

*Helen*  
This is in Desk Book

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS, CANYON, GEM,  
OWYHEE, PAYETTE AND WASHINGTON

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MAGISTRATE DIVISION RULES  
(As Amended, Effective April 1, 1973)  
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Subject to rules announced by the Idaho Supreme Court,  
the following District Court Magistrate Division rules are  
hereby promulgated, ordered and adopted to govern and establish  
the place of filings of actions, assignments of jurisdiction,  
location of court facilities, and practice and procedure in the  
Magistrate Divisions of the above-entitled court and shall become  
effective April 1, 1973.

1. Canyon County, Idaho will contain three Magistrate  
Division court facilities called Sections. Section #1 shall  
be located in the Canyon County court facility situate at the  
corner of 7th Avenue and Main Street in Caldwell, Idaho and be  
a sufficient court facility to carry on two six-man jury trials  
simultaneously, and the resident chambers of the two Canyon  
County lawyer-magistrates shall be located in said Section #1  
court facility.

Section #2 shall be located in the Canyon County court  
facility located in the Courthouse Annex on Belmont Street  
between 11th and 12th Avenues in Caldwell, Idaho and be a  
sufficient facility to carry on six-man jury trials, and one  
Canyon County non-lawyer Magistrate must maintain his resident  
chambers in said Section #2 court facility.

A Magistrate Division court facility must be maintained  
in the Canyon County Building located at 120 Ninth Avenue South in  
Nampa, Idaho, which facility is designated as the Nampa Section,  
and one Canyon County non-lawyer Magistrate must maintain his  
resident chambers in said Nampa Section court facility.

All misdemeanor cases arising out of occurrences happening within the city limits of Nampa, Idaho must be filed at said Nampa Section court facility.

All other criminal cases arising out of occurrences happening in Canyon County must be filed at said Section #2 court facility.

Canyon County Small Claims cases may be filed at said Section #1 court facility or at said Nampa Section court facility.

All other civil cases within the assigned jurisdiction of the Magistrates Division of Canyon County must be filed at said Section #1 court facility and no Small Claims cases may be filed at said Section #2 court facility.

All Canyon County proceedings involving juveniles within the provisions of Chapters 15, 16, 18, 19 and 20 of Title 16 of the Idaho Code, except traffic, watercraft and fish and game violations under Idaho Code 16-1803, must be filed or charged at said Section #1 court facility.

2. Pursuant to authority of Chapter 23, Title 1, Idaho Code, there is hereby created in each county of the Third Judicial District a Small Claims Department of the Magistrates Division of the District Court. Power and jurisdiction to handle Small Claims cases is hereby assigned to each Magistrate of this District. No Small Claims trials in this district will be taken down either stenographically or by sound recording devices, and all appeals in Small Claims cases to the District Court will be tried de novo in the District Court.

3. Qualified bonded personnel shall be provided in Nampa, Caldwell, Parma, Homedale, Marsing, Murphy, Emmett, New Plymouth, Payette, Weiser, Cambridge, Council and New Meadows, Idaho to accept written appearances, waivers of trial, pleas of guilty, and to collect fines and forfeitures; also to set bail in accordance with the provisions of Rules 31(B) and 32 of the Uniform District Court and Magistrate Division Rules.

4. All Magistrates of Canyon, Gem and Owyhee Counties shall meet together at the call of the Canyon County Lawyer Magistrate mentioned in Rule 15 hereof for the purpose of allocation of their work load, assignment and setting of cases for trial, arrangement of the court calendars and for the purpose of holding any necessary conferences relative to procedural or other current problems affecting the operation of the Magistrate Courts.

5. All Magistrates of Adams, Washington and Payette Counties shall meet together at the call of the Washington County Lawyer Magistrate for the purpose of allocation of their work load, assignment and setting of cases for trial, arrangement of the court calendars and for the purpose of holding any necessary conferences relative to procedural or other current problems affecting the operation of the Magistrate Courts.

6. The Uniform District Court Rules, the Idaho Criminal Rules and the Local Rules of the Third Judicial District, in addition to the Idaho Rules of Civil Procedure, shall govern the procedure of the Magistrates Divisions where applicable or unless otherwise provided for by statute or Supreme Court Rule; also the Rules of Procedure in traffic, watercraft, juvenile and fish and game cases. Provided, however, that copies of requests for trial and responses thereto in civil cases arising in Canyon, Gem and Owyhee counties shall be furnished to the clerk of the court facility designated as Section #1 of Canyon County; and in civil cases arising in Washington, Payette and Adams Counties shall be furnished to the Attorney Magistrate in Weiser, Idaho, and not to the District Court Judge as provided by Local District Rule #7.

7. Two regular Magistrate Court facilities, each sufficient to carry on six-man jury trials, shall be maintained in Owyhee County, one at Murphy and one at Homedale. The Murphy court facility is designated as the Murphy Section, and the Homedale court facility is designated as the Homedale Section.

