Idaho Water Engineering
Water Solutions

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April 22, 2020

Mr. Nick Miller, Manager
Idaho Department of Water Resources Western Regional Office

Hand Delivered

RE: 19 KAF Water Right Application for Permit in the Name of Cat Creek Energy, LLC

Dear Mr. Miller:

I am herewith submitting an Application for Permit with attachments. The reservoir described in this application is the same as that described in Applications for Permit Nos. 63-34403 and 63-34652. This application identifies additional uses for 19 KAF of the storage. This submittal has been prepared using the same guidelines you provided last year for the submittal of Application for Permit No. 63-34652.

A copy of the signature page is attached. The original signature page, plus filing fee of $9,610, were dropped off yesterday at the Southern Regional Office. I believe staff at the Southern Regional Office are sending you the original signature page plus the filing fee receipt.

Again for this submittal we recognize this type of application is not seen every day at IDWR. However, we need to find a way for water users to acquire supplemental storage water in advance of droughts – whether for irrigation or municipal uses. We seek IDWR assistance in navigating a path to make this appropriation possible. We will continue to make good faith adjustments in this process as required. We request that if further information is required, we be permitted to do this via a document exchange rather than for the application to be wholly returned for the addition of information.

Sincerely,

David R. Tuthill, Jr., Ph.D., P.E.

Enclosures:

Application for Permit, with Attachments A, B, C and D

FORM 202 Rev. 2/16

RECEIVED
APR 2 2 2020
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Cat Creek Energy, LLC Phone 208-336-1370
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address 398 S. 9th Street, Suite 240 City Boise
   State ID ZIP 83702 Email jtc@ccewsrps.com
2. Name of representative, if any Idaho Water Engineering, attn: David R. Tuthill, Jr. Phone 208-378-1513
   Mailing address 2918 N El Rancho Pl City Boise
   State ID ZIP 83704 Email dave@idahowaterengineering.com
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☑ Send original correspondence to the applicant and copies to the representative.
   b. ☑ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply South Fork Boise River which is a tributary of Boise River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
1N	9E	26			SW	NW	Elmore	South Fork Boise River	
					SE	NW	"	"	
					SW	NE	"	"	
See Attachment A.									

5. Water will be used for the following purposes: See Attachment C.
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) 2000.00 cubic feet per second (cfs) and/or (b) 19,000 acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. Same as Application for Permit 63-34403.
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ _____ Receipted by _____ Receipt No. _____ Date _____

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist. See Attachment B.
   d. Domestic; show number of households _____
   e. Other; describe fully. See Attachment A.

9. Description of place of use: See Attachments A and D.
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? This storage may be used for any purpose authorized by existing water rights held by entities who contract for the rental or distribution thereof. See Attachment A.

11. a. Who owns the property at the point of diversion? U.S. Government
    b. Who owns the land to be irrigated or place of use? Applicant owns storage place of use. See Attachment A.
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See Attachment A.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See Attachment A.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John Faulkner

Signature of Applicant

John Faulkner, Manager

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

List of Application Attachments A-D

Application Attachments

1. Attachment A – Narrative Attachment to Main Application
2. Attachment B – Narrative Attachment to Municipal Checklist
3. Attachment C – Season of Use/Purpose of Use Supplement
4. Attachment D – Place of Use Locations (Attached)

Appendices

1. Map 1 - Proposed Place of Use Boundary Map
2. Map 2 - Ada County Base Zoning Districts
3. Map 3 - Ada County Incorporated City Limits and Areas of City Impact
4. Map 4 - Canyon County, Idaho – Zoning Map
5. Map 5 - Boise Valley Irrigation Company Service Areas
6. Map 6 - IDWR Groundwater Management Areas, Critical Groundwater Areas, and Moratorium Areas

Attachment A

ATTACHMENT A

1. Introduction

This attachment supports an application filed by Cat Creek Energy, LLC (CCE) for a permit to appropriate 19,000 acre-feet of the storage capacity in the proposed Cat Creek Reservoir (CCR).

2. Project Purpose & Need

This project will enhance the long-term water supply for current and future needs for a number of beneficial purposes in Ada and Canyon counties, including irrigation, ground water recharge, commercial, municipal, industrial, and domestic uses.

The Boise River basin integrated system of reservoir operations supports beneficial uses of water for irrigation, municipal, industrial, recreational, and streamflow maintenance purposes, and also provides a number of additional benefits, such as flood risk protection, water quality improvement, and enhancement of environmental, wildlife, and fisheries values.

The Idaho Legislature has recognized the need for additional irrigation, municipal, and industrial storage capacity in the Boise River system. Legislative actions were taken with the broad support of the water user community, including many irrigation entities, municipalities, municipal providers, and commercial and industrial water users. Responses to informal inquiries by the Idaho Water Resource Board (IWRB) indicate that there is significant interest in and demand for additional storage for a number of purposes, including but not limited to irrigation, municipal, and industrial uses.

The Treasure Valley's population increased by sixteen percent (16%) from 2010 to 2017 (US Census Bureau, 2018), and a water demand projection study completed for CCE in 2016 predicted the population in the Treasure Valley would increase from approximately 624,500 people in 2015 to 1.57 million people by 2065. The report concluded there would be a water demand increase for domestic, commercial, municipal and industrial (DCMI) uses of 109,000 to 188,000 acre-feet by 2065 *(Treasure Valley DCMI-Water Demand Projections 2015-2065, SPF Water Engineering, LLC, August 8, 2016).*

Additional surface water storage has also been considered as one of many options to address potential impacts of climate variability to current and future water supplies. Water users in the Boise River basin currently rely heavily on the existing reservoir system as well as the snowpack to store and manage surface water supplies. Despite the existing reservoirs and additional storage provided by the higher elevation snowpack, an average of 1.1 million acre-feet of water leaves the Boise River basin annually. Ground water rights are limited in some areas and the interconnectivity between ground and surface water has resulted in restrictions on new ground water development in parts of the Treasure Valley. Climate change projections indicate more winter rain and less winter snow in the future, reducing water currently stored in the snowpack. Additional surface water storage capacity can be used to offset the impacts of predicted changes in precipitation and runoff patterns by capturing rainfall previously held in the snowpack, excess water generated in wet years to offset dry years and to support changes in

water use patterns resulting from increased temperatures.

3. Reservoir Capacity and Use.

The Project proposal as currently envisioned calls for CCR to be built with a total storage capacity of 100,000 acre-feet (AF). All of this storage will be available for power production purposes. CCE has submitted application for permit no. 63-34403 for this purpose.

An 80,000 AF portion of the total 100,000 AF can be used for downstream uses as well. Presently CCE has agreements with irrigation and municipal water entities for use of 61,000 AF. CCE has submitted applications for permit nos. 63-34652 and a yet to be numbered application for these uses.

