

Cefalo, James

From: Cefalo, James
Sent: Monday, December 2, 2024 10:04 AM
To: Rob Harris
Cc: 'jasoncivil@alumni.nd.edu'; Travis Thompson (tthompson@martenlaw.com); Abby R. Bitzenburg; Norm Semanko (nsemanko@parsonsbehle.com); TJ Budge; Pugrud, Scott; John K. Simpson
Subject: Applications for Transfer 82434, 84488 and 84490 (LCSC Enterprises)

Rob,

The Department has scheduled a pre-hearing conference for these contested cases for December 19th at 2:00 pm. In preparation for that conference, I've spent some time reviewing my notes from the previous conferences held for these contested cases. If you could answer the following questions prior to the pre-hearing conference or come prepared to answer the questions, I think it could streamline the conference.

Application 82434 proposes to change the point of diversion and place of use for ground water right 35-7274. The existing place of use for this right is sandwiched between the service boundaries for Aberdeen Springfield Canal Company (ASCC) and Peoples Canal & Irrigation Company but is not covered by either service boundary. According to the application, if the ground water right is moved off the property, the land would be irrigated with ASCC shares delivered through the Peoples Canal. According to delivery records from Water District 120, the point of diversion (ground water well) for water right 35-7274 has not been used since 2018. However, the existing place of use (subject property) has been consistently irrigated since 2018. What source of water has been used to irrigate the subject property over the last five years? If the irrigation water is delivered under ASCC shares or Peoples shares, what property were those shares moved from? If the subject property has been irrigated with water delivered under canal company shares, please provide a copy of the certificate from the ASCC or Peoples Canal confirming that the shares have officially been moved to the subject property. Finally, if the subject property has been irrigated with water delivered under canal company shares, do you know why the canal company has not updated its service boundary to include the subject property?

Applications 84488 and 84490 propose to move portions of ground water right 35-14041. The applications state that the existing place of use for water right 35-14041 was enrolled in CRP from 2007 to 2021. I could not find a copy of the CRP contract in the application files. Please provide a copy of the CRP contract, with any sensitive information redacted, to confirm that the entire water right place of use was enrolled in CRP.

James

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