

Dana L. Hofstetter, ISB No. 3867
William K. Fletcher, ISB No. 7950
HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: 208.344.6000
Facsimile: 208.954.5943
Email: dhofstetter@hawleytroxell.com
wfletcher@hawleytroxell.com

Attorneys for Protestors SBar Ranch, LLC and The
District at Park Center, LLC

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**WATER RESOURCES
WESTERN REGION**

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

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

SBAR RANCH, LLC AND THE
DISTRICT AT PARK CENTER, LLC's
MOTION FOR RULE 40.05.b. ORDER
FOR APPLICANT TO SUBMIT
COMPLETE RULE 40.05
INFORMATION

COME NOW, Protestors SBar Ranch, LLC and The District at Park Center, LLC (hereinafter, "these Protestors"), and hereby respectfully move the Director to issue an order pursuant to Water Appropriation Rule 40.05.b. requiring the Applicant, Cat Creek Energy, LLC ("Cat Creek" or "CCE"), to submit all information required pursuant to Idaho Water Appropriation Rule 40.05 relating to the Idaho Code 42-203A(5) criteria. This motion is made on the following grounds and for the following reasons:

1. On February 25, 2020, the Director held a continued prehearing conference in these matters, during which time the parties asked the Director to set a deadline for Cat Creek to submit to the Department and the parties the information required by Rule 40.05. In lieu of issuing an order at that time triggering Rule 40.05's 30-day deadline, the Director granted Cat Creek, with its consent, until March 31, 2020 to establish an electronic portal and to post on that portal the required Rule 40.05 information:

The Director stated that if the information is not posted by the end of March, he will issue a formal order pursuant to Rule 40.05.b triggering Rule 40.05's 30-day deadline. The Director also has noted that 'Failure to submit the required information within the

time period allowed will be cause for the Director to void an application [pursuant to Rule 40.05.b].’

March 13, 2020, Notice of Continued Pretrial Conference at 1.

2. On March 31, 2020, Cat Creek submitted a Notice of Additional Information, Rule 40.05 (hereinafter, Notice of Additional Information), in which it indicated that, “Additional documents and information is available via CCE’s online repository.” However, despite several requests to CCE beginning on April 6, 2020, CCE’s repository was not made accessible to these Protestors, and on information and belief, to any of the other parties, until April 13, 2020.¹ The list attached hereto as **Exhibit A** identifies the 229 documents available in CCE’s online repository as of the submission of this Motion. (The “CCE” document numbers on **Exhibit A** were assigned by these Protestors for reference since the 229 documents in the CCE repository have no identifying numbers.)

3. Upon review, it became apparent to these Protesters that CCE’s Notice of Additional Information, and the information subsequently made available on its online repository, were woefully incomplete and do not come close to fulfilling the Rule 40.05 information requirements. The specific Rule 40.05 information deficiencies identified by these Protestors as of the date of this Motion are described in **Exhibit B** hereto.² In particular, the

¹ Thereafter, CCE uploaded to the repository limited, additional documents on April 16, 21, and 23, 2020.

² Given the number of pages in CCEs document production to date, and as these Protestors’ review of CCE’s information is not yet complete, these Protestors reserve the right to supplement this list of CCE’s Rule 40.05 information deficiencies upon discovering any additional deficiencies.

information CCE submitted pursuant to Rule 40.05.f.i and f.ii (which concern the subject project's estimated construction costs and CCE's ability to finance the project) is illustrative of the superficial and unsubstantiated nature, and, generally, the inadequacy of the Rule 40.05 information CCE has provided. While by example, the following paragraphs detail the inadequate financial information provided by Cat Creek. It should be borne in mind that the other informational deficiencies identified in **Exhibit B** to this Motion (too numerous to describe with specificity here), largely suffer from the same shortcomings: Instead of providing real and detailed supporting information in compliance with Rule 40.05, CCE largely has offered only conclusory statements devoid of detail with significant information gaps, and, in many instances, has ignored Rule 40.05's specific informational requirements entirely.

4. In its March 31, 2020 Notice of Additional Information, CCE stated that its Rule 40.05.f.i and f.ii information was "highly proprietary for a private project of this magnitude" and would be "provided only pursuant to [a] protective order issued by the Director and will be limited to counsel, employees, experts, agents or representatives of the party who have executed a confidentiality agreement." Although, as early as the September 24, 2019 pre-hearing conference, CCE indicated that it would provide its Rule 40.05 information to the parties through an online repository (and CCE again confirmed at the February 25, 2020 continued pre-hearing conference that this repository would be available to the parties "within a couple of weeks"). CCE failed to provide any indication prior to its March 31, 2020 Notice of Additional Information that it intended to withhold the Rule 40.05.f.i. and ii financial information absent the Director's entry of a protective order.

5. On April 8, 2020, these Protestors confirmed that the repository information was not, in fact, available and inquired about when Cat Creek would provide this information. On April 13, 2020, these Protestors also conferred with Cat Creek regarding Cat Creek's position that it would withhold its Rule 40.05.f.i and ii financial information. In an April 13, 2020 email to Cat Creek, these Protestors stated that:

Our clients also disagree with CCE's position in its Notice [of Additional Information] that it may withhold any and all financial information it deems proprietary even though this information is required pursuant to Rules 40.05.f.i and ii. Those rules speak in non-discretionary terms ("the applicant shall submit") and information concerning the estimated costs associated with this project and CCE's ability to finance the same is the most probative evidence concerning CCE's burden under Idaho Code 42-203A(5)(d) to establish it has sufficient financial resources to complete the contemplated work (a fact which is noted in Rule 40.05f). CCE has put project costs and its ability to finance the same directly at issue by filing these applications and our clients believe that CCE has therefore waived any ability to claim this information is protected as 'proprietary and confidential.'

(Exhibit C, a true and correct copy of pertinent emails among party counsel)

CCE to date has not responded to provide any further detail or justification regarding CCE's position that its Rule 40.05.f.i. and ii. information may properly be withheld.

6. Finally, later on April 13, the repository was made available but there was absolutely no information in the repository addressing the financial information requirements of Rule 40.05.f.i and ii. On Friday, April 17, 2020, Cat Creek informed the parties that it was in the process of posting additional information supplementing its Notice of Additional Information. *See Ex. C.*

7. On Tuesday, April 21, 2020, Cat Creek informed these Protestors that it had posted additional documents to the repository. **Ex. C.** Cat Creek's April 21, 2020, repository

posting (Documents ##CCE000224—226) did not come close to curing its Rule 40.05.f.i and ii financial information deficiencies, as only one of these documents (CCE000226) provides any financial information and, as described below, even this information is woefully inadequate.³ In CCE000226, entitled “Financial Information Under Rule 40.05,” Cat Creek provides only a ballpark estimate of total project costs, and a conclusory statement that the project will be financed through both “debt and equity,” with the project’s “sale of energy and water to provide revenues for operations, debt amortization, taxes, and returns to investors.” CCE000226 contains only these general conclusory statements without any specifics or supporting information. There is no itemization of project costs by project components; there is only an extremely large unsubstantiated ballpark overall project cost figure provided. There is no identification of the specific kinds of debt and equity that are planned, no identification of prospective investors, and no identification of the sources of such capital or the respective amounts of each source of funds. There also is no information at all about how much income is expected to be generated by the sale of energy and water and how these sales are expected to cover operational costs or returns to investors. CCE000226 completely ignores Rule 40.05.f.i’s requirement that an applicant “shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.”

³ CCE 000224 is a blank Protective Agreement form; CCE 000225 is Cat Creek’s March 31, 2020, Notice of Additional Information; and CCE 000226 is entitled “Financial Information Under Rule 40.05.”

Cat Creek's sole financial information document also utterly fails to comply with Rule 40.05.f.ii's requirement that an applicant "shall submit . . . estimated construction costs for the project works." Given the admittedly ambitious size and scope of Cat Creek's proposed project, much more information is necessary for the Department and the parties to properly evaluate whether Cat Creek can meet its burdens of proof and, fundamentally, whether Cat Creek has sufficient financial resources with which to complete the work involved.

8. On April 21, 2020, Cat Creek also provided for the first time, through its online repository, a proposed Protective Agreement (CCE000224). However, CCE has provided no legal justification establishing that information subject to disclosure pursuant to Rule 40.05.f.i and ii can be or even should be withheld. The proposed Protective Agreement also impermissibly gives Cat Creek complete discretion to determine its information that would be subject to protection in this proceeding. Cat Creek cannot and should not be permitted to be the sole arbiter of whether and to what degree the required financial information, or any other information, should be protected as "highly proprietary."