The remaining 19,000 AF of space available for downstream uses is not presently subscribed. Consistent with the constitutional right to appropriate water for sale, rental, or distribution, CCE submits this application with the intent of entering into contracts for use of the remaining 19,000 AF during the development period, similar to application for permit no. 63-34573 filed by the Idaho Water Resource Board for use of an additional 30,000 AF in Anderson Ranch Reservoir. The additional 19,000 AF will allow for the use of storage water to meet existing and future needs in Ada and Canyon counties for a variety of beneficial uses, including irrigation, ground water recharge, commercial, municipal, industrial, and domestic uses. The additional storage will augment the supply of water to existing holders of water rights in Basin 63 in the same manner as storage in Lucky Peak Reservoir, Arrowrock Reservoir, and Anderson Ranch Reservoir. It will also support and supplement existing federal reservoir system operations in Basin 63 that provide benefits such as flood control and recreational opportunities, and that enhance environmental, wildlife, and fisheries values.

4. Source of Water Supply (Application Item 3).

Water diverted under this appropriation will usually be available for storage in above-average water years and will consist of flows over and above those necessary to satisfy all existing water rights from the Boise River, including any "refill" water rights decreed pursuant to the resolution of the Basin 63 "refill" controversy.

5. Points of Diversion (Application Item 4).

Water stored under this application would be diverted by turbines pumping unappropriated water from the South Fork of the Boise River. The point of diversion (POD) is the same POD reflected in the prior applications for permit for Cat Creek Reservoir (applications nos. 63-34403, 63-34652, and a yet to be numbered application). CCR and the surrounding lands are owned or leased by Cat Creek Ranch, which has a use agreement with CCE.

6. Purpose of Use / Season of Use (Application Item 5).

The season of use for the storage component of the appropriation would be year-round, as is the case for the storage water rights for existing Boise River reservoirs. The season of use for "irrigation from storage" component would also be the same as that for the existing reservoir water rights (March 15 to November 15) and the season of use for the remaining uses would be year-round as set forth in Attachment C.

Some end uses of the additional storage water would be supplemental to existing uses that are already authorized under the existing storage water rights, such as existing irrigation and municipal uses, while some would be new uses, such as ground water recharge. The additional reservoir space would be operated, and the additional storage water would be allocated, so as to ensure that there will be no interference with or impairment of the existing purposes of Reclamation's Boise Project. In all cases end uses of the additional storage water would be accomplished by the coordinated and cooperative efforts of CCE, the Watermaster, Reclamation, water distribution entities, municipal providers, and the consumers or users of the water.

For the reasons discussed previously, and to ensure that feasibility and environmental compliance work proceed smoothly, the application identifies all anticipated benefits of the Project as purposes of use and states that all of the additional storage water would be available for allocation to each of the individual proposed end uses. The individual "storage" and "from storage" allocations for each of the various end uses would be amended at the time of licensing based on contracts for use of such storage that are entered into during the development period. At that point, CCE will be in a position to quantify each individual end use allocation with greater specificity than is currently possible. Final storage allocations will take into account all potential benefits and uses of the additional storage capacity. Thus, this water right will be developed in the same manner as other large reservoirs within the Boise River and the Snake River systems.

For the purpose of determining the sufficiency of CCE's water right application and advertising the application, it should be assumed that all of the storage would be applied to the single most consumptive end use. Therefore, any subsequent amendments to the storage and end use allocations would only have the effect of reducing the amount of consumptive use that would take place under this application.

7. Places of Use / Other Water Rights (Application Items 9 and 10).

The place of use (POU) for storage purposes (i.e. the location of Cat Creek Reservoir) is described as follows:

Additional Information for Item 9B.

			NE				NW				SW				SE			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
1N	9E	25												X				
		26											X					
		27													X	X	X	X
		34	X	X	X	X									X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		36		X	X		X	X	X	X	X	X	X	X				
1S	9E	1					X	X	X									
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		3	X	X	X	X									X	X	X	X
		10	X	X														
		11		X			X	X										

The POU for the end place of use of water released from CCR is attached as Attachment D and is outlined in red in Map 1 attached hereto.[1] This area is defined to include: the places of use of water users and water distribution entities that hold contracts for storage in the Arrowrock Division of Reclamation's Boise Project; areas of regulatory or management concern within Basins 63 such as moratorium areas, Critical Ground Water Areas, and Ground Water Management Areas; areas within Basins 63 of potential use of storage water under mitigation plans or exchange agreements; and other areas for which interest in additional storage water from Anderson Ranch Reservoir has been expressed.

Irrigation from storage use would mostly occur on lands within the service area boundaries of the irrigation districts, canal companies, ditch companies, and other irrigation water distribution entities that already hold contracts for storage in Arrowrock, Anderson Ranch, and Lucky Peak reservoirs. These entities are listed and their service areas are shown on Map 5. While the majority of the irrigation from storage use in these areas would be supplemental, it is possible that some new acres might be irrigated.

The overall POU boundary also encompasses areas of potential ground water recharge use (not labeled) as identified by the preliminary findings of CCE's Treasure Valley Managed Recharge Study (which will be published after the study is complete) and other studies of ground water recharge in Treasure Valley and surrounding areas.

Within the place of use delineated on Map 1, municipal use of the storage water would occur within the boundary limits of cities established as municipal corporations pursuant to Idaho Code § 50-101, within the areas of impact for existing cities as defined in Idaho Code § 67-6526, and within unincorporated areas of Ada and Canyon zoned for residential or

[1] There are several maps attached to this application. Map 1 shows the POU boundary for this application. Map 2 shows the base zoning districts of Ada County. Maps 3 and 4 show the city limits and areas of impact for cities within Ada County and Canyon County. Map 5 shows the Boise Valley irrigation company service areas. Map 6 shows the critical groundwater management areas, and ground water management areas within the POU.

neighborhood housing. These areas are identified in the attached maps of Ada County and Canyon County, which show the existing city limits and the areas of impact for each of the incorporated cities within those counties. The maps also show the unincorporated areas of the counties zoned for residential and neighborhood development. The attached county maps also show the areas that are zoned for commercial and industrial development. It is in these areas that the storage water may also be used for existing and future commercial and industrial purposes.

Use of the additional storage water for recreation, streamflow maintenance, fish habitat, and wildlife purposes will take place within the downstream reaches of the Boise River system. Water retained in CCR provides for recreational opportunities such as boating and fishing in Anderson Ranch reservoir. Water released from CCR supports recreational activities in downstream reaches of the Boise River (including Arrowrock and Lucky Peak Reservoirs), supports fish and wildlife populations in and around the river, and provides streamflow maintenance functions similar to those provided by the existing Lucky Peak water right (63-3614).

