

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS  
FOR PERMIT NOS. 63-34403, 63-34652,  
63-34897, 63-34900, AND 63-35522 IN THE  
NAME OF CAT CREEK ENERGY, LLC

**ORDER SETTING DEADLINE  
NOTICE OF STATUS CONFERENCE**

---

**BACKGROUND**

On August 9, 2024, the Director of the Idaho Department of Water Resources (“Department”) issued an *Order Consolidating Proceedings and Parties; Order Continuing Informal Proceedings; Notice of Status Conference* (“2024 Order”) in the above-captioned matter. In the *2024 Order*, the Director: (1) consolidated Cat Creek Energy, LLC’s (“CCE”) applications for permits 63-34403, 63-34652, 63-34897, 63-34900, and 63-35522 to appropriate water (collectively, “Applications”) into a single proceeding, and recognized parties from the previously consolidated matter as parties in the newly consolidated matter; (2) ordered that the matter remain in informal proceedings until CCE or another party moves to return to formal proceedings; (3) permitted CCE or another party to request Department assistance to reach a resolution during informal proceedings; and (4) required CCE to file a status report regarding the Federal Energy Regulatory Commission and Bureau of Reclamation proceedings with the Department by February 1 of each year. *2024 Order*, at 2–3.

On March 2, 2026, Elmore County filed a *Notice of Status of Applicant’s CUPs with Elmore County* (“*County Update*”). The County updated the Director and the parties on the status of CCE’s conditional use permit before the County for informational purposes. *County Update*, at 2.

On April 6, 2026, CCE filed a *Status Report*. CCE updated the Director and the parties that it is currently engaged in negotiation efforts to obtain more financial and development partners. *Status Report*, at 1. Although CCE indicated its desire to continue informal proceedings, it also recognized that the Director and parties may want to move to formal proceedings. *Id.* at 1–2.

On April 7, 2026, the Director held a status conference on this consolidated matter. Project updates were discussed during the conference and the Director shared in the concerns expressed by some of the parties over the project’s seemingly slow progress and the continued use of informal Department proceedings. The Boise Project Board of Control expressed concerns about the length of the proceedings and outlined potential paths forward. CCE requested additional time to evaluate those options and proposed submitting a written statement identifying the path it intends to pursue. The written statement requirements are outlined in the Order section below. The Director also set another status conference to discuss the proposed path forward.

## ORDER

IT IS HEREBY ORDERED that Cat Creek Energy, LLC shall file, on or before Monday April 27, 2026, a written statement identifying which of the following paths it will pursue<sup>1</sup>:

1. Withdraw its Applications and submit new applications for permit when it is prepared to advance the project; or
2. File a motion to advance this matter to formal proceedings, including a proposed hearing schedule, which may be revised based on discussions during the May 11, 2026 status conference.

## NOTICE

The Director hereby notifies the parties that a status conference on these matters will be held on May 11, 2026, at 11:00 a.m. (MT), at the Department's State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–D, Boise, Idaho. All parties to the matters must be represented at the status conference in person or by video conferencing.

To attend the conference via computer or smartphone, please click the following Webex link and follow the prompts:  
<https://idahogov.webex.com/idahogov/j.php?MTID=md237d10a9c234930bf174ac994aa0039>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2868 807 0406.

The status conference will be held in accordance with the provisions of Chapter 17, Title 42, and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require reasonable accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. Inquiries for reasonable accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, PO Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815, email [sarah.tschohl@idwr.idaho.gov](mailto:sarah.tschohl@idwr.idaho.gov).

DATED this 10th day of April 2026.



