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DEPARTMENT OF  
WATER RESOURCES

Department of Water Resources  
State of Idaho

12, 11, 07

Ref: 13-7714, 7716, 7718

Dear Sirs,

I am the current Water Master for 13Q Middle Fork Water district of Trout Creek and have been since the eights.

It has come to my attention that Mr. Brent Lowder has recently had an ownership change registered on the DWR web page for some water rights that were held, according to our records, by Mr. Brent Christensen and sold along with his property to Mr. Lyndon Evans.

The property in question has not been irrigated by anyone, to my knowledge, for at least the last thirty years, and there is no functional ditch or pipeline for that purpose. I have never delivered any water to that property.

Sincerely,



Lynn Rasmussen  
Water Master Q13

I am the secretary of the Q13 Middle Fork Water district of Trout Creek and also acting president due to the recent resignation of Brent Christensen.

Please be advised that Mr. Lowder has not been registered with us as a legal water holder for the fifteen years he has owned the property at 2270 Bench-Lago Road in Caribou County. He has consequently never been billed for or paid any irrigation fees.

Respectfully,



Dr. Ronald Hamm  
Secretary Q 13 and acting president


SCANNED  
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In recent dealings with Mr. Dave Carlson of your department, a water transfer we proposed for the local culinary system was rejected based upon Title 42-222. "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for a term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter...".

We interpret this to mean that the rights in question with regard to the Lowder property should also have technically been classified as lost and forfeited twenty-five years ago, or five years after they stopped irrigating the property for which they were appropriated. If not, they certainly should have been so classified when Mr. Lowder failed to claim and use them during the last fifteen years.

Please advise us if we are in error.

In addition to the above is the issue of protocol. First, is it now the policy of the department to process such changes without consulting or notifying any local officials or the registered legal owner of the contested claim? Second, how it is that Mr. Lowder's petition was expeditiously processed before those of others who filed before him? For example, both Duane Bitton and my own applications for water right transfers were made well in advance of Mr. Lowder's May 2, 2007 date and have yet to be considered.

Again respectfully,  
  
Dr. Ronald Hamm  
Secretary and acting president Q13

Cc: Ms. Cindy Bird