Until the feasibility and environmental compliance studies for the Project are complete, it is not possible to identify places of use with any greater specificity than described above. Once the user contracts are complete, CCE will amend the application to more specifically identify the places of use within Ada and Canyon counties, including acreages, as applicable.

In the Treasure Valley the storage water would be made available to end users by releasing storage into Anderson Ranch Dam and thence into the South Fork of the Boise River. These releases would be managed by the Watermaster of Water District 63. The river channel would be used to convey the storage water from Lucky Peak Dam to diversions operated by users and water distribution entities such as irrigation districts, canal or ditch companies and municipal providers. The diversion works and canal and distribution systems operated by water distribution entities would convey the storage water to end users. The storage water releases would often be incidentally used for power generation at Anderson Ranch Dam, Arrowrock Dam, Lucky Peak Dam, and Diversion Dam. The release and use of the storage water would be tracked and accounted for by the Water District 63 Watermaster and IDWR under existing accounting procedures and in accordance with agreements and contracts between and among the water users.

Within the POU for this application, there are many existing water rights for the same uses contemplated by this application, and it is not feasible to describe them all in detail. Since the contract spaceholders will be determined during the development period, it is likewise not possible at this time to describe in detail the owners of all lands that would be irrigated with the additional storage water if the Project is approved. As discussed above and as shown on Maps 1-6, the additional storage would be used for irrigation, commercial and industrial purposes within the service area boundaries of existing irrigation water distribution entities, within the city limits and areas of impact of existing municipalities, and within the commercial, industrial, and residential zoned areas of unincorporated areas of Ada County and Canyon County.

Attachment B

ATTACHMENT B

While CCE's application includes "Municipal Storage" and "Municipal From Storage" as purposes of use, the "Municipal Water Right Application Checklist" ("Checklist") is inapposite to the CCE application. The Checklist is designed to address applications for direct diversions of natural flow by "municipal providers" that distribute the water to municipal end users, but that is not what CCE's application proposes.

CCE's application does not contemplate a direct diversion of water to municipal use, but rather the storage of water that will be contractually allocated to municipal providers. This is consistent with the existing water right for Anderson Ranch Reservoir, which is held by Reclamation, and includes "municipal storage" and "municipal from storage" as purposes of use. Reclamation also is not a "municipal provider" and Reclamation does not distribute water to municipal users. Rather, Reclamation enters into contracts for storage with municipal providers that, in turn, distribute storage water to municipal users.

CCE's application contemplates a similar arrangement, with CCE entering into storage allocation contracts with municipal providers. CCE would not use any storage water for municipal purposes, and would not function as a "municipal provider." Rather, as discussed in Attachment A, CCE would allocate storage to municipal providers in Ada and Canyon counties. CCE would simply enter into contracts with municipal providers that would entitle them to specified amounts of storage water that could be used for municipal purposes.

Thus, CCE would be "supplying water for municipal purposes" within the meaning of the Checklist only indirectly, by facilitating the use of storage water by true "municipal providers" that actually distribute water to municipal water users. For this reason, the municipal Checklist is not applicable to CCE's application, and CCE's application should not be reviewed or evaluated as if CCE is a "municipal provider."

In summary, CCE's application is based on a storage project that is outside the contemplation of the Checklist, which makes it difficult to respond to the Checklist. To the extent the Checklist applies, however, CCE's application and the attached report provides the information required under the municipal Checklist. CCE also provides the following additional information to address specific line items in the Checklist:

Item 1: CCE is not a "municipal provider" for the reasons discussed above. Like Reclamation, CCE will allocate storage water to municipal providers.

Item 2a: CCE does not hold any water rights that can be used for municipal purposes. Rather, the municipal providers that contract for storage water hold the water rights for municipal uses.

Item 2b is not applicable to CCE's application because CCE does not have a "service area."

Items 3a and 3b are not applicable to CCE's application because CCE does not hold water rights for municipal purposes in Basin 63 and does not divert water to municipal uses.

Item 5 is not applicable to CCE's application. Maps 3 and 4 show the city limits and areas of impact for the municipalities within the place of use described in this application. The service areas of the existing municipal providers are within the areas defined by these municipalities' city limits and areas of impact.

Rev. 11/2016 Water Right No. or App. ID _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MUNICIPAL WATER RIGHT APPLICATION CHECKLIST

This checklist must be completed and submitted with an application to appropriate water for municipal purposes. There are two types of permits for municipal water use. The first type of municipal permit provides water for reasonably anticipated future needs (**RAFN**) over a defined planning horizon.[1] The second type of municipal permit, called **non-RAFN**, provides water solely for use to meet needs that will arise in the near-term (five years).[2] Each type of municipal water use has a distinct set of review requirements.

Applicant Name: Cat Creek Energy, LLC

1. Type of Municipal Provider. Applicant must qualify as a Municipal Provider to obtain a water right for municipal purposes. See Idaho Code § 42-202B (5). Check one:

   ☐ Type 1 - Municipality
   ☐ Type 2 - Franchise or political subdivision supplying water for municipal purposes
   ☐ Type 3 - Corporation or association regulated as a "public water supply" system by IDEQ

   ☑ Attach documentation of qualification as a Municipal Provider. See Idaho Code § 42-202(2).
      ☐ Check here if you are a Type 3 provider proposing to develop a new municipal system but have not yet received recognition as a Public Water Supply by Idaho DEQ.

2a. List existing water rights (permits, licenses, decrees, and beneficial use claims) available to the applicant for municipal needs. These rights may or may not have a purpose of use expressly defined as "municipal." Include a separate attachment as needed.

Right Number	**Nature of Use**	**Diversion Rate** (cfs)	**Annual Volume** (acre-feet)	**Service Area**
NA. See Attachment B Narrative				
	Total	_____*	_____*	

* Be sure to account for any combined volume and/or diversion rate limits in the approval conditions of each right listed.

2b. List any overlapping water providers within your service area, such as irrigation districts, canal companies, or municipal providers:
NA. See Attachment B Narrative

3a. Currently or within five years will your municipal water system demand exceed the total diversion rate or annual volume authorized by the water rights listed in item #2a?

   ☐ Yes, see item #4
   ☐ No, see item #3b NA. See Attachment B Narrative

3b. Are you planning to replace an existing point of diversion, but will not develop a new water source nor exceed the total authorized diversion rate and volume of your current water rights?

   ☐ Yes. Please file an Application for Transfer of Water Right *instead* of an Application for Permit.
   ☐ No, I am filing this Application for Permit for reasonably anticipated future needs (RAFN) pursuant to Idaho Code § 42-202B(8). See item #4. NA. See Attachment B Narrative

[1] For a thorough discussion of RAFN water rights, see IDWR's *Recommendations for the Processing of Reasonably Anticipated Future Needs (RAFN) Municipal Water Rights at the Time of Application, Licensing, and Transfer* (Application Processing Memorandum No. 74).
[2] For a thorough discussion of non-RAFN water rights, see IDWR's Application Processing Memorandum No. 18.

