

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Joint Application for)	AGENCY Case No. PH-2026-NAV-22-003
Encroachment Permit L95S6193 to Add)	
Community Dock, Boat Lifts, and Boat)	OAH Case No. 26-320-05
Garage,)	
)	FINDINGS OF FACT, CONCLUSIONS
Adam and Coral Olinger, Alex Hamill, Jason)	OF LAW, AND RECOMMENDED
Vedadi, and Jordan Dascalo,)	ORDER
)	
Applicants,)	
)	
Scott Hansen, Laneco Marine,)	
)	
Agent for Applicants.)	
)	

This matter was assigned to Deputy Chief Administrative Law Judge Leslie Hayes on February 20, 2026. ALJ Hayes conducted a public evidentiary hearing on April 8, 2026, in Coeur d’Alene, at North Idaho College in the Molstead Library, room 101. The hearing commenced at 5:15¹ p.m. Pacific Time. Appearances were made by Kayleen Richter, Counsel for Idaho Department of Lands (“IDL”), and Laneco Marine representative, Lance Lane, agent for Applicants. Laneco Marine representative Scott Hansen attended the hearing via Zoom. A Zoom link was provided to individuals who could not attend in-person.

On April 8, 2026, a recorded, on-site inspection² was conducted by ALJ Hayes, which was recorded and photographs were taken which were made part of the administrative record. The record remained open for public comment through the close of business on April 15, 2026.

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¹ While the hearing was noticed for 5:00 p.m. Pacific Time, a few issues delayed the start of the proceeding, which will be addressed below.

² All landowners consented to the onsite inspection and all parties agreed to the onsite inspection. Objector had withdrawn the objection by April 8, 2026, and informed all participants that they did not intend to attend.

PRELIMINARY MATTERS

Notice Requirements

This hearing occurred on the evening of April 8, 2026 at North Idaho College in the Todd Lecture Hall in the Molstead Library, room 101. For notice purposes, a Notice of Hearing was issued by OAH reflecting the address given by North Idaho College. At the hearing, after several individuals had difficulty finding the correct location through GPS software, it was discovered that the address provided by the College was the mailing address and not the physical address for the Molstead Library. It was also determined that if someone placed “Todd Lecture Hall” or “Molstead Library” into GPS, the GPS would take that individual to the correct location.

To allow time for individuals to find the correct location, ALJ Hayes delayed the start of the proceeding and sent IDL staff to the mailing address to see if there were individuals looking for the hearing. IDL staff also placed a sign outside of the Molstead library identifying it as the location for the hearing. Written comment was also held open until the statutory deadline of April 15, 2026. April 8, 2026 Recording at 1:13-2:25.

Hearings shall be published “in a newspaper having general circulation in the county in which the encroachment is proposed, once a week for two (2) consecutive weeks.” I.C. § 58-1306(b), (c) (“notice of such hearing shall be given in the manner prescribed for publishing notice of application.”). “Notice of the time and place of public hearing on the application will be published by the Director once a week for two (2) consecutive weeks in a newspaper in the county in which the encroachment is proposed[.]” IDAPA 20.03.04.030.05.

The published notice contained all the information necessary to find the location of the hearing. The notice requirements in Idaho Code and IDL Regulations were sufficiently met and

efforts were made to ensure that all individuals from the public desiring to participate were provided that opportunity.

Exhibits

All exhibits offered by Applicant (App 1-9) and IDL (IDL1-16) are admitted without objection. Objector's exhibits are omitted as irrelevant to the revised application.

ALJ Hayes, having considered the evidence and arguments offered at the hearing, the documents in the administrative record, and the other papers and pleadings on file, makes the following Findings of Fact and Conclusions of Law pursuant to Idaho Code section 58-1306 and IDAPA 62.01.01.252.01.d.

