

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS  
FOR PERMIT NOS. 63-34403, 63-34652,  
63-34897, AND 63-34900, IN THE NAME  
OF CAT CREEK ENERGY LLC

**NOTICE OF STATUS CONFERENCE**

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 63-35522, IN THE NAME OF  
CAT CREEK ENERGY LLC

**BACKGROUND**

On May 16, 2017, Cat Creek Energy LLC (“CCE”) filed an application for permit to appropriate water with the Idaho Department of Water Resources (“Department”), assigned Permit No. 63-34403. Between 2019 and 2020, CCE filed three additional separate, related applications for permits to appropriate water with the Department—Permit Nos. 63-34652, 63-34987, and 63-34900. All four applications to appropriate water were protested by multiple parties. On June 10, 2020, the Department issued an amended order consolidating the dockets and parties under this one proceeding.

On August 31, 2023, the Director issued an *Order Granting Motion to Move Applications to Informal Proceedings* (“*Order*”), ordering that the contested matter continue through informal proceedings and that “every six months [], until the matter returns to formal proceedings, Cat Creek Energy LLC shall file a status report with the Department on the related Federal Energy Regulatory Commission and Bureau of Reclamation proceedings.” *Order*, at 2–3.

On January 18, 2024, CCE filed an additional separate, related application for permit to appropriate water with the Department—Permit No. 63-35522. Protests were filed with the Department by the Ballentyne Ditch Company et al.,<sup>1</sup> U.S. Department of Interior, Bureau of Land Management, Boise Project Board of Control, Elmore County Board of Commissioners, Idaho Power Company, and Allen Thompson. Additionally, on May 20, 2024, the Idaho Department of Fish and Game filed a *Petition to Intervene*. The fifth application is currently separate from the other four consolidated applications.

On March 29, 2024, CCE filed a *Status Report and Motion to Continue Informal Proceedings*. In response, on April 10, 2024, the Board of Commissioners of Elmore County

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<sup>1</sup> Sawtooth Law Office, PLLC filed one protest on behalf of Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Farmers Union Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company (collectively, “Ballentyne Ditch Company et al.”).

filed a *Response to Status Report and Motion to Continue Informal Proceedings* (“*Response*”) claiming that CCE’s “filing contains some vague and misleading statements.” *Response*, at 2.

The Director has determined that it is necessary to hold a status conference, that all parties must attend, to discuss (1) whether the new application should be consolidated with the other consolidated applications, (2) whether the Idaho Department of Fish and Game’s May 20, 2024 *Petition to Intervene* should be granted, (3) the status of the Elmore County, Federal Energy Regulatory Commission, and Bureau of Reclamation proceedings, and (4) whether informal proceedings should continue.

### NOTICE OF STATUS CONFERENCE

The Director hereby notifies the parties that a status conference on these matters will be held on June 13, 2024, at 1:30 p.m. (MT), at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–D, Boise, Idaho. All parties to the matters must be represented at the status conference in person or by video conferencing.

To attend the conference via computer or smartphone, please click the following Webex link, follow the prompts, and wait to be admitted by the meeting host:  
<https://idahogov.webex.com/idahogov/j.php?MTID=m6c7c1cf59ea281e1a2def382d6872ab9>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2634 311 2029.

The status conference will be held in accordance with the provisions of Chapter 17, Title 42, and Chapter 52, Title 67, Idaho Code, and the Department’s Rules of Procedure, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. Inquiries for special accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, PO Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815, email [sarah.tschohl@idwr.idaho.gov](mailto:sarah.tschohl@idwr.idaho.gov).

DATED this 22nd day of May 2024.



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MATHEW WEAVER  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of May 2024, I caused to be served a true and correct copy of the foregoing *Notice of Status Conference*, by the method indicated below, upon the following:

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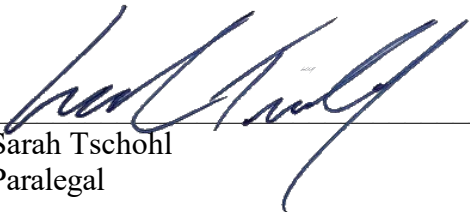
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