Holmes, Christopher

From: DANIEL R NELSEN <dnelsen69@msn.com>
Sent: Monday, April 29, 2024 3:40 PM
To: Holmes, Christopher
Subject: Re: Bloomington Irrigation Canal Board Meeting

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Chris,
Thank you for the reply. We will plan on 9 May 7 o'clock at the Bloomington City office.
Thank you,
Richard Nelsen
Bloomington Irrigation Board Member
Sent from my iPhone

On Apr 29, 2024, at 2:18 PM, Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov> wrote:

Good afternoon Richard,

I am emailing you to confirm the cancellation and reschedule for our meeting with the Bloomington Irrigation Company's board. I have updated the meeting in my calendar for May 9th at 7:00pm at Bloomington's City Office as requested.

If you have any questions or issues feel free to call or email.

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
325 East 600 South, Suite 300
Preston, ID 83263
(208) 701-7200 | Christopher.Holmes@idwr.idaho.gov
<image001.jpg>

From: Holmes, Christopher
Sent: Friday, April 19, 2024 2:38 PM
To: dnelsen69@msn.com
Subject: Bloomington Irrigation Canal Board Meeting

Good afternoon Richard,

I am emailing to confirm my attendance to Bloomington Irrigation Canal Company's board meeting on Thursday, May 2nd at 7:00pm at Bloomington's City Office. I will be able to answer the board's questions related to what we've been discussing culminating in the email I sent you. To reiterate though, I will not be able to provide any consulting or legal advice and moving forward I will not be able to spend lots of time continuing to work through the claims together. I will only be available in the future to assist in actually completing the claim forms and answering questions related to the form. If the Board needs further mapping help, assembling evidence, looking through records, and deciding the appropriate ways to file claims, it will be appropriate to hire a consultant or attorney.

I have the meeting on my calendar and will see you then. If something comes up and it needs to be rescheduled, feel free to call or shoot me an email.

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
325 East 600 South, Suite 300
Preston, ID 83263
(208) 701-7200 | Christopher.Holmes@idwr.idaho.gov
<image001.jpg>

Holmes, Christopher

From: Holmes, Christopher
Sent: Thursday, March 14, 2024 3:34 PM
To: dnelsen69@msn.com
Subject: FW: Bloomington Irrigation Map Calculation

From: Holmes, Christopher
Sent: Thursday, March 14, 2024 3:26 PM
To: kwsnelsen@gmail.com; rickthomas5@msn.com; dnelse@msn.com
Subject: Bloomington Irrigation Map Calculation

Good afternoon,

I am emailing you in regards to your appointment earlier this week. My staff calculated the number of acres irrigated as outlined on your map, below is a generalized summary.

- Decreed water right acreage according to IDWR records: 1,860 acres
- Number of acres irrigated per your described shares: 389.529 shares x 5 acres per share = 1,947.645 acres
- Number of acres mapped: 2,296.4 acres
- Number of acres without Blocks included: 2,047.6 acres

The maps you provided for the blocks do not describe the number of shares within each block. Because of this, the block shapes are larger than what is actually being irrigated within the block boundaries (if you exclude the houses, driveways, etc.). Because of this over-estimation, we calculated the number of irrigated acres when completely excluding the provided block shapes even though there is irrigation occurring that must be claimed there.

Overall, the shapes provided from your maps not only exceed the number of decreed acres, but also the number of acres described by your shares. The board and shareholders must decide on how they want to move forward through the claims taking process.

Let me know if you have any questions,

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
325 East 600 South, Suite 300
Preston, ID 83263
(208) 701-7201 | Christopher.Holmes@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

Holmes, Christopher

From: Holmes, Christopher
Sent: Thursday, March 14, 2024 3:26 PM
To: kwsnelsen@gmail.com; rickthomas5@msn.com; dnelse@msn.com
Subject: Bloomington Irrigation Map Calculation

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Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
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Preston, ID 83263
(208) 701-7201 | Christopher.Holmes@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

Article 10
Water Decree

Section 1
The original date of Appropriation of the Town Ditch is May 1, 1864, 13.6 second feet. The original date of Appropriation of the South Ditch is May 1, 1866, 18.8 second feet for a total of 1,860 acres. The original date Appropriation of the Paradisaical Ditch is May 1, 1877, 4.8 second feet.

Section 2
The Point of Diversion of the Town Ditch being in Bloomington Creek in the Southeast quarter of the Southwest quarter of Section 32, TWP. 14 S, Range 43 E. The Point of Diversion of the South Ditch and Paradisaical Ditch being in Bloomington Creek in the Southeast quarter of the Southeast quarter of section 21, TWP. 14 S, Range 43E.

