

RECEIVED

APR 21 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 63-34897

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Cat Creek Energy, LLC Phone 208-336-1370
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 398 S. 9th Street, Suite 240 City Boise
 State ID ZIP 83702 Email jtc@ccewsrps.com
2. Name of representative, if any Idaho Water Engineering, LLC Phone 208-378-1513
 Mailing address 2918 N El Rancho Pl City Boise
 State ID ZIP 83704 Email dave@idahowaterengineering.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply South Fork Boise River which is a tributary of Boise River
4. Location of point(s) of diversion: See Attachment.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1N	9E	26			SW	NW	Elmore	South Fork Boise River	
					SE	NW	"	"	
					SW	NE	"	"	

5. Water will be used for the following purposes:
- Amount _____ for See Attachment purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 2,000 cubic feet per second (cfs) and/or (b) 31,000 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. See Attachment.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by KT Date 4/21/2020 Time 3:40 pm Preliminary check by _____
 Fee \$ \$9610.00 Received by DM Receipt No. 5037884 Date 04/21/2020

APR 27 2020

APR 21 2020

WATER RESOURCES
WESTERN REGIONDEPT. OF WATER RESOURCES
SOUTHERN REGION

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. See Attachment.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
See			A	t	t	a	c	h	m	e	n	t.							

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? This is supplemental storage water for the City of Nampa, Black Canyon Irrigation District and Wood Creek Ranch.11. a. Who owns the property at the point of diversion? US Government. See Attachment.b. Who owns the land to be irrigated or place of use? See Attachment.c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant has signed Memorandums of Understanding with all three entities listed in item 10.12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See Attachment.13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

John Faulkner, Manager

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Attachment for 31 KAF Application in the Name of Cat Creek Energy, LLC

Additional Information for Application Item 4.

Points of injection from storage are the locations of the penstock diversions from Anderson Ranch Reservoir. These are identified as the points of diversion, item 4.

Points of re-diversion are located downstream along the Boise River, at:

- The points of diversion of Black Canyon Irrigation District:
SENE Sec. 12, T3N R3W, B.M.
SESW Sec 12, T3N R3W, B.M.
- The points of diversion for the City of Nampa:
SENW Sec. 23, T4N R1E, B.M.
SENW Sec 24, T4N R1W, B.M.,
NENE Sec. 24, T4N, R2W, B.M.
NWSW Lot 9, Sec. 3, T2N R3E, B.M.
- The points of diversion for those requiring mitigation will be defined in an approved mitigation plan.

Points of diversion for the irrigation of Wood Creek Ranch are the same as those for the storage reservoir.

Additional Information for Application Item 5.

Amount	Use	Date From	Date To
2,000 cfs	Diversion to Storage	1-Jan	31-Dec
31,000 af	Irrigation Storage	1-Jan	31-Dec
31,000 af	Irrigation from Storage	15-Mar	15-Nov
31,000 af	Municipal Storage	1-Jan	31-Dec
31,000 af	Municipal from Storage	1-Jan	31-Dec
31,000 af	Mitigation by Delivery Storage	1-Jan	31-Dec
31,000 af	Mitigation by Delivery from Storage	1-Jan	31-Dec
120.2 cfs	Irrigation	1-Apr	31-Oct

Additional Information for Application Item 7a.

The primary diversion from the South Fork Boise River will be a series of 6 turbines designed to divert up to 9,996 cfs up to Cat Creek Reservoir. Irrigation of Wood Creek Ranch lands will be conducted via a series of pipes to lands on the ranch outside the final reservoir footprint. Water for downstream uses will be released from Cat Creek Reservoir, and will be allowed to flow via gravity downstream to be re-diverted at diversion points for the City of Nampa and Black Canyon Irrigation District. In addition, the mitigation by delivery from storage will be re-diverted

downstream by entities yet to be identified that will require mitigation from the City of Nampa if it is required.

Additional Information for Application Item 8C.

This application is not intended to provide additional municipal supplies but rather is intended to supplement existing municipal water rights held by the City of Nampa in case of drought. Thus the information requested in the standard municipal checklist is not germane, and the applicant should not be reviewed as a standard municipal provider.

Additional Information for Application Item 8E.

Other: Supplemental Municipal Storage for the City of Nampa, Supplemental Irrigation Storage for Black Canyon Irrigation District and Wood Creek Farm, and Mitigation by Delivery Storage for the City of Nampa.

Additional Information for Application Item 9B.

Storage Place of Use

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
1N	9E	25												X				
		26											X					
		27													X	X	X	X
		34	X	X	X	X									X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
1S	9E	36		X	X		X	X	X	X	X	X	X	X				
		1					X	X	X									
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		3	X	X	X	X									X	X	X	X
		10	X	X														
		11		X			X	X										

X = Storage for Municipal, Irrigation and Mitigation by Delivery

Place of use for Irrigation from Storage = service areas of Black Canyon ID and Wood Creek Ranch

Place of use of Municipal Storage = service area of the City of Nampa

Place of use of Mitigation by Delivery from Storage = To be specified under Approved Mitigation Plans

The places of use for water rights in Idaho are generally identified by 40 acre tract. However, there are exceptions. In general the place of use of a municipal use is simply within the service area. IDWR often maintains a map for explanatory purposes. This should

be sufficient for the City of Nampa as a municipal provider. For irrigation entities, licensing statute 42-219 contains the following provision as Section 5:

(5) For irrigation projects where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or within irrigation districts organized and existing as such under the laws of the state of Idaho, the license issued shall be issued to the persons, association, company, corporation or irrigation district owning the project, and final proof may be made by such owners for the benefit of the entire project. It shall not be necessary to give a description of the land by legal subdivisions but a general description of the entire area under the canal system shall be sufficient. The water diverted and the water right acquired thereby shall relate to the entire project and the diversion of the water for the beneficial use under the project shall be sufficient proof of beneficial use without regard as to whether each and every acre under the project is irrigated or not.

Black Canyon Irrigation is the beneficiary of this consideration as its decreed water rights show irrigation of 62,140 acres, with no definition of 40 acre tracts. Also, the SRBA Partial Decrees for the BCID water rights used a digital boundary to circumscribe the acres irrigated rather than to identify them by 40 acre tract. CCE can identify the hundreds of 40 acre tracts that are proposed to receive the benefit of the irrigation from storage under this application, but requests consideration that submittal of these lists of tracts would not contribute to the understanding of this application for permit, and instead proposes to use the map from the digital boundary that was created during the SRBA.

Irrigation and Irrigation from Storage Place of Use

The lands to be irrigated in Wood Creek Ranch have not previously used the South Fork Boise River as a source. These lands are all located within Basin 63, Elmore County. The land list is as follows:

TWP	RGE	SEC	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	9E	27									20	20	40	40	20	20	40	40	240
		28											20					40	60
		32	40	40	40	40				20	40	20	30	40	40	40	40	40	470
		33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36				20									40	40	40	40	180
1S	9E	1		20			20		20	40	40	40	40	40					260
		2													20		20	40	80
		3	40	40	40	40	40	40	40	40	40	40	10	20	40	40	40	40	590
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		5	40	40	40	40	40	40		40	40			40	40	40	40	40	520
		8			40	40													
		9			40		40	40											
		11	40	40	40	40	40	40	40	40	40			40	40	40	40	40	600
		13						40	40			40							120
		14	40	40	40	40									40	40	40	40	320
		23	40			40													80
		24						40	40	40	40								160
1N	10E	19			20				20	20	40	40	20	20		40	30		250
		20	40	40	40	40													160
																			6010

Additional Information for Application Item 11a.

The applicant has successfully initiated a Lease of Power Privilege with the Bureau of Reclamation, which controls the federal land where the point of diversion is located.

Additional Information for Application Item 11b.

Relative to the place of storage and the irrigation uses the applicant has a lease with the property owner Wood Creek Ranch, LLC. Relative to the place of use for the downstream uses the applicant has memorandums of agreement with Black Canyon Irrigation District and the City of Nampa.

Additional Information for Application Item 12.

This application is a companion to Application for Permit No. 63-34403, with the same name and points of diversion. This application merely adds uses with associated places of use. The 31,000 acre-feet identified in this application are not intended to increase the total storage identified in Application for Permit No. 63-34403 but rather provide additional uses for 31,000 acre-feet of this storage. Per IDWR guidance this application also has its own Diversion to Storage component -- for 2,000 cfs.