MATHEW WEAVER  
Director

---

<sup>1</sup> During the status conference, the parties also discussed another option: requesting a stay of the proceedings and advancing the priority date to a time when CCE is prepared to move to formal proceedings. The Director does not have statutory authority to compel CCE to take this action, but nothing prevents CCE from voluntarily agreeing to this option.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

|  |   |   |
|--|---|---|
| <p>T.J. Budge<br/> <b>RACINE OLSON PLLP</b><br/>                 PO Box 1391<br/>                 Pocatello, ID 83204<br/> <a href="mailto:tj@racineolson.com">tj@racineolson.com</a></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/>  | <p>U.S. Mail, postage prepaid<br/>                 E-mail</p>   |
| <p>cc: James Carkulis<br/> <b>CAT CREEK ENERGY LLC</b><br/> <a href="mailto:jtc@ccewsrps.net">jtc@ccewsrps.net</a></p> <p>David R Tuthill Jr.<br/>                 Hal Anderson<br/> <b>IDAHO WATER ENGINEERING</b><br/> <a href="mailto:dave@idahowaterengineering.com">dave@idahowaterengineering.com</a><br/> <a href="mailto:hal@idahowaterengineering.com">hal@idahowaterengineering.com</a></p> <p>Gary D. Slette<br/> <b>ROBERTSON &amp; SLETTE, PLLC</b><br/> <a href="mailto:gslette@rsidaholaw.com">gslette@rsidaholaw.com</a></p> <p><i>Attorneys for Applicant Cat Creek Energy, LLC</i></p> | <input type="checkbox"/><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>                 E-mail</p> <p>U.S. Mail, postage prepaid<br/>                 E-mail</p> <p>U.S. Mail, postage prepaid<br/>                 E-mail</p> |
| <p>Richard F. Goodson<br/>                 Tyler Anderson<br/> <b>HAWLEY TROXELL ENNIS &amp; HAWLEY</b><br/>                 PO Box 1617<br/>                 Boise, ID 83701<br/> <a href="mailto:rgoodson@hawleytroxell.com">rgoodson@hawleytroxell.com</a><br/> <a href="mailto:tanderson@hawleytroxell.com">tanderson@hawleytroxell.com</a></p> <p><i>Attorneys for Protestants S Bar Ranch, LLC and the District at Parkcenter, LLC</i></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/>  | <p>U.S. Mail, postage prepaid<br/>                 E-mail</p>   |
| <p><b>WENDI COMBS</b><br/>                 704 Lindenwood Dr.<br/>                 Nampa, ID 83638<br/> <a href="mailto:missterry52@yahoo.com">missterry52@yahoo.com</a></p> <p><i>Protestant</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/>  | <p>U.S. Mail, postage prepaid<br/>                 E-mail</p>   |
| <p><b>GWINN RICE RANCH, INC.</b><br/>                 c/o Jim Rice<br/>                 2851 W. Balata Ct.<br/>                 Meridian, ID 83646<br/> <a href="mailto:jimrice1965@gmail.com">jimrice1965@gmail.com</a></p> <p><i>Protestant</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/>  | <p>U.S. Mail, postage prepaid<br/>                 E-mail</p>   |

