

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF APPLICATION
FOR STREAM CHANNEL ALTERATION
PERMIT NOS. S82-20066 AND S82-20067**

PREHEARING ORDER

BACKGROUND

On August 2, 2017, the Idaho Department of Water Resources (“Department”) denied Joint Application for Permit No. S82-20066 in the name of Gay Richardson (“Richardson”) for suction dredge mining within the Red River, a tributary of the South Fork Clearwater River.

On August 2, 2017, the Department denied Joint Application for Permit No. S82-20067 in the name of John Stickley (“Stickley”) for suction dredge mining within the Red River, a tributary of the South Fork Clearwater River.

Richardson and Stickley had fifteen days from August 2, 2017, to notify the Department, in writing, of their request for hearing before the Idaho Water Resource Board (“IWRB”) on the denial of their respective Joint Applications for Permit.

The Department received a letter from Richardson on August 15, 2017, requesting a hearing on the denial of Joint Application for Permit No. S82-20066. The Department received a letter from Stickley on August 17, 2017, requesting a hearing on the denial of Joint Application for Permit No. S82-20067.

On September 15, 2017, the IWRB appointed John M. Melanson as the hearing officer to preside over the hearings requested by Richardson and Stickley and issue a recommended order or recommended orders in accordance with Idaho Code §§ 67-5243(1)(a) and 67-5248.

On October 2, 2017, the hearing officer issued a *Notice of Prehearing Conference* notifying Richardson and Stickley of a prehearing conference scheduled for October 18, 2017. The hearing officer held the prehearing conference on October 18, 2017. Richardson and Stickley attended the prehearing conference by telephone. Based upon and consistent with discussion at the prehearing conference, the hearing officer authorizes discovery, adopts a schedule, and notifies the parties of hearing dates as follows:

ORDER AUTHORIZING DISCOVERY AND SCHEDULING ORDER

IT IS HEREBY ORDERED that the parties are authorized to conduct and engage in discovery. *See* IDAPA 37.01.01.521.

IT IS FURTHER ORDERED that the following schedule is ADOPTED:

- October 30, 2017** Deadline for Richardson and Stickley to submit to the hearing officer a written description of the factual and legal basis for their position that the Department erred by denying Joint Application for Permit No. S82-20066 and Joint Application for Permit No. S82-20067.
- November 2, 2017** Deadline for Richardson and Stickley to submit to the Department written interrogatories (a maximum of fifteen with no subparts).
- November 13, 2017** Deadline for Richardson and Stickley to submit to the hearing officer a list of expert witnesses, if any, they intend to rely upon at the hearing, including the expert's name, address, and phone number. By this deadline, the Department must also submit to the hearing officer and to Richardson and Stickley a list of employees who may testify at hearing.
- November 17, 2017** Deadline for the Department to submit answers to Richardson and Stickley pertaining to written interrogatories.
- November 17, 2017** Deadline for completion of discovery.
- November 27, 2017** Deadline for Richardson and Stickley to submit to the hearing officer a list of witnesses they intend to call to testify at the hearing, including the witness's name, address, and phone number.
- November 27, 2017** Deadline for Richardson and Stickley to submit to the hearing officer copies of exhibits they intend to rely upon at the hearing. By this deadline, the Department must also submit to the hearing officer and to Richardson and Stickley copies of exhibits the Department intends to rely upon at the hearing.

******All documents required to be submitted to the hearing officer or the Department by this schedule shall be mailed to:**

**Kimi White
322 East Front Street
Boise, Idaho 83720-0098**

NOTICE OF HEARING

The hearing officer hereby notifies Richardson and Stickley that a hearing will be held in the above-captioned matters on **December 11, 2017, at 9:00 a.m. (MDT)**, and continuing through December 12, 2017, if necessary, at **Grangeville City Hall, located at 225 West North Street, Grangeville, Idaho, 83530.**

Richardson and Stickley must be represented at the hearing in person.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the hearing.

DATED this th18 day of October 2017.



JOHN M. MELANSON
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October 2017, I served a true and correct copy of the foregoing document by the methods indicated to the following:

GAY RICHARDSON
PO BOX 314
ELK CITY ID 83525

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

JOHN STICKLEY
1900 WOODWORTH ROAD
GRANDVIEW WA 98930

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Courtesy Copies to:

AARON GOLART
STREAM CHANNEL COORDINATOR
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098
aaron.golart@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

BRIAN PATTON
WATER PLANNING & PROJECTS
BUREAU CHIEF
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098
brian.patton@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



Kimi White