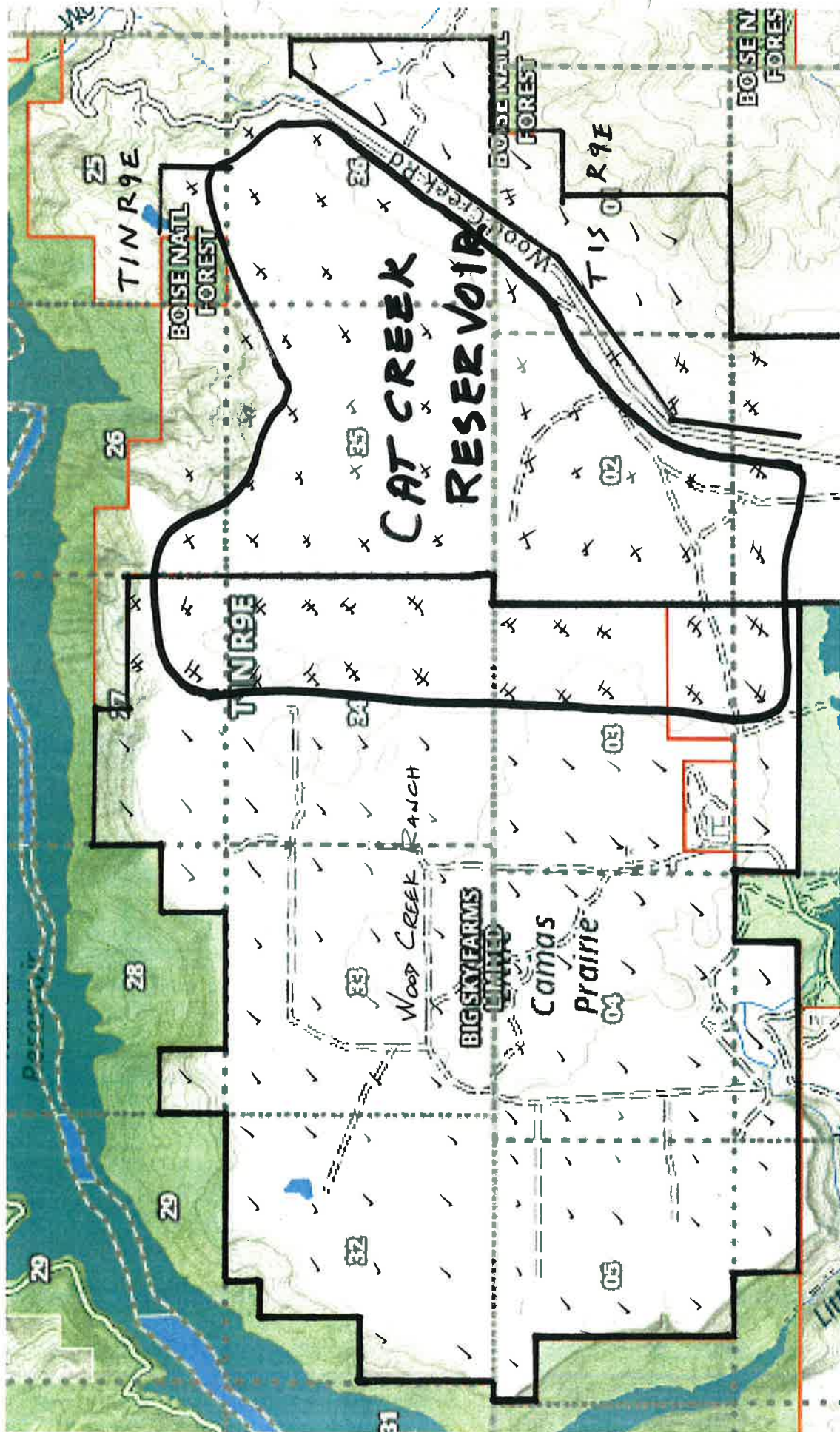
Additional Information for Application Item 14.

Please find the following maps:

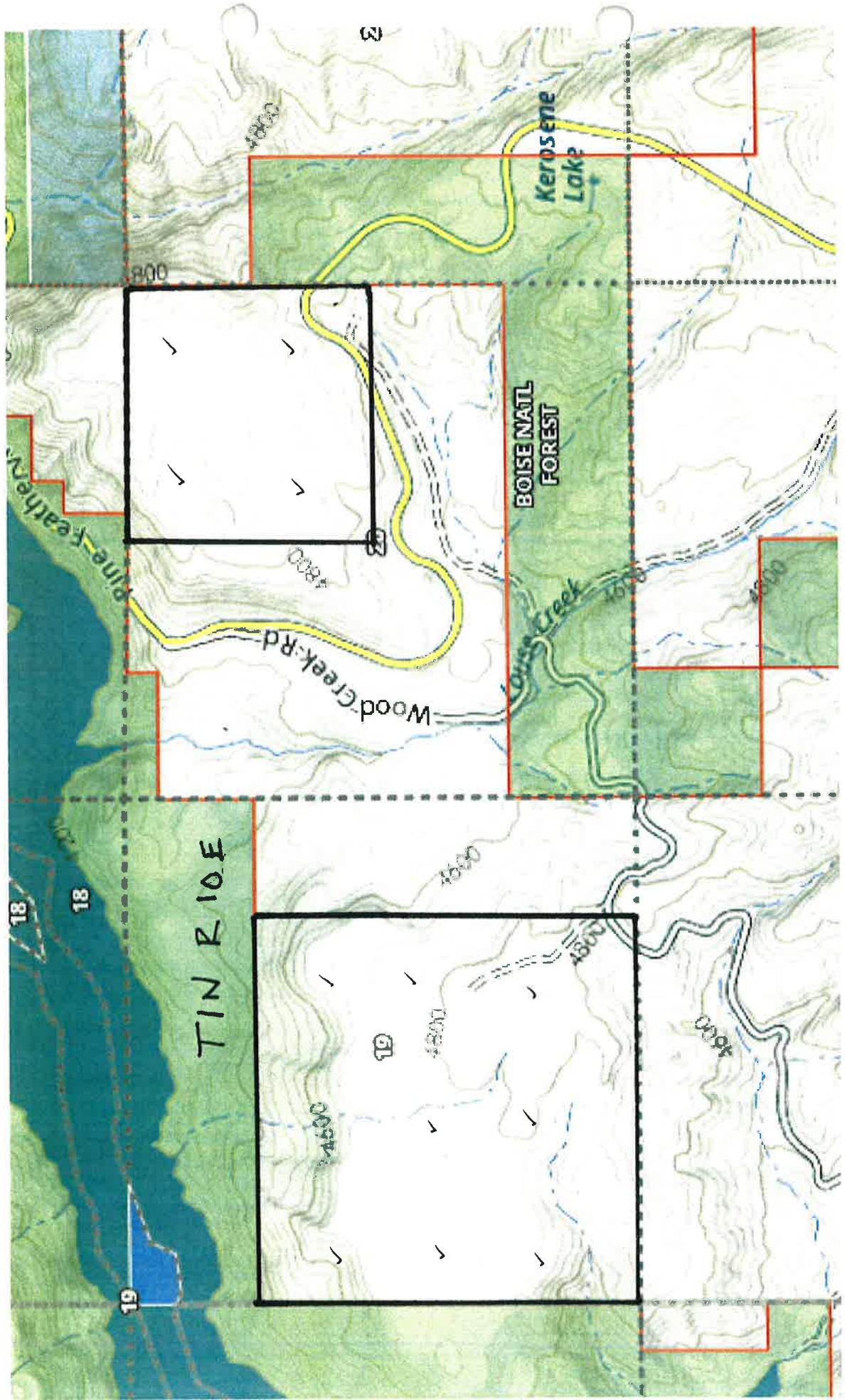
Maps of service areas of the City of Nampa and Black Canyon Irrigation District.

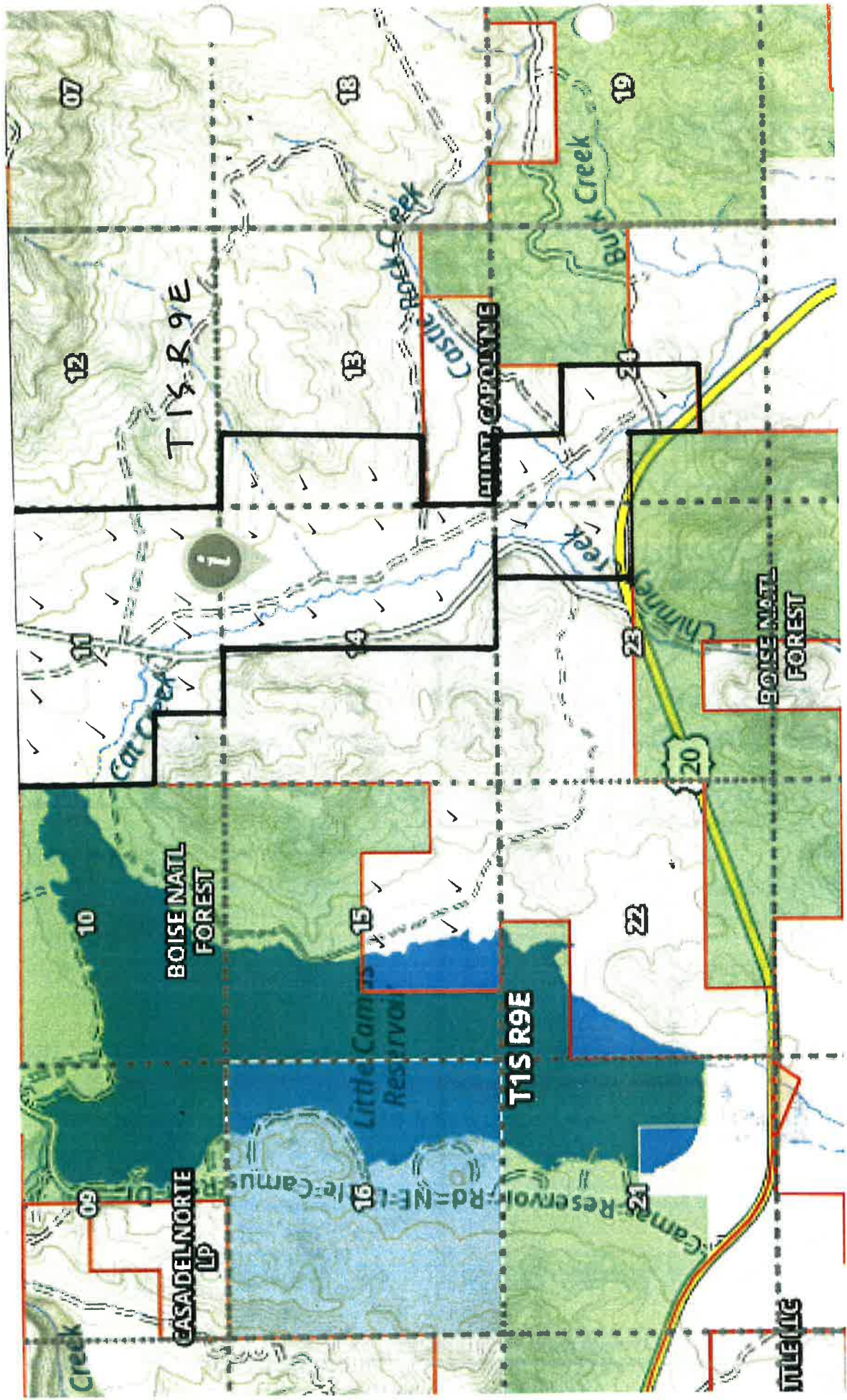
Maps of the storage footprint of Cat Creek Reservoir and the lands to be irrigated within Wood Creek Ranch.