9. By filing these applications, Cat Creek has put the Idaho Code 42-203A(5) criteria, including the proposed project's costs and Cat Creek's ability to obtain the necessary project financing, directly at issue, and, therefore, Cat Creek should have provided complete information satisfying Rule 40.05 by March 31, 2020, as it represented it would. Proceedings before the Department are by their very nature public proceedings before a public agency. To the degree the necessary financial information that must be disclosed pursuant to Subsections 40.05.f.i and ii. can be considered proprietary and confidential (and it cannot), by voluntarily filing these applications for water permits, Cat Creek has voluntarily waived any claim to

privilege in connection with this information that forms part of a *prima facie* case for any water permit application under Idaho law. If Cat Creek's Rule 40.05.f.i. and ii. information is not available yet, Cat Creek should be required to withdraw its applications and re-file when it is in a position to provide the required information.

CONCLUSION

For the foregoing reasons, these Protestors respectfully request that the Director issue an order requiring Cat Creek to completely and adequately comply with the specific information requirements of Rule 40.05 within 30 days, subject to Rule 40.05.b's requirement that "Failure to submit the required information within the time period allowed will be cause for the Director to void an application. . . .".

The foregoing information is true and correct to the best of my knowledge.

Dated: May 1, 2020

HAWLEY TROXELL ENNIS & HAWLEY LLP

By



William K. Fletcher

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date indicated below I caused to be served a true copy of the foregoing SBAR RANCH, LLC AND THE DISTRICT AT PARK CENTER, LLC'S MOTION FOR RULE 40.05.B. ORDER FOR APPLICANT TO SUBMIT COMPLETE RULE 40.05 INFORMATION with Exhibits by pre-paid U.S. Mail and email addressed to the following:

Cat Creek Energy LLC
398 S. 9th St., Suite 240
Boise, ID 83701

Racine Olson PLLP
Randall C. Budge
PO Box 1391
Pocatello, ID 83204

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

Barker Rosholt & Simpson
ATTN John Simpson
ATTN Albert P Barker
1010 W. Jefferson St., Suite 102
PO Box 2139
Boise, ID 83701 – 2139

Boise City Attorney's Office
ATTN Abigail Germaine
150 N. Capitol Blvd
PO Box 500
Boise, ID 83701

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

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

Idaho Water Engineering
ATTN David R. Tuthill, Jr.
2918 N. El Rancho Pl.
Boise, ID 83704

Wendi Combs
704 Lindenwood Dr.
Nampa, ID 83638

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

Honsinger Law PLLC
ATTN Charles Honsinger
PO Box 517
Boise, ID 83701

Idaho Conservation League
ATTN Matt Nykiel
PO Box 2308
Sandpoint, ID 83864

Idaho Conservation League
ATTN Marie Callaway Kellner
PO Box 844
Boise, ID 83701

Wildlands Defense
ATTN Katie Fite
PO Box 125
Boise, ID 83701

State of Idaho
Office of Attorney General
ATTN Ann Vonde
ATTN Michael C. Orr
PO Box 83720
Boise, ID 83720-0010

Givens Pursley LLP
ATTN Michael Lawrence
ATTN Christopher Meyer
ATTN Charles Baser
601 W. Bannock St.
PO Box 2720
Boise, ID 83701-2720

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

Wildlands Defense
ATTN Katie Fite
PO Box 125
Boise, ID 83701

US Department of Interior Office of the Solicitor
ATTN Lisa Lance
960 S. Broadway Ave., Suite 400
Boise ID 83706

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

Sawtooth Law Offices PLLC
ATTN Daniel Steenson
ATTN Bryce Farris
ATTN Andrea Waldera
1101 W. River Street, Suite 110
PO Box 7985
Boise, ID 83707

US Department of Interior Bureau of
Reclamation
ATTN E. Gail McGarry
1150 N. Curtis Rd., Suite 100
Boise, ID 83706

Trout Unlimited
ATTN Peter Anderson
910 W. Main St., Suite 342
Boise, ID 83702

Dated: May 1, 2020



William K. Fletcher

EXHIBIT

A

BegDoc	EndDoc	Pgs	Folder	Filename	Download Date	Upload Date	Uploaded By
CCE000001	CCE000001.08	8	1. Cat Creek Energy Project General Information - a. Cat Creek Energy, LLC	Idaho Secretary of State Cat Creek Energy Filings.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000002	CCE000002.12	12	1. Cat Creek Energy Project General Information - a. Cat Creek Energy, LLC	Memorandum - Sawtooth and Woodcreek.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000003	CCE000003.28	28	1. Cat Creek Energy Project General Information - b. Project Brochures	Cat Creek Energy Presentation for Due Diligence.pdf	4/13/2020	4/12/2020	J. Carkulis
CCE000004	CCE000004.02	2	1. Cat Creek Energy Project General Information - b. Project Brochures	CCE Metrics & Merits Introduction.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000005	CCE000005.20	20	1. Cat Creek Energy Project General Information - b. Project Brochures	Oxygen and DO Levels Anderson Ranch Reservoir - Bull Trout.pdf	4/13/2020	4/12/2020	J. Carkulis
CCE000006	CCE000006.02	2	1. Cat Creek Energy Project General Information - c. Pumped Hydro Battery Storage Modules- Cat Creek Reservoir Design	Cat Creek Reservoir - Not For Construction - Static Copy.pdf	4/13/2020	4/7/2020	J. Carkulis
CCE000007	CCE000007.05	5	1. Cat Creek Energy Project General Information - c. Pumped Hydro Battery Storage Modules- Project Pumped Storage Hydro Design	CCE Powerhouse-Not for Construction-Preliminary Design-Static.pdf	4/13/2020	4/7/2020	J. Carkulis
CCE000008	CCE000008.58	58	2. IDWR Applications for Permit - a. Application 63-34403	63-34403 Application Through Advertising.pdf	4/13/2020	3/30/2020	D. Tutthill
CCE000009	CCE000009.82	82	2. IDWR Applications for Permit - b. Application 63-34652	63-34652 Application Through Advertising .pdf	4/13/2020	3/30/2020	D. Tutthill
CCE000010	CCE000010.04	4	2. IDWR Applications for Permit - e. Hearings & Information	20190828-notice-prehearing-conf.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000011	CCE000011.03	3	2. IDWR Applications for Permit - e. Hearings & Information	Dept of Water Resources Notice of Continued Prehearing Conference.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000012	CCE000012.12	12	2. IDWR Applications for Permit - e. Hearings & Information	Cat Creek Energy, LLC - Water Rules Compliance.pdf	4/13/2020	4/4/2020	J. Carkulis
CCE000013	CCE000013.171	171	3. Water Supply - a. Needs assessment for water storage Boise Basin	20160808-OFR-Treasure-Valley-Water-Demand-2015-2065.pdf	4/13/2020	4/5/2020	J. Carkulis
CCE000014	CCE000014.04	4	3. Water Supply - a. Needs assessment for water storage Boise Basin	BoiseFAQ.pdf	4/13/2020	4/5/2020	J. Carkulis
CCE000015	CCE000015	1	3. Water Supply - a. Needs assessment for water storage Boise Basin	Critical Major Water Infrastructure.pdf	4/13/2020	4/12/2020	J. Carkulis
CCE000016	CCE000016.121	121	3. Water Supply - a. Needs assessment for water storage Boise Basin	USACE - 1-16 IWRB Water Storage Committee Meeting Materials (1).pdf	4/13/2020	4/13/2020	J. Carkulis
CCE000017	CCE000017	1	3. Water Supply - a. Needs assessment for water storage Boise Basin	USACE Determines Economic Benefits Do Not Warrant Dam Raise Solutions.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000018	CCE000018	1	3. Water Supply - a. Needs assessment for water storage Boise Basin	Water Storage on the Boise River.pdf	4/13/2020	4/13/2020	J. Carkulis
CCE000019	CCE000019.03	3	3. Water Supply - c. Impact on AAR operations and supplies	Cat Creek Energy Storage Water Availability Narrative.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000020	CCE000020.19	19	3. Water Supply - d. SF Boise River available supply	BOR - 2017prelimhydro study.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000021	CCE000021	1	3. Water Supply - d. SF Boise River available supply	Snow Water Equivalent in Boise Basin - NRCS.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000022	CCE000022.35	35	3. Water Supply - d. SF Boise River available supply	South Fork Boise River Near Featherville IDWR Water Right Accounting Data.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000023	CCE000023.12	12	4. Land Use - a. Leases	Memorandum - Sawtooth and Woodcreek.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000024	CCE000024.03	3	5. State and Federal Permitting - a. State Permitting	7758_PH_Notice_Appeal.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000025	CCE000025.08	8	5. State and Federal Permitting - a. State Permitting	Cat Creek Energy Questions 2016.docx + comments on mike mcdonald responses.pdf	4/13/2020	3/30/2020	J. Carkulis