Civil cases including Small Claims cases and criminal cases may be filed at either the Homedale Section or the Murphy Section, except that Owyhee County probate cases and trust matters may be filed only at the Murphy Section.

All Owyhee County proceedings involving juveniles, except traffic, watercraft and fish and game violations under Idaho Code 16-1803, must be filed or charged at said Murphy Section.

Small Claims cases may be filed and tried at the Special Small Claims court facilities located at Marsing, Idaho, designated as the Marsing Small Claims Court, but no other proceedings may be filed or tried there except as provided by Rule #3 above.

8. All Gem County matters with the jurisdiction of the Magistrates Division shall be filed or charged in the Magistrates Court at Emmett, Idaho; Washington County matters at Weiser, Idaho; Payette County matters at Payette, Idaho; Adams County matters at Council, Idaho, except that a special Small Claims court facility will be maintained at New Meadows, Idaho designated as the New Meadows Small Claims Court. In addition to the matters covered and provided for by Rule #3 above, as it relates to Adams County, only Small Claims cases may be filed and tried at said New Meadows court facility.

9. The Magistrates of the Third Judicial District are hereby assigned, respectively, without further order of the Senior District Judge, the matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code, except as provided in Rule #10 hereof.

10. All proceedings involving juveniles with<sup>in</sup> the provisions of Idaho Code Title 16, Chapters 15, 16, 18, 19 and 20 and proceedings for hospitalizations of mentally ill, or mentally deficient or retarded under Idaho Code Title 66, Chapter 3, are hereby assigned exclusively to the lawyer Magistrates, except that non-lawyer Magistrates Charles J. Jurries, of Owyhee County and Alfred O. Perry, of Gem County, are hereby assigned jurisdiction to handle all proceedings under Idaho Code Title 16, Chapters 16 and 18.

All proceedings and duties under the Uniform Probate Code, enacted by Chapter 111 of the 1971 Idaho Session Laws, together with any subsequent additions or amendments thereto are hereby

assigned in each county of the district to the Magistrate Division of the District Court of such county and in the event of any contest relative to trusts of any kind or nature covered by said Uniform Probate Code, exclusive jurisdiction is hereby assigned to the lawyer Magistrates of this district to hear and determine such contested trust matters.

11. Jurisdiction to hold the hearings required by Idaho Code 32-202 to determine if minors are sufficiently developed mentally and physically to assume full marital duties is hereby assigned to all District Court Magistrates within this District and petitions for such hearings may be filed at any Magistrate Court facility except those court facilities which are limited to Small Claims cases only.

12. The lawyer Magistrates for Canyon County are hereby assigned, with concurrent jurisdiction, all cases in Gem, Canyon and Owyhee Counties which are within the exclusive assigned jurisdiction of lawyer Magistrates.

13. The lawyer Magistrate for Washington County is hereby assigned all cases in Adams, Payette and Washington Counties which are within the exclusive assigned jurisdiction of lawyer Magistrates.

14. Each Magistrate in this district is assigned power and jurisdiction to handle any matter in any county of this district within his assigned jurisdiction in the event any of the resident Magistrates is ill or for any other reason unable or unavailable to attend to such matters.

15. The lawyer Magistrate in Canyon County who has been admitted to practice law in the State of Idaho the longer time shall be responsible for the proper allocation of the work load, assignment and setting of cases for trial and arrangement of the court calendars including the setting of law and motion days in the Magistrates Divisions of District Court of the counties of Gem, Canyon and Owyhee.

The lawyer Magistrate of Washington County shall be responsible for the proper allocation of the work load, assignment and setting of cases for trial and arrangement of the court calendars,

including setting law and motion days in the Magistrates Divisions of District Court in the counties of Adams, Washington and Payette.

16. Each Magistrate in the counties of Adams, Canyon, Gem, Owyhee, Payette and Washington shall make orders from time to time as may be necessary for the summoning of jurors from the qualified jury wheel for trials in the magistrate court facility to which he is primarily assigned and in the manner provided by the Uniform Jury Selection and Service Act.

17. The terms of the Magistrate Courts shall coincide with the District Court terms.

18. The Magistrate Division of the District Court of each county must have an official seal, but there may be no seal for any Small Claims Department.

19. No Magistrate who is an attorney may practice law in the courts of this State or any Federal Court.

20. It is the intent of these rules that all cases, civil or criminal, within the assigned jurisdiction of the District Court Magistrates must be filed or charged at the proper Magistrate Division and Magistrate Court facility and not in the District Court, except upon appeal.

Dated this 23rd day of March, 1973.

Gilbert C. Norris  
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Gilbert C. Norris  
Senior District Judge

Robert B Dunlap  
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Robert B. Dunlap  
District Judge

Edward J. Lodge  
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Edward J. Lodge  
District Judge