

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

IN THE MATTER OF APPLICATION FOR PERMIT 77-14378, AND APPLICATIONS FOR TRANSFER 85396, 85397, AND 85398, AND APPLICATION FOR EXCHANGE 85538 IN THE NAME OF PERPETUA RESOURCES IDAHO, INC.

**ORDER EXTENDING DEADLINE TO ISSUE FINAL ORDER**

**BACKGROUND**

On October 8, 2021, Perpetua Resources Idaho, Inc. (“Perpetua”) filed Application for Permit 77-14378 and Applications for Transfer 85396, 85397, and 85398 with the Idaho Department of Water Resources (“Department”). On November 15, 2021, Perpetua filed Application for Exchange 85538 and an amendment for Application 85398 with the Department. On November 18, 2021, Perpetua filed an amendment for Application 77-14378.<sup>1</sup> The Nez Perce Tribe, Save the South Fork Salmon, Inc., Idaho Conservation League, and USDA Forest Service<sup>2</sup> timely protested the Applications.

On April 10, 2024, Hearing Officer James Cefalo issued a *Preliminary Order Approving Applications* (“*Preliminary Order*”) approving the Applications subject to the conditions stated on the simultaneously issued permit, transfer, and exchange approvals. *Preliminary Order*, at 30. Perpetua subsequently filed a petition for reconsideration of the *Preliminary Order* which was denied by the Hearing Officer on May 9, 2024.

On May 23, 2024, Perpetua filed *Perpetua Resources Idaho, Inc.’s Exceptions to Preliminary Order* (“*Exceptions*”) requesting the Director remove and amend certain conditions listed on the permit and approvals. *Exceptions*, at 33–34.

On June 6, 2024, Protestants the Nez Perce Tribe, Save the South Fork Salmon, and Idaho Conservation League filed *Protestants’ Joint Response in Opposition to Perpetua Resources’ Exceptions to Preliminary Order* (“*Joint Response*”) asking the Director to deny Perpetua’s *Exceptions*, and affirm the Hearing Officer’s *Preliminary Order* and order denying reconsideration. *Joint Response*, at 5, 47.

**ANALYSIS**

The Department’s Rule of Procedure 730.02.e requires the Director to issue a final order within fifty-six days of receipt of written briefs or oral argument regarding exceptions to a

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<sup>1</sup> In this order, Applications 77-14378 (as amended), 85396, 85397, 85398 (as amended), and 85538 are collectively referred to as the “Applications.”

<sup>2</sup> The USDA Forest Service’s protests were later resolved via settlement and an order approving the withdrawal of their protests was issued on April 17, 2023.

preliminary order, “whichever is later, unless extended for good cause.” IDAPA 37.01.01.730.02.e. No additional supportive or responsive briefs have been filed in this contested case since the June 6, 2024 *Joint Response*. Therefore, the Director is required to issue a final order by August 1, 2024, unless “good cause” is shown to extend the deadline. *Id.*

Good cause exists to extend the deadline for the Director to issue a final order. The *Exceptions* and *Joint Response* raise legal and policy issues that require careful consideration and extensive legal research. Additional time is needed prior to issuance of a final order. Accordingly, the Director will extend the deadline for issuing a final order to November 1, 2024.

### **ORDER**

IT IS HEREBY ORDERED that the deadline for the Director to issue a final order is EXTENDED to November 1, 2024.

Dated this 26<sup>th</sup> day of July 2024.



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MATHEW WEAVER  
Director

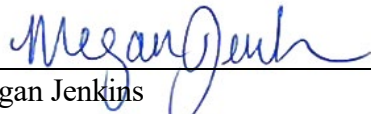
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of July 2024, the above and foregoing, was served by the method indicated below, and addressed to the following:

<p>Kevin J. Beaton                  Wade C. Foster                  STOEL RIVES LLP                  101 S. Capitol Blvd., Suite 1900                  Boise, Idaho 83702  <a href="mailto:kevin.beaton@stoel.com">kevin.beaton@stoel.com</a>  <a href="mailto:wade.foster@stoel.com">wade.foster@stoel.com</a>  <i>Attorneys for Perpetua Resources Idaho, Inc.</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Michael A. Lopez                  NEZ PERCE TRIBE                  Office of Legal Counsel                  P.O. Box 305                  Lapwai, ID 83540  <a href="mailto:mlopez@nezperce.org">mlopez@nezperce.org</a>                  Amanda W. Rogerson                  WRIGHT ROGERSON PLLC                  PO Box 2321                  Boise, ID 83701  <a href="mailto:amanda@wrightrogerson.com">amanda@wrightrogerson.com</a>  <i>Attorneys for the Nez Perce Tribe</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email    <input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Julia S. Thrower                  MOUNTAIN TOP LAW, PLLC                  614 Thompson Avenue                  McCall, ID 83638  <a href="mailto:jthrower@mtntoplw.com">jthrower@mtntoplw.com</a>  <i>Attorney for Save the South Fork Salmon,                  Inc. and Idaho Conservation League</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>

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