BegDoc	EndDoc	Pgs	Folder	Filename	Download Date	Upload Date	Uploaded By
CCE000026	CCE000026.02	2	5. State and Federal Permitting - a. State Permitting	CCE Comments on Concerns Expressed by the Idaho Department of Fish and Game on withdrawal of water docx short version.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000027	CCE000027.04	4	5. State and Federal Permitting - a. State Permitting	CCE comments on IDFG letter of 9142018 (1).docx re proposed water right development.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000028	CCE000028.41	41	5. State and Federal Permitting - a. State Permitting	CCE Elmore County PZ Responses CCE - Final (17-Jun-15).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000029	CCE000029.04	4	5. State and Federal Permitting - a. State Permitting	CCE Response to IDFG Request for Information of June 17, 2019.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000030	CCE000030.30	30	5. State and Federal Permitting - a. State Permitting	CCE Response to Power Engineers Review of Cat Creek WMP 06-01-16.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000031	CCE000031.06	6	5. State and Federal Permitting - a. State Permitting	CCE Responses to ABC Letter 20160426 to FWS for Elmore co.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000032	CCE000032.04	4	5. State and Federal Permitting - a. State Permitting	CCE Responses to Aspen Engineers' Comments and Recommendations on the CUP Applications Submitted to Elmore County by Cat Creek Energy.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000033	CCE000033.08	8	5. State and Federal Permitting - a. State Permitting	CCE responses to deficiencies and concerns letter from Alan Christy.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000034	CCE000034.13	13	5. State and Federal Permitting - a. State Permitting	CUP-2015-06_Wind_Power.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000035	CCE000035.37	37	5. State and Federal Permitting - a. State Permitting	Development Agreement - FULLY EXECUTED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000036	CCE000036.03	3	5. State and Federal Permitting - a. State Permitting	Elmore County Comprehensive Plan Objectives and Goals Compliance covering letter 12072016.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000037	CCE000037.14	14	5. State and Federal Permitting - a. State Permitting	Findings of Fact and Conclusions of Law (second reconsideration).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000038	CCE000038.53	53	5. State and Federal Permitting - a. State Permitting	Findings of Fact and Conclusions of Law and Conditions of Approval - SIGNED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000039	CCE000039.16	16	5. State and Federal Permitting - a. State Permitting	Findings of Fact, Conclusions of Law and Order - CUP Amendments.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000040	CCE000040.06	6	5. State and Federal Permitting - a. State Permitting	First Amendment to DA - FULLY EXECUTED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000041	CCE000041.93	93	5. State and Federal Permitting - a. State Permitting	How CCE meets Comp Plan Goals.xlsx.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000042	CCE000042.89	89	5. State and Federal Permitting - a. State Permitting	Memorandum Decision and Order on Petition for Judicial Review.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000043	CCE000043.10	10	5. State and Federal Permitting - a. State Permitting	Order on Cat Creeks Motion for Reconsideration.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000044	CCE000044.03	3	5. State and Federal Permitting - a. State Permitting	Ordinance No. 2018-01 - SIGNED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000045	CCE000045.03	3	5. State and Federal Permitting - a. State Permitting	Preliminary Lease of Power Privilege - EXECUTED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000046	CCE000046.03	3	5. State and Federal Permitting - a. State Permitting	Resolution No. 652-18 - SIGNED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000047	CCE000047.444	444	5. State and Federal Permitting - a. State Permitting	Staff Report Board of County Commissioners PH 11-16-16 .pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000048	CCE000048.153	153	5. State and Federal Permitting - a. State Permitting	Staff Report Cat Creek Eneergy 6-8-2016 (2).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000049	CCE000049.101	101	5. State and Federal Permitting - a. State Permitting	Supplemental_Staff_Report_Appeal_CCE (3).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000050	CCE000050.16	16	5. State and Federal Permitting - b. FERC Permitting	20141211_FERC_Preliminary_permit_app.pdf	4/13/2020	3/30/2020	J. Carkulis

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CCE000051	CCE000051.04	4	5. State and Federal Permitting - b. FERC Permitting	20150109_FERC_list_tribes-districts-fed_agenceis (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000052	CCE000052.03	3	5. State and Federal Permitting - b. FERC Permitting	20150724_FERC_deficiency_notice (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000053	CCE000053.06	6	5. State and Federal Permitting - b. FERC Permitting	20150821_response_to_FERC_deficiency_notice.pdf	4/13/2020	4/1/2020	P. Beltrone
CCE000054	CCE000054.12	12	5. State and Federal Permitting - b. FERC Permitting	20160429_GS_FERC_6_mo_report (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000055	CCE000055.02	2	5. State and Federal Permitting - b. FERC Permitting	20170430_GS_FERC_6_mo_report (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000056	CCE000056.02	2	5. State and Federal Permitting - b. FERC Permitting	20171030_GS_FERC_6_mo_report (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000057	CCE000057.02	2	5. State and Federal Permitting - b. FERC Permitting	20180430_GS_FERC_6_mo_report (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000058	CCE000058	1	5. State and Federal Permitting - b. FERC Permitting	20180802_GS_FERC_response_to_filing (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000059	CCE000059.03	3	5. State and Federal Permitting - b. FERC Permitting	20181029_GS_FERC_6_mo_report & extension_req (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000060	CCE000060.25	25	5. State and Federal Permitting - b. FERC Permitting	20181108_prelim_permit_app (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000061	CCE000061.03	3	5. State and Federal Permitting - b. FERC Permitting	20181116_FERC_AIR.pdf	4/13/2020	4/1/2020	P. Beltrone
CCE000062	CCE000062	1	5. State and Federal Permitting - b. FERC Permitting	20181116_GS_FERC_response_to_AIR (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000063	CCE000063.02	2	5. State and Federal Permitting - b. FERC Permitting	20190107_FERC_AIR.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000064	CCE000064.03	3	5. State and Federal Permitting - b. FERC Permitting	20190109_GS_FERC_response_to_AIR (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000065	CCE000065.03	3	5. State and Federal Permitting - b. FERC Permitting	20190221_FERC_AIR.pdf	4/13/2020	4/1/2020	P. Beltrone
CCE000066	CCE000066	1	5. State and Federal Permitting - b. FERC Permitting	20190307_GS_FERC_response_to_AIR (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000067	CCE000067.03	3	5. State and Federal Permitting - b. FERC Permitting	20190320_GS_FERC_comments (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000068	CCE000068.04	4	5. State and Federal Permitting - b. FERC Permitting	20200330_GS_FERC_12_mo_report.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000069	CCE000069.11	11	5. State and Federal Permitting - b. FERC Permitting	4-18-2019 Cat Creek Successive Permit P-14655 (D0369905x8DF41).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000070	CCE000070.03	3	5. State and Federal Permitting - c. BOR Permitting	2019-05-20 CCE questions to Reclamation (CCE Exhibit D) - Response 1.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000071	CCE000071	1	5. State and Federal Permitting - c. BOR Permitting	2019-05-28 Agenda - CCE LOPP Prelim Lease Agreement.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000072	CCE000072.05	5	5. State and Federal Permitting - c. BOR Permitting	2019-07-26 Responses to 2019-07-19 CCE questions_fisheries_DV.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000073	CCE000073	1	5. State and Federal Permitting - c. BOR Permitting	2019-07-30 Agenda - FERC Reclamation CCE LOPP Joint Planning Outreach.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000074	CCE000074	1	5. State and Federal Permitting - c. BOR Permitting	2019-07-30 Agenda - FERC Reclamation CCE LOPP Joint Planning Outreach_DRAFT.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000075	CCE000075.04	4	5. State and Federal Permitting - c. BOR Permitting	2019-07-30 Notes - FERC Reclamation CCE LOPP Joint Planning Outreach - DRAFT V2.pdf	4/13/2020	4/2/2020	P. Beltrone