FINDINGS OF FACT

1. On January 16, 2026, IDL received a complete application for permit from Adam and Coral Olinger, Alex Hamill, Jason Vedadi, and Jordan Dascalo (BHWQ LLC) by and through their agent, Scott Hansen with Laneco Marine (Applicants). IDL-01. The application is to add a community dock system consisting of four separate docks, eight boat lifts, and two boat garages on the Spokane River. *Id.*

2. Applicants are littoral owners who own real property adjacent to the Spokane River identified as Kootenai County Parcel Nos. 50N04W104950/AIN 348457, 50N04W104900/AIN 348456, 50N04W104850/AIN 348455, and 50N04W104800/AIN 348454. IDL-13, pp. 1-4, 26-31.

3. The properties are all waterfront lots with littoral rights and no parcels or roads between the properties and the Ordinary High Water Mark (OHWM).

4. Applicants' four parcels have a combined frontage of between 1,083.54 feet and 1,135.17. See IDL-13, pp. 13, 39.

5. Applicants' proposed community docks will be 6,964.50 square feet. IDL-13, p. 13.
6. The community dock system consists of four separate docks on four separate parcels of land. IDL-13, p. 12.
 - a. The Vedadi Dock will have two boat lifts, nine docks labeled A-J, and a boat garage. IDL-13, pp. 14-16. This would provide a total of 7 boat slips. IDL-13, p. 13.
 - i. The Vedadi boat garage was permitted under Temporary Land Use Permit No. LU300062. IDL-13, p. 16. The Vedadi proposed boat garage proposes a structure of 685.14 square feet.³ The permit was for 685.39 square feet. IDL-13, p. 16.
 - b. The BHWQ Dock (Dascalo) will have two boat lifts and seven docks labeled A-G. IDL-13, p. 17. This would provide a total of 4 boat slips. IDL-13, p. 13.
 - c. The Hamill Dock will have two boat lifts, eight docks labeled A-H, and a boat garage. IDL-13, 18-21. This would provide a total of 3 boat slips. IDL-13, p. 13.
 - i. The Hamill boat garage was permitted under Temporary Land Use Permit No. LU300108. IDL-13, p. 37. The Hamill boat garage proposes a structure of 440 square feet. The permit was for 441.83 square feet. IDL-13, p. 37.
 - d. The Olinger Dock will have two boat lifts and nine docks labeled A-I. IDL-13, pp. 22-23. This would provide a total of 4 boat slips. IDL-13, p. 13.

³ In IDL's prehearing statement there were questions about the Vedadi boat garage dimensions. *See Idaho Department of Lands' Prehearing Statement*, pp. 13-14. Those questions were resolved in the Revised Application. *Compare* IDL-01, p. 17 to IDL-13, p. 15.

7. On February 12, 2026, littoral neighbor Justin Yancey, Trustee of the Justin Yancey and Descendants Trust, objected to the Application and requested a public hearing. (Objector). IDL-06.

8. On April 7, 2026, IDL received a complete revised community dock application (Revised Application) from Applicants. IDL-13.

9. On April 7, 2026, after submission of the Revised Application, Objector withdrew the objection. April 8, 2026 Email.

10. This hearing was held on April 8, 2026.

11. The Revised Application moved one dock (the Olinger Dock). IDL-13, p. 23. The original application had a buffer of 25 feet from the Objector's littoral lines; the Revised Application moved the Olinger Dock to provide an 80.5-foot buffer from Objector's littoral line. IDL-13, p. 23; IDL-01, p. 13.

12. Across the Spokane River to the north is a park and swimming area owned by the City of Coeur d'Alene. April 8, 2026 Onsite Inspection; April 8, 2026 Recording at 7:54-8:59. This property was donated to the City and included "relic piling" in the river that IDL has recommended be removed by the City. *Id.* The piling reduces the navigable area of the river at this location. *Id.*; Onsite Inspection Photos taken from Vedadi property.

