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DEPT. OF LANDS
2019 APR 15 PM 4: 24
BOISE, IDAHO

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,)	AFFIDAVIT OF KEVIN R.
INC.,)	HANIGAN IN SUPPORT OF
)	MOTION FOR SUMMARY
Petitioners,)	JUDGMENT
)	
vs.)	(Intervenor-Respondents, Payette
)	Lakes Cottage Sites Owners
IDAHO STATE BOARD OF LAND)	Association, Inc. and Wagon Wheel
COMMISSIONERS,)	Bay Dock Association, Inc.)
)	
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.)	
)	

STATE OF IDAHO)
 : ss.
County of Ada)

KEVIN R. HANIGAN, being first duly sworn upon oath, deposes and says as follows to-wit:

1. I am the President of the Wagon Wheel Bay Dock Association, Inc. (“WWBDA”), and a member of Payette Lakes Cottage Sites Owners Association, Inc. (“PLCSOA”), Intervenor-Respondents in this matter.

2. I have requested “interested party” status in this matter.

3. I am familiar with the facts at issue in this action, and I make this Affidavit based upon my own personal knowledge.

4. My wife, Anne, and I own a cottage site situated within the boundaries of PLCSOA. We purchased the formerly-leased cottage site on or about September 23, 2016. This cottage site includes the right of access to the roads and several lakeside common areas located within the boundaries of PLCSOA. These roads and common areas are owned and managed by PLCSOA for the benefit of its members and prior deeded owners.

5. We purchased our cottage site in reliance of the fact that PLCSOA owned the roads and common areas, to which we would have access. We are one of dozens of purchasers of cottage sites previously owned by the State of Idaho and auctioned within the past few years.

6. As a second-tier cottage site owner (*i.e.* not lake front), this access to the lake is an incredibly valuable part of our property, and the primary reason that we purchased the property. A similar lot located elsewhere in McCall, without lake access, is much less valuable and we would not have been willing to pay as much for our cottage site without this access. On the other hand, we could not afford to buy a lakefront property with its own lake access.

7. WWBDA is a dock association, which entered into a non-exclusive lease agreement regarding the littoral rights associated with one of PLCSOA's common areas, known as Community Beach, on January 12, 2017. WWBDA received approval for its application for an encroachment permit from the Idaho Department of Lands on or about April 28, 2017, which was granted following a public hearing.

8. WWBDA then successfully defended a petition for judicial review and a second lawsuit brought by members of Sharlie-Grouse Neighborhood Association, Inc. ("SGNA") in an effort to thwart installation of WWBDA's dock. Following this litigation, and in accordance with the non-exclusive lease and encroachment permit, WWBDA was finally able to install its eight-slip community dock extending from Community Beach in May of 2018.

9. Even after installation of WWBDA's dock, and simultaneously with the current Petition before this tribunal, SGNA has taken administrative steps through the City of McCall, City of McCall Planning and Zoning Department, and Valley

County Board of Commissioners in an attempt to either cause removal of the dock or to apply ordinances to the dock which would make its continuance more difficult.

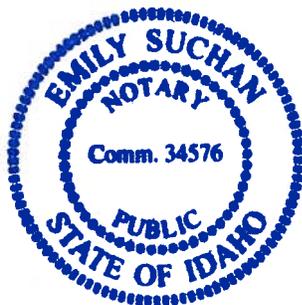
10. Each member of WWBDA has expended many thousands of dollars on the dock itself, as well as to pay attorney fees to defend against a petition for judicial review, the separate lawsuit, and several administrative proceedings, all brought by SGNA or its members for the express purpose of thwarting WWBDA's efforts to install or maintain its dock.

FURTHER, YOUR AFFIANT SAITH NAUGHT.

DATED this 11 day of April, 2019.


Kevin R. Hanigan

SUBSCRIBED AND SWORN TO before me this 11 day of April, 2019.




Notary Public for Idaho
Residing at Boise, ID
Commission Expires: 08/25/2024

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 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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