

June 29, 2021

Director Gary Spackman
Idaho Department of Water Resources
322 E. Front St., Ste 648
Boise, Idaho 83702
gary.spackman@idwr.idaho.gov

All parties as set forth in the attached certificate of service

Re: Cat Creek Energy, LLC, Applications for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900

Dear Director Spackman and parties:

This letter provides an update on the permit applications filed by Cat Creek Energy, LLC (CCE). At the last prehearing conference Director Spackman asked the parties to work together to develop a prehearing schedule and to set a second prehearing conference in August. For the reasons that follow, CCE proposes a slight modification to that process.

As explained in my last letter dated April 19, 2021, CCE has been working diligently to complete its Pre-Application Document (“PAD”) for filing in the Federal Energy Regulatory Commission (FERC) license proceeding related to CCE’s pumped-storage project. For those who may not be familiar with the FERC process, the PAD contains detailed information about the project including a description of the project’s facilities and operation, a description of the existing environment and known and potential project affects on specific resources, a list of preliminary issues and studies that may be needed, and supporting information. CCE’s PAD is nearly complete and is expected to exceed 100 pages of primary information, supplemented by several hundred pages of supporting information. This level of detail is not typically available in IDWR proceedings because the water right permitting for hydropower projects typically occurs in advance of the FERC license. In this case, however, CCE expects to have the PAD completed by the end of July, making it available for consideration in the IDWR proceeding. Given the high degree of scrutiny of CCE’s water right applications, CCE proposes to provide the PAD to parties to the IDWR proceeding in advance of developing the IDWR hearing schedule.

While the IDWR permit proceeding and the FERC proceeding are governed by different laws and different legal criteria, some of the information in the FERC PAD will be relevant to the IDWR proceeding. At the time CCE submits the PAD to the parties to the IDWR case, CCE will identify the expert analyses that CCE believes are relevant to the IDWR proceeding. If any party believes that additional topics require expert analysis in order to evaluate CCE’s permit applications under Idaho Code 42-203A(5), they will be given an opportunity to identify such topics.

Confirmation of the topics requiring expert analysis, and the time needed to complete expert reports on such topics, will necessarily shape the hearing schedule. Given the amount of information in the PAD, the parties to this proceeding will need some time to review it and consider the subjects for which CCE plans to present expert analysis. CCE proposes that a meeting among the parties be held three to four weeks after

the PAD is delivered for the purpose of (i) discussing whether any additional topics require expert analysis, and (ii) developing a hearing schedule based on the timing of expert reports. CCE will communicate with the parties to schedule that meeting at a time that works for as many as possible. Now that Covid-19 restrictions have been relaxed, we propose that this meeting be held in person at the IDWR State Office in Boise.

Unless any party objects to this process, CCE will proceed accordingly.

Sincerely,


A handwritten signature in blue ink that reads "Thomas J. Budge". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

THOMAS J. BUDGE

cc: Parties per service list attached

CERTIFICATE OF MAILING

I certify that on this 29th day of June, 2021, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

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