

**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

**NOTICE OF CONTINUED
PREHEARING CONFERENCE**

On February 25, 2020, the Director of the Idaho Department of Water Resources (“Department”) held a continued prehearing conference in this matter. At the conference, parties asked the Director to set a deadline for Cat Creek Energy, LLC (“Cat Creek”) to submit to the Department and the parties the information required by Rule 40.05 of the Department’s Water Appropriation Rules. Rule 40.05.b. states: “For protested applications ... the information required by Subsection 040.05.c. may be requested by the Director to be submitted within thirty (30) days after notification by the Director” IDAPA 37.03.08.40.05.b. Rule 40.05.b. also states: “Failure to submit the required information within the time period allowed will be cause for the Director to void an application” *Id.*

The Director declined to issue an order that would trigger Rule 40.05’s 30-day deadline. In lieu of setting a formal deadline, the Director granted Cat Creek until the end of March to establish an electronic portal and to post the Rule 40.05 information on the portal node. 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 and the parties agreed to continue the prehearing conference to May 18, 2020, at 10:00 am. The Director and the parties also agreed it was premature to set a hearing schedule but agreed to tentatively reserve of the week of January 11, 2021, for a hearing in this matter.

NOTICE OF CONTINUED PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that the Department will hold a continued prehearing conference to discuss the contested matters on **May 18, 2020 at 10:00 a.m. (MDT)**, in Conference Rooms 602C and 602D of the Department’s State Office, located at 322 E. Front Street, 6th Floor, Boise, Idaho.

All parties must be present at the prehearing conference in person or by telephone. If participating by telephone, please call (720) 279-0026, and when prompted, enter the assigned 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 13th day of March, 2020.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 13th day of March 2020, the above and foregoing was sent to the following by United States Postal Service:

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ATTN Jim Rice
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US Dept. of Interior
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ATTN Fredric Price
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Kimberle English