Section 3
For use upon the following described land0

STATE OF IDAHO

COUNTY OF BEAR LAKE

I J. S. Peterson Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of George T. Thornock, et al. vs. Bloomington Irrigation Company, et al.

duly filed in my office on the 25th day of July 19 23

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 30th. day of June 19 24

J. S. Peterson
Clerk

By _____ Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR BEAR LAKE

COUNTY.

GEORGE T. THORNOCK, HERBERT BATEMAN and STAFFORD CLEVELAND, Plaintiffs,	)	
vs.	)	D E C R E E
BLOOMINGTON IRRIGATION COMPANY, a corporation, GEORGE REESE CANAL COMPANY, a corporation, ALMA FINDLAY, GEORGE JARVIS, THOMAS JARVIS, ALBERT JARVIS, ROY HILL, ANTON MADISON, WILLIAM BATEMAN, NELS L. KROGUE, BURTON L. THOMAS, A. O. CHRISTENSEN, JOHN P. HULME; BEN F. HULME, ALFRED A. HART, IRA OSMOND; H. H. BROOMHEAD, JOURNAL PALMER, J. T. BRISCOE, O. C. DUNFORD, and Wm. C. PIGGOTT; and ALMA FINDLAY Jr., ARCHIE BEE and WILLIAM BEE, JOHN WARD, THOMAS WARD and UTAH POWER & LIGHT COMPANY, Defendants.	)	

This cause came on regularly for trial on the 6th day of December, 1922, John A. Bagley, Esquire, of Montpelier, Idaho, appearing as attorney for the plaintiffs; A. B. Gough, Esq., of Montpelier, Idaho, and Darwin E. Haddock, Esq., of Paris, Idaho, appearing as attorneys for the defendants and cross-complainants, Bloomington Irrigation Company, and John T. Briscoe, William C. Piggott, and O. C. Dunford; Charles H. Hart, Esq., of Salt Lake City Utah, appearing as attorney for the defendant and cross-complainant, George Reese Canal Company, a corporation, William Bateman, Nels L. Krogue, Burton L. Thomas, A. O. Christensen and Alfred A. Hart, Budge & Merrill of Pocatello, Idaho, appearing as attorneys for the defendants and cross-complainants, Alma Findlay, Thomas Jarvis and Albert Jarvis; Jesse P. Rich and Darwin E. Haddock, Esqs., appearing as attorneys for the defendants and cross-complainants, John P. Hulme and Ben F. Hulme, D. C. Kunz, Esq., of Montpelier, Idaho, appearing as attorney for the defendants, Anton Madsen, William Bee, Archie Bee and Herbert Bateman; and Darwin E. Haddock, Esq., appearing as attorney for the defendant and cross-complainant, Peter E. Ward, Whereupon, the respective parties proceeded to negotiate a settlement and adjustment of the issues raised by the complaint and the answers of the

Holmes, Christopher

From: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Sent: Sunday, February 4, 2024 6:36 PM
To: Holmes, Christopher; dnelsen69@msn.com; rickthomas5@msn.com; roy@oxyokeranch.com; robert26ward@icloud.com; bloomingtonirrigation@gmail.com
Subject: FW: Bloomington Irrigation Company INC. Claim Form
Attachments: Town Ditch.pdf; PARADISCAL.pdf; South Ditch.pdf; Scanned from a Xerox multifunction device (002).pdf; [External Email]List

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Robert,

Attached is the application for the 3 points of diversion. Under scanned from xerox is the range, town, section, and legal description to those points of diversions. They are scanned in upside down and you will need to scroll down and rotate and or print. Also the stock water is included in those applications for each point of diversion.

Also was followed up with the water master Robert Ward as to historical use. Email was sent out for review and comment on 11/30/2023 for changes and comments to all that are attached to this email.

Thank you Wade

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Holmes, Christopher

From: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Sent: Thursday, November 30, 2023 5:51 AM
To: Holmes, Christopher; dnelsen69@msn.com; rickthomas5@msn.com; roy@oxyokeranch.com; robert26ward@icloud.com; bloomingtonirrigation@gmail.com
Subject: RE: Bloomington Irrigation Company INC. Claim Form
Attachments: Town Ditch.pdf; PARADISCAL.pdf; South Ditch.pdf; Scanned from a Xerox multifunction device (002).pdf; [External Email]List

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All,

Attached is the updated Application forms, with attachment of the 1906 acreage increase from by laws. Sadie had you copy the maps at end of FEB. area. Nelsen's have the maps to give back to you today. Case number does not change when opening up new page off website. Is the same case number for all the points of diversion good to use the same case number?

Wade

-----Original Message-----
From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Tuesday, November 28, 2023 2:42 PM
To: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>; dnelsen69@msn.com; rickthomas5@msn.com; roy@oxyokeranch.com; robert26ward@icloud.com; bloomingtonirrigation@gmail.com
Subject: RE: Bloomington Irrigation Company INC. Claim Form

Good afternoon Wade,

I apologize for my delay in getting back to your previous emails and I appreciate your patience.

