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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

**STATUS REPORT AND MOTION TO
CONTINUE INFORMAL PROCEED-
INGS**

Cat Creek Energy, LLC (“Cat Creek”) submits this status report to appraise the Director of the Idaho Department of Water Resources (the “Department”) of its progress since the *Order Granting Motion to Move Applications to Informal Proceedings* was issued on August 31, 2023, and requests the Department continue the informal proceedings ordered pursuant to IDAPA 37.01.01.100.03.

BACKGROUND

On March 15, 2023, Cat Creek sent a stipulation to the protestants in the above-captioned matter which requested that Cat Creek’s application for permits to appropriate water, Permit Nos. 63-34403, 63-34652, 63-34987, and 63-34900 be moved to informal proceedings as related proceedings before the Federal Energy Regulatory Commission (“FERC”) and the Bureau of Reclamation (“BOR”) were ongoing. The FERC and BOR proceedings are anticipated to address issues and provide relevant information considered by the Department under Idaho Code § 42-203A(5) in its analysis of the Cat Creek applications. The stipulation was signed by Ballentyne Ditch Co., et al., United States Department of the Interior Bureau of Land Management, City of Meridian, Idaho Department of Fish and Game, Elmore County Board of County Commissioners, Idaho

Conservation League, and Trout Unlimited. Several protestants failed to respond to the stipulation request, but only one refused to sign. However, that party stated they would not oppose moving the applications to informal proceedings. After Cat Creek submitted its *Motion for Order Moving Applications to Informal Proceedings* on April 21, 2023, no party objected, and the Director subsequently granted the order. The order requires Cat Creek to submit a status report to the Department on related FERC and BOR proceedings, which it does below.

STATUS REPORT

Since the Director's August order, Cat Creek has continued to coordinate with FERC and BOR on their respective proceedings and update the parties in the above-entitled matter on its progress. Over the past year Cat Creek has secured offtake agreements for the Project's energy with a long-term offtake agreement with a major corporate entity for 1,400,000 MWh per year completed and separate final negotiations on a long-term offtake agreement for 355,000 MWh continuing. This goes to subsections (c) and (d) factors under Idaho Code § 42-203A(5). Further, supplier and contractors were secured, pending any final license changes or provisions made by FERC.

In January 2023, a 398-page Draft Study Plan was submitted to FERC, identifying 20 Project parameters and potential environmental impacts needed for study and identifying collection procedures for said studies. This study plan was provided to various stakeholders, which includes the protestants, state and federal agencies and non-governmental organizations. In February 2023, an in-person and Zoom meeting in Boise was conducted between Cat Creek, FERC and other stakeholder groups to discuss the proposed study plan. After the February meeting interested parties and the public were allowed to submit comments on the proposed study plan; 11 parties submitted comments by April 10, 2023. There was a total of 136 comments, many detailed and technical in nature. Many comments included items outside of the FERC licensing requirement. Given the voluminous material and that further education of the stakeholders was required, Cat Creek requested the revised proposed study plan be submitted in September 2023. However, in May 2023 FERC place the application in abeyance until a new cost-recovery agreement was established between Cat Creek and BOR. At that point FERC will resume the licensing process and issue a new process plan.

The proceedings with BOR continue, with some delay initially caused by additional studies requests by the United States Forest Service. In the upcoming months Cat Creek anticipates a final

determination of the funding relationship between BOR and Cat Creek and resolution of certain parameters which are associated. In December 2023 Cat Creek secured the cooperation of six Tribes, including the Shoshone-Bannock and Nez Perce, on the Project, who will be engaged when the FERC process resumes.

Finally, given the need for additional storage water in the Boise River Basin, beyond the Anderson Ranch Dam raise, and additional groundwater recharge opportunities, Cat Creek has submitted a new application for the appropriation of water to the Department in Permit No. 63-35522, requesting an additional 50,000 acre-feet of water for the Project's upper reservoir. This application would provide additional storage which can assist with recharge opportunities during early runoff periods. When compared to other states where major watersheds originate, Idaho has the smallest water storage capacity. This application and the Project help alleviate this issue. The FERC and BOR proceedings will be updated to reflect the proposed expansion to the Project's upper reservoir.

Parties who wish to subscribe to electronic notifications from FERC regarding the licensing process may enroll in FERC's "eSubscription" service and enter docket number: P-14655-000.

DATED this 29th day of March, 2024.

RACINE OLSON, PLLP

By:  _____

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Thomas J. Budge

Attorneys for Applicant Cat Creek Energy, LLC

CERTIFICATE OF MAILING

I certify that on this 29th day of March, 2024, the foregoing document was served on the following persons via the email address identified.



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