

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of)	
)	AGENCY Case No. PH-2024-NAV-20-002
Application for Encroachment Permit,)	
)	OAH Case No. 24-320-05
Valiant Idaho, LLC and Valiant Idaho II,)	
LLC,)	SCHEDULING ORDER
)	
Applicants.)	
)	
)	
)	

A scheduling videoconference was conducted on August 30, 2024. Appearances were made by Hearing Officer Leslie Hayes; William Haberman representing Applicant Valiant Idaho, LLC and Valiant Idaho II, LLC (Valiant 2); Jeremy Grimm of Whiskey Rock Planning + Consulting; and Idaho Department of Lands (IDL) representatives Marde Messinger and Rachel King. IDL counsel Allison Olson was not present; Ms. Messinger gave permission to proceed in her absence.

Ms. Olson contacted the Office of Administrative Hearings following the scheduling conference and was provided with a copy of the Zoom recording for her review. Ms. Olson may request a resumed scheduling conference if necessary to address any preliminary matters.

IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. On or before **September 16, 2024**, the IDL will file the following with the Hearing Officer and serve on the opposing party a prehearing statement.
2. On or before **September 27, 2024**, the Parties will file the following with the Hearing Officer and serve on the opposing party:
 - a) A disclosure of witnesses, by name, address, and telephone number, who will testify at the final hearing in this matter, including expert witnesses, along

with a summary of the anticipated testimony of each witness; and

b) An exhibit list of all documents, drawings, photographs, or other demonstrative evidence to be considered at the hearing; and

c) Copies of all exhibits on the exhibit list.

3. All exhibits should be marked to reflect the party offering the exhibit. IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); and Valiant 2's exhibits shall begin with "V" (V-1, V-2, V-3, etc.).

4. **An in-person, two-day, public evidentiary hearing is scheduled for October 7 and 8, 2024, at Sandpoint High School Auditorium located at 410 S. Division Ave., Sandpoint, ID. The hearing will commence at 5:00 p.m. Pacific Time and conclude at 8:00 p.m. Pacific Time on both days. The hearing held on October 7 will focus on the Valiant 2's application for encroachment and the modifications made since the initial application; the time will then be opened to public comment. Any additional public comment will continue on October 8, if necessary.**

5. A remote Prehearing Conference will be held via Zoom on **September 30, 2024, at 2:00 p.m. Mountain Time**. A Zoom hearing link will be sent contemporaneously with this order.

6. To "file" and "serve" their documents, the parties may email them to all other parties at the addresses listed in the attached Certificate of Service before any deadline, with a copy to elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov.

7. The Hearing Officer will arrange for a court reporter. IDL will bear the cost of the appearance of the court reporter. The cost of an official transcript, if requested by the presiding officer or either party, will be dictated by IDAPA 62.01.01.601.

8. Should any party or their counsel require special accommodations pursuant to the

Americans with Disabilities Act, the Hearing Officer shall be notified of such request at or before the time of the prehearing conference.

NOTICE AND REMINDER: The Hearing Officer shall not be contacted by either party *ex parte*. To schedule a status conference to address any case matters, the parties are directed to first confer about agreed-to dates and times, and then to contact Elaine Maneck at elaine.maneck@oah.idaho.gov to schedule a status conference.

DATED August 30, 2024.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

Will Haberman
Valiant Idaho, LLC and Valiant Idaho II, LLC
151 Clubhouse Way
Sandpoint, ID 83864
(407) 973-7875
Applicants

☐ U.S. Mail
☒ Email: wh@theidahoclub.com

Jeremy Grimm
Whiskey Rock Planning + Consulting
218 Cedar St., Suite 208
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(208) 946-9944
Applicants' Agent

☐ U.S. Mail
☒ Email: jeremy@whiskeyrockplanning.com

Idaho Department of Lands
Allison Olson, Counsel
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In-House Counsel IDL

☐ U.S. Mail
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Kourtney Romine
Kayla Dawson
Service Contacts for IDL

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OAH
General Government Division
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☒ Email: filings@oah.idaho.gov

/s/ *Leslie M. Hayes*

Leslie M. Hayes
Office of Administrative Hearings