

ORIGINAL

RECEIVED

JUN 08 2020

WATER RESOURCES
WESTERN REGION

John K. Simpson, ISB #4242
BARKER ROSHOLT & SIMPSON LLP
1010 Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
jks@idahowaters.com

Attorney for Idaho Power Company

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34897

NOTICE OF PROTEST

In the name of Cat Creek Energy, LLC

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Application for Permit* filed by CAT CREEK ENERGY, LLC (the "Applicant").

The initial bases for the protest are as follows:

1. The applicant should be required to identify in each of the files within the Rule 40 submittal, the documents which support this application.
2. The application lacks specificity sufficient to evaluate the elements of the proposed application in light of the criteria of Idaho Code § 42-203A(5) and should be returned and subject to refiling upon additional facts supporting the application be submitted.
3. To the extent the basis for this application are documents already submitted in the Applicant's sharefile, the Applicant has failed to demonstrate that unappropriated water supply is available for the diversion of water under this application. Specifically, the hydrology supporting

NOTICE OF PROTEST

1

Received 06/08/2020
\$25 W048362 -LE

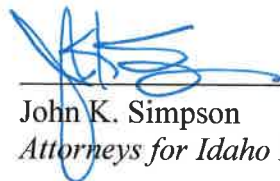
this application and the availability of unappropriated water doesn't support the proposed quantities and volumes sought by Applicant.

4. Pursuant to Idaho Code § 42-1737, the Applicant must obtain the approval of the Idaho Water Resource Board. It is unclear to the Protestant whether this approval shall be a part of this application, supplemental to this contested action or subject to a separate proceeding wherein the Protestant's interests may be protected.

5. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 8th day of June, 2020.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2020, I served the original of the foregoing **NOTICE OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources
Western Regional Office
2735 W Airport Way
Boise, Idaho 83705

☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Cat Creek Energy, LLC
398 S. 9th Street, Ste. 240
Boise, Idaho 83701

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Idaho Water Engineering
Attn: David Tuthill, Jr.
2918 N. El Rancho Pl.
Boise, Idaho 83704

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Randy Budge
Racine Olson PLLP
P.O. Box 1391
Pocatello, Idaho 83204-1391

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Wendi Combs
704 Lindenwood Dr.
Nampa, Idaho 83638

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Allen Thompson
406 N. Thompson Rd.
King Hill, Idaho 83633

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Gwinn Rice Ranch LLC
Jim Rice
2851 W. Balata Ct.
Meridian, Idaho 83646

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Albert P. Barker
Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, Idaho 83701-2139

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Dana Hofstetter
Richard Goodson
Hawley Troxell Ennis & Hawley
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Abigail Germaine
Boise City Attorney's Office
150 N. Capitol Blvd.
P.O. Box 500
Boise, Idaho 83701

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Charles Honsinger
Honsinger Law PLLC
P.O. Box 517
Boise, Idaho 83701

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Fredric Price
US Dept. of Interior
Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Matt Nykiel
Idaho Conservation League
P.O. Box 2308
Sandpoint, Idaho 83864

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Marie Callaway Kellner
Idaho Conservation League
P.O. Box 844
Boise, Idaho 83701

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Craig White
Idaho Dept. of Fish and Game
Magic Valley Region
324 S 417 E, Suite 1
Jerome, Idaho 83338

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Michele Anderson
Idaho Department of Lands
3284 W. Industrial Loop
Coeur d'Alene, Idaho 83815

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Michael Lawrence
Christopher Meyer
Charles Baser
Givens Pursley
601 W. Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Daniel Steenson
Bryce Farris
Andrew Waldera
Sawtooth Law Offices PLLC
1101 W. River Street, Ste. 110
P.O. Box 7985
Boise, Idaho 83707

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Bill Mulder
Tree Top Ranches LP
101 S. Capitol Blvd., Suite 1801
Boise, Idaho 83702

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Gail McGarry
U.S. Dept. of Interior
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, Idaho 83706

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Katie Fite
Wildlands Defense
P.O. Box 125
Boise, Idaho 83701

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Lisa Lance
U.S. Dept. of Interior
Office of the Solicitor
960 S. Broadway Ave., Suite 400
Boise, Idaho 83706

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Ann Vonde
Michael C. Orr
State of Idaho
Office of Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Peter Anderson
Trout Unlimited
910 W. Main Street, Suite 342
Boise, Idaho 83702

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email



John K. Simpson