Maps for Mitigation by Delivery from Storage.



✓ = Irr Pou
x = Stor Pou
✓x = Irr + Stor Pou



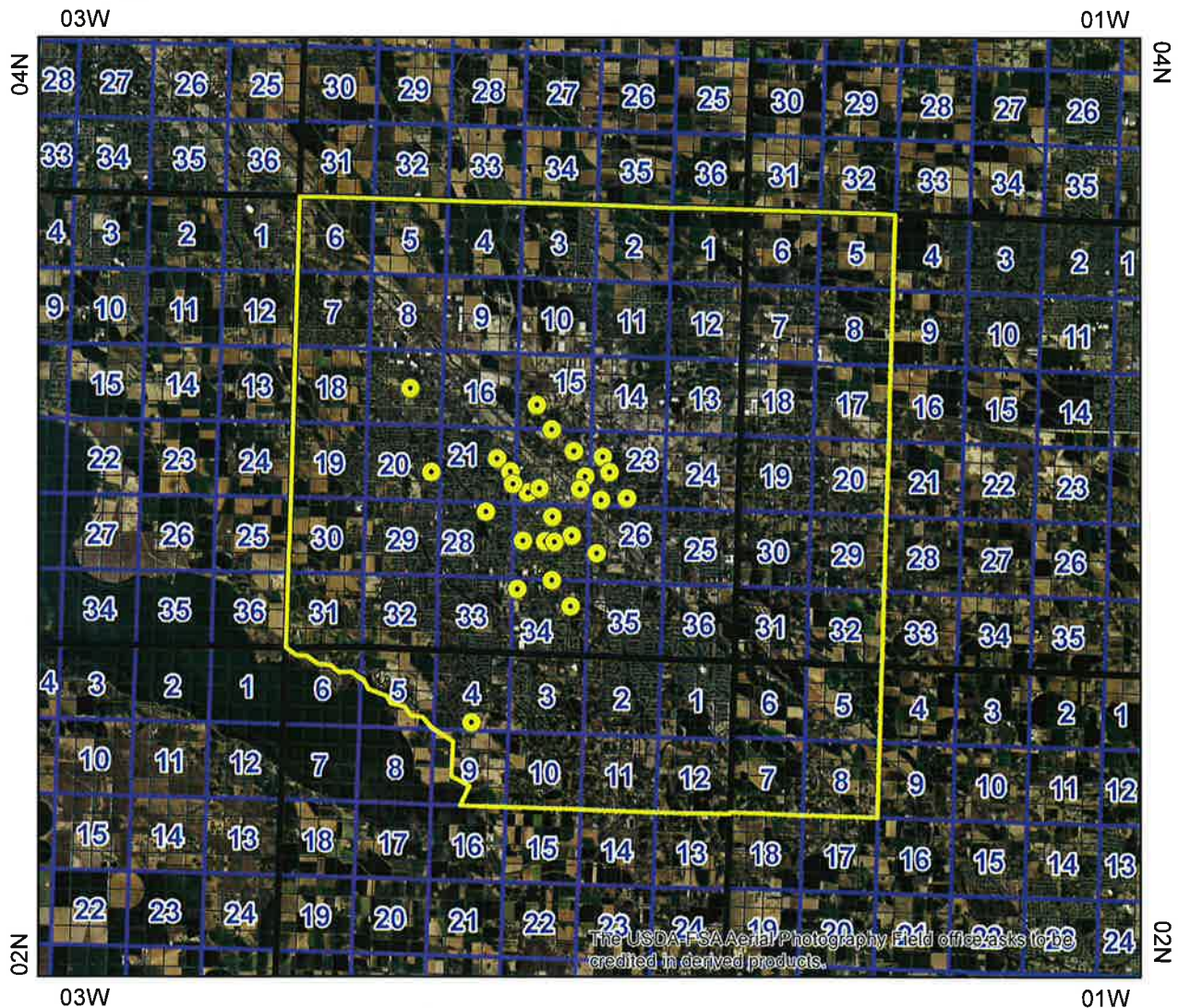







State of Idaho
Department of Water Resources

Water Right 63-2450

MUNICIPAL - City of Nampa

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 1.5 3 6 Miles

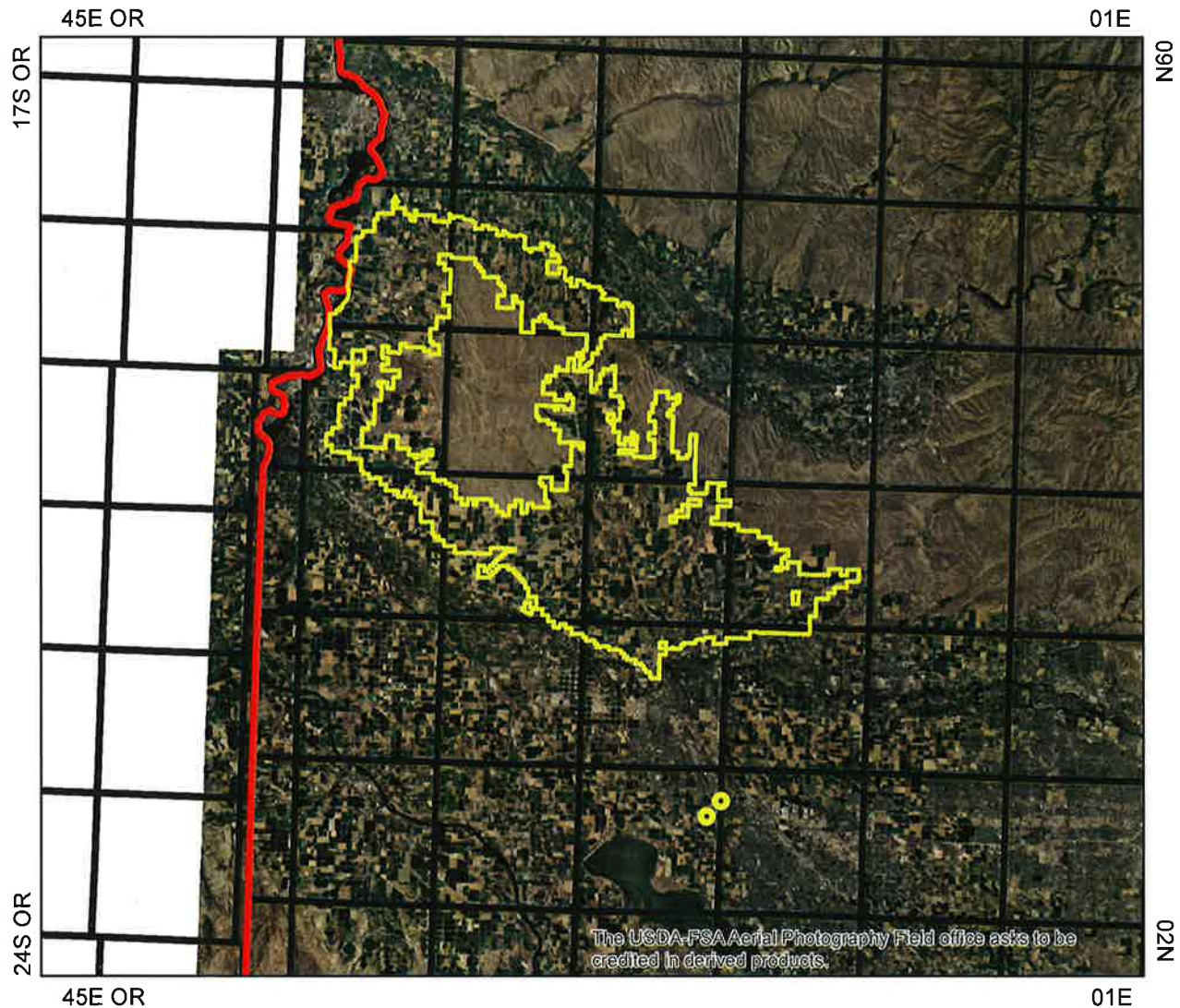


State of Idaho
Department of Water Resources

Water Right
63-2878

IRRIGATION -- Black Canyon Irrigation District

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 4.75 9.5 19 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MUNICIPAL WATER RIGHT APPLICATION CHECKLIST

This checklist must be completed and submitted with an application to appropriate water for municipal purposes. There are two types of permits for municipal water use. The first type of municipal permit provides water for reasonably anticipated future needs (**RAFN**) over a defined planning horizon.¹ The second type of municipal permit, called **non-RAFN**, provides water solely for use to meet needs that will arise in the near-term (five years).² Each type of municipal water use has a distinct set of review requirements.

