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Attorneys for Idaho Department of Lands, Navigable Waterways Program

**BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO**

IN THE MATTER OF

Encroachment Permit Application
No. L95S6181

The Estates at Waterstone HOA, Inc.,
Jason Garvey (Agent),

Applicant.

Agency Case No. PH-2025-NAV-22-006

OAH Case No. 25-320-08

**IDAHO DEPARTMENT OF LANDS’
WITNESS AND EXHIBIT LIST**

The Idaho Department of Lands (“IDL”), by and through its counsel of record Kayleen Richter, submits the following Witness and Exhibit List in accordance with the *Scheduling Order* issued August 29, 2025. The following Exhibit List is intended to mirror the unofficial agency record posted online at <https://www.idl.idaho.gov/lakes-rivers/administrative-hearings/estates-at-waterstone-hoa/>. The website is updated on a continuous basis and will include any additional public comments that may be received.

I. WITNESSES

IDL may call the following witnesses in this matter:

1. Mike Ahmer
Idaho Department of Lands – Resource Supervisor – Navigable Waters
3258 Industrial Loop, Coeur d’Alene, ID 83815
Phone: (208)769-1577
Anticipated testimony is reflected in the hearing statement.

2. Marde Mensinger
Idaho Department of Lands – Lands Program Manager Navigable Waterways
300 N. 6th Street, Suite 103 Boise, ID 83702
Phone: (208) 334-0248
Anticipated testimony is reflected in the hearing statement.

IDL reserves the right to call any witness that has been or will be identified or called by any other party, or any other witness participating in the above captioned matter, and to cross-examine any party to this matter or any non-party witness called to testify during the public hearing. IDL reserves the right to amend or supplement this list in advance of hearing.

II. EXHIBITS

IDL may present the following exhibits in this matter:

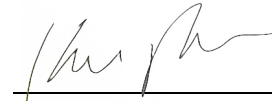
- **IDL-1** – OAH Transmittal Sheet
- **IDL-2** – Application L-95-S-6181
- **IDL-3** – Legal Notice of Application Order Confirmation
- **IDL-4** – Notice of Application to Neighbors
- **IDL-5** – Notice of Application to Agencies
- **IDL-6** – Request for Legal Notice of Application, Coeur d’Alene Press
- **IDL-7** – Objection, ‘Concerned Citizens, LLC’
- **IDL-8** – Final Plat Map of Estates at Waterstone
- **IDL-9** – Notice of Appointment of Hearing Officer
- **IDL-10** – Notice of Scheduling Conference
- **IDL-11** – Comments, PC 0001 – 34
- **IDL-12** – Comments, PC 0035 – 49
- **IDL-13** – Comments, PC 0050 – 67
- **IDL-14** – Comments, PC 0068 – 89
- **IDL-15** – Comments, PC 0090 – 96
- **IDL-16** – Notice of Appearance, Applicant
- **IDL-17** – Scheduling Order
- **IDL-18** – Notice of Appearance, Concerned Citizens
- **IDL-19** – Concerned Citizens Motion to Intervene
- **IDL-20** – Concerned Citizens Memorandum in Support of Motion to Intervene
- **IDL-21** – Notice of Hearing Location
- **IDL-22** – Concerned Citizens Declarations in Support of Motion to Intervene
- **IDL-23** – The Estates at Waterstone CC&Rs, Kootenai County Inst.

No. 3007090000

Copies of the identified exhibits are submitted concurrently with this Witness and Exhibit List. IDL reserves the right to utilize any item already in the administrative record, any item listed on any other party's exhibit list, and to use demonstrative exhibits that may not be listed. Finally, IDL reserves the right to amend or supplement this list in advance of hearing.

DATED this 12th day of September, 2025.

IDAHO DEPARTMENT OF LANDS



Kayleen Richter
Counsel for IDL




CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

The Estates at Waterstone HOA, Inc. Jason Garvey, Agent 1386 Northwest Boulevard Coeur d'Alene, ID 83814 (208) 916-3647 <i>Agent for Applicant</i>	<input checked="" type="checkbox"/> Email: jason@wesslen.com caseym@legacylw.com
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Avenue, Suite 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Counsel for Applicant</i>	<input checked="" type="checkbox"/> Email: nathan@ohlerbean.com
Concerned Citizens, LLC 11927 W. Span Way Road Post Falls, ID 83854 (208) 964-4037 <i>Objector</i>	<input checked="" type="checkbox"/> Email: sherichic91@gmail.com
Peter J. Smith IV Katie Sheftic Nathan J. Sargent Fennemore Craig, PC 418 E. Lakeside Avenue, Suite 224 Coeur d'Alene, ID 83814 <i>Counsel for Objector Concerned Citizens</i>	<input checked="" type="checkbox"/> Email: peter.smith@fennemorelaw.com ksheftic@fennemorelaw.com nsargent@fennemorelaw.com
Amidy Fuson Marde Mensinger Idaho Department of Lands 300 N. 6 th Street, Suite 103 Boise, ID 83702 <i>IDL Navigable Waterways Program</i>	<input checked="" type="checkbox"/> Email: afuson@idl.idaho.gov mmensinger@idl.idaho.gov

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Leslie Hayes OAH, General Government Division P.O. Box 83720, Boise, ID 83720-0104 816 W. Bannock Street <i>Hearing Officer</i>	☑ Email: filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Kayleen Richter
Counsel for IDL