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Apr 10, 2024

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Protestant Elmore County, Board of County Commissioners

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 63-34403, 63-34652,))
6334897, AND 63-34900))
In the name of Cat Creek Energy, LLC) **RESPONSE TO STATUS REPORT**
) **AND MOTION TO CONTINUE**
) **INFORMAL PROCEEDINGS**
)

Pursuant to Rule 220.02(b) of the Department’s Rules of Procedure, IDAPA 37.01.01, the Board of Commissioners of Elmore County, through undersigned counsel of record, hereby files this response to the Status Report and Motion to Continue Informal Proceedings filed by Cat Creek Energy, LLC on March 29, 2024.

In summary, Elmore County does not necessarily oppose Cat Creek’s motion. However, Cat Creek’s filing does not appear to contain all of the

information needed by the Department to act on the motion. In addition, the filing contains some vague and misleading statements, and Elmore County wants to ensure Cat Creek's representations to the public and to other state and federal agencies are consistent with Conditional Use Permit (CUP) proceedings pending before the County. The purpose of this response is to clarify some of those items and identify areas that require additional information before the Department can act on the motion.

Timing of the Status Report; Lack of Motion

The Director's August 31, 2023 Order requires Cat Creek to file status reports regarding its BOR and FERC proceedings every six months. Presumably, this means the deadline for the next status report was February 29, 2024. Cat Creek's Status Report does not explain the one-month delay.

Also, the filing from Cat Creek is styled as including a motion to continue informal proceedings. While there is a "Background" section and a "Status Report" section, the filing lacks a "Motion" section or any other justification for the request to continue informal proceedings. Elmore County had understood, based on the Department's August 31, 2023 order, that this matter would remain in informal proceedings indefinitely, until one of the parties establishes cause to return to formal proceedings. Out of an abundance of caution, and because Cat Creek styled the document as a motion, Elmore County files this response.

Status of BOR and FERC Proceedings

The Status Report begins by stating:

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.

The Status Report also states that, "[t]he proceedings with BOR continue...." Elmore County is not privy to any communications between Cat Creek and BOR, so cannot comment on that aspect of Cat Creek's representation.

However, Elmore County does participate and receive filings in Cat Creek's FERC licensing proceeding. As the Status Report references, on May 19, 2023, FERC issued a notice placing the Cat Creek proceeding in abeyance, a true and correct copy of which is attached hereto as Exhibit A. It states in pertinent part:

CCE states in its request that it needs additional time to review and respond to all stakeholder comments and to resolve some apparent misunderstandings it has with stakeholders about the design of the project and the need for certain studies. ***CCE does not address in its request if or when it proposes to enter into a new cost recovery agreement with Reclamation. Since CCE filed its request, Commission staff has been in contact with Reclamation staff who confirmed that no updated agreement is in place that would allow them to continue work on the project.*** [footnote omitted]

Because we have no assurance as to when Reclamation can resume work on this project, we are denying CCE's request to extend the ILP schedule and are instead placing the project in abeyance until further notice. ***Once CCE provides documentation that a new cost recovery agreement has been established with Reclamation, and Reclamation confirms that it has resumed its role as a cooperator, Commission staff will resume the ILP and issue a new process plan.***

(Emphasis added).

Since the May 2023 abeyance notice from FERC, Elmore County is aware of only two filings in the FERC proceeding: a Notice of Substitution of Counsel for SBar Ranch LLC filed January 23, 2024, and an annual report filed by Cat Creek on March 29, 2024, a true and correct copy of which is attached hereto as Exhibit B. Significantly, on pages two and three of that report, there is a section entitled, "Cat Creek Interaction with the Federal Regulatory Commission: Key 2023 Dates." The only interaction identified after May 19, 2023 is a disjointed, vague, and confusing reference to engagement with Tribes. Moreover, the primary update Elmore County has received from Cat Creek regarding its status with BOR and FERC is the annual report provided to the County on January, 30, 2024, a true and correct copy of which is attached hereto as Exhibit C.

Neither of the annual reports to FERC or the County contain meaningful updates regarding Cat Creek's status with BOR, and the FERC proceeding itself has been dormant since May 2023. Similarly, the statement in the Status Report to IDWR that "FERC will resume the licensing process" when a new cost

recovery agreement is established with BOR is vague, without any indication of when this is expected to occur. It appears the Director needs more specific information and detail regarding Cat Creek's "continued coordination" with BOR and FERC and its "updates" to the parties in order to evaluate this aspect of Cat Creek's pending motion.

Offtake Agreements

The Status report states that, "[o]ver 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...." As the Department likely knows, in addition to hydropower, Cat Creek's proposed project includes wind and solar components, some of which would be located outside of Elmore County. Within Elmore County, the overall project has been divided into five separate CUPs, including separate CUPs for wind, solar, and hydro. In order for this representation regarding offtake agreements to be relevant to Cat Creek's specific request to IDWR, the Department will need to confirm the relationship of those offtake agreements to the hydropower component of the project, since wind and solar are not relevant to the evaluation criteria in Idaho Code Section 42-230A(5).

For example, as the annual report to the County demonstrates, the recent ground-breaking in Eden, Idaho was related to the solar portion of the project, and the "Review for the Timing of Construction Activities" is limited to wind and

solar. Given Cat Creek’s oft-repeated statement that the solar and wind components of the project are separate from the hydropower component, it would make no sense for wind and solar activities to qualify as progress with respect to the hydropower component and associated water permit applications.

Permit Application for Additional Storage

The Status Report states that, “Cat Creek has submitted a new application for the appropriation of water to the Department in Permit 63-35522, requesting an additional 50,000 acre-feet of water for the Project’s upper reservoir.” While technically accurate, this statement is also incomplete and misleading.

On December 1, 2023, Cat Creek filed an application with Elmore County to amend its CUPs and associated Development Agreement to increase the capacity of Cat Creek Reservoir from 100,000 acre-feet to 140,000 acre-feet—not 150,000 acre-feet. Because that is a voluminous document, the specific relevant reference is attached hereto as Exhibit D, though the County is happy to provide the entire document upon request.

More importantly, at the public hearing regarding Cat Creek’s request, the Board of Commissioners suggested that a request to so drastically increase the capacity of Cat Creek Reservoir by 40% is more appropriately evaluated first by the County’s Planning & Zoning Commission, before it gets to the Board of Commissioners, pursuant to Elmore County Code. In response to this innocuous

observation, Cat Creek formally withdrew its request to expand Cat Creek Reservoir on the record. This is documented in Finding of Fact No. 6 in the Findings of Fact, Conclusions of Law, and Order attached hereto as Exhibit E.

On March 9, 2024, counsel for Elmore County sent the email attached hereto as Exhibit F to Cat Creek’s water rights counsel and land use entitlement counsel, inquiring whether Cat Creek would be withdrawing the water permit application in light of its withdrawal of the CUP amendment request. No response has ever been received. Given Cat Creek’s unwillingness to respond to the County, perhaps the Department can inquire regarding Cat Creek’s intent on this issue.

Ownership of Place of Use

Finally, given its responsibility to confirm an applicant’s legal authority to apply water to the designated place of use, IDWR should be aware that during the recent public hearing regarding Cat Creek’s request to expand Cat Creek Reservoir, a local landowner—Big Sky Farms—claimed that the maps submitted by Cat Creek depict portions of the proposed Reservoir on Big Sky’s property without permission. Indeed, Item 10(b) on Cat Creek’s application for permit 63-34403, which includes the 100,000-acre foot Reservoir, references a lease with Wood Creek Ranch LLC, but says nothing about Big Sky Farms. Similarly, Item 11(b) of Cat Creek’s application for permit 63-35522 specifically states, “Applicant owns storage place of use.”

I have attached the relevant comment letter from Big Sky Farms here as Exhibit G. Because Cat Creek withdrew its expansion request as previously explained and there has not otherwise been progress on the project, Elmore County has not yet verified this information. However, because the Department is required by statute to confirm an applicant's legal authority to utilize the place of use and that the application is made in good faith and not for speculative purposes, *see* Idaho Code § 42-203A(5)(c), Water Appropriation Rule 045.01(c)(i), it will need to verify this issue before acting on Cat Creek's motion.


Conclusion

Elmore County appreciates the opportunity to coordinate with other relevant agencies regarding this proposed project, and to provide this response. Again, the County does not express an opinion one way or the other as to whether the Department should grant or deny Cat Creek's pending motion. However, the County does want to ensure the Department's decision, whatever the outcome, is based on a full and accurate record. Therefore, to the extent the filing is a motion requiring action by the Department, the County hopes the Department will take this response under advisement before acting on it.

[Signature page follows.]

DATED THIS 10th day of April, 2024.

Varin Thomas LLC

By: 

Dylan B. Lawrence

Attorneys for Elmore County, Board of County Commissioners

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 2024, I caused to be filed with the Department and served a true and correct copy of the foregoing by email, addressed to the following:

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file@idwr.idaho.gov

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Dylan B. Lawrence

Exhibit A

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON D.C. 20426
May 19, 2023

OFFICE OF ENERGY PROJECTS

Project No. 14655-002 – Idaho
Cat Creek Energy and Water Storage
Project
Cat Creek Energy, LLC.

VIA Electronic Mail

James Carkulis
Cat Creek Energy, LLC
jtc@ccewsrps.net

**Reference: Notification of the Integrated Licensing Process Being Placed in
Abeyance**

Dear Mr. Carkulis:

On January 25, 2023, Cat Creek Energy, LLC (CCE) filed a Proposed Study Plan (PSP) under the Integrated Licensing Process (ILP) for the Cat Creek Energy and Water Storage Project (Cat Creek Project or project). CCE held study plan meetings on February 23 and 24, 2023. The Boise Project Board of Control, the U.S. Forest Service, the U.S. Fish and Wildlife Service, Trout Unlimited, the Elmore County Commission, the State of Idaho,¹ the U.S. Bureau of Reclamation (Reclamation), the National Marine Fisheries Service, Ann Parry, and Idaho Rivers United submitted comments on the proposed study plan. The commentors also generally expressed concern that the PSP was general and vague in its description of study objectives and methods, and did not identify which of the requested studies were adopted, adopted in part, or were not adopted by CCE. In its comments, Reclamation states that it has “ceased work on the Project due to insufficient funding but may resume work once funds have been received and are available for use.”

¹ Collective comments from the Idaho Department of Fish and Game, Idaho Governor’s Office of Species Conservation, Idaho Department of Environmental Quality, Idaho State Historic Preservation Office, Idaho Department of Parks and Recreation, and the Idaho Governor’s Office of Energy and Mineral Resources were submitted in one letter.