13. Generally, projects on the Spokane River seek to achieve a 366-foot safety corridor for boat traffic. April 8, 2026 Recording at 6:33-7:54; *In the Matter of Encroachment Permit Application No. L-95-S-6181, The Estates at Waterstone HOA, Inc., Jason Garvey, Agent, Agency Case No. PH-2025-NAV-22-006, OAH Case No. 25-320-08, Final Order, p. 2, ¶7*;⁴ *In the Matter of Application for Encroachment L-95-S-6163A, a Community Dock, River's Edge Apartments,*

⁴ Found here: https://www.idl.idaho.gov/wp-content/uploads/2026/03/20251212_FinalOrder-Estates-at-Waterstone-HOA-Inc.pdf

LLC, Lanzce Douglass, Agency Case No. PH-2025-NAV-22-005, OAH Case No. 25-320-07, p. 2, ¶¶7-8⁵ (collectively “Spokane River Orders”).

14. Three of the four docks will not provide a 366-foot safety corridor. April 8, 2026 Recording at 8:59-9:43.

- a. The Vedadi Dock would narrow the channel width to 339 feet. *Id.*
- b. The BWHQ Dock would narrow the channel width to 309 feet. *Id.*
- c. The Hamill Dock would narrow the channel width to 323 feet. *Id.*
- d. The Olinger Dock would provide for 406 feet of channel width, which is consistent with the 366-foot safety corridor. *Id.*

15. The docks vary in length from 36 feet (BWHQ Dock) to 70 feet in length (Olinger). April 8, 2026 Recording at 9:40-9:58; *Idaho Department of Lands’ Prehearing Statement*, p. 8.

CONCLUSIONS OF LAW

1. The Idaho legislature enacted the Lake Protection Act (“LPA”), Title 58, Chapter 13, Idaho Code, in 1974 stating:

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds of waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighted against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

I.C. § 58-1301

2. IDL, through the board of land commissioners, “shall regulate, control and may permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds of

⁵ Found here: https://www.idl.idaho.gov/wp-content/uploads/2026/03/20251030_FinalOrder-RiversEdgeApartmentLLC.pdf

waters of navigable lakes[.]” I.C. § 58-1303; I.C. § 58-119(1); see also *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 242 (2020).

3. Through its statutory authority, IDL has promulgated Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho located at IDAPA 20.03.04.000 et. seq.

4. The Spokane River is a navigable waterway “within Idaho from Couer [sic] d’ Alene [sic] Lake for eight miles to Post Falls, Idaho, five miles east of the Washington-Idaho boundary[.]” *Washington Water Power Co. v. F.E.R.C.*, 775 F.2d 305, 326 (D.C. Cir. 1985) (emphasis removed).

5. IDL’s authority in this matter is limited to encroachments “on, in or above the beds or waters” of Lake Pend Orielle. See I.C. § 58-1304; see also *Byrd v. Idaho State Bd. of Land Commissioners*, 169 Idaho 922, 929 (2022).

6. The LPA mandates that IDL weigh the economic benefits and detriments of a proposed navigational encroachment with environmental, navigational, recreational, and other impacts that may be associated. See Chapter 13, Title 58.

7. This Application seeks both encroachments in aid of navigation and encroachments not in aid of navigation. See I.C. § 58-1302(h), (i).

8. Encroachments in aid of navigation are “docks, piers, floats, pilings, breakwaters, boat ramps, channels or basins, and other such aids to the navigability of the lake, on, in or above the beds or waters of a navigable lake.” I.C. § 58-1302(i). The community docks and boat lifts are navigational encroachments. IDAPA 20.03.04.015.02.a; 20.03.04.010.15.

9. Encroachments not in aid of navigation are “all other encroachments on, in or above the beds or waters of a navigable lake, including landfills or other structures not constructed

primarily for use in aid of the navigability of the lake.” I.C. § 58-1302(i). The boat garages are nonnavigational encroachments. IDAPA 20.03.04.010.16.

10. A littoral (lakeside) property owner typically possesses certain littoral rights including ‘the right of access to the water, and, subject to state regulation, the right to build wharves and piers in aid of navigation.’ *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 243 (2020).

Community Dock Standards

11. A community dock is a navigational encroachment. I.C. § 58-1306, IDAPA 20.03.04.015.02.a.

12. A community dock is “[a] structure that provides private moorage for more than two (2) adjacent littoral owners, or other littoral owners possessing a littoral common area with littoral rights including, but not limited to homeowner’s associations. No public access is required for a community dock.” IDAPA 20.03.04.010.11.

