

Randall C. Budge (ISB No. 1949)  
Thomas J. Budge (ISB No. 7465)  
RACINE OLSON, PLLP  
201 E. Center St. / P. O. Box 1391  
Pocatello, Idaho 83204-1391  
(208) 232-6101 – Phone  
(208) 232-6109 – Fax  
rcb@racinelaw.net  
tjb@racinelaw.net

*Attorneys for Cat Creek Energy, LLC*

## DEPARTMENT OF WATER RESOURCES

### STATE OF IDAHO

IN THE MATTER OF APPLICATIONS  
FOR PERMIT NOS. 63-34403, 63-34652,  
63-34897 AND 63-34900 IN THE NAME  
OF CAT CREEK ENERGY, LLC

### **Cat Creek Energy, LLC's Notice of Supplemental Rule 40.05 Disclosure**

Cat Creek Energy, LLC (“Cat Creek”) submits this *Notice of Supplemental Rule 40.05 Disclosure* pursuant to the *Order re SBar Ranch, LLC and The District at Parkcenter, LLC's Renewed Motion for Rule 40.05.b; Order for Application for Application to Submit Complete Rule 40.05 Information* dated October 20, 2020.

#### **Introduction**

In accordance with Water Appropriation Rule 40.05, Cat Creek filed a *Notice of Additional Information Rule 40.05* on March 31, 2020, and uploaded to an online portal (Citrix ShareFile Virtual Data Room, referred to herein as “ShareFile”) more than 200 documents containing information responsive to Rule 40.05.

On May 1, 2020, SBar Ranch, LLC, and The District at Park Center (referred to collectively herein as “SBar”) filed *SBar Ranch, LLC and The District at Parkcenter, LLC's Motion for Rule 40.05.b Order for Applicant to Submit Complete Rule 40.05 Information* complaining that Cat Creek's ShareFile portal experienced technical issues that delayed access for several days, and that Cat Creek should be required to disclose very detailed financial information about the project. A prehearing conference was held May 15, 2020, at which the hearing officer instructed Cat Creek to reorganize the ShareFile documents under file headings that correspond with the categories of information required by Rule 40.05, and to bates stamp each document for ease of reference.

On June 16, 2020, Cat Creek filed a *Notice of Amended Rule 40.05 Disclosure* providing notice that it had reorganized all ShareFile folders into folders corresponding with Idaho Code 42-

203A(5)(a)-(g), bates stamped all documents for ease of reference, and uploaded additional financial information in response to SBar's concerns, including the project construction schedule, project major milestones, partially redacted construction budget, probable uses and sources of financing, and numerous construction design documents. In addition, Cat Creek submitted under seal to the Director only an unredacted construction budget, a finance process narrative, and an accounting of Cat Creek's investment in the project to date, together with a *Motion for Protective Order* to protect the confidentiality of such information.

On June 30, 2020, SBar filed *SBar Ranch, LLC and The District at Parkcenter, LLCs Response to Motion for Protective Order and Renewed Motion for Rule 40.05.b Order for Applicant to Submit Complete Rule 40.05 Information*, arguing that the Director should interpret Rule 40.05 to require a host of detailed financial information that is not called for by the plain language of Rule 40.05, including "the full terms of its capital funding arrangements, including the amount and terms of equity commitments, and the interest rates, amortization schedules, provisions for default, anticipated cash flows, prospective balance sheets," and more.

On July 13, 2020, Cat Creek filed *Cat Creek's Reply in Support of Motion for Protective Order*, defending the confidentiality of the documents submitted under seal.

On July 14, 2020, the Director issued an *Order on Motion for Protective Order*, requiring Cat Creek to disclose an unredacted construction budget, finance process narrative, and itemized accounting of Cat Creek's investment in the project to date. In response, Cat Creek uploaded to ShareFile its financing strategy narrative and unredacted accounting of Cat Creek's investment in the project to date.

On July 23, 2020, Cat Creek filed a *Petition to Review Order on Motion for Protective Order*, asking the Director to reconsider protecting the confidentiality of Cat Creek's itemized construction budget.

