

**OTHER CASE TRANSMITTAL SHEET – ADJUDICATION, ARBITRATION, or
MEDIATION pursuant to I.C. § 67-5280(2)(b)**

State of Idaho - Office of Administrative Hearings

TO: **OFFICE OF ADMINISTRATIVE HEARINGS** (email: Bryan.Nickels@oah.idaho.gov)

DATE: July 24, 2025

FROM: Idaho Department of Lands (Referring Agency/Board)

AGENCY CASE/PROCEEDING NO.: PH-2025-NAV-22-003

***Please attach a copy of:**

- **Petition/order/notice giving rise to the proceeding**
- **Order assigning this matter to the OAH (if applicable)**

AGENCY REQUEST:

☒

Adjudication

If adjudication, order requested: ☒ Preliminary ☐ Recommended

☐

Arbitration

☐

Mediation

☐

Other (Please explain below)

PARTY/ATTORNEY:

Name: Applicant - Walter Nevin; Agent - Wendy Van Orman

Address: 4375 S Vanilla Ct, CDA ID 83815; 23306 E Sharp Ave, Liberty Lake, WA 99019

Email: vanormanby5@gmail.com

Phone Number: 509-220-1557

PARTY/ATTORNEY:

Name: Objector: Kidd Island Bay Home Owners Association

Firm: _____

Address: PO Box 263, CDA, ID 83816

Email: Board.kibha@gmail.com

Phone Number: N/A

SHORT STATEMENT OF THE NATURE OF THIS CASE (e.g., "Suspension of license based on following grounds: ..."):

Kidd Island Bay Homeowners Association is a community dock association with a single permit that covers most HOA members. However, some HOA members have their own individual permits. Applicant is an HOA member with their own permit for a Pre-LPA boat garage. Applicant has applied to rebuild the boat garage. The HOA has objected to this application.

ARE THERE SPECIFIC STATUTORY/REGULATORY RULES ON THE TIME FOR HEARING OR DECISION?

YES: ☒ NO: ☐

[OAH typically sets hearings based on parties' availability and agreement, with written decision no later than the end of the month following the month the hearing was held]

If yes:

Deadline for hearing: September 22, 2025

Deadline for decision: 30 Days after the hearing

Statute(s)/Rule(s) citation: I.C. 58-1306 & IDAPA 20.03.04.030

DO ANY HEARING PROCEDURAL RULES, OTHER THAN THE IDAHO RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL, APPLY TO THIS PROCEEDING?

YES: ☒ NO: ☐

If yes, statute(s)/rule(s) citation: I.C. 58-1306 & IDAPA 20.03.04.030

- OAH will confirm that the agency has a current MOU in place for the requested service(s); if not, OAH will contact the agency to set up the needed MOU.
- Unlike contested case proceedings arising from the appeal of an agency order, OAH's provision of mediation, arbitration, and adjudication services are subject to acceptance by OAH. If OAH is unable to accept a request for mediation, arbitration, or arbitration services in a matter, OAH will still endeavor to assist the agency in identifying an alternative service provider.

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-		Date Received:		<input type="checkbox"/> Incomplete Application Returned		Date Returned:			
Idaho Department of Water Resources No.		Date Received:		<input type="checkbox"/> Fee Received DATE:		Receipt No.:			
Idaho Department of Lands No. L9580446C		Date Received: March 23rd 2025		<input checked="" type="checkbox"/> Fee Received \$1,075.00 DATE: March 23, 2025		Receipt No.: Cash			
INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: Mr. Walter Nevin					Name: Wendy Van Orman				
Company:					Company:				
Mailing Address: 4375 S Vanilla Ct.					Mailing Address: 23306 E Sharp Ave.				
City: Coeur D'Alene		State: Idaho	Zip Code: 83815		City: Liberty Lake		State: WA	Zip Code: 99019	
Phone Number (include area code):		E-mail:			Phone Number (include area code): 5092201557		E-mail: vanormanby5@gmail.com		
3. PROJECT NAME or TITLE: Dock permit					4. PROJECT STREET ADDRESS: 4375 S. Vanilla Ct.				
5. PROJECT COUNTY: Kootenai		6. PROJECT CITY: Coeur D'Alene			7. PROJECT ZIP CODE: 83815		8. NEAREST WATERWAY/WATERBODY: Lake Coeur D'Alene		
9. TAX PARCEL ID#: A/N 128452 04200000029A		10. LATITUDE: LONGITUDE:			11a. 1/4:	11b. 1/4:	11c. SECTION: 35	11d. TOWNSHIP: 4W	11e. RANGE: 50N
12a. ESTIMATED START DATE: 03/25/2025		12b. ESTIMATED END DATE: 06/01/2025			13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:				
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. See attached vicinity map									
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. Rebuild boat garage and float dock to same currently permitted dimensions. Logs to remain.									



16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Complete Dock and boat garage rebuild. All Roofing, Siding, Trusses, Studs, Decking, Dock stringers to be replaced with new material. Logs to remain as the flotation of the dock. *All new construction of the dock, ramp and boat garage WILL remain exact same dimensions and foot print as previously permitted.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

There will be no impact or changes to the dock as it currently stands and with the docks relation to the submerged lands.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

Mitigation plan not needed

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards

Dredged Material: _____ cubic yards

Clean Sand: _____ cubic yards

Clay: _____ cubic yards

Gravel, Rock, or Stone: _____ cubic yards

Concrete: _____ cubic yards

Other (describe): _____ : _____ cubic yards

Other (describe): _____ : _____ cubic yards

TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft _____ cubic yards

Backfill & Bedding: _____ acres _____ sq ft _____ cubic yards

Land Clearing: _____ acres _____ sq ft _____ cubic yards

Dredging: _____ acres _____ sq ft _____ cubic yards

Flooding: _____ acres _____ sq ft _____ cubic yards

Excavation: _____ acres _____ sq ft _____ cubic yards

Draining: _____ acres _____ sq ft _____ cubic yards

Other: _____ acres _____ sq ft _____ cubic yards

TOTALS: _____ acres _____ sq ft _____ cubic yards



21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☐ NO ☒ YES If yes, describe ALL work that has occurred including dates.

