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

WILMA et al.,

Petitioners,

v.

STEVENS COUNTY,

Respondent.

Case No. 06-1-0009c

ORDER ON MOTION TO FILE A
MOTION AFTER THE DATE SET
FORTH IN THE PREHEARING ORDER
AND TO FILE AMICUS CURIAE BRIEF

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I. PROCEDURAL HISTORY

On September 8, 2006, SAUNDRA WILMA and ROBERT BERGER, filed a Petition for Review.

On September 11, 2006, JAMES DAVIES and LARSON BEACH NEIGHBORS and JEANIE WAGENMAN, filed Petitions for Review.

On October 10, 2006, the Board held a telephonic Prehearing conference for Case Nos. 06-1-0007, 06-1-0008, and 06-1-0009 collectively. Present were, John Roskelley, Acting Presiding Officer, Board Members Judy Wall and Dennis Dellwo were unavailable. Present for Petitioners were Sandra Wilma, Robert Berger, James Davies, and Jeanie Wagenman. Present for Respondent was Peter Scott.

The Board at the Prehearing conference consolidated Case Nos. 06-1-0007-06-1-0009. The new Case Name and Number is as follows and shall be captioned accordingly: WILMA et al. v. STEVENS COUNTY, 06-1-0009c. The acting Presiding Officer instructed the

1 Petitioners to consolidate the issues and provide the Board and Respondent with copies of
2 consolidated issues by October 16, 2006. The Petitioners advised they were unable to meet
3 the October 16, 2006, deadline for submitting the proposed consolidated issues and would
4 provide the Board and Respondent the issues as soon as possible.

5 On October 24, 2006, the Board received the proposed consolidated issues.

6 On October 25, 2006, the Board asked the Respondent to advise the Board if it
7 objected to the rewritten issues. Mr. Scott on October 31, 2006, filed with the Board
8 Respondent's Objection and Motion for Extension.

9 On October 31, 2006, the Board received Petitioners' Motion to Supplement the
10 Record.

11 On November 1, 2006, the Board issued its Prehearing Order.

12 On November 8, the Board received Respondent's Motion to Dismiss Issue Nos. 11,
13 12, and 13, filed by Petitioner James Davies.

14 On November 15, 2006 the Board received from Petitioner James Davies, Response
15 to Motion to Dismiss, Respondent Stevens County's Response to Motion to Supplement the
16 Record, and Request for Extension.

17 On November 20, 2006, the Board received Respondent's Reply in Support of Motion
18 to Dismiss and Response to Petitioners' Request for Extension.

19 On November 27, 2006, the Board received Larson Beach Neighbors & Jeanie
20 Wagenman's Response to Stevens County's Response to Motion to Supplement Record.

21 On November 27, 2006, the Board held the telephonic motion hearing. Present were,
22 John Roskelley, Presiding Officer, and Board Members Dennis Dellwo and Joyce Mulliken.
23 Present for Petitioners were, Sandra Wilma, James Davies, Larson Beach Neighbors, &
24 Jeanie Wagenman. Present for Respondent was Peter Scott, Clay White, and the Stevens
25 County Board of County Commissioners.

26 On December 4, 2006, the Board issued its Order on Motions.

1 On December 18, 2006, the Board received from Stevens County's PUD No. 1 a
2 Request for Permission to File a Motion After the Date Set Forth in the Prehearing Order;
3 and Motion to File Amicus Curiae Brief.

4 II. DISCUSSION

5 Stevens County Public Utility District No. 1 (PUD) submitted a request for Permission
6 To File A Motion After The Date Set Forth In The Pre-hearing Order in order to file a Motion
7 to File Amicus Curiae Brief in Case No. 06-1-0009c, *Wilma et al., v Stevens County*, on
8 December 18, 2006. Pursuant to WAC 242-02-532(2), "[If] a pre-hearing order or other
9 order has been entered establishing a deadline for filing motions, no written motion may be
10 filed after the date specified in the order without written permission of the board or
11 presiding officer." The Board grants the PUD permission to file a motion as requested and
12 will consider this Order as written permission to do so. Further the Board will consider the
13 motion already filed to be a motion seeking permission to file an Amicus Curiae Brief.
14 Nothing further need be filed unless desired by the moving party.

15 Pursuant to WAC 242-02-280, "[A]ny person whose interest may be substantially
16 affected by a proceeding before a board may by motion request status as an amicus in the
17 case." WAC 242-02-280(2) states that a motion to file an amicus curiae brief must include
18 a statement of the applicant's interest and the person or group applicant represents; the
19 applicant's familiarity with the issues involved; the specific issues to which the amicus curiae
20 brief will be directed; and the applicant's reason for believing that additional argument is
21 necessary on these specific issues. The PUD has done so in its motion and nothing further is
22 required unless desired.

23 III. ORDER

24 The Board will allow Stevens County PUD No. 1 to seek Amicus status. Any
25 objections to Stevens County PUD No. 1, filing Amicus brief is due **December 29, 2006**.
26 The Board will issue a final order on the motion seeking Amicus status by **January 5,**
2007. Petitioners' hearing on the merits brief and exhibits are due **December 27, 2006**.

1 Respondent's hearing on the merits brief and exhibits are due **January 17, 2007**.
2 Petitioners' optional hearing on the merits reply brief is due **January 31, 2007**. The Board
3 has rescheduled the Hearing on the Merits date to **February 7, 2007, at 10:00 a.m.,**
4 **215 S. Oak Street, Colville, Washington**. The Final Decision and Order will be issued by
5 **March 12, 2007**.

6 **SO ORDERED** this 20th day of December 2006.

7 EASTERN WASHINGTON GROWTH MANAGEMENT
8 HEARINGS BOARD

9 _____
10 John Roskelley, Board Member

11 _____
12 Dennis Dellwo, Board Member

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14 Joyce Mulliken, Board Member

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