

BEFORE THE STATE BOARD OF LAND COMMISSIONERS **BOISE, IDAHO**

SHARLIE-GROUSE NEIGHBORHOOD  
ASSOCIATION, INC.

Petitioners,

v.

IDAHO STATE BOARD OF LAND  
COMMISSIONERS,

Respondent,

and

PAYETTE LAKES COTTAGE SITES  
OWNERS ASSOCIATION, INC., and  
WAGON WHEEL BAY DOCK  
ASSOCIATION, INC.,

Intervenors.

**ORDER DISMISSING PETITION FOR  
DECLARATORY RULING**

The Idaho State Board of Land Commissioners, having reviewed and considered the Recommended Decision and Order on Petition for Declaratory Ruling prepared by Hearing Officer Jim Jones, finds the same to be in compliance with the applicable law. The Board finds that there is no genuine issue of material fact as to the jurisdiction of the Board to entertain this proceeding. Sharlie-Grouse Neighborhood Association, Inc., failed to seek judicial review of the Board's agency action of October 15, 2013, and may not collaterally attack that action in this proceeding, regardless of how the attack may be labeled. The Board hereby approves and adopts the decision of the Hearing Officer and dismisses the Petitioner's Petition for Declaratory Ruling.

This is a recommended order of the Hearing Officer. It will not become final without action of the agency head. Any party may file a petition for reconsideration of this recommended

order with the Hearing Officer within fourteen (14) days of the service date of this order. The Hearing Officer will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may, in writing, support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

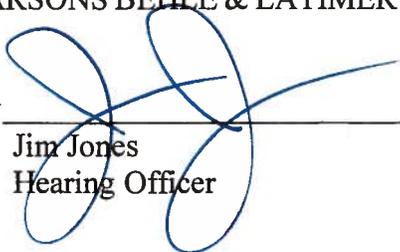
Written briefs in support of or taking exceptions to the recommended order shall be filed with the agency head (or designee of the agency head). Opposing parties shall have twenty-one (21) days to respond. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown.

DATED and entered this 12th day of November 2019.

PARSONS BEHLE & LATIMER

By \_\_\_\_\_

Jim Jones  
Hearing Officer



CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2019, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

|   |                                     |                |
|---|-------------------------------------|----------------|
| T. Hethe Clark  | <input checked="" type="checkbox"/> | U.S. Mail      |
| Matthew J. McGee  | <input type="checkbox"/>            | Hand Delivered |
| SPINK BUTLER, LLP   | <input type="checkbox"/>            | Facsimile      |
| 251 E. Front Street, Suite 200  | <input type="checkbox"/>            | Email          |
| P.O. Box 639  |                                     |                |
| Boise, ID 83701   |                                     |                |
| <i>Attorneys for Petitioner Sharlie-Grouse<br/>Neighborhood Association, Inc.</i> |                                     |                |

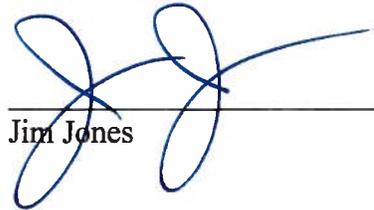
|   |                                     |                |
|---|-------------------------------------|----------------|
| Christopher H. Meyer  | <input checked="" type="checkbox"/> | U.S. Mail      |
| GIVENS PURSLEY, LLP   | <input type="checkbox"/>            | Hand Delivered |
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| Boise, ID 83701   |                                     |                |
| <i>Attorneys for Petitioner Sharlie-Grouse<br/>Neighborhood Association, Inc.</i> |                                     |                |

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| Joy M. Vega   | <input type="checkbox"/>            | Hand Delivered |
| Deputy Attorneys General  | <input type="checkbox"/>            | Facsimile      |
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| <i>Attorneys for Respondent Idaho State Board of<br/>Land Commissioners</i> |                                     |                |

|   |                                     |                |
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| Mark D. Perison   | <input checked="" type="checkbox"/> | U.S. Mail      |
| Tricia K. Soper   | <input type="checkbox"/>            | Hand Delivered |
| MARK D. PERISON, P.A.   | <input type="checkbox"/>            | Facsimile      |
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| <i>Attorneys for Intervenor Payette Lakes<br/>Cottage Sites Owners Association, Inc. and<br/>Wagon Wheel Bay Dock Association, Inc.</i> |                                     |                |

Idaho Department Lands  
c/o Renee Miller  
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- U.S. Mail
- Hand Delivered
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Jim Jones