|   |  |   |
|---|--|---|
| <p>Albert P Barker<br/> <b>MARTEN LAW LLP</b><br/>         PO Box 2139<br/>         Boise, ID 83701<br/> <a href="mailto:abarker@martenlaw.com">abarker@martenlaw.com</a></p> <p><i>Attorney for Protestant Boise Project Board of Control</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>John Simpson<br/> <b>MARTEN LAW LLP</b><br/>         PO Box 2139<br/>         Boise, ID 83701<br/> <a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a><br/> <a href="mailto:*jks@idahowaters.com">*jks@idahowaters.com</a></p> <p><i>Attorney for Protestant Idaho Power Company</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p><b>ALLEN THOMPSON</b><br/>         406 N. Thompson Rd.<br/>         King Hill, ID 83633<br/> <a href="mailto:kimraftertranch@gmail.com">kimraftertranch@gmail.com</a></p> <p><i>Protestant</i></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>Kurt Starman<br/> <b>MERIDIAN CITY ATTORNEY'S OFFICE</b><br/>         33 E. Broadway Ave.<br/>         Meridian, ID 83642<br/> <a href="mailto:kstarman@meridiancity.org">kstarman@meridiancity.org</a></p> <p><i>Attorney for Intervenor the City of Meridian</i></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>Mary R. Grant<br/> <b>BOISE CITY ATTORNEY'S OFFICE</b><br/>         PO Box 500<br/>         Boise, ID 83701<br/> <a href="mailto:mrgrant@cityofboise.org">mrgrant@cityofboise.org</a><br/> <a href="mailto:msteel@cityofboise.org">msteel@cityofboise.org</a></p> <p><i>Attorney for Protestant the City of Boise</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p><b>TREE TOP RANCHES, LP</b><br/>         c/o William J. Mulder<br/>         101 S. Capitol Blvd., Ste. 1801<br/>         Boise, ID 83702<br/> <a href="mailto:wjmulder@treetopranches.com">wjmulder@treetopranches.com</a></p> <p><i>Protestant</i></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>Bryan Hurlbutt<br/>         Laird Lucas<br/> <b>Advocates for the West</b><br/>         PO Box 1612<br/>         Boise, Idaho 83701<br/> <a href="mailto:bhurlbutt@advocateswest.org">bhurlbutt@advocateswest.org</a><br/> <a href="mailto:lucas@advocateswest.org">lucas@advocateswest.org</a></p> <p><i>Attorneys for Protestant the Idaho Conservation League</i></p> | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |



|  |  |   |
|--|--|---|
| <p>Dylan B. Lawrence<br/> <b>VARIN THOMAS LLC</b><br/>         PO Box 1676<br/>         Boise, Idaho 83701<br/> <a href="mailto:dylan@varinthomas.com">dylan@varinthomas.com</a></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p><i>Attorneys for Protestant Elmore County, Board of County Commissioners</i></p>  |  |   |
| <p>Daniel Steenson<br/>         Bryce Farris<br/>         Andrew Waldera<br/> <b>SAWTOOTH LAW OFFICES PLLC</b><br/>         PO Box 7985<br/>         Boise, ID 83707<br/> <a href="mailto:dan@sawtoothlaw.com">dan@sawtoothlaw.com</a><br/> <a href="mailto:bryce@sawtoothlaw.com">bryce@sawtoothlaw.com</a><br/> <a href="mailto:andy@sawtoothlaw.com">andy@sawtoothlaw.com</a></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p><i>Attorneys for Protestants Ballentyne Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa &amp; Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company</i></p> |  |   |
| <p>Michael Gibson<br/> <b>TROUT UNLIMITED INC.</b><br/>         910 W. Main St., Ste. 342<br/>         Boise, ID 83702<br/> <a href="mailto:michael.gibson@tu.org">michael.gibson@tu.org</a></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>cc: Erin Plue<br/>         TROUT UNLIMITED INC.<br/>         410 Pine St.<br/>         Sandpoint, ID 83864<br/> <a href="mailto:erin.plue@tu.org">erin.plue@tu.org</a></p>  | <input type="checkbox"/><br><input checked="" type="checkbox"/>            | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p><i>Protestant</i></p>   |  |   |
| <p>cc: Marissa Warren<br/>         IDAHO GOVERNOR'S OFFICE OF ENERGY &amp;<br/>         MINERAL RESOURCES<br/>         PO Box 83720<br/>         Boise, ID 83720<br/> <a href="mailto:marissa.warren@oer.idaho.gov">marissa.warren@oer.idaho.gov</a></p>   | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |
| <p>cc: Ben Miller<br/>         BUREAU OF RECLAMATION<br/>         1150 N. Curtis Rd.<br/>         Boise, ID 83706<br/> <a href="mailto:bjmiller@usbr.gov">bjmiller@usbr.gov</a></p>  | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <p>U.S. Mail, postage prepaid<br/>         E-mail</p> |

  
 \_\_\_\_\_  
 Sarah Tschohl  
 Paralegal