

**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.

**THIRD 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 77-14378.¹ The Nez Perce Tribe, Save the South Fork Salmon, Inc., Idaho Conservation League, and USDA Forest Service² timely protested the Applications.

On April 10, 2024, Hearing Officer James Cefalo issued the *Preliminary Order Approving Applications* (“*Preliminary Order*”), which approved 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 the Hearing Officer denied 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 to Exceptions*”) asking the Director to deny Perpetua’s *Exceptions*, and affirm the Hearing Officer’s *Preliminary Order* and order denying reconsideration. *Joint Response to Exceptions*, at 5, 47.

On July 26, 2024, the Director issued an order extending the deadline for issuance of a final order on *Exceptions* to November 1, 2024. *Order Extending Deadline to Issue Final Order*, at 2.

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

² 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.

On October 25, 2024, Perpetua filed a *Motion to Supplement the Administrative Record and to Amend Requested Relief* (“*Motion to Supplement & Amend*”) concurrently with a memorandum in support.

On October 31, 2024, Protestants the Nez Perce Tribe, Save the South Fork Salmon, and Idaho Conservation League filed *Protestants’ Joint Response in Opposition to Perpetua’s Motion to Supplement the Administrative Record and to Amend Requested Relief*.

On November 1, 2024, the Director issued another extension order. On November 4, 2024, he issued an *Amended Second Order Extending Deadline to Issue Final Order* (“*Second Extension Order*”) to correct a clerical error, clarifying that the deadline for issuance of a final order on *Exceptions* was extended to January 10, 2025. *See Second Extension Order*, at 3.

On November 7, 2024, Perpetua filed a *Reply in Support of Motion to Supplement the Administrative Record and to Amend Requested Relief*.

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 preliminary order, “whichever is later, unless extended for good cause.” IDAPA 37.01.01.730.02.e. Therefore, the Director was required to issue a final order in this case by August 1, 2024, unless “good cause” was shown to extend the deadline. *See id.* Good cause was found to exist to extend the deadline to January 10, 2025. *Second Extension Order*, at 2.

Perpetua seeks to add documents to the administrative record and amend the relief requested in the *Exceptions. Motion to Supplement & Amend*, at 1–2. The Director finds good cause exists again to extend the deadline to issue a final order on *Exceptions*, to fully address Perpetua’s outstanding motion. The Director estimates that an additional two weeks are needed to act on the outstanding motion and issue a final order on *Exceptions*. Accordingly, the Director will extend the deadline to January 24, 2025.

ORDER

IT IS HEREBY ORDERED that the deadline for the Director to issue a final order on *Perpetua Resources Idaho, Inc.’s Exceptions to Preliminary Order* is EXTENDED to January 24, 2025.

Dated this 10th day of January 2025.



MATHEW WEAVER
Director

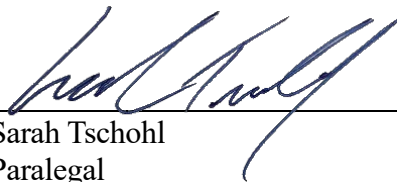
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

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