

Skaggs, Pam

From: Angela Schaer Kaufmann [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

Attachments: 0465_001.pdf



0465_001.pdf (24
KB)

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

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To Whom It May Concern:

Re: L. J. Morrison
Middle Fork Water
Thatcher, Idaho

I, Joyce Bennett and my husband Calvin Bennett (deceased), operated our farm since 1949 which we later purchased. I know that the Middle Fork Water flowed through Lynn Rasmussen's field because my husband and I were still irrigating our alfalfa field in 1979 with Middle Fork water via the upper ditch that runs through Lynn Rasmussen's field, across Willis Wright's (North Farm), and on to our farm, which abuts Willis Wright's South Farm.

7-20-05
Date

Joyce P. Bennett
Joyce P. Bennett

On this 20th day of July, 2005 before me, Pauline S. Miles Public Notary, personally appeared Joyce P. Bennett known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written above.

Pauline S. Miles
PUBLIC NOTARY
Commission Expires: 04/09/09
Resides Idaho

