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**DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

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

**MOTION TO  
STAY PROCEEDINGS**

Cat Creek Energy, LLC (“Cat Creek”) hereby moves the Director of the Idaho Department of Water Resources (the “Department”) pursuant to Rule 101.03 of the Rules of Procedure of the Department (the “Procedural Rules”) and Rule 40.01.d of the Water Appropriation Rules for an order staying proceedings in the above-captioned matter.

Procedural Rule 101.03 authorizes the Director to stay proceedings when “the agency determines that such delay will assist the agency in resolving or deciding the contested case.” Rule 40.01.d of the Water Appropriation Rules authorizes the Director to interrupt processing of an application for permit for up to six months “he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay.”

The Cat Creek project requires permits from four government agencies—Elmore County, the Department, the Federal Energy Regulatory Commission (“FERC”), and the United States Department of Interior Bureau of Reclamation (“BOR”). At the June 21, 2022, continued prehearing conference in this matter, Cat Creek reported on the status of its permit applications before each


agency. Cat Creek has secured land use permits from Elmore County. The FERC and BOR permitting processes are ongoing and may take several years to complete.

Importantly, FERC and BOR will address issues that may be considered by the Department under Idaho Code 42-203A(5). Studies and determinations made in the FERC and BOR proceedings are likely to resolve such issues, and at a minimum will provide the Department with information relevant to its analyses under Idaho Code 42-203A(5). Therefore, it makes sense to coordinate Department proceedings with FERC and BOR proceedings.

To provide additional time for FERC and BOR proceedings to advance, Cat Creek respectfully requests that the Department delay processing Cat Creek's applications in this matter for a period of six months.

DATED this 7<sup>th</sup> day of July, 2022.

RACINE OLSON, PLLP

By:  \_\_\_\_\_

Thomas J. Budge

Elisheva M. Patterson

*Attorneys for Applicant Cat Creek Energy, LLC*

**CERTIFICATE OF MAILING**

I certify that on this 7<sup>th</sup> day of July, 2022, the foregoing document was served on the following persons via the email address identified.

  
\_\_\_\_\_

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