Boat garage dismantled, along with most of the structure of the dock. Dated March 17th 2025 through March 19th 2025.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

Permit from Don Jayne had been in place since Mr. Nevin acquired this property.

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☐ NO ☒ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☐ NO ☒ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

N/A

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet

TOTAL STREAM IMPACTS (Linear Feet):

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)

TOTAL WETLAND IMPACTS (Square Feet):

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name: Moss - Tiller, Timothy rex Mailing Address: 47 Tennis club Dr City: Rancho mirage State: CA Zip Code: 92270 Phone Number (include area code): E-mail:	Name: Casey, Steven J. Mailing Address: 4383 S. Vanilla Ct. City: Coeur D'Alene State: Id Zip Code: 83814 Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:

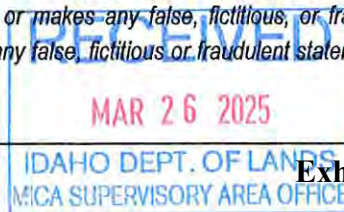
30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

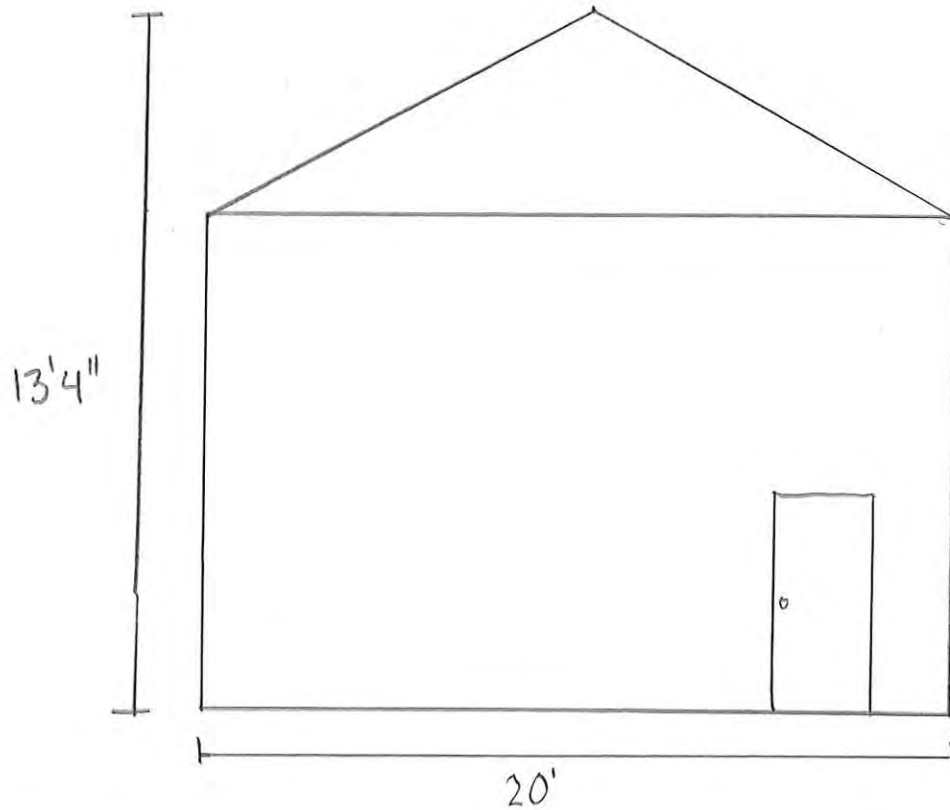
Signature of Applicant: Walter O. Newin Sr., by Wendy VanOrman, as Agent Date: 3/25/2025

