

February 16, 2023

All parties as set forth in the attached certificate of service

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

Dear parties:

As you are aware, in September of last year the Director of the Idaho Department of Water Resources (“Department”) granted an order staying the proceedings on Cat Creek Energy, LLC (“CCE”) applications for permits for CCE’s proposed pump storage project in Elmore County, Idaho (the “Project”). The stay was granted because studies and determinations made during the Project’s Federal Energy Regulatory Commission (“FERC”) and the Bureau of Reclamation (“BOR”) proceedings are likely to address and resolve issues considered by the Department under Idaho Code § 42-203A(5). In an effort to keep protesters and interested parties apprised of FERC and BOR developments, a January 11, 2023 letter was sent to the parties, discussing CCE’s proposed study plan filings and meetings/comment periods impacting said study plan. This letter and is being sent to update everyone further this matter.

CCE completed its initial coordination with a number of county, state, and federal agencies, along with non-governmental organizations, and submitted to FERC on January 25, 2023, a draft proposed study plan for the Project, which is available on the FERC website. The study plan outlines the proposed studies CCE may conduct to assess possible effects of the Project on water quality, fish and wildlife, cultural, recreation, aesthetic, land use and tribal resources. Interested parties and agencies will continue to work together to finalize the proposed study plan, and will conduct a meeting on February 22nd and 23rd, 2023, to accomplish this goal. The meeting will address how the scope of the proposed study plan interplays with FERC’s rational nexus test and the BOR requirements for CCE’s Preliminary Lease of Power Privilege. The meeting can be attended virtually, or in person at the USBR Snake River office conference room (230 W. Collins Road, Rm. #104, Boise, Idaho 83702). For virtual connection information, please contact Peggy Beltrone (pbeltrone@catcreekenergy.com).

After the February meeting a 30-day open comment period on the proposed study plan will open with FERC, where protesters and the public can contribute their thoughts and suggestions. In addition to those county, state, and federal agencies have already contributed during the meeting stage. After the comment period closes, said comments will be filed with FERC on April 26, 2023, and a revised study plan will be filed by CCE on May 26, 2023. After the revised study plan is filed another comment period will open, with comments to be filed with FERC by June 10, 2023.

As this process continues CCE shall continue to update the interested parties on any further relevant dates or updates.

Sincerely,


ELISHEVA M. PATTERSON

cc: Director Gary Spackman, IDWR

CERTIFICATE OF MAILING

I certify that on this 15th day of February, 2023, the foregoing document was served on the following persons via the email address identified.



<p>IDAHO DEPT. OF WATER RESOURCES Director Gary Spackman Garrick L. Baxter Mark Cecchini-Beaver Sarah Tschohl file@idwr.idaho.gov gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov mark.cecchini-beaver@idwr.idaho.gov Sarah.tschohl@idwr.idaho.gov</p>	<p><i>Ballentyne Ditch Co., et al.</i> SAWTOOTH LAW OFFICES PLLC Daniel B. Steenson S. Bryce Farris Andrew J. Waldera dan@sawtoothlaw.com bryce@sawtoothlaw.com andy@sawtoothlaw.com</p>
<p><i>Cat Creek Energy, LLC</i> James Carkulis David R. Tuthill, Jr. Hal Anderson Gary D. Slette jtc@ccewsrps.net dave@idahowaterengineering.com hal@idahowaterengineering.com gslette@rsidaholaw.com</p>	<p><i>Office of Energy and Mineral Resources</i> IDAHO GOVERNOR'S OFFICE OF ENERGY AND MINERAL RESOURCES Marissa Warren, Energy Program Manager Emily Her, Policy Analyst George Lynch, Legal Counsel marissa.warren@oer.idaho.gov Emily.her@oer.idaho.gov george.lynch@oer.idaho.gov</p>
<p><i>Idaho Department of Fish and Game</i> <i>Idaho Department of Lands</i> STATE OF IDAHO OFFICE OF THE ATTORNEY GENERAL Ann Y. Vonde, Deputy Attorney Angela Kaufmann Michele Andersen ann.vonde@ag.idaho.gov mandersen@idl.idaho.gov angela.kaufmann@ag.idaho.gov</p>	<p><i>Idaho Department of Fish and Game</i> IDAHO DEPT. OF FISH AND GAME Craig White Tom Bassista Bradley Dawson Casey Pozzanghera, Staff Biologist, Southwest Region craig.white@idfg.idaho.gov thomas.bassista@idfg.idaho.gov Bradley.dawson@idfg.idaho.gov casey.pozzanghera@idfg.idaho.gov</p>
<p><i>Boise Project Board of Control & Riverside Irrigation District</i> BARKER ROSHOLT & SIMPSON LLP Albert P. Barker apb@idahowaters.com</p>	<p><i>City of Meridian</i> MERIDIAN CITY ATTORNEY Kurt J. Starman kstarman@meridiancity.org kradek@meridiancity.org</p>

<p><i>Idaho Power Company</i> BARKER ROSHOLT & SIMPSON LLP John K. Simpson jks@idahowaters.com</p>	<p><i>USDI BLM</i> USDI BLM IDAHO STATE OFFICE Fredric W. Price fwprice@blm.gov</p>
<p><i>SUEZ Water Idaho Inc.</i> GIVENS PURSLEY LLP Michael P. Lawrence Christopher H. Meyer Charles Baser mpl@givenspursley.com chrismeyer@givenspursley.com charliebaser@givenspursley.com</p>	<p><i>S Bar Ranch, LLC</i> <i>The District at Parkcenter, LLC</i> HAWLEY TROXELL ENNIS & HAWLEY Dana L. Hofstetter Richard F. Goodson dhofstetter@hawleytroxell.com rgoodson@hawleytroxell.com</p>
<p><i>United States of America Bureau of Reclamation</i> UNITED STATES OF AMERICA BUREAU OF RECLAMATION E. Gail McGarry EMcgarry@usbr.gov</p>	<p><i>City of Boise</i> BOISE CITY ATTORNEY'S OFFICE Scott B. Muir, Deputy City Attorney Mary R. Grant, Deputy City Attorney BoiseCityAttorney@cityofboise.org mrgrant@cityofboise.org</p>
<p>IDAHO CONSERVATION LEAGUE Marie Callaway Kellner mkellner@idahoconservation.org</p>	<p><i>Trout Unlimited</i> Julisa Edwards, General Counsel Kira Finkler, Director, Idaho Water and Habitat Program Kira.finkler@tu.org Julisa.edwards@tu.org</p>
<p><i>Tree Top Ranches LP</i> William J. Mulder wjmulder@treetopranches.com</p>	<p><i>Gwinn Rice Ranch LLC</i> Jim Rice Jimrice1965@gmail.com</p>
<p><i>Wildlands Defense</i> Katie Fite katie@wildlandsdefense.org</p>	<p><i>Allen R. Thompson</i> kimraftertranch@gmail.com</p>
<p><i>Wendi Combs</i> missterry52@yahoo.com</p>	