

**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

NOTICE OF PROPOSED DEFAULT

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 September 24, 2025, the Director served a *Notice of Status Conference* on all parties to this matter, including Protestants: Wendi Combs; Gwinn Rice Ranch, Inc.; Idaho Power Company; Allen Thompson; Wildlands Defense; USDI Bureau of Land Management; Trout Unlimited; and Idaho Governor’s Office of Energy and Mineral Resources. The notice contained a certificate of service showing the parties were served via email and mail. The notice scheduled a status conference for April 7, 2026.

On April 7, 2026, the Director held a status conference. Those named Protestants above did not appear at the status conference.

On April 10, 2026, the Director served an *Order Setting Deadline; Notice of Status Conference* on all parties to this matter, including the named Protestants above. The notice contained a certificate of service showing the parties were served via email and mail. The notice scheduled a status conference for May 11, 2026.

On May 11, 2026, the Director held a status conference. Those named Protestants above did not appear at the status conference.

Rule 700 of the Department’s Rules of Procedure authorizes the Department to issue a notice of proposed default order to parties for failure to appear at the time and place set for status conference. IDAPA 37.01.01.700. Consistent with Rule 700, the Director will serve this notice upon all parties to this matter, including the above-named Protestants who failed to appear at the time and place set for the last two status conferences, as required in the notices issued for those

status conferences. *See Not. of Status Conf.*, at 2 (Sept. 24, 2025); *Order Setting Deadline; Not. of Status Conf.*, at 2 (April 10, 2026).

PROPOSED DEFAULT ORDER

Based upon the named Protestants' failure to appear at the time and place set for the last two status conferences, it is ORDERED that Protestants Wendi Combs, Gwinn Rice Ranch, Inc., Idaho Power Company, Allen Thompson, Wildlands Defense, USDI Bureau of Land Management, Trout Unlimited, Inc., and Idaho Governor's Office of Energy and Mineral Resources are DISMISSED as parties to this contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Wendi Combs, Gwinn Rice Ranch, Inc., Idaho Power Company, Allen Thompson, Wildlands Defense, USDI Bureau of Land Management, Trout Unlimited, and Idaho Governor's Office of Energy and Mineral Resources have **seven (7) days** after the service of this *Notice of Proposed Default Order* to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

DATED this 15th day of May 2026.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

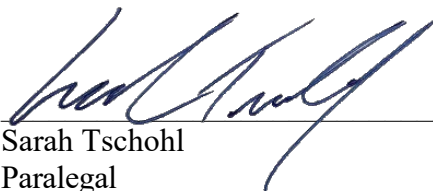
I HEREBY CERTIFY that on this 15th day of May 2026, the above and foregoing was served by the method indicated below, and addressed to the following:

<p>T.J. Budge RACINE OLSON PLLP PO Box 1391 Pocatello, ID 83204 tj@racineolson.com</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p>cc: James Carkulis CAT CREEK ENERGY LLC jtc@ccewsrps.net</p> <p>David R Tuthill Jr. Hal Anderson IDAHO WATER ENGINEERING dave@idahowaterengineering.com hal@idahowaterengineering.com</p> <p>Gary D. Slette ROBERTSON & SLETTE, PLLC gslette@rsidaholaw.com</p> <p><i>Attorneys for Applicant Cat Creek Energy, LLC</i></p>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p> <p>U.S. Mail, postage prepaid E-mail</p> <p>U.S. Mail, postage prepaid E-mail</p>
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<p>WENDI COMBS 704 Lindenwood Dr. Nampa, ID 83638 missterry52@yahoo.com</p> <p><i>Protestant</i></p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p>GWINN RICE RANCH, INC. c/o Jim Rice 2851 W. Balata Ct. Meridian, ID 83646 jimrice1965@gmail.com</p> <p><i>Protestant</i></p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>

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<p>Daniel Steenson Bryce Farris Andrew Waldera SAWTOOTH LAW OFFICES PLLC PO Box 7985 Boise, ID 83707 dan@sawtoothlaw.com bryce@sawtoothlaw.com andy@sawtoothlaw.com</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
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