

**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:

Cat Creek Energy LLC
398 S 9th St
Suite 240
Boise ID 83701

Idaho Water Engineering
ATTN David R Tuthill Jr
2918 N El Rancho Pl
Boise ID 83704

Racine Olson PLLP
Randall C Budge
PO Box 1391
Pocatello ID 83204

Wendi Combs
704 Lindenwood Dr
Nampa ID 83638

Allen Thompson
406 N. Thompson Rd
King Hill ID 83633

Gwinn Rice Ranch LLC
ATTN Jim Rice
2851 W. Balata Ct
Meridian ID 83646

Barker Rosholt & Simpson
ATTN John Simpson
ATTN Albert P Barker
1010 W. Jefferson ST.
Suite 102
PO Box 2139
Boise, ID 83701 - 2139

Hawley Troxell Ennis & Hawley
ATTN Dana Hofstetter
ATTN Richard Goodson
877 Main St.
Suite 1000PO Box 1617
Boise ID 83701 - 1617

Boise City Attorney's Office
ATTN Abigail Germaine
150 N. Capitol Blvd
PO Box 500
Boise ID 83701

Honsinger Law PLLC
ATTN Charles Honsinger
PO Box 517
Boise, ID 83701

US Dept. of Interior
Bureau of Land Management
ATTN Fredric Price
1387 S Vinnell Way
Boise, ID 83709

Idaho Conservation League
ATTN: Matt Nykiel
PO Box 2308
Sandpoint ID 83864

Idaho Conservation League
ATTN Marie Callaway Kellner
PO Box 844
Boise, ID 83701

Idaho Dept. of Fish and Game
Craig White
Magic Valley Region
324 S 417 E
Suite 1
Jerome ID 83338

Givens Pursley LLP
ATTN Michael Lawrence
ATTN Christopher Meyer
ATTN Charles Baser
601 W Bannock St
PO Box 2720
Boise ID 83701-2720

Tree Top Ranches LP
ATTN Bill Mulder
101 S Capitol Blvd
Suite 1801
Boise ID 83702

Wildlands Defense
ATTN Katie Fite
PO Box 125
Boise ID 83701

State of Idaho
Office of Attorney General
ATTN Ann Vonde
ATTN Michael C Orr
PO Box 83720
Boise ID 83720-0010

Idaho Dept. of Lands
ATTN Michele Anderson
3284 W Industrial Loop
Coeur d'Alene ID 83815

Sawtooth Law Offices PLLC
ATTN Daniel Steenson
ATTN Bryce Farris
ATTN Andrea Waldera
1101 W. River Street
Suite 110
PO Box 7985
Boise 83707

US Department of Interior
Bureau of Reclamation
ATTN E Gail McGarry
1150 N Curtis Rd
Suite 100
Boise ID 83706

US Department of Interior
Office of the Solicitor
ATTN Lisa Lance
960 S Broadway Ave
Suite 400
Boise ID 83706

Trout Unlimited
ATTN Peter Anderson
910 W Main St
Suite 342
Boise, ID 83702



Kimberle English