Applicant Name: Cat Creek Energy, LLC.

1. Type of Municipal Provider. Applicant must qualify as a Municipal Provider to obtain a water right for municipal purposes. See Idaho Code § 42-202B (5). Check one:

- ☐ Type 1 - Municipality
☐ Type 2 - Franchise or political subdivision supplying water for municipal purposes
☐ Type 3 - Corporation or association regulated as a "public water supply" system by IDEQ
See attached explanation.
☒ Attach documentation of qualification as a Municipal Provider. See Idaho Code § 42-202(2).
☐ Check here if you are a Type 3 provider proposing to develop a new municipal system but have not yet received recognition as a Public Water Supply by Idaho DEQ.

- 2a. List existing water rights (permits, licenses, decrees, and beneficial use claims) available to the applicant for municipal needs. These rights may or may not have a purpose of use expressly defined as "municipal." Include a separate attachment as needed.

Right Number	Nature of Use	Diversion Rate (cfs)	Annual Volume (acre-feet)	Service Area
NA. See attached explanation.				
Total		*	*	

* Be sure to account for any combined volume and/or diversion rate limits in the approval conditions of each right listed.

- 2b. List any overlapping water providers within your service area, such as irrigation districts, canal companies, or municipal providers:

NA. See attached explanation.

- 3a. Currently or within five years will your municipal water system demand exceed the total diversion rate or annual volume authorized by the water rights listed in item #2a?

- ☐ Yes, see item #4 NA. See attached explanation.
☐ No, see item #3b

- 3b. Are you planning to replace an existing point of diversion, but will not develop a new water source nor exceed the total authorized diversion rate and volume of your current water rights?

- ☐ Yes. Please file an Application for Transfer of Water Right *instead* of an Application for Permit.
☐ No, I am filing this Application for Permit for reasonably anticipated future needs (RAFN) pursuant to Idaho Code § 42-202B(8). See item #4. NA. See attached explanation.

¹ For a thorough discussion of RAFN water rights, see IDWR's *Recommendations for the Processing of Reasonably Anticipated Future Needs (RAFN) Municipal Water Rights at the Time of Application, Licensing, and Transfer* (Application Processing Memorandum No. 74).

² For a thorough discussion of non-RAFN water rights, see IDWR's Application Processing Memorandum No. 18.

4. Please specify the term for which you are making an application for permit. See [Idaho Code § 42-202B\(7\)](#). Check one:
- ☒ Non-RAFN: (planned water system improvements and beneficial use of the entire quantity of water will occur within 5 years). Go to item #5.
 - ☐ RAFN (water system improvements will occur within 5 years, but full water usage may take longer).³ Specify planning horizon: _____ years. Ending year of planning horizon: 20____. Skip to item #6.
5. Non-RAFN application. Per [Water Appropriation Rule 40.05.d.i](#), attach a water requirement narrative to your application. It should include the following information:
- ☒ Attach a map of the municipal water service area defined by [Idaho Code §42-202B\(9\)](#). If applicable, map should delineate neighboring service areas associated with other municipal water providers.
 - ☐ Current water demand within the municipal service area expressed in average day demand, maximum day demand, and peak hour demand. NA. See attached explanation.
 - ☐ The required diversion rate during the peak and the average use period at the end of your project (5 years maximum). Typically, these values would be average day demand, maximum day demand, peak hour demand, and supporting information. State the capacity of any reservoirs which will be used to meet peak demand. Do not include demand solely for fire protection. If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use. NA. See attached explanation.
 - ☐ Proposed future annual diversion volume needed by the end of your project (required only for providers not serving an incorporated municipality). Include a copy of your approved preliminary plat and the calculation method used to reach the requested volume. NA. See attached explanation.
 - ☐ Current and proposed capacity of entire diversion system (pumps). NA. See attached explanation.
 - ☐ If you are a Type 3 municipal provider, do you have a plan for assigning ownership of the water right permit to a subdivision HOA or other local entity? If so, attach a relevant excerpt from your CC&Rs or a description of the ownership change agreement between the HOA and the developer.
6. RAFN application.
- ☐ Attach a map of the current municipal water service area and the service area as it will be at the end of the planning horizon. Provide justification for inclusion of areas currently served by another municipal provider or by large industrial, commercial, or domestic water systems. Areas overlapped by conflicting comprehensive land use plans may not be included. See [Idaho Code § 42-202\(2\)](#) and [§ 42-202B\(9\)](#).
 - ☐ Attach justification for the proposed planning horizon. The planning horizon should be consistent with water infrastructure planning standards and current land use planning documents for the service area. See [Idaho Code § 42-202\(2\)](#) and [§ 42-202B\(7\)](#).
 - ☐ Attach a population projection within the service area over the planning horizon. The population projection should be based on planning and demographic studies, standard statistical methods, and evaluation of geography and other limiting factors. See [Idaho Code § 42-202\(2\)](#) and [§ 42-202B\(8\)](#).
 - ☐ Attach an evaluation of the water demand within the service area at the end of the planning horizon. Evaluate unaccounted for water (UAW) separate from municipal use. Do not include demand solely for fire protection. See [Idaho Code § 42-202\(2\)](#) and [§ 42-202B\(8\)](#). If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use.
 - ☐ Attach a gap analysis: [Municipal Demand in Ending Year] x [UAW Factor] – [Sum of Existing WR Diversion Rates] = RAFN Application Diversion Rate.

³ Per [Idaho Code § 42-204\(4\)](#), the time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second [...] may be extended by the director of the department of water resources upon application by the permittee for an additional period up to ten (10) years beyond the initial development deadline contained in the permit [...], provided the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.

Additional Information for Municipal Checklist for Amended Supplemental Application in the name of Cat Creek Energy, LLC

Item 1. Type of Municipal Provider: Cat Creek Energy, LLC is not a municipal provider. It is a provider of supplemental storage water for municipal providers, just like the U.S. Bureau of Reclamation.

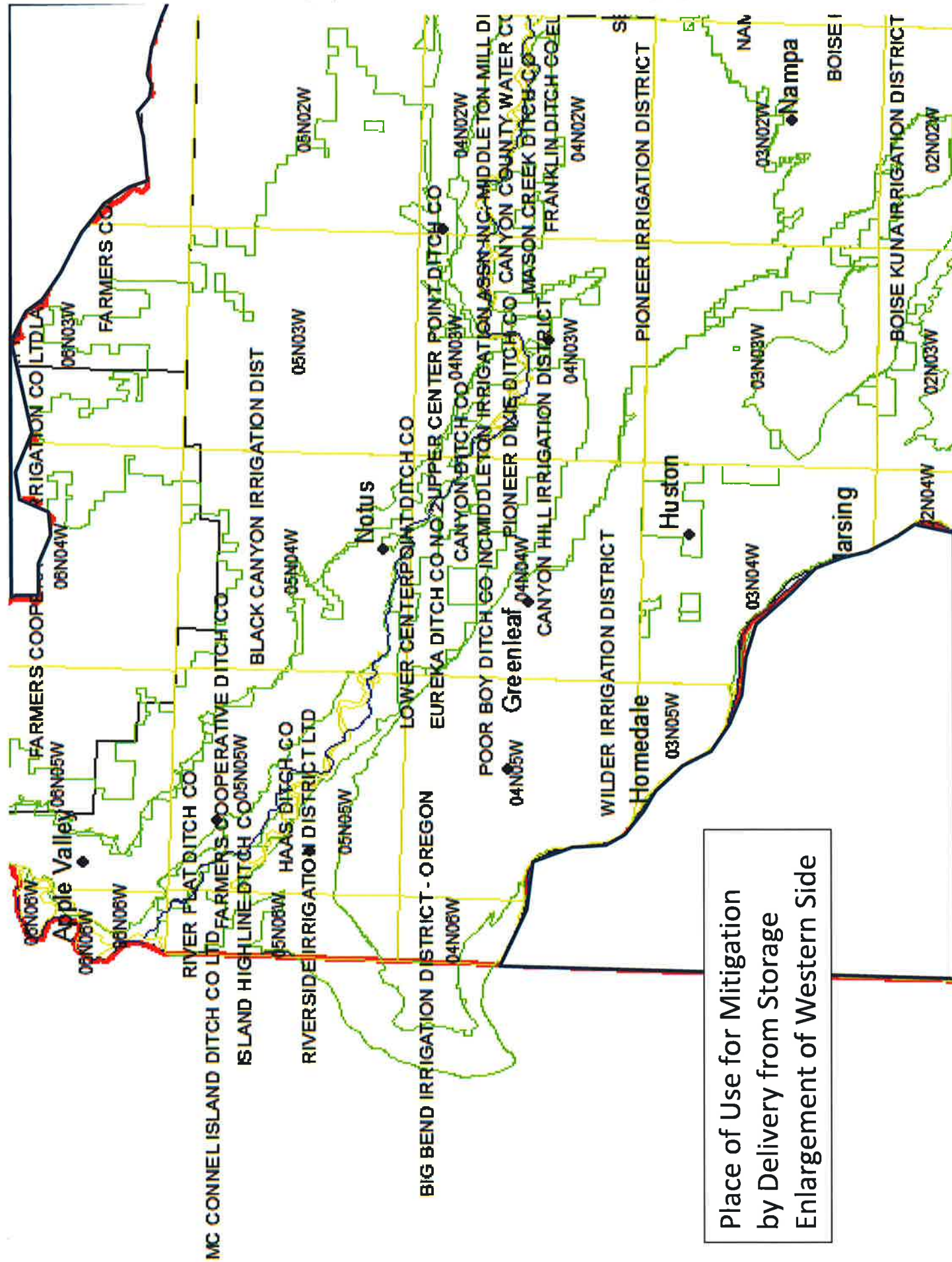
Item 2a. List existing water rights. Cat Creek Energy, LLC does not have municipal water rights. These are held by the entity desiring supplemental storage water for municipal use, the City of Nampa.