During the study plan meetings, CCE agreed to a number of study components suggested by the agencies and to distribute updated versions of the study plans for review prior to when their comments were due on April 26, 2023. CCE is to file its Revised Study Plan (RSP) by May 26, 2023. On May 10, 2023, CCE requested an extension of time to resolve study plan issues with the stakeholders. As part of the request, CCE proposes to file an updated PSP by July 20, 2023, followed by another 90-day comment period, and to file the RSP by September 7, 2023.

CCE states in its request that it needs additional time to review and respond to all stakeholder comments and to resolve some apparent misunderstandings it has with stakeholders about the design of the project and the need for certain studies. CCE does not address in its request if or when it proposes to enter into a new cost recovery agreement with Reclamation. Since CCE filed its request, Commission staff has been in contact with Reclamation staff who confirmed that no updated agreement is in place that would allow them to continue work on the project.²

Because we have no assurance as to when Reclamation can resume work on this project, we are denying CCE's request to extend the ILP schedule and are instead placing the project in abeyance until further notice. Once CCE provides documentation that a new cost recovery agreement has been established with Reclamation, and Reclamation confirms that it has resumed its role as a cooperator, Commission staff will resume the ILP and issue a new process plan.

If you have questions, please contact Michael Tust at (202) 502-6522 or via email at michael.tust@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

² Reclamation is a NEPA cooperator with Commission staff on preparation of an environmental document for the project. CCE must obtain from Reclamation a Lease of Power Privilege before it can construct portions of the project.

Exhibit B

CAT CREEK ENERGY, LLC 398 S. 9TH STREET
ST, SUITE 240 INFO@CCEWSRPS.NET
208-336.1370

March 29, 2024

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Federal Street, NE
Washington, D.C. 20426

Subject: Annual Report - Cat Creek Energy Storage Facility Pumped Storage Hydroelectric Project
– FERC No. P-1-14655-001.

Brief Overview

1. Over the past year, CCEW has made significant progress on Project offtake agreements with completion of a long term annual 1,400,000 MWh contract with a major corporate entity and final negotiating with an IOU for a long term annual 355,000 MWh contract. The local permits required for construction are in place and the initial ground-breaking ceremony on the first solar + battery storage installation has taken place.
2. Suppliers and contractors have been secured pending any final license changes or provisions under FERC for the Pumped Storage Hydro portion of the Project.
3. Additional interaction continues at the federal level with the Department of Energy for such a large Project. Extensive discussions with the DOE Loan Program Office have been held over the past year, where our engagement with a Native American tribal nation to enter into a business relationship has influenced our interest in the LPO.
4. Contributing agencies including the US Forest Service have, however, added complexity to project development with compensation requests outside of the oversight and mandatory approvals of the US Bureau of Reclamation and FERC,
5. Within the upcoming 60 days we anticipate final determination of the funding relationship with USBR through resolution of certain parameters to be established between CCE and USBR.
6. CCE is considering expanding the size of the new upper reservoir by another 50,000 acre-ft. [110,000 acre-ft to 160,000 acre-ft] based on the following observations:
 - a. Usually when sufficient water is available for the diversion to CCE of its currently entitled 100,000 acre-ft., an additional 50,000 acre-ft of unallocated water is

available without a large impact on downstream waters needed for scouring or other environmental and flood considerations.

- b. It is clear that additional storage is needed for the Boise River Basin and there are few alternative tangible solutions outside of the Anderson Ranch Dam raise, Cat Creek Energy water storage, and limited groundwater recharge opportunities. Additional CCEW water storage could assist timely recharge opportunities during early runoff. Of all the states where major watersheds originate, Idaho has the smallest water storage capacity.
- c. A final plat design will be submitted to FERC in relation to the above potential expansion for consideration under the Study Plan.
- d. The need for Large Volume Long Duration (“LVLD”©) energy storage is increasingly regarded as the most efficacious method of solid and secure renewable energy replacement of fossil-fuel generators. LVLD storage on the scale provided by CCEW’s time-tested technologies - 720 MW x 121 hours - has never been more acutely needed to deal with seasonal peaks and weather emergencies.

Cat Creek Interaction with the Federal Regulatory Commission: Key 2023 Dates

1. 26-Jan-2023: As noted in the Fourth Annual Report, a 398-page Draft Study Plan (“PSP”) was submitted to FERC by Cat Creek Energy (“CCE”). The PSP identified 20 Project parameters and potential environmental impacts in need of further study and laid out in detail the collection procedures that should be followed in doing so. The Study Plan was distributed to the various stakeholder groups – state and federal agencies, NGOs, and Elmore County among them.
2. 23/24-Feb-2023: Again, as noted in the Fourth Annual Report, an in-person and Zoom meeting in Boise facilitated by Micheal Tust of FERC with CCE and the stakeholder groups involved in the preparation of the Study Plan. An extensive discussion of both Plan and Project took place. An outline of further steps to be taken was provided:
 - 26-04-2023: All stakeholders advised to file comments on the Study Plan by this date.
 - a. 26-May-2023: CCE to file Revised Study Plan by this date.
 - b. 06-June-2023: All stakeholders to file comments on the Revised Study Plan by this date.
 - c. 10-July-2023: Issuance of FERC Director’s final Study Plan Determination indicating the studies to be carried out.
3. April 10-2023: Comments from 11 stakeholders filed with FERC.
4. 03-May-2023: Letter of Understanding (“LOU”) for the Cat Creek Energy & Water Storage Project from the U.S. Bureau of Reclamation. “The LOU establishes Reclamation’s cooperating status as well as the protocols under which Reclamation staff and Commission staffs will adhere in the preparation of NEPA document(s) for the project.”
5. 10-May-2023: 10-page Extension Request submitted to FERC. The request was of FERC for an extended time schedule in the PSP and was based on the facts that 11 stakeholders (a) had submitted 126 comments, many of them detailed/technical, (b) a fair number of

which rested on mistaken assumptions concerning both water rights/circumstances under which they can be exercised and what a FERC License requires, (c) did not recognize that private land development is not to be treated in the same way as public land development. CCE proposed that the Submission Deadline for the 2nd DRAFT PSP be extended until 20-Jul-2023, an Interactive Meeting with stakeholders be held 29-Jun-2023, an All-Hands Meeting on 08-Aug-2023, CCE to file a Revised Study Plan 07-Sep-2023, stakeholder comments on same filed by 21-Sep—2023, and Issuance of FERC Director’s Final Study Plan Determination on 09-Oct-2023

6. 19-May-2023: Because it had “no assurance as to when Reclamation (which had ‘ceased work on the Project due to insufficient funding’) can resume work on this project,” FERC denied CCE’s request to extend the ILP schedule and placed the Project in abeyance until “a new cost recovery agreement has been established with Reclamation and Reclamation confirms that it has resumed its role as a cooperator,” at which point “the Commission staff will resume the ILP and issue a new process plan.”
7. 31-Dec-2023: An official list of tribes in the FERC PP authorization letter: “... should the permittee begin the license application process, the Commission will engage in government-to-government consultation with the Shoshone-Bannock, Nez Perce, and other Tribes.” The Project actively engages six Tribes.

CCE Project Development Carried Out in 2023: Key tasks initiated, in progress, or completed: During this past 12-month period, the following work has been initiated, in progress, or completed:

1. 03-May-2023: Bayer announced the signing of what it termed a “landmark renewable energy deal” with CCE for 1.4 terawatts of PV solar + battery energy storage which is sufficient to offset 40% of its global GHG emissions, 60% of its US emissions, and 100% of its Soda Springs, ID industrial process facility emissions.
2. 15-Sep-2023: Groundbreaking ceremony in Eden, ID for the first segment of the solar PV + BESS array under the terms of the Bayer RPA contract. The Idaho Lieutenant Governor, C-level executives from Bayer headquarters in Germany and from CCE Project suppliers and contractors in this country, as well as local officials and other invited guests attended.
3. 23-Oct-2023: Letter of Intent signed with the Shoshone-Bannock Tribes of the Fort Hall Reservation (“SBT”) to enter into a structured relationship in the CCE Project. The Tribes bring to the Partnership a long, very close, and deep understanding of the lands on which the Project is located and an abiding concern with its water resources – their safeguarding and effective use.
4. 15-11-2023: Bayer presented the “2023 Igniting Networks Award” to Cat Creek Energy for “fostering an outstanding partnership with Bayer to drive sustainable growth, demonstrating a profound commitment to working collaboratively with Bayer and industry peers, and actively seeking to ‘Ignite Networks’ and create value through shared knowledge, insights, and resources.” Bayer has roughly 88,000 suppliers, all of whom were eligible for the award.

5. Continuing interaction with the Idaho National Lab and other members of the team (NREL, Oregon State, GE among others) assembled to install and monitor a floating PV solar array on the surface of the new Cat Creek Reservoir. The array is projected to provide 110 MW of solar power and curb evaporation by as much as 55%.
6. Continuing interaction with USBR in negotiating the proper go-forward funding commitment for the Cat Creek Energy & Water Project and related matters.

Elmore County: Requested Actions.

1. 08-Sep-2023: CCE Representative, Terri Pickens, contacted Dylan Lawrence, Attorney for the Elmore County Water Project, to start the process for amending the Development Agreement attached to the five CUPs that the CCE Project had obtained. The request to extend the validity of the CUPs rested on the fact that the motions of a local landowner, S Bar Ranch, for reconsideration, judicial review, and the Appellate proceedings, which started on 2/16/2018 and continued until the Idaho Supreme Court's final decision on 6/14/2024 to dismiss the S Bar suit, a total of more than four years during which most of CCE's efforts to further develop the Project were effectively halted.
2. 16-Feb-2024: The Elmore County Board of Commissioners found the request reasonable and, using its Planning and Zoning calculations of time lost, extended the Development Agreement until 10/19/26.

This concludes our annual progress updates on Preliminary Permit 14655-1. We look forward to resuming the Study Plan/License process in the coming quarter of 2024 and working closely with FERC to bring it to completion. Given the significance of the potential relationship with the Shoshone-Bannock Tribes, we believe that the resumption should take place not only after FERC requirements for doing so have been met, but also when the framework of our Tribal relationship has been firmly established.

Best Regards,


James Carkulis

Agent for Cat Creek Energy., LLC

Copies

Cat Creek Energy, LLC

Exhibit C



Terri R. Pickens
Attorney at Law
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www.pickenslawboise.com

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January 30, 2024

SENT VIA E-MAIL

Mitra Mehta-Cooper
Vicky Trevathan
Dylan Lawrence
Elmore County Board of Commissioners
Elmore County Clerk's Office
150 South 4th East, Suite #3
Mountain Home, ID 83647

Re: Cat Creek Energy, LLC
CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06, CUP 2015-07
Our File No.: 360-2

Ladies and Gentlemen:

Please accept this letter and the foregoing attachment as Cat Creek Energy, LLC's Annual Report for 2024, as required in the Development Agreement. Cat Creek Energy, LLC is pleased to provide the following narrative and timeline for the Project, and we look forward to discussing this Annual Report further with the Board of County Commissioners on Friday, February 9, 2024, at 10:30 a.m.