Please specify the term for which you are making an application for permit. See Idaho Code § 42-202B(7). Check one:

- [x] Non-RAFN: (planned water system improvements and beneficial use of the entire quantity of water will occur within 5 years). Go to item #5.
- [ ] RAFN (water system improvements will occur within 5 years, but full water usage may take longer).[3] Specify planning horizon: years. Ending year of planning horizon: 20_. Skip to item #6.

4. Non-RAFN application. Per Water Appropriation Rule 40.05.d.i, attach a water requirement narrative to your application. It should include the following information: See Attachment B.
   - [x] Attach a map of the municipal water service area defined by Idaho Code §42-202B(9). If applicable, map should delineate neighboring service areas associated with other municipal water providers.
   - [ ] Current water demand within the municipal service area expressed in average day demand, maximum day demand, and peak hour demand. NA. See Attachment B.
   - [ ] The required diversion rate during the peak and the average use period at the end of your project (5 years maximum). Typically, these values would be average day demand, maximum day demand, peak hour demand, and supporting information. State the capacity of any reservoirs which will be used to meet peak demand. Do not include demand solely for fire protection. If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use. NA. See Attachment B Narrative
   - [ ] Proposed future annual diversion volume needed by the end of your project (required only for providers not serving an incorporated municipality). Include a copy of your approved preliminary plat and the calculation method used to reach the requested volume. NA. See Attachment B Narrative
   - [ ] Current and proposed capacity of entire diversion system (pumps). NA. See Attachment B Narrative
   - [ ] If you are a Type 3 municipal provider, do you have a plan for assigning ownership of the water right permit to a subdivision HOA or other local entity? If so, attach a relevant excerpt from your CC&Rs or a description of the ownership change agreement between the HOA and the developer.

5. RAFN application.
   - [ ] Attach a map of the current municipal water service area and the service area as it will be at the end of the planning horizon. Provide justification for inclusion of areas currently served by another municipal provider or by large industrial, commercial, or domestic water systems. Areas overlapped by conflicting comprehensive land use plans may not be included. See Idaho Code § 42-202(2) and § 42-202B(9).
   - [ ] Attach justification for the proposed planning horizon. The planning horizon should be consistent with water infrastructure planning standards and current land use planning documents for the service area. See Idaho Code § 42-202(2) and § 42-202B(7).
   - [ ] Attach a population projection within the service area over the planning horizon. The population projection should be based on planning and demographic studies, standard statistical methods, and evaluation of geography and other limiting factors. See Idaho Code § 42-202(2) and § 42-202B(8).
   - [ ] Attach an evaluation of the water demand within the service area at the end of the planning horizon. Evaluate unaccounted for water (UAW) separate from municipal use. Do not include demand solely for fire protection. See Idaho Code § 42-202(2) and § 42-202B(8). If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use.
   - [ ] Attach a gap analysis: [Municipal Demand in Ending Year] x [UAW Factor] – [Sum of Existing WR Diversion Rates] = RAFN Application Diversion Rate.

[3] Per Idaho Code § 42-204(4), the time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second […] may be extended by the director of the department of water resources upon application by the permittee for an additional period up to ten (10) years beyond the initial development deadline contained in the permit […], provided the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.

Attachment C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Season of Use/Purpose of Use Supplement

Attachment to: ☑ Application for Permit to Appropriate Water ☐ Adjudication Claim ☐ Beneficial Use Field Report
☐ Application for Amendment of Permit ☐ Statutory Claim

Water will be used for the following purposes:

Amount 19,000 acre-feet (cfs or acre-feet per year) for Irrigation Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Irrigation from Storage purposes from 03/15 to 11/15 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Municipal Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Municipal from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for GW Recharge Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for GW Recharge from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Water Quality Impr. Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for WQ Impr. from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Industrial Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Industrial from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Fish Habitat Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Commercial Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Commercial from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Domestic Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Domestic from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Stream Flow Maint. Storage purposes from 01/01 to 12/31 (both dates inclusive)

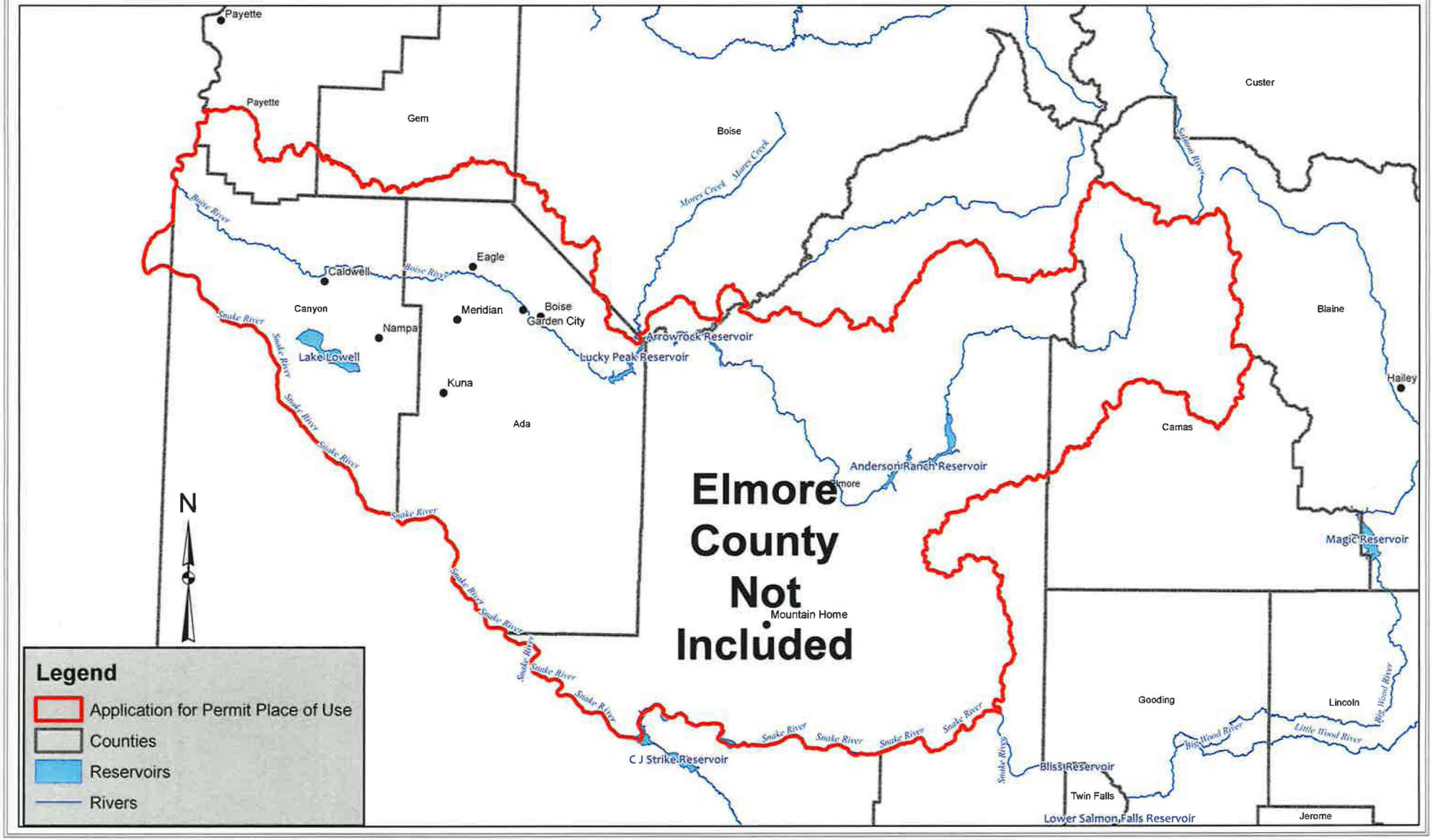
Amount 19,000 acre-feet (cfs or acre-feet per year) for SF Maint. from Storage purposes from 01/01 to 12/31 (both dates inclusive)