Item 2b. List any overlapping water providers. This is not applicable in the context of this application.

Item 3a. Will the municipal water system demand exceed the total diversion rate. This is not applicable in the context of this application.

Item 3b. Are you planning to replace an existing point of diversion. This is not applicable in the context of this application.

Item 5 unchecked items. These are not applicable in the context of this application.



Place of Use for Mitigation
by Delivery from Storage
Enlargement of Western Side

X = Mitigation by Delivery from Storage

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

		28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		31	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2N	2W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		15	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		21	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		31	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
1N	2W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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3N	3W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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2N	3W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

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		10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		19	X	X			X	X											
		20	X	X	X	X	X	X	X	X					X	X	X	X	X
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		23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		29	X	X	X	X									X	X	X	X	X
		32	X	X	X	X													
		33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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3N	5W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		3	X	X	X	X	X	X	X	X					X	X	X	X	X
		10	X																
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		13	X	X	X	X	X	X	X	X									
		14	X																
6N	6W	24	X	X	X	X					X	X	X	X	X	X	X	X	X
		25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5N	6W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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		26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4N	6W	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		14	X	X	X	X	X	X	X						X	X	X	X	X

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this 21st day of April, 2020 by and between Cat Creek Energy, LLC ("Seller") and Black Canyon Irrigation District ("Buyer"). The purpose of this MOU is to set forth the basic terms and conditions of the sale of storage water shares from Seller to Buyer (the "Parties" or individually "Party"). This MOU does not constitute a legally binding agreement (except to the extent described below), and is subject to: (i) the negotiation and execution of a subsequent Definitive Agreement (the "Definitive Agreement"); and (ii) Seller and Buyer obtaining all consents, approvals, and authorizations of any governmental authorities and other third parties legally required.

WHEREAS Seller is developing an off-stream reservoir (the "Reservoir Project") in the vicinity of Anderson Ranch Reservoir in Idaho Department of Water Resources' ("IDWR") Administrative Basin 63 ("Basin 63"). The Reservoir Project is being developed primarily as a pump storage hydropower generation project with related beneficial use water storage opportunities.

WHEREAS the Reservoir Project is anticipated to have a total storage capacity of approximately 100,000 acre-feet. It is anticipated that the Reservoir Project will store water for hydropower, irrigation, and municipal purposes of use; however, other purposes of use may be considered. Of the anticipated 100,000 acre-feet of storage, approximately 80,000 acre-feet will be made available for irrigation and municipal purposes of use. The Reservoir Project will store unappropriated water from the South Fork of the Boise River for beneficial use.

WHEREAS Seller has filed Applications for Permit with IDWR for the hydropower purpose of use associated with the Reservoir Project, and for 30,000 acre-feet of downstream uses.

WHEREAS Seller has secured legal access to the place of use for the Reservoir itself through a lease with the real property owner of record.

WHEREAS Seller has initiated the process of securing legal access to the point of diversion for the Reservoir Project.

WHEREAS Seller is in the process of preparing an Application for Permit to file with IDWR for 50,000 acre-feet of additional downstream uses associated with the Reservoir Project.

WHEREAS Seller is in the process of securing the necessary approvals for the Reservoir Project from the United States Bureau of Reclamation ("USBR"), having been selected to proceed with the Lease of Power Privilege process.

WHEREAS Seller has secured five Conditional Use Permits for the Reservoir Project from Elmore County.

WHEREAS Seller has secured a Preliminary Permit for the Reservoir Project from the Federal Energy Regulatory Commission ("FERC").

WHEREAS Seller may need to obtain additional regulatory approvals for the Reservoir Project.

WHEREAS Seller anticipates stored water from the Reservoir Project being made available for beneficial use by providers of irrigation and/or irrigation water by 2024.

WHEREAS Seller wishes to sell shares of storage water in the Reservoir Project to providers of irrigation water.

WHEREAS Buyer provides irrigation water to its patrons in Basin 63, within Buyer's service area, as defined in Buyer's water rights to be filed with IDWR (Buyer's "Service Area").

WHEREAS Buyer wishes to secure a volume of irrigation storage water from Seller for beneficial use within Buyer's Service Area.

WHEREAS Buyer owns and/or operates a system of existing diversion and distribution works to convey and deliver water throughout its Service Area.

WHEREAS Buyer acknowledges Seller may negotiate with other providers of irrigation and/or municipal water for storage water in the Reservoir Project for use within their respective boundaries or service areas, as the case may be.

WHEREAS Buyer acknowledges any irrigation storage water it acquires from Seller may not be rented, leased, or sold to any third party, absent a written agreement as to the terms of said rental, lease, or sale, which written agreement shall not be unreasonably withheld by Seller.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

TERMS OF MOU

1. **Execution of this MOU.** Upon execution of this MOU, Buyer reserves the right to negotiate the purchase of up to fourteen thousand (14,000) shares in the Reservoir Project from Seller. One share is equal to one acre-foot of storage space in the Reservoir Project. The Parties shall proceed in good faith toward the negotiation and execution of a Definitive Agreement, which will contain mutually agreeable terms, representations, conditions, covenants, and indemnities appropriate for transactions of this type.

2. **Negotiation of Definitive Agreement.** Each of the Parties hereto covenants and agrees that, following the execution and delivery of this MOU, they will promptly, expeditiously and in good faith proceed to negotiate a Definitive Agreement between them, and that they will promptly begin seeking approvals and funding to implement any such agreement successfully negotiated and executed by them. Issues that must be satisfactorily addressed and negotiated prior to the execution of any Definitive Agreement include, but are not limited to: (a) the cost of

storage water, the number of storage water shares, and the payment structure; (b) allocation of costs for operation and maintenance of the Reservoir Project; (c) allocation of future costs and upgrades for the Reservoir Project; (d) how allocation of storage water will occur in years when fill of the 80,000 acre-feet in the Reservoir Project for irrigation and irrigation purposes of use does not occur; and (e) Parties establishing terms and conditions for any third party rental, lease, or sale of Reservoir Project storage water acquired by Buyer from Seller.

3. Due Diligence. The Parties and their representatives shall fully cooperate with each other in order to ensure that each Party is able to perform full and fair due diligence, including executing such further and additional documents as may be necessary to carry this MOU or any resulting Definitive Agreement into full force and effect. The due diligence period shall commence on the date of execution of this MOU and shall be effective until such time as all necessary permits for the Reservoir Project are obtained, or five years from said execution, whichever comes first. Buyer's access to Seller's books and records may be required in order to conduct such due diligence. Seller shall have access to such Public Records held by buyer that are subject to disclosure under Chapter 1, Title 74, Idaho Code in order to conduct such due diligence. Access to the Parties' books and records shall not be unreasonably withheld.

4. Confidentiality. Pursuant to the Idaho Public Records Act ("IPRA"), Idaho Code sections 74-101, et seq., information or documents received by Buyer from Seller may be open to public inspection and copying, unless exempt from disclosure under a specific provision of IPRA, e.g., Idaho Code section 74-107(1) (trade secrets). Where appropriate pursuant to the definition of "trade secrets" set forth therein, Seller may clearly designate individual documents as exempt from public disclosure by clearly labeling each page of any such documents "trade secrets" or other applicable exemption. Seller shall indemnify and defend Buyer against all liability, claims, damages, losses, expenses, actions, attorney fees and suits whatsoever for honoring such a designation or for Seller's failure to designate individual documents as exempt. Seller's failure to designate as exempt any document or portion of a document that is released by Buyer shall constitute a complete waiver of any and all claims for damages caused by any such release.