Signature of Agent: Wendy VanOrman Date: 3/25/2025

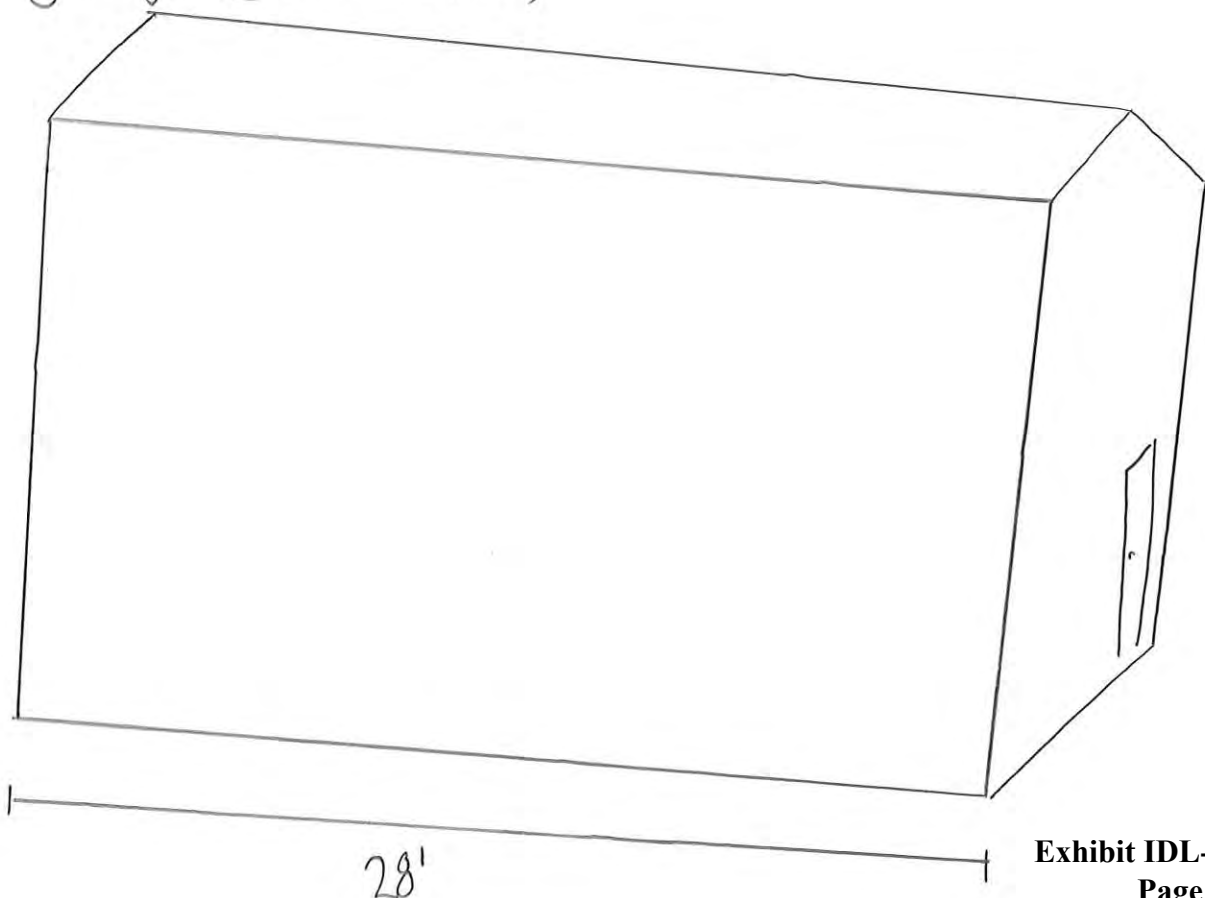
This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".



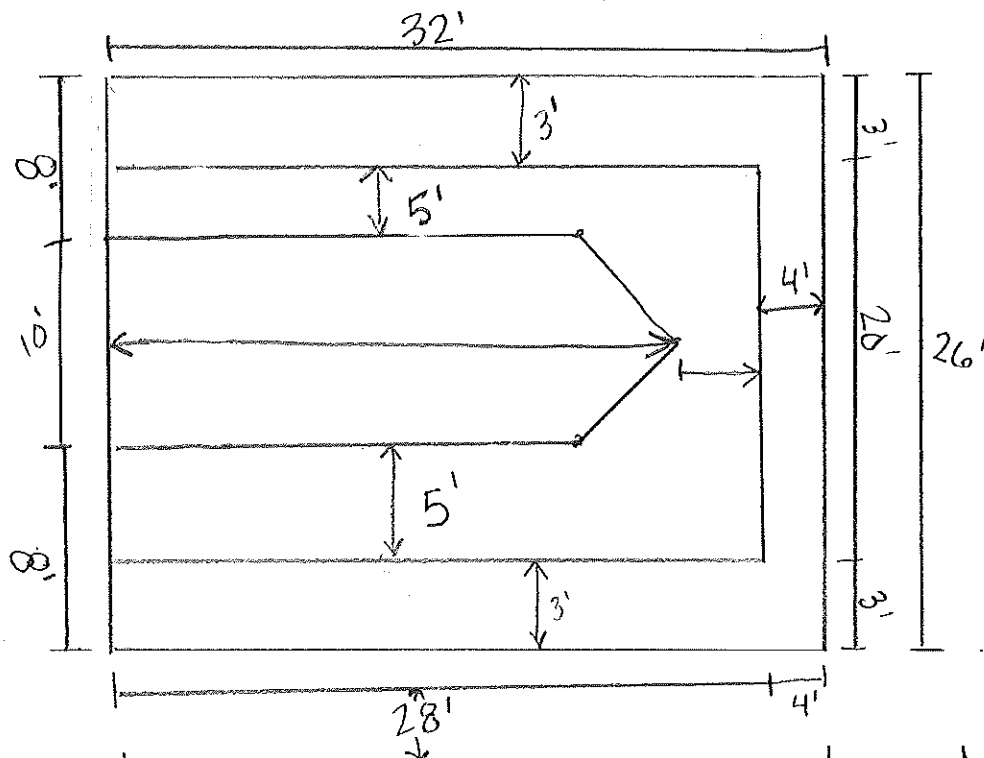
Boat garage (Front view) NEVIN / VANORMAN
★garage to be built to same exact footprint as before★