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CCE000076	CCE000076.04	4	5. State and Federal Permitting - c. BOR Permitting	2019-07-30 Notes - FERC Reclamation CCE LOPP Joint Planning Outreach - DRAFT.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000077	CCE000077.04	4	5. State and Federal Permitting - c. BOR Permitting	2019-07-30 Notes - FERC Reclamation CCE LOPP Joint Planning Outreach - Final.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000078	CCE000078.05	5	5. State and Federal Permitting - c. BOR Permitting	2019-08-09 CCE LOPP anticipated data input and study needs.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000079	CCE000079.05	5	5. State and Federal Permitting - c. BOR Permitting	2019-08-09 CCE questions to Reclamation (CCE Exhibit D) questions 6-37.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000080	CCE000080	1	5. State and Federal Permitting - c. BOR Permitting	2019-08-28 BOR and FERC processes synced flow chart - Final.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000081	CCE000081.40	40	5. State and Federal Permitting - c. BOR Permitting	2019-08-28 CCE Agency Presentation Static Copy - Final.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000082	CCE000082		5. State and Federal Permitting - c. BOR Permitting	EmbeddedFile1.xlsx	4/13/2020	3/30/2020	J. Carkulis
CCE000083	CCE000083.04	4	5. State and Federal Permitting - c. BOR Permitting	20190408 Reclamation responses to CCE questions 3-28-2019.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000084	CCE000084.09	9	5. State and Federal Permitting - c. BOR Permitting	20190730 LOPP Overview Presentation.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000085	CCE000085	1	5. State and Federal Permitting - c. BOR Permitting	20190812_TS_agencies_meeting_request(1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000086	CCE000086.04	4	5. State and Federal Permitting - c. BOR Permitting	20191105_to_IWRB_BFS_Mod 1 to MOA R18MR11717_FileCopy2.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000087	CCE000087	1	5. State and Federal Permitting - c. BOR Permitting	2020-02-06 Agenda - CCE LOPP Land Jurisdiction.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000088	CCE000088.02	2	5. State and Federal Permitting - c. BOR Permitting	2020-02-17 Update Ltr to CCE.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000089	CCE000089.02	2	5. State and Federal Permitting - c. BOR Permitting	20200115 CCE Lease of Power Privilege Update (1).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000090	CCE000090	1	5. State and Federal Permitting - c. BOR Permitting	Agenda - CCE LOPP Overview - 2019-04-24.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000091	CCE000091	1	5. State and Federal Permitting - c. BOR Permitting	Anderson_Lands.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000092	CCE000092.04	4	5. State and Federal Permitting - c. BOR Permitting	BOR Project Update as reported to FERC on Jul 16, 2019.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000093	CCE000093.04	4	5. State and Federal Permitting - c. BOR Permitting	CCE agency meeting fact sheet 082719.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000094	CCE000094.02	2	5. State and Federal Permitting - c. BOR Permitting	CCE and BOR meeting questions final 3-28-2019.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000095	CCE000095.04	4	5. State and Federal Permitting - c. BOR Permitting	CCE LOPP Intro Meeting 2019_04_24.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000096	CCE000096.09	9	5. State and Federal Permitting - c. BOR Permitting	CCE Meeting 082819 notes_final.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000097	CCE000097.16	16	5. State and Federal Permitting - c. BOR Permitting	CCE Presentation.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000098	CCE000098.32	32	5. State and Federal Permitting - c. BOR Permitting	CCE-BOR 24-Apr-19 Meeting Materials Static Copy.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000099	CCE000099.25	25	5. State and Federal Permitting - c. BOR Permitting	CCE-BOR 28-May-19 Meeting Submittal (24-May-19).pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000100	CCE000100	1	5. State and Federal Permitting - c. BOR Permitting	CCE BoR Monitoring_Questions_17May2019_ib.pdf	4/13/2020	4/2/2020	P. Beltrone

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CCE000101	CCE000101	1	5. State and Federal Permitting - c. BOR Permitting	CCE_Models_Table_28may2019jb_v4.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000102	CCE000102.09	9	5. State and Federal Permitting - c. BOR Permitting	FERC Presentation.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000103	CCE000103.37	37	5. State and Federal Permitting - c. BOR Permitting	Final EA Anderson Ranch 4_13_10.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000104	CCE000104.07	7	5. State and Federal Permitting - c. BOR Permitting	FONSI Anderson Ranch Security 07_10.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000105	CCE000105.02	2	5. State and Federal Permitting - c. BOR Permitting	NDA - CCE Seismic Studies and Water Operations Guide - Signed.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000106	CCE000106.03	3	5. State and Federal Permitting - c. BOR Permitting	Preliminary Lease of Power Privilege - EXECUTED.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000107	CCE000107.08	8	5. State and Federal Permitting - c. BOR Permitting	Reclamation Presentation.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000108	CCE000108.11	11	5. State and Federal Permitting - c. BOR Permitting	USBR Land Presentation.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000109	CCE000109.55	55	5. State and Federal Permitting - c. BOR Permitting	USFS_1987_April 06_Interagency Agreement - Cascade, Deadwood, Arrowrock, and Anderson.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000110	CCE000110	1	6. Economic Benefits - a. Renewable energy production	Idaho Power Generation Queue 04-Apr-20 - Large Generators.xlsx.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000111	CCE000111	1	6. Economic Benefits - a. Renewable energy production	Power Generation Technology Life Expendencies.pdf	4/13/2020	4/11/2020	J. Carkulis
CCE000112	CCE000112.171	171	6. Economic Benefits - b. BoiseTreasure Valley water needs	20160808-OFR-Treasure-Valley-Water-Demand-2015-2065.pdf	4/13/2020	4/11/2020	J. Carkulis
CCE000113	CCE000113.04	4	6. Economic Benefits - b. BoiseTreasure Valley water needs	BoiseFAQ.pdf	4/13/2020	4/11/2020	J. Carkulis
CCE000114	CCE000114	1	6. Economic Benefits - c. Employment	Job Creation - DOE Models.pdf	4/13/2020	4/11/2020	J. Carkulis
CCE000115	CCE000115	1	7. Public Interest - a. Renewable Energy	Critical Major Energy Infrastructure.pdf	4/13/2020	4/12/2020	J. Carkulis
CCE000116	CCE000116	1	7. Public Interest - a. Renewable Energy	Idaho Power Clean Energy Mandate.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000117	CCE000117.09	9	7. Public Interest - a. Renewable Energy	MidC Randy Hardy PNW Capacity Whitepaper revised version.pdf	4/13/2020	4/6/2020	J. Carkulis
CCE000118	CCE000118.66	66	7. Public Interest - b. Fish impacts	1 - Anderson Ranch Dam Maintenance Project 2018 BO.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000119	CCE000119	1	7. Public Interest - b. Fish impacts	3 - Benjamin et al ICAFS Abstract.pdf	4/13/2020	3/31/2020	J. Brock
CCE000120	CCE000120.14	14	7. Public Interest - b. Fish impacts	4 - Benjankar et al 2018.pdf	4/13/2020	3/31/2020	J. Brock
CCE000121	CCE000121.205	205	7. Public Interest - b. Fish impacts	5 - Benjankar et al 2017 SF operations.pdf	4/13/2020	3/31/2020	J. Brock
CCE000122	CCE000122.10	10	7. Public Interest - b. Fish impacts	6 - Mesa et al 2012 Bull Trout Bioenergetics Model.pdf	4/13/2020	3/31/2020	J. Brock
CCE000123	CCE000123.05	5	7. Public Interest - b. Fish impacts	7 - Thermal data manuscript Boise map used.pdf	4/13/2020	3/31/2020	J. Brock
CCE000124	CCE000124.12	12	7. Public Interest - b. Fish impacts	8 - Idaho Water Quality Standards 1988.pdf	4/13/2020	3/31/2020	J. Brock
CCE000125	CCE000125.138	138	7. Public Interest - b. Fish impacts	9 - B Flatter 2000 Thesis.pdf	4/13/2020	3/30/2020	J. Carkulis
CCE000126	CCE000126.72	72	7. Public Interest - b. Fish impacts	19-106 2011 Reg4 AnnualReport Final.pdf	4/13/2020	3/31/2020	J. Brock
CCE000127	CCE000127.53	53	7. Public Interest - b. Fish impacts	19-107 Reg4 2012 AR 10.8 final.pdf	4/13/2020	3/31/2020	J. Brock
CCE000128	CCE000128.74	74	7. Public Interest - b. Fish impacts	19-108 Reg4 Mgmt 2016 final.pdf	4/13/2020	3/31/2020	J. Brock
CCE000129	CCE000129.44	44	7. Public Interest - b. Fish impacts	19-110 Reg4 2015 AR Final.pdf	4/13/2020	3/31/2020	J. Brock
CCE000130	CCE000130.14	14	7. Public Interest - b. Fish impacts	1995 Nestler et al Development of an operational, full-scale fish protection system at a major pumped-storage hydropower dam 1995.pdf	4/13/2020	3/31/2020	J. Brock
CCE000131	CCE000131.14	14	7. Public Interest - b. Fish impacts	Anderson et al 2010 Influence of pumped storage hydroelectric plant operation on a shallow polymictic lake Predictions from 3 D hydrodynamic modeling.pdf	4/13/2020	3/31/2020	J. Brock
CCE000132	CCE000132.66	66	7. Public Interest - b. Fish impacts	Anderson Ranch Dam Maintenance Project 2018 BO.pdf	4/13/2020	3/31/2020	J. Brock
CCE000133	CCE000133.84	84	7. Public Interest - b. Fish impacts	Antal-MS-2014.pdf	4/13/2020	3/31/2020	J. Brock
CCE000134	CCE000134.03	3	7. Public Interest - b. Fish impacts	ARR_Transect17_2002 and acoustic transect_contour_2001.pdf	4/13/2020	3/31/2020	J. Brock

