

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

In the Matter of: )  
 ) Case No. CC-2019-PUB-50-001  
ENCROACHMENT PERMIT APPLICATION )  
No. L-65-S-0692 ) **FINAL ORDER**  
 )  
GENE RIDDLE and MARY KAY GALLAGHER, )  
 )  
Applicants. )  
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**I. NATURE OF PROCEEDINGS/ISSUES**

Encroachments, including docks, placed on navigable waters require a permit issued by the Idaho Department of Lands (IDL) pursuant to the requirements of the Lake Protection Act, Title 58, Chapter 13, Idaho Code, and the corresponding administrative rules promulgated by the State Board of Land Commissioners, IDAPA 20.03.04.000 *et seq.*, Rules for the Regulation of Beds, Waters and Airspace over Navigable Lakes in the State of Idaho.

On March 14, 2019, IDL received an encroachment permit application filed by Gene Riddle and Mary Kay Gallagher (“Applicants”). On March 25, 2019, IDL received two objection letters: one filed by Applicants’ adjoining neighbor to the north, William and Gail Mott (“Motts”) and one filed by Applicants’ adjoining neighbor to the south, Frederick Richards. A hearing was held on May 8, 2019, in Boise, Idaho, with Karen Sheehan serving as the Hearing Officer. The Hearing Officer issued her Preliminary Order, including Findings of Fact and Conclusions of Law, (“Preliminary Order”) on June 6, 2019.

My responsibility is to render a decision pursuant to Idaho Code § 58-1305(c) and IDAPA 20.03.04.025.07 on the behalf of the State Board of Land Commissioners based on the record reviewed, and in the context of my personal expertise gained through education, training, and experience. In making this determination I have relied on the record for this matter. Specifically, I have examined the Hearing Officer’s Preliminary Order in light of the entire record.

**II. FINDINGS OF FACT**

I concur with the Findings of Fact presented by the Hearing Officer, with the exception of Finding of Fact Numbers 8 and 9. For purposes of clarification, Findings of Fact Numbers 8 and 9 are amended to read as follows:

Finding of Fact 8. The Motts own land adjacent to and northwest of Applicants’

property. They have owned the land for 59 years. An update to their encroachment permit was issued in 1983. (Hearing Recording.)

Finding of Fact 9. The Richards own land adjacent to and southeast of Applicants' property. The family has owned the property since 1957. The family has had a permitted dock since the early 1960s with the most current permit dated 1996. (Hearing Recording).

### III. CONCLUSIONS OF LAW

I concur with the Conclusions of Law presented by the Hearing Coordinator, with the exception of Conclusions of Law 13, 14, 18, 24 and 25, which are amended to read as follows:

Conclusion of Law 13. Mr. King determined, in accordance with Idaho Code § 58-1305(a) and IDAPA 20.03.04.015.13.e, that there are no presumed adverse effects to the adjacent littoral right owners associated with the Applicants' proposed single-family dock. (Hearing Recording).

Conclusion of Law 14. Mr. King explained that IDAPA 20.03.04.015.13.c.ii provides that where feasible to place docks at right angles to the shoreline, IDL will work with the applicant to review and approve the applicant's proposed configuration and location of the dock and the dock's angle from the shore. The Application shows the dock will protrude at an angle parallel to the northern littoral right line. The littoral right line is a line that extends waterward of the intersection between the artificial or ordinary high water mark and upland ownership boundary to the line of navigation. IDAPA 20.03.04.010.34. IDL uses the Chord Method to determine littoral right lines. IDL Exhibit 1.

Conclusion of Law 18. Mr. Millemann clarified the Richards do not dispute Mr. Skiftun's drawing shows that the Richards' dock extends into the ten foot setback of the littoral line, or that the drawing is the basis for Applicants and IDL saying the Richards' dock is not in compliance. Mr. Millemann reviewed the history of the property, including the 2001 Quitclaim Deed. He argued the history is offered to show that the littoral right line moved, not the Richards' dock. Mr. Millemann explained that in the Richards' view, the 2001 Quitclaim Deed changed the lakefront line from 110 to 85 feet. The significance of this is that it changed the calculation of the littoral line, and that this is being used by Applicants to argue the Richards' dock is not in compliance. Based on this history, Mr. Millemann prepared his own version of Mr. Skiftun's drawing, showing that the Richards' dock is in compliance based on the littoral lines at the time their dock was permitted. [No change to the footnote].

