

**Skaggs, Pam**

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**From:** Skaggs, Pam  
**Sent:** Tuesday, June 26, 2007 12:00 PM  
**To:** 'Angela Schaer Kaufmann'  
**Cc:** Baxter, Garrick; Carlsen, Ernie; Carlson, Dave  
**Subject:** RE: 72003 Morrison Transfer

Angela,

We will add your e-mail and the affidavit to the transfer file. Please submit to the Department any additional documentation in support of the historical use of these rights that you would like us to consider in the next 15 days. Our department staff will be pursuing the resources available to us in our office to verify use of these rights prior to 1986 & CRP. At the end of this period, all the information will be considered, and a decision made on processing of the transfer. You will be notified of the decision through the appropriate processing steps.

Pamela Skaggs  
Water Rights Supervisor  
IDWR, Boise, State Office

-----Original Message-----

From: Angela Schaer Kaufmann [mailto:ASK@moffatt.com]  
Sent: Monday, June 25, 2007 9:57 AM  
To: Baxter, Garrick; Skaggs, Pam  
Cc: Jill Thompson; vlm7@msn.com  
Subject: 72003 Morrison Transfer \* Affidavit

Dear Pam and Garrick,

I'm forwarding an affidavit to you which was found in Dr. Morrison's files. Garrick, I'm not sure if you're familiar enough with the transfer to make sense of the affidavit, although Pam, I'm sure you are.

In his letter to the Eastern Region, Lynn Rasmussen (the watermaster and a wateruser) contended that the water rights Dr. Morrison is seeking to transfer had not been used for a very long time. As you know, the property to which these water rights are appurtenant has been in the CRP program for 20 years, and thus not subject to forfeiture during that time. The attached affidavit was written and signed by Joyce Bennett, a neighbor. Her testimony contradicts Mr. Rasmussen's assertions, at least in part.

I also have an opportunity to obtain the affidavit of Tod Jensen, the purchaser of the farm to which the water rights are currently appurtenant. It is my understanding that Mr. Jensen can provide additional testimony that the water rights in question were delivered prior to 1987. I believe that he can provide other information, but until I have completed his affidavit, I am hesitant to make any further representations regarding his testimony.

It's my understanding that the state office and Eastern Region will be discussing this transfer tomorrow at an internal meeting. If the inclination of the Department is to reject the transfer, I hereby request that you table that decision until I am able to provide the affidavit of Mr. Jensen. If the Department decides to allow the transfer to proceed, I would welcome that decision.

Please let me know if you have any additional questions.

Very truly yours,

Angela Schaer Kaufmann