Amount 19,000 acre-feet (cfs or acre-feet per year) for Wildlife Storage purposes from 01/01 to 12/31 (both dates inclusive)

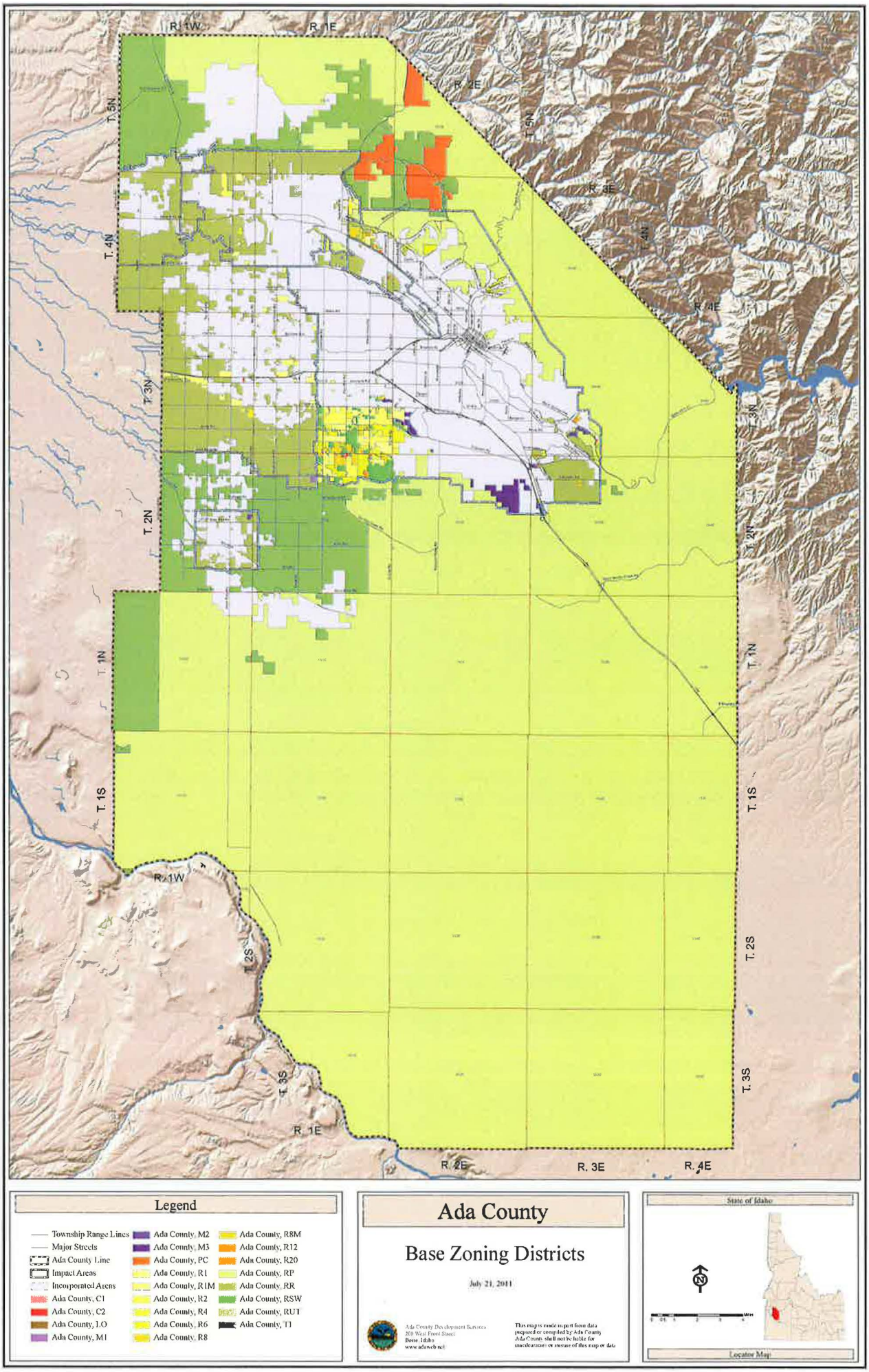
Amount 19,000 acre-feet for Mitigation by Delivery Stor. purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 2,000 cfs for Diversion to Storage. purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

