

**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

**ENTRY OF DEFAULT AGAINST GWINN
RICE RANCH, INC., ALLEN THOMPSON,
AND WILDLANDS DEFENSE**
**ORDER WITHDRAWING IN PART
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; and Trout Unlimited, Inc. The notice contained a certificate of service showing the parties were served via email and U.S. mail. The notice scheduled a status conference for April 7, 2026.

On April 7, 2026, the Director held a status conference. The protestants named in the above paragraph did not appear at the status conference.

On April 10, 2026, the Director served on all parties to this matter an *Order Setting Deadline; Notice of Status Conference*, including Protestants: Wendi Combs; Gwinn Rice Ranch, Inc.; Idaho Power Company; Allen Thompson; Wildlands Defense; and USDI Bureau of Land Management. 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. The protestants named in the above paragraph did not appear at the status conference.

On May 15, 2026, the Department issued a *Notice of Proposed Default* for failure to appear at the time and place set for the last two status conferences, pursuant to Rule 700 of the Department's Rules of Procedure, to the following: 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. IDAPA 37.01.01.700. The *Notice of Proposed Default* informed the individuals that, pursuant to Rule 701 of the Department's Rules of Procedure, they had seven days after service of the *Notice of Proposed Default* to file a written petition requesting that the proposed default order not be entered. *Notice of Proposed Default*, at 2.

The Department received responses to the *Notice of Proposed Default* from Protestants Idaho Power Company, Wendi Combs, USDI Bureau of Land Management, and Trout Unlimited, Inc.

On June 1, 2026, the Department received an unconditional *Withdrawal of Protest* from Idaho Conservation League. In accordance with Rule 303 of the Department's Rules of Procedure, the pleading withdrawal became effective June 8, 2026. *See* IDAPA 37.01.01.303. As of June 8, 2026, Idaho Conservation League is no longer a party to this consolidated matter.

ANALYSIS

Under Rule 700 of the Department's Rules of Procedure, if a party fails to appear "at the time and place set" for a conference, the Department may issue a notice of proposed default against the absent party. IDAPA 37.01.01.700. Within seven days, the party against whom the notice of proposed default was filed may file a petition requesting that the default order not be entered against them. IDAPA 37.01.01.701. "The petition must state the grounds why the petitioning party believes that default should not be entered." *Id.* The Department must then issue a default order or withdraw the notice of proposed default. IDAPA 37.01.01.702. If a default order is issued, all proceedings in the contested case, even those affecting a defaulting party, will be conducted without the participation of the party in default. *Id.*

An error concerning party status must first be addressed. In the May 15, 2026 *Notice of Proposed Default*, the Idaho Governor's Office of Energy and Mineral Resources was noted as a protestant who failed to appear at the time and place set for the last two status conferences in this matter. *Notice of Proposed Default*, at 2. Upon review of the Department's records in this matter, the Director finds that the Idaho Governor's Office of Energy and Mineral Resources did not protest the Applications or file for intervention in this consolidated matter and has historically been listed only as a courtesy copy on certificates of service. Therefore, the Director concludes that the Idaho Governor's Office of Energy and Mineral Resources never sought to be or was admitted as a party to this matter. As such, default cannot be entered against the office, and a withdrawal of the proposed default against it is moot. *See* IDAPA 37.01.01.700 ("If a party fails to appear . . . the agency may serve upon all parties a notice of a proposed default against the absent or non-responsive party." (emphasis added)).

Protestants Idaho Power Company, Wendi Combs¹, USDI Bureau of Land Management, and Trout Unlimited, Inc.² timely filed petitions requesting that a default order not be entered against them. The petitions adequately state the grounds why default should not be entered. Based upon the contents of their responses, the Director will not enter default against these parties. The Director reminds all parties that continued participation in these proceedings is subject to compliance with the Department's Rules of Procedure, including applicable requirements governing filings, service, and representation.

Protestants Gwinn Rice Ranch, Inc., Allen Thompson, and Wildlands Defense failed to appear during the last two status conferences and failed to timely file a written petition requesting that a default order not be entered. The Director will enter default against these parties in accordance with Rule 702 of the Department's Rules of Procedure.

ORDER

IT IS HEREBY ORDERED that DEFAULT IS ENTERED against the following Protestants: Gwinn Rice Ranch, Inc.; Allen Thompson; and Wildlands Defense. Pursuant to IDAPA 37.01.01.702, parties in default are not entitled to further service of documents or participation in these consolidated cases.

