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DEPARTMENT OF
WATER RESOURCES

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**BEFORE THE IDAHO 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

**IDFG'S EXPERT WITNESS
DISCLOSURE**

COMES NOW, Protestant, the Idaho Department of Fish and Game ("IDFG"), by and through its attorneys of record, and pursuant to IDAPA 37.01.01.600, Rule 26(b)(4)(A) of the Idaho Rules of Civil Procedure and the Hearing Officer's *Order Advancing Matter to Formal Proceedings and Adopting a Scheduling Order; Notice of Prehearing Conference and Hearing* dated May 15, 2026, hereby discloses the following expert witnesses who may be called at the hearing to support a claim. In doing so, IDFG does not concede that any or all of this testimony

falls within the scope of Idaho Rules of Evidence 702, 703, or 705, but makes this disclosure in the event that any part of their testimony is determined to be expert opinion testimony:

RETAINED EXPERT WITNESS TESTIFYING TO SUPPORT PROTESTANT'S
PROTEST

- **Dr. Frank Wilhem, Professor of Limnology, University of Idaho**

- **Employment and Contact Information:** Professor of Limnology, Department Head, Associate Director, Center for Research on Invasive Species, University of Idaho, College of Natural Resources, 975 W. 6th St. Moscow, Ste. 104E, ID 83844, (208) 885-7218, fwilhelm@uidaho.edu.

- **Statement of Opinions to be Expressed and Basis/Reasons for the Opinion:**

If called to testify at the trial in this matter, IDWR anticipates that Dr. Wilhelm's testimony will include matters within I.R.C.P. 26(b)(4)(A)(i). As of today's date, the opinions that Mr. Wilhelm is expected to express are set forth in *A Review of the Limnology of Anderson Ranch Reservoir with Respect to the Proposed Cat Creek Energy and Water Storage Renewable Power Station Project* as attached to this disclosure including all materials referenced to and used in the report. Dr. Wilhelm will testify consistent with the *A Review of the Limnology of Anderson Ranch Reservoir with Respect to the Proposed Cat Creek Energy and Water Storage Renewable Power Station Project* and will opine that the addition of large volumes of project water into Anderson Ranch Reservoir will 1) disturb the thermal structure of the Anderson Ranch Reservoir water column causing overall mixing and warming of the water column, 2) upwell low dissolved oxygen bottom water reducing the overall dissolved oxygen concentration in the water column, and 3) potentially scour bottom sediments and re-introduce them into the water column

thereby increasing turbidity. He will describe how these things affect the local public interest under I.C. § 42-203A(5)(e).

- **Facts of Data Used in Support of the Opinions:** The facts and data relied on by Dr. Wilhelm in connection with developing his opinion are available online via the included file transfer link.
- **Qualifications of the Witness:** See attached Curriculum Vitae.
- **Compensation to be Paid:** Mr. Wilhelm is being paid \$121 per hour, plus costs associated with travel.
- **Listing of All Publications within the Last Ten-Years:** See attached Curriculum Vitae.
- **Listing of Other Cases within the Preceding 4-Years:** None.

NON-RETAINED EXPERT WITNESSES TO SUPPORT PROTESTANT’S PROTEST

In disclosing the following non-retained expert witnesses, IDFG does not concede that any or all of this testimony falls within the scope of I.R.E. 702, 703, or 705, but makes this disclosure in the event that any part of their testimony is determined to be expert opinion testimony.

- **Brett Bowersox, Native Fish Coordinator, IDFG**
 - Mr. Bowersox, an employee of IDFG, is the Native Fish Coordinator, whom IDFG reserves the right to call to testify at the trial in this matter. As of today’s date, the opinions that Mr. Bowersox is expected to express are set forth in the *Effects of Water Right Development and Implementation on Anderson Ranch Reservoir’s Bull Trout Population* as attached to this

disclosure including all materials referenced to and used in the report. Mr. Bowersox will testify consistent with the *Effects of Water Right Development and Implementation on Anderson Ranch Reservoir's Bull Trout Population* and will opine that negative impacts to the Bull Trout population of Anderson Ranch Reservoir and the upper South Fork Bosie River are anticipated through a number of mechanisms, including direct mortality, thermal destabilization, decreased forage base, and increased migration mortality. He will describe how these things affect the local public interest under I.C. § 42-203A(5)(e).

