

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application to Permit:	)	AGENCY Case No. PH-2025-NAV-22-004
	)	
An Existing Commercial Dock and Piling	)	OAH Case No. 25-320-06
on the Spokane River,	)	
	)	HEARING ORDER
Fred Finney dba Finney Boat Works, Inc.,	)	
	)	
Applicant.	)	

Based upon the parties' current intent to proceed to public hearing, and to expedite the prehearing conference in this matter, IT IS HEREBY ORDERED:

ORDER OF PRESENTATION

The order of presentation at the evidentiary phase of the public hearing shall be as follows:

1. Preliminary matters. The Hearing Officer and the parties will discuss any preliminary matters prior to case presentations, including any preliminary motions, stipulations, and other matters relating to the hearing.

2. Opening statements. No formal opening statements will be made at hearing. Instead, at the start of each of their case presentations, the parties may, but are not required to, provide a brief opening statement summarizing the issues for hearing and anticipated evidence.

3. Applicant case presentation. Applicant will present its case first. Applicant may call witnesses and present written evidence in support of their case. Unrepresented parties may provide their own testimony in narrative form rather than in question-and-answer format. Opposing parties and IDL are permitted to cross-examine any witnesses presented by a party, and are also permitted to object to any written evidence presented by a party.

4. Objector case presentations. Objectors will then be permitted to present their cases.

They may call witnesses and present written evidence in support of their case. Unrepresented

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parties may provide their own testimony in narrative form rather than in question-and-answer format. Opposing parties and IDL are permitted to cross-examine any witnesses presented by a party, and are also permitted to object to any written evidence presented by a party.

5. Agency statement of proceedings. The Idaho Department of Lands (“IDL”) will then provide its case presentation regarding the application at issue and IDL’s analysis thereof, to include any testimony and written evidence IDL wishes to present. Parties are permitted to cross-examine any witnesses presented by IDL, and parties are permitted to object to any written evidence presented by IDL.

6. Applicant rebuttal case. Applicant will have the opportunity to present any evidence to rebut the evidence presented by Objectors and IDL.

7. Concluding matters. The Hearing Officer and the parties will then discuss any concluding matters prior to closing statements, including any evidentiary and other matters relating to the hearing and closing of the record.

8. Closing statements. The parties then may, but are not required to, provide a closing statement arguing their position based upon the testimony and written evidence submitted at hearing, beginning with Applicant. Parties are permitted to waive closing. Further, the parties may request, or the Hearing Officer may order, that closing statements be provided at a future date in written form, if warranted by the needs of the case.

9. Public comments. Following the evidentiary hearing, there will be time allotted to allow any member of the public in attendance to provide comments through sworn testimony. Members of the public who are not parties may not question witnesses or participate in the evidentiary hearing.

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PROOFS

The governing standard of proof, and burden(s) of proof, in this matter are as follows:

1. Standard of proof. No statutes or rules appearing to otherwise provide, the standard of proof shall be preponderance of the evidence. *See* IDAPA 62.01.01.477.
2. Burden of proof. As the party seeking IDL's approval of the requested encroachment permit, and no statutes or rules appearing to otherwise provide, Applicant shall have the initial burden of proof. If Applicant satisfies their burden of proof, the burden will then shift to Objectors to demonstrate why IDL should not approve the requested encroachment permit. *See* IDAPA 62.01.01.477.

OTHER HEARING MATTERS

The parties are further advised as to the following matters related to the forthcoming hearing:

1. Testimony is sworn. Pursuant to IDAPA 62.01.01.507, any witness offering testimony will be placed under oath prior to testifying.
2. Hearing Officer questions. Pursuant to IDAPA 62.01.01.508, the Hearing Officer may ask questions of any witness. If such questioning is made, the parties are permitted to ask additional questions of any witnesses questioned by the Hearing Officer.
3. Objections. Any party may object to any other party's proffered witness testimony or written exhibits. However, per IDAPA 62.01.01.475, the parties are reminded that the Hearing Officer is not bound by the Idaho Rules of Evidence, and any objection to evidence should instead be presented with respect to the evidentiary limitations set forth in Idaho Code section 67-5251.
4. Default. Pursuant to Idaho Code section 67-5242A, if a party fails to attend or participate in a prehearing conference or hearing in a contested case, the Hearing Officer may initiate default proceedings against them.

5. Sanctions for Disruptive Conduct. The parties are reminded that, pursuant to IDAPA 62.01.01.502, in the event of interference, disruption, or threat by any attendee at the hearing, the Hearing Officer may sanction the disruptive attendee, including, but not limited to, removal of the disruptive attendee from the hearing.

Objections and/or requested modifications to any of the above will be discussed at the prehearing conference on **October 24, 2025**.

IT IS SO ORDERED.

DATED: October 17, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ W. Scott Zanzig
W. Scott Zanzig
Lead Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

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