IT IS FURTHER ORDERED that the May 15, 2026 *Notice of Proposed Default* is WITHDRAWN IN PART, only as it concerns the following Protestants: Idaho Power Company; Wendi Combs; USDI Bureau of Land Management; and Trout Unlimited, Inc. These parties shall continue to receive service of documents and participate fully in these consolidated cases provided future participation fully complies with the Department's Rules of Procedure.

DATED this 10th day of June 2026.



MATHEW WEAVER
Director

¹ Wendi Combs' petition did not fully comply with the filing requirements set forth in IDAPA 37.01.01.053 because it did not include a certificate of service and was not served on all parties. However, because IDAPA 37.01.01.700–702 do not provide an opportunity for other parties to respond to a petition objecting to entry of default, the deficiencies did not prejudice any party in this instance. Accordingly, the Director has considered the petition despite the procedural defects. Parties are advised that future noncompliant filings may be returned or otherwise disregarded.

² The Director finds he erred by stating in the *Notice of Proposed Default* that Trout Unlimited did not appear at the last two status conferences. The representative for Trout Unlimited appeared and participated during the May 11, 2026 status conference. However, because this matter was subsequently advanced to formal proceedings, if Trout Unlimited intends to continue to fully participate in these proceedings as a party, a licensed Idaho attorney must formally appear for and represent Trout Unlimited pursuant to IDAPA 37.01.01.201.02.

CERTIFICATE OF SERVICE

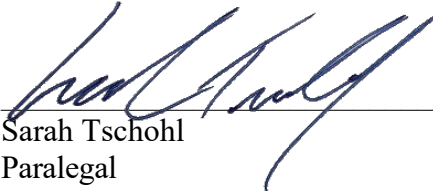
I HEREBY CERTIFY that on this 10th day of June 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

<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>
<p>Richard F. Goodson Tyler Anderson HAWLEY TROXELL ENNIS & HAWLEY PO Box 1617 Boise, ID 83701 rgoodson@hawleytroxell.com tanderson@hawleytroxell.com</p> <p><i>Attorneys for Protestants S Bar Ranch, LLC and the District at Parkcenter, LLC</i></p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<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 in Default</i></p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>

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

<p>WILDLANDS DEFENSE c/o Katie Fite PO Box 125 Boise, ID 83701 katie@wildlandsdefense.org</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid E-mail
<i>Protestant in Default</i>		
<p>Marc. A. Shumaker U.S. DEPARTMENT OF THE INTERIOR Office of the Solicitor 1387 S. Vinnell Way Boise, ID 83709 marc.shumaker@sol.doi.gov</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid E-mail
<p>cc: Fredric W. Price USDI BUREAU OF LAND MANAGEMENT fwprice@blm.gov <i>Attorney for Protestant USDI Bureau of Land Management</i></p>		
<p>J.J. WINTERS IDAHO DEPARTMENT OF LANDS 300 N. 6th St., Ste. 103 Boise, ID 83702 jwinters@idl.idaho.gov</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid E-mail
<i>Attorney for Protestant Idaho Department of Lands</i>		
<p>Michael Lawrence Charles Baser GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701 mpl@givenspursley.com csb@givenspursley.com</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid E-mail
<i>Attorneys for Intervenor Veolia Water Idaho, Inc.</i>		
<p>ANN YRIBAR Deputy Attorneys General Central Office, Natural Resources Div. PO Box 83720 Boise, ID 83720 ann.yribar@ag.idaho.gov</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid E-mail
<p>cc: Craig White Tom Bassista Bradley Dawson Brandon Flack IDAHO DEPT. OF FISH & GAME craig.white@idfg.idaho.gov thomas.bassista@idfg.idaho.gov bradley.dawson@idfg.idaho.gov brandon.flack@idfg.idaho.gov</p>		
<i>Attorneys for Protestant the Idaho Department of Fish and Game</i>		

<p>Dylan B. Lawrence VARIN THOMAS LLC PO Box 1676 Boise, Idaho 83701 dylan@varinthomas.com</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p><i>Attorneys for Protestant Elmore County, Board of County Commissioners</i></p>		
<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>
<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 & 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 TROUT UNLIMITED INC. 910 W. Main St., Ste. 342 Boise, ID 83702 michael.gibson@tu.org</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p>cc: Erin Plue TROUT UNLIMITED INC. 410 Pine St. Sandpoint, ID 83864 erin.plue@tu.org</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p><i>Protestant</i></p>		
<p>cc: Emily Her IDAHO GOVERNOR'S OFFICE OF ENERGY & MINERAL RESOURCES emily.her@oer.idaho.gov</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>
<p>cc: Ben Miller BUREAU OF RECLAMATION bjmiller@usbr.gov</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>U.S. Mail, postage prepaid E-mail</p>


 Sarah Tschohl
 Paralegal