

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
233 E. Harrison Ave.
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

Attorneys for Applicant

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application for Permit
Encroachment L9685863A, for construction of
two boat garages at existing dock,

Lewis E. Patrick Trust dated April 8, 1999,

Applicant.

AGENCY Case No. PH-2026-NAV-20-001
OAH Case No. 26-320-03

**SUPPLEMENTAL BRIEFING RE:
BOAT GARAGE FOOTPRINT**

Applicant, Lewis E. Patrick Trust dated April 8, 1999 (hereinafter "Applicant"), by and through its attorney of record, Peter J. Smith IV of Fennemore Craig, P.C., submits this supplemental briefing in support of its application for an encroachment permit to reconstruct two boat garages.

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On March 5, 2026, a public hearing was held at 233 E. Harrison Avenue, Coeur d'Alene, Idaho 83814. During the public hearing, evidence was introduced pertaining to the dimensions of the proposed boat garages, as well as the permitted boat garages formerly located at Heyburn State Park.

2. On March 31, 2026, Administrative Law Judge Leslie M. Hayes requested Applicant provide supplemental briefing on the evidence relating to the dimensions of the

proposed boat garages as well as the previous permitted boat garages located at Heyburn State Park.

II. APPLICABLE LAW

The Idaho Legislature adopted the Lake Protection Act, thereby providing the Idaho Department of Land authority and duty to “regulate, control and may permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds or waters of navigable lakes.” I.C. § 58-1303; I.C. §§ 58-101, 58-104. To this end, IDL established standards to effectuate the purpose of the Lake Protection Act, including the rules set forth in IDAPA 20.03.04 governing the “Regulation of Beds, Waters and Airspace Over navigable Lakes in the State of Idaho.” I.C. § 58-1304.

The rules promulgated under IDAPA 20.03.04 include standards for proposed boat garages—nonnavigational encroachments. IDAPA 20.03.04.015.05. In pertinent part, “Existing permitted boat garages may be maintained or replaced with the current square footage of their existing footprint and height.” IDAPA 20.03.04.015.05(c). Thus, a prerequisite for obtaining a permit to relocate and rebuild a boat garage requires either maintaining, or reducing, the square footage (length x width) of the proposed boat garage.

III. ANALYSIS

A. Comparison of Heyburn State Park Boat Garage Dimensions to Applicant’s Proposed Dimensions

The total footprint of the two boat garages previously located at Heyburn State Park were listed on the temporary land use permits purchased and assigned to Applicant. IDL-001, pgs. 30–35. The first boat garage was 16.25 feet wide and 23.17 feet long, with an apparent total square footage of 376.46 square feet. IDL-001, pg. 32. The second boat garage was 12.25 feet wide, and 26.25 feet long, with an apparent total square footage of 321.56 feet. IDL-001, pg. 35. These

permits were provided to Applicant’s architect, Brennan Chasse, for purposes of designing Applicant’s proposed boat garages. March 5, 2026 Public Hearing Recording (“Recording”), at 42:20–42:53. Mr. Chasse testified to the best of his knowledge, the footprints of the proposed boat garages listed in Applicant’s design plans (APP-14) match the footprints listed in the temporary land use permits (IDL-001 pgs. 30–35). Recording, at 41:57–42:50.

Upon close examination and comparison between the Heyburn State Park boat garages and Applicant’s design plans, the following calculations result:

Temporary Land Use Permit No. LU300046 (Heyburn Garage A)			Applicant's Proposed Boat Garage A		
IDL-001, pg. 32			APP-8, pg. 2; APP-14, pg. 1		
	Feet (decimals)	Feet/Inches		Feet (decimals)	Feet/Inches
Listed Length	23.17	23' 2.04"	Listed Length	28	28
Listed Width	16.25	16' 3"	Listed Width	13.5	13' 6"
Listed Footprint (sq. ft.)	376.46		Listed Footprint (sq. ft.)	378.6	
Actual Footprint (sq. ft.)	376.51	377	Actual Footprint (sq. ft.)	378.0	378.0
Temporary Land Use Permit No. LU300091 (Heyburn Garage B)			Applicant's Proposed Boat Garage B		
IDL-001, pg. 35			APP-8, pg. 2; APP-14, pg. 1		
	Feet (decimals)	Feet/Inches		Feet (decimals)	Feet/Inches
Listed Length	26.25	26' 3"	Listed Length	23.833	23' 10"
Listed Width	12.25	12' 3"	Listed Width	13.5	13' 6"
Listed Footprint (sq. ft.)	321.56		Listed Footprint (sq. ft.)	321.56	
Actual Footprint (sq. ft.)	321.56	321.56	Actual Footprint (sq. ft.)	321.75	321.75

