

**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>SCHEDULING ORDER</b>
	)	
	)	

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A scheduling videoconference was conducted on July 8, 2025. Appearances were made by Chief Administrative Law Judge Bryan Nickels, Applicant Mark Allen, Idaho Department of Lands' (IDL) counsel John Richards, IDL Program Manager for Navigable Waters Marde Messinger, IDL representative Rachel King, and Objectors Randy and Chrissy Folkins.

As discussed at hearing, IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. On or before **July 22, 2025**, 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) The parties shall provide a copy of their proposed exhibits to one another and to the Hearing Officer. All exhibits should be marked to reflect the party offering the exhibit and the exhibit number. Copies of all exhibits on the exhibit list. All exhibits should be marked to reflect the party offering the exhibit.

SCHEDULING ORDER

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Applicant's exhibits shall begin with "MA" (MA-1, MA-2, MA-3, etc.); IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.), and Objector's exhibits shall begin with "OBJ" (OBJ-1, OBJ-2, OBJ-3, etc.).

2. On or before **July 22, 2025**, the parties will also file with the Hearing Officer, and serve upon each other, their prehearing statement. Each party's prehearing statement should summarize the facts and law they intend to rely on at the hearing. Applicant may rely on the application as the prehearing statement.

3. A remote Prehearing Conference will be held via Zoom on **July 29, 2025, at 11:00 a.m. Pacific Time**. A Zoom link for the prehearing conference will be sent contemporaneously with this order.

4. **A public, one-day evidentiary hearing scheduled is for August 5, 2025, beginning at 4:00 p.m. Pacific Time and concluding no later than 8:00 p.m. Pacific Time.** The hearing will be held in Coeur'd Alene, Idaho, at a location to be determined. The hearing will be recorded via Zoom and the ordering of transcripts, if any, will be discussed at the time of the hearing. Testimony/Public Comment will not be taken from remote participants.

5. 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](mailto:elaine.maneck@oah.idaho.gov) and [filings@oah.idaho.gov](mailto:filings@oah.idaho.gov).

6. 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 Deputy Clerk Elaine Maneck at [elaine.maneck@oah.idaho.gov](mailto:elaine.maneck@oah.idaho.gov) to schedule a status conference.

DATED: July 9, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Bryan A. Nickels

Bryan A. Nickels

Chief Administrative Law Judge

## CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of July, 2025, I was 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)

Randy Folkins  
4310 S. Thierman Rd.  
Spokane, WA 99223  
(509) 926-9595 (work)  
(509) 991-6442 (cell)  
*Objector*

☐ U.S. Mail  
☒ Email:  
[randy@eljayoil.com](mailto:randy@eljayoil.com)

Idaho Department of Lands  
John Richards  
General Counsel  
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*Counsel for Objector IDL*

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*IDL Program Manager for Navigable Waters*

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Kourtney Romine  
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*Service Contact for IDL*

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OAH  
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/s/ Elaine Maneck  
Elaine Maneck, Deputy Clerk  
Office of Administrative Hearing