- Mr. Bowersox's opinions are expected to be based on his professional, personal knowledge, training and experience, and education obtained through academic classwork, research and career experience specializing in fisheries monitoring, habitat restoration, and native species conservation.
- Mr. Bowersox is an employee of IDFG and has not been retained by IDFG as an expert witness.
- **Mike Peterson –Regional Fisheries Manager, IDFG.**
 - Mr. Peterson, an employee of IDFG, is the Regional Fisheries Manager, whom IDFG reserves the right to call to testify at the trial in this matter. As of today's date, the opinions that Mr. Peterson is expected to express are set forth in the *Potential Effects of Water Right Development and Implementation on Anderson Ranch Reservoirs Fish Populations* as attached to this disclosure including all materials referenced to and used in the report. Mr. Peterson will testify consistent with the *Potential Effects of Water Right*

Development and Implementation on Anderson Ranch Reservoirs Fish Populations and will opine that, based on the current water right applications and his understanding of how water could be moved between Anderson Ranch Reservoir and the proposed new reservoir, it is his opinion that these water rights could be detrimental to the cold-water and cool-water fish habitats in Anderson Ranch Reservoir and could completely shift the species composition within the reservoir causing harm to the kokanee, Smallmouth Bass, and other native and non-native fish populations found within the reservoir. As proposed, these water rights applications also have the ability to cause harm to local economies and to public recreation at Anderson Ranch Reservoir. He will describe how these things affect the local public interest under I.C. § 42-203A(5)(e).

- Mr. Peterson's opinions are expected to be based on his professional, personal knowledge, training and experience, and education and from working in the field of fisheries resources/management for more than 32 years, of which more than 23 years has been with IDFG, authoring 13 peer reviewed papers and 29 agency annual reports, and including nine years of education in the field of fisheries resources/management, which culminated in a Masters of Science in 2004. .
- Mr. Peterson is an employee of IDFG and has not been retained by IDFG as an expert witness.

- **Joe Kozfkay –State Fisheries Manager, IDFG**
 - Mr. Kozfkay, an employee of IDFG, is the State Fisheries Manager, whom IDFG reserves the right to call to testify at the trial in this matter. As of today's date, the opinions that Mr. Kozfkay is expected to express are set forth in the *Effects of Water Right Development and Implementation on the Fish Community of South Fork of the Boise River downstream of Anderson Ranch Dam Cat Creek Energy Water Right Applications for Permits 63-34403, 63-34652, 63-34897, 63-34900, and 63-35522* as attached to this disclosure including all materials referenced to and used in the report. Mr. Kozfkay will testify consistent with the *Effects of Water Right Development and Implementation on the Fish Community of South Fork of the Boise River downstream of Anderson Ranch Dam Cat Creek Energy Water Right Applications for Permits 63-34403, 63-34652, 63-34897, 63-34900, and 63-35522* and will opine that it is likely that additional use and storage in an additional reservoir and associated water evaporation and water seepage losses, as well as alterations of reservoir hydrology from pumping and mixing have the potential to harm fisheries in the South Fork Boise River below Anderson Ranch Dam. He will describe how these things affect the local public interest under I.C. § 42-203A(5)(e).
 - Mr. Kozfkay's opinions are expected to be based on his professional, personal knowledge, training and experience and education. Mr. Kozfkay has been an employee of IDFG for 26 years and leads the statewide Fisheries Management Program. Mr. Kozfkay has worked in several capacities for the

Department including Kootenai River Research Biologist, statewide research biologist, regional fisheries biologist, and regional fisheries manager. Prior to these positions, Mr. Kozfkay worked in fisheries for Michigan State University, University of Missouri, Missouri Department of Conservation, Wyoming Game and Fish Department, and US Forest Service. Mr. Kozfkay has authored or co-authored more than ten peer-reviewed manuscripts, serves as a scientific reviewer, and is past president of the Idaho Chapter of the American Fisheries Society. Mr. Kozfkay received his Bachelors of Science and Masters of Science from Michigan State University and University of Idaho, respectively. .

- Mr. Kozfkay is an employee of IDFG and has not been retained by IDFG as an expert witness.
- **Sonya Knetter Technical Assistant Program Staff Biologist, IDFG**
 - Ms. Knetter, an employee of IDFG, is the Technical Assistant Program Staff Biologist, whom IDFG reserves the right to call to testify at the trial in this matter. As of today's date, the opinions that Ms. Knetter is expected to express are set forth in the *Cat Creek Project Effects on Public Greater Sage-Grouse Resources* as attached to this disclosure including all materials referenced to and used in the report. Ms. Knetter will testify consistent with the *Cat Creek Project Effects on Public Greater Sage-Grouse Resources* and will opine that the Cat Creek Applications would adversely affect an already declining local sage-grouse population, causing direct and indirect habitat loss, the destruction of a lek, and disruptions of seasonal movements and

habitat use. As such, the Applications conflicts with IDFG sage-grouse conservation priorities and state and federal sage-grouse management policies aimed at conserving sage-grouse resources to avoid Endangered Species Act protections, and therefore, is not in the local public interest as described by I.C. § 42-203A(5)(e).