The Department prefers that an extension be filed if water right owners know that they will not meet the filing deadline. There is no fee to file the extension, and it can be found by following this link: https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/adjudicationforms/Request-for-Extension-of-Time-to-File-Adjudication-Claim-11-08-Fillable.pdf. The extension can be mailed or emailed to the Preston Field Office at the information in my signature line. There is no punishment for not filing an extension but it is encouraged to complete the claims as soon as possible in order to avoid late fees and possible evaluation for forfeiture.

According to IDWR records, we currently have 3 documented water rights under the ownership of Bloomington Irrigation Co.: 11-208, 11-209 and 11-210. Each of these claims need to be filed separately. The attached claim provided looks to be a combination of all 3 of the water rights which would not be appropriate for the canal company's water rights or operations. Each water right will need its own claim

completed.

On 11/15/2023 you emailed me a Word document that you were expecting to circulate to shareholders to obtain irrigation history. Different canal companies choose to acquire this information in different ways with their shareholders. I do not think your document is a bad route to do this. Having the land/number of acres irrigated is needed, and including stockwater use is beneficial for the company to understand all of the uses that occur on the system. The only thing I would note is that canal companies need to provide a service boundary map (generally easy to acquire) and a separate map(s) that highlights each acre actually being irrigated by the shareholders (generally more time consuming). It may be beneficial to ask shareholders to provide maps of the land being irrigated by their shares. These maps can either be compiled by the company or delivered directly to the Department to add to the claim file.

I searched through my records and I am unable to find a boundary map sent to you or Bloomington Irrigation. Based on my query, it looks like we agreed that in your circumstance the best way moving forward would be the "old fashioned" way to print off individual maps and physically mark them. On 3/01/2023 I sent an email that outlines an online claim tool that the Department has available to the public to complete this. Some companies have chosen to circulate this link to their shareholders and have them complete their actual irrigated acres map this way. I have no further correspondence after that correspondence. Did you work with one of my colleagues, either Jill or Kyle?

If the company expects to submit completed claims on their November 30th appointment, the maps and filing fee will need to be submitted. We can go over and create a service boundary map in office if Nelsen knows the company's boundaries. During the visit we will also discuss how many acres are actually being irrigated; if that is known we can then calculate the filing fee. The fee is $50.00 per claim ($150.00 for all 3 claims) and $1.00 per acre being irrigated (only charged once).

I appreciate the work you and the shareholders have completed up to this point. Overall, canal companies typically require more time to complete the claim forms. The Department understands the additional time this may take, and I am not pressuring anyone to rush through getting their claims completed. I would rather have water right owners take their time and make sure these claims get submitted accurately instead of quickly eventually requiring corrections. There are currently no consequences at this time for filing claims after the filing deadline; eventually there will be late fees associated as well as the possibility of forfeiture if claims or filing extensions are not submitted to IDWR.

Let me know if you have any additional questions.

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
325 East 600 South, Suite 300
Preston, ID 83263
(208) 701-7200 | Christopher.Holmes@idwr.idaho.gov

-----Original Message-----
From: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Sent: Thursday, November 23, 2023 5:11 AM
To: dnelsen69@msn.com; rickthomas5@msn.com; roy@oxyokeranch.com; robert26ward@icloud.com; bloomingtonirrigation@gmail.com; Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Bloomington Irrigation Company INC. Claim Form

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Christopher,

Attached is the Claim form for the Bloomington irrigation Company INC., Nelsen's are the secretary's for the Bloomington irrigation, Believe they have a appointment on the 30th of Nov with your office. Could you please clarify if a extension is needed at this time for the Bloomington irrigation as well as any concerns or needs the Bloomington irrigation has not completed that need to be addressed. Could I also have you reply back to this email to help clarify.

Believe there maybe a fee for this filing and would suggest that be taken care of on the 30th of Nov.

Bloomington Irrigation would like to Thank you for your Time and help! Any suggestions or comments are greatly appreciated.

-----Original Message-----
From: Payne, Wade - FPAC-NRCS, WY
Sent: Saturday, November 18, 2023 9:56 AM
To: 'dnelsen69@msn.com' <dnelsen69@msn.com>; 'rickthomas5@msn.com' <rickthomas5@msn.com>; 'roy@oxyokeranch.com' <roy@oxyokeranch.com>; robert26ward@icloud.com; bloomingtonirrigation@gmail.com
Subject: RE: Scanned from a Xerox multifunction device

All,

Updated claim form. Please let me know if other changes are needed.