On September 15, 2020, Cat Creek uploaded to ShareFile a letter issued by Primary Energy Recycling Corp containing (a) a commitment "to provide the necessary credit support, investment, and participation to finance construction of the Cat Creek Energy, LLC ("Cat Creek") projects for water and energy infrastructure in the state of Idaho with an overall cost estimated at 2.4 billion," (b) identification of the principals of Primary Energy, (c) the credit ratings of the principals of Primary Energy, (d) the corporate organizational chart of Primary Energy, (e) information about how Primary Energy intends to finance the project, and (f) information about the financial strength and experience of Primary Energy.

On October 20, 2020, the Department issued its *Order re: Cat Creek Energy, LLC's Petition to Review Order on Motion for Protective Order* ruling that Cat Creek does not need to disclose its itemized construction budget.

Also on October 20, 2020, the Department issued its *Order re SBar Ranch, LLC and The District at Parkcenter, LLC's Renewed Motion for Rule 40.05.b; Order for Application for Application to Submit Complete Rule 40.05 Information* ("Order") instructing Cat Creek to supplement its disclosures under Water Appropriation Rule 40.05 with additional information concerning the effect on existing water rights (Rule 40.05.c); the sufficiency of the water supply (Rule 40.05.d); good faith, delay, or speculation (Rule 40.05.e); and the local public interest (Rule 40.05.g). This filing provides the requested information.

## Supplemental Disclosures

The italicized paragraphs below quote the supplemental information required by the Order, followed by the requested information or a citation to an appendix containing the requested information.

### Rule 40.05.c Effect on Existing Water Rights

*Cat Creek shall submit documents analyzing and discussing how water diversions, releases, storage retention, and losses will be measured. Cat Creek should also analyze and discuss how data will be gathered, downloaded, and transmitted, including the employment of telemetry. Finally, Cat Creek should evaluate the possibility of remote control over pumps, gates, release valves, and the like, in order to ensure the watermaster can control and regulate diversion and release of water in real time.*

This information is set forth in the memorandum of Idaho Water Engineering attached hereto as **Appendix A**. This memorandum has been uploaded to ShareFile as bates number CCE-B-00344.

### Rule 40.05.d Sufficiency of Water Supply

*Cat Creek shall submit documents containing specific information about how much water will be daily pumped to the reservoir and stored to generate power, and the timing of the pumping and subsequent releases of water for power generation.*

This information is set forth in the memorandum of Idaho Water Engineering attached hereto as **Appendix A**. This memorandum has been uploaded to ShareFile as bates number CCE-B-00344.

### Rule 40.05.e Good Faith, Delay, or Speculation

*Cat Creek shall submit documentation that it either: (1) owns the proposed generally identified lands where water will be beneficially used; or (2) has consent from the owners of specific parcels of property to apply the storage water for beneficial use on the generally identified lands; or (3) has the consent of a municipal provider or irrigation district that is authorized to deliver water to the generally identified lands, for the following purposes:*

- *Irrigation from Storage;*
- *Municipal from Storage;*
- *Domestic from Storage;*
- *Mitigation by Delivery from Storage;*
- *Industrial from Storage;*
- *Commercial from Storage; and*
- *Ground Water Recharge from Storage.*

The foregoing request pertains specifically to application no. 63-34900 which is Cat Creek’s fourth permit application filed in this matter. (Order, p. 9.) Like the first three permit applications, Cat Creek has provided documentation of consent from the owners of the parcels of property where Cat Creek Reservoir will be constructed (bates nos. CCE-C-00001, CCE-C-00004, and CCE-C-01546). Unlike the first three permit applications, Cat Creek has not entered into contracts with spaceholders for the end-use of water stored under permit 63-34900. Cat Creek admits that it does not presently own or have contracts with owners of land where storage water released from Cat Creek Reservoir under permit 63-34900 will subsequently be used.

However, this does not mean that Cat Creek has not complied with Rule 40.05.e. The language of this rule requires “copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use.” IDAPA 37.03.08.040.05.e.i (emphasis added). While ownership or control of the end place of use may be necessary at the outset for many water right applications, it is not required for all applications.

Canal companies and irrigation districts, for example, do not own or control the lands to which their water rights are applied to beneficial use, nor are they required to have written consent from the owners of such lands when they apply for water rights. Their water rights are not appurtenant to specific tracts, but instead have a “general appurtenancy” to the entire service area of the entity. *Eagle Creek Irrigation Co., Inc. v. A.C. & C.E. Investments, Inc.*, 165 Idaho 467, 477 (2019).

