

Jan 11, 2023

DEPARTMENT OF
WATER RESOURCES

January 10, 2023

All parties as set forth in the attached certificate of service

**Re: Cat Creek Energy Applications for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900
FERC update**

Dear parties:

As you are aware, in June of last year the Director of the Idaho Department of Water Resources (“Department”) held a prehearing conference regarding Cat Creek Energy, LLC (“CCE”) applications for permits for CCE’s proposed pump storage project in Elmore County, Idaho (the “Project”). Discussed at that conference was the unique aspects of the CCE Project which requires coordination between multiple government agencies, including the Department, the Federal Energy Regulatory Commission (“FERC”) and the Bureau of Reclamation (“BOR”). Because many of the protests on the Department applications concern the same subject matter considered by the FERC and BOR regulatory process, the Director granted a stay on the Department proceedings to allow the FERC and BOR process to develop. Protesters are allowed to comment during the FERC and BOR processes, and so we are providing you all with an update on these, and to make you aware of an upcoming comment period.

Currently CCE is coordinating with a number of county, state, and federal agencies, along with non-governmental organizations, to develop a proposed study plan for the Project. The study plan outlines the studies CCE will conduct to assess possible effects of the Project on water quality, fish and wildlife, cultural, recreation, aesthetic, land use and tribal resources. Interested parties and agencies have been working together, and exchanging draft study plans, with CCE ahead of a planned January 26, 2023 study plan filing with FERC. Once CCE submits the proposed study plan with FERC a 30-day open comment period on the proposed plan opens, and the public is free to contribute their thoughts and suggestions. In addition to those county, state, and federal agencies have already contributed during the current drafting stage. After the comment period FERC will hold a meeting in Boise, at a time, date and location yet to be determined, to discuss the varying comments.

We will make you aware of when the study plan open comment period commences, how to comment during this period, and specifics on the FERC meeting, which will likely take place in February 2023.

Sincerely,



THOMAS J. BUDGE

cc: Director Gary Spackman, IDWR

CERTIFICATE OF MAILING

I certify that on this 11th day of January, 2023, the foregoing document was served on the following persons via the email address identified.



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

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