

Feb 11, 2005

Department of Water Resources; Eastern Idaho Region  
Attention: Karl J Dreher, Director

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I hereby protest the transfer of 71529 for the following reasons: Department of Water Resources  
Eastern Region

The rights of the stockholders who have invested time, effort and money for over a hundred years deserve to be protected. Properties that have been receiving water without having water rights are:

(They are all on the far end of the North Canal and its extension and include the 237 acres requesting a transfer.)

100 acres- Grant Jensen Estate, dry farm above the canal

100 acres- Marden Phelps; dry farm above the canal

80 acres- Frank Miles Estate; dry farm above the canal

140 acres- Don Burdick; all north of irrigation boundary

200 acres- Roger Stephens; water rights in Bennington

Irrigation Co., outside the company boundary

590 Total

Transfer 71529 is asking for a portion of water rights residing within the 5614 acre decree to be transferred to 237 acres that are outside the parameters of the Montpelier Irrigation Company on the grounds that water shares have changed hands. The Department assured me buying shares does not constitute ownership. The State of Idaho retains ownership of all Idaho water regardless of source.

Unfortunately, after the Montpelier Reservoir was constructed; ditches and structures put into place, individuals began to covet Montpelier Irrigation Company water. The Board of Directors allowed water shares to be sold outside the Company. Had the laws of the State of Idaho and the Irrigation Company By-Laws been followed, no water shares should have nor could have been sold outside the 5615 acre 1902 decree. That water should be bought back.

The likelihood of there ever being enough water to satisfy the five thousand plus acres inside the Company is remote, without including more. The City of Montpelier is in possession of 520 shares with legitimate water rights. They have not used those shares for the past thirty years, but have expressed their intention to do so now. This undoubtedly will have an impact on the amount of water available to the more than a hundred members of the Company, many of whom have gotten little and in a number of cases no water at all for the past two years.

Transfer request 71529 is not an issue in a gray area; it is a black and white issue. Besides the number of acres on the end of the North Canal, there are a couple thousand acres in Bennington whose owners might like to get their hands on Montpelier

Receipt  
# EO 306 12

Irrigation water, especially with three members of the Board  
having interests there. Transfer 71529 should be thrown out.

*John D. Ipsen*

John D Ipsen

165 acres with water rights

215 shares in Montpelier Irrigation Company

850 N 8th St

Montpelier ID 83254-1009

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