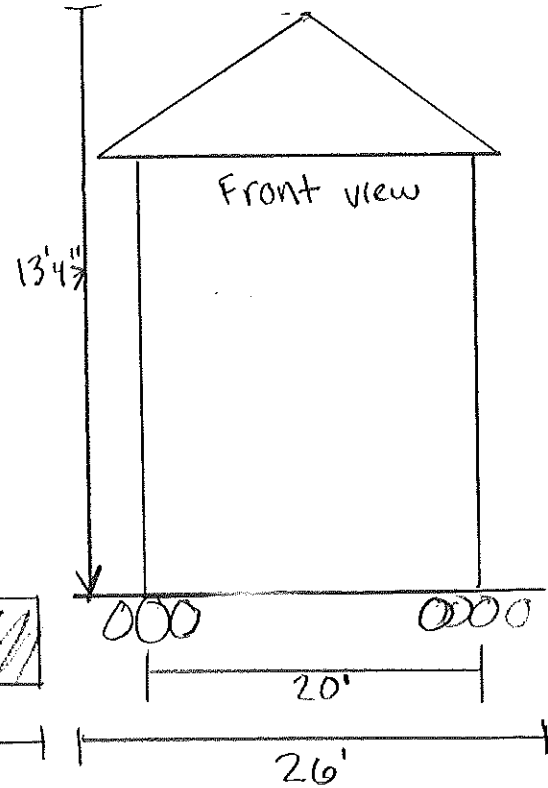
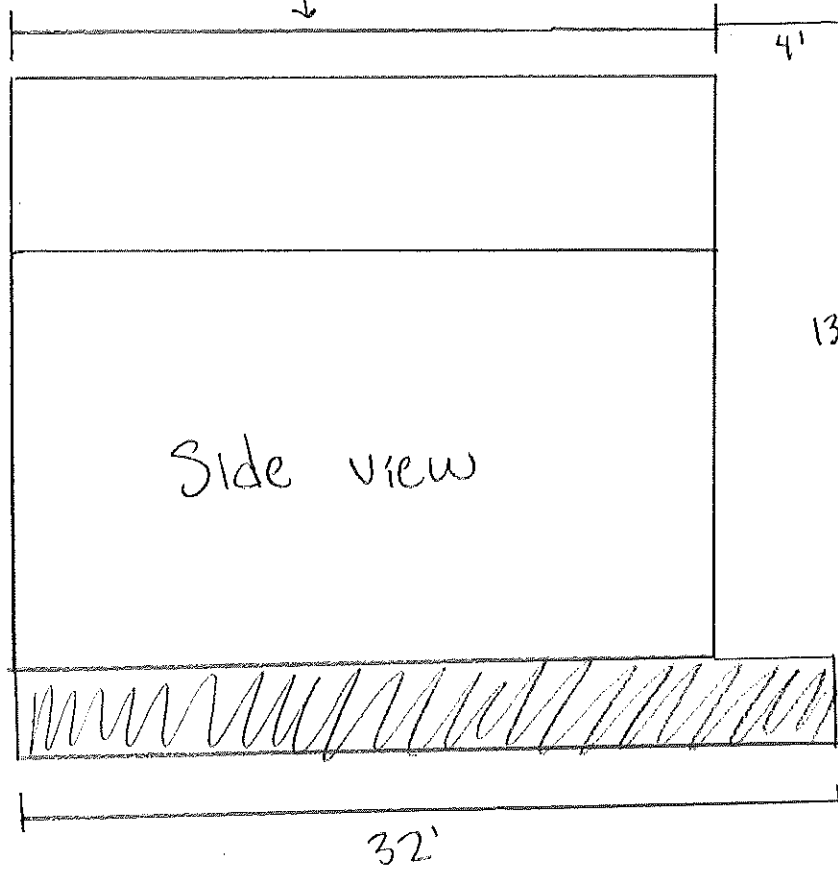
Boat garage (side view)



