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May 25, 2022

Idaho Department of Lands  
Attn: Loren Moore-Rulemaking  
P.O. Box 83720  
Boise, ID 83720-0050

VIA E-MAIL: [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)  
And U.S. Mail

Re: Rules Governing Leases on State-Owned Navigable Waterways

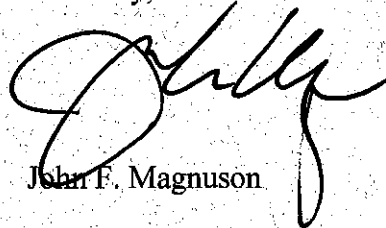
Dear Loren:

I write to offer written comments on the draft "Rules Governing Leases on State-Owned Navigable Waterways," IDPA 20.03.17.

Section 20.03.17.001.02 appears to provide that leases may be required for encroachments already authorized by existing permits issued decades ago. This appears overbroad and potentially in excess of IDL's authority.

I question how IDL can now vary or change the terms of those vested property rights. This is analogous to a municipality issuing a building permit for a home, under existing standards of the Uniform Building Code, only to subsequently attempt to enforce newly-adopted standards some fifty (50) years later. Unless the permit at issue included language that specifically reserved a leasing right on the part of IDL, I question how IDL can unilaterally change the legal terms of such a vested right.

Sincerely,



John F. Magnuson

JFM/js  
IDL-MOORELTR

**From:** [John Magnuson](#)  
**To:** [Rule Making](#)  
**Subject:** IDL - Rulemaking Itr  
**Date:** Wednesday, May 25, 2022 4:42:26 PM  
**Attachments:** [IDL LTR RE RULEMAKING.pdf](#)

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Dear Sirs:

Please find enclosed comments on IDL's proposed administrative rule changes. Thank you.

John F. Magnuson  
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