- Ms. Knetter’s opinions are expected to be based on her professional, personal knowledge, training and experience and education that includes Bachelor Science degrees in Zoology and Conservation Biology, a Master of Science degree in Wildlife Ecology, 25 years of professional experience in wildlife ecology, and 5 years of technical assistance and project analysis of the effects of energy development and other anthropogenic disturbances on sage-grouse and other wildlife resources.
- Ms. Knetter is an employee of IDFG and has not been retained by IDFG as an expert witness.
- **Frank Edelmann – Technical Services Bureau Chief, IDFG**
 - Mr. Edelmann, an employee of IDFG, is the Technical Services Bureau Chief, whom IDFG reserves the right to call to testify at the trial in this matter. As of today’s date, the opinions that Mr. Edelmann is expected to express are set forth in the *Expert Report—Cat Creek Project Effects on Big Game* as attached to this disclosure including all materials referenced to and used in the report. Mr. Edelmann will testify consistent with the *Expert Report—Cat Creek Project Effects on Big Game* and will opine that the Cat Creek Project would adversely affect four highly valued migratory big game

herds, which would also conflict with the local public interest by reducing the substantial heritage and economic benefits of big game hunting for Idaho citizens and local rural communities. He will describe how these things affect the local public interest under I.C. § 42-203A(5)(e).

- Mr. Edelmann's opinions are expected to be based on his professional, personal knowledge, training and experience and education consisting of Bachelor of Science and Master of Science degrees in wildlife resources and over 30 years of professional experience including analyses of energy project effects on big game and other wildlife resources.
- Mr. Edelmann is an employee of IDFG and has not been retained by IDFG as an expert witness.

This disclosure is based on the diligent search and reasonable inquiry by IDFG as of the date of this disclosure, and reflects the current state of understanding and belief of the facts, claims, and defenses at issue in this administrative hearing. It is anticipated that further discovery, independent investigation, and consultation with witnesses and experts may supply additional facts, add meaning to known facts, or establish entirely new factual conclusions and legal contentions, all of which may lead to additions to, modifications of, or variations from the disclosures herein. This expert witness disclosure is, therefore, made without prejudice to IDFG's right to supplement any or all of the specific disclosures as provided for in the Idaho Rules of Civil Procedures.

IDFG reserves the right to elicit further testimony from any identified expert, non-retained expert, or other witnesses disclosed in discovery as new or additional information is produced or made available. As discovery continues, there may be other persons not identified

herein who may fall within the scope of this disclosure that are not yet known. If such persons are identified, IDFG reserves the right to seasonably disclose such persons and to call them as witnesses at the time of trial.

The disclosed experts may be called for purposes of direct, rebuttal, or impeachment testimony. IDFG reserves the right to elicit opinion testimony from any person, duly qualified,

DATED September 25, 2026.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



ANN N. YRIBAR
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September 2026, I caused to be served a true and correct copy of the foregoing IDFG's EXPERT WITNESS DISCLOSURE by transmitting a copy thereof in the manner listed below:

Director Mathew Weaver Idaho Department of Water Resources PO Box 83720 Boise ID 83720-0098	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: file@idwr.idaho.gov ; ☐ Facsimile: _____ ☐ Statehouse Mail
T.J. Budge Racine Olson PLLP PO Box 1391 Pocatello, ID 83204	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: tj@racineolson.com ☐ Facsimile: _____ ☐ Statehouse Mail
James Carkulis Cat Creek Energy LLC	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: jtc@ccewsrps.net ☐ Facsimile: _____ ☐ Statehouse Mail
David R Tuthill Jr. Hal Anderson Idaho Water Engineering	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: dave@idahowaterengineering.com ; hal@idahowaterengineering.com ☐ Facsimile: _____ ☐ Statehouse Mail
Gary D. Slette Robertson & Slette PLLC 134 Third Avenue East Twin Falls ID 83303-1906	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: gslette@rsidaholaw.com ☐ Facsimile: _____ ☐ Statehouse Mail
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Erin Plue Trout Unlimited Inc. 410 Pine St. Sandpoint, ID 83864	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: erin.plue@tu.org ☐ Facsimile: _____ Statehouse Mail
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Ben Miller United States Bureau of Reclamation 1150 N. Curtis Rd Boise ID 83706	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: bjmiller@usbr.gov ☐ Facsimile: _____ Statehouse Mail
Daniel Steenson Byrce Farris Andrew Waldera Sawtooth Law Officer PLLC PO Box 7985 Boise ID 83707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email to: dan@sawtoothlaw.com ; bryce@sawtoothlaw.com ; andy@sawtoothlaw.com ☐ Facsimile: _____ Statehouse Mail



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