

Thomas J. Budge (ISB No. 7465)  
Elisheva M. Patterson (ISB No. 11746)  
RACINE OLSON, PLLP  
201 E. Center St. / P. O. Box 1391  
Pocatello, Idaho 83204-1391  
(208) 232-6101  
tj@racineolson.com  
elisheva@racineolson.com  
*Attorneys for Cat Creek Energy, LLC*

Ann Vonde (ISB No. 8406)  
OFFICE OF THE ATTORNEY GENERAL  
700 W. Jefferson St. #210 / P.O. Box 83720  
Boise, Idaho 83720-0010  
(208) 334-4141  
ann.vonde@ag.idaho.gov  
*Attorneys for Idaho Department of Lands*

**DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

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

**JOINT STIPULATION AND MOTION  
TO WITHDRAW PROTEST**

This stipulation is submitted jointly by Creek Energy, LLC (“CCE”) and the Idaho Department of Lands (“IDL”) pursuant to rules 412.01.d, 556, and 612 of the Rules of Procedure of the Idaho Department of Water Resources (the “Department”). IDL and CCE hereby stipulate to a settlement of IDL’s protest in the above-captioned matters on the terms and conditions set forth herein.

On May 17, 2017, CCE filed Application for Permit 63-34403 to store 100,000 acre-feet in what is commonly known as Cat Creek Reservoir for hydropower purposes. On April 1, 2019, CCE filed Application for Permit 63-34652 to store 30,000 acre-feet in Cat Creek Reservoir for irrigation and municipal purposes in Treasure Valley. On June 24, 2019, IDL filed a Notice of Protest against Application for Permit 63-34652. CCE subsequently filed Applications for Permits 63-34897 and 63-34900 to store an additional 31,000 acre-feet and 19,000 acre-feet, respectively,

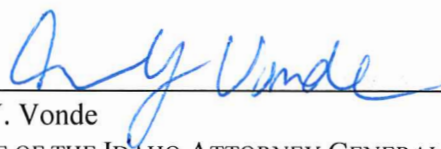
in Cat Creek Reservoir for various beneficial uses on Treasure Valley. On May 28, 2020, the Director of the Department issued an Order Consolidating Dockets which consolidated proceedings on Applications for Permits 63-34403, 63-34652, 63-34900 and 63-34987 (collectively the "Applications"), and which recognized all parties to the consolidated contested case without additional procedure, protest, or intervention.

IDL hereby stipulates that its protest against the Applications will be completely resolved by removing from the places of use of the Applications the State of Idaho lands described in *Exhibit A* attached hereto and depicted in the map attached as *Exhibit B* hereto. IDL has prepared a GIS shapefile of such lands that it will provide to the Department. CCE stipulates that such lands shall be removed from the places of use of any water right permit and license issued under the Applications.

IDL's protest to the Applications shall be deemed withdrawn upon issuance of a final Order amending the place of use of the Applications to remove the State Land designated in Exhibits A and B. The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein; each party to bear its own costs, expenses, and attorney's fees.

DATED this 14 day of June, 2022.

IDAHO DEPARTMENT OF LANDS

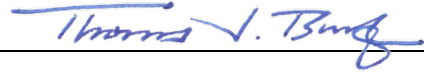
By:   
Ann Y. Vonde  
OFFICE OF THE IDAHO ATTORNEY GENERAL  
*Attorney for the Idaho Department of Lands*

CAT CREEK ENERGY, LLC

By:   
Thomas J. Budge  
Elisheva M. Patterson  
RACINE OLSON, PLLP  
*Attorneys for Cat Creek Energy, LLC*

## CERTIFICATE OF MAILING

I certify that on this 14th day of June, 2022, the foregoing document was served on the following persons via the email address identified.

