

**BEFORE THE IDAHO DEPARTMENT OF LANDS**

In the Matter of the Application for ) Encroachment L95S6163A, a Community ) Dock, ) ) River's Edge Apartments, LLC, ) Lanzce Douglass, ) ) ) Applicant. ) _____ )	AGENCY Case No. PH-2025-NAV-22-005  OAH Case No. 25-320-07  <b>SCHEDULING ORDER</b>
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A scheduling videoconference was conducted on August 19, 2025. Appearances were made by Hearing Officer Leslie Hayes, Applicant's counsel Elizabeth A. Tellessen, Applicant's Agents Cindy and Brandon Richardson, Idaho Department of Lands' (IDL) counsel, John Richardson, and Objector John F. Magnuson for CDA Land Co. (CDA). Also appearing as representative for potential intervenors Concerned Citizens, was counsel Peter Smith.

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

1. The deadline to file a petition to intervene is **August 22, 2025**. Responses to the petition to intervene are due on or before **September 5, 2025**. No replies are to be filed.

2. A remote oral argument on the petition to intervene will be held on **September 8, 2025, at 10:00 a.m. Mountain Time/9:00 a.m. Pacific Time** via Zoom. A prehearing conference **will immediately follow oral argument**. The Zoom link for oral argument and the following prehearing conference will be sent contemporaneously with this Order.

3. On or before **September 5, 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

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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 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. Applicant's exhibits shall begin with "REA" (REA-1, REA-2, REA-3, etc.); IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); Objector CDA's exhibits shall begin with "CDA" (CDA-1, CDA-2, CDA-3, etc.); Objector Kootenai County Sheriff's Office' exhibits shall begin with "KC" (KC-1, KC-2, KC-3, etc.); and Potential Intervenor Concerned Citizens shall begin with "INT" (INT-1, INT-2, INT-3, etc.).<sup>1</sup>

4. On or before **September 5, 2025**, the parties will file with the Hearing Officer and serve 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 and Objectors CDA and KC may rely on their objections as the prehearing statement.

5. **An in-person, one-day evidentiary hearing is scheduled for September 16, 2025, beginning at 4:00 p.m. Pacific Time at a location to be determined in Coeur d' Alene, Idaho.** An optional Zoom link will be available for remote viewing of the proceedings. Testimony/Public Comment will not be taken from remote participants. The hearing will be

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<sup>1</sup> Given the statutory deadline for this hearing, the Potential Intervenor will participate as if party status has been granted.

recorded.

6. Parties and objectors should be prepared for a potential onsite inspection on the morning of **September 17, 2025**, at a time to be determined at the prehearing conference or at the evidentiary hearing.

7. The Hearing Officer will arrange for a court reporter. IDL will bear the cost of the appearance of the court reporter. Any other associated costs will be split evenly between IDL and Applicant. If transcripts are ordered, the cost of the transcripts will be governed by IDAPA 62.01.01.601.03.

8. 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).

9. 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](mailto:elaine.maneck@oah.idaho.gov) to schedule a status conference.

DATED: August 20, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M Hayes

Deputy Chief Administrative Law Judge

## CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Elizabeth A. Tellessen  
WINSTON & CASHATT, LAWYERS, P.S.  
250 Northwest Boulevard, Suite 206  
Coeur d'Alene, ID 83814  
*Counsel for Applicant River's Edge Apartments  
and Lanzce Douglass*

☐ U.S. Mail  
☒ Email:  
[eat@winstoncashatt.com](mailto:eat@winstoncashatt.com)  
[clk@winstoncashatt.com](mailto:clk@winstoncashatt.com)  
[lanzce@lgdproperties.com](mailto:lanzce@lgdproperties.com)

Cindy and Brandon Richardson  
R & R Northwest  
1857 W. Hayden Avenue, # 102  
Hayden, ID 83835  
(208) 818-6478  
*Agents for Applicant*

☐ U.S. Mail  
☒ Email:  
[cindy.richardson@rrnorthwest.com](mailto:cindy.richardson@rrnorthwest.com)

Coeur d'Alene Land Company  
John F. Magnuson  
1250 Northwood Center Court, Ste. A  
Coeur d'Alene, ID 83816  
(208) 667-0500  
*Counsel for Objector CDA Land Co.*

☐ U.S. Mail  
☒ Email:  
[john@magnusononline.com](mailto:john@magnusononline.com)

Sheriff Robert B. Norris  
Kootenai County Sheriff's Office  
P.O. Box 9000  
Coeur d'Alene, ID 83816  
(208) 446-1300  
*Objector*

☐ U.S. Mail  
☒ Email:  
[kcsso@kcgov.us](mailto:kcsso@kcgov.us)

Peter J. Smith IV  
Fennemore Craig, PC  
418 E. Lakeside Avenue, Ste. 224  
Coeur d'Alene, ID 83814  
(208) 956-0145  
*Counsel for Potential Intervenor Concerned  
Citizens*

☐ U.S. Mail  
☒ Email:  
[peter.smith@fennemorelaw.com](mailto:peter.smith@fennemorelaw.com)

Idaho Department of Lands  
John Richards, General Counsel  
Kayleen Richter, Counsel  
300 N. 6<sup>th</sup> Street, Ste. 103  
Boise, ID 83702

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

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(208) 334-0200  
*Counsel for IDL*

Amidy Fuson  
*Lands Resource Specialist-Navigable Waters*  
Marde Mensinger  
*Program Manager for Navigable Waters*

☐ U.S. Mail  
☒ Email:  
[afuson@idl.idaho.gov](mailto:afuson@idl.idaho.gov)  
[mmensinger@idl.idaho.gov](mailto:mmensinger@idl.idaho.gov)

Kourtney Romine  
Rachel King  
Kayla Dawson  
*Service Contacts for IDL*

☐ U.S. Mail  
☒ Email:  
[kromine@idl.idaho.gov](mailto:kromine@idl.idaho.gov)  
[rking@idl.idaho.gov](mailto:rking@idl.idaho.gov)  
[kdawson@idl.idaho.gov](mailto:kdawson@idl.idaho.gov)

OAH  
General Government Division  
P.O. Box 83720  
Boise, ID 83720-0104  
(208) 605-4300

☐ U.S. Mail  
☒ Email:  
[filings@oah.idaho.gov](mailto:filings@oah.idaho.gov)  
[leslie.hayes@oah.idaho.gov](mailto:leslie.hayes@oah.idaho.gov)

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