13. A single-family dock is “[a] structure providing noncommercial moorage that serves one (1) waterfront owner whose waterfront footage is no less than twenty-five (25) feet.” IDAPA 20.03.04.010.36.

14. Single-family docks are limited to 700 square feet of decking, however “[a] variance . . . may be approved by the Department when justified by site specific considerations, such as the distance to the established line of navigability.” IDAPA 20.03.04.015.01.a, d.

15. Each of the four docks here range from 1548.68 square feet (HBWQ Dock) to 2281.65 square feet (Vedadi Dock).

16. No site-specific considerations were provided in this proceeding.

17. While Applicants attempt to meet the standard for a community dock as they are proposing “private moorage for more than two (2) adjacent littoral owners,” this Application

appears to not be in the spirit of IDL’s regulations for community docks. In essence, these are four single-family docks that are utilizing the community dock standards, which provide for larger docks than the regulations would permit if processed as a single-family dock. Throughout the record and these proceedings, each of the individual docks is referred to by the family name that the dock will belong to. The dock “system” will be attached to the separate properties of the individual landowners. While these four individuals are “more than two (2) adjacent littoral owners” they do not otherwise appear to have an association that would constitute a “community,” such as a homeowner’s association or other entity tying them together.

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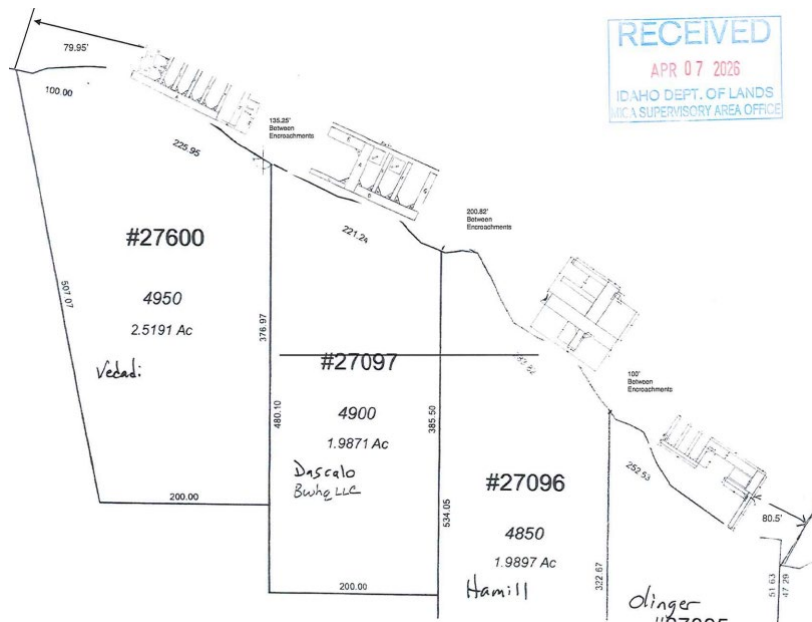
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18. This proposed community docking system is not “a structure.” IDAPA 20.03.04.010.11 (emphasis added). It is four separate structures, each for private use of an individual landowner, not for the use amongst a community. So, while Applicants may be “more than two (2) adjacent littoral owners” they do not meet the definition of a community dock where they plan to build four structures each to “serve[] one (1) waterfront owner[.]” These are single-family docks. This is demonstrated in the drawing submitted with both the Application and the Revised Application where there are four distinct dock structures each affixed to a single parcel of land with no shared space otherwise within this “community.”



19. “The surface decking area of the community dock is limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal feet or a minimum of seven hundred (700) square feet.” IDAPA 20.03.04.015.02.c.

20. Based on the square footage of the proposed community dock of 6,964.50 feet, Applicants would need a minimum of 994.93 feet of frontage. The Applicants have somewhere between 1083.54 feet and 1,135.17 feet of water frontage.

21. Applicants meet the community dock standard for the total combined size of the four structures based on their combined waterfront frontage.

