

Wilson, Keith

9/20/05

To: DrLJMorrison@aol.com

Subject: RE: Completion of the north farm water transfer to the south farm

Dr.L.J.Morrison,

It appears that you have misunderstood the status of your transfer. This is evident in your second paragraph where you indicate:

"The 'notification of transfer' / advertisement period has been met. There has been no opposition to the requested transfer."

The transfer has not been advertised as of the date of this e-mail so approval of the transfer is not finalized. The transfer has been held so that you could resolve the delivery issue first.

In resolving the issue of delivery:

"...re-opening the ditch or we extend the pipe a few additional feet to our fence line ..."

This would appear to be the point of diversion listed on the proposed transfer (SWSW Sec 15, T11S, R41E). However,

"...or we take the water from Trout Creek (as the neighbor suggests) ..."

would indicate another point of diversion. If the transfer is approved as proposed for the SWSW Sec 15, T11S, R41E and then in the resolution of the delivery issue you are required to change it to Trout Creek a second transfer would have to be filed.

It would be in your best interest to first resolve the delivery issue, then change the point of diversion on the transfer if necessary, then the transfer could be advertised, and is no protest potentially approved. This would eliminate any need for a second transfer.

Also:

"...will be resolved ...hopefully in the coming months, but certainly within the five year period..."

Normally once the transfer is approved the applicant has one year to complete the project.

Hopefully, this e-mail has clarified the status of the proposed transfer. I will gladly continue assisting you until these issues have been resolved and the transfer process completed.

Keith C. Wilson
Senior Resource Agent

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

From: DrLJMorrison@aol.com [mailto:DrLJMorrison@aol.com]

Sent: Friday, August 12, 2005 7:25 PM

To: Keith.Wilson@idwr.idaho.gov

Cc: maryjo@mail.burgoyne.com

Subject: Completion of the north farm water transfer to the south farm

Dear Mr. Wilson:

I appreciated talking to you by telephone a few days ago. I am most anxious to conclude the water transfer from our north farm to our south farm.

The water claims have been thoroughly examined by your office and found to be valid. The 'notification of transfer' / advertisement period has been met. There has been no opposition to the requested transfer.

As a separate issue, we will, locally, at a future date, need to resolve an issue of "delivery". The delivery issue

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has nothing to do with the transfer process, and we have, without any conflict, a method of delivering the water. We do intend, though, to pursue a just and appropriate resolution to the delivery issue.

The "delivery issue", as you recall, is the insistence of a neighbor that the former ditch not be reopened across his property. He acknowledges the ditch, but claims an "abandonment of right of way".

Consultation with an attorney specializing in water issues has assured us that the neighbor will not prevail in his argument, should we wish to pursue the issue with legal notification / court action. This would be, for us, NOT the primary way to resolve his problem.

The neighbor has closed the ditch and has buried a feeder pipe for his sprinkler system in its place. The last standpipe is within close proximity of our mutual fence and the former ditch.

Whether we use the courts to force re-opening the ditch, or we extend the pipe a few additional feet to our fence line, or we take the water from Trout Creek (as the neighbor suggests) and incur the expense of pumping the water to its former elevation, will be resolved peacefully between us, hopefully in the coming months, but certainly within the five year period.

I will be out of the U.S. again for a period of time, but I will have e-mail access.

DRLJMORRISON@AOL.COM

Mary Jo Morrison (sister) cell number in Salt Lake City (801) 699-6661

Thank you for all the effort and the extra kindness you have shown.

Sincerely,

L J Morrison

9/20/2005