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WATER RESOURCES
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Attorney for Idaho Power Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-34900 In the name of Cat Creek Energy, LLC	**NOTICE OF PROTEST**

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

The initial bases for the protest are as follows:

1. The applicant should be required to identify in each of the files within the Rule 40 submittal, the documents which support this application.

2. The application lacks specificity sufficient to evaluate the elements of the proposed application in light of the criteria of Idaho Code §42-203A(5) and should be returned and subject to refiling upon additional facts supporting the application be submitted.

3. To the extent the basis for this application are documents already submitted in the Applicant's sharefile, the Applicant has failed to demonstrate that unappropriated water supply is available for the diversion of water under this application. Specifically, the hydrology supporting

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the application and the availability of unappropriated water doesn't support the proposed quantities and volumes

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

5. Applicant's proposed place of use lacks sufficient detail to determine actual place of use.

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

DATED this 8th day of June, 2020.

BARKER ROSHOLT & SIMPSON LLP

John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

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

Idaho Department of Water Resources Western Regional Office 2735 W Airport Way Boise, Idaho 83705	____ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Cat Creek Energy, LLC 398 S. 9th Street, Ste. 240 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Idaho Water Engineering Attn: David Tuthill, Jr. 2918 N. El Rancho Pl. Boise, Idaho 83704	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Randy Budge Racine Olson PLLP P.O. Box 1391 Pocatello, Idaho 83204-1391	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Wendi Combs 704 Lindenwood Dr. Nampa, Idaho 83638	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Allen Thompson 406 N. Thompson Rd. King Hill, Idaho 83633	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email

Gwinn Rice Ranch LLC Jim Rice 2851 W. Balata Ct. Meridian, Idaho 83646	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Albert P. Barker Barker Rosholt & Simpson LLP P.O. Box 2139 Boise, Idaho 83701-2139	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Dana Hofstetter Richard Goodson Hawley Troxell Ennis & Hawley 877 Main Street, Suite 1000 P.O. Box 1617 Boise, Idaho 83701-1617	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Abigail Germaine Boise City Attorney's Office 150 N. Capitol Blvd. P.O. Box 500 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Charles Honsinger Honsinger Law PLLC P.O. Box 517 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Fredric Price US Dept. of Interior Bureau of Land Management 1387 S. Vinnell Way Boise, Idaho 83709	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Matt Nykiel Idaho Conservation League P.O. Box 2308 Sandpoint, Idaho 83864	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email

Marie Callaway Kellner Idaho Conservation League P.O. Box 844 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Craig White Idaho Dept. of Fish and Game Magic Valley Region 324 S 417 E, Suite 1 Jerome, Idaho 83338	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Michele Anderson Idaho Department of Lands 3284 W. Industrial Loop Coeur d'Alene, Idaho 83815	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Michael Lawrence Christopher Meyer Charles Baser Givens Pursley 601 W. Bannock Street P.O. Box 2720 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Daniel Steenson Bryce Farris Andrew Waldera Sawtooth Law Offices PLLC 1101 W. River Street, Ste. 110 P.O. Box 7985 Boise, Idaho 83707	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Bill Mulder Tree Top Ranches LP 101 S. Capitol Blvd., Suite 1801 Boise, Idaho 83702	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Gail McGarry U.S. Dept. of Interior Bureau of Reclamation 1150 N. Curtis Rd., Suite 100 Boise, Idaho 83706	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email

Katie Fite Wildlands Defense P.O. Box 125 Boise, Idaho 83701	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Lisa Lance U.S. Dept. of Interior Office of the Solicitor 960 S. Broadway Ave., Suite 400 Boise, Idaho 83706	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Ann Vonde Michael C. Orr State of Idaho Office of Attorney General P.O. Box 83720 Boise, Idaho 83720-0010	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email
Peter Anderson Trout Unlimited 910 W. Main Street, Suite 342 Boise, Idaho 83702	_x_ U.S. Mail, postage prepaid ____ Hand Delivery ____ Facsimile ____ Overnight Mail ____ Email

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