22. Applicants do not meet the standards as to the definition of a community dock.

Line of Navigability

23. The line of navigability is “[a] line located at such distance waterward of the low water mark established by the length of existing legally permitted encroachments, water depths waterward of the low water mark, and by other relevant criteria determined by the board when a line has not already been established for the body of water in question.” IDAPA 20.03.04.010.20.

24. Regulation further provides:

Length of Community Docks and Commercial Navigational Encroachments. Docks, piers, or other works may extend to a length that will provide access to a water depth that will afford sufficient draft for water craft customarily in use on the particular body of water, except that no structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the Director. If a normally accepted line of navigability has not been established through use, the Director may from time to time as he deems necessary, designate a line of navigability for the purpose of effective administration of these rules.

IDAPA 20.03.04.015.13.d.

25. There is no established Line of Navigability on this portion of the Spokane River.

26. As noted by IDL, “[t]here are no other docks in the immediate area[,]” but “there is a dock located six (6) lots to the southeast (owned by the Objectors) that extends fifty-five (55) feet from the shore.” *Idaho Department of Lands’ Prehearing Statement*, p. 8. There is no evidence in the record to support these statements.

27. Without an established line of navigability and without evidence of neighboring docks, whether these docks extend beyond the line of navigability cannot be determined.

28. While the LPA Rules contemplate that community docks may extend beyond the Line of Navigability, “[n]o portion of [a single-family dock] may extend beyond the line of navigability.” IDAPA 20.03.04.015.02.d.

29. There is insufficient information in the record to determine whether these four docks seek to extend past the line of navigability. The Director possesses the authority and discretion to determine if there is a line of navigability to administer these rules.

Boat Garage Standards

30. A boat garage is “[a] structure with one (1) or more slips that is completely enclosed with walls, roof, and doors, but no temporary or permanent residential area.” IDAPA 20.03.04.010.06.

31. A boat garage is a nonnavigational encroachment and “[e]xisting permitted boat garages may be maintained or replaced with the current square footage of their existing footprint and height.” IDPA 20..03.04.015.05.a, d.

32. Applicants Hamill and Vedadi are seeking to relocate and rebuild two previously permitted boat garages. IDL-13, pp. 14-21.

33. The Hamill boat garage was permitted under Temporary Land Use Permit No. LU300108. IDL-13, p. 37. The Hamill boat garage proposes a structure of 440 square feet. The permit was for 441.83 square feet. IDL-13, p. 37. The Hamill boat garage meets the boat garage standards.

34. The Vedadi boat garage was permitted under Temporary Land Use Permit No. LU300062. IDL-13, p. 16. The Vedadi proposed boat garage proposes a structure of 685.14 square feet. The permit was for 685.39 square feet. IDL-13, p. 16. The Vedadi boat garage meets the boat garage standards.

Boat Lifts

35. All four docks seek two boat lifts each. IDL-13, p. 13.

36. “Community docks are allowed one (1) boat lift or two (2) jet ski lifts per moorage.”

IDAPA 20.03.04.13.b.iv.⁶

37. The Revised Application meets the minimum standards for boat lifts.

The Benefits of these Four Docks do not Exceed the Detrimental Effect

38. The LPA requires IDL to balance several factors when evaluating an application for a proposed navigational encroachment.

It is the express policy of the State of Idaho that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment.

I.C. § 58-1301; IDAPA 20.03.04.011.01.

39. If it is determined that “the benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, it shall grant the permit.” I.C. § 58-1306(e).

40. The benefits of these four docks do not exceed the detrimental effect. As noted above, this is not a community dock request and instead appears to be four private landowners seeking to build docks larger than would be permitted as a single-family dock on their respective and individual properties. Permitting these landowners to do so would render IDL’s regulatory authority of the beds, waters, and airspace over navigable lakes in Idaho a nullity because to overcome the restrictions on single-family and two-family docks as to size, dimensions, and

⁶ The Revised Application does not seek to add boat lifts in excess of what would be permitted for single-family docks. See IDAPA 20.03.04.013.b.i.

whether it seeks to exceed the line of navigability, one would only need to find “two (2) or more adjacent landowners[.]”