In the meantime, if you have any questions concerning the foregoing, please do not hesitate to contact me.

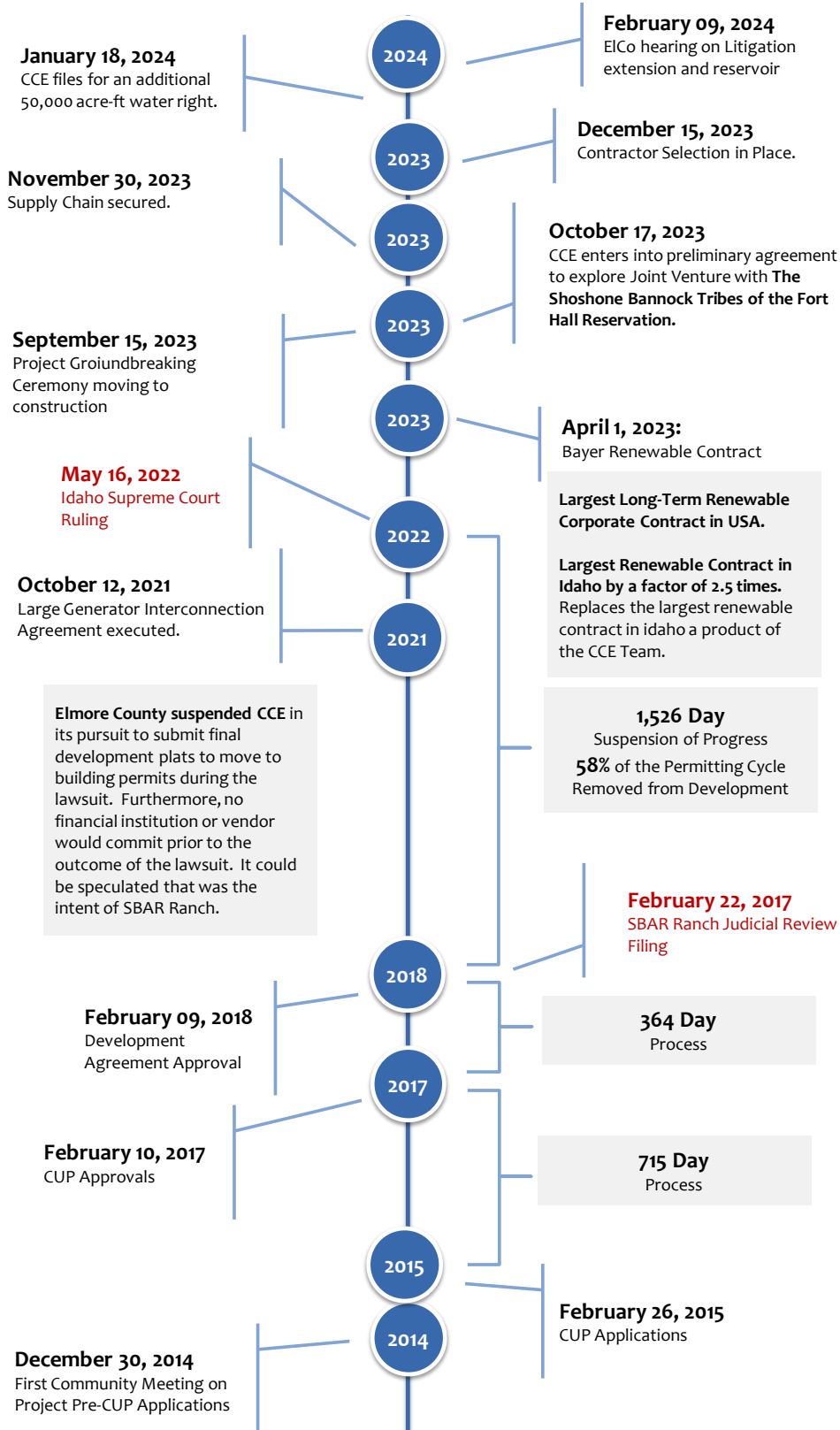
Sincerely,

/s/ Terri R. Pickens

Terri R. Pickens



Permitting CCE Timeline





THE SIGNIFANCE ADVANCEMENTS OF CAT CREEK ENERGY FOR IDAHO



Scott Bedke, Lt. Governor

"We're pretty excited about these types of projects. That's your take home message. You have the State's commitment."

Groundbreaking
Ceremony

September 15, 2023



PROLOGUE - CAT CREEK ENERGY UPDATE

What follows is the CCEW Annual Update.

58% of the Cat Creek Energy development cycle [February 26, 2015, to May 18, 2022] was stolen from us during the litigation period. The S Bar Ranch's ineffective, time consuming, and very costly lawsuit against Elmore County, forced the county into a position of not allowing Cat Creek Energy to advance its Project during the **1,528 days** of litigation. This deliberate measure and the fallout from the litigation, and SBAR Ranch's apparent intention of bankrupting both Cat Creek Energy and Elmore County through meritless litigation needs to be put into proper context as to why it failed as evidenced by the rapid and substantial progress of Cat Creek Energy over this past reporting period.



For clarity, on February 22, 2018, SBar Ranch filed a petition for Judicial Review of the Board of Commissioners approval of five Conditional Use Permits and a Development Agreement pertaining to the permits. On May 18, 2022, the Supreme Court rejected SBAR Ranch's Petitions.

The meritless and drawn-out process meant that for **over four (4) years** Cat Creek Energy was forced to work to preserve the integrity of the Project under the sustained threat that any investment of time or money could disappear if SBAR Ranch was successful. It effectively forced a measured halt to much of our work and that of our strategic partners. It had its desired effect at the time of impacting both federal and state permitting processes, as well as equity and funding for the Project.

During this time, Elmore County specifically restricted Cat Creek Energy from proceeding with the Project's entitlement process until such time as the Idaho Supreme Court ruled. This frustrated the Cat Creek Energy team because the goal of S Bar became clear during a concurrent mediation, where CCE offered to settle, and SBar Ranch refused the offer. Clearly, other developers may have given up during the drawn out litigation, but CCE was not deterred, and the Project survived. The Update includes actions in the wake of the 2022 Supreme Court decision, where CCE was able to accelerate its development pace and achieve major milestones leading to many of the CUPs being ready for construction. The advancements have led to the construction readiness now fully baked and perfunctory tasks with Elmore County will bring many of the CUPs to construction readiness this year.

SUSPENSION TIME IMPACT - RETROSPECT

1,526 Days Suspension of Progress due to SBAR Ranch litigation.

58% of the entire original Permitting Cycle removed from the Development Cycle.

The SBAR Ranch's lawsuit against Elmore County was meant to injure both Cat Creek Energy and Elmore County. It forced Elmore County to suspend Cat Creek Energy's ability in our pursuit to submit final development plats to move to building permits during the lawsuit. Furthermore, no financial institution or vendor would commit prior to the outcome of the lawsuit. It could be viewed in the rearview mirror that was the intent of SBAR Ranch.



REQUIRED ANNUAL UPDATE

23 FEBRUARY 2023 - HYDROPOWER MEETINGS

On January 25, 2023, Cat Creek filed a Proposed Study Plan under the Integrated Licensing Process required by FERC for a Pumped Storage Hydropower License. On February 23 and 24, meetings were held with a number of state and federal agencies as well as an interested NGO, all of whom submitted comments on the Study Plan.



Water Storage	Acre-ft.
Current Boise River Storage Capacity	949,700
Identified Additional Need [2060]	188,000
CCE Storage to Latest Water Filing	101,300
CCE New Water Filing	50,000
CCE Total Contribution to Boise River Storage	151,300
Increase Overall	16%
Contribution to Shortfall [2060]	80%

Cat Creek Energy analyzed and crafted responses to the agency and public comments. FERC placed the project in suspension, allowing our experts and legal team to reconcile cost obligations within the FERC and LOPP regulatory processes.

01 APRIL 2023 - BAYER / CCE OFFTAKE CONTRACT

The largest, long-term corporate renewables contract in the USA was signed with Bayer, Inc. Construction of facilities in both Jerome and soon Elmore Counties is commencing.

This contract represents the largest renewables contract in Idaho by an order of magnitude of 2.5 times the current largest project, which incidentally is also a product of the CCE Team. This



1,400,000 MWh annual, 21-year contract offsets 40% of Bayer’s global electrical emissions and 60% of its USA emissions. The contract provides a full substitution for Bayer’s Soda Spring processing facility, the largest load in PacifiCorp control area and the largest load in Idaho.

Bayer’s EVP of Public Affairs, Science, Sustainability and HSE Matthias Berninger:

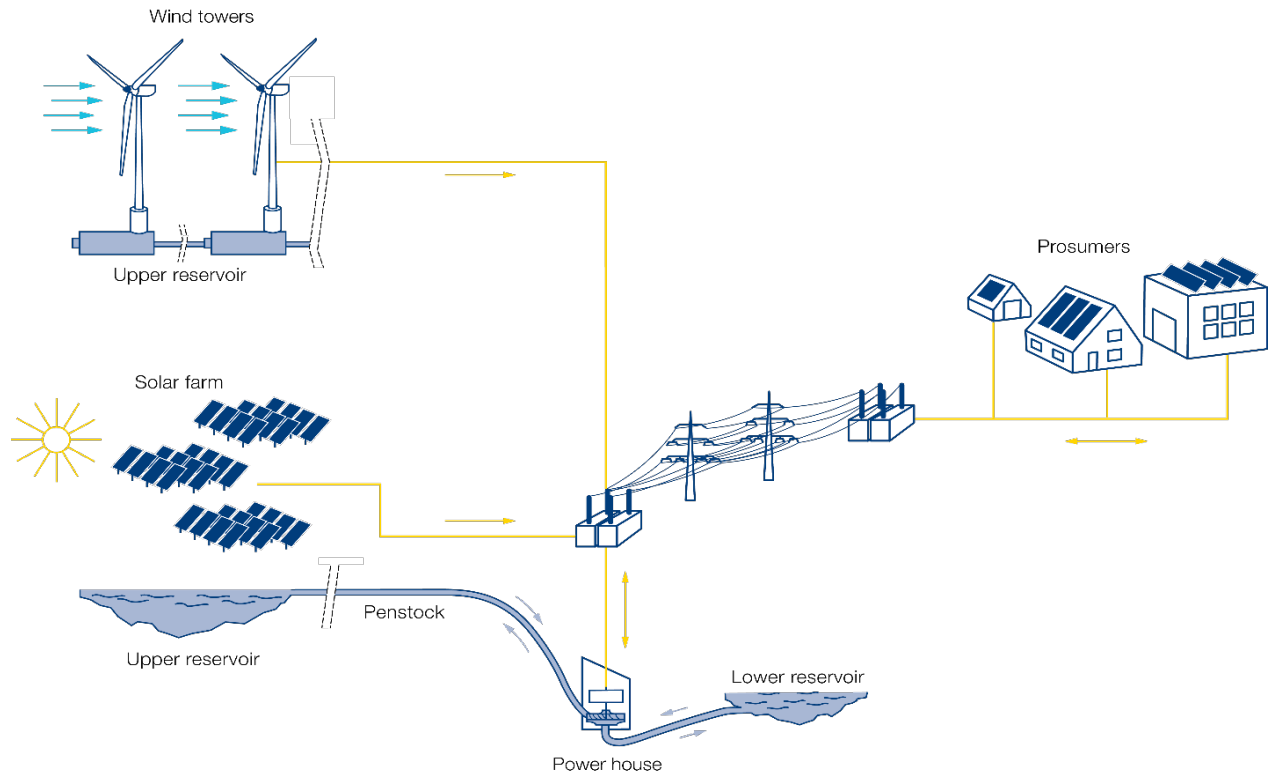
“As an innovation driven company, Bayer recognizes the need to introduce renewable energy solutions that are healthier for the planet and healthier for humans.”

