

**BEFORE THE IDAHO WATER RESOURCE BOARD**

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

Docket No. IWRB-2017-001

**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”), and No. S82-20067 in the name of John Stickley (“Stickley”). Both applications were for suction dredge mining within the Red River, a tributary of the South Fork Clearwater River.

The Department received letters from Richardson (August 15, 2017), and Stickley (August 17, 2017), each requesting a hearing on the denial of their respective Joint Application for Permits.

On September 15, 2017, the Idaho Water Resource Board (“IWRB”) appointed Hon. 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.

The hearing officer held a prehearing conference on October 18, 2017, and issued an order authorizing discovery, adopting a schedule, and notifying the parties that a hearing would be held on December 11 and 12, 2017.

On November 9, 2017, due to medical conditions the hearing officer issued the *Amended Prehearing Order* to reschedule the hearing dates set in this matter to February 8 and 9, 2018, and to amend the deadlines accordingly.

On January 19, 2018, the hearing officer issued the *Notice of Hearing Officer Resignation; Order Vacating Deadline and Hearing Dates*, vacating the hearing dates and upcoming deadline due to medical issues. Discovery closed on January 12, 2018.

On March 3, 2018, the IWRB appointed Nick Miller 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.

The hearing officer held a prehearing conference on April 27, 2018. Richardson and Stickley attended the prehearing conference by telephone. Based upon and consistent with discussion at the prehearing conference, the hearing officer adopts a schedule and notifies the parties of a continued prehearing conference and hearing dates as follows:

## SCHEDULING ORDER

**August 27, 2018**      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.

**August 27, 2018**      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 by this schedule shall be mailed in hard-copy to:**

**Kimi White  
P.O. Box 83720  
Boise, Idaho 83720-0098**

## NOTICE OF CONTINUED PREHEARING

The hearing officer hereby notifies Richardson and Stickley that a continued prehearing conference will be held in this matter on **Monday, August 20, 2018, at 11:00 a.m. (MDT)**, at the **Department's Western Regional Office, located at 2735 W. Airport Way, Boise, Idaho 83705.**

Richardson and Stickley must be represented at the continued prehearing conference in person or by telephone. If participating by telephone, **please dial 1-720-279-0026 and enter the following guest code when prompted: 126664#.**

The prehearing conference 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 prehearing conference 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 conference, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the conference.

## NOTICE OF HEARING

The hearing officer hereby notifies Richardson and Stickley that a hearing will be held in the above-captioned matters on **September 11, 2018, at 9:00 a.m. (MDT)**, and continuing through September 12, 2018, if necessary, in the **Conference Room of the Super 8 Grangeville, located at 801 South West 1<sup>st</sup> 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/37/370101.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 4<sup>th</sup> day of May 2018.

  
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NICK MILLER  
Hearing Officer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May 2018, 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  
[gayrichardson@idaho.net](mailto:gayrichardson@idaho.net)

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

JOHN STICKLEY  
1900 WOODWORTH ROAD  
GRANDVIEW WA 98930  
[goldfinder2013@hotmail.com](mailto:goldfinder2013@hotmail.com)

- 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](mailto: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](mailto:brian.patton@idwr.idaho.gov)

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



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Rachel Neely  
Administrative Assistant