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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcases: 55-10288B, 55-10289B, 55-
) 10290B, 55-10292B, 55-10293B, 55-10295,
) 55-10296, 55-10297B, 55-10298, 55-10299B,
) 55-10300, 55-10301B, 55-10303B, and 55-
) 13451
)
) ORDER ON MOTION TO ENLARGE
) TIME TO FILE MOTION TO
) DISALLOW COSTS
)

On January 31, 2005, the United States filed a *Motion to Enlarge Time to File Motion to Disallow Costs, in the Alternative to Disallow and Bifurcate Proceedings*. Previously on January 25, 2005, this court entered a *Deadline Order* for filing responsive briefing to the motion for reconsideration and motion for attorney's fees. Because a motion for reconsideration or amend judgment suspends the finality of a judgment, the time period for filing the memorandum of costs and fees under I.R.C.P. 54(d)(5), as well as an objection to costs under I.R.C.P. 54(d)(6), doesn't begin to run until the Court either denies the motion or amends the judgment. See e.g. *J.P Stravens Planning Associates, Inc., v. City of Wallace*, 129 Idaho 542, 928 P.2d 46 (Ct.App.1996). Although LU Ranches, Inc., already filed its memorandum of costs, the memorandum is still considered timely. See I.R.C.P. 54(d)(5). The memorandum of costs is considered "valid" once the Court files the decision on the *Motion*. *Crowley v. Lafayette Life Ins. Co.*, 106 Idaho 818, 683 P.2d 854 (1984).

Therefore, the Court's January 25, 2005, *Deadline Order* is vacated only as it pertains to the *Motion for Attorney's Fees* and thus will only apply to the *Motion for*

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Reconsideration/Amend Judgment. As to the motion for costs and fees the parties should refer to the Idaho Rules of Civil Procedure and the foregoing.

Dated February 2, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF MOTION TO ENLARGE TIME TO FILE MOTION TO DISALLOW COSTS was mailed on February 02, 2005, with sufficient first-class postage to the following:

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