Conclusion of Law 19. Mr. Millemann argued the Richards' dock remains in the position in which it was permitted and when permitted and constructed it was outside of the ten (10) foot setback. To the extent it is now within the ten (10) foot setback, it is because the littoral line has moved. The Richards have done nothing to place their dock in non-compliance. Under IDL's regulations there is no longer 20 feet of separation and this is an unsafe condition. If the Application is approved, it will affect the Richards' ability to use their dock. It will be expensive for the Richards to move their dock. Applicants could make several changes to their dock to create 20 feet of separation. (Hearing Recording).

Conclusion of Law 24. The Richards then argue that the permit should be denied pursuant to Idaho Code § 58-1305(a) which states that applications should not be denied “except in the most unusual of circumstances or if the proposed encroachment infringes upon or it appears it may infringe upon the riparian or littoral rights of an adjacent property owner.” The second issue is discussed in Paragraph 23 above. The remaining question is whether “the most unusual of circumstances” is present here. The Richards argue the change in littoral rights due to the issuance of the 2001 Quitclaim Deed by Idaho rises to the level of the most unusual of circumstances. Mr. King testified that ordinary high water marks can change and therefore, littoral rights can change. The Hearing Officer determines that a dispute involving the calculation of littoral rights, for the reasons presented here, does not rise to the level of most unusual of circumstances to require Applicants’ Application be denied.

#### IV. FINAL ORDER

I conclude the Hearing Officer’s Preliminary Order is based on substantial evidence in the record, and I adopt the Preliminary Order as my decision in this matter. The Preliminary Order is incorporated by reference, except as specifically set forth herein, and attached to this Final Order. The Applicant is qualified to make application for an encroachment permit for a single family dock on Payette Lake, and the proposed encroachment is in conformance with the applicable standards.

On the basis of the record, it is my order that Encroachment Permit No. L-65-S-0692 is APPROVED by IDL.

This is a final order of the agency. Pursuant to Idaho Code § 58-1305(c), Idaho Code § 58-1306(c) and IDAPA 20.30.04.030.09, the Applicant or any aggrieved party who appeared at the hearing shall have the right to have the proceedings and Final Order reviewed by the district court in the county in which the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of this Final Order. Because this Order is for approval of a permit, any party appealing this Final Order must file a bond with the district court in accordance with Idaho Code § 58-1306(c).

DATED this 21<sup>st</sup> day of June, 2019.

  
\_\_\_\_\_  
DUSTIN T. MILLER  
Director, Department of Lands

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of June, 2019, I caused to be served a true and correct copy of the foregoing by the method indicated below and addressed to the following:

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1631 Hollydale Dr.  
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**BEFORE THE IDAHO STATE BOARD OF LAND COMMISSIONERS**

In the Matter of: )  
 ) Case No. CC-2019-PUB-50-001  
ENCROACHMENT PERMIT APPLICATION )  
No. L-65-S-0692, )  
 ) **PRELIMINARY ORDER**  
GENE RIDDLE and MARY KAY GALLAGHER, )  
 )  
Applicants. )  
\_\_\_\_\_ )

**I. BACKGROUND**

On March 14, 2019, the Idaho Department of Lands (“IDL”) received an encroachment permit application from Gene Riddle and Mary Kay Gallagher (“Applicants.”) (Agency Record 1.) IDL assigned number L-65-S-0692 to the Application (“Application.”) In the Application, Applicants seek authorization to construct a single-family dock that would extend 78 feet beyond the Ordinary (or Artificial) High Water Mark of Payette Lake. According to the Application, the proposed dock will not be located closer than ten (10) feet to the riparian/littoral right lines established with their neighbors.

IDL processed the Application for a single-family dock pursuant to Idaho Code § 58-1305 and IDAPA 20.03.04.025. On March 25, 2019, IDL received two objection letters. One from Applicants' neighbor, William and Gail Mott (the "Motts.") (Agency Record 3.) And one from Applicants' neighbor, Fredrick Richards (the "Richards.") (Agency Record 4.)

