



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 17, 2019

MARC BRINKMEYER
PO BOX 220
LACLEDE, ID 83841

FORESITE ENGINEERING
C/O RYAN FOBES
418 E LAKESIDE AVE #1

PRIEST RIVER LAND COMPANY
PO BOX 220
LACLEDE, ID 83841

RILEY CREEK LUMBER COMPANY
PO BOX 220
LACLEDE, ID 83841

PAUL CURLESS
278 HORSESHOE LANE
SANDPOINT, ID 83864

BRETT EVANS
PO BOX 111
DOVER, ID 83825

MARSELLA I SHOBE
PO BOX 6
BOUSE, AZ 85325

MARK KUBIAK
PO BOX 142
DOVER, ID 83825

ROBERT BECKER
13717 W PINE ST
SANDPOINT, ID 83864

Dear Applicants & Protestants:

This letter is a courtesy reminder that the Hearing for the Applications for Permit for Marc Brinkmeyer 96-9683, Priest River Land Company 96-9685, and Riley Creek Lumber Company 96-9686 is June 19th & 20th, 2019. The deadline for identifying witnesses who will testify and exhibits to be included in the hearing is May 31, 2019.

As stated in the Notice of Hearing issued April 9, 2019, all parties will have an opportunity to present information and examine witnesses at the hearing on June 19-20, 2019. Each party must attend the hearing. Failure to attend could result in a default order removing the party from further participation in the case.

If you have any questions or concerns, please contact the Northern Region Office at 208-762-2800. We can also be reached by email at Northerninfo@idwr.idaho.gov.

Sincerely,

Tammy Alleman
Administrative Assistant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATIONS FOR)
PERMIT TO APPROPRIATE WATER NOS.)
96-9683, 96-9685, AND 96-9686)**

**CONSOLIDATION ORDER,
NOTICE OF HEARING, AND
DISCLOSURE ORDER**

BACKGROUND

On October 25, 2017, Marc Brinkmeyer ("Brinkmeyer") filed Application for Permit No. 96-9683, Priest River Land Company filed Application for Permit No. 96-9685, and Riley Creek Lumber Company filed Application for Permit 96-9686 (collectively the "Applications") with the Idaho Department of Water Resources ("IDWR"). According to Application for Permit No. 96-9686, Brinkmeyer is the "Owner/President" of Riley Creek Lumber Company. According to Application for Permit No. 96-9685, Brinkmeyer is the "Owner/President" of Priest River Land Company.

Paul Curless, Marse Shobe and Charles W. Shobe, Robert Becker, Brett Evans, and Mark Kubiak ("Protestants") protested each of the Applications. Brinkmeyer and the Protestants are collectively the "Parties."

On January 30, 2019, IDWR conducted a joint pre-hearing conference for the Applications. No settlement or agreements were reached, and the Parties have now requested that an administrative hearing be held to decide the contested cases for the Applications.

CONSOLIDATION ORDER

Pursuant to Rule 556 of the IDWR's Rules of Procedure (IDAPA 37.01.01), "The agency may consolidate two (2) or more proceedings for hearing upon finding that they present issues that are related and that the rights of the parties will not be prejudiced." Each of the Applications proposes storage of water in the Hornby Creek drainage. Brinkmeyer is the applicant or represents the applicant for each of the Applications. The Protestants are identical for each of the Applications. The issues raised by the Protestants against each of the Applications are identical. Consolidating these contested cases for hearing will promote efficiency for the Parties and IDWR.

IT IS HEREBY ORDERED that the contested cases for the Applications are consolidated for hearing.

NOTICE OF HEARING

IDWR has scheduled a joint hearing at **8:30 a.m. on Wednesday, June 19th, 2019 and Thursday, June 20th, 2019**, at the **Bonner County Commissioners Office, 1500 US HWY 2, Sandpoint, ID, 83864**.

The presiding officer at the hearing will be Shelley Keen, whose mailing address is P.O. Box 83720, Boise, ID, 83720-0098.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the IDWR's Rules of Procedure (IDAPA 37.01.01), and the IDWR's Water Appropriation Rules (IDAPA 37.03.08). A copy of the code and rules may be obtained from the IDWR's website, www.idwr.idaho.gov, or upon request.

All Parties appearing in the matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the contested application.

The hearing will be conducted in a facility that satisfies 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 notify the department at least (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Tammy Alleman at (208) 762-2800.

DISCLOSURE ORDER

On or before May 31, 2019, each party must disclose to all other Parties and the hearing officer in writing the identity of all witnesses who will or may testify for the party at the hearing.

On or before May 31, 2019, each party seeking to offer exhibits at the hearing shall serve on all Parties and the hearing officer copies of all exhibits which may be offered at the hearing. Service of the proposed exhibits will be the method of providing copies to the parties as required by Rule 606 of IDWR's Rules of Procedure, which states:

Exhibit numbers may be assigned to the parties before hearing. Exhibits prepared for hearing should ordinarily be typed or printed on eight and one-half inch (8 1/2") by eleven inch (11") white paper, except that maps, charts, photographs and non-documentary exhibits may be introduced on the size or kind of paper customarily used for them. A copy of each documentary exhibit must be furnished to each party present and to the presiding officer, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality. Exhibits identified at hearing are subject to appropriate and timely objection before the close of proceedings. Exhibits to which no objection is made are automatically admitted into evidence

without motion of the sponsoring party. Neither motion pictures, slides, opaque projections, videotapes, audiotapes nor other materials not capable of duplication by still photograph or reproduction on paper shall be presented as exhibits without approval of the presiding officer prior to the hearing.

The Parties shall label their exhibits prior to serving them on the Parties and the hearing officer as follows:

Brinkmeyer – 100, 101, 102, etc.

Curless – 200, 201, 202, etc.

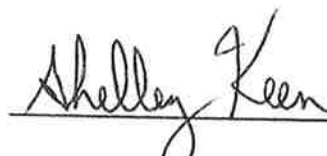
Shobe – 300, 301, 302, etc.

Becker – 400, 401, 402, etc.

Evans – 500, 501, 502, etc.

Kubiak – 600, 601, 602, etc.

Dated this 9th day of April, 2019.

A handwritten signature in cursive script, reading "Shelley Keen", written over a horizontal line.

Shelley Keen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2019, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Consolidation Order, Notice of Hearing, Disclosure Order

**MARC BRINKMEYER
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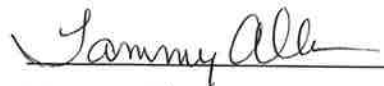
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**Tammy Alleman
Administrative Assistant 1**