Developers of large-scale storage projects also are not required to own or control the lands to which storage water will be applied to beneficial use, nor are they required to have written consent from the owners of such lands when they apply for water rights. For example, when the United States Bureau of Reclamation (BOR) filed its application to store water in Anderson Ranch Reservoir in 1940 it did not have contracts in place for the storage. The described the place of use as “Lands of the Boise Federal Irrigation project, a more detailed description of which will be furnished as soon as it is known which districts will subscribe for the Anderson Ranch Reservoir.” The permit was issued and the BOR then signed contracts with spaceholders over a period of years. The precise place of use was not defined until the Department issued a license in 1956 *after* spaceholder contracts had been signed.<sup>1</sup>

Similarly, the original water right application for Palisades Reservoir was filed in 1939 by Lynn Crandall, the Water District 36 watermaster, “on behalf of the Snake River water users [who] expect to contract with the United States for construction of the reservoir and related works.” The permit was issued in November of 1939, before any contracts had been signed.<sup>2</sup>

When the Idaho Water Resource Board (IWRB) filed its 2019 application to store additional water in Anderson Ranch Reservoir it also did so without contracts in place for the end use of the storage. The application states that the water right will “enhance the long-term water supply for current and future needs for a number of beneficial purposes, including irrigation, ground water recharge, commercial, municipal, industrial, and domestic uses,” and that that “there is significant interest in and demand for

---

<sup>1</sup> See the Application for Permit, License and Certificate of Water Right, and spaceholder contract documents in the “Water Right Backfile” for water right no. 63-3614 in the Department’s online water right database.

<sup>2</sup> See the Application for Permit, License and Certificate of Water Right, and spaceholder contract documents in the “Water Right Backfile” for water right no. 01-2068 in the Department’s online water right database.

additional storage for a number of purposes, including but not limited to irrigation, municipal, and industrial uses.” The application does not identify the place of use discrete parcels of land that the IWRB owns or controls; it states generically that the place of use will 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 and 61, such as moratorium areas, Critical Ground Water Areas, and Ground Water Management Areas; areas within Basins 63 and 61 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.” The application does not state that the IWRB had contracts in place for the storage, but that the IWRB “would allocate the additional storage to water distribution entities (such as irrigation districts, canal companies, and municipal providers), industrial and commercial users, and other qualifying entities.” The application contains a place of use map that appears to encompass all of Basin 63 (Boise River Basin).<sup>3</sup>

Likewise, the application that the IWRB and the Utah Division of Water Resources filed in 2018 for additional storage in Bear Lake states that the stored water “would be made available” to third parties for application to beneficial use. The application does not state that the IWRB had contracts in place for any part of the storage. It describes the place of use broadly to include “the service areas of the municipal providers located in Bear Lake, Caribou, Oneida and Franklin Counties in Idaho and Cache, Box Elder, Weber, Davis, and Salt Lake Counties in Utah,” and “irrigated lands located within Bear Lake, Caribou, Oneida and Franklin Counties in Idaho and Cache, Box Elder, Weber, Davis, and Salt Lake Counties in Utah.”<sup>4</sup>

In each of the foregoing cases, the applicant was not required to identify at the outset the discrete parcels of land to which storage water may be released for beneficial use, nor was the applicant required to have contracts in place with downstream landowners, nor did the applicant claim or act upon any right to condemn downstream land. This did not prevent the Department from issuing permits because it was not necessary at the time of permitting. Rather, the applicant was allowed to acquire a permit and then enter into spaceholder contracts with downstream landowners.

Even then, the water right licenses for storage rights did not describe the place of use as discrete parcels of land. For example, the water right for Palisades Reservoir states simply: “Place of use for storage is Palisades Reservoir,” and “Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, Teton and Elmore.”<sup>5</sup> Similarly, the storage water right for Anderson Ranch defines the places of use as follows: “The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, Elmore counties, Idaho, and Malheur County Order (Big Bend Irrigation District).”<sup>6</sup>

As with applications for large-scale storage projects, contracts with the landowners where the end beneficial use will occur is not a prerequisite for permitting of water rights appropriated for sale,

---

<sup>3</sup> See the Application for Permit in the “Water Right Backfile” for water right no. 63-34753 in the Department’s online water right database.

<sup>4</sup> See the Application for Permit in the “Water Right Backfile” for water right no. 11-7836 in the Department’s online water right database.

