

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

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3 **Intent:**

4 To designate certain district court judges as water judges.

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

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9 To designate a supervising water judge.

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11 **Applicability:**

12 This rule shall apply to district court judges.

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14 **Statement of the Rule:**

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

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

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

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34 (4) **Supervising Water Judge.** The water judges shall elect one of the water judges to be the
35 supervising water judge. The term of office of the supervising water judge is two years
36 beginning July 1. The supervising water judge shall be primarily responsible for:

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38 (4)(A) the assignment of water law cases to water judges;

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40 (4)(B) the coordination of schedules of water judges and the assignment of courtrooms
41 and facilities in conjunction with the state court administrator and the presiding judge of
42 each district court;

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44 (4)(C) addressing concerns of water judges, other district court judges, or the Judicial
45 Council regarding the management of district court water law cases;

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47 (4)(D) overseeing the water law education of the water judges, in conjunction with the
48 Standing Committee on Judicial Branch Education and the ~~Education Division of Utah~~
49 Judicial Institute ~~the Administrative Office of the Courts~~;

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51 (4)(E) presiding over meetings of the water judges; ~~and~~

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53 (4)(F) the use of law clerk resources to develop water expertise, to assist the water
54 judges, and to facilitate consistency in the development of case precedents in the water
55 law area and otherwise assist in the transition as new water judges are designated; and-

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57 (4)(G) coordinating with the water judge's presiding judge regarding any appropriate
58 adjustments to the water judge's caseload.

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60 (5) **Publishing Opinions.** If a water judge decides a water law case of first impression, or one
61 which creates new law or gives new guidance, the water judge shall cause an opinion of the
62 case to be published. An opinion need not be published where the case deals with settled rules
63 of law.

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

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

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72 *Effective May/November 1, 20*