

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE 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

**ORDER GRANTING REQUEST FOR
STAY OF PROCEEDINGS**

BACKGROUND

On May 16, 2017, Cat Creek Energy LLC (“CCE”) filed an application for permit to appropriate water with the Idaho Department of Water Resources (“Department”), assigned Permit No. 63-34403. Between 2019 and 2020, CCE filed three additional separate, related applications for permits to appropriate water with the Department—Permit Nos. 63-34652, 63-34987, and 63-34900. All four applications to appropriate water were protested by multiple parties. On June 10, 2020, the Department issued an amended order consolidating the dockets and parties under this one proceeding.

On June 21, 2022, the Director conducted a continued prehearing conference. During the prehearing CCE presented an update on obtaining needed project permits, licenses, leases, and approvals from other government agencies. At that time, CCE stated that coordinating all the project approvals would require additional time and stated a desire to coordinate with the parties informally and verbally requested a stay of proceedings in accordance with IDAPA 37.03.08.040.01.d. The Director requested CCE file a written motion for the Department to consider.

On July 7, 2022, CCE filed with the Department a *Motion to Stay Proceedings* citing Rule 101.03 of the Department’s Rules of Procedure (IDAPA 37.01.01) and Rule 40.01.d of the Water Appropriation Rules (IDAPA 37.03.08). CCE moved the Department for a six-month stay of proceedings “[t]o provide additional time for [the Federal Energy Regulatory Commission] and [the United States Department of Interior Bureau of Reclamation] proceedings to advance . . .” Mot. to Stay Procs. at 1–2. No objections were filed with the Department.

APPLICABLE LAW

An applicant may request in writing that commencement of processing of his or her application be delayed for a period not to exceed one (1) year or that processing be interrupted for a period not to exceed six (6) months. The Director at his discretion may approve the request unless 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 Director may approve a request for delay for a shorter period of time or upon conditions, and may renew the approval upon written request.

IDAPA 37.03.08.040.01.d.

ANALYSIS AND CONCLUSIONS OF LAW

In its *Motion to Stay Proceedings*, CCE asserts that the results of the Federal Energy Regulatory Commission and the Bureau of Reclamation proceedings, which may take years to receive, will provide the Department with relevant information to analyze the applications for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900 under Idaho Code § 42-203A(5). Mot. to Stay Procs. at 2. Upon consideration of CCE's assertions, the Director concludes that an interruption in the Department's processing of the applications for permit is in the public interest and that others will not be injured by a six-month delay. Therefore, pursuant to IDAPA 37.03.08.040.01.d, the Director concludes he should grant CCE's request, and this proceeding should be stayed for a period of six months.

ORDER

IT IS HEREBY ORDERED that the above-captioned contested case is STAYED and that the Department's processing of applications for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900 is interrupted until March 22, 2023.

CCE shall file on or before February 17, 2023, (1) a status report on the related Federal Energy Regulatory Commission and Bureau of Reclamation proceedings and, if necessary, (2) a motion to modify or extend the stay granted herein.

DATED this 22nd day of September 2022.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September 2022, I caused to be served a true and correct copy of the foregoing *Order Granting Request for Stay of Proceedings*, by the method indicated below, upon the following:

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