



## OFFICE OF THE CITY ATTORNEY

MAYOR: Lauren McLean | BOISE CITY ATTORNEY: Jayme Sullivan

June 10, 2020

Gary Spackman, Director  
Idaho Department of Water Resources  
322 E Front St, Ste 648  
Boise, ID 83702-7371

Subject: Comments on Cat Creek Energy Applications for Permit Nos. 63-34897 & 63-34900

Dear Mr. Spackman,

In response to the Department of Water Resources (IDWR) letter dated May 14, 2020, seeking written comment regarding the above-referenced applications, the City of Boise (City) submits the following:

These applications relate to a privately developed, funded, and operated project that has the potential to divert a large amount of flow on the Boise River and significantly change existing flow patterns. The environmental impacts within and downstream of the existing Anderson Ranch Reservoir, as well as at the new reservoir site, will likely be significant, and the project proponent has provided very little, if any, project-specific analysis of these potential impacts. Pursuant to Director Spackman's Order Consolidating Dockets and Parties, filed May 28, 2020, these applications have been consolidated with Applications for Permit 63-34403 and 63-34652. The Rule 40 information compiled for the first two water right applications (63-34403 & 63-34652) is severely lacking and simply includes studies and presentations that loosely apply to the proposed project and includes little to no project-specific information.

Of additional concern is applicant's unwillingness to disclose information surrounding the investors and financing of the proposed project. Cat Creek is proposing to appropriate a significant amount of water, a public resource, to generate profit for unknown entities. This financial information is required per Rule 40.05 of the Department's Water Appropriation Rules (IDAPA 37.03.08.40.05). It should be noted that the first Cat Creek water right application was filed May 16, 2017, and now three years later, two new applications have been filed. Still, no significant Rule 40.05 information has been provided.

Therefore, based on the lack of substantial information to address potential environmental impacts, financing, and project-specific information, the City respectfully requests that these applications not be processed until this information is provided.

Sincerely,

Abigail Germaine, Civil Deputy City Attorney  
City of Boise