

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

IN THE MATTER OF APPLICATION FOR
PERMIT NOS. 63-34403, 63-34652, 63-34900
AND 63-34897 IN THE NAME OF CAT
CREEK ENERGY LLC

**ORDER REGARDING DEADLINE TO
FILE PETITION FOR REVIEW OF
ORDER ON MOTION FOR
PROTECTIVE ORDER; ORDER
AUTHORIZING EMAIL SERVICE;
ORDER ON DISCOVERY REQUESTS
AND RESPONSES; NOTICE OF
CONTINUED PREHEARING
CONFERENCE**

On July 16, 2020, the Director of the Idaho Department of Water Resources (“Department”) held a continued prehearing conference in this matter. At the conference, the Director and parties discussed, among other issues, the *Order on Motion for Protective Order; SBar Ranch, LLC and The District at Parkcenter, LLC’s Response to Motion for Protective Order and Renewed Motion for Rule 40.05.b Order for Application to Submit Complete Rule 40.05 Information*; the *Order Granting Petition for Clarification*; and the *Motion to Authorize Service by Email* filed by Cat Creek Energy, LLC (“Cat Creek”).

At the prehearing conference, Cat Creek stated it needed additional time to consider the filing of a petition to review the Director’s *Order on Motion for Protective Order*. The Director stated that if Cat Creek is going to file a petition for review of the order pursuant to Rule 711 of the Department’s Rules of Procedure (IDAPA 37.01.01.711), Cat Creek must file the petition within 14 days of the July 16, 2020 continued prehearing conference.

The Director asked whether any party objected to Cat Creek’s *Motion to Authorize Service by Email*, filed on June 3, 2020. No party objected. The Director stated that in an effort to save time and cost of standard mail, the Director would authorize the parties to serve each other by email. However, the Director will still require the parties to serve the original paper document on the Department. *See* IDAPA 37.01.01.008.

At the prehearing conference, the Director agreed with the parties that, in an effort to avoid duplicative or repetitious discovery requests, discovery requests and responses should be served upon all parties. However, discovery requests and responses should not be filed with the Department. Only notices of service of discovery and notices of service of discovery responses should be filed with the Department.

**ORDER REGARDING DEADLINE TO FILE PETITION FOR REVIEW OF ORDER ON MOTION FOR
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REQUESTS AND RESPONSES; NOTICE OF CONTINUED PREHEARING CONFERENCE - 1**

Finally, the Director and parties agreed to continue the prehearing conference to November 12, 2020, at 10:00 a.m. The Director and parties agreed it was premature to set a hearing date and agreed to cancel tentative plans to hold a hearing during the week of January 11, 2021.

ORDER

IT IS HEREBY ORDERED if Cat Creek is going to file a petition for review of the Director's *Order on Motion for Protective Order*, Cat Creek must file the petition by July 30, 2020.

IT IS FURTHER ORDERED the parties in this matter may serve each other by email. The parties may serve the Department by email or fax but are also required serve the original paper document on the Department pursuant to IDAPA 37.01.01.008.

IT IS FURTHER ORDERED discovery requests and responses shall be served upon all parties to this matter. Parties shall only file notice of service of discovery requests and notice of service of discovery responses with the Department, not the actual requests or responses thereto.

NOTICE OF CONTINUED PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that the Department will hold a continued telephonic prehearing conference, to discuss the contested matters on **November 12, 2020, at 10:00 a.m. (MDT)**.

All parties must be present at the prehearing conference by telephone. Please call (720) 279-0026, and, when prompted, enter the following participation code number: 234278 followed by the '#' key.

The continued prehearing conference will be held in accordance with the provisions of Chapters 38 and 17, Title 42 and Chapter 42, Title 67, Idaho Code, and the Department's Rules of Procedure. IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/index.html>.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department no later than five (5) days prior to the conference. Inquiries for special accommodations should be directed to Kimberle English, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

DATED this 23 day of July 2020.

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive style with a long, sweeping tail.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 23rd day of July 2020, the above and foregoing was mailed, and emailed where indicated, to the following parties by United States Postal Service:

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