Wade

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Holmes, Christopher

From: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Sent: Wednesday, November 15, 2023 9:08 AM
To: Holmes, Christopher
Subject: RE: [External Email]Bloomington Irrigation Map
Attachments: BLOOMINGTON IRRIGATION ADJUDICATION DATA COLLECTION.docx

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Christopher,

Good Morning, Bloomington irrigation met the evening of the 14 th of Nov. They have asked if I will move forward with Claim form. Could you email the form, my wife Sadie stopped in just before March 1st it is possible it was started. Also we have put together a form I am attaching to help obtain the irrigation history any suggestions would be much appreciated.

Thank you Wade

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Wednesday, March 1, 2023 12:55 PM
To: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Subject: RE: [External Email]Bloomington Irrigation Map

Wade,

I think that sounds good. In my opinion I think this would be the best option for Bloomington Irrigation. If you follow this website it will take you to a mapping tool with my department: Applying for a Water Right? | Idaho Department of Water Resources Open Data (arcgis.com).

From there, you can zoom into the area and make shapes for the point of diversion(s), service boundary and irrigated acres. I would encourage you to just mess around with it and get used to the mapping tool and how to add things into it the way you want. If you have any issues or questions, you can call me and I can go over it with you. Overall it took me about 15 minutes to become comfortable with it to do what I wanted. I attached a copy of an example map of what can be done with it on a very small scale. But this tool can be used for larger scales too. Then you can either email or mail me these PDFs which I then use to create my shapes for my computer system.

Because the canal company has a larger area, you can make all of your shapes needed on this one map, and then zoom in on legal description sections and create a PDF map of that specific area, and then zoom to the next area and do the same. (PS, to create PDFs you actually click the Print button, and then Print again. It takes a few seconds to load and then it shows it "printed" as a PDF. You click on the PDF and then that opens your PDF which can be used to then save or print it for real). This is a benefit for me because if you are zoomed out a far distance, I can't see the finer detail. But if you zoom in and make multiple PDFs then I can see the details and piece them together. It's the same as if you bring in a huge physical map to the office for me to look at. There's no way for me to make a copy of the huge map, so instead I would take photos of different sections of the map which can then be used to piece together to make the big map.

I hope this made sense. I think this tool will make your job a lot easier. I envision you sending me a PDF map(s) of the service boundary, and then working together with property owners to figure out what acres are being irrigated. Then when that is known, you will create another PDF map(s) that outline these acres. Besides the typical water right things needed on the map (point of diversion, shape of irrigated acres, quantity of irrigated acres, an outline of the canals, etc.) you will want to make sure that the map includes the legal descriptions.

With this first step in the process for the Service Boundary, the map that your wife brought in would be a perfect template. Basically all you would need to do is use that map to create the outline of your service boundary and PODs, and then save it in a few PDF "chunks" and attach it to the claim form(s) when you complete those.

I understand this might seem difficult or confusing. If you have any questions don't hesitate to reach out to me and I'd be happy to walk you through it in better detail.

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
325 East 600 South, Suite 300
Preston, ID 83263
Phone (208) 701-7201
Christopher.Holmes@idwr.idaho.gov

From: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Sent: Wednesday, March 1, 2023 11:35 AM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: RE: [External Email]Bloomington Irrigation Map

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Christopher,

Thank you for your update and all your work, Going the old fashioned believe will be the best and create you less work in the long run. Taking portions of the maps printed likely expedite things better.

Thank you Wade

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Wednesday, March 1, 2023 11:29 AM
To: Payne, Wade - FPAC-NRCS, WY <wade.payne@usda.gov>
Subject: [External Email]Bloomington Irrigation Map

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good morning Wade,

I am finishing up the service boundary map for Bloomington Irrigation based on the photos I took of the physical map. I have been working with my GIS staff to get this completed, but I wanted to discuss some things with you. What are your expectations with the map? I ask this because if you are looking to create a shapefile of the actual irrigated acres in ArcMap and then share that with me to use in my ArcMap, then this map I am providing will be beneficial. However, if you are not going to edit my shapefile and/or add the irrigated acres as a shapefile, then this map exchange would not be beneficial.

I am learning more about how to transfer this information back and forth, and it requires creating these projects and sharing them as "Map Packages". My GIS staff are teaching me how to do this and there are more complicated steps involved. If you are already trained and know how to properly save projects with shapefiles and share them as Map Packages, then I will continue and finish this to send to you. However, if you are not familiar with this process I might recommend us moving forward the old fashioned way. You could either hand draw the irrigated acres on maps (like your wife brought in for the service boundary map), or you can create those shapes on your ArcMap, and then send them to me as either a pdf document of the map(s) in an email or by physically printing off the maps and mailing them.

I'm not sure if my email makes sense. If you'd like to talk about it more feel free to call or email me back and I can try to describe it better.

Christopher Holmes

Christopher Holmes
Water Rights Supervisor
Idaho Department of Water Resources, Preston Field Office
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Phone (208) 701-7201
Christopher.Holmes@idwr.idaho.gov

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