

## Cefalo, James

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**From:** Cefalo, James  
**Sent:** Monday, May 6, 2024 10:57 AM  
**To:** 'Rob Harris'; wkf@pmt.org; 'Travis L. Thompson'; tj@racineolson.com  
**Cc:** Abby R. Bitzenburg; Greg Sullivan  
**Subject:** RE: Farmland Reserve, Inc. Transfer Application Prehearing Conference

Rob,

Thank you for the update. Farmland Reserve recently filed several applications for transfer, proposing to move existing ground water rights to the acres covered by water rights 35-14240, 35-14241, 35-14242, 35-14243 and 35-14655. If these transfers were approved, it would change the volume of water needed for mitigation under Application 88699. Idaho Power Company has protested the other Farmland Reserve transfer applications. The Department will hold a joint informal settlement conference for those protested applications on May 17 at 2 pm.

With these recent developments, I agree that conducting a pre-hearing conference for Application 88699 would not be effective. Therefore, the pre-hearing conference scheduled for May 6<sup>th</sup> at 9 am is cancelled. I will hold off on rescheduling the pre-hearing conference until the remaining mitigation obligations are clearly defined and until the applicant is able to provide updated modeling.

James

 IDAHO DEPARTMENT OF  
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**From:** Rob Harris <rharris@holdenlegal.com>  
**Sent:** Monday, May 6, 2024 10:16 AM  
**To:** wkf@pmt.org; 'Travis L. Thompson' <tthompson@martenlaw.com>; tj@racineolson.com; Cefalo, James <James.Cefalo@idwr.idaho.gov>  
**Cc:** Abby R. Bitzenburg <abitzenburg@martenlaw.com>; Greg Sullivan <greg.sullivan@brockwayeng.com>  
**Subject:** Farmland Reserve, Inc. Transfer Application Prehearing Conference

All:

Over the past several weeks, we have reviewed and analyzed different modeling scenarios in different combinations for the water right licenses owned by Farmland Reserve, Inc. ("FRI") that have an approved mitigation plan for use of the Power County water rights, but we proposing to add a second mitigation plan. In addition to this, FRI has transferred in portions of water rights to cover parts of the original place of use of the water right licenses, and at this point, it is likely that a couple of these rights are no longer necessary. We are still finalizing the long term plan with these licenses and preferred irrigated acres, which then has an effect on the model runs. Because of this continuing analysis, we do not have finalized modeling to circulate to this group for review, which as we believed we would have when we last met.

Accordingly, I do not think it would be an efficient use of anyone's time to hold the prehearing without adequate time to review the information we are putting together. Without objection from anyone, I propose that we cancel tomorrow's prehearing conference. Once we finalize our information, I will circulate it, and then work with the group on rescheduling a prehearing conference 3-4 weeks after we provide it to the group so you and your consultants have

adequate time to review and analyze it. I assume no one will have an issue with this approach, but if anyone does, let the group know.

James, please consider this a request to vacate the prehearing conference that is set for tomorrow morning. Let me know if the Department has any concerns with this approach.

Thanks,



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