<sup>5</sup> See Water Right Report for water right no. 01-2068 on file with the Department.

<sup>6</sup> See Water Right Report for water right no. 63-3614 on file with the Department.

rental, or distribution under Section 1, Article 15, Idaho Constitution. Many of Idaho's earliest irrigation entities were established as commercial entities who acquired water rights, developed the diversion infrastructure, and then contracted with landowners who applied water to beneficial use. *See, e.g., State v. Twin Falls-Salmon River Land & Water Co.*, 30 Idaho 41 (1916); *see also, Eagle Creek*, 165 Idaho at 474, (2019) (explaining different types of commercial ditch companies). The Idaho Supreme Court has recognized that "companies or individuals may appropriate and take out the water of a stream for sale, rental, or distribution, for any beneficial purpose." *Wilterding v. Green*, 4 Idaho 773, 45 P. 134, 135 (1896). In such cases, it is axiomatic that the appropriator need not enter into contracts with end users until after the appropriator has secured a permit to develop the water right.

Cat Creek should be held to the same standard as the BOR, the IWRB, and other appropriators of water rights where the end use of water will be accomplished by third parties.

Consistent with the foregoing, Cat Creek's application for permit no. 63-34900 identifies all of Basin 63 as the place of use of water released from storage and provides that "this storage may be used for any purpose authorized by existing water rights held by entities who contract for the rental or distribution thereof." Cat Creek respectfully requests that the Department conclude that Cat Creek is not at this stage required to have spaceholder contracts in place for end use of the storage.

*Rule 40.05.g Local Public Interest*

*Cat Creek must seek from governing bodies of cities and counties, including implicated local, state, and federal entities, tribal reservations within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and from any irrigation district or canal company within which the proposed project is located, commentary on the effects of the construction and operation of Cat Creek's proposed project. Commentary from those entities already party or protestant to this pending consolidated contested case need not be sought.*


This letter was mailed to the subject entities on October 30, 2020. A copy of this letter is attached hereto as **Appendix B**.

### **Conclusion**

Cat Creek believes the information produced pursuant to this notice and previously is more than sufficient to satisfy Rule 40.05, and in fact far exceeds the threshold that should be required under Rule 40.05. Cat Creek has described its project with tremendous detail and has uploaded hundreds of pages of supporting documents. Neither the Department nor any protestant can genuinely claim that they do not have sufficient information to understand how and where Cat Creek intends to divert and use water, and how that water will be applied to beneficial use. Should any protestant desire further information about the applications, such information can be requested through the standard practice of discovery as authorized by rules 520 and 521 of the Department's Rules of Procedure and the *Order Authorizing Discovery* issued May 28, 2020, in this matter.

DATED this 19<sup>th</sup> day of November, 2020.

RACINE OLSON, PLLP

By: 

Randall C. Budge

Thomas J. Budge

*Attorneys for Applicant Cat Creek Energy, LLC*

# **APPENDIX A**

## **Idaho Water Engineering Memorandum**





2918 N. El Rancho Place, Boise ID 83704  
Office: (208) 378-1513 Cell: (208) 870-0345 Fax: (888) 538-7703  
[www.idahowaterengineering.com](http://www.idahowaterengineering.com) [info@idahowaterengineering.com](mailto:info@idahowaterengineering.com)

## MEMORANDUM

**TO:** Director Gary Spackman, Idaho Department of Water Resources  
**FROM:** Dave Tuthill and Hal Anderson  
**DATE:** November 17, 2020  
**RE:** Supplemental Disclosures under Rule 40.05  
IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 63-34403, 63-34652, 63-34897  
AND 63-34900 IN THE NAME OF CAT CREEK ENERGY, LLC

---

The memorandum provides additional information under Water Appropriation Rule 40.05 pursuant to the ORDER RE: SBAR RANCH, LLC AND THE DISTRICT AT PARKCENTER, LLC'S RENEWED MOTION FOR RULE 40.05.b; ORDER FOR APPLICANT TO SUBMIT COMPLETE RULE 40.05 INFORMATION issued by the Director of IDWR dated October 20, 2020.

