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**State of Washington  
GROWTH MANAGEMENT HEARINGS BOARD  
FOR EASTERN WASHINGTON**

FUTUREWISE,

Case No. 05-1-0006

Petitioner,

ORDER ON MOTIONS

v.

STEVENS COUNTY,

Respondent.

**I. PROCEDURAL HISTORY**

On July 22, 2005, FUTUREWISE, by and through its representatives, John Zilavy, filed a Petition for Review.

On August 22, 2005, the Board held a telephonic Prehearing conference. Present were, John Roskelley, Presiding Officer, and Board Members Dennis Dellwo and Judy Wall. Present for Petitioners was John Zilavy. Present for Respondent was Peter Scott.

On August 25, 2005, the Board issued its Prehearing Order.

On September 12, 2005, Petitioners filed a Motion to Correct the Index of Record.

On September 22, 2005, Respondents filed a Response and Objection to Petitioner's Motion to Correct the Index of Record, Affidavit of Dianne Balch, and Affidavit of Jenni Anderson.

On October 3, 2005, Petitioners filed Futurewise's Rebuttal to Response to Motions and Futurewise's Request for Written Permission to File a Motion and Motion to Supplement the Record.

On October 6, 2005, Respondent filed a Motion to Change Telephonic Motion Hearing Time.

1 On October 10, 2005, the Board was advised Petitioners have no objection to the  
2 time change of the telephonic motion hearing.

3 On October 19, 2005, the Board held a telephonic motion hearing. Present were,  
4 John Roskelley, Presiding Officer, and Board Members Dennis Dellwo and Judy Wall. Present  
5 for Petitioners was John Zilavy. Present for Respondent was Peter Scott.

## 6 II. DISCUSSION

7 The Petitioner, Futurewise, filed a Motion to Correct the Index of the Record on  
8 September 12, 2005, to include a letter dated March 28, 2005, from Stephen Penland,  
9 Environmental Services Division Manager for the Washington State Department of Fish and  
10 Wildlife. The item was not listed in the Index of Record filed by the County, although it was  
11 submitted into the record by Ms. Jeanie Wagenman as an attachment to her comments and  
12 indexed as T13A Ex. 193.

13 The Respondent, Stevens County, filed their response on September 22, 2005, and  
14 asked the Eastern Washington Growth Management Hearings Board (Board) to deny the  
15 motion based on the motion was untimely served and the document in question was  
16 unsigned, unauthenticated and altered and is a draft that is inadmissible. The County  
17 further stated that the document is already part of the record and need not be added.

18 The Petitioner filed a timely rebuttal to the Respondent's response and agreed that  
19 the initial Motion to Correct the Index of the Record should be denied because it is already  
20 part of the record.

21 The Board concurred with the Respondent, took note of the Petitioner's Rebuttal to  
22 Response to Motions and denied the Motion to Correct the Index of the Record.

23 Further, the Petitioner filed a Request for Written Permission to File a Motion and  
24 Motion to Supplement the Record. This is in response to the Respondent's issue as to  
25 whether the letter from Stephen Penland to Stevens County Land Services Planning Division  
26 dated March 28, 2005, is a draft or is otherwise not an official communication from the  
Washington State Department of Fish and Wildlife.

1 The Board denies the addition of the new evidence but expressed its willingness to  
2 accept evidence from the department that the letter from Mr. Penland indicating whether it  
3 is indeed authentic and is the official view of the Washington State Department of Fish and  
4 Wildlife.

5 **III. ORDER**

- 6 1. The Petitioner's Motion to Correct the Index of the Record is denied.  
7 2. The Petitioner's request to supplement the record is denied.

8 **SO ORDERED** this 19<sup>th</sup> day of October 2005.

9 EASTERN WASHINGTON GROWTH MANAGEMENT  
10 HEARINGS BOARD

11 \_\_\_\_\_  
12 John Roskelley, Board Member

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14 Judy Wall, Board Member

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16 \_\_\_\_\_  
17 Dennis Dellwo, Board Member