



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

February 26, 2026

Racine Olson Attorneys
PO Box 1391
Pocatello, ID 83204-1391

Re: **Montpelier Irrigation Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

Dear T.J.,

Upon review of the claims submitted on behalf of Montpelier Irrigation Company (MIC), there are a few items that are of concern. Please take the time to address these by submitting amended claims or additional information to attach to existing claims, whichever is most appropriate. If a response is not received by 3/27/26, the department will evaluate the claims with the information currently provided.

Feel free to call me to discuss.

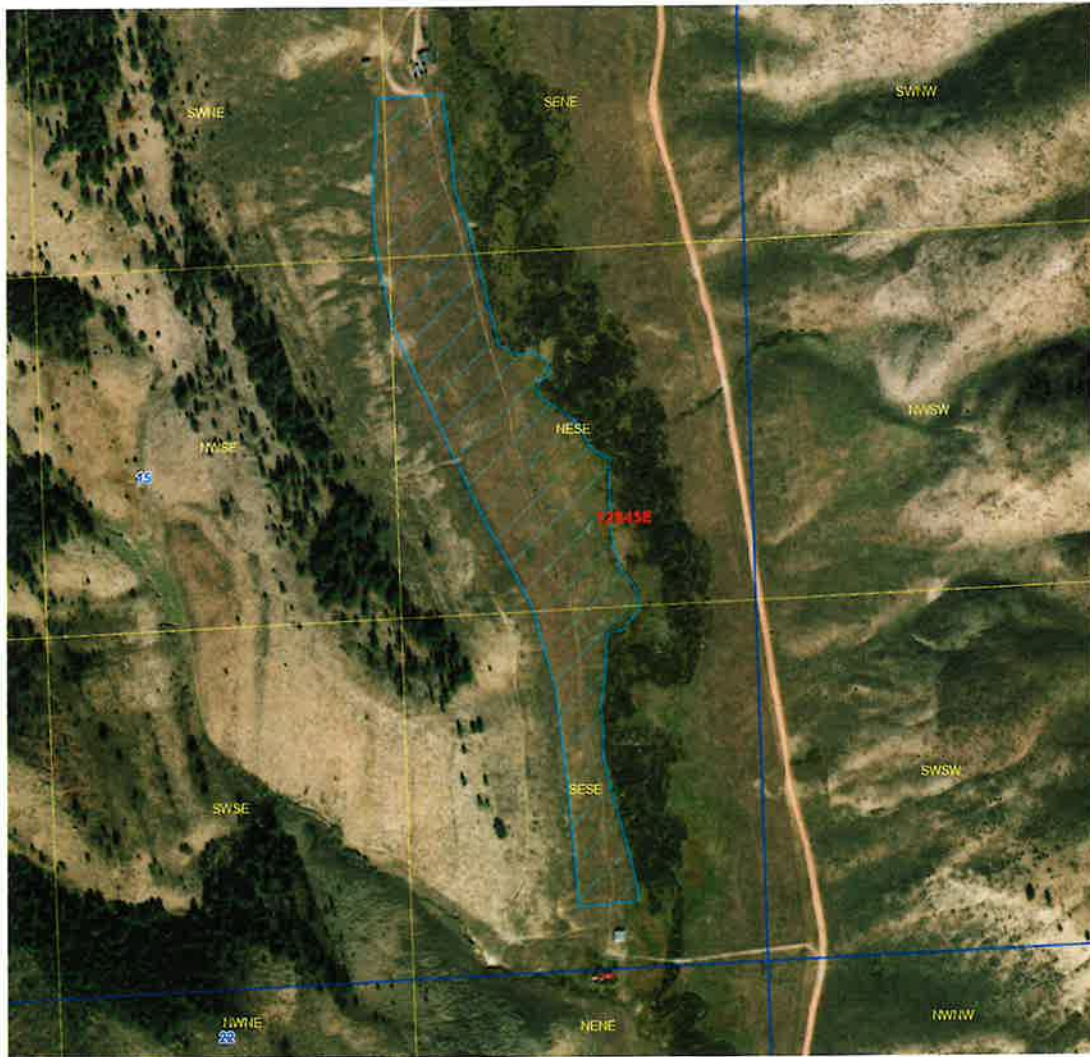
Regards,

Brian Wunsch
Senior Water Resource Agent
brian.wunsch@idwr.idaho.gov
208-701-7205