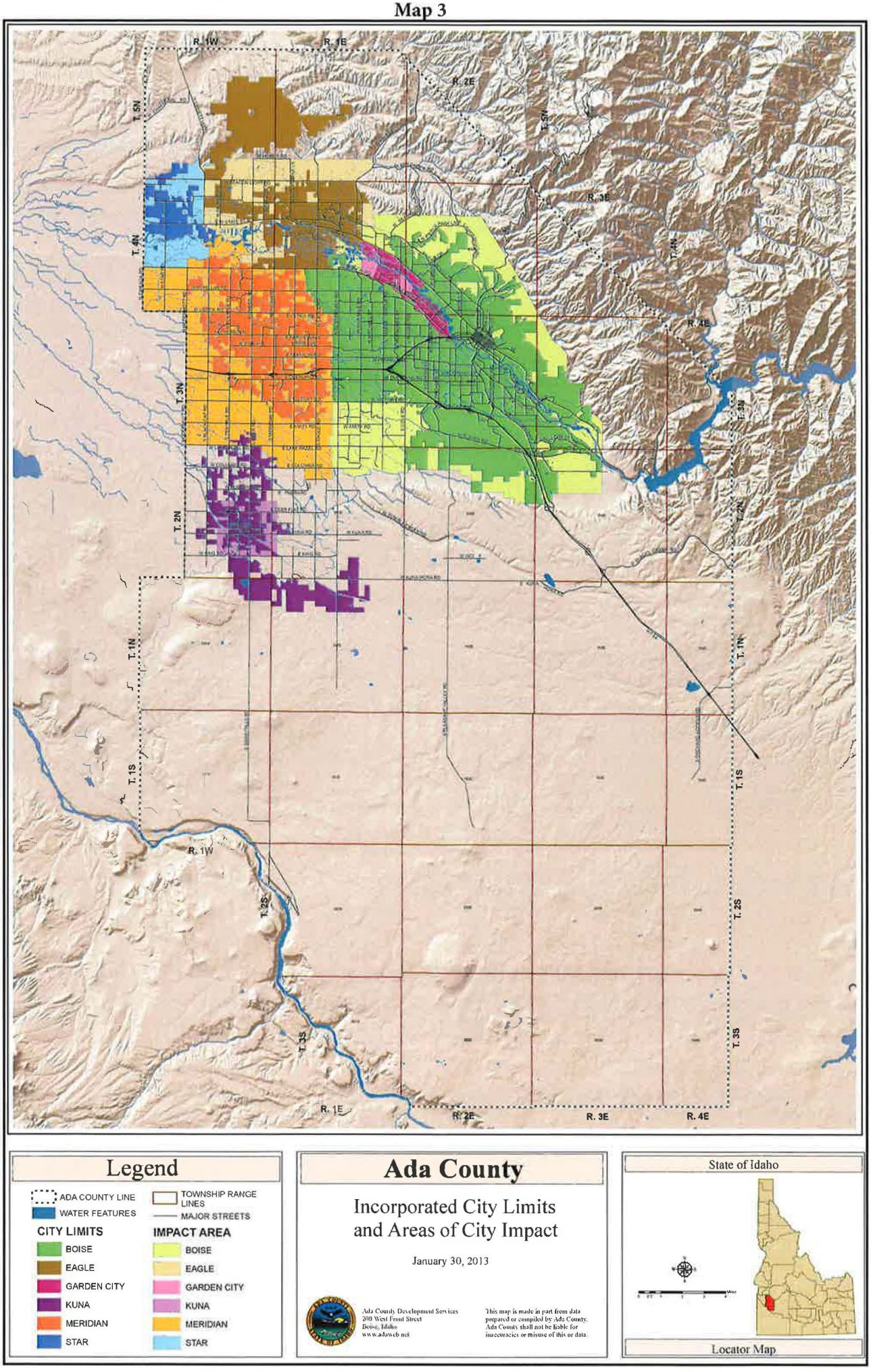
Map 1 - Cat Creek Reservoir Application for Permit Place of Use



