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Sep 25, 2026

DEPARTMENT OF
WATER RESOURCES

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Representing Trout Unlimited

**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

**TROUT UNLIMITED’S (COLLECTIVE)
FIRST SET OF DISCOVERY REQUESTS**

This document contains the first set of interrogatories, requests for production of documents, and requests for admission being submitted to Cat Creek Energy, LLC (“Cat Creek”) by Trout Unlimited, Inc., Idaho Council of TU, Ted Trueblood Chapter of TU and the Hemingway Chapter of TU (collectively “TU”). These interrogatories, requests for production of documents, and requests for admission are made pursuant to, and are governed by, IDAPA 37.01.01.520 and the Idaho Rules of Civil Procedure (“I.R.C.P.”) 26, 33, and 34.

DEFINITIONS

For purposes of these discovery requests:

“Applications” means Applications for Permit Nos. 63-34403, 63-34652, 63-34897, 63-34900, and 63-35522 in the name of Cat Creek Energy, LLC.

“Project” means the facilities, operations, water uses, and activities proposed or contemplated under the Applications, including pumped-storage hydropower, irrigation, storage, diversion, conveyance, and release of water.

“South Fork Boise River” means the South Fork Boise River downstream from Anderson Ranch Dam to

the upper extent of Arrowrock Reservoir.

“Project Operations” means all diversions, withdrawals, pumping, storage, generation, releases, conveyance, delivery, and other movement or use of water associated with the Project or Applications, regardless of the particular purpose of use under which the activity occurs.

“Identify”, when referring to a study, analysis, model, report, memorandum, dataset, or other document, means to state its title or description, date, author or preparer, and present custodian.

INTERROGATORIES

INTERROGATORY NO. 1

Describe in detail all anticipated changes in the timing, magnitude, duration, frequency, and rate of change of flows in the South Fork Boise River resulting directly or indirectly from Project Operations, including hourly, daily, monthly, seasonal, and annual changes and any changes in minimum flows, maximum flows, ramping rates, or the duration of particular flow conditions.

INTERROGATORY NO. 2

Identify and describe all studies, analyses, models, datasets, reports, or other information that evaluate or quantify the effects of Project Operations on the hydrograph of the South Fork Boise River, including the assumptions regarding existing Anderson Ranch Reservoir operations, water supply, irrigation demand, flood-control operations, minimum-flow requirements, or other operational constraints used in such analyses.

INTERROGATORY NO. 3

For each operational scenario analyzed or contemplated for the Project, identify the maximum anticipated increase and decrease in South Fork Boise River flow, expressed in cubic feet per second, that could occur over periods of one hour, three hours, six hours, twelve hours, twenty-four hours, and seven days, and identify the circumstances under which each such change could occur.

INTERROGATORY NO. 4

Describe all known, anticipated, modeled, or potential effects of Project Operations and associated

changes in South Fork Boise River flows on aquatic habitat, including wetted channel area, side channels, riffles, pools, spawning habitat, redds, juvenile rearing habitat, fish passage, water depth, water velocity, and connectivity of aquatic habitat.

INTERROGATORY NO. 5

Describe all known, anticipated, modeled, or potential risks of fish stranding, isolation, displacement, or mortality, or the dewatering of fish habitat, redds, side channels, or other aquatic habitat, resulting from increases or decreases in South Fork Boise River flows associated directly or indirectly with Project Operations.

INTERROGATORY NO. 6

Identify and describe all minimum-flow requirements, maximum-flow limitations, ramping-rate restrictions, seasonal operating restrictions, fish-protection measures, or other operational constraints that Cat Creek has assumed, proposed, evaluated, or considered for protection of fish and aquatic habitat in the South Fork Boise River.

INTERROGATORY NO. 7

Describe how Project Operations would be coordinated with existing or anticipated operations of Anderson Ranch Dam and Reservoir by the United States Bureau of Reclamation, including irrigation releases, flood-control operations, minimum-flow requirements, reservoir refill, flow augmentation, and any other existing or anticipated operational requirements that could affect flows in the South Fork Boise River.

INTERROGATORY NO. 8

Identify and describe all consultations, communications, agreements, proposed agreements, operating protocols, or other coordination between Cat Creek Energy and the United States Bureau of Reclamation concerning the timing, quantity, rate, or duration of releases from Anderson Ranch Reservoir or the operation of Anderson Ranch Dam in connection with the Project.

INTERROGATORY NO. 9

Identify all hydrologic, hydraulic, reservoir-operation, water-quality, fish-habitat, or other models used to

evaluate Project effects on the South Fork Boise River, and for each model identify the model, input data, temporal resolution, geographic resolution, operational assumptions, calibration or validation information, and the person or entity responsible for preparing or operating the model.