5. Non-Disclosure. Unless otherwise provided herein, each Party agrees that prior to the execution of a Definitive Agreement, unless required to comply with applicable law, neither Party shall make any public announcement of this MOU or any matter relating to the Reservoir Project without the prior written consent of the other Party, which consent shall not be unreasonably withheld. Each Party shall, to the extent possible, maintain procedures to restrict knowledge of the MOU to those who need to know about it. The Parties hereby agree that prior written consent is not required if disclosure of the Reservoir Project is needed to secure necessary approvals from IDWR, USBR, FERC, Elmore County, any other public official, or public entity.

6. Fees and Expenses. Each Party shall be responsible for its own respective legal counsel, engineering, accounting, investment banking and other consultants, experts, and expenses incurred in connection with this MOU, any subsequent Definitive Agreement, and all matters related thereto.

7. Non-binding MOU. This MOU evidences the intent of each Party to proceed in good faith to pursue negotiation and execution of a Definitive Agreement. Except for the provisions contained in paragraphs 3, 4, and 5, above, nothing herein shall constitute a legally binding agreement between the Parties. If an issue regarding paragraphs 3 and/or 4 arises, the Parties shall use their best efforts to amicably resolve their differences. If amicable resolution does not resolve the disagreement concerning paragraphs 3, 4 and/or 5, the dispute shall be resolved by formal mediation, and if unsuccessful, then by arbitration. Unless otherwise governed by the terms of a subsequent Definitive Agreement entered into in writing by the Parties, or unless otherwise provided herein, neither Party shall be under any obligation to the other for damages, expenses or otherwise, irrespective of any negotiations, agreements or understandings heretofore or hereafter existing between the Parties, and irrespective of any implied course of conduct between the Parties.

8. Termination. This MOU shall automatically terminate and be of no further force or effect upon the earlier of: (a) the successful negotiation and execution of a Definitive Agreement by the Parties hereto; or (b) five years after execution of this MOU. During the period in which this MOU is in force and effect, the terms of the MOU are binding upon the Parties. In the event of termination, the terms of the MOU shall remain binding upon the Parties and their successors to the extent allowable by applicable law. However, the Parties may mutually agree, in writing, to extend the termination date.

9. Notice. Any notices required in this MOU shall be deemed sufficient if personally delivered or if mailed, postage prepaid as follows:

Seller:
Cat Creek Energy, LLC

Buyer:
Black Canyon Irrigation District
PO Box 226
Notus, ID 83656

10. MOU Superseded by the Definitive Agreement. The terms and conditions of this MOU shall be superseded by any subsequent Definitive Agreement executed by the Parties.


11. Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of Idaho.

12. Headings. The headings contained herein are for convenience only and do not explain, define, limit, amplify, or aid in the interpretation, construction, or meaning of the provisions of the MOU.


13. Effect. This MOU shall inure to the benefit of the parties hereto and their respective successors and assigns. Execution of this MOU in and of itself does not legally obligate the Parties to enter into a Definitive Agreement or guarantee the successful negotiation of such an agreement; rather the Parties merely commit themselves to using their best good faith efforts to negotiate and execute a mutually acceptable Definitive Agreement going forward.

14. Execution of the MOU. The MOU shall be of no force or effect until executed by both Parties.

Cat Creek Energy, LLC

By: 
Name: John Faulkner
Title: Manager
Date: 04/21/2020

Black Canyon Irrigation District

By: 
Name: Adam Blank
Title: Chairman (SCID)
Date: 3-10-20

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this 21 day of April, 2020 by and between Cat Creek Energy, LLC ("Seller") and the City of Nampa ("Buyer"). The purpose of this MOU is to set forth the basic terms and conditions for discussing and negotiating a possible future sale of storage water shares from Seller to Buyer (the "Parties" or individually "Party"). This MOU does not constitute a legally binding agreement, and is subject to: (i) the negotiation and execution of a subsequent written Definitive Agreement (the "Definitive Agreement" described in paragraphs 1 and 2 below); and (ii) Seller and Buyer obtaining all consents, approvals, and authorizations of any governmental authorities and other third parties legally required to achieve the purpose of this MOU.

WHEREAS Seller is developing an off-stream reservoir (the "Reservoir Project") in the vicinity of Anderson Ranch Reservoir in Idaho Department of Water Resources' ("IDWR") Administrative Basin 63 ("Basin 63"). The Reservoir Project is being developed primarily as a pump storage hydropower generation project with related beneficial use water storage opportunities.

WHEREAS the Reservoir Project is anticipated to have a total storage capacity of approximately 100,000 acre-feet. It is anticipated that the Reservoir Project will store water for hydropower, irrigation, and municipal purposes of use; however, other purposes of use may be considered. Of the anticipated 100,000 acre-feet of storage, approximately 80,000 acre-feet will be made available for irrigation and municipal purposes of use. The Reservoir Project will store unappropriated water from the South Fork of the Boise River for beneficial use.

WHEREAS Seller has filed an Application for Permit with IDWR for the hydropower purpose of use associated with the Reservoir Project.

WHEREAS Seller has secured legal access to the place of use for the Reservoir itself through a lease with the real property owner of record.

WHEREAS Seller has initiated the process of securing legal access to the point of diversion for the Reservoir Project.

WHEREAS Seller is in the process of preparing an Application for Permit to file with IDWR for the other purposes of use associated with the Reservoir Project.

WHEREAS Seller is in the process of securing the necessary approvals for the Reservoir Project from the United States Bureau of Reclamation ("USBR"), having been selected to proceed with the Lease of Power Privilege process.

WHEREAS Seller has secured five Conditional Use Permits for the Reservoir Project from Elmore County.

WHEREAS Seller has secured a Preliminary Permit for the Reservoir Project from the Federal Energy Regulatory Commission ("FERC").

WHEREAS Seller may need to obtain additional regulatory approvals for the Reservoir Project.

WHEREAS Seller anticipates stored water from the Reservoir Project being made available for beneficial use by providers of irrigation and/or municipal water by 2024.

WHEREAS Seller wishes to sell shares of storage water in the Reservoir Project to providers of irrigation and/or municipal water.

WHEREAS Buyer provides municipal water to its patrons in Basin 63, within Buyer's service area, as defined in Buyer's water rights on file with IDWR (Buyer's "Service Area").

WHEREAS Buyer wishes to negotiate the possible future purchase of shares of storage water in the Reservoir Project for beneficial use within Buyer's Service Area.

WHEREAS Buyer owns and operates a system of existing diversion and distribution works to convey and deliver water throughout its Service Area.

WHEREAS Buyer acknowledges Seller may negotiate with other providers of irrigation and/or municipal water for storage water in the Reservoir Project for use within their respective boundaries or service areas, as the case may be.

TERMS OF MOU

1. Execution of this MOU. Upon execution of this MOU, Buyer reserves the right to negotiate the purchase of shares in the Reservoir Project from Seller. One share is equal to one acre-foot of storage space in the Reservoir Project. The Parties shall proceed in good faith toward the negotiation and execution of a written Definitive Agreement, which if entered into will memorialize Buyer's right to purchase shares in the Reservoir Project and will contain mutually agreeable terms, representations, conditions, covenants, and indemnities appropriate for transactions of this type.

2. Negotiation of Definitive Agreement. Following the execution and delivery of this MOU, the Parties will (a) promptly, expeditiously and in good faith proceed to negotiate and potentially execute, in each Party's sole discretion, a Definitive Agreement between them, and (b) as appropriate will promptly begin seeking their respective approvals and funding to implement any Definitive Agreement successfully negotiated and executed by them. Issues that must be satisfactorily addressed and negotiated prior to the execution of any Definitive Agreement include, but are not limited to: (a) the cost of storage water, the number of storage water shares, and the payment structure; (b) allocation of costs for operation and maintenance of the Reservoir Project; (c) allocation of future costs and upgrades for the Reservoir Project; (d) how allocation of storage water will occur in years when fill of the 80,000 acre-feet in the Reservoir Project for irrigation and municipal purposes of use does not occur; and (e) Parties

establishing terms and conditions for any third party rental, lease, or sale of Reservoir Project shares acquired by Buyer from Seller.

3. Due Diligence. The Parties and their representatives shall fully cooperate with each other in order to ensure that each Party is able to perform full and fair due diligence in furtherance of the purpose of this MOU. The due diligence period shall commence on the date of execution of this MOU and shall be effective until such time as all necessary approvals for the Reservoir Project are obtained, or five years from said execution, or until a Definitive Agreement is executed, whichever comes first. Each Party, in its sole discretion, may withhold access to or disclosure of any information to the other Party. Seller shall provide Buyer with access to Seller's books and records in order to conduct such due diligence. Buyer shall provide Seller with access to Buyer's Public Records that are subject to disclosure under Chapter 1, Title 74, Idaho Code, in order to conduct such due diligence. Access to the Parties' books and records shall not be unreasonably withheld.