Pursuant to Idaho Code § 58-1305(c), IDL ordered a hearing. On April 22, 2019, IDL's Director, Dustin T. Miller, issued a *Notice of Appointment of Hearing Officer* appointing Karen Sheehan as the Hearing Officer assigned to conduct the hearing and issue a preliminary order.

On May 8, 2019, the Hearing Officer conducted a hearing. Gene Riddle appeared and testified on behalf of Applicants. Brian Hickey also appeared for Applicants. Attorney Steve Millemann represented the Richards. Robyn Richards testified on behalf of the Richards. John Grove, Jr. also appeared for the Richards. Kevin Mott testified on behalf of the Motts. Gail Mott, Christi Mott, and Ron Horrowksi also appeared for the Motts. Deputy Attorney General Joy Vega represented IDL. Jason King testified for IDL. Troy Seward, Andrew Smyth, Rachel King and Lark Corbeil were also present at the hearing.

The following exhibits were identified at the hearing:

- Agency Record 1-7;
- IDL Exhibits 1-6;
- Applicants Exhibits 1-5; and
- Richards Exhibits 1-8 (including 2(b), (c) and (d)).

Objections were raised regarding several of the exhibits. The Hearing Officer listened to argument and then ruled that all of the exhibits would be admitted into the record. However, the Hearing Officer informed the parties she may place greater or less weight on any evidence based on its relevance and credibility.<sup>1</sup>

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<sup>1</sup>*Morgan v. Idaho Dept. of Health and Welfare*, 120 Idaho 6, 813 P.2d 345 (1991)( The hearing examiner, as the trier of fact, is entitled to place greater or less weight on any particular piece of evidence according to its relative credibility.)

## II. FINDINGS OF FACT

1. Applicants, Gene Riddle and Mary Kay Gallagher, own 1039 Plymouth Road. This property is adjacent to Payette Lake in McCall, Idaho. (Hearing Recording, Applicants Exhibit 1.)

2. In June of 2017, Applicants requested that IDL conduct a littoral right line analysis to determine the littoral space to place a proposed dock. (Hearing Recording.)

3. In October 2017, Applicants paid for Rod Skiftun to work with IDL to replicate the process of surveying the littoral right lines using surveyed property lines, property corners, and the OHWM at the adjudicated elevation of 4988.79 NGVD29, also represented as 4992.59 NAVD88. This survey showed Applicants' proposed dock as well as neighboring docks. (Hearing Recording, Applicants Exhibit 4.)

4. On March 14, 2019, IDL received an encroachment permit application from Applicants seeking authorization to construct a single-family dock. According to the application, the proposed dock will not be located closer than ten (10) feet to the riparian/littoral right lines established with their neighbors. (Agency Record 1.)

5. A minimum ten (10) foot setback from the shared littoral right line is required for single family docks.

6. IDL uses the "Chord Method" to determine littoral right lines. This method utilizes the adjacent upland lot lines' intersection with the Ordinary High Water Mark to generate equally bisected angles and lines which separate the littoral rights of two adjacent waterfront property owners. (IDL Exhibit 1.)

7. Jason King, a senior resource specialist with IDL, performed his own assessment and determined Applicants' proposed dock met all of Idaho's requirements and therefore, the

Application should be approved. (Hearing Recording, IDL Exhibit 3.)

8. The Motts own land adjacent to Applicants' property. They have owned the land for 59 years. An update to their encroachment permit was issued in 1983. Applicants' proposed dock would be adjacent to the Motts' property on the north side (facing the lake). (Hearing Recording.)

9. The Richards own land adjacent to Applicants' property. The family has owned the property since 1957. The family has had a permitted dock since the early 1960s with the most current permit dated in 1996. The proposed dock would be adjacent to the Richards' property on the left side of the property (facing the lake). (Hearing Recording.)

10. The Richards received a quitclaim deed from the state in 2001 titled *Quitclaim Deed to Correct Improper Legal Description of Property Based on Incorrect Subdivision Plat* ("2001 Quitclaim Deed.") (Richards Exhibit 3.)

