


ADJUDICATION MEMORANDUM #28

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Exceptions received prior to the filing of the Director's Report

REVISED: April 20, 2009

This memo addresses when information contrary to the claim is received after a claim is filed but before the Director's Report is issued. Such information is called an exception. The following procedure should be used to process exceptions. Note: This memo does not cover competing claims, where multiple claims are filed appearing to duplicate each other.

The department should acknowledge the exception by writing a letter to the party submitting the exception. A copy of this letter and the exception should be sent to the claimant. The letter should:

- Explain the department is required by statute to review each claim to be sure it is complete and accurate prior to recommending the water right to the court.
- Explain the information in the exception will be considered as part of the review.
- Not commit to accepting or rejecting the information in the exception, but simply acknowledge it has been received and will be considered.
- Highlight the need for filing an objection with the court after the Director's Report is filed if the objector is dissatisfied with the finding for the water right.
- Include a statement or cc to the effect the claimant has been sent a copy.

The entire package, including the exception and the response, and any staff memoranda, should be scanned and profiled so they are available during claim review. Any paper copies, including the original exception, should be kept in the claim file.

The existence of the exception should be noted in the comment field so anyone in the department reviewing file will know the exception exists.