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CCE000135	CCE000135.17	17	7. Public Interest - b. Fish impacts	Beauchamp_1997.pdf	4/13/2020	3/31/2020	J. Brock
CCE000136	CCE000136	1	7. Public Interest - b. Fish impacts	Benjamin_et al _ICAFS_Abstract.pdf	4/13/2020	3/31/2020	J. Brock
CCE000137	CCE000137.205	205	7. Public Interest - b. Fish impacts	Benjankar et al 2017 SF operations.pdf	4/13/2020	3/31/2020	J. Brock
CCE000138	CCE000138.14	14	7. Public Interest - b. Fish impacts	Benjankar et al 2018 ecohydraulics virtual watershed.pdf	4/13/2020	3/31/2020	J. Brock
CCE000139	CCE000139.09	9	7. Public Interest - b. Fish impacts	Benjankar_et al_2018_SFBR_Temperature.pdf	4/13/2020	3/31/2020	J. Brock
CCE000140	CCE000140.186	186	7. Public Interest - b. Fish impacts	Blue_Mesa_CO_synthesis_all.pdf	4/13/2020	3/31/2020	J. Brock
CCE000141	CCE000141.18	18	7. Public Interest - b. Fish impacts	Butts2012SFB Electrofishing.pdf	4/13/2020	3/31/2020	J. Brock
CCE000142	CCE000142.06	6	7. Public Interest - b. Fish impacts	CCE Responses to ABC Letter April 26.pdf	4/13/2020	4/3/2020	P. Beltrone
CCE000143	CCE000143.04	4	7. Public Interest - b. Fish impacts	CCE-BOR 28-May-19 Meeting Submittal Exhibit D.pdf	4/13/2020	3/30/2020	J. Carullis
CCE000144	CCE000144.05	5	7. Public Interest - b. Fish impacts	CCE_Fish_Letter to -BOR Questions 7-16-19 JB_v2.pdf	4/13/2020	4/2/2020	P. Beltrone
CCE000145	CCE000145.14	14	7. Public Interest - b. Fish impacts	Dauwalter et al 2013 Boise StrandingSummary.pdf	4/13/2020	3/31/2020	J. Brock
CCE000146	CCE000146.37	37	7. Public Interest - b. Fish impacts	End01-20Partridge1998-1999 Southwest Idaho Bull Trout Restoration South Fork Boise River (same rpt but unsigned version).pdf	4/13/2020	3/31/2020	J. Brock
CCE000147	CCE000147.05	5	7. Public Interest - b. Fish impacts	Faux Diabat_2016 Boise Thermal Imaging.pdf	4/13/2020	3/31/2020	J. Brock
CCE000148	CCE000148.195	195	7. Public Interest - b. Fish impacts	Final Bull Trout Recovery Plan 092915.pdf	4/13/2020	3/31/2020	J. Brock
CCE000149	CCE000149.118	118	7. Public Interest - b. Fish impacts	Final_Upper_Snake_RUIP_092915.pdf	4/13/2020	3/31/2020	J. Brock
CCE000150	CCE000150.17	17	7. Public Interest - b. Fish impacts	Flow field in a reservoir subject to pumped storage operation in situ measurement and numerical modeling.pdf	4/13/2020	3/31/2020	J. Brock
CCE000151	CCE000151.150	150	7. Public Interest - b. Fish impacts	Gutowsky Movement of adfluvial bull trout.pdf	4/13/2020	3/31/2020	J. Brock
CCE000152	CCE000152.07	7	7. Public Interest - b. Fish impacts	Guy et al 2011 BT Kokanee Diet.pdf	4/13/2020	3/31/2020	J. Brock
CCE000153	CCE000153.94	94	7. Public Interest - b. Fish impacts	hans-berge-ms-thesis-2009.pdf	4/13/2020	3/31/2020	J. Brock
CCE000154	CCE000154.86	86	7. Public Interest - b. Fish impacts	Hansen2018-ColdwaterLakeandReservoirResearchProjects-AnnualReport-Final.pdf	4/13/2020	3/31/2020	J. Brock
CCE000155	CCE000155.67	67	7. Public Interest - b. Fish impacts	Hansenet.al.2017-FinalReport-KachessKeechelusFoodWebStructure-Phase2 (1).pdf	4/13/2020	3/31/2020	J. Brock
CCE000156	CCE000156.68	68	7. Public Interest - b. Fish impacts	Hansenet.al.2017-FinalReport-KachessKeechelusFoodWebStructure-Phase2.pdf	4/13/2020	3/31/2020	J. Brock
CCE000157	CCE000157.53	53	7. Public Interest - b. Fish impacts	Heimer_196.pdf	4/13/2020	3/31/2020	J. Brock
CCE000158	CCE000158.198	198	7. Public Interest - b. Fish impacts	ID WQS standards 2019.pdf	4/13/2020	3/31/2020	J. Brock
CCE000159	CCE000159.367	367	7. Public Interest - b. Fish impacts	IDFG Fisheries Management Plan 2013-2018.pdf	4/13/2020	3/31/2020	J. Brock
CCE000160	CCE000160.12	12	7. Public Interest - b. Fish impacts	IDFG-11-108-Butts2009-FisheryManagementReportSW-2009-SFBoise.pdf	4/13/2020	3/31/2020	J. Brock
CCE000161	CCE000161.176	176	7. Public Interest - b. Fish impacts	Interactions between Fluctuating Reservoir Water Levels and Bull Trout Salvelinus confluentus Ecology.pdf	4/13/2020	3/31/2020	J. Brock
CCE000162	CCE000162.11	11	7. Public Interest - b. Fish impacts	ISG (Williams et al.) 1999 Return to the River AFS Fisheries.pdf	4/13/2020	3/31/2020	J. Brock
CCE000163	CCE000163.22	22	7. Public Interest - b. Fish impacts	JFWM 2015 Smith et al LR sampling techniques.pdf	4/13/2020	3/31/2020	J. Brock
CCE000164	CCE000164.982	982	7. Public Interest - b. Fish impacts	Kachess Kachelus feis2019v1.pdf	4/13/2020	3/31/2020	J. Brock
CCE000165	CCE000165.10	10	7. Public Interest - b. Fish impacts	Klein_et al 2019 Gear to sampleKok_JFM_39.pdf	4/13/2020	3/31/2020	J. Brock
CCE000166	CCE000166.15	15	7. Public Interest - b. Fish impacts	Kobler et al 2018 sustainability-10-01968.pdf	4/13/2020	3/31/2020	J. Brock
CCE000167	CCE000167.08	8	7. Public Interest - b. Fish impacts	Luecke et al 1996. Simulated Growth and Production of Endangered Snake River Sockeye.pdf	4/13/2020	3/31/2020	J. Brock
CCE000168	CCE000168.24	24	7. Public Interest - b. Fish impacts	MacCoy_et al_2017 BullTrout Telemetry Boise R_USGS_ds1042.pdf	4/13/2020	3/31/2020	J. Brock
CCE000169	CCE000169.36	36	7. Public Interest - b. Fish impacts	Maret et Schultz 2012 Bull trout movement in environment.pdf	4/13/2020	3/31/2020	J. Brock
CCE000170	CCE000170.10	10	7. Public Interest - b. Fish impacts	Mesa_et al_2012 Bull Trout Bioenergetics Model.pdf	4/13/2020	3/31/2020	J. Brock
CCE000171	CCE000171.82	82	7. Public Interest - b. Fish impacts	Mgt-Davis1993 Fisheries Management Performance Reports.pdf	4/13/2020	3/31/2020	J. Brock
CCE000172	CCE000172.91	91	7. Public Interest - b. Fish impacts	Mgt. 13-1135Stanton2008 Fishery Management Annual Report Magic Valley Region 2008.pdf	4/13/2020	3/31/2020	J. Brock
CCE000173	CCE000173.93	93	7. Public Interest - b. Fish impacts	Mgt.13-124Stanton2009 Fishery Management Annual Report Magic Valley 2009 (1).pdf	4/13/2020	3/31/2020	J. Brock
CCE000174	CCE000174.27	27	7. Public Interest - b. Fish impacts	Mgt03-18Warren2001 Regional Fisheries Management Investigations Magic Valley Region.pdf	4/13/2020	3/31/2020	J. Brock