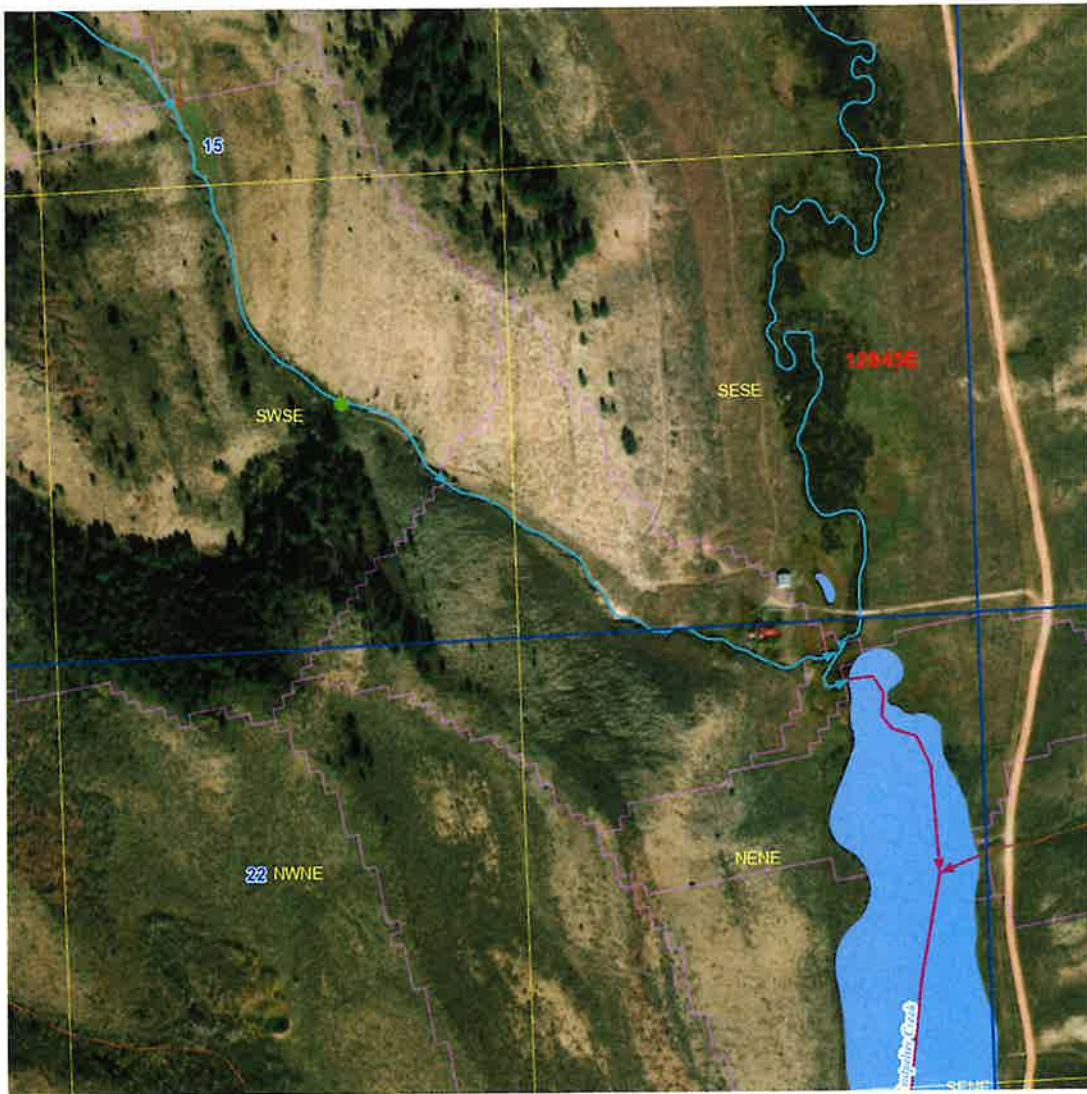
Attachment: Four items of concern.

Delivered Electronically to: tj@racineolson.com; tessa@racineolson.com

1. The claimed place of use (POU) above the Montpelier reservoir is not included in any record of MIC water rights. It is unclear how water from the MIC rights is delivered to this property, as the rest of the MIC POU is downstream of the reservoir. Please provide information as to why this area is included in the claim or remove this from the POU. Neither of these actions require an amended claim. If no action is taken, the department may not include this portion of the POU in its recommendation.



2. The claimed point of diversion (POD) referenced as #1 on the diversion works description and POD map attached to each MIC claim is not described in any MIC water right record. Furthermore, it is located on an unnamed stream that is tributary to Montpelier Creek. None of the MIC water rights recognize this source, and this source is not described in the MIC claims. A new source cannot be added as an accomplished transfer during the adjudication per IDWR Memo 16C and Idaho Code 42-1425. If no action is taken, the department will likely not include this POD in its recommendation.



3. The POD referenced as #2 on the diversion works description and POD map attached to each MIC claim is not included in the supplemental sheet that lists out the PODs. This discrepancy has resulted in POD #2 not being data entered on any of the MIC claims. The department's practice has been to describe the POD for an on-stream impoundment (and resulting storage use) where the natural stream has been dammed. It may be appropriate to amend claim 11-2159 to add this POD (#2) for the storage use, as indicated on the POD map. If no action is taken, the department will not recommend this POD on any MIC claim.
4. The two PODs described in the MIC water right file are located in 13S 44E 2 SENE. The MIC claims describe the legal description as 13S 44E 2 NESE. Based on my evaluation, the claimed PODs in the NESE are not on the stream channel. The stream channel exists in the SENE, the same legal description as described in the water right file. Because of the geographic size of MICs claims, the map and supplemental POD sheet may have listed the NESE in error. If this was a mistake, an amended claim is required to correct the claim forms. If the claimed legal descriptions and location of PODs on the map are accurate, please describe the reasoning as an additional document to be attached to the claim file. If no action is taken, the department may not include these PODs in its recommendation.

