facilitate consistency in the development of case precedents in the water
61 law area and otherwise assist in the transition as new water judges are designated; and

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63 ~~(4)~~(5)(G) coordinating with the water judge's presiding judge regarding any appropriate
64 adjustments to the water judge's caseload.

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66 ~~(5)~~(6) **Posting Decisions.** If a water judge decides a water law case of first impression, the
67 water judge shall cause the decision to be posted. A decision need not be posted where the
68 case deals with settled rules of law.

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70 ~~(6)~~(7) **Term.** Water judges shall serve only so long as they are district court judges. Water
71 judges may, however, resign as water judges, at their own request or the request of the Judicial
72 Council, while still serving as district court judges.

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74 ~~(7)~~(8) **Caseload.** If a water judge does not have a full workload of water law cases, the judge
75 shall hear non-water law district court cases to maintain a full workload of cases.

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77 ~~(8)~~(9) **Venue.** Nothing in this rule affects venue.

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79 ~~Effective: 11/01/2022~~Effective: November 1, 2024