

Cefalo, James

From: Cefalo, James
Sent: Wednesday, August 05, 2020 11:31 AM
To: 'Price, Fredric W'; TJ Budge; Kent Fletcher; Rob Harris; Eastern Large Conference Room; Henman, Christina; 'jreagan@idahowaters.com'; 'jasoncivil@alumni.nd.edu'; 'blair@dbscpa.net'
Subject: RE: Status Conference 82434 (LCSC Enterprises)

Dear Parties:

Please let this email confirm that the status conference scheduled for August 6, 2020 (tomorrow) at 9 am is cancelled. In his email, Rob Harris explained that LCSC Enterprises would like to wait for Application for Transfer 83160 (a contested case with similar issues) to reach a final resolution. In addition, LCSC is working with Aberdeen Springfield Canal Company to see whether the company's service area can be expanded to include the existing place of use for water right 35-7274. We will wait to hear from the Applicant before rescheduling the status conference.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

From: Price, Fredric W [mailto:fwprice@blm.gov]
Sent: Wednesday, August 05, 2020 11:26 AM
To: TJ Budge <tj@racineolson.com>; Kent Fletcher <>wkf@pmt.org>; Rob Harris <rharris@holdenlegal.com>; Eastern Large Conference Room <elconferencer@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Henman, Christina <Christina.Henman@idwr.idaho.gov>; 'jreagan@idahowaters.com' <jreagan@idahowaters.com>; 'jasoncivil@alumni.nd.edu' <jasoncivil@alumni.nd.edu>; 'blair@dbscpa.net' <blair@dbscpa.net>
Subject: Re: [EXTERNAL] RE: Status Conference 82434 (LCSC Enterprises)

BLM's protest is resolved so no objection.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

From: TJ Budge <tj@racineolson.com>
Sent: Wednesday, August 5, 2020 10:29 AM
To: Kent Fletcher <wkf@pmt.org>; Rob Harris <rharris@holdenlegal.com>; Eastern Large Conference Room <elconferencer@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Henman, Christina <Christina.Henman@idwr.idaho.gov>; 'jreagan@idahowaters.com' <jreagan@idahowaters.com>; Price, Fredric W <fwprice@blm.gov>; 'jasoncivil@alumni.nd.edu' <jasoncivil@alumni.nd.edu>; 'blair@dbscpa.net' <blair@dbscpa.net>
Subject: [EXTERNAL] RE: Status Conference 82434 (LCSC Enterprises)

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No objection

T.J. Budge

RACINE OLSON

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From: Kent Fletcher <wkf@pmt.org>

Sent: Wednesday, August 5, 2020 9:32 AM

To: Rob Harris <rharris@holdenlegal.com>; Eastern Large Conference Room <elconferencer@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Henman, Christina <Christina.Henman@idwr.idaho.gov>; 'jreagan@idahowaters.com' <jreagan@idahowaters.com>; TJ Budge <tj@racineolson.com>; 'Fred Price' <fwprice@blm.gov>; 'jasoncivil@alumni.nd.edu' <jasoncivil@alumni.nd.edu>; 'blair@dbscpa.net' <blair@dbscpa.net>

Subject: Re: Status Conference 82434 (LCSC Enterprises)

No objection to vacation of the prehearing conference.

Kent Fletcher
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P.O. Box 248
Burley, ID 83318
208-678-3250
208-878-2548 (fax)
wkf@pmt.org

On 8/5/2020 9:23 AM, Rob Harris wrote:

All:

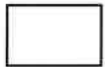
Tomorrow at 9:00 a.m. we have a scheduled status conference on Transfer No. 82434 (LCSC Enterprises). The ground water right at issue has a somewhat complicated history. Perhaps the main issue is whether or not the ground water right at issue can be unstacked as the ground water right was developed at the same time there were ASCC shares associated with the ground water right's place of use. The property is currently outside the boundary of the ASCC because of an error in the SRBA to not include it. That process to correct the boundary has not yet been undertaken by ASCC, and we understand that may be done this fall (October). Additionally, in a separate proceeding (the Duffin matter), the attached decision was issued finding that unstacking a ground water right that was developed on its own, but on property that has ASCC shares, is an enlargement. We intend to challenge this decision, but for purposes of the LCSC transfer, the outcome of the Duffin matter has direct implications on the LCSC transfer. For these reasons, I propose to vacate tomorrow's prehearing conference to save the parties time. Let me know if this is agreeable to the parties.

Thanks,



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