### **Rule 40.05.c Effect on Existing Water Rights**

*Cat Creek shall submit documents analyzing and discussing how water diversions, releases, storage retention, and losses will be measured. Cat Creek should also analyze and discuss how data will be gathered, downloaded, and transmitted, including the employment of telemetry. Finally, Cat Creek should evaluate the possibility of remote control over pumps, gates, release valves, and the like, in order to ensure the watermaster can control and regulate diversion and release of water in real time.*

The pumped storage hydro (PSH) system proposed by CCE consists of an inlet pipe to a manifold with six turbines, each with its own penstock running up the slope to the storage reservoir. It is neither practical nor necessary to install flow meters on the penstocks. Rather, as with other large storage reservoirs in Basin 63, the amount of water diverted to and released from Cat Creek Reservoir will be calculated daily based on the change in storage in Cat Creek Reservoir. Watermaster regulation will likewise occur on a daily basis.

The Water District 63 Watermaster will be involved in regulating (1) the diversion of natural flow from the South Fork of the Boise River via the turbines to fill Cat Creek Reservoir (CCR), and (2) the distribut of storage water released to downstream uses. During these times the flows in individual penstocks are not important. Rather, flows and volumes are integrated by a measurement of the change in storage of CCR. Reservoir storage is computed by inputting the surface elevation in a storage rating table. CCE will measure the reservoir level continuously using a calibrated pressure transducer and will report this information as well as the resulting storage computation on a website. The rate at which water is diverted into and released from the reservoir is a function of the change in volume. CCE will thus provide to the Water District 63 Watermaster real-time monitoring of fills and releases from CCR, including (1) rate of fill or discharge, and (2) total storage. As with other diversions within Water District 63, the granularity of this control is daily.

Most of the time CCE will be operating the reservoir as a battery storage system, releasing storage for electrical power production and pumping to store excess and intermittent energy produced by Variable Renewable Energy generators. The operation of Cat Creek Reservoir when only stored water is being moved between the two reservoirs will be governed by a Lease of Power Privilege with the Bureau of Reclamation. These operations will not involve the diversion of the natural flow from the South Fork Boise River or the release of storage for delivery to downstream users; therefore, the Water District 63 Watermaster will not regulate such operations.

The Water District 63 Watermaster does not presently control the diversion of water at any of the major diversions by physically opening or closing headgates or turning pumps on or off. For liability, logistical, and other reasons, it is not feasible for the operators of large reservoirs to turn over control of their mechanical diversion systems to the Water District 63 Watermaster. Instead, the Watermaster monitors records of diversions and instructs water users who operate the diversion systems to either (1) continue to divert (using either natural flow or storage), or (2) cease diverting. Regulation of CCE's diversions of natural flow and releases of storage to downstream users will occur in the same manner. As with other operators of storage reservoirs on the Boise River System, CCE does not anticipate being able to give the Watermaster remote control over the mechanical systems used to divert water into and release water from Cat Creek Reservoir. Should that become necessary and feasible, CCE will accommodate it.

As CCR will be fully lined, loss will be limited to evaporation. Evaporation will be calculated the same as it is for other reservoirs throughout the state, using evapotranspiration data for "Open Water – Deep Systems" for the Anderson Dam measuring station in Elmore County, Idaho, published by the University of Idaho on its ET Idaho website (<http://data.kimberly.uidaho.edu/ETIdaho/>). Evaporation loss is a function of surface water area and weather conditions, and typically is computed annually although CCE will be open to more granular computations. Evaporative losses will either (a) be replaced by diversions of natural flow when available in priority under CCE's water rights, (b) be replaced with storage water rented from the Water District 63 Rental Pool or through a private lease, or (c) temporarily deplete water stored in Cat Creek Reservoir.

**Rule 40.05.d Sufficiency of Water Supply**

*Cat Creek shall submit documents containing specific information about how much water will be daily pumped to the reservoir and stored to generate power, and the timing of the pumping and subsequent releases of water for power generation.*

As described above, throughout most of the year, CCE will be operating the system using its own storage water, functioning as an energy storage battery, under a Lease of Power Privilege with the Bureau of Reclamation. These operations have no impact on the amount of flow in the South Fork Boise River entering into and being released from Anderson Ranch Reservoir. The amount of storage utilized to generate power will be dependent upon (a) the volume of storage water available to generate power under CCE's hydropower water right (63-34403), and (b) energy demand. The timing during which storage will be utilized to generate hydropower will also be dependent upon energy demand. CCE cannot prospectively document the volume and timing of water that will be daily pumped and released to generate power because this is dependent on power prices and contract obligations, and can vary from hour to hour and day to day. As stated above, however, this operation does not impact other water rights in the Boise River basin as it depends on movement of stored water between Cat Creek Reservoir and Anderson Ranch Reservoir.

