

Wilson, Keith

From: Wilson, Keith
Sent: Tuesday, February 14, 2006 8:57 AM
To: 'DrLJMorrison@aol.com'
Subject: RE: Transfer of Water Rights Morrison

Dear Dr.LJ Morrison:

I really appreciate you getting back with me. The main reason that I had e-mail you was to address the delivery issue in the last paragraph in your e-mail of Aug 12, 2005, that stated:

"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."

The "hopefully in the coming months" lead me to believe that maybe the transfer should be held until the issue was resolved so that if the point of diversion were to change the change could be taken care of with this transfer. I apologize for any inconvenience that the delay may have caused. Rest assured that I will continue processing the transfer.

Keith C. Wilson
Senior Resource Agent

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

From: DrLJMorrison@aol.com [mailto:DrLJMorrison@aol.com]
Sent: Monday, February 13, 2006 7:17 PM
To: Wilson, Keith
Cc: maryjo@burgoyne.com; DrLJMorrison@aol.com
Subject: Transfer of Water Rights Morrison

Dear Mr. Wilson:

I blink and I find time has again passed me far too quickly. We have worked on this project for a very long time now. Two of your predecessors have retired while this issue was on their desk. Hopefully we can conclude all the issues you raise within the next short months.

I had, indeed, misunderstood our work of last summer. I thought the letter from the water master, absent any negative input, and the work by your office validating our water rights / claim, was one of the last steps in getting the water transferred from our North Farm to our South Farm.

The "neighbor" did submit a letter protesting the re-establishment of water flow across his field, based on HIS claim that the right-of-way was surrendered. He offered the State / your office no proof of this, only contending that the flow would introduce "rock" into his field again. Additionally, he failed to acknowledge a government funded pipe system, in place, which could carry our water across that field.

Contact with a water attorney's office (preliminary and only by telephone consult) affirmed that if the neighbor wished to challenge our claim, he would not prevail in court unless he had, in writing, a letter from my father, Willis Wright, formally abandoning that right-of-way - - - which letter does NOT exist.

I do believe we have complied with ALL requirements to effect this transfer. The "neighbor's complaint / contention" needs to be addressed by your office, not by me. If he can validate abandonment, in writing, then we will proceed with court action. If he cannot, then your office has no legal basis in recognizing his complaint. Again, I emphasize, YOUR office needs to request of this "neighbor" his proof that validates his claim of abandonment. Short that, it is only a complaint, and legally of no consequence.

Our right-of-way has and does exist (you and I have photographed the ditches), our water rights do exist, and we have complied with all provisions of the State in effecting this transfer.

2/14/2006

As to the issue of finding an alternative delivery point, to proceed would be, in effect, our abandonment of our current and existing right-of-way. Secondly, it would require establishing a new right-of-way across another neighbor's property. Thirdly, it would require a pumping system to lift the water, instead of the current gravity flow that exists in our delivery system. I do not see relocating a delivery point as a "win" or a valid compromise.

This e-mail address is valid and follows me even when I am out of country.
DRLJMORRISON@AOL.COM

My sister, Mary Jo Morrison, is at:
maryjo@burgoyne.com
(801) 485-9113

I look to your guidance in bringing this issue to a positive conclusion this year. You have been a most helpful gentleman in this long process.

With best regards, I remain,

L J Morrison, M.D.
Captain, U.S. Navy, Retired
Tampa cell: (813) 767-2074
Salt Lake cell: (801) 244-2872

E-mail is the best way to stay in contact - - - when out of country, the cells take messages, but Verizon and Cingular only hold messages for four days, then they are deleted. I do not carry the cell phones with me when outside the U.S. Messages are still received by their systems, but I cannot access any communication, therefore, the cells are left behind.