11. On March 15, 2019, IDL sent a Notice of Application to Applicants' neighbors, the Richards and the Motts. (Agency Record 2.)

12. On March 25, 2019, IDL received objections to Applicants' Application from the Richards and the Motts. (Agency Record 2 and 3.)

### **III. ANALYSIS AND CONCLUSIONS OF LAW**

1. On March 14, 2019, IDL received an Application from Applicants seeking authorization to construct a single-family dock on the bed of Payette Lake (Agency Record 1.)

2. The State of Idaho Board of Land Commissioners ("Board" or "Land Board") is authorized to regulate, control, and permit encroachments in, on or above the beds of navigable lakes in the state of Idaho. Idaho Code §§ 58-104(9) and 58-1303.

3. The Board exercises its authority through the instrumentality of IDL. *See* Idaho Code §§ 58-101 and 58-119. As a result, "the duty of administering the Lake Protection Act falls upon the



IDL." Kaseburg v. State, Bd. of Land Comm'rs, 154 Idaho 570, 578, 300 P.3d 1058, 1066 (2013).

4. Under the Lake Protection Act, Title 58, Chapter 13, Idaho Code ("LPA"), IDL has the authority to adopt such rules and regulations as are necessary to effectuate the purposes of the LPA. Idaho Code § 58-1304. IDL has exercised that authority and promulgated the Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho, IDAPA 20.03.04.000 *et seq.* ("Rules").

5. In enacting the LPA, the Legislature expressed its intent that:

[T]he public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

Idaho Code § 58-1301.

6. Under the LPA and Rules, a navigable lake is defined as:

Any permanent body of relatively still or slack water, including man-made reservoirs, not privately owned and not a mere marsh or stream eddy, and capable of accommodating boats or canoes. This definition does not include man-made reservoirs where the jurisdiction thereof is asserted and exclusively assumed by a federal agency.

Idaho Code § 58-1302(a); IDAPA 20.03.04.010.024. Payette Lake in McCall, Idaho is a navigable lake under the LPA.

7. For purposes of the LPA, the "beds of navigable lakes" are defined as "the lands lying under or below the natural or ordinary high water mark of a navigable lake and, for purposes of this act only, the lands lying between the natural or ordinary high water mark and the artificial high water mark, if there be one." Idaho Code § 58-1302(b); IDAPA

20.03.04.010.04. According to the Application, the proposed single-family dock would lie partially or fully on or above the bed of a navigable lake. (Agency Record 1.) Since the proposed navigational encroachment lies on and/or above the bed of a navigable lake, IDL has jurisdiction to regulate the proposed encroachment.

8. As owners of land adjacent to navigable waters of a lake, Applicants are littoral owners, as defined in IDAPA 20.03.04.010.033 and are qualified to make an application for an encroachment permit for a single-family dock pursuant to IDAPA 20.03.04.010.36 and 20.03.04.020.02.

9. The Application depicts the proposed encroachment as being ten (10) feet from adjacent littoral right lines. More specifically, the Application depicts the proposed encroachment as being ten (10) feet from the littoral right line shared with the Motts and greater than ten (10) feet from the littoral right line shared with the Richards. (Hearing Recording, Agency Record 1.)

10. Idaho Code §58-1305(a) states:

Applications for construction or enlargement of navigational encroachments not extending beyond the line of navigability nor intended primarily for commercial or community use shall be processed by the board with a minimum of procedural requirements and shall not be denied nor appearance required except in the most unusual of circumstances or if the proposed encroachment infringes upon or it appears it may infringe upon the riparian or littoral rights of an adjacent property owner.

11. IDAPA 20.03.04.015.13.e provides that:

It will be presumed, subject to rebuttal, that single family... navigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten feet from adjacent littoral right lines... Written consent of the adjacent littoral owners will automatically rebut the presumption...

12. Jason King, a senior resource specialist with IDL, testified that he completed an assessment of the Application and approved it. He testified that with the setback distances

equaling or exceeding the minimum considered to constitute an adverse effect, the proposed encroachment does not infringe on the littoral rights of either adjacent property owner. (Hearing Recording, IDL Exhibit 3.)