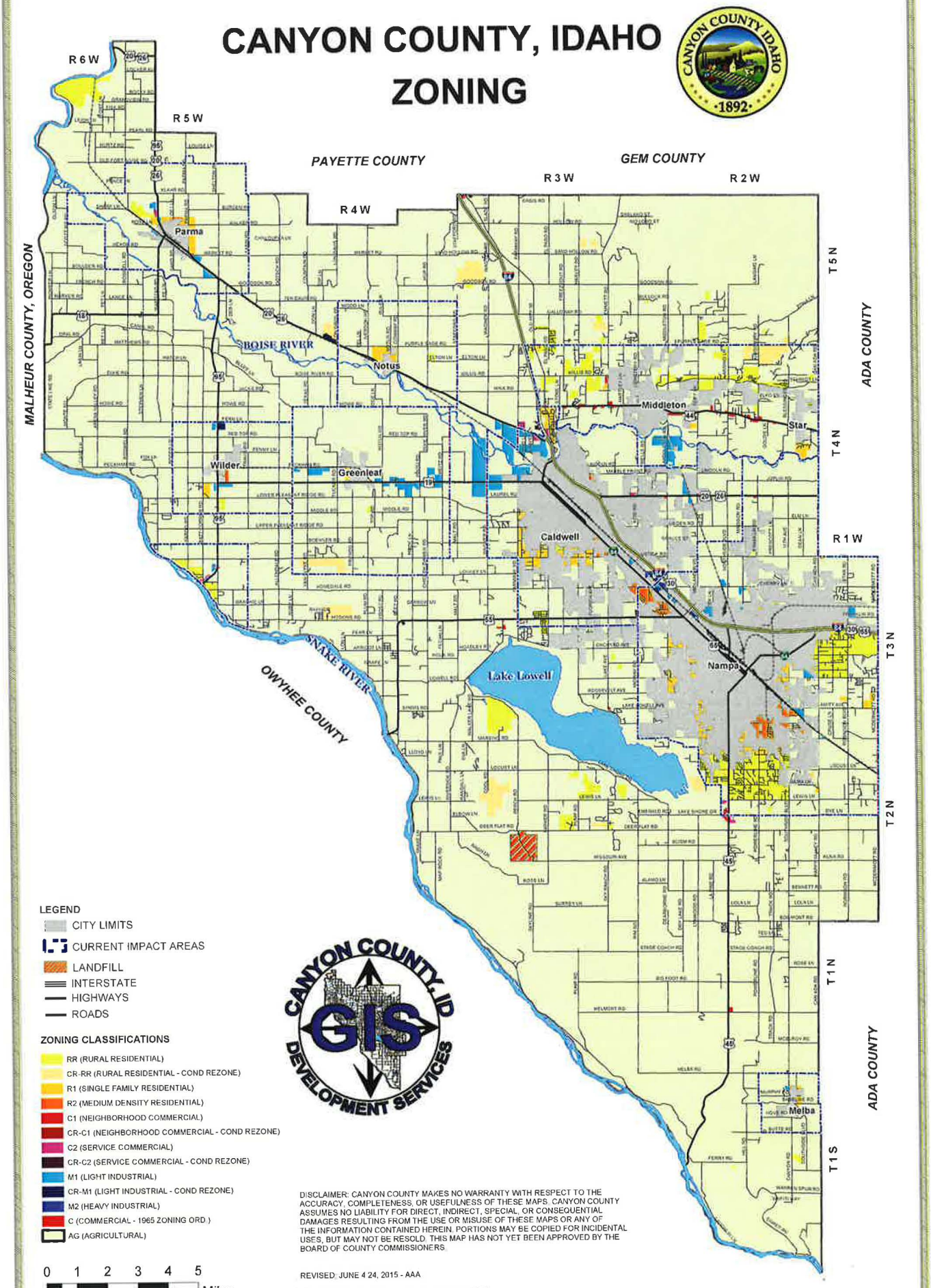
Map 2

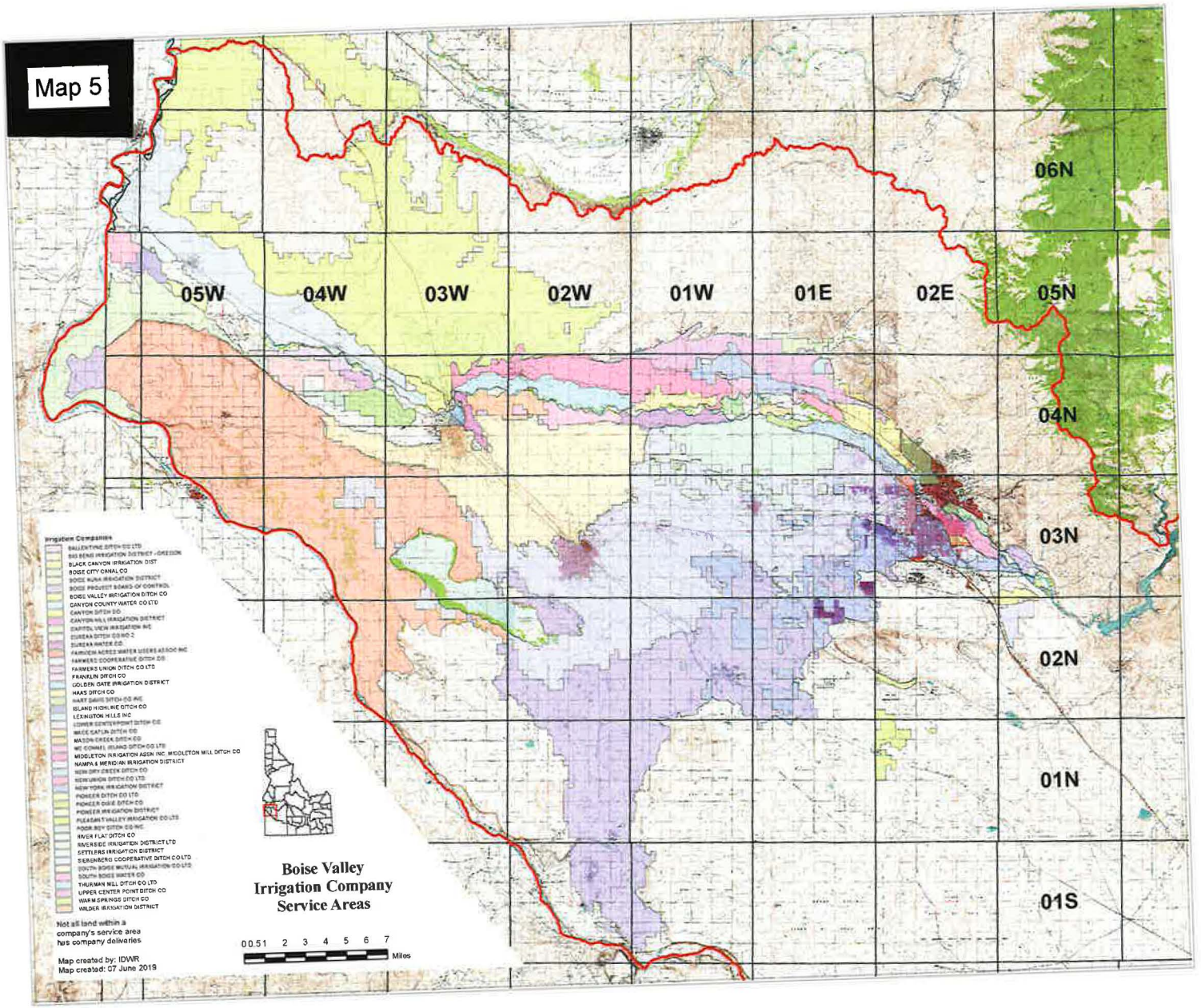

R. 1W.
R. 1E
R. 2E
R. 3E
R. 4E
T. 5N
T. 4N
T. 3N
T. 2N
T. 1N
T. 1S
T. 2S
T. 3S
Legend
Township Range Lines
Major Streets
Ada County Line
Impact Areas
Incorporated Areas
Ada County, C1
Ada County, C2
Ada County, LO
Ada County, M1
Ada County, M2
Ada County, M3
Ada County, PC
Ada County, R1
Ada County, R1M
Ada County, R2
Ada County, R4
Ada County, R6
Ada County, R8
Ada County, R8M
Ada County, R12
Ada County, R20
Ada County, RP
Ada County, RR
Ada County, RSW
Ada County, RUT
Ada County, T1
Ada County
Base Zoning Districts
July 21, 2011
Ada County Development Services
200 West Front Street
Boise, Idaho
www.adaweb.net
This map is made in part from data prepared or compiled by Ada County. Ada County shall not be liable for inaccuracies or misuse of this map or data
State of Idaho
Locator Map