Then Bayer AG CEO Werner Baumann confirmed:

“This project with Cat Creek Energy is exciting because it catapults our energy goal target fulfilments while also supporting Idaho, a state many of our employees call home.”

BAYER CONTRACT EMPLOYS ALL CCE TECHNOLOGIES

Bayer is in every county in Idaho. Every day, Bayer’s employment and products help Idahoans and their partnership with Cat Creek Energy advance these opportunities.



The contract provides a full substitution for Bayer’s Soda Spring processing facility, at approximately 1,400,000 MWh annual electrical needs, the equivalent of 140,000 households.

08 SEPTEMBER 2023 – ENGAGEMENT ELMORE COUNTY ON 2ND AMENDMENT TO DA

Terri Pickens [Cat Creek Energy counsel] first reached out to Dylan Lawrence [Elmore County counsel] on addressing provisions for a 2nd Amendment to the Development Agreement. Later in the month, the first draft was exchanged.

15 SEPTEMBER 2023 - CONSTRUCTION GROUNDBREAKING CEREMONY

A groundbreaking ceremony was held near Eden, Idaho, for the first set of Modules [facilities] of PV solar + battery energy storage as part of the overall Bayer RPA contract obligation of Cat Creek Energy. Among those in attendance were the Idaho Lieutenant Governor, Idaho Comptroller, representatives from Bayer Germany and Bayer Soda Springs, the state government, county



officials, the Shoshone-Bannock Tribe, the Laborers' International Union, project suppliers, contractors, and Cat Creek Energy. The significance of the Project for water security, mitigating pending climate effects, and the substantial benefits to both Idaho and the entire West from the overall Project were discussed in detail.

17 OCTOBER 2023 - SHOSHONE BANNOCK TRIBES – CAT CREEK ENERGY PARTNERSHIP



Cat Creek Energy executed a tentative LOI agreement with the Shoshone-Bannock Tribes of the Fort Hall Reservation to enter into a joint venture on the Project. Such a partnership has much to recommend, especially the fact that Tribal ancestral lands included the Camas Prairie area, and the Tribes' expertise in environmental restoration, wildlife protection, and water stewardship brings another level to the Project attributes.

The significance of such a joint venture is pronounced. Revenues from the Project remain in Idaho and do not end up elsewhere like New York City or overseas. Those revenues will churn in Idaho and will multiply purchasing power many times over what other renewable facilities revenues that have only a small portion that would remain in the Idaho economy.

15 NOVEMBER 2023 - BAYER AG GLOBAL SUPPLIER DAYS

The Bayer RPA Contract delivers a full offset for Bayer's Soda Spring processing facility, the largest load in PacifiCorp control area and the largest load by a factor of six to the next largest load in Idaho.

Bayer AG works with over **80,000** Global suppliers. The significance of the Bayer/CCE relationship was borne out with Cat Creek Energy being awarded, out of those 80,000 suppliers in the agriculture, pharmaceutical, research, and development fields as Bayer's:



“2023 Supplier of the Year.”

30 NOVEMBER 2023 - SUPPLIER COMMITMENTS

The Supplier Chain for components is secure and ready for delivery commencing in 2024. Master Supply Agreements for the entire Project have been negotiated and executed ensuring quality components and timing to correspond with CCE’s construction build-out.

15 DECEMBER 2023 - CONTRACTOR COMMITMENTS

Contractors have come and gone over the years of uncertainty during the litigation, but Cat Creek Energy was able to secure the highest quality contractors, including the umbrella EPC [engineering, procurement, and construction] contractor. Many contractors who have Idaho divisions or Idaho companies are part of the construction contracting.



- EPC Contractor
- Civil Contractor
- Solar Contractor
- Wind Contractor
- Substation & Battery Contractor
- Electrical Contractor
- High Voltage Contractor
- Pumped Storage Contractor
- Subcontractors

Our contractors are committed to prevailing wage and apprenticeship programs, both internally and through the Laborers International Union of North America, local subcontractors hiring, and contributing to programs that benefit local social and charitable organizations and programs.



18 JANUARY 2024 - ADDITIONAL WATER RIGHTS FILING

Continuing to recognize the critical needs of Idaho for water storage and needs, Cat Creek Energy took up the mantle again and filed an application with the Idaho Department of Water Resources for an additional 50,000 acre-feet of heretofore unappropriated Spring run-off water from the South Fork of the Boise River.

This additional appropriation will be to the direct benefit of Elmore County and Boise Basin inhabitants, compensating as it does for the decreasing ability of mountain snowpack to store water as it has done traditionally.

CRITERIA UNDER DEVELOPMENT AGREEMENT SECTION 9, ANNUAL REVIEW

“The Annual Review during construction activities shall include a review of Developer’s plan (i) to implement erosion control measures, (ii) for the timing of construction activities, (iii) on federal and state permitting efforts, and (iv) for any other activities associated with construction and permitting activities.”

REVIEW TO IMPLEMENT EROSION CONTROL MEASURES

No construction activities have been performed to date. Therefore, no erosion control measures have been evidenced.

REVIEW FOR THE TIMING OF CONSTRUCTION ACTIVITIES

Construction of the wind and solar portions of the Project will receive a Limited Notice to Proceed in 2024.

REVIEW ON FEDERAL AND STATE PERMITTING EFFORTS

As explained above, FERC licensing is in suspension and extensions on the CUPs due to litigation will be decided on February 9, 2024.



REVIEW OF ANY OTHER ACTIVITIES ASSOCIATED WITH CONSTRUCTION

The aggressive schedule has been throttled back due to forestalling the permitting process in reference to challenges to the five Conditional Use Permits and the Development Agreement have been advanced and significant progress made in 2023.

02 FEBRUARY 2024 - UPDATE SUBMITTED



Thus, ends our Update to the Elmore County Commissioners on the Cat Creek Energy & Water Storage Renewable Power Station Projects deemed as the

“Most Consequential Water and Energy Project in the West”

The unprecedented benefits to the county, state, and the West have been articulated year-over-year.

The evidence is clear. An attempt to destroy the viability of the Project by introducing the most insidious of actions, litigation, indeed, did not destroy it. It hobbled us, prevented timely deployment of assets and buildout, but did not kill the Project as was apparently intended. In fact, the Project moved forward rapidly and decisively once the litigation came to a conclusion as identified in this Update. Elmore County and Cat Creek Energy were caught in a whirlwind which cost the two of us both precious time and came at great expense, yet both still stand to benefit from such an important dual purpose infrastructure.

Submitted this 02-February-2023 to Elmore County.

Exhibit D



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT
520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142
www.elmorecounty.org
Application for Development Agreement
\$500 + \$500 Deposit (Consultant Fees)

Please attach additional sheets of paper if necessary. **Do not fax!** Please complete in **INK**.

Applicant Name: Cat Creek Energy, LLC

Address: 398 S 9th St. Ste. 240, Boise, ID 83702

Email / Phone: terri@pickenslawboise.com, 208-954-5090

Legal Description of Property: (Attach if necessary) See attached Exhibit A

Statement: Specify the present and future proposed use or uses of the property upon which the development agreement is sought.

Applicant seeking a Second Amendment for Development Agreement
CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06,
CUP 2015-07

Development: Explain the time period for which the agreement is requested to be valid, including the time period with which the development or use must commence and the time period within which the development and the terms of the agreement are to be completed. Include the phasing plan and proposed phasing schedule.

Please see Exhibit B for draft Second Amendment to the Development
Agreement

Signature: Terri Pickens Date: 12/1/2023

Printed Name: Terri R. Pickens

<u>For Administrative Use Only</u>	
File Number: _____	
Fee: <u>\$500 + \$500 Deposit</u>	Date Paid: _____
Receipt Number: _____	
Date Accepted: _____	By: _____

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO CAT CREEK ENERGY, LLC CONDITIONAL USE PERMITS (CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06, CUP 2015-07)

This Second Amendment to Development Agreement Relative to Cat Creek Energy, LLC Conditional Use Permits (CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06, CUP 2015-07) (the “Second Amendment”) is entered into this ___ day of _____, 2023, (“Effective Date”), by and between Elmore County (the “County”), a political subdivision of the State of Idaho, and Cat Creek Energy, LLC, an Idaho limited liability company (the “Developer”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, The Parties entered into a Development Agreement on February 9, 2018;

WHEREAS, As part of the Development Agreement, the Parties agreed to defer negotiations and agreement on certain provisions related to water diversion and delivery to a later date, not to exceed December 31, 2018,

WHEREAS, on May 1, 2018, a Petition for Judicial Review was filed to invalidate the Development Agreement, staying the proceedings and preventing the Developer from moving forward with the CUPs.

WHEREAS, on December 14, 2018, the Parties entered into a First Amendment to Development Agreement Relative to Cat Creek Energy, LLC Conditional Use Permits (“First Amendment”), amending Section 2.2 of the Development Agreement, specifically related to water diversion and delivery, extending the deadline for negotiating terms for water storage and delivery to June 30, 2019.

WHEREAS, on May 23, 2019, the District Court entered an Order staying the deadline in Section 2.2 of the First Amendment until further order of the Court.

WHEREAS, on November 8, 2019, the District Court entered its Memorandum Decision and Order upholding the Development Agreement and CUPs, entering Judgment that same day dismissing the Petition for Judicial Review with prejudice.