13. Mr. King determined, in accordance with Idaho Code §58-1305(a) and IDAPA 20.03.04.015.13.e, that there is no presumed adverse effects to the adjacent littoral right owners associated with the Applicants' proposed single-family dock. (Hearing Recording.)

14. Mr. King explained that IDAPA 20.03.04.015.13.c.ii provides that were feasible to place docks at right angles to the general shoreline, IDL will work with the applicant to review and approve the applicant's proposed configuration and location of the dock and the dock's angle from the shore. The Application shows the dock will protrude at an angle parallel to the northern littoral right line. The littoral right line is a line that extends waterward of the intersection between the high water mark and upland ownership boundary generated using the Chord Method, to the line of navigation. IDAPA 20.03.04.010.34.

15. IDL has adopted standards and requirements for determining littoral right lines in Section 25 of its Navigable Waters Procedures. This Section states:

For the purposes of permitting encroachments and ensuring that riparian rights are not infringed upon by encroachment placement, riparian right lines should be determined by applying the "Chord Method." The result shall be that landowners with riparian rights will have unobstructed access to the navigable waters along all points of their riparian land.

16. The Richards own land adjacent to Applicants. In accordance with Idaho Code § 58-1305(c), the Richards filed a written objection to Applicants' Application.

17. During the hearing, Mr. Millemann, the Richards' counsel, cited to Idaho Code §58-1305 specifying it states an application shall be approved except in the most unusual of circumstances or if the proposed encroachment infringes upon a neighbors' littoral rights. The

Richards believe both exist in this case. Mr. Millemann clarified the Richards are not disputing property lines or boundaries. They are disputing the assertion that their dock is not legally placed in its current position and the underlying implication that their dock is not in compliance. It is the Richards' position that the dock is placed exactly where it was permitted. It has not moved. And that there is an explanation for why Mr. Skiftun's drawings show the dock encroaches into the ten foot setback. (Hearing Recording.)

18. Mr. Millemann clarified the Richards do not dispute Mr. Skiftun's drawing shows the Richards' dock extends into the ten foot setback of the bisection line. Or that this is the basis for Applicants' and IDLs' basis for saying the Richards' dock is not in compliance. Mr. Millemann reviewed the history of the property, including the 2001 Quitclaim. He argued the history is offered to show how the bisection line moved; not the Richards' dock. Mr. Millemann explained the 2001 Quitclaim Deed changed the lakefront line from 110 to 85 feet. The significance of this is that it changed the calculation of the bisection line. And that this is being used by Applicants to argue the Richards' dock is not in compliance. Based on this history, Mr. Millemann prepared his own version of Mr. Skiftun's drawing showing the Richards' dock is in compliance based on the bisection lines at the time it was permitted.<sup>2</sup> (Hearing Recording, Richards Exhibits 1 - 6.)

19. Mr. Millemann argued the Richards' dock remains in the position in which it was permitted and when permitted and constructed it was outside of the ten (10) foot setback. To the extent it is now within the ten (10) foot setback, it is because the bisection line has moved. The Richards have done nothing to place their dock in non-compliance. Under IDL's regulations there is no longer 20 feet of separation and this is an unsafe condition. If the

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<sup>2</sup>IDL objected to Mr. Millemann testifying as an expert. Mr. Millemann is not a surveyor. The Hearing Officer sustained the objection.

Application is approved, it will effect the Richards' ability to use their dock. It will be expensive for the Richards to move their dock. Applicants could make several changes to their dock to create the 20 feet of separation. (Hearing Recording.)

20. Mrs. Richards testified that the U-shaped shoreline does not give enough room for another dock, especially one of Applicants' magnitude. All of the docks to the west are at the minimum distance to each other. In the event the Application is approved, Applicants should either have to modify their proposed dock or be required to pay all costs related to their neighbors having to reconstruct their docks. (Hearing Recording.)

21. Mr. King testified that no distance is provided in the Richards' dock permit application. Consequently, IDL would determine the Richards' permit is a compliant but nonconforming permit based on today's standards. This makes it difficult to enforce a compliance action on this permit (i.e.a ten foot setback). There is no ability to enforce a setback when none is set out on the permit. (Hearing Recording, Richards Exhibit 1.)