4. Confidentiality. Pursuant to the Idaho Public Records Act, Chapter 1, Title 74, Idaho Code ("IPRA"), information or documents received by Buyer from Seller may be open to public inspection and copying, unless exempt from disclosure under a specific provision of IPRA, e.g., Idaho Code section 74-107(1) (trade secrets). Where appropriate pursuant to the IPRA, Seller may clearly designate individual documents provided to Buyer as exempt from public disclosure by clearly labeling each page of any such documents "trade secrets" or other applicable exemption. Seller shall indemnify and defend Buyer against all liability, claims, damages, losses, expenses, actions, attorney fees and suits whatsoever for honoring such a designation or for Seller's failure to designate individual documents as exempt from public disclosure. Seller's failure to designate as exempt any document or portion of a document that is released by Buyer shall constitute a complete waiver of any and all claims for damages caused by any such release.

5. Non-Disclosure. Unless otherwise provided herein, prior to the execution of a Definitive Agreement, unless required to comply with applicable law, neither Party shall make any public announcement of this MOU or any matter relating to the Reservoir Project without the prior written consent of the other Party, which consent shall not be unreasonably withheld. Absent such written consent, each Party shall respond to all inquiries with respect to the MOU by stating that it is the policy of such Party not to comment on such matters. Each Party shall, to the extent possible, maintain procedures to restrict knowledge of the MOU to those who need to know about it for purposes of due diligence, obtaining necessary approvals, or negotiating a Definitive Agreement. Prior written consent described in this paragraph is not required if disclosure of this MOU or the Reservoir Project is needed to comply with the IPRA or any other state or local laws or regulations, or to secure necessary approvals from IDWR, USBR, FERC, Elmore County, or any other public official or governmental entity.

6. Fees and Expenses. Each Party shall be responsible for its own respective fees and costs related to this MOU, obtaining any necessary approvals, any subsequent Definitive Agreement, and all matters related thereto, including without limitation fees and costs for legal

counsel, engineering, accounting, investment banking and other consultants, experts, and expenses.

7. Non-binding MOU. This MOU evidences the intent of each Party to proceed in good faith to pursue negotiation and potential execution of a Definitive Agreement. Nothing herein shall constitute a legally binding agreement between the Parties.

8. Termination. This MOU shall automatically terminate and be of no further force or effect upon the earlier of: (a) the successful negotiation and execution of a Definitive Agreement by the Parties hereto; (b) five years after execution of this MOU; or (c) a written notice of termination executed by either Party. However, the Parties may mutually agree, in writing, to extend the termination date.

9. Notice. Any notices required in this MOU shall be in writing and shall be deemed sufficient if e-mailed, personally delivered or if mailed, postage prepaid as follows:

Seller:

Cat Creek Energy, LLC

Buyer:

City of Nampa

Nate W. Runyan, Deputy Public Works Director
(208) 468-4493 runyan@cityofnampa.ws

10. MOU Superseded by the Definitive Agreement. The terms and conditions of this MOU shall be superseded by any subsequent Definitive Agreement executed by the Parties.


11. Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of Idaho. The place of jurisdiction and venue for any legal action or proceedings with respect to this MOU will lie exclusively in Idaho state district court in Canyon County, Idaho.

12. Headings. The headings contained herein are for convenience only and do not explain, define, limit, amplify, or aid in the interpretation, construction, or meaning of the provisions of the MOU.

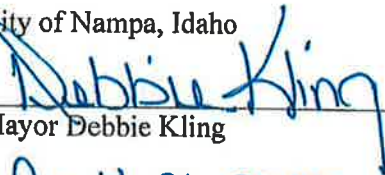
13. Effect. This MOU shall inure to the benefit of the parties hereto and their respective successors and assigns. Execution of this MOU does not legally obligate the Parties to enter into a Definitive Agreement or guarantee the successful negotiation of such an agreement; rather the Parties merely desire to use good faith efforts to negotiate and execute a mutually acceptable Definitive Agreement. Nothing in this MOU shall be construed as creating any agency, joint venture, partnership, or other formal business relationship or association between the Parties or obligating either Party to purchase from or provide any goods or services to the other Party.

14. Execution of the MOU. The MOU shall be of no force or effect until executed by both Parties.

Cat Creek Energy, LLC

By: 
Name: John Faulkner
Title: Manager
Date: 04/21/2020

City of Nampa, Idaho


Mayor Debbie Kling
April 21, 2020
Date

Attest:

City Clerk

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:54 PM
To: 'jamie.gough@usda.gov'
Subject: Application for Permit of 63-34897 & 63-34900
Attachments: Agency Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:49 PM
To: Skoro, Emily
Cc: Clark, Cynthia Bridge
Subject: Application for Permit of 63-34897 & 63-34900

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

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Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:51 PM
To: Boe, Erik
Subject: Application for Permit of 63-34897 & 63-34900
Attachments: Agency Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

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Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:52 PM
To: 'Danielle.Merriman@deq.idaho.gov'
Cc: 'Lance.Holloway@deq.idaho.gov'
Subject: Application for Permit of 63-34897 & 63-34900
Attachments: Agency Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:53 PM
To: 'bill.bosworth@idfg.idaho.gov'
Subject: Application for Permit of 63-34891, 63-34897, & 63-34900
Attachments: IDFG Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

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Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:55 PM
To: 'WATERDISTRICT63@QWESTOFFICE.NET'
Subject: Application for Permit of 63-34894, 63-34896, 63-34891, 63-34897 & 63-34900
Attachments: Watermaster Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

(TO MULTIPLE ENTITIES)

RE: Application for Permit No. 63-34897 & 63-34900

Dear Interested Parties:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish revieweing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)

DISTRIBUTION LIST:

Interested parties

ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4th E STE 3
MOUNTAIN HOME ID 83647

BRYCE FARRIS
DANIEL V STEENSON
ANDREW J WALDERA
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

ABIGAIL R GERMAINE
DEPUTY CITY ATTORNEY
BOISE CITY ATTORNEYS OFFICE
150 N CAPITOL BLVD PO BOX 500
BOISE ID 83701-0500

CHARLES L HONSINGER
PO BOX 517
BOISE ID 83701-0517

WENDI COMBS
704 LINDENWOOD DR
NAMPA ID 83638

RICHARD F GOODSON
DANA L HOFSTETTER
HAWLEY TROXELL ENNIS & HAWLEY
PO BOX 1617
BOISE ID 83701

IDAHO CONSERVATION LEAGUE
C/O MARIE CALLAWAY KELLNER
PO BOX 844
BOISE ID 83701

IDAHO CONSERVATION LEAGUE
C/O MATTHEW NYKIEL
PO BOX 2308
SANDPOINT ID 83864

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
MICHAEL C ORR
ANN Y VONDE
DEPUTY ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

IDAHO DEPARTMENT OF LANDS
ATTN: MICHELE ANDERSON
3284 W INDUSTRIAL LOOP
COEUR D ALENE ID 83815

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

MICHAEL P LAWRENCE
CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720

ALLEN R THOMPSON
406 N THOMPSON HILL RD
KING HILL ID 83633-3412

TREE TOP RANCHES LP
C/O BILL MULDER
101 S CAPITOL BLVD STE 1801
BOISE ID 83702

TROUT UNLIMITED INC
C/O PETER R ANDERSON
910 W MAIN ST STE 342
BOISE ID 83702

UNITED STATES OF AMERICA BUREAU OF RECLAMATION
C/O E GAIL MCGARRY
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

USDI BLM IDAHO STATE OFFICE
C/O FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709-1657

WILDLANDS DEFENSE
C/O KATIE FITE
PO BOX 125
BOISE ID 83701



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

CAT CREEK ENERGY LLC
398 S 9TH ST STE 240
BOISE, ID 83702-7169

RE: Application for Permit No. 63-34897 & 63-34900

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the MOUNTAIN HOME NEWS, TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER on 5/21/2020 and 5/28/2020. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the applications.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant

CC:
RACINE OLSON PLLP
IDAHO WATER ENGINEERING

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:43 PM
To: 'Legal Dept'
Subject: Elmore Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 05/20/2020 and 05/27/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application for Permit No. 63-34891, 63-34897, 63-34900

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/8/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34891

BOISE PROJECT BOARD OF CONTROL

2465 W OVERLAND RD

BOISE, ID 83705-3155

Point of Diversion: NWSE S13 T03N R04E ELMORE County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 220 CFS

Total Diversion: 220 CFS

Date Filed: 05-01-2020

Place Of Use: POWER

T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 31,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 31,000 AF

Use: MUNICIPAL FROM STORAGE and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 310,000 AF

Use: IRRIGATION 04/01 to 10/31 120.2 CFS

Total Diversion: 2,000 CFS 31,000 AF

Date Filed: 4/21/2020

Place Of Use: Application proposes 31,000 acre feet of supplemental storage in the proposed Cat Creek Reservoir in Elmore County to be used for irrigation of land within Black Canyon Irrigation District, for Municipal uses within the service area of City of Nampa, and for Mitigation by Delivery to lands within Ada, Canyon, and Owyhee Counties that are presently served by water from the Boise River Drainage.

Applicant also proposes irrigation of approximately 6,010 acres of land associated with Wood Creek Ranch, located in Elmore County in the immediate vicinity of the proposed Cat Creek Reservoir. This proposal will provide supplemental water to approximately 2,800 acres and the balance of the proposed place of use will be new acres not previously irrigated.