WHEREAS, on December 19, 2019, a Notice of Appeal was filed with the Idaho Supreme Court, challenging the Development Agreement and CUPs. Pursuant to Idaho law, the appeal prompted a stay of any further proceedings on the Development Agreement or CUPs through the course of the appeal.

WHEREAS, on May 18, 2022, the Idaho Supreme Court entered its Opinion on the appeal, upholding the Development Agreement and CUPs. On June 14, 2022, the Idaho Supreme Court then issued its Amended Opinion on the appeal, still upholding the Development Agreement and CUPs.

provided for some but not all of the CUPs, the Approval for those CUPs that are not built out and operated within the foregoing time frames may be terminated as to those CUPs.”

The Parties hereby agree to replace Section 2.2 of the First Amendment with the following:

2.2 Water Diversion and Delivery.

2.2.1. Expansion of Reservoir. Developer will use reasonable efforts to expand its new upper reservoir (“Cat Creek Reservoir”) to be built under CUP 2015-04 and the Development Agreement. The total size of Cat Creek Reservoir may be modified to store up to 140,000-acre feet, of which 10,000 acre feet is considered freeboard area not designed for long-term storage, but might be used for short-term storage opportunities.

2.2.2. Approvals and Funding. Developer shall obtain the necessary approvals for water rights from the Idaho Department of Water Resources (“IDWR”) as may be necessary to operate the facilities. Other methods of operating the facilities through the lease and sale of water are permitted under this Agreement. Developer shall obtain and fund all evaluations, documents, leases, agreements, rights of way, and other authorizations, involving or pertaining to, engineering, hydrology, geology, and legal approvals needed for construction and operating of Cat Creek Pump Storage Hydro facility, which shall include, but is not limited to, water intakes and diversion works, pipelines/penstocks, pump/generator turbines, valves, gates, electrical systems, meters, access roads, remote sensing equipment, and ancillary items to divert and deliver water from the South Fork of the Boise River to Cat Creek Reservoir (“Cat Creek Improvements”).

2.2.3 Cost of Pump Storage Hydro Improvements. The Developer shall construct the pump storage hydro facility portion of the Project according to the terms and conditions of any federal permit and this Agreement.

2.2.4. County Water Delivery System. The County has established water right no. 63-34348 (the “County Water Right”) from the Boise River for the benefit of the County. The County has decided to construct its own pump station, pipeline and substation for water diversion directly from Anderson Ranch Reservoir to Little Camas Reservoir. The County will be responsible for obtaining and funding all evaluations, documents, leases, easements, rights of way, power acquisition, and other authorizations, involving, or pertaining to, engineering, hydrology, geology, and legal approvals needed for construction and operation of the County Water Infrastructure Improvements, which term shall include, but is not limited to, water intakes and diversion works, pipelines, pumps, valves, electrical systems, meters, access roads, remote sensing equipment, and ancillary items needed to divert and deliver water specifically from Anderson Ranch Reservoir to Little Camas Reservoir (“County Water Delivery Improvements”). If the County elects to have Developer store water diverted under the County Water Right pursuant to section 2.2.5, the County will be responsible for all infrastructure improvements needed to deliver water from the County’s pump station on the Boise River to Cat Creek Reservoir, and to release the County’s water

Exhibit E



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Development Agreement 2024-01

Hearing Date: February 9, 2024

BEFORE THE ELMORE COUNTY BOARD OF COUNTY COMMISSIONERS

In the matter of Second Amendment to Cat)	DA-2024-01
Creek Energy, LLC's Development)	
Agreement with the Board of County)	FINDINGS OF FACT,
Commissioners signed on February 9, 2018)	CONCLUSIONS OF LAW,
and as amended on December 31, 2018)	AND ORDER
)	
)	
)	

In Re: Development Agreement 2024-01 (DA-2024-01): This matter having come before the Board of County Commissioners of Elmore County, Idaho (the "Board"), on February 9, 2024, for a public hearing held pursuant to public notice as required by law, on a request for the Second Amendment to Cat Creek Energy LLC's ("CCE") Development Agreement for CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP2015-06, and CUP 2015-07 ("CUPs"). The proposal from CCE consisted amending of three major areas of the Development Agreement:

- (1) Extend the period of validity of the CUPs within the Development Agreement, to reflect litigation delays,
- (2) Increase the water storage capacity of the new Cat Creek Reservoir from 100,000 acre-feet to 140,000 acre-feet of water, and
- (3) Amend the terms of Section 2.2 of the Development Agreement in connection with the water diversion and water delivery to Elmore County.

At the said hearing, the Board opened the public hearing, heard from the Applicant's representative, Ms. Terri Pickens, and asked questions of her. The Board listened to the staff presentation, with staff recommendation for approval of Item # 1; evaluation of Item # 2 by the Planning & Zoning Commission; and denial of Item # 3 from the three requested areas. The Board opened the public hearing for public testimony, which included 5 people in support of the proposal to include CCE representatives, 5 people signed up for neutral position, and 7 people in opposition to DA-2024-01. Upon conclusion of the public hearing, the Board closed the record to additional evidence. The Board commenced deliberations on the Application, during which the Board asked staff to provide a detailed timeframe breakdown of the prior delays in the DA execution and how it relates to the requested 5-year extension period, to ensure that CCE receives an extension of time that commensurate with the delay caused by the reconsideration and judicial review process.

After that, the Board asked staff to prepare adopting documents and continued its deliberations to February 16, 2024, at 3:30pm, pending the additional extension information.

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the Application, the analysis and recommendations of the Elmore County Land Use and Building Department (the “**Department**”), and the record.

1) The Board finds that Application is comprised of:

- a) Application form prepared and submitted by Applicant for the proposed CUP application on or about December 1, 2023, subject to that additional submission from Applicant dated February 12, 2024; and
- b) Those supplemental letters, testimony, documentation, and memoranda submitted by the Applicant or on its behalf, whether submitted in response to questions from the Elmore County Land Use and Building Department (the “**Department**”) staff from or the Board.

2) The Board finds that the Applicant is:

Cat Creek Energy, LLC
398 S 9th St. #240
Boise, ID-83702

3) The Board finds the following facts as to the procedural matters pertaining to the Application:

- A. The Cat Creek Energy LLC’s Development Agreement with the Board was not required pursuant to Idaho Code Section 67-6511A, but instead, as a condition of approval for CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP2015-06, and CUP 2015-07.
- B. CCE Representative, Terri Pickens, reached out to Mr. Dylan Lawrence on November 20, 2023 to start the second amendment process.
- C. On November 21, 2023, Mr. Dylan Lawrence, provided an application form for DA amendment and offered a pre-application meeting if the proposal needed to include amendments to Section 2.2.
- D. On December 1, 2024, the Applicant submitted the application to the Department along with required fees.
- E. On January 24, 2024, and January 31, 2024, the Mountain Home News published a Notice of Public Hearing.
- F. On January 26, 2024, the Department notified affected agencies and properties within a 1-mile radius of the CUPs.
- G. On January 2, 2024, the site was posted at five (5) locations in and around the site to provide additional notifications to the neighboring properties.
- H. The Department has received multiple written comments and those are

- incorporated into the record for DA-2024-01.
- I. The Application was collectively reviewed and evaluated by the Director, Consulting Planner, and Counsel for the Department.
 - J. The Board opened the public hearing on February 9, 2024 at 1:30pm, and received verbal and written information regarding the Application.
 - K. At the conclusion of the testimony, the Chairman closed the public hearing.
 - L. The Board commenced deliberations on the Application. In the end, the Board asked staff to provide a detailed timeframe breakdown of the delays caused by the reconsideration and judicial review process and how it relates to the requested 5-year extension period, to ensure CCE receives additional time to commence the improvements and use envisioned in the CUPs.
 - M. Thereafter, the Board moved to continue its deliberations to February 16, 2024, at 3:30pm, pending the additional extension information. At the Applicant's request, the Board granted a temporary extension of DA and associated CUPs to February 16, 2024.
- 4) **The Board finds that DA-2024-01 is not attached with a Zoning Map Amendment and therefore, is not subject to Idaho Code Section 67-6511A, but instead, as a condition of approval for CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP2015-06, and CUP 2015-07.**
- 5) **The Board finds the applicant's delays for commencing improvements or use acceptable, given S Bar Ranch's motions for reconsideration, petition for judicial review, and the appellate proceedings, which started on February 16, 2018, and continued until the Idaho Supreme Court's final decision on June 14, 2022. Therefore, the applicant's request to extend the validity of CUPs is reasonable in order to allow development of the property as set forth in the approved Development Agreement. The Board further finds that based on staff's detailed timeframe breakdown (Attachment A), the validity of the CUPs pursuant to Section 1.1 of the Development Agreement should be extended from February 16, 2024 to Monday, October 19, 2026.**
- 6) **The Board finds that CCE's request to increase the water storage capacity of the new Cat Creek Reservoir from 100,000 acre-feet to 140,000 acre-feet of water is not supported with sufficient factual support and has not been evaluated by the Planning & Zoning Commission. The Board further finds that the current Development Agreement does not preclude the Board from taking subsequent actions applicable to the property if so needed to comply with the Local Land Use and Planning Act (LLUPA) or Elmore County Zoning and Development Ordinance. Therefore, the Board accepts the CCE's oral request at the public hearing to withdraw this proposal from DA-2024-01.**
- A. **The applicant has not yet secured water rights for 100,000- or 140,000-acre feet of water storage in support of the hydroelectric CUP (CUP 2015-04). The applicant**

has reportedly recently filed a water permit application with the Idaho Department of Water Resources (IDWR) to accommodate the additional 40,000 acre-feet of storage contemplated by this amendment, though a copy has not been provided, and IDWR has not yet advertised it. Otherwise, the applicant's water right proceedings before IDWR and licensing proceedings before the Federal Energy Regulatory Commission (FERC) have been stayed indefinitely, and it is unclear when either of them will resume. While the Board's decision does not necessarily depend on completion of those permitting processes, it would be helpful for the applicant to provide more information regarding these state and federal approvals and how they may impact the size of the proposed reservoir.

