

JAN 02 2019

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Attorneys for Intervenor/Respondents,  
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,	)	
INC.,	)	INTERVENOR/RESPONDENTS'
	)	ANSWER TO PETITION FOR
Petitioners,	)	DECLARATORY RULING
	)	
vs.	)	
	)	
IDAHO STATE BOARD OF LAND	)	
COMMISSIONERS,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
PAYETTE LAKES COTTAGE SITES	)	
OWNERS ASSOCIATION, INC., an	)	
Idaho non-profit corporation, and	)	
WAGON WHEEL BAY DOCK	)	
ASSOCIATION, INC., an Idaho non-	)	
profit corporation,	)	
	)	
Intervenor/Respondents.	)	

COME NOW, Payette Lakes Cottage Sites Owners Association, Inc. (“PLCSOA”) and Wagon Wheel Bay Dock Association, Inc. (“WWBDA”), by and through their attorneys, Mark D. Perison, P.A., and Answer the Plaintiff’s Petition for Declaratory Ruling as follows:

A. PLCSOA and WWBDA hereby adopt the Answer of the State of Idaho, Board of Land Commissioners (“Land Board”), dated June 19, 2018, in response to the Petition for Declaratory Ruling filed by Sharlie-Grouse Neighborhood Association, Inc. (“SGNA”), dated May 29, 2018.

B. PLCSOA and WWBDA hereby adopt the Affirmative Defenses as set forth by the Land Board, with the following additions:

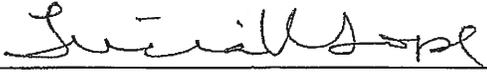
1. The Land Board lacks the jurisdiction and/or authority to grant the relief requested by SGNA.
2. The Land Board lacks the authority to declare as “void and without effect” its own Deed and Amended Deed, when intervening parties have subsequently obtained vested interests in the roads and common areas conveyed to PLCSOA, without knowledge of Petitioner’s claims. These intervening parties include, but are not limited to, all parties who purchased cottage sites from the Land Board at auction, which cottage sites included corresponding rights to PLCSOA roads and common areas; and WWBDA, who was granted a lease of PLCSOA’s littoral rights to

the Community Beach common area conveyed by the Land Board to PLCSOA.

3. Petitioners have failed to join as indispensable parties, those individuals and/or entities who have obtained vested interests in the roads and common areas conveyed to PLCSOA since the Deed and Amended Deed were granted.

MARK D. PERISON, P.A.

DATED: January 2, 2019.

By:   
Tricia K. Soper – Of the Firm  
Attorneys for Intervenor/Respondents,  
Payette Lakes Cottage Sites Owners  
Association, Inc. and Wagon Wheel  
Bay Dock Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 2<sup>nd</sup> day of January, 2019, 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  
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Boise, ID 83720

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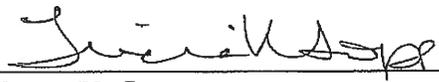
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