

Holmes, Christopher

From: Holmes, Christopher
Sent: Tuesday, February 3, 2026 8:27 AM
To: TJ Budge
Cc: Tessa Sparrow
Subject: 11-4226 Bennington Irrigation Co Meeting

Good morning TJ,

I'm emailing to follow up with our meeting from last week related to Bennington Irrigation Company. Below are responses to the remaining questions following our meeting.

11-4226: Should the claim be amended and separated to identify each source?

Yes, Bennington Irrigation Company should file multiple claims that each describe the diversion system and use from an individual source. BRBA claim 11-4226 describes 4 sources and the original statutory claim describes 3 sources. If the company is using 4 separate sources, then 4 claims is necessary. Current claim 11-4226 can be amended to describe one source/system and will be assigned the A suffix. The additional claims will be assigned suffixes B, C, D, and E. The variable fee for irrigation is already paid, but the variable fee for stockwater use will need paid for additional claims. The department will not include late filing fees for the additional claims.

Because of the complex diversion system and interconnectivity, it is important that each claim describes its specific system instead of the system as a whole. For example, if the claim is for Red Canyon Creek the diversion system description and map should show how/where Red Canyon Creek water is diverted. I know that some or all sources may eventually end in the same diversion system, but it is important that the claims clearly map the path the water source takes independently.

Bennington area water sources not included in the Dietrich Decree

The department will evaluate the sources of Bennington Irrigation Company's claims as water rights within the Dietrich Decree's jurisdiction. Evidence supporting the claimed irrigation use must still be provided, but the earliest priority date the department anticipates recommending is 7/15/1920. The claimant must provide evidence that shows otherwise.

The department will evaluate Bennington Irrigation Company's claims in the near future to meet the Basin 11 Part I timeline goals. Feel free to reach out to me with questions.

Sincerely,

Christopher Holmes

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