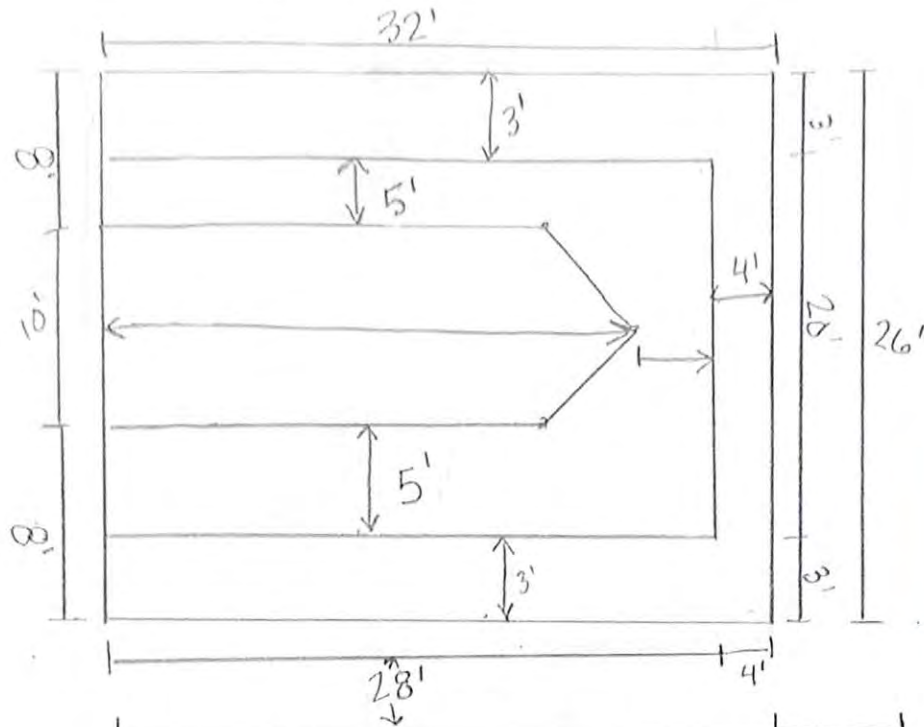
Boat garage overhead view



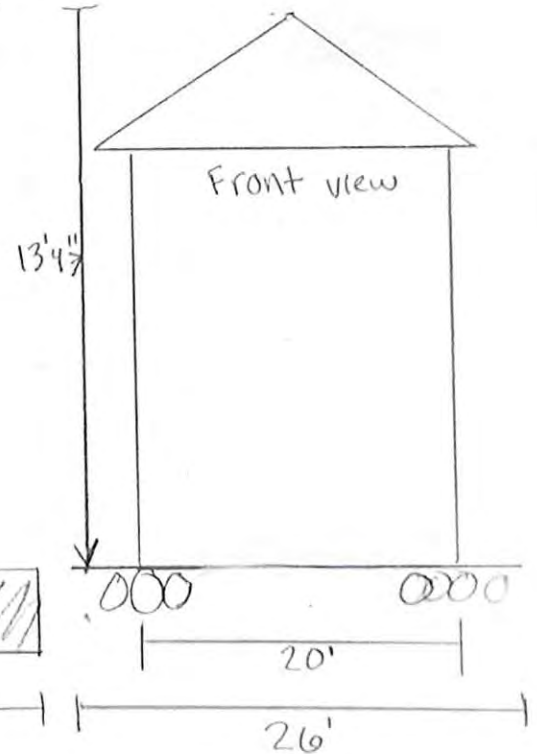
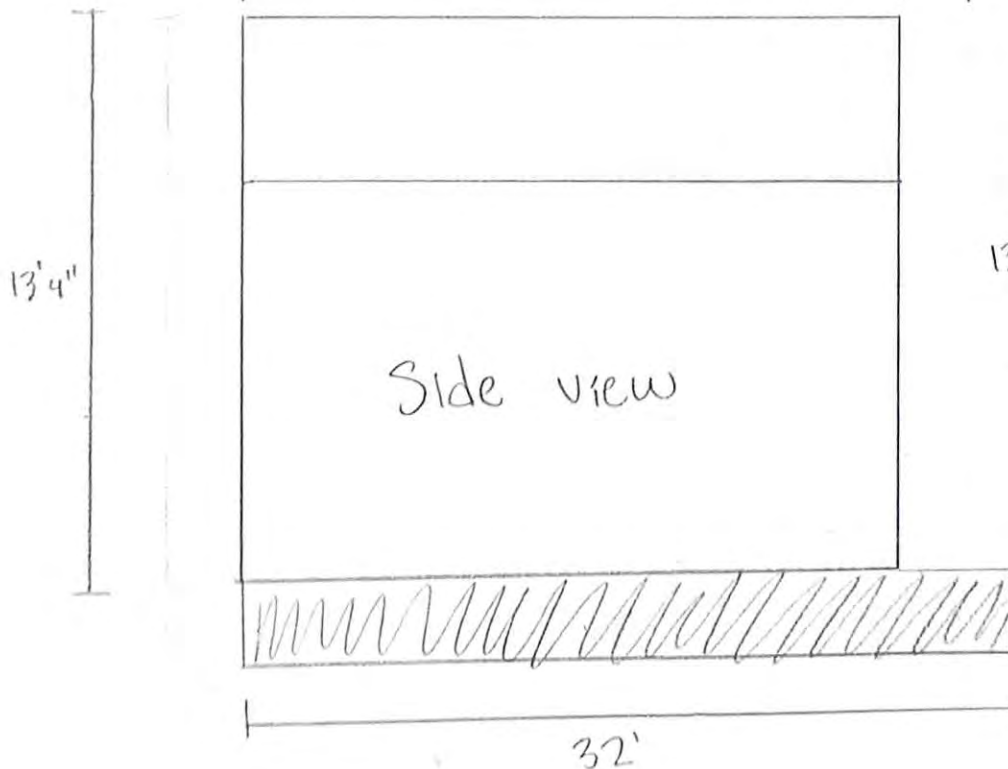
Master: 26' x 32'
Garage: 20' x 28' x 13'4"



Boat garage overhead view



Master: 26' x 32'
Garage: 26' x 28' x 13'4"





property line

31'

8'

10'

8'

32'

0

B

C

A

16'

Highwater mark

4'

18'

Low water mark

property line

VICINITY MAP

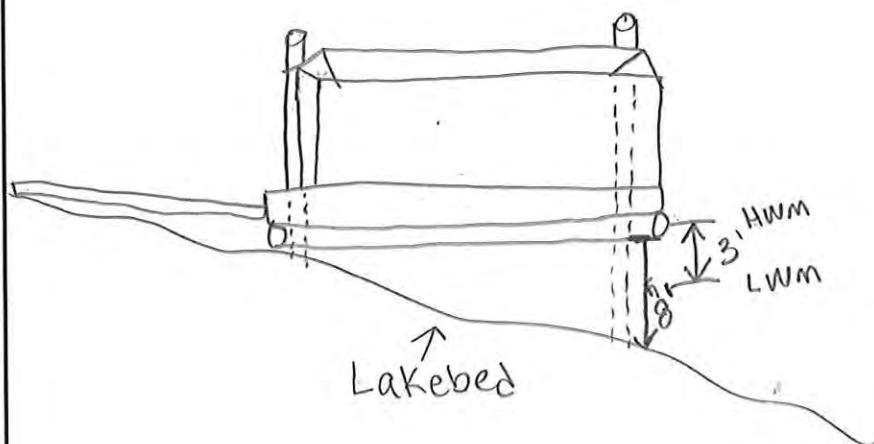
RECEIVED

APR 09 2025

IDAHO DEPT OF LANDS
MICA SUPERVISORY AREA OFFICE

18'

32'