22. The Motts own land adjacent to Applicants. In accordance with Idaho Code § 58-1305(c), the Motts filed written objections to Applicants' Application. Mr. Mott did not dispute the littoral lines. Instead he testified that he believes everyone needs to work together to make this work. It appears to him that the current docks were permitted at a time before littoral lines were important. He has not had a survey completed yet; but it appears that if their dock is pushed north then the next neighbors will need to push their dock north causing a "domino effect." He is requesting help from IDL to resolve the issue between friends/neighbors and the state.

23. The crux of this case is the location of littoral lines. As set out above, according to IDAPA 20.03.04.015.13.e it is presumed, subject to rebuttal, that single family... navigational

encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten feet from adjacent littoral right lines. No one is disputing the method used to determine the littoral lines used by IDL or as set out in Mr. Skiftun's drawing. (IDL Exhibits 3 and 4.) Instead the Richards argue the littoral lines should be determined based on calculations using information prior to the 2001 Quitclaim Deed. However, there is no indication in Idaho law that littoral lines are based on anything other than current littoral rights. Further, Mr. King testified that since there is no distance provided in the Richards' dock permit application, the permit is compliant but nonconforming based on today's standards and consequently, there is no ability to enforce a setback based on this permit.

24. The Richards then argue that the permit should be denied pursuant to Idaho Code §58-1305(a) which states the applications should not be denied "except in the most unusual of circumstances or if the proposed encroachment infringes upon or it appears it may infringe upon the riparian or littoral rights of an adjacent property owner." The second issue is discussed in Paragraph 23 above. The remaining question is whether "the most unusual of circumstances is present here." The Richards argue the change in littoral rights due to the issuance of the 2001 Quitclaim Deed by Idaho rises to the level of the most unusual of circumstances. While it may be unusual for the state to issue quitclaim deeds, Mr. King testified that ordinary high water marks can change and therefore, littoral rights can change. The Hearing Officer determines that a dispute involving the calculation of littoral rights, for the reasons presented here, does not rise to the level of most unusual of circumstances to require Applicants' Application be denied.

25. Both Mr. King's and Mr. Skiftun's assessments show the proposed permit as meeting Idaho's requirements, including the requirement for littoral lines.

26. The Hearing Officer is empathetic to the Richards' and the Motts' situation. However, the

record includes sufficient evidence to show, by a preponderance of the evidence, that Applicants' Application meets Idaho's requirements for construction of the proposed single-family dock.

27. Based on the evidence in the record, Applicants' Application is approved.<sup>3</sup>

#### **IV. PRELIMINARY ORDER**

Based on the foregoing analysis, Encroachment Permit Application No. L-65-S-0692 is APPROVED. The record shows by a preponderance of the evidence that Applicants meet Idaho's requirements to qualify for construction of the proposed single-family dock on Payette Lake in McCall, Idaho.

As stated in the April 22, 2019 Notice of Appointment of Hearing Officer, the IDL Director has delegated all decision-making authority to the Hearing Officer, pursuant to Idaho Code § 67-5245. The procedures found in Idaho Code § 67-5245 addressing petitions for review of preliminary orders are not applicable. Upon issuing this Preliminary Order to the Idaho Department of Lands Director, the Director will issue a Final Order no more than 45 days after the conclusion of the hearing or will allow the Preliminary Order to become final 45 days after the hearing.

Pursuant to Idaho Code §§ 58-1305(c) and -1306(c), any applicant or other aggrieved party has the right to have the decision reviewed by the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the decision. Because the decision is for approval of the permit, any party appealing the decision shall file a bond on such appeal in an amount to be fixed by the court but not less than

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<sup>3</sup> Mr. Millemann argued that if the Application is approved, it should be approved with the condition that either Applicants change the configuration of the dock or pay for the Richards to move their dock. It is not within the Hearing Officer's prevue to place conditions on the approval.

five hundred dollars (\$500). The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal

DATE: June 6, 2019.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By:   
KAREN SHEEHAN  
Hearing Officer

\* \* \* \* \*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6<sup>th</sup> day of May, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

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KAREN SHEEHAN  
FAIR HEARINGS UNIT