INTERROGATORY NO. 10

Identify and describe all studies, analyses, modeling, monitoring, or other information developed, obtained, or received through the Federal Energy Regulatory Commission licensing process that evaluates the effects of Project Operations on flows, water temperature, aquatic habitat, trout populations, recreational fishing, or other aquatic resources in the South Fork Boise River.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

Produce all studies, reports, technical memoranda, models, model results, datasets, spreadsheets, hydrographs, graphs, figures, maps, or other documents identified in response to Interrogatories Nos. 1 through 10.

REQUEST FOR PRODUCTION NO. 2

Produce all hydrologic, hydraulic, or reservoir-operation modeling and associated input and output data concerning Project Operations and their effects on flows in the South Fork Boise River, including hourly or finer-resolution time-series data where such data exist.

REQUEST FOR PRODUCTION NO. 3

Produce all documents demonstrating, analyzing, studying, modeling, or containing data or information regarding the potential or known effects of Project Operations on wetted channel area, side channels, riffles, pools, spawning habitat, redds, juvenile rearing habitat, fish passage, water depth, water velocity, or other aquatic habitat in the South Fork Boise River.

REQUEST FOR PRODUCTION NO. 4

Produce all documents demonstrating, analyzing, studying, modeling, or containing data or information

regarding fish stranding, isolation, displacement, mortality, or dewatering of fish habitat, redds, side channels, or other aquatic habitat resulting from changes in South Fork Boise River flows associated directly or indirectly with Project Operations.

REQUEST FOR PRODUCTION NO. 5

Produce all documents concerning minimum-flow requirements, maximum-flow limitations, ramping-rate restrictions, seasonal operating restrictions, fish-protection measures, or other operational constraints considered, proposed, assumed, or evaluated in connection with Project Operations and the South Fork Boise River.

REQUEST FOR PRODUCTION NO. 6

Produce all documents, communications, agreements, proposed agreements, operating protocols, meeting notes, memoranda, analyses, or other records concerning coordination between Cat Creek Energy and the United States Bureau of Reclamation regarding Project Operations, Anderson Ranch Dam or Reservoir operations, or releases to the South Fork Boise River.

REQUEST FOR PRODUCTION NO. 7

Produce, in native electronic format where available, all model input files, output files, spreadsheets, time-series datasets, operational simulations, and other electronic data used to evaluate changes in South Fork Boise River flows resulting directly or indirectly from Project Operations.

REQUEST FOR PRODUCTION NO. 8

Produce all studies, reports, datasets, technical memoranda, modeling results, agency comments, responses to agency comments, or other documents developed, obtained, or received through the Federal Energy Regulatory Commission licensing process concerning Project effects on flows, water temperature, aquatic habitat, trout, recreational fishing, or other aquatic resources in the South Fork Boise River.

REQUEST FOR PRODUCTION NO. 9

Produce all documents, communications, agreements, proposed agreements, operating protocols, meeting notes, memoranda, analyses, or other records concerning coordination between Cat Creek Energy and Elmore

County regarding Project Operations and future Elmore County pumping plant operations (Water Right 63-34348).

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1

Admit that operation of the Project has the potential to alter the timing, magnitude, duration, frequency, or rate of change of flows in the South Fork Boise River below Anderson Ranch Dam.

REQUEST FOR ADMISSION NO. 2

Admit that changes in the rate of flow in the South Fork Boise River can alter the amount and distribution of wetted aquatic habitat in the South Fork Boise River.

REQUEST FOR ADMISSION NO. 3

Admit that Cat Creek Energy has not obtained an enforceable agreement with the United States Bureau of Reclamation establishing maximum permissible Project-caused ramping rates in the South Fork Boise River.

REQUEST FOR ADMISSION NO. 4

Admit that Cat Creek Energy has not obtained an enforceable agreement with the United States Bureau of Reclamation establishing minimum flows in the South Fork Boise River specifically for purposes of mitigating effects associated with Project Operations.

REQUEST FOR ADMISSION NO. 5

Admit that Cat Creek Energy has not established enforceable Project operating criteria specifically designed to prevent fish stranding or dewatering of aquatic habitat in the South Fork Boise River resulting from Project Operations.

DATED this 25th day of September, 2026.

Signed: 
Michael Gibson
Trout Unlimited, Inc. (on behalf of all TU entities)
michael.gibson@tu.org
910 West Main St. Suite 342
Boise, Idaho 83702

CERTIFICATE OF SERVICE

I certify that on this 25th day of September, 2026, the foregoing document was served on the following persons via the email address identified.

Michael T. Gihm

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