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Attorneys for Payette Lakes Cottage Sites Owners Association, Inc.
and Wagon Wheel Bay Dock Association, Inc.

BEFORE THE STATE BOARD OF LAND COMMISSIONERS

SHARLIE-GROUSE)	
NEIGHBORHOOD ASSOCIATION,)	PETITION TO INTERVENE
INC.,)	
)	
Petitioners,)	
)	
vs.)	
)	
IDAHO STATE BOARD OF LAND)	
COMMISSIONERS,)	
)	
Respondent,)	
)	
)	

Proposed Intervenors, Payette Lakes Cottage Sites Owners Association, Inc., an Idaho corporation, and Wagon Wheel Bay Dock Association, Inc., an Idaho corporation, by and through their attorneys, Mark D. Perison, P.A., request an Order granting this Petition to Intervene, pursuant to the Rules of Practice and Procedure

before the State Board of Land Commissioners, IDAPA 20.01.01.350 through 20.01.01.354, and based on the following:

1. Payette Lakes Cottage Sites Owners Association, Inc. (“PLCSOA”), is the record owner of real property the subject of the Petition for Declaratory Relief (the “Property”), which Property was conveyed to PLCSOA by the State Board of Land Commissioners via Quitclaim Deed dated on or about April 23, 2014, recorded on April 26, 2014, as Instrument No. 384477, records of Valley County, Idaho (“Deed”); and Amended Quitclaim Deed dated on or about January 28, 2015, recorded on January 30, 2015, Instrument No. 389629, records of Valley County, Idaho (“Amended Deed”).

2. Included within the Property is a parcel commonly known as the Community Beach Common Area, which is located at Lot 1, Block 2 of the SW Payette Cottage Sites Subdivision, Valley County, Idaho (“Community Beach”). Also included within the Property are certain roads adjacent to Community Beach, commonly known as Sharlie Lane, Sharlie Way, Community Beach Access Road, and Grouse Way.

3. Wagon Wheel Bay Dock Association, Inc. (“WWBDA”), has a Non-Exclusive Lease Agreement with (“PLCSOA”), to lease the littoral rights associated with Community Beach.

4. With PLCSOA's permission, WWBDA applied for, and was issued, an encroachment permit by the Idaho Department of Lands to install a dock on Community Beach, via Permit No. L-65-S-683, dated February 26, 2018.

5. WWBDA has installed its permitted dock on Community Beach.

6. Petitioner, Sharlie-Grouse Neighborhood Association, Inc., seeks a declaration that the Deed and Amended Deed conveying Community Beach, the adjacent roads and streets, and other property to PLCSOA is "void and without effect."

7. PLCSOA has a direct and substantial interest in the subject matter of this proceeding, as PLCSOA is the record owner of the Property the subject of the Petition for Declaratory Ruling, and maintains the Property for the benefit of its members and prior deeded owners, who also have an interest in such Property.

8. WWBDA has a direct and substantial interest in the subject matter of this proceeding, as WWBDA holds a lease of the littoral rights to Community Beach, and has installed a dock thereon.

9. This intervention will not unduly broaden the issues in this proceeding.

10. Neither PLCSOA nor WWBDA will be seeking affirmative relief in this proceeding.

Wherefore, PLCSOA and WWBDA respectfully request that they be allowed to intervene as respondents in this matter.

MARK D. PERISON, P.A.

DATED: July 9, 2018.

By: Tricia K. Soper
Mark D. Perison – of the Firm
Tricia K. Soper – of the Firm
Attorneys for Payette Lakes Cottage
Sites Owners Association, Inc., and
Wagon Wheel Bay Dock Association,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2018, I caused to be served a true and correct copy of the foregoing, by the method indicated, and addressed to the following:

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Joy M. Vega
IDAHO DEPARTMENT OF LANDS
P.O. Box 83720
Boise, ID 83720

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Courtesy copy to:

Steven J. Millemann
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