Lakebed

IN
IN/NEAR

COUNTY,

DATE:

SHEET 1 OF

APPLICATION BY:

Exhibit IDL-2

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ENC-004



Parcel Polygon: 128452

[Click for Assessor Parcel Data](#)

Owner Name: NEVIN, WALTER

AIN: 128452

LRSN: 53206

Parcel Number: 042000000029A

Acres: 0.57

Site Address: 4375 S VANILLA CT

COEUR D'ALENE

Legal Description: KIDD ISLAND BAY LOTS,

LT 29, 30 & 2/61 INT IN TAX #12664

Gross Val: 1,315,260.00

Net Val: 1,315,260.00

Exempt Val: 0.00

Tax Code Area: 100000

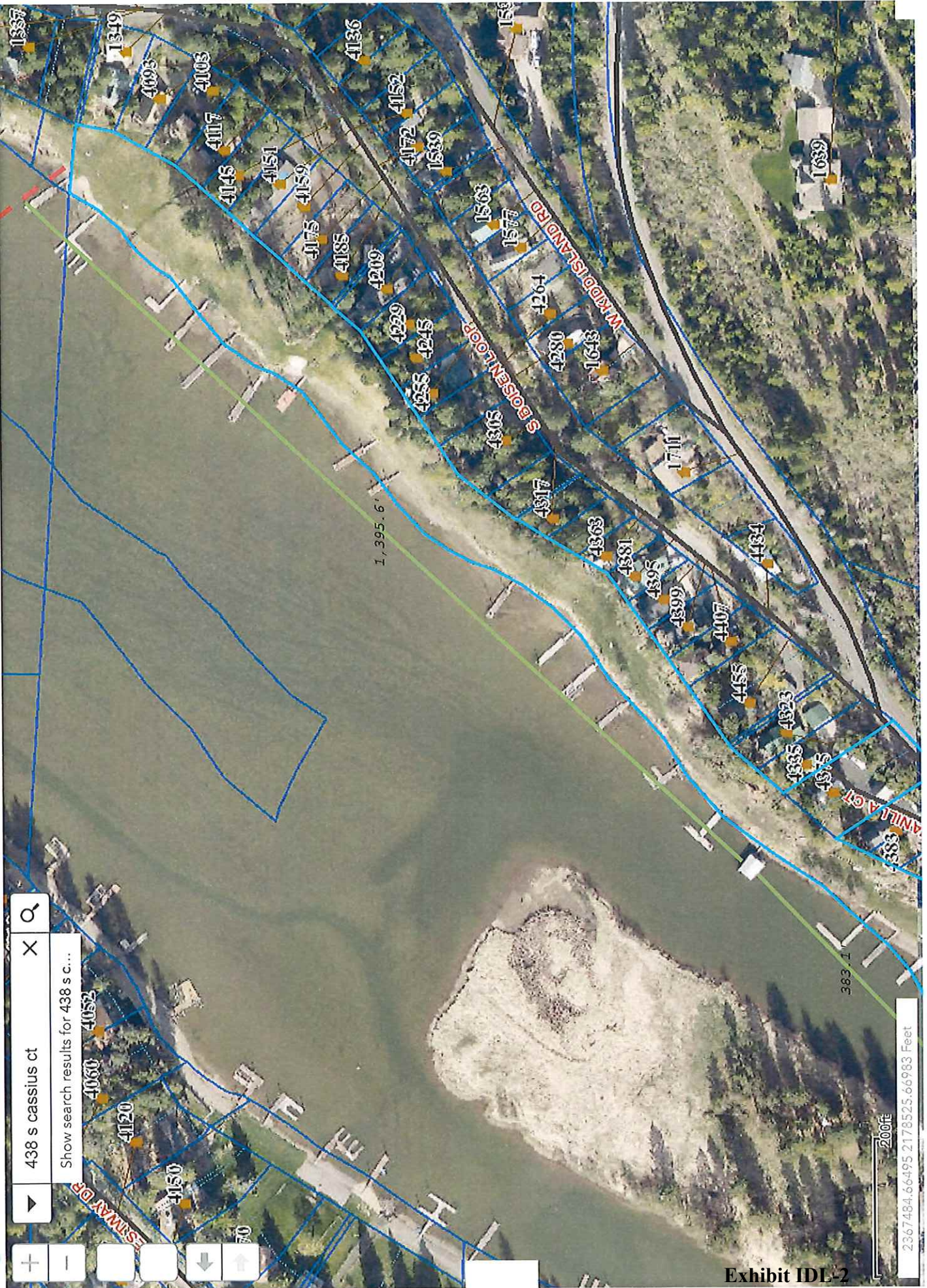
Water Dist:

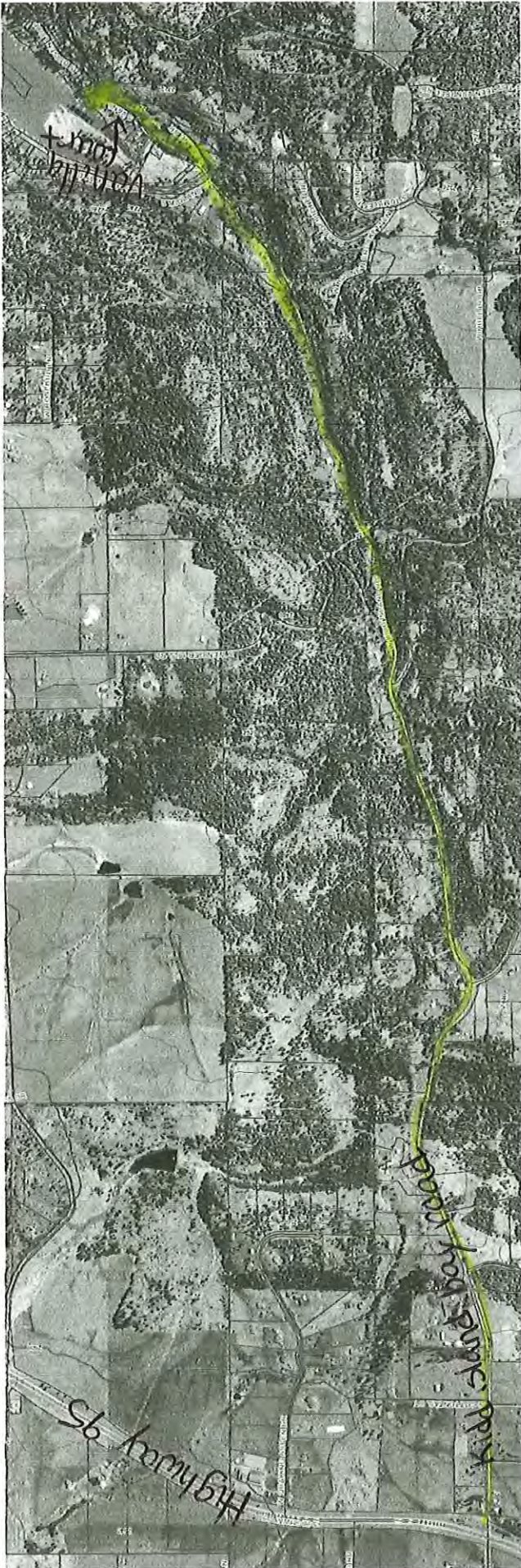
Zoom to

APR 09 2025

IDAHO DEPT. OF LANDS

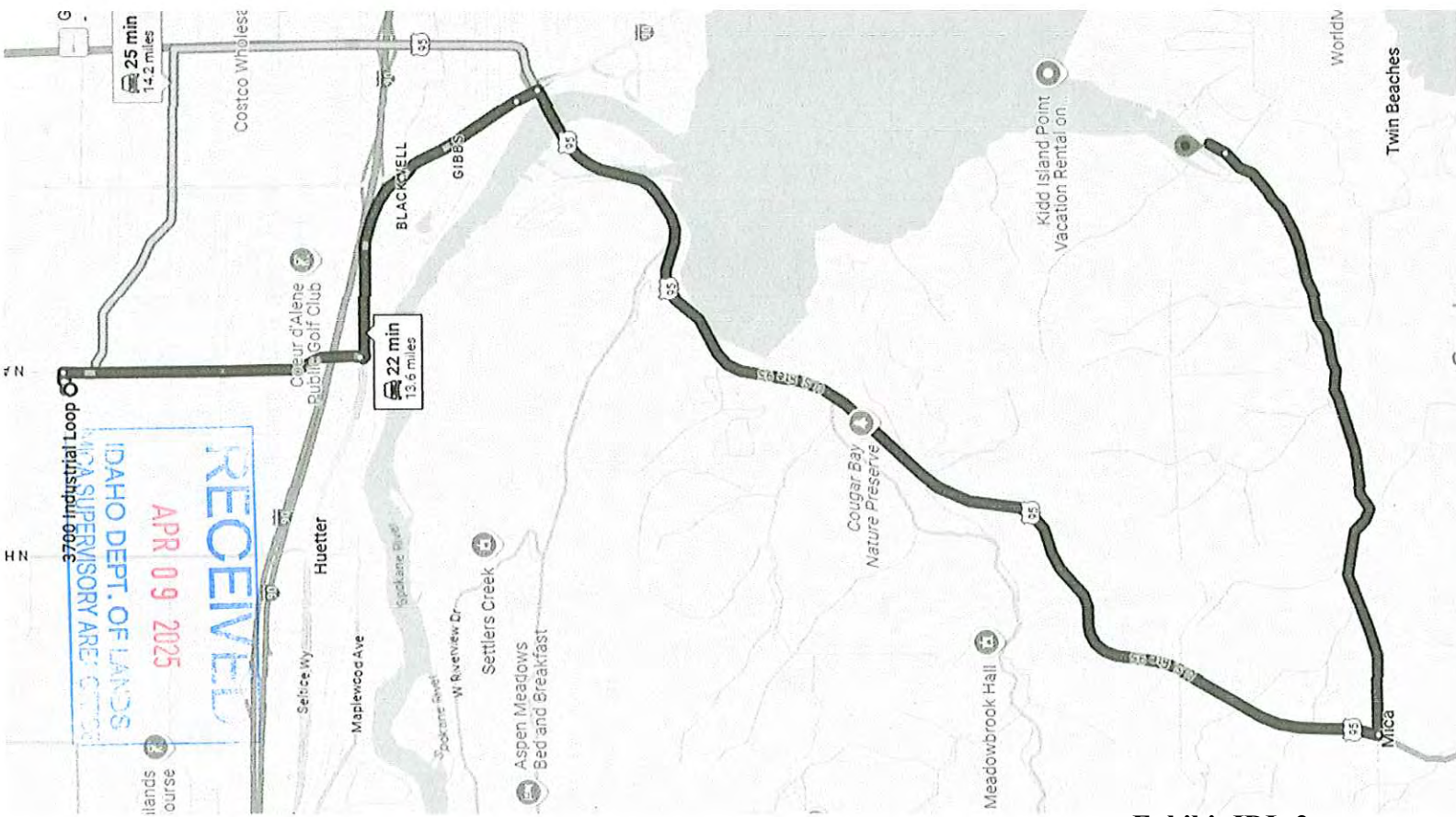
ICA SUPERVISOR AREA





General
vicinity
Map

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MICA SUPERVISORY AREA OFFICE



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APR 09 2025
IDAHO DEPT. OF LANDS
MICA SUPERVISORY AREA OFFICE

Account Information

PIN: 04200000029A

Owner: NEVIN WALTER O SR ETUX

Property Address:

4375 S Vanilla Ct Coeur D Alene Id

AIN: 128452

TAG: 100000

Mailing Address:

3816 S Sherman Spokane Wa 99203

Tax Roll: Real Property

Lender: None.