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CCE000175	CCE000175.66	66	7. Public Interest - b. Fish impacts	Mgt04-04Warren2001 Regional Fisheries Management Investigations Magic Valley Region.pdf	4/13/2020	3/31/2020	J. Brock
CCE000176	CCE000176.103	103	7. Public Interest - b. Fish impacts	Mgt08-114Ryan2007 Fishery Management Annual Report Magic Valley Region.pdf	4/13/2020	3/31/2020	J. Brock
CCE000177	CCE000177.150	150	7. Public Interest - b. Fish impacts	Mgt14-101Schoby2010 Fishery Management Annual Report Upper Snake Region 2010.pdf	4/13/2020	3/31/2020	J. Brock
CCE000178	CCE000178.205	205	7. Public Interest - b. Fish impacts	Mgt17-105Reg3Management2016 FINAL.pdf	4/13/2020	3/31/2020	J. Brock
CCE000179	CCE000179.172	172	7. Public Interest - b. Fish impacts	Mgt18-104SouthwestRegion(Nampa)2017 Annual Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000180	CCE000180.74	74	7. Public Interest - b. Fish impacts	Mgt94-28Nelson1994 Fisheries Management Performance Reports.pdf	4/13/2020	3/31/2020	J. Brock
CCE000181	CCE000181.81	81	7. Public Interest - b. Fish impacts	Mgt95-43Nelson1995 Fisheries Management Performance Reports.pdf	4/13/2020	3/31/2020	J. Brock
CCE000182	CCE000182.82	82	7. Public Interest - b. Fish impacts	Mgt97-32Fredericks1997 Fisheries Management Performance Reports.pdf	4/13/2020	3/31/2020	J. Brock
CCE000183	CCE000183.169	169	7. Public Interest - b. Fish impacts	MGT'Southwest Region 2013 Annual Fisheries Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000184	CCE000184.05	5	7. Public Interest - b. Fish impacts	Nestler_Simulating_fish_movement_in_hydropower_reservoirs_.pdf	4/13/2020	3/31/2020	J. Brock
CCE000185	CCE000185.14	14	7. Public Interest - b. Fish impacts	Neville_and_Dunham_2011 Trout hybridization Boise R.pdf	4/13/2020	3/31/2020	J. Brock
CCE000186	CCE000186.46	46	7. Public Interest - b. Fish impacts	Pacific salmon legacy_Final_7-27-17.pdf	4/13/2020	3/31/2020	J. Brock
CCE000187	CCE000187.14	14	7. Public Interest - b. Fish impacts	pnw_2016_eckmann001.pdf	4/13/2020	3/31/2020	J. Brock
CCE000188	CCE000188.17	17	7. Public Interest - b. Fish impacts	Pollom_Rose_2016 Global review fisheries hydroacoustics research.pdf	4/13/2020	3/31/2020	J. Brock
CCE000189	CCE000189.29	29	7. Public Interest - b. Fish impacts	Prisciandoro and Schmasow.2008-annualreport-deadwood.pdf	4/13/2020	3/31/2020	J. Brock
CCE000190	CCE000190.176	176	7. Public Interest - b. Fish impacts	Prosciandaro_2015_Fluctuating_Reservoir_Water_Levels_and_Bull_Trout_.pdf	4/13/2020	3/31/2020	J. Brock
CCE000191	CCE000191.17	17	7. Public Interest - b. Fish impacts	Qtr-Mallet1stQuarter1976 Coordination Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000192	CCE000192.28	28	7. Public Interest - b. Fish impacts	Qtr-Mallet1stQuarter1977 Coordination Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000193	CCE000193.19	19	7. Public Interest - b. Fish impacts	Qtr-Mallet2ndQuarter1975 Coordination Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000194	CCE000194.30	30	7. Public Interest - b. Fish impacts	Qtr-Mallet4thQuarter1976 Coordination Report.pdf	4/13/2020	3/31/2020	J. Brock
CCE000195	CCE000195.08	8	7. Public Interest - b. Fish impacts	Rapport et Proces-Verbaux des Reunions - Volume 189 - 1990 - Partie 39 de 53.pdf	4/13/2020	3/31/2020	J. Brock
CCE000196	CCE000196.50	50	7. Public Interest - b. Fish impacts	Res-Bailey1969 Lake and Reservoir Investigations Pend Oreille, Priest and Coeur d'Alene Lakes.pdf	4/13/2020	3/31/2020	J. Brock
CCE000197	CCE000197.86	86	7. Public Interest - b. Fish impacts	Res-Dillon1992 Lake and Reservoir Investigations Forage Development and Evaluation.pdf	4/13/2020	3/31/2020	J. Brock
CCE000198	CCE000198.49	49	7. Public Interest - b. Fish impacts	Res-Heimer1967 Lake and Reservoir Investigations Anderson Ranch Reservoir.pdf	4/13/2020	3/31/2020	J. Brock
CCE000199	CCE000199.34	34	7. Public Interest - b. Fish impacts	Res-Leusink1969 Lake and Reservoir Investigations use of incubation channels for the production of cutthroat trout.pdf	4/13/2020	3/31/2020	J. Brock
CCE000200	CCE000200.96	96	7. Public Interest - b. Fish impacts	Res-Partridge1986 Lake and Reservoir Investigations Alternative Fish Species and Strains.pdf	4/13/2020	3/31/2020	J. Brock
CCE000201	CCE000201.32	32	7. Public Interest - b. Fish impacts	Res-Pollard1971a Lake and Reservoir Investigations Anderson Ranch Reservoir.pdf	4/13/2020	3/31/2020	J. Brock
CCE000202	CCE000202.125	125	7. Public Interest - b. Fish impacts	Res-Rieman1990 Status and Analysis of Salmonid Fisheries--Kokanee Population Dynamics.pdf	4/13/2020	3/31/2020	J. Brock
CCE000203	CCE000203.113	113	7. Public Interest - b. Fish impacts	Res01-40Teuscher2001 Lake and Reservoir Research.pdf	4/13/2020	3/31/2020	J. Brock
CCE000204	CCE000204.41	41	7. Public Interest - b. Fish impacts	Res02-38Butts2002 Lake and Reservoir Research.pdf	4/13/2020	3/31/2020	J. Brock
CCE000205	CCE000205.91	91	7. Public Interest - b. Fish impacts	Res06-33Butts2004a Lake and Reservoir Research.pdf	4/13/2020	3/31/2020	J. Brock
CCE000206	CCE000206.81	81	7. Public Interest - b. Fish impacts	Res07-13Butts2006 Lake and Reservoir Research.pdf	4/13/2020	3/31/2020	J. Brock
CCE000207	CCE000207.23	23	7. Public Interest - b. Fish impacts	Res12-10Lamansky2012 Lake and Reservoir Sampling Protocol.pdf	4/13/2020	3/31/2020	J. Brock
CCE000208	CCE000208.16	16	7. Public Interest - b. Fish impacts	Rieman et al 1997_Distribution_Status_and_Likely_Future_Trends_of_Bu.pdf	4/13/2020	3/31/2020	J. Brock
CCE000209	CCE000209.25	25	7. Public Interest - b. Fish impacts	Salow_2005_BOR_Bull_Trout_Lucky_Peak_Arrowrock.pdf	4/13/2020	3/31/2020	J. Brock
CCE000210	CCE000210.08	8	7. Public Interest - b. Fish impacts	SFB2010TributarySurvey.pdf	4/13/2020	3/31/2020	J. Brock
CCE000211	CCE000211	1	7. Public Interest - b. Fish impacts	SFBR ARR Fish Partridge 2001 Table_p2.pdf	4/13/2020	3/30/2020	J. Carkulis

BegDoc	EndDoc	Pgs	Folder	Filename	Download Date	Upload Date	Uploaded By
CCE000212	CCE000212.18	18	7. Public Interest - b. Fish impacts	SFBGenetics11122009.pdf	4/13/2020	3/31/2020	J. Brock
CCE000213	CCE000213.121	121	7. Public Interest - b. Fish impacts	spinelli2010_fish_entainment_HauserRes_MT.pdf	4/13/2020	3/31/2020	J. Brock
CCE000214	CCE000214.410	410	7. Public Interest - b. Fish impacts	SR-043_2007-12.20fish_plan.pdf	4/13/2020	3/31/2020	J. Brock
CCE000215	CCE000215.55	55	7. Public Interest - b. Fish impacts	USFWS_2008_Bull Trout 5YR final signed 042508.pdf	4/13/2020	3/31/2020	J. Brock
CCE000216	CCE000216.121	121	7. Public Interest - b. Fish impacts	USFWS_BT RecoveryPlanChapter_18 Southwest Idaho.pdf	4/13/2020	3/31/2020	J. Brock
CCE000217	CCE000217.23	23	7. Public Interest - b. Fish impacts	Walsler_2014_Macroinvertebrate_Report_SFBoise.pdf	4/13/2020	3/31/2020	J. Brock
CCE000218	CCE000218.120	120	7. Public Interest - b. Fish impacts	wdfw00937.pdf	4/13/2020	3/31/2020	J. Brock
CCE000219	CCE000219.25	25	7. Public Interest - b. Fish impacts	Weber_et_al_2006_Hydroinformatics_Manuscript.pdf	4/13/2020	3/31/2020	J. Brock
CCE000220	CCE000220.40	40	7. Public Interest - b. Fish impacts	YBSMC 2017_Kachess & Keechelus Food Web Interactions & Bull Trout-Kokanee productivity.pdf	4/13/2020	3/31/2020	J. Brock
CCE000221	CCE000221.16	16	7. Public Interest - b. Fish impacts - Reference Citations	ARR_Aquatics_Lit_Review_Summary_31Mar20_v2.pdf	4/13/2020	4/1/2020	J. Carkulis
CCE000222	CCE000222	1	7. Public Interest - c. Wildlife impacts	Wildlife Impacts.pdf	4/13/2020	4/11/2020	J. Carkulis
CCE000223	CCE000223.14	14	3. Water Supply - a. Needs assessment for water storage Boise Basin	Boise Basin Fundamentals - Mountain Snow Water Equivalent.pdf	4/16/2020	4/14/2020	J. Carkulis
CCE000224	CCE000224.06	6	2. IDWR Applications for Permit - e. Hearings & Information	20200225 Non-Disclosure Agreement	4/22/2020	4/21/2020	P. Beltrone
CCE000225	CCE000225.09	9	2. IDWR Applications for Permit - e. Hearings & Information	20200226 Notice of Additional Information.pdf	4/22/2020	4/20/2020	P. Beltrone
CCE000226	CCE000226.05	5	8. Project Costs and Financing	Financial - Rule 40.05 for DD Site.pdf	4/22/2020	4/21/2020	P. Beltrone
CCE000227	CCE000227.42	42	2. IDWR Applications for Permit - c. Application #3	CCE 31 KAF Application and Attachments.pdf	4/23/2020	4/22/2020	J. Carkulis
CCE000228	CCE000228.24	24	2. IDWR Applications for Permit - d. Application #4	1. CCE 19 KAF Application as filed with Attachments A-C and Maps April 22 2020.pdf	4/23/2020	4/22/2020	J. Carkulis
CCE000229	CCE000229.81	81	2. IDWR Applications for Permit - d. Application #4	2. Attachment D -- Final POU Legal Description.pdf	4/23/2020	4/22/2020	J. Carkulis