- B. Based upon the information provided, the Board is unable to confirm if the increased storage will be within the existing footprint of the property or stored within the 90-foot allowance in Condition 2 to Exhibit D of the Development Agreement. The applicant declined to provide a redline version of DA-2024-01, including legal description of the property, as requested by staff.
 - C. The applicant has provided "Exhibit D – Master Site Plan as of the Effective Date" with this proposal. This exhibit is not legible at the submitted scale to add any additional clarity.
 - D. Increasing the size of the new Cat Creek Reservoir by 40% is a substantive increase in the scope of this project that should first be evaluated by the Planning & Zoning Commission in accordance with Sections 6-4-10(A)(6) and 7-9-2(B) of the Elmore County Code, the Local Land Use Planning Act ("LLUPA"), and related judicial decisions. In particular, Idaho Supreme Court Chief Justice Bevan, as well as Justices Brody, Stegner, and Moeller affirmed Judge Baskin, in their amended order on June 14, 2022. In her November 7, 2019 Memorandum Decision, Judge Baskin warned against using the Development Agreement to circumvent the typical LLUPA/CUP process for "material modifications" of the project. Despite these legal provisions, CCE's representatives have expressed unwillingness to return to the Planning and Zoning Commission and instead have withdrawn this request.
- 7) **The Board fails to recognize how the proposed replacement of Section 2.2 meets the intent or substance set forth in the Development Agreement for this section. The Board further finds it difficult to understand how the current proposal serves positive benefits to the County, its residents, or taxpayers as discussed by CCE during the CUP Hearings.**

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Board concludes that extending the deadline in Section 1.1 meets the intent and substance of the original Development Agreement. As to the request to increase the size of Cat Creek Reservoir, the Board concludes that request should first be evaluated by the Planning & Zoning Commission in order to determine how it complies with the following regulating documents governing the use and the CUPs:

- A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “**Comprehensive Plan**”); and
- B. Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.

As to the request to satisfy Section 2.2 of the Development Agreement, the Board concludes the current proposal does not meet the substance and intent of the Development Agreement because the marginal benefit to the County (temporary water storage) does not justify the costs to be incurred by the County in order to implement the proposal.

ORDER

Based on evidence presented at the February 9, 2024, public hearing and the aforementioned findings of fact and conclusions of law, the Board orders the following for DA-2024-01:

- 1. Amend Condition No. 1 of Section 1.1 of the Development Agreement in the following manner:

“The Conditional Use Permits shall be valid until October 17, 2026. Provided all improvements are completed and the use commences within this timeframe, the CUPs, subject to compliance with the Conditions and this Agreement, shall continue in effect for such time as the Project is in regular operation. In the event that improvements are completed, and use commences within the timeframes provided for some but not all of the CUPs, the Approval for those CUPs that are not built out and operated within the foregoing timeframes may be terminated as to those CUPs.”

- 2. Allow CCE to withdraw the proposal for increasing water storage capacity of the proposed Cat Creek Reservoir; and
- 3. Deny the proposed Section 2.2 and keep the existing language of Section 2.2 of the Development Agreement for CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP2015-06, and CUP 2015-07 (“CUPs”).

Dated this 16th day of February 2024

BOARD OF COUNTY COMMISSIONER’S VOTE:


CHAIRMAN BUD CORBUS
 COMMISSIONER CRYSTAL RODGERS
 COMMISSIONER AL HOFER

VOTED
 VOTED
 VOTED

AYE/NAY
AYE/NAY
AYE/NAY



Bud Corbus, Chairman



Crystal Rodgers, Board Member



Al Hofer, Board Member

ATTEST:



Shelley Essl, Board Clerk



NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-12

A decision made by the Board of County Commissioners may be reconsidered by the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

Exhibit F



Dylan Lawrence <dylan@varinthomas.com>

Permit App. No. 63-3552

1 message

Dylan Lawrence <dylan@varinthomas.com> Sat, Mar 9, 2024 at 3:04 PM
To: TJ Budge <tj@racineolson.com>, Terri Pickens <terri@pickenslawboise.com>

TJ, Terri-

IDWR recently published notice of the attached water right application. Since Cat Creek Energy withdrew its request to amend the DA to increase the capacity of Cat Creek Reservoir, is it going to withdraw this permit application too? Just curious.

Thanks,
Dylan

Dylan Lawrence
242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 345-6021
VarinThomas.com



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 **2024-01-18 Application for Permit 63-35522.pdf**
12765K

Exhibit G

February 15, 2024

Via email (dylan@varinthomas.com; mmehtacooper@elmorecounty.org;
vtrevathan@elmorecounty.org)

Dylan Lawrence
242 N. 8th St., STE 220
Boise, ID 83702

Elmore County Land Use and Building Dept.
c/o Mitra Mehta-Cooper
520 E. 2nd St.
Mountain Home, ID 83647

Elmore County Board of County Commissioners
c/o Vicky Trevathan
150 S. 4th E.
Mountain Home, ID 83647

RE: Cat Creek Energy LLC's Development Agreement

Dear Ladies and Gentlemen:

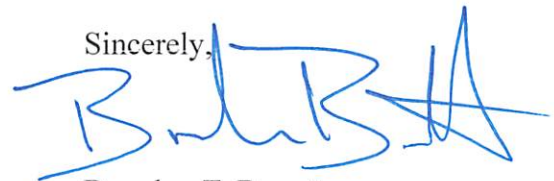
Our firm represents Big Sky Farms Limited Partnership ("Big Sky Farms") with regards to the real property it owns in Elmore County, Idaho near and adjacent to the location for the proposed creation of the new Cat Creek Reservoir that is subject to various conditional use permits and/or development agreements involving Cat Creek Energy, LLC ("CCE") and Elmore County (the "County").

In our review of various marketing and planning materials put out by CCE regarding the Cat Creek Reservoir proposal—including without limitation the annual report for 2024 recently submitted to the County by CCE's counsel—we note that such documentation contains depictions of the proposed reservoir that show substantial portions (estimated to be approximately 500 acres) of such reservoir covering real property owned by Big Sky Farms. Similarly, materials put out by CCE also show other infrastructure, including the reservoir spillway, access roads, and utility transmission lines located on real property owned by Big Sky Farms. For ease of illustration, enclosed herewith is an arial view previously provided in commentary by other interested parties highlighting the portion of the apparent footprint of Cat Creek Reservoir that overlays Big Sky Farms' property. Please note that the real property west of the outlined area is also owned by Big Sky Farms. Our presumption is that the recent request

to increase the size of such reservoir would only lead to a further incursion onto Big Sky Farms' property.

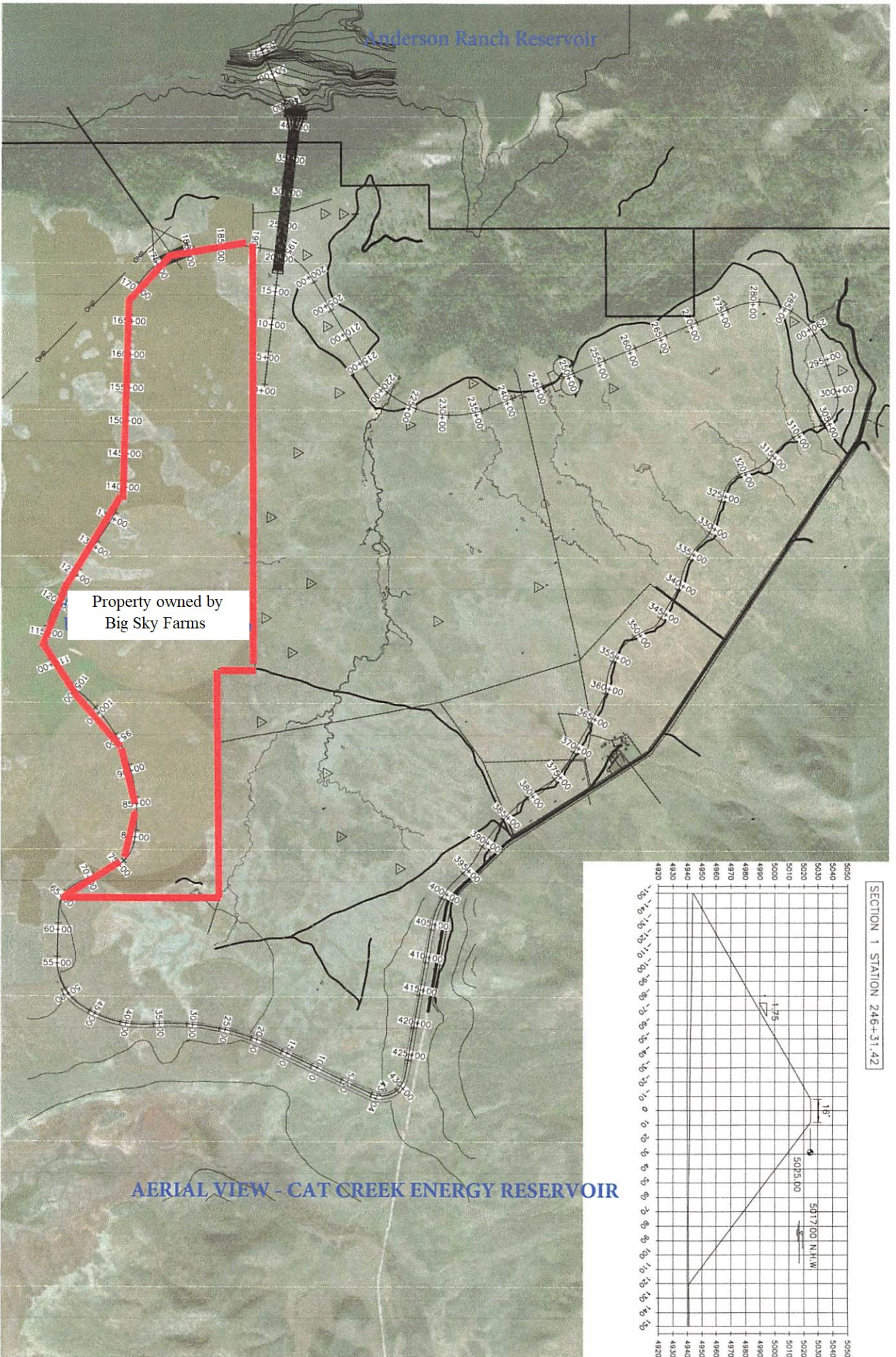
Please be aware that Big Sky Farms has no agreements whatsoever with CCE—whether relating to a sale, lease, easement, license, right of way, etc.—whereby CCE has the right to use real property of Big Sky Farms in connection with the Cat Creek Reservoir proposal. Given the scope, complexity, and public interest in the proposal, we wanted to bring this matter to the County's attention so that the County has full disclosure of potential issues and concerns with the ambitious project CCE is pursuing. In conjunction herewith, also enclosed is a letter from G. Erick Powell of Brockway Engineering P.L.L.C. addressing related issues with the proposed project and requested expansion.

Thank you for your attention to this matter. Please let us know if there are any questions, or if we can provide any further information.