41. The natural effect of this would be that larger “community docks” will be requested where no community exists – permitting standalone docks that benefit only one individual property owner. The reason IDL permits community docks to have more surface decking and to exceed the line of navigability is because community docks benefit a greater number of individuals and provide greater access to the water and recreation than otherwise would exist.

42. While IDL needs to weigh the economic benefits and detriment of a proposed navigational encroachment, it must also weigh the Lake Value Factors of “the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality[.]”

Navigation

43. Three of the four proposed docks present a detrimental threat to navigation.

44. While the docks would provide benefit to the owners of the property by granting them access to navigation, the impact on the narrowing of the channel of this portion of the Spokane River demonstrates a negative impact to navigation as a whole.

45. Narrowing the navigable section of the river to 309 feet in light of the dangers of the relic piling at this portion of the river creates a safety issue. The onsite inspection photos demonstrate how narrow this channel width is even without the proposed navigational encroachment.

46. While there was testimony that the width of the channel would provide the 366-foot safety corridor for two of the docks (Vedadi and Olinger) if the pilings were removed, the Revised Application must be decided as presented and based on the current conditions of the

Spokane River. April 8 Recording at 10:51-11:54. The removal of the piling does not get the BWHQ Dock or the Hamill Dock to 366 feet (346 feet and 356 feet, respectively). *Id.* The safety concerns cannot be decided on hypothetical future scenarios.

Fish and Wildlife Habitat

47. There is no evidence in the record that the four docks will pose a detriment to fish and wildlife habitat or aquatic life. While some of the public testimony touched on this point, it was based on personal opinions and not admissible facts. IDFG was invited to and did not submit a comment on these proceedings.

Recreation

48. Similar to the navigation analysis, the narrowing of the channel at this portion of the Spokane River will negatively impact recreation.

49. There is evidence that these four docks will impact the public's use of the Spokane River for recreation through this section of the water. While the docks will provide the individual owners the ability to recreate, there are alternatives that will be less impactful, including applying for a single-family dock, or applying for a community dock that meets the definition of a community dock.⁷

50. The Spokane River is a navigable river that is open to public use as a public highway for travel and passage.

51. To that end, other projects on the Spokane River have consistently utilized the 366-foot safety corridor rule when determining whether a project should be approved. While this is not an IDL regulation, it was developed jointly in 2025 to address safety concerns on the Spokane River in conjunction with "representatives from Kootenai County Parks and Waterways, the

⁷ For example, if the community dock was built off the Olinger property, the 366-foot safety corridor could be maintained, thus eliminating these concerns potentially.

Kootenai County Waterways Advisory Board, the City of Coeur d'Alene Community Planning Department, and their legal counsel, the City of Post Falls Planning Department, [and the] Kootenai County Sheriff's Office." April 8, 2026 Recording at 6:33-6:59.

52. As stated at the hearing:

The 366-foot corridor is a concept based on existing Kootenai County Boating Ordinances. Those ordinances require boats to remain at no wake within 100 feet of shore or dock. They also require boats passing one another to maintain approximately 50 feet of separation. Given that many boats average approximately 8 feet in width, this results in a minimum corridor of roughly 366 feet to allow for safe navigation. This distance would apply whether measured from dock to dock, bank to bank, dock to dock [sic], dock to bank, or dock to encroachment, or any similar combination.

April 8, 2026 Recording at 6:59-7:37.

53. While this 366-foot benchmark is not an IDL regulation, applying it to other similar projects and ignoring it for purposes of this project would amount to an arbitrary distinction that is not supported by any facts within this record. *See Spokane River Orders.*

54. The evidence demonstrates that the Revised Application detrimentally impacts recreation.

Aesthetic Beauty

55. There is no evidence in the record that the four proposed docks would be detrimental to the aesthetic beauty of the Spokane River.

Water Quality

56. There is no evidence in the record that the four proposed docks would be detrimental to the water quality of the Spokane River. While some of the public testimony touched on this point, it was based on personal opinions and not admissible facts.

