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Sent: Thursday, November 20, 2008 9:29 AM
To: 'shpall, casey'
Subject: Proposed Amended Water Court Rules

At this point, I only have two concerns with the proposed CRCP 90 language.

- (1) The amended rule only requires applicant include the previous case number in a diligence filing and not the original. Without the original case number included in the caption, it creates a clerical nightmare of the clerks, referees and division engineers when trying to research the application. Review of the previous decrees is a key component in working with a diligence case. If the original case number is not included at the outset, we must begin the arduous task of tracing the entire matter backwards and hand pull every prior diligence decree to get back to the original. This can involve many decades and many cases. It could easily be remedied by included language that requires applicant to include both the previous AND ORIGINAL case number in the caption.
- (2) Regarding the requirement that any application the clerk and referee believe to be incomplete must be referred back to the water judge: I would recommend a two-tiered approach that allows the clerk and/or referee to automatically reject an application in which the information required by the forms is totally blank. This keeps easy issues off the water judge's desk and allows things to keep moving along much more quickly than if we have to refer it to the judge for determination. Then, with the "closer calls" we could follow the process allowed for by the rules.

Regards,
Lain Leoniak