EXHIBIT

B

Summary of Documents Provided by Cat Creek Energy Pursuant to Rule 40.05

Rule	40.05. Additional Information Requirements	Folder	Document(s)	Notes
	c. Information relative to the effect on existing water rights			
	i. For applications appropriating springs or surface streams with five (5) or fewer existing users...	2	CCE000012 CCE000225	More than 5 water users on South Fork Boise River – CCE claims provision doesn't apply.
	ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.	2	CCE000225	CCE claims provision does not apply. However, no information provided to establish that proposed storage pond will not intercept or appropriate ground water.
	iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.	1	CCE0000003 - CCE0000007	General documents on project concept. No design, construction, or operation specifics.
		1	CCE0000003	Claims no impact on water rights without supporting information.
		2	CCE0000012 CCE000225	Claims diversions only in high flows and that Water Master will ensure no injury but no specific information provided on how CCE Project will be designed, constructed, operated or administered on a real-time basis to protect other water rights.

Rule	40.05. Additional Information Requirements	Folder	Document(s)	Notes
d. Information relative to sufficiency of water supply	i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.	3	CCE000013	Report on municipal water use projections and future demands in the Treasure Valley/Boise area.
		3	CCE000014 - CCE000018	Feasibility studies of additional storage by raising Arrowrock and Anderson Ranch Dams.
		2	CCE000012 CCE000225	Claims water not consumptively used for power generation, but may be consumptively used by the downstream users. Claims maximum diversion is 10,000 cfs, but that there is no diversion rate required for operation.
		2	CCE000008	Calculation of annual reservoir evaporation with hydro water right application.
			Omitted	No analysis to determine timing and frequency of water availability, timing and amount of water needed for hydropower and timing and amount of water needed and consumptively used by downstream users.
	ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.		Omitted	Inadequate documentation on Project seepage, evaporation and other losses.
		3	CCE0000019	Analysis of in-priority water availability 2000-2019 (volume and number of days) (Hal Anderson report). No results on flow rates available and dates of water availability. No information on peak and average project water demand. No information about availability and ability to divert claimed rate (9,996 cfs). Does not consider effect of Elmore County Permit 63-34348 diversion from South Fork Boise River. Study spreadsheets not provided.
		3	CCE0000020	Water availability for Anderson Ranch Reservoir.
		3	CCE0000223	Annual analysis of in-priority water availability 2000-2019 (volume, number of days, water in Anderson Ranch Reservoir, and snowpack percent of average).
		3	CCE0000022	IDWR Water Right Accounting Data – South Fork Boise River near Featherville.

Rule	40.05. Additional Information Requirements	Folder	Document(s)	Notes
e.	Information relative to good faith, delay, or speculative purposes of the applicant i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.			
		1	CCE0000002	Memoranda of Energy Project Leases with Sawtooth Grazing Association and Wood Creek Ranch. Actual Leases not provided.
		4	CCE0000023	
		1	CCE0000003	Land ownership map incomplete.
		5	CCE0000097	
		2	CCE0000009	Copies of Memoranda of Understanding to sell water to downstream users. The amounts of water and timing are not specified in MOUs. No MOUs provided for the places of use listed in Application #4 (CCE0000228).
		2	CCE0000227	
		2	CCE0000228	
		2	CCE0000012 CCE0000225	Conclusory statements regarding compliance with Idaho Code Sections 42-205 and 42-206.
			Omitted	No information on ownership/authority to use lands west of the Proposed Cat Creek Reservoir and parts of the Reservoir (Big Sky Farms Limited), as shown in Application #3 (CCE0000227).
ii.	The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.		Omitted	No information on the authorization to use US Forest Service lands that are within the identified CCE Project area.
		5	CCE0000024 - CCE0000049	County Conditional Use Permitting documents. CUPs are currently subject to Idaho Supreme Court Appeal.
		5	CCE0000050 - CCE0000069	FERC documents (application for preliminary permit for power generation).
		5	CCE0000070 - CCE0000109	BOR documents (preliminary lease of power privilege application).
			Omitted	No information on other permits that may be needed (e.g., NPDES, CWA 404?).

Rule	40.05. Additional Information Requirements	Folder	Document(s)	Notes
	f. Information Relative to Financial Resources			
	i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.	8	CCE0000226	Ballpark total cost figure provided without any itemization or supporting information. General assertion about project being financed "through both debt and equity" without any particulars. States "the Project's sales of energy and water will provide revenues for operations, debt amortization, taxes and returns to investors" without any further detail.
	ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.		Omitted	No financial statement or commitment letter provided or other evidence that to show probable financing.
			Omitted	No construction plans or cost estimates provided. No cost/return on investment analysis.
	g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director.	2	CCE0000012 CCE0000225	CCE claims it met this requirement by statewide advertisement of water right permit applications and IDWR letters requesting comments from certain State and local entities. However, no comments in addition to protests filed with IDWR provided.
		7	CCE0000115 - CCE0000117	Documents on renewable energy demands in the region. However, these documents are not relevant to the local public interest since CCE has stated that its hydro component will be independent from the wind and solar components of CCE's Project and the hydro will use conventional power from the grid, resulting in net negative power production.
		7	CCE0000118 - CCE0000221	Information on fish or biological impacts (journal articles, non-Project specific reports, studies for Anderson Ranch Reservoir) prepared by other parties for other purposes.
			Omitted	Specific local public interest analysis for this project not provided.

Rule	40.05. Additional Information Requirements	Folder	Document(s)	Notes
	h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the Director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The Director may request any or all of the following information for any filing seeking the reallocation of trust water.	2	CCE000012 CCE000225	CCE claims without explanation that this is not applicable.

EXHIBIT

C

From: Christian Wamhoff
Sent: Wednesday, April 08, 2020 9:02 AM
To: 'Tessa Sparrow'
Cc: Peggy Beltrone; Randy Budge; TJ Budge; James
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Thanks Tessa, appreciate your help.

From: Tessa Sparrow [mailto:tessa@racineolson.com]
Sent: Wednesday, April 08, 2020 8:33 AM
To: Christian Wamhoff
Cc: Peggy Beltrone; Randy Budge; TJ Budge; James
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Dear Christian,

The site isn't quite ready yet. Some unforeseen circumstances have occurred. Hopefully an invite can be sent to you soon.

Thank you for your patience.

Sincerely,

Tessa Sparrow
Legal Assistant



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

racineolson.com

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From: Christian Wamhoff
Sent: Wednesday, April 8, 2020 8:30 AM

To: Tessa Sparrow
Cc: Peggy Beltrone ; Randy Budge ; TJ Budge ; James
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Hi Tessa,

I was checking on the status on my request to gain access to the document repository?

Thanks,

CHRISTIAN WAMHOFF
Litigation Support
direct 208.388.4907
fax 208.954.5280
email cwamhoff@hawleytroxell.com

HAWLEY TROXELL
Attorneys and Counselors



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From: Tessa Sparrow [<mailto:tessa@racineolson.com>]
Sent: Monday, April 06, 2020 4:21 PM
To: Christian Wamhoff
Cc: Peggy Beltrone; Randy Budge; TJ Budge; James
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Thank you!

I will get your request submitted.