Sincerely,

Brandon T. Berrett

Enclosures (2)

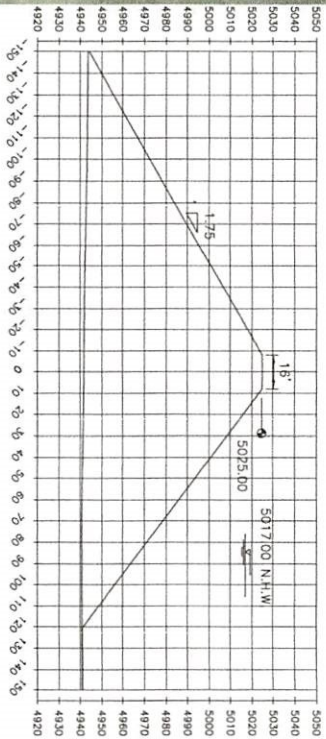
Anderson Ranch Reservoir



Property owned by Big Sky Farms

AERIAL VIEW - CAT CREEK ENERGY RESERVOIR

SECTION 1 STATION 246+31.42





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 15, 2024

Elmore County Board of County Commissioners
520 East 2nd South Street
Mountain Home, Idaho 83647

RE: Cat Creek Energy Water Rights

Dear County Commissioners,

On your February 16th agenda is the action item to make a decision regarding the Cat Creek Energy Development Agreement Second Amendment. The Cat Creek Energy developer proposes amending the development agreement in three main areas, (1) extending the validity of the CUPs within the development agreement, (2) increase the water storage capacity of the new Cat Creek Reservoir from 100,00 acre-feet to 140,000 acre-feet, and (3) amend the terms of the development agreement in connection with the water diversion and water delivery to Elmore County. I have been asked by Mr. Don McFarland, managing partner of Big Sky Farms, LLC, to briefly review the water right permit applications, as it relates to Big Sky Farms, LLC.

Brief Summary of Water Right Applications

County staff correctly points out that Cat Creek Energy does not have water right(s) or water right permit(s) that allows impoundment of water for 100,000 acre-feet, let alone the amended 140,000 acre-feet. Over the past few years, Cat Creek Energy has applied for several water rights, which have been advertised and protested, as shown in Table 1.

Table 1: Water right applications filed by Cat Creek Energy.

Water Right Permit No.	Application Date	Div. Rate (cfs)	Source	Protest Deadline	Status
63-34403	5/16/2017	9996	South Fork Boise River	9/24/2018	Protested
63-34652	4/26/2019	3000	South Fork Boise River	6/24/2019	Protested
63-34897	4/21/2020	2000	South Fork Boise River	6/8/2020	Protested
63-34900	4/22/020	2000	South Fork Boise River	6/8/2020	Protested

It appears that IDWR may have consolidated the water right permit applications into water right application no. 63-34900. The protests have not

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IDAHO 83301

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been withdrawn and no water right hearing has been scheduled. As of today, there are no water rights or water right permits that authorize Cat Creek Energy to divert any water into a reservoir for any purpose. Because these applications have been protested, IDWR will schedule a hearing to collect all information and then rule on the validity of the application and/or protests. IDWR may approved, modify, or deny the applications.

Contested Applications

One aspect of the water right application that will be evaluated during a hearing is vested interest of the property at the point of diversion and place of use. Water right applications must include ownership the identified point of diversion and the place of use and show vested interest in the property. The point of diversion from the South Fork of the Boise River is identified as owned by the Federal Government and I could not find a trespass agreement or special use permit that authorizes Cat Creek Energy to construct the diversion infrastructure necessary to divert 9996 cfs.

Water right application no. 63-34403 proposes the place of use of the reservoir to be on property owned by Wood Creek Ranch, LLC. I could not find any agreement that authorizes the applicant to construct a reservoir on Wood Creek Ranch property. Additional applications increased the size of the reservoir to include property owned by Big Sky Farms, LLC as shown in Figure 1. Mr. Don McFarland is the managing member of Big Sky Farms and has not granted authorization to Cat Creek Energy to construct a reservoir. Given the information provided, Cat Creek Energy does not have vested interest in either the points of diversion or places of use. IDWR has routinely denied applications that do not have vested interest in the proposed properties.

Opinion

It is my opinion that it is premature for Cat Creek Energy to request Elmore County to amend the development agreement to increase the proposed reservoir storage capacity to 140,000 acre-feet, when the original water right applications for 100,000 acre-feet storage still have pending protests and not been decided in a public hearing.

Based on the information I have reviewed; it does not appear that Cat Creek Energy has vested interest in the proposed property that will be used as the points of diversion or the reservoir places of use. During a water right hearing,

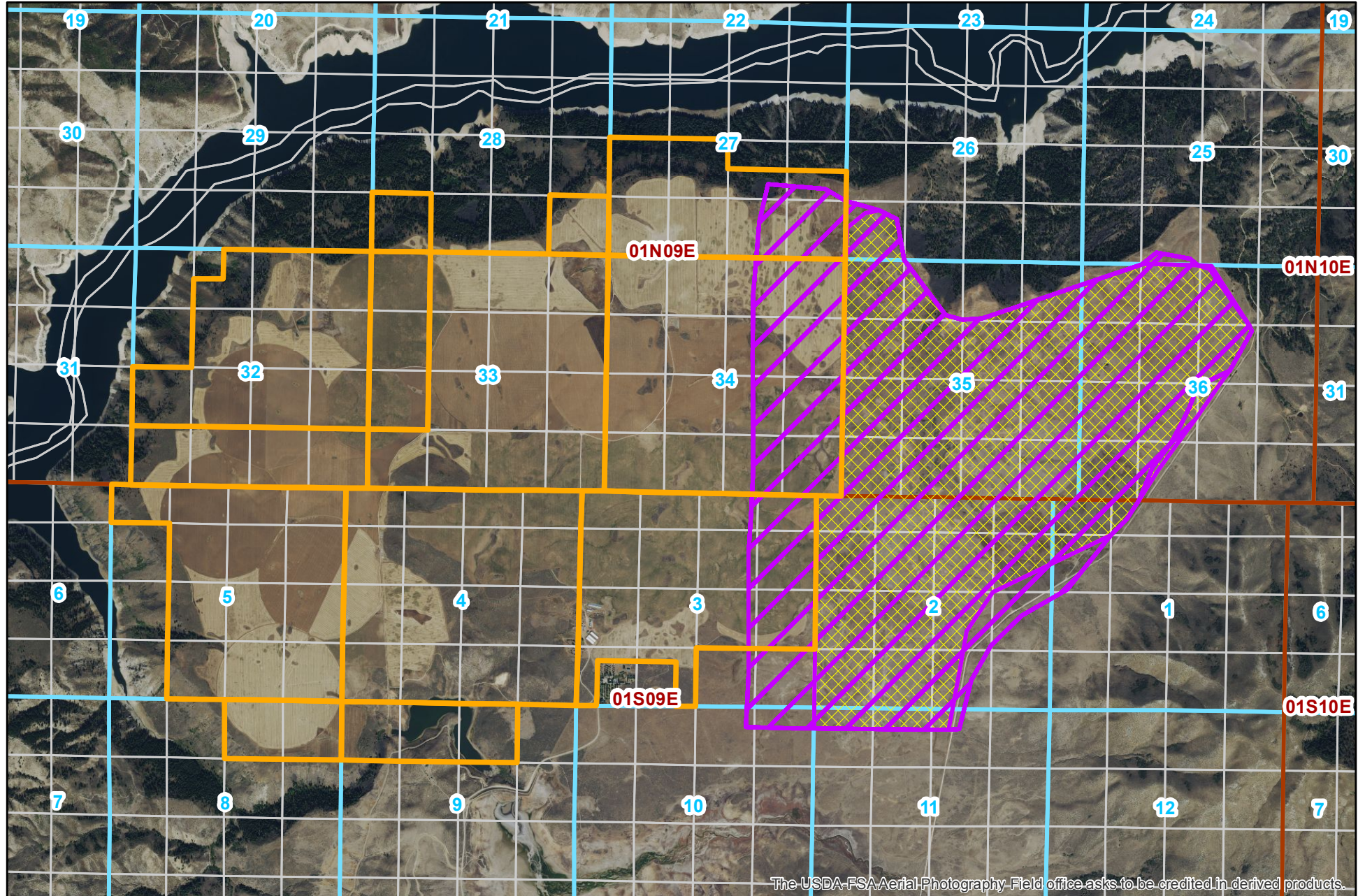
it is probable that IDWR would modify the application to ensure vested interest or deny the application.

In addition, the most recent reservoir size of 100,000 acre-feet current encroaches onto property owned by Big Sky Farms, who has not granted permission to Cat Creek Energy to construct any infrastructure on their property. The proposed amendment increases the capacity of the reservoir by 40% to 140,000 acre-feet. If the volume of the reservoir increases, the size of the reservoir will have to increase, and potentially encroaching onto property owned by Big Sky Farms, more than the current 100,000 acre-feet reservoir. Big Sky Farms has not granted permission to such a proposal.

Sincerely,



G. Erick Powell, Ph.D., P.E.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

1 inch = 3,000 feet

CAT CREEK ENERGY
WATER RIGHT APPLICATION PLACE OF USE
BIG SKY FARMS

BROCKWAY ENGINEERING, PLLC.
EMP - Date: 2/15/2024

NAIP 2021 AERIAL

Legend

- BIG SKY FARMS
- POU FOR STORAGE
- POU FOR POWER STORAGE



Water Application Report : 63-34403

IDAHO DEPARTMENT OF WATER RESOURCES

2/15/2024

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
	UNITED STATES OF AMERICA ACTING THROUGH	BUREAU OF RECLAMATION REGIONAL DIRECTOR PN CODE-3100 1150 N CURTIS RD STE 100	BOISE	ID	83706-1234
	WOOD CREEK RANCH LLC	1989 S 1875 E	GOODING	ID	83330-5330
Attorney	RACINE OLSON PLLP	C/O RANDALL C BUDGE PO BOX 1391	POCATELLO	ID	83204-1391
Current Owner	CAT CREEK ENERGY LLC	398 S 9TH ST STE 240	BOISE	ID	83702-7169
Representative	IDAHO WATER ENGINEERING	2918 N EL RANCHO PL	BOISE	ID	83704-6286

Water Application Status

Priority Date : 5/16/2017

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SOUTH FORK BOISE RIVER		BOISE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	QQ	QQ	Q	County	Diversion Type
SOUTH FORK BOISE RIVER	01N	09E	26	SW	NE		ELMORE	
SOUTH FORK BOISE RIVER	01N	09E	26	SW	NW		ELMORE	
SOUTH FORK BOISE RIVER	01N	09E	26	SE	NW		ELMORE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
POWER STORAGE	01/01	12/31		101352.00 AFA
POWER FROM STORAGE	01/01	12/31		100000.00 AFA
DIVERSION TO STORAGE	01/01	12/31	9996.00 CFS	
TOTAL			9996.00 CFS	101352.00 CFS

