

**BEFORE THE IDAHO DEPARTMENT OF LANDS**

In the Matter of Application for	)	
Encroachment L95S6166,	)	AGENCY Case No. PH-2025-NAV-22-002
	)	
Mark E. Allen,	)	OAH Case No. 25-320-04
	)	
Applicant.	)	<b>NOTICE OF APPOINTMENT OF</b>
	)	<b>HEARING OFFICER</b>
	)	

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TO ALL PARTIES AND COUNSEL OF RECORD:

The Deputy Chief Administrative Hearing Officer of the Office of Administrative Hearings, pursuant to their delegated authority by the Chief Administrative Hearing Officer under Idaho Code § 67-5282(1)(d), hereby appoints the following administrative law judge as the duly authorized Hearing Officer in this matter:

Bryan A. Nickels  
Office of Administrative Hearings  
P.O. Box 83720  
Boise, ID 83720-0104  
(208) 605-4300  
[bryan.nickels@oah.idaho.gov](mailto:bryan.nickels@oah.idaho.gov)

This administrative law judge is appointed to conduct a hearing in this matter in accord with all governing statutes and rules, and make appropriate findings of fact, conclusions of law, and preliminary or recommended orders (as may be requested or mandated) to the Director of the Idaho Department of Lands. The administrative law judge is required to comply with the Office of Administrative Hearings' Code of Conduct.

**AUTHORITY AS HEARING OFFICER**

As Hearing Officer, the administrative law judge has the authority to:

1. Schedule and conduct motion hearings and enter the appropriate orders disposing of all pre-hearing motions, such as motions for notices of proposed default orders, motions on the
- NOTICE OF APPOINTMENT OF HEARING OFFICER  
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admissibility of evidence, and motions for continuances.

2. Schedule and conduct any pre-hearing conference and enter the appropriate orders for any purpose recognized by IDAPA 62.01.01.402.

3. Perform other duties assigned by the Department and as authorized by the Idaho Administrative Procedure Act, promulgated at Idaho Code §§ 67-5201 *et seq.*, the Idaho Rules of Administrative Procedure promulgated at IDAPA 62.01.01 *et seq.*, and such other statutes and rules as may govern the proceedings.

4. The Hearing Officer may not engage in *ex parte* communications concerning the substance of this matter, except as provided in Idaho Code § 67-5253 and IDAPA 62.01.01.255.

### **FILING AND SERVICE OF DOCUMENTS**

All documents filed in this matter must be filed by email with the Office of Administrative Hearings at the following email address: [filings@oah.idaho.gov](mailto:filings@oah.idaho.gov)

Additionally, all documents filed in this matter must also be served by email upon the Hearing Officer and all other parties to the proceeding at the email addresses listed in the Certificate of Service attached hereto, which list may be updated from time to time by the Hearing Officer.

Original and/or paper documents do not need to be filed with the Office of Administrative Hearings, except upon request by the Hearing Officer. If you are requested to submit original and/or paper documents by the Hearing Officer, submit those documents to the Office of Administrative Hearings at the following address:

Office of Administrative Hearings  
General Government Division  
P.O. Box 83720  
Boise, ID 83720-0104  
(208) 605-4300

DATED: June 26, 2025.

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 26th day of June, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Mark Allen  
248 Saint Ct.  
Richland, WA 99354  
(509) 430-5923  
*Applicant*

☐ U.S. Mail  
☒ Email:  
[Markallen50@msn.com](mailto:Markallen50@msn.com)

Idaho Department of Lands  
John Richards  
General Counsel  
300 N. 6<sup>th</sup> Street, Ste. 103  
Boise, ID 83702  
(208) 334-0200  
*Counsel for Objector IDL*

☐ U.S. Mail  
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[jrichards@idl.idaho.gov](mailto:jrichards@idl.idaho.gov)

Idaho Department of Lands  
Marde Mensinger  
300 N. 6<sup>th</sup> Street  
Boise, ID 83720  
(208) 334-0248  
*IDL Program Manager for Navigable Waters*

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Kourtney Romine  
Rachel King  
*Service Contact for IDL*

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[kromine@idl.idaho.gov](mailto:kromine@idl.idaho.gov)  
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*Hearing Officer*

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/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk

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