


ADJUDICATION MEMORANDUM #9

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

RE: Rejection of Claims

REVISED: December 15, 2008

There are two grounds upon which a notice of claim may be rejected and returned to the claimant:

1. The claim form is incomplete. Claims must comply with Section 42-1409, Idaho Code, and Idaho Administrative Procedures Act (IDAPA) 37.03.01.060, also known as Adjudication Rule 60. Examples of incomplete forms are:
 - a. Improper form was used
 - b. The form does not have all the necessary information, such as blanks left on the form.
 - c. More than one water right is claimed on one form with the exception of IDAPA 37.03.01.060.02.b
 - d. The form is not signed by the claimant(s).
 - e. The form is not signed at all.
2. The proper filing fee was not submitted with the claim. Section 42-1414, Idaho Code, provides the department shall not accept a notice of claim unless the proper filing fee is submitted concurrently. The fee schedule is set forth in Section 42-1414, Idaho Code.

If a claim is rejected, the department should return the claim to the claimant by ordinary mail at the most recent address shown by department records. The rejected claim shall be accompanied by a letter stating the reason(s) for rejection. Claims rejected and returned to the claimant may be refiled with the appropriate fees and information at any time prior to the deadline for filing the original claim. For more information, see IDAPA 37.03.01.065. Generally, refunds are not granted for rejected claims. See the Adjudication Bureau Chief with questions.

Merely because a point of diversion is outside the boundaries of a current adjudication is not grounds for rejection of a claim. See the Adjudication Bureau Chief for details.