Tessa Sparrow
Legal Assistant



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

racineolson.com

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From: Christian Wamhoff <CWamhoff@hawleytroxell.com>
Sent: Monday, April 6, 2020 3:58 PM
To: Tessa Sparrow <tessa@racineolson.com>
Cc: Peggy Beltrone <peggy.beltrone@gmail.com>; Randy Budge <randy@racineolson.com>; TJ Budge <tj@racineolson.com>; James <jtc@ccewsrps.net>
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Thanks Tessa, information requested below:

Name: Christian Wamhoff
Email Address: cwamhoff@hawleytroxell.com
Physical Address:
Hawley Troxell Ennis & Hawley LLP
Wells Fargo Center
877 Main Street, Suite 1000
Boise, ID 83702
Position: Litigation Support
Name of Protestant Representing: S Bar Ranch LLP

Thank you,

CHRISTIAN WAMHOFF
Litigation Support
direct 208.388.4907
fax 208.954.5280
email cwamhoff@hawleytroxell.com

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Attorneys and Counselors



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From: Tessa Sparrow [<mailto:tessa@racineolson.com>]
Sent: Monday, April 06, 2020 3:42 PM
To: Christian Wamhoff
Cc: Peggy Beltrone; Randy Budge; TJ Budge; James
Subject: RE: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]

Mr. Wamhoff,

Peggy Beltrone forwarded your request to me. We do need more information from you to process your request. Can you please provide the following back to me:

Name:
Email Address:
Physical Address:
Position (attorney, etc.):
Name of Protestant Representing:

Once I receive this information, I will forward your request to Peggy and then an invite should be provided to the email address(es) within a few days from mail@sf-notifications.com (Share File). The email will include a link for you to set up your own password and access the account.

Thank you,

Tessa Sparrow

Legal Assistant



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

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----- Forwarded message -----

From: **Christian Wamhoff** <CWamhoff@hawleytroxell.com>
Date: Mon, Apr 6, 2020 at 12:49 PM
Subject: Cat Creek Energy, LLC [IWOV-IMANAGE.FID939608]
To: peggy.beltrone@gmail.com <peggy.beltrone@gmail.com>

Hi Peggy,

I work with Will Fletcher and Dana Hofstetter and Will asked me to contact you to get access to your ShareFile to download discovery documents. Please let me know if you need any other information from me.

Thank You

CHRISTIAN WAMHOFF

Litigation Support

direct 208.388.4907

fax 208.954.5280

email cwamhoff@hawleytroxell.com

HAWLEY TROXELL

Attorneys and Counselors

CHRISTIAN WAMHOFF Litigation Support 208.388.4907 cwamhoff@hawleytroxell.com	CHRISTIAN WAMHOFF Litigation Support 208.388.4907 cwamhoff@hawleytroxell.com	CHRISTIAN WAMHOFF Litigation Support 208.388.4907 cwamhoff@hawleytroxell.com
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From: Randy Budge [<mailto:randy@racineolson.com>]

Sent: Monday, April 13, 2020 2:24 PM

To: William Fletcher

Cc: Dana Hofstetter; Christian Wamhoff; Tessa Sparrow; Randy Budge; Tami Wunderlich; TJ Budge; 'Peggy Beltrone'

Subject: RE: Cat Creek Energy Applications for Permit Nos 63-34403 & 63-34653_Rule 40 Information [IWOV-IMANAGE.FID939608]

It is my understanding that technical issues with ShareFile portal have been resolved with invitations being send directly to day.

Randall C. Budge

Attorney



201 E. Center Street / P.O. Box 1391

Pocatello, Idaho 83204

(208)232-6101 - Phone

(208)232-6109 - Fax

www.racinelaw.net

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From: William Fletcher

Sent: Monday, April 13, 2020 2:12 PM

To: Randy Budge ; TJ Budge ; Tessa Sparrow

Cc: Dana Hofstetter ; Christian Wamhoff

Subject: Cat Creek Energy Applications for Permit Nos 63-34403 & 63-34653_Rule 40 Information [IWOV-IMANAGE.FID939608]

Randy,

Hope all is well in these interesting times.

I write to follow up on Cat Creek Energy's March 31 email and Notice of Additional Information in connection with these two applications. While the Notice represented that CCE's Rule 40 information had been made available on its online repository, we remain unable to access these documents. In communicating with your office during the past week, we

understand that there may be some technical issues involved with the online repository, but are unclear whether/when CCE expects to have these issues resolved. Attached is a copy of the email correspondence with my office indicating that the repository documents would be made available by the afternoon of Thursday, April 9, which deadline has come and gone.

It is our clients' position that CCE has failed to comply with the Director's March 31 deadline to make this information available, and that a formal order should be issued pursuant to Rule 40.05b imposing Rule 40.05's 30-day deadline.

Our clients also disagree with CCE's position in its Notice that it may withhold any and all financial information it deems proprietary even though this information is required pursuant to Rules 40.05.f.i and ii. Those rules speak in non-discretionary terms ("the applicant shall submit") and information concerning the estimated costs associated with this project and CCE's ability to finance the same is the most probative evidence concerning CCE's burden under Idaho Code 42-203A(5)(d) to establish it has sufficient financial resources to complete the contemplated work (a fact which is noted in Rule 40.05f). CCE has put project costs and its ability to finance the same directly at issue by filing these applications and our clients believe that CCE has therefore waived any ability to claim this information is protected as "proprietary and confidential."

To avoid a potentially unnecessary request to the Director for a formal order imposing Rule 40.05's 30-day deadline, please let us know right away whether the parties will have access to the information required under Rule 40 by the close of business on Wednesday, April 15, 2020.

Thank you,

Will

WILLIAM K. FLETCHER

Attorney

direct 208.388.4821

fax 208.954.5224

email wfletcher@hawleytroxell.com

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Attorneys and Counselors



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From: Randy Budge [mailto:randy@racineolson.com]
Sent: Tuesday, April 21, 2020 1:51 PM
To: William Fletcher
Cc: Randy Budge
Subject: RE: Cat Creek Energy Applications for Permit Nos 63-34403 & 63-34653_Rule 40 Information [IWOV-IMANAGE.FID939608]

Will,

You should have received ShareFile notices of additional postings in the general and financial folders.

Randy

Randall C. Budge
Attorney



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
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From: William Fletcher
Sent: Friday, April 17, 2020 9:43 AM
To: 'randy@racineolson.com'; 'tj@racineolson.com'; 'tessa@racineolson.com'
Cc: Dana Hofstetter ; Rick Goodson ; Tina Shull ; ann.vonde@ag.idaho.gov; michael.orr@ag.idaho.gov; gslette@rsidholaw.com; dave@idahowaterengineering.com; 'jks@idahowaters.com' ; Barker, Albert (IWRB Member) ; Abigail Germaine ; rleebeuson@cityofboise.org; jroldan@cityofboise.org; bill.bosworth@idfg.idaho.gov; honsingerlaw@gmail.com; 'fredric_price@blm.gov' ; Matt Nykiel ; mlawrence@givenspursley.com; ChrisMeyer@givenspursley.com; Lisa.Lance@sol.doi.gov; Peter Anderson ; jjwilliams@BPA.gov; johncombs029@gmail.com; gmadenford@blm.gov; smccrea@blm.gov; dan@sawtoothlaw.com; Bryce Farris ; mandersen@idl.idaho.gov; andy@sawtoothlaw.com

Subject: RE: Cat Creek Energy Applications for Permit Nos 63-34403 & 63-34653_Rule 40 Information [IWOV-IMANAGE.FID939608]

Randy,

We confirm the document repository is accessible as of April 13, and appreciate your efforts to get this accomplished. While our review of the repository information has just begun, we noted that Folder 8 of the repository, entitled Project Costs and financing, is empty.

Our April 13, email to you noted the need for CCE to include financial information:

Our clients also disagree with CCE's position in its Notice [of Additional Information] that it may withhold any and all financial information it deems proprietary even though this information is required pursuant to Rules 40.05.f.i and ii. Those rules speak in non-discretionary terms ("the applicant shall submit") and information concerning the estimated costs associated with this project and CCE's ability to finance the same is the most probative evidence concerning CCE's burden under Idaho Code 42-203A(5)(d) to establish it has sufficient financial resources to complete the contemplated work (a fact which is noted in Rule 40.05f). CCE has put project costs and its ability to finance the same directly at issue by filing these applications and our clients believe that CCE has therefore waived any ability to claim this information is protected as "proprietary and confidential."

CCE to date has not responded to this portion of our email. Unless CCE begins to take tangible steps by Monday, April 20 toward the provision of this legally required financial information, we'll have no option but to file a request thereafter for a formal order pursuant to Rule 40.05's 30-day deadline to obtain this information. Thank you for your attention to this matter.

Sincerely,

Will

WILLIAM K. FLETCHER

Attorney
direct 208.388.4821
fax 208.954.5224
email wfletcher@hawleytroxell.com

HAWLEY TROXELL

Attorneys and Counselors



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