Water right application 63-34403 proposes the diversion of up to 9,996 cfs for power storage. Thus, the maximum rate at which water may be pumped into CCR is 9,996 cfs. CCE cannot prospectively document specific information about the rate at which water will be daily pumped and released to generate power, again due to factors including supply and demand for power, and contractual obligations.

An analysis performed by IWE of the IDWR water right accounting data revealed that if the next 20 year water supply is similar to the previous 20 year period, CCE could expect that water would be available to fill the CCE 100,000 acre-foot reservoir between 40 and 50 percent of years and some amount of water would be able to be diverted between 60 and 70 percent of years.

# **APPENDIX B**

## **Letter Soliciting Public Comment**

The Applicant has sent the attached letter seeking comment on the effects of the construction and operation of the proposed project as reflected on the attached certificate of mailing which includes, to the best of Applicant's knowledge, information and belief, each city, county and tribal reservation within which the point of diversion and place of use are located, together with the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and all irrigation districts or canal companies within the proposed project, excepting those who are already parties to this proceeding.



October 30, 2020

SEE ATTACHED DISTRIBUTION LIST

**Re: Rule 40.05(g) Notice & Solicitation for Comment  
Application for Permit Nos. 63-34403, 63-34652, 63-34897 & 63-34900**

Dear Interested Party:

We represent Applicant Cat Creek Energy, LLC, which has filed with the Idaho Department of Water Resources (“IDWR”) applications for water right permit nos. 63-34403, 63- 34652, 63-34897 and 63-34900. The applications seek to appropriate water from the South Fork of the Boise River for storage in Elmore County to be used for non-consumptive power generation and also to provide water for irrigation, municipal, domestic, industrial, commercial mitigation and recharge uses downstream in the Treasure Valley, Basin 63.

This letter is being mailed to each city, county, tribal reservation, irrigation district, and canal company located within the point of diversion or place of use of the water rights, except those that are already parties to the IDWR proceeding, and to the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality. The purpose of this letter is to invite comment on the effects of the construction and operation of the proposed project in compliance with IDWR’s Water Appropriation Rule 40.05.g and an order issued by IDWR Director Gary Spackman on October 20, 2020.

The applications and supporting documents are available for review and download on the IDWR website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). The website includes a water right search tool that can be used to look up the applications by number. A hyperlink to each application is also included at the end of this letter.

Notice of the applications was previously published by IDWR in the *Mountain Home News*, *Idaho Statesman*, *Post Register*, *Lewiston Morn Tribune*, and *Times News*. The time within which to file a protest has expired, but comments may be submitted.

Please submit any comments you may have to IDWR Director Gary Spackman, with a copy to the applicant, at the following addresses.

Idaho Department of Water Resources  
Western Regional Office  
2735 W. Airport Way  
Boise, ID 83705-5082

Randall C. Budge  
T.J. Budge  
Racine Olson, PLLC  
P.O. Box 1391  
Pocatello, ID 83204  
[randy@racineolson.com](mailto:randy@racineolson.com)  
[tj@racineolson.com](mailto:tj@racineolson.com)

If you have any questions or desire additional information about the applications, please contact me.

Sincerely,



RANDALL C BUDGE

Attorney for Cat Creek Energy, LLC

Cc:

IDWR Director Gary Spackman

Parties of Record

Cat Creek Energy, LLC

## **Permit Application Links**

Water Right # 63-34403

<https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=34403&SplitSuffix=>

Water Right # 63-34652

<https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=34652&SplitSuffix=>

Water Right # 63-34897

<https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=34897&SplitSuffix=>

Water Right # 63-34900

<http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=34900&SplitSuffix=>

## DISTRIBUTION LIST

Idaho Department of Environmental  
Quality  
1410 N Hilton St  
Boise, Idaho 83706

Frank Edelmann  
Natural Resource Policy Manager  
Idaho Department of Fish and Game  
Headquarters  
600 S. Walnut St.  
P.O. Box 25  
Boise, Idaho 83707  
[frank.edelmann@idfg.idaho.gov](mailto:frank.edelmann@idfg.idaho.gov)