63-34900

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, GROUND WATER RECHARGE STORAGE, WATER QUALITY IMPROVEMENT STORAGE, INDUSTRIAL STORAGE, RECREATION STORAGE, FISH HABITAT STORAGE, COMMERCIAL STORAGE, DOMESTIC STORAGE, STREAMFLOW MAINTENANCE STORAGE, WILDLIFE STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 19,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 19,000 AF

Use: MUNICIPAL FROM STORAGE, GROUND WATER RECHARGE FROM STORAGE, WATER QUALITY IMPROVEMENT FROM STORAGE, INDUSTRIAL FROM STORAGE, COMMERCIAL FROM STORAGE, DOMESTIC FROM STORAGE, STREAMFLOW MAINTENANCE FROM STORAGE, and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 19,000 AF

Total Diversion: 2,000 CFS 19,000 AF

Date Filed: 4/22/2020

Place of Use: Application proposes to divert and store 19,000 acre feet of water in the proposed Cat Creek Reservoir in Elmore County. The applicant proposes to make the stored water available for sale, rent, or distribution for the uses listed above. The proposed place of use is generally within the Boise River drainage and a portion of the Mountain Home Plateau. The proposed place of use includes that portion of IDWR Administrative Basin 61 in Ada County and a large portion of IDWR Administrative Basin 63 and includes lands in Ada, Boise, Canyon, Gem, and Payette Counties in Idaho as well as a portion of Malheur County east of the Snake River in Oregon. The place of use for storage water does not include lands in Elmore or Camas Counties. The full description of the place of use is available from the Department of Water Resources at www.idwr.idaho.gov, or contact Western Region office at (208) 334-2190.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/8/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/21/2020 and 5/28/2020

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:43 PM
To: 'legalnotices@postregister.com'
Subject: Bonneville Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 05/21/2020 and 05/28/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Application for Permit No. 63-34891, 63-34897, 63-34900

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/8/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34891

BOISE PROJECT BOARD OF CONTROL

2465 W OVERLAND RD

BOISE, ID 83705-3155

Point of Diversion: NWSE S13 T03N R04E ELMORE County Source: BOISE RIVER Tributary: SNAKE RIVER

Use: POWER 01/01 to 12/31 220 CFS

Total Diversion: 220 CFS

Date Filed: 05-01-2020

Place Of Use: POWER

T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 31,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 31,000 AF

Use: MUNICIPAL FROM STORAGE and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 310,000 AF

Use: IRRIGATION 04/01 to 10/31 120.2 CFS

Total Diversion: 2,000 CFS 31,000 AF

Date Filed: 4/21/2020

Place Of Use: Application proposes 31,000 acre feet of supplemental storage in the proposed Cat Creek Reservoir in Elmore County to be used for irrigation of land within Black Canyon Irrigation District, for Municipal uses within the service area of City of Nampa, and for Mitigation by Delivery to lands within Ada, Canyon, and Owyhee Counties that are presently served by water from the Boise River Drainage.

Applicant also proposes irrigation of approximately 6,010 acres of land associated with Wood Creek Ranch, located in Elmore County in the immediate vicinity of the proposed Cat Creek Reservoir. This proposal will provide supplemental water to approximately 2,800 acres and the balance of the proposed place of use will be new acres not previously irrigated.

63-34900

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

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Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, GROUND WATER RECHARGE STORAGE, WATER QUALITY IMPROVEMENT STORAGE, INDUSTRIAL STORAGE, RECREATION STORAGE, FISH HABITAT STORAGE, COMMERCIAL STORAGE, DOMESTIC STORAGE, STREAMFLOW MAINTENANCE STORAGE, WILDLIFE STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 19,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 19,000 AF

Use: MUNICIPAL FROM STORAGE, GROUND WATER RECHARGE FROM STORAGE, WATER QUALITY IMPROVEMENT FROM STORAGE, INDUSTRIAL FROM STORAGE, COMMERCIAL FROM STORAGE, DOMESTIC FROM STORAGE, STREAMFLOW MAINTENANCE FROM STORAGE, and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 19,000 AF

Total Diversion: 2,000 CFS 19,000 AF

Date Filed: 4/22/2020

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GARY SPACKMAN, Director

Published on 5/21/2020 and 5/28/2020

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:44 PM
To: 'legals@magicvalley.com'
Subject: Twin Falls Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 05/21/2020 and 05/28/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 63-34891, 63-34897, 63-34900

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Administrative Assistant

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Total Diversion: 220 CFS

Date Filed: 05-01-2020

Place Of Use: POWER

T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 31,000 AF

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Total Diversion: 2,000 CFS 31,000 AF

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63-34900

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BOISE, ID 83702

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Tributary: BOISE RIVER

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GARY SPACKMAN, Director

Published on 5/21/2020 and 5/28/2020

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:44 PM
To: 'legals@lmtribune.com'
Subject: Nez Perce Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 14, 2020

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

RE: Application for Permit No. 63-34891, 63-34897, 63-34900

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Sincerely,

Kensie Thorneycroft
Administrative Assistant

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Point of Diversion: NWSE S13 T03N R04E ELMORE County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 220 CFS

Total Diversion: 220 CFS

Date Filed: 05-01-2020

Place Of Use: POWER

T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

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Use: MUNICIPAL FROM STORAGE and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 310,000 AF

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Total Diversion: 2,000 CFS 31,000 AF

Date Filed: 4/21/2020

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GARY SPACKMAN, Director

Published on 5/21/2020 and 5/28/2020

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, May 14, 2020 1:41 PM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

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Kensie Thorneycroft
Administrative Assistant
IDWR Wester Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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Brad Little
Governor

Gary Spackman
Director

May 14, 2020

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34891, 63-34894, 63-34896, 63-34897, 63-34900

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Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

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63-34894

RYAN KUHNS
725 W FLOATING FEATHER RD
EAGLE, ID 83616-3817
Point of Diversion NWNE S8 T04N R01E ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 04-28-2020
Place Of Use: DOMESTIC
T04N R01E S8 NENE
Total Acres: 0.5

63-34896

JAMES DONOVAN
5514 W LAKE RIVER LN
BOISE, ID 83703-6241
Point of Diversion SESE S30 T04N R02E ADA County Source SILVER LAKE Tributary BOISE RIVER
Use: AESTHETIC 01/01 to 12/31 0.37 CFS
Total Diversion: 0.37 CFS
Date Filed: 04-24-2020
Place Of Use: AESTHETIC
T04N R02E S30 SESE
T04N R02E S31 NENE

63-34891

BOISE PROJECT BOARD OF CONTROL
2465 W OVERLAND RD
BOISE, ID 83705-3155
(2) Point of Diversion NWSE S13 T03N R04E ELMORE County Source BOISE RIVER Tributary SNAKE RIVER
Use: POWER 01/01 to 12/31 220 CFS
Total Diversion: 220 CFS
Date Filed: 05-01-2020
Place Of Use: POWER
T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC
398 S 9TH ST STE 240
BOISE, ID 83702
Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER
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2918 N. El Rancho Place, Boise ID 83704
Office: (208) 378-1513 Cell: (208) 870-0345
Fax: (888) 538-7703
www.idahowaterengineering.com
info@idahowaterengineering.com

April 21, 2020

RECEIVED

APR 21 2020

**WATER RESOURCES
WESTERN REGION**

Mr. Nick Miller, Manager
Idaho Department of Water Resources Western Regional Office
Hand Delivered

RE: Water Right Application for Permit in the Name of Cat Creek Energy, LLC

Dear Mr. Miller:

I am herewith resubmitting an Application for Permit with attachments. The reservoir described in this application is the same as that described in Applications for Permit Nos. 63-34403 and 63-34652. This application identifies additional uses for 31 KAF of the storage, and specifies irrigation of Wood Creek Ranch. This submittal has been prepared using the same guidelines you provided last year for the submittal of Application for Permit No. 63-34652.

A copy of the signature page is attached. The original signature page, plus filing fee of \$9,610, are being dropped off at the Southern Regional Office this afternoon. I have requested staff at the Southern Regional Office to send the original signature page plus the filing fee receipt to you.

Again for this submittal we recognize this type of application is not seen every day at IDWR. However, we need to find a way for water users to acquire supplemental storage water in advance of droughts – whether for irrigation or municipal uses. We seek IDWR assistance in navigating a path to make this appropriation possible. We will continue to make good faith adjustments in this process as required. We request that if further information is required, we be permitted to do this via a document exchange rather than for the application to be wholly returned for the addition of information.

Sincerely,

A handwritten signature in blue ink, appearing to read "David R. Tuthill, Jr.", is written over a faint, larger version of the same signature.

David R. Tuthill, Jr., Ph.D., P.E.

Enclosures:

Application for Permit, with:

Attachment

Municipal Water Right Application Checklist

Explanatory Document for the Municipal Water Right Application Checklist

Place of Use Map for the City of Nampa

Place of Use Map for Black Canyon Irrigation District

Place of Use Maps for Wood Creek Ranch and Cat Creek Reservoir

Maps of Place of use for Mitigation by Delivery from Storage

Tracts within Place of Use for Mitigation by Delivery from Storage

Memorandum of Understanding with Black Canyon Irrigation District

Memorandum of Understanding with the City of Nampa