

BEFORE THE IDAHO DEPARTMENT OF LANDS

| | | |
|---|---|------------------------------------|
| Application for Permit to Install a |) | AGENCY Case No. PH-2025-NAV-22-006 |
| Community Dock, Encroachment |) | |
| L95S6181, |) | OAH Case No. 25-320-08 |
| |) | |
| |) | SCHEDULING ORDER |
| The Estates at Waterstone HOA, Inc., |) | |
| Jason Garvey (Agent), |) | |
| |) | |
| Applicant. |) | |
| <hr style="width: 40%; margin-left: 0;"/> |) | |

A scheduling videoconference was conducted on August 29, 2025. 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 **September 5, 2025**. Responses to the petition to intervene are due on or before **September 12, 2025**. No replies are to be filed, and argument will be taken up before the prehearing conference.

2. On or before **September 12, 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 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

SCHEDULING ORDER

(AGENCY Case No. PH-2025-NAV-22-006/ OAH Case No. 25-320-08) Page 1

list. All exhibits should be marked to reflect the party offering the exhibit. Applicant's exhibits shall begin with "WS" (WS-1, WS-2, WS-3, etc.); IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); and Objector Concerned Citizens' exhibits shall begin with "CC" (CC-1, CC-2, CC-3, etc.);

3. On or before **September 12, 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.

4. **A remote Prehearing Conference will be held via Zoom on September 15, 2025, at 10:00 a.m. Mountain Time.** A Zoom link for the prehearing conference will be sent contemporaneously with this order.

5. **An in-person, one-day evidentiary hearing is scheduled for October 6, 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 recorded.

6. The Hearing Officer will arrange for a court reporter. IDL will bear the cost of the appearance of the court reporter and the ordering of transcripts, if any, will be discussed at the time of the hearing.

7. 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.

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 29, 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 29th day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

☐ U.S. Mail
☒ Email:
jason@wesslen.com
caseym@legacylw.com

Nathan S. Ohler
Brian J. Bean
Ohler Bean & Tinkey
1809 E. Sherman Ave., Suite 101
Coeur d'Alene, ID 83814
(208) 444-8686
Counsel for Applicant Estates at Waterstone

☐ U.S. Mail
☒ Email
nathan@ohlerbean.com
brian@ohlerbean.com

Concerned Citizens, LLC
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

☐ U.S. Mail
☒ Email:
sherichic91@gmail.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave, #224
Coeur d'Alene, ID 83814
(20) 956-0145
Counsel for Objector Concerned Citizens

☐ U.S. Mail
☒ Email:
peter.smith@fennemorelaw.com
ksheftic@fennemorelaw.com

Idaho Department of Lands
John Richards, General Counsel
Kayleen Richter, Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email:
jrichards@idl.idaho.gov
krichter@idl.idaho.gov

Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
mmensinger@idl.idaho.gov

SCHEDULING ORDER

(AGENCY Case No. PH-2025-NAV-22-006/ OAH Case No. 25-320-08) Page 4

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

☐ U.S. Mail
☒ Email:
kromine@idl.idaho.gov
rking@idl.idaho.gov
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
leslie.hayes@oah.idaho.gov

/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk
Office of Administrative Hearing