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WATER RESOURCES
WESTERN REGION

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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

NOTICE OF PROTEST

In the name of Cat Creek Energy, LLC

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

The initial bases for the protest are as follows:

1. The applicant should be required to identify in each of the files within the Rule 40 submittal, the documents which support this application.
2. The application lacks specificity sufficient to evaluate the elements of the proposed application in light of the criteria of Idaho Code §42-203A(5) and should be returned and subject to refile 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

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

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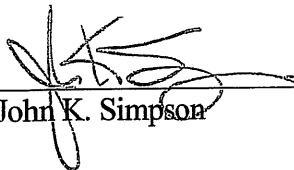
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