Places of Use

Printable View

Paged View

Place of Use Legal Description : POWER FROM STORAGE (ELMORE county)

Township	Range	Section	Lot	QQ	QQ	Q	Acres
01N	09E	26		SW	NE		
01N	09E	26		SW	NW		
01N	09E	26		SE	NW		

Place of Use Legal Description : POWER STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	26			SW	SW	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01N	09E	36			NW	SE	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NW	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	2		SW	SE		
01S	09E	11		NW	NE		
01S	09E	11		NE	NW		
01S	09E	11		NW	NW		

Dates

Licensed Date :
 Decreed Date :
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargment Use Priority Date :
 Enlargement Statute Priority Date :
 Water Supply Bank Enrollment Date Accepted :
 Water Supply Bank Enrollment Date Removed :
 Application Received Date: 5/16/2017
 Protest Deadline Date: 9/24/2018

Other Information

Application Type : New Appropriation
 Applicant Remarks : This application is subordinate to first and second fill of existing reservoirs in the Boise River Basin. See application for extensive applicant remarks.
 Other Water Rights : None
 Time To Complete Works : 5.00
 Transfer Affected Description :
 Transfer Affected Contracts : False
 Old Transfer Number : 0
 Transfer Reason :
 Transfer Return Flows :
 State or Federal :
 Water District Number : TBD
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

Water Application Report : 63-34900

IDAHO DEPARTMENT OF WATER RESOURCES

2/15/2024

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	CAT CREEK ENERGY LLC	398 S 9TH ST STE 240	BOISE	ID	83702-7169
Representative	IDAHO WATER ENGINEERING	2918 N EL RANCHO PL	BOISE	ID	83704-6286

Water Application Status

Priority Date : 4/22/2020

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BOISE RIVER	SOUTH FORK	BOISE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	QQQ	QQ	Q	County	Diversion Type
BOISE RIVER	01N	09E	26		SW	NE	ELMORE	
BOISE RIVER	01N	09E	26		SW	NW	ELMORE	
BOISE RIVER	01N	09E	26		SE	NW	ELMORE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	01/01	12/31		19000.00 AFA
IRRIGATION FROM STORAGE	03/15	11/15		19000.00 AFA
INDUSTRIAL STORAGE	01/01	12/31		19000.00 AFA
INDUSTRIAL FROM STORAGE	01/01	12/31		19000.00 AFA
COMMERCIAL STORAGE	01/01	12/31		19000.00 AFA
COMMERCIAL FROM STORAGE	01/01	12/31		19000.00 AFA
WILDLIFE STORAGE	01/01	12/31		19000.00 AFA
WATER QUALITY IMPROVEMENT STORAGE	01/01	12/31		19000.00 AFA
WATER QUALITY IMPROVEMENT FROM STORAGE	01/01	12/31		19000.00 AFA
GROUND WATER RECHARGE STORAGE	01/01	12/31		19000.00 AFA
GROUND WATER RECHARGE FROM STORAGE	01/01	12/31		19000.00 AFA
MUNICIPAL STORAGE	01/01	12/31		19000.00 AFA
MUNICIPAL FROM STORAGE	01/01	12/31		19000.00 AFA
DOMESTIC STORAGE	01/01	12/31		19000.00 AFA
DOMESTIC FROM STORAGE	01/01	12/31		19000.00 AFA
RECREATION STORAGE	01/01	12/31		19000.00 AFA
DIVERSION TO STORAGE	01/01	12/31	2000.00 CFS	
FISH HABITAT STORAGE	01/01	12/31		19000.00 AFA
STREAMFLOW MAINTENANCE STORAGE	01/01	12/31		19000.00 AFA
STREAMFLOW MAINTENANCE FROM STORAGE	01/01	12/31		19000.00 AFA

MITIGATION BY DELIVERY STORAGE	01/01 12/31	19000.00 AFA
MITIGATION BY DELIVERY FROM STORAGE	01/01 12/31	19000.00 AFA
TOTAL	2000.00 CFS	19000.00 CFS

Places of Use

[Printable View](#)

[Paged View](#)

Place of Use Legal Description : IRRIGATION STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25		SE	SW		
01N	09E	26		SW	SW		
01N	09E	27		NE	SE		
01N	09E	27		NW	SE		
01N	09E	27		SW	SE		
01N	09E	27		SE	SE		
01N	09E	34		NE	NE		
01N	09E	34		NW	NE		
01N	09E	34		SW	NE		
01N	09E	34		SE	NE		
01N	09E	34		NE	SE		
01N	09E	34		NW	SE		
01N	09E	34		SW	SE		
01N	09E	34		SE	SE		
01N	09E	35		NE	NE		
01N	09E	35		NW	NE		
01N	09E	35		SW	NE		
01N	09E	35		SE	NE		
01N	09E	35		NE	NW		
01N	09E	35		NW	NW		
01N	09E	35		SW	NW		
01N	09E	35		SE	NW		
01N	09E	35		NE	SW		
01N	09E	35		NW	SW		
01N	09E	35		SW	SW		
01N	09E	35		SE	SW		
01N	09E	35		NE	SE		
01N	09E	35		NW	SE		
01N	09E	35		SW	SE		
01N	09E	35		SE	SE		
01N	09E	36		NW	NE		
01N	09E	36		SW	NE		
01N	09E	36		NE	NW		
01N	09E	36		NW	NW		
01N	09E	36		SW	NW		
01N	09E	36		SE	NW		
01N	09E	36		NE	SW		
01N	09E	36		NW	SW		

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : COMMERCIAL STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : WILDLIFE STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	35				NW SE	
01N	09E	35				SW SE	
01N	09E	35				SE SE	
01N	09E	36				NW NE	
01N	09E	36				SW NE	
01N	09E	36				NE NW	
01N	09E	36				NW NW	
01N	09E	36				SW NW	
01N	09E	36				SE NW	
01N	09E	36				NE SW	
01N	09E	36				NW SW	
01N	09E	36				SW SW	
01N	09E	36				SE SW	
01S	09E	1	3			NE NW	
01S	09E	1	4			NW NW	
01S	09E	1				SW NW	
01S	09E	2	1			NE NE	
01S	09E	2	2			NW NE	
01S	09E	2				SW NE	
01S	09E	2				SE NE	
01S	09E	2	3			NE NW	
01S	09E	2	4			NW NW	
01S	09E	2				SW NW	
01S	09E	2				SE NW	
01S	09E	2				NE SW	
01S	09E	2				NW SW	
01S	09E	2				SW SW	
01S	09E	2				SE SW	
01S	09E	2				NE SE	
01S	09E	2				NW SE	
01S	09E	2				SW SE	
01S	09E	3	1			NE NE	
01S	09E	3	2			NW NE	
01S	09E	3				SW NE	
01S	09E	3				SE NE	
01S	09E	3				NE SE	
01S	09E	3				NW SE	
01S	09E	3				SW SE	
01S	09E	3				SE SE	
01S	09E	10				NE NE	
01S	09E	10				NW NE	
01S	09E	11				NW NE	
01S	09E	11				NE NW	
01S	09E	11				NW NW	

Place of Use Legal Description : WATER QUALITY IMPROVEMENT STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : GROUND WATER RECHARGE STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : MUNICIPAL STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : DOMESTIC STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : RECREATION STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : FISH HABITAT STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : STREAMFLOW MAINTENANCE STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : MITIGATION BY DELIVERY STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	25			SE	SW	
01N	09E	26			SW	SW	
01N	09E	27			NE	SE	
01N	09E	27			NW	SE	
01N	09E	27			SW	SE	
01N	09E	27			SE	SE	
01N	09E	34			NE	NE	
01N	09E	34			NW	NE	
01N	09E	34			SW	NE	
01N	09E	34			SE	NE	
01N	09E	34			NE	SE	
01N	09E	34			NW	SE	
01N	09E	34			SW	SE	
01N	09E	34			SE	SE	
01N	09E	35			NE	NE	
01N	09E	35			NW	NE	
01N	09E	35			SW	NE	
01N	09E	35			SE	NE	
01N	09E	35			NE	NW	
01N	09E	35			NW	NW	
01N	09E	35			SW	NW	
01N	09E	35			SE	NW	
01N	09E	35			NE	SW	
01N	09E	35			NW	SW	
01N	09E	35			SW	SW	
01N	09E	35			SE	SW	
01N	09E	35			NE	SE	
01N	09E	35			NW	SE	
01N	09E	35			SW	SE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	35			SE	SE	
01N	09E	36			NW	NE	
01N	09E	36			SW	NE	
01N	09E	36			NE	NW	
01N	09E	36			NW	NW	
01N	09E	36			SW	NW	
01N	09E	36			SE	NW	
01N	09E	36			NE	SW	
01N	09E	36			NW	SW	
01N	09E	36			SW	SW	
01N	09E	36			SE	SW	
01S	09E	1	3		NE	NW	
01S	09E	1	4		NW	NW	
01S	09E	1			SW	NW	
01S	09E	2	1		NE	NE	
01S	09E	2	2		NW	NE	
01S	09E	2			SW	NE	
01S	09E	2			SE	NE	
01S	09E	2	3		NE	NW	
01S	09E	2	4		NW	NW	
01S	09E	2			SW	NW	
01S	09E	2			SE	NW	
01S	09E	2			NE	SW	
01S	09E	2			NW	SW	
01S	09E	2			SW	SW	
01S	09E	2			SE	SW	
01S	09E	2			NE	SE	
01S	09E	2			NW	SE	
01S	09E	2			SW	SE	
01S	09E	3	1		NE	NE	
01S	09E	3	2		NW	NE	
01S	09E	3			SW	NE	
01S	09E	3			SE	NE	
01S	09E	3			NE	SE	
01S	09E	3			NW	SE	
01S	09E	3			SW	SE	
01S	09E	3			SE	SE	
01S	09E	10			NE	NE	
01S	09E	10			NW	NE	
01S	09E	11			NW	NE	
01S	09E	11			NE	NW	
01S	09E	11			NW	NW	

Place of Use Legal Description : INDUSTRIAL STORAGE (ELMORE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	09E	26			SW	SW	

Dates

Licensed Date :
Decreed Date :
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Water Supply Bank Enrollment Date Accepted :
Water Supply Bank Enrollment Date Removed :
Application Received Date: 4/22/2020
Protest Deadline Date: 6/8/2020

Other Information

Application Type : New Appropriation
Applicant Remarks :
Other Water Rights :
Time To Complete Works : 5.00
Transfer Affected Description :
Transfer Affected Contracts : False
Old Transfer Number : 0
Transfer Reason :
Transfer Return Flows :
State or Federal : S
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False