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

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

## **Exhibit A**

| Sale ID *                              | Subsection                                         | Section | Township | Range | County FIPS No.         | GIS Acres |
|----------------------------------------|----------------------------------------------------|---------|----------|-------|-------------------------|-----------|
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SENW                                           | 19      | 001N     | 001W  | (16001) - Ada County    | 1.8       |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 4, Pts E2SW, Pts NWSE                 | 2       | 001N     | 002W  | (16027) - Canyon County | 8.61      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SESW                                           | 4       | 001N     | 002W  | (16027) - Canyon County | 5.26      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NENE, Pts SENW, Pts E2SW                       | 11      | 001N     | 002W  | (16027) - Canyon County | 11.01     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts E2NW, Pts SESW, Pts SWSE                       | 14      | 001N     | 002W  | (16027) - Canyon County | 9.08      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2NE, Pts W2SE                                 | 23      | 001N     | 002W  | (16027) - Canyon County | 10.93     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2NE, Pts S2SE                                 | 26      | 001N     | 002W  | (16027) - Canyon County | 9.39      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NENE                                           | 35      | 001N     | 002W  | (16027) - Canyon County | 3.15      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2SW                                           | 36      | 001N     | 002W  | (16027) - Canyon County | 4.57      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2SE                                           | 8       | 002N     | 001E  | (16001) - Ada County    | 8.44      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SESW                                           | 9       | 002N     | 001E  | (16001) - Ada County    | 0.05      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | N2NW, SWNW, Pts SENW, Pts SW                       | 16      | 002N     | 001E  | (16001) - Ada County    | 240.22    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | E2NE, Pts W2NE, Pts N2SE                           | 17      | 002N     | 001E  | (16001) - Ada County    | 133.73    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NWNW                                           | 28      | 002N     | 001E  | (16001) - Ada County    | 6.07      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts E2NE, Pts NESE                                 | 16      | 002N     | 001W  | (16001) - Ada County    | 23.88     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SENE                                           | 1       | 002N     | 002E  | (16001) - Ada County    | 14.38     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | N2SW                                               | 4       | 002N     | 002E  | (16001) - Ada County    | 81.94     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Gov Lots 1, 2, Pts E2SE, S2NE, W2SE                | 5       | 002N     | 002E  | (16001) - Ada County    | 325.18    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | All                                                | 16      | 002N     | 002E  | (16001) - Ada County    | 654.63    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 5, Pts SENW                           | 6       | 002N     | 003E  | (16001) - Ada County    | 25.97     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | NENE, S2NE, NWNW, S2NW, SW, SE                     | 16      | 002N     | 003E  | (16001) - Ada County    | 557.92    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SWNW, Pts NWSE                                 | 36      | 003N     | 001W  | (16001) - Ada County    | 4.42      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | E2NE                                               | 13      | 003N     | 002E  | (16001) - Ada County    | 80.19     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts E2SE                                           | 17      | 003N     | 002E  | (16001) - Ada County    | 4.45      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SWNW                                           | 27      | 003N     | 002E  | (16001) - Ada County    | 14.7      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | E2SW, N2SE, SWSE, Pts SESE                         | 31      | 003N     | 002E  | (16001) - Ada County    | 209.46    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts N2SW, Pts SWSW, SWNE, SESW                     | 32      | 003N     | 002E  | (16001) - Ada County    | 196.34    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SWNE, Pts NESE                                 | 35      | 003N     | 002E  | (16001) - Ada County    | 19.7      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SENW, Pts NWSW, Pts S2SW, Pts S2SE, SWNW, NESW | 36      | 003N     | 002E  | (16001) - Ada County    | 212.49    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NENW                                           | 18      | 003N     | 003E  | (16001) - Ada County    | 0.07      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NENE, Pts SW, Pts S2SE                         | 16      | 003N     | 003W  | (16027) - Canyon County | 95.79     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts N2NW, Pts SENW, Pts E2SW, Pts W2SE, SWNW       | 36      | 003N     | 003W  | (16027) - Canyon County | 183.91    |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SW, Pts NWSE                                   | 11      | 004N     | 001E  | (16001) - Ada County    | 34.1      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NWNW                                           | 14      | 004N     | 001E  | (16001) - Ada County    | 1.08      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 1, 2, Pts N2NW                        | 17      | 004N     | 001E  | (16001) - Ada County    | 16.72     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2NW                                           | 24      | 004N     | 001E  | (16001) - Ada County    | 1.86      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 2, 3                                  | 25      | 004N     | 001E  | (16001) - Ada County    | 1.61      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 3                                     | 13      | 004N     | 001W  | (16001) - Ada County    | 2         |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Gov Lots 4                                         | 16      | 004N     | 001W  | (16001) - Ada County    | 40.84     |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 2, 3, 5                               | 30      | 004N     | 002E  | (16001) - Ada County    | 0.52      |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Gov Lots 7                                         | 16      | 004N     | 002W  | (16027) - Canyon County | 20.81     |

|                                        |                                    |    |      |      |                         |       |
|----------------------------------------|------------------------------------|----|------|------|-------------------------|-------|
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SESW, Pts SWSE                 | 14 | 004N | 004W | (16027) - Canyon County | 10.87 |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts N2SW, Pts N2SE                 | 15 | 004N | 004W | (16027) - Canyon County | 15.85 |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts N2SE                           | 23 | 004N | 004W | (16027) - Canyon County | 8.04  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SWSW                           | 4  | 004N | 005W | (16027) - Canyon County | 0.91  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 3, Pts NENW, Pts NWSE | 7  | 004N | 005W | (16027) - Canyon County | 5.27  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts NWNE, Pts SENW, Pts NWSW       | 8  | 004N | 005W | (16027) - Canyon County | 4.74  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SESW, Pts NWSE                 | 16 | 004N | 005W | (16027) - Canyon County | 3.91  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts SESW                           | 17 | 004N | 005W | (16027) - Canyon County | 1.93  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts W2SW, Pts SESE                 | 36 | 004N | 005W | (16027) - Canyon County | 8.98  |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Gov Lots 4, Pts Gov Lots 2         | 36 | 005N | 005W | (16027) - Canyon County | 22.25 |
| {02559CFB-A15E-482E-8F07-D34EA9B8764B} | Pts Gov Lots 2                     | 23 | 005N | 006W | (16027) - Canyon County | 0.55  |

## **Exhibit B**



# Water Right 63-34652



- Application For Permit Point Of Diversion
- IDL Endowment Land
- Application For Permit Place Of Use



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Miles

