



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 1, 2024

BRANDON T. BARRETT
WRIGHT BROTHERS LAW OFFICE, PLLC
PO BOX 5678
TWIN FALLS ID 83303-5678

RE: March 14, 2024, Letter In re Application for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900, in the Name of Cat Creek Energy LLC

Mr. Barrett:

The Idaho Department of Water Resources (“Department”) received your letter dated March 14, 2024, regarding four permit applications to appropriate water filed by Cat Creek Energy, LLC (“CCE”). The four applications have been protested and are part of a contested case proceeding before the Department for which I am the presiding officer. The Department’s Rules of Procedure (IDAPA 37.01.01) govern the contested application process. Rule of Procedure 414 states in relevant part:

When a presiding officer becomes aware of a communication regarding any substantive issue from a party or representative of a party or a member of the general public during a contested case, the presiding officer shall place a copy or written summary of the communication in the file for the case and order the party providing the communication to serve a copy of the communication or written summary upon all parties of record.

Your letter notifies the Department that the CCE applications propose development on land owned by your client, Big Sky Farms Limited Partnership (“Big Sky”), and that Big Sky has not entered into any agreements with CCE to its land.

Big Sky has not formally sought to participate in the contested case proceeding. I conclude that your letter is a “communication regarding [a] substantive issue” and that you are a member of the “general public.” Accordingly, I will place your communication in the case file and instruct you to serve a copy of the letter to all parties of record. To ensure the letter is properly served, please see the enclosed certificate of service for the CCE contested case proceeding. If Big Sky wishes to participate in the contested case, please refer to the Department’s Rules of Procedure, IDAPA 37.01.01. The rules are available from the Department upon request or can be viewed online here: <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

Respectfully,

Mathew Weaver
Director

enclosures

cc Nick Miller, IDWR Western Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of _____, 20___, I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

CAT CREEK ENERGY LLC
398 S 9TH ST STE 240
BOISE ID 83702-7169
(208) 336-1370
jtc@ccewsrps.com
Applicant

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

ATTN: DAVID R. TUTHILL JR
IDAHO WATER ENGINEERING
2918 N EL RANCHO PL
BOISE ID 83704-6286
(208) 378-1513
dave@idahowaterengineering.com
Representative for Cat Creek Energy LLC

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ATTN: FREDRIC W. PRICE
UNITED STATES DEPT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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Protestant

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- Email

ELMORE COUNTY BOARD OF
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150 S 4TH E
MOUNTAIN HOME ID 83647-3060
(208) 587-2129
sessl@elmorescounty.org
Protestant

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*Attorney for Elmore County Board of
Commissioners*

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BOISE PROJECT BOARD OF CONTROL
C/O ALBERT P. BARKER
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Protestant

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ATTN: SCOTT N. PUGRUD
IDAHO POWER COMPANY
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BOISE ID 83707-0070
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spugrud2@idahopower.com
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Attorneys for Protestants:

Ballentyne Ditch Co
Boise Valley Irrigation Ditch Co
Canyon County Water Co
Eureka Water Co
Farmer's Cooperative Ditch Co
Farmers Union Ditch Co
Middleton Mill Ditch Co
Middleton Irrigation Assn Inc
Nampa & Meridian Irrigation District
New Dry Creek Ditch Co
Pioneer Ditch Co
Pioneer Irrigation District
Settlers Irrigation District
South Boise Water Co
Thurman Mill Ditch Co

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<<Name>>

<<Title>>