Map 3

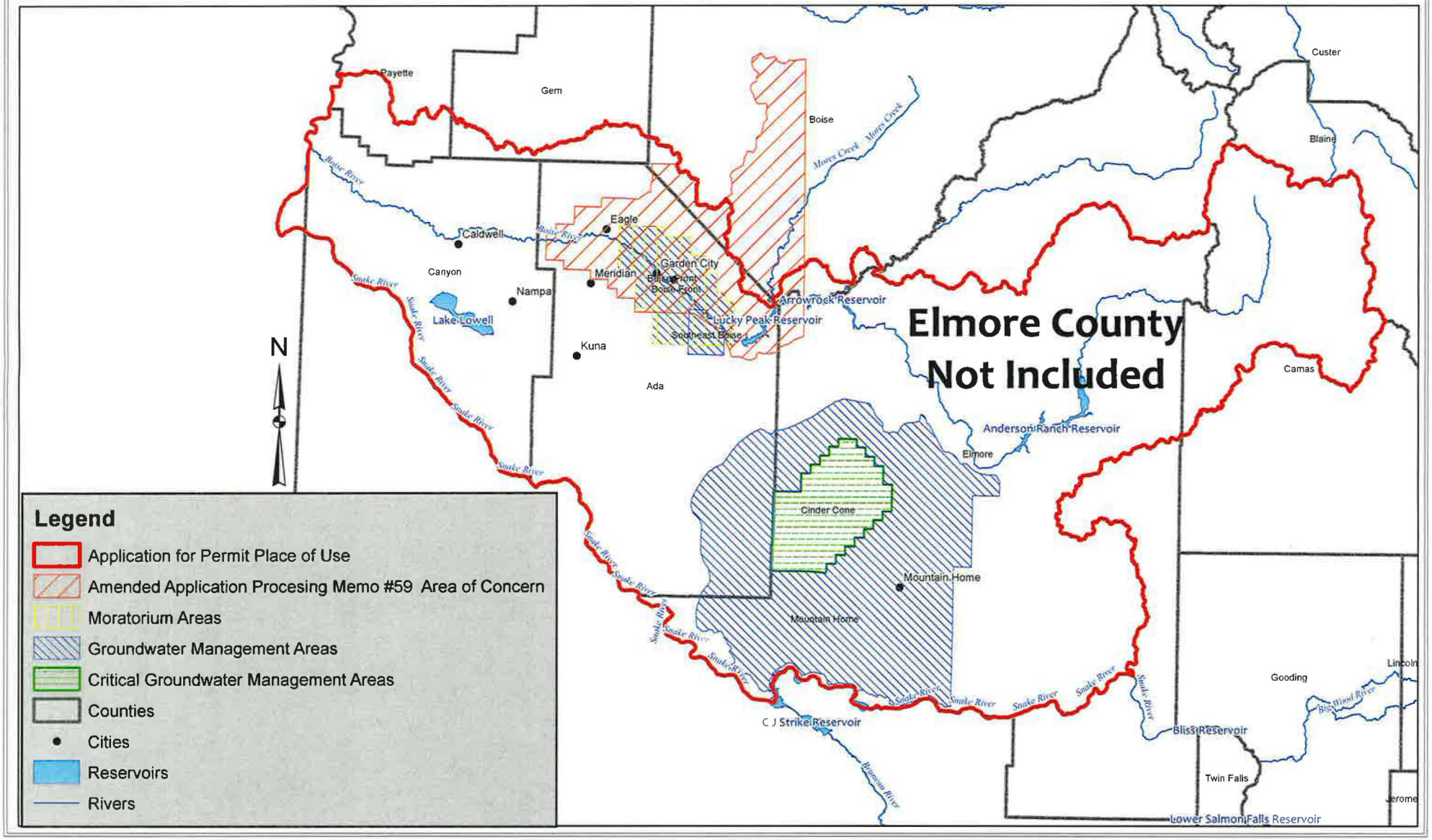

R. 1W
R. 1E
R. 2E
R. 3E
R. 4E
T. 5N
T. 4N
T. 3N
T. 2N
T. 1N
T. 1S
T. 2S
T. 3S
Legend
ADA COUNTY LINE
WATER FEATURES
TOWNSHIP RANGE LINES
MAJOR STREETS
CITY LIMITS
BOISE
EAGLE
GARDEN CITY
KUNA
MERIDIAN
STAR
IMPACT AREA
BOISE
EAGLE
GARDEN CITY
KUNA
MERIDIAN
STAR
Ada County
Incorporated City Limits and Areas of City Impact
January 30, 2013
Ada County Development Services
200 West Front Street
Boise, Idaho
www.adaweb.net
This map is made in part from data prepared or compiled by Ada County. Ada County shall not be liable for inaccuracies or misuse of this or data.
State of Idaho
Locator Map

MAP 4


CANYON COUNTY, IDAHO
ZONING
CANYON COUNTY IDAHO 1892
R 6 W
R 5 W
R 4 W
R 3 W
R 2 W
R 1 W
T 5 N
T 4 N
T 3 N
T 2 N
T 1 N
T 1 S
PAYETTE COUNTY
GEM COUNTY
ADA COUNTY
ADA COUNTY
MALHEUR COUNTY, OREGON
OWYHEE COUNTY
BOISE RIVER
SNAKE RIVER
Parma
Notus
Wilder
Greenleaf
Middleton
Star
Caldwell
Nampa
Lake Lowell
Melba
LEGEND
CITY LIMITS
CURRENT IMPACT AREAS
LANDFILL
INTERSTATE
HIGHWAYS
ROADS
ZONING CLASSIFICATIONS
RR (RURAL RESIDENTIAL)
CR-RR (RURAL RESIDENTIAL - COND REZONE)
R1 (SINGLE FAMILY RESIDENTIAL)
R2 (MEDIUM DENSITY RESIDENTIAL)
C1 (NEIGHBORHOOD COMMERCIAL)
CR-C1 (NEIGHBORHOOD COMMERCIAL - COND REZONE)
C2 (SERVICE COMMERCIAL)
CR-C2 (SERVICE COMMERCIAL - COND REZONE)
M1 (LIGHT INDUSTRIAL)
CR-M1 (LIGHT INDUSTRIAL - COND REZONE)
M2 (HEAVY INDUSTRIAL)
C (COMMERCIAL - 1965 ZONING ORD.)
AG (AGRICULTURAL)
CANYON COUNTY, ID
GIS
DEVELOPMENT SERVICES
0 1 2 3 4 5
Miles
DISCLAIMER: CANYON COUNTY MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THESE MAPS. CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THESE MAPS OR ANY OF THE INFORMATION CONTAINED HEREIN. PORTIONS MAY BE COPIED FOR INCIDENTAL USES, BUT MAY NOT BE RESOLD. THIS MAP HAS NOT YET BEEN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.
REVISED: JUNE 4 24, 2015 - AAA
O:\GIS\COUNTY MAPS\ZONING_NEW_24 X 36.MXD


Map 5
05W
04W
03W
02W
01W
01E
02E
06N
05N
04N
03N
02N
01N
01S
Irrigation Companies
Boise Valley
Irrigation Company
Service Areas
0 0.5 1 2 3 4 5 6 7
Miles
Not all land within a company's service area has company deliveries
Map created by: IDWR
Map created: 07 June 2019

Map 6 - IDWR Groundwater Management Areas, Critical Groundwater Management Areas, and Moratorium Areas



8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist. See Attachment B.
   d. Domestic; show number of households _____
   e. Other; describe fully. See Attachment A.

9. Description of place of use: See Attachments A and D.
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? This storage may be used for any purpose authorized by existing water rights held by entities who contract for the rental or distribution thereof. See Attachment A.

11. a. Who owns the property at the point of diversion? U.S. Government
    b. Who owns the land to be irrigated or place of use? Applicant owns storage place of use. See Attachment A.
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See Attachment A.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See Attachment A.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John Faulkner

Signature of Applicant

John Faulkner, Manager

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Idaho Department of Water Resources Receipt

COPY

Receipt ID: S037885

Payment Amount	$9,610.00	Date Received	4/21/2020	Region	SOUTHERN
Payment Type	Check	Check Number	308		
Payer	CAT CREEK ENERGY LLC				
Comments	APPLICATION FOR PERMIT FOR CAT CREEK ENERGY LLC				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$9,610.00	PERMITS	64103	0229	21		1155

Signature Line (Department Representative)