Ada County  
200 W Front St  
Boise, Idaho 83702

Canyon County  
1115 Albany St.  
Caldwell, Idaho 83605

Gem County  
415 E. Main St.  
Emmett, Idaho 83617

Boise County  
PO Box 100  
Idaho City, Idaho 83631

Payette County  
1130 3rd Ave. N.  
Payette, Idaho 83661

City of Kuna  
751 W. 4th Street  
Kuna, Idaho 83634

City of Greenleaf  
20523 N. Whittier Dr.  
Greenleaf, Idaho 83626

City of Star  
P.O. Box 130  
Star, Idaho 83669

City of Middleton  
1103 West Main Street  
Middleton, Idaho 83644

City of Caldwell  
P.O. Box 1179  
Caldwell, Idaho 83605

City of Eagle  
P.O. Box 1520  
Eagle, Idaho 83616

City of Melba  
401 Carrie Rex Ave  
Melba, Idaho 83641

City of Homedale  
PO Box 757  
Homedale, Idaho 83628

City of Wilder  
PO Box 687  
Wilder, Idaho 83676

City of Notus  
PO Box 257  
Notus, Idaho 83656

City of Parma  
P.O. Box 608  
Parma, Idaho 83660

Nez Perce Tribe  
P.O. Box 305  
Lapwai, Idaho 83540



City of Idaho City  
P.O. Box 130  
Idaho City, Idaho 83631

Warms Springs Ditch Company  
Brian Hoff  
1840 N. Lake Ave.  
Meridian, Idaho 83642

Thurman Mill Ditch Company  
P.O. Box 140033  
Garden City, ID 83714

Rossi Mill Ditch  
South Boise Water Company  
P.O. Box 6005  
Boise, Idaho 83707

Pioneer Dixie Ditch Co.  
c/o Ken Brush  
1724 Dixie River Road  
Caldwell, Idaho 83607

Parma Ditch Company  
c/o Norm Rudolph  
27988 Wamstead Rd.  
Parma, Idaho 83660

New Dry Creek Ditch Company  
P.O. Box 430  
Eagle, Idaho 83616-0430

Middleton Mill Ditch Company  
P.O. Box 848  
Middleton, Idaho 83644

Mace Mace Ditch Company  
c/o Sentry Management  
6149 N. Meeker Place  
Boise, Idaho 83713

Mace Catlin Ditch Co.  
2033 W. Mace Rd.  
Eagle, Idaho 83616

Lower Centerpoint Ditch  
22273 Boise River Road  
Caldwell, Idaho 83607

Island Highline Ditch  
30438 Pet Lane  
Parma, Idaho 83660-6569

Hart Davis Ditch Company  
c/o Josh Liddell  
1485 Artesian Rd.  
Eagle, Idaho 83616

Golden Gate Irrigation District  
Ripley Doorn & Co.  
824 Dearborn  
Caldwell, Idaho 83605

Eureka Ditch Company  
Bill Doramus  
21766 Howe Road  
Caldwell, Idaho 83605

Eureka Water Company  
Mark Phillips  
6820 W. Rosebriar Ln.  
Meridian, Idaho 83646

Capital View Irrigation District  
P.O. Box 208  
Eagle, Idaho 83616

Canyon County Ditch  
Canyon County Water Company  
P.O. Box 11  
Star, Idaho 83669

Campbell Canal  
Canyon Ditch Company  
P.O. Box 642  
Parma, ID 83660

Caldwell Highline Ditch  
Mason Creek Ditch Co.  
1905 Mason Rd.  
Caldwell, Idaho 83605

Bubb Ditch  
South Boise Mutual Ditch Co.  
P.O. Box 8832  
Boise, Idaho 83707

Boise Valley Irrigation Ditch Co.  
8850 Horseshoe Bend Rd.  
Boise, Idaho 83713

Boise City Canal Company  
P.O. Box 2157  
Boise, Idaho 83701

Ballentyne Ditch  
P.O. Box 1151  
Eagle, Idaho 83616

Andrews Ditch  
Tree Top Ranches  
P.O. Box 8126  
Boise, Idaho 83707

Andrews Ditch  
Doug Bates  
777 W. Main, Suite 900  
Boise, Idaho 83702