As the table and calculations reflect, there appears to be a slight deviation of 1.49 square feet for boat garage A, and a 0.19 square foot deviation for boat garage B. This deviation is negligible.

For example, if Applicant were to slightly adjust the dimensions of proposed boat garage A, the footprint could be reduced to match the previously permitted Heyburn boat garage A footprint of 376.51 square feet by changing only one dimension by a matter of inches. Specifically, if the width remained 13.5 feet, the length would need to be reduced from 28.00 feet to approximately 27.89 feet, a reduction of only 0.11 feet, or approximately 1.32 inches (13.5 x 27.89 = 376.51 sq. ft.).

IV. CONCLUSION

Consistent with IDAPA 20.03.04.015.05(c), which allows existing boat garages to be “replaced with the current square footage of their existing footprint and height,” Applicant respectfully requests that approval of Application No. L9652863A be conditioned on each proposed boat garage being constructed with a footprint equal to or less than the square footage reflected in Temporary Land Use Permit Nos. LU300046 and LU300091 (IDL-001, pp. 30–35).

DATED this 3rd day of April 2026.

FENNEMORE CRAIG, P.C.

By: 

Peter J. Smith IV, ISB #6997
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

<p>Bob Presta CE Kramer Crane and Contracting 46820 Hwy 2 Hope, ID 83836 (208) 264-3021 <i>Agent for Applicant</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: bob@cekramer.com <input type="checkbox"/> By iCourt</p>
<p>Kevin Chadwick 2365 E Tennessee Ave Denver, CO 80209 (303) 619-6877 <i>Objector</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: kevinspears.chadwick@gmail.com <input type="checkbox"/> By iCourt</p>
<p>W.H. Williams Family LLC Ruth Williams c/o Margaret Williams 29 Eagle Cove Sandpoint, ID 83864 (208) 946-7105 <i>Objector</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: Mrwlaw1315@gmail.com <input type="checkbox"/> By iCourt</p>
<p>Arthur Bistline Bistline Law, PLLC 1205 N 3rd Street Coeur d'Alene, ID 83814 (208) 665-7270 <i>Attorney for Objector Williams</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: service@bistlinelaw.com <input type="checkbox"/> By iCourt</p>
<p>Idaho Department of Lands Kayleen Richter 300 N. 6th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for IDL</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: krichter@idl.idaho.gov <input type="checkbox"/> By iCourt</p>

<p>Idaho Department of Lands Amidy Fuson <i>Lands Resource Specialist-Navigable Waters</i> Marde Mensinger <i>Program Manager for Navigable Waters</i> Rachel King <i>Program Specialist-Navigable Waterways</i></p>	<input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: afuson@idl.idaho.gov mmensinger@idl.idaho.gov rking@idl.idaho.gov <input type="checkbox"/> By iCourt
<p>Kourtney Romine Kayla Dawson Idaho Department of Lands 300 N. 6th Street, Suite 103 Boise, ID 83702 <i>Service Contacts for IDL</i></p>	<input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: kromine@idl.idaho.gov kdawson@idl.idaho.gov <input type="checkbox"/> By iCourt
<p>Office of Administrative Hearings General Government Division Leslie M. Hayes P.O. Box 83720 Boise, ID 83720-0104 (208) 605-4300</p>	<input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: filings@oah.idaho.gov leslie.hayes@oah.idaho.gov <input type="checkbox"/> By iCourt

/s/ Emily Boudreau
Emily Boudreau, Paralegal