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Conclusion

57. It is recommended that the Revised Application be denied. The Revised Application does not meet the definition of a community dock as there is no community that it will service. This is four landowners that want private moorage each respectively affixed to their private property. This is evidenced by IDL regulations contemplating converting a community dock to a commercial marina (with an application and additional permitting). IDAPA 20.03.04.015.02.e. However, even if these four separate and distinct docks do constitute a “community dock system” the detrimental impacts to navigation and recreation exceed the benefits in this instance. Where all other applicants for encroachments on the Spokane River since 2025 have had to redesign their proposed community docks to comply with the 366-foot safety corridor, allowing these docks to be permitted without that compliance would render this decision and potentially prior decisions, arbitrary and capricious. For those reasons, it is recommended that the application be denied.

RECOMMENDED ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends that this Application be **DENIED**.

RULE 625—RECOMMENDED ORDER NOTICE

This is a recommended order of the hearing officer. It will not become final without action of the agency head. By law, the agency head must issue a final order within thirty (30) days of the close of evidence in this case, which occurred on April 15, 2026. *See* I.C. § 58-1306(c). The agency head’s final order in this case must be issued no later than May 15, 2026. The statutory deadline was extended due to the discrepancy in the agency record that needed to be addressed by the parties.

If either **party** disagrees with this recommended order, pursuant to Idaho Code section 67-5244, the **party** may request review of this recommended order with the agency head. Public witnesses under Idaho's Administrative Procedure Act are not considered parties and, therefore, requests for review from the public cannot be accepted. *See* IDAPA 62.01.01.207. Motions for reconsideration filed with the presiding officer will not be considered.

You may file a request for review of this recommended order, with a supporting brief, directly with the agency head **within one (1) business day from the service date of this recommended order**, unless the agency head sets a different deadline. Opposing parties shall thereafter have **one (1) business day** to submit a response brief. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it. Oral argument will not be allowed unless requested by the agency head.

DATED: May 11, 2026.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M. Hayes
Deputy Chief Administrative Law Judge

DEPUTY CLERK’S CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

Adam and Coral Olinger
2600 E Seltice Way, #181
Post Falls, ID 83854
(208) 827-6417
Applicant

U.S. Mail
 Email:
olingerpropertiesllc@gmail.com

Alex Hamill
838 N 7th St
CDA, ID 83814
(208) 660-8129
Applicant

U.S. Mail
 Email
Alex.hamill@wefund4u.com

Jason Vedadi
6501 E Greenway Pkwy #106-486
Scottsdale, AZ 85254
(480) 669-7060
Applicant

U.S. Mail
 Email:
vedadicorp@gmail.com

Jordan Dascalo
1201 W Fremont Ave
Selah, WA 98942
(818) 807-5715
Applicant

U.S. Mail
 Email
bigworkofficial@gmail.com

Scott Hansen, Laneco Marine
258 McGhee Road
Sandpoint, ID 83864
(208)514-3900
Agent for Applicants

U.S. Mail
 Email:
scott@lanecomarine.com

Justin Yancey
6696 E Maplewood Ave
Post Falls, ID 83854
(509) 989-0335
Objector

U.S. Mail
 Email:
yancey@yanceyfarm.com

Idaho Department of Lands
Kayleen Richter
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

U.S. Mail
 Email:
krichter@idl.idaho.gov

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Idaho Department of Lands
Amidy Fuson
Lands Resource Specialist-Navigable Waters
Marde Mensinger
Program Manager for Navigable Waters
Rachel King
Program Specialist-Navigable Waterways

U.S. Mail
 Email:
afuson@idl.idaho.gov
mmensinger@idl.idaho.gov
rking@idl.idaho.gov

Kourtney Romine
Kayla Dawson
Idaho Department of Lands
300 N. 6th Street, Suite 103
Boise, ID 83702
Service Contacts for IDL

U.S. Mail
 Email:
kromine@idl.idaho.gov
kdawson@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

U.S. Mail
 Email:
filings@oah.idaho.gov
leslie.hayes@oah.idaho.gov

/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearing