

ADMINISTRATOR'S MEMORANDUM
OPERATIONS DIVISION

TO: District Engineers & Bob Fleenor

FROM: A. Kenneth Dunn

DATE: June 23, 1975

In the memorandum from Nathan Higer to Bob Haynes, which is attached, Nathan has reminded us of our responsibility to recognize and protect all water rights as fully as possible at any hearing where an individual claims that a permit, if granted, would interfere with a constitutional use right. We have the responsibility to obtain from the protestant, sufficient information on which we can base a judgment as to the extent and nature of that water right claimed. We should make certain that our hearing procedures are such that the protestants are aware of the necessity to establish their basis for protest. If they are claiming interference with a right that has been adjudicated or is covered by a permit or license, that right should be identified at the hearing. If, however, they are claiming under a constitutional use right, they must be prepared to establish that such right exists, the same as if they were in court. If they fail to do this, then we should inform them that the permit will be granted, subject to prior rights, whatever they may be.

A. Kenneth Dunn