Legal Descr.:

KIDD ISLAND BAY LOTS, LT 29,30 & 2/61 INT
IN TAX #12664

Last updated: 3/25/2025 01:53:45 AM

 Tax Bills

 Per ID Code 63-1002, payment will be applied to the oldest taxes due.

Total Payable: \$0.00

Pay Partial:

Tax Charge History

Payment History

Select the "Tax Year" link to View Tax Assessment Values for the entire tax year.

Tax Year	Bill Number	Date Paid	Paid By	Receipt Number	Amount Paid
2024	244891	12/20/24	Nevin Walter O Sr Etux	B24.42360	\$5,530.96
2023	145418	12/20/23	Nevin Walter O Sr Etux	B23.40582	\$5,242.42
2022	246238	12/20/22	Nevin Walter O Sr Etux	B22.25789	\$5,124.23
2021	254928	12/20/21	Nevin Walter O Sr Etux	B21.3058	\$4,772.38
2020	273274	12/21/20	Nevin Walter O Sr Etux	B20.17466	\$4,256.79
2019	420609	12/20/19	Nevin Walter O Sr Etux	B19.4351	\$4,511.29
2018	154931	12/20/18	Nevin Walter O Sr Etux	B18.3101	\$4,362.10





Application Number _____

COMMERCIAL/COMMUNITY/NON-NAVIGATIONAL ENCROACHMENT PERMIT APPLICATION

This information sheet and checklist must be completed when submitting an encroachment permit application. Incomplete applications will be returned without processing.

ENCROACHMENT TYPE:
(Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> - Community dock | <input type="checkbox"/> - Float home |
| <input type="checkbox"/> - Commercial marina | <input checked="" type="checkbox"/> - Boat garage |
| <input type="checkbox"/> - Bank stabilization | <input type="checkbox"/> - Mooring buoy(s) |
| <input type="checkbox"/> - Other – describe: _____ | |

Applicant's Littoral Rights Are:

☐ - Signature of littoral rights owner is obtained if applicant is not the owner of the riparian/littoral rights

- ☒ - Owned, fee simple title holder
☐ - Leased
☐ - Other – describe: _____

Provide a Black/White Copy of Each Required Document on 8½"x14" or Smaller Paper:

- ☒ - County plat map showing both neighboring littoral lots.
- ☒ - Tax record identifying the owner of the upland parcel(s)
- ☒ - Lakebed profile with encroachment and water levels of winter and summer
- ☒ - General vicinity map that allows Department to find the encroachment
- ☒ - Scaled air photo or map showing lengths of nearby encroachments, distances to adjacent encroachments, and location and orientation of the proposed encroachment.

Are Existing Docks or Other Encroachment(s) Permitted On This Parcel(s)?

- ☐ - No
☒ - Yes

Please attach a current photograph and a "to scale" drawing (see Document Requirements Above)

Permit # 95-S-22A/95-3-046A Date of Construction: LA580446B

What will happen to the existing dock or encroachment if this permit application is approved?

- ☐ - Remain unchanged
☐ - Complete removal
☐ - Modification
☒ - Other: Complete rebuild of log float dock and Boat garage and re-deck ramp

(Please note that old dock materials must be removed from the lake. Discarding these materials creates serious boating safety issues and offenders will be subject to prosecution and penalties.)

How Many Feet Does the Proposed Encroachment Extend Beyond the Ordinary (or Artificial) High Water Mark? 50 feet

The Proposed Dock Length Is:

- ☒ **The same or shorter** than the two adjacent docks
☐ **Longer** than the two adjacent docks
☐ **Longer** than the two adjacent docks, but within the line of navigability established by the majority of existing docks in the area.
☐ _____ feet and not located near any other docks or other encroachments.

For Community Docks, Does the Proposed Dock Exceed the Maximum Square Footage of 7 ft² per Littoral Front Foot?

- ☐ - No
☒ - Yes

Total square footage:

780 ft²

For Community Docks, Does the Property Have at Least 50 Feet of Littoral Frontage?

- ☒ - Yes
☐ - No

Total front footage: 100 feet



Will the Proposed Encroachment Exceed the Maximum Width of 10 Feet?

- ☐ - No
☒ - Yes

If yes, explain why: Boat garage measures 26' x 30'

Will the Proposed Encroachment Be Located Closer Than 25 Feet to the Riparian/Littoral Right Lines Established With Your Neighbors?

- ☒ - No
☐ - Yes

If yes, what are the proposed distances? _____ feet
☐ - Consent of affected neighbor was obtained

Determining Riparian/Littoral Right Lines

Littoral right lines are not simple extensions of the upland property lines. Littoral right lines are generally perpendicular, or at right angles, to the shoreline. Curved shorelines or unusual circumstances may require Department Staff, or other professionals, to closely examine littoral right lines and assess the potential for infringement on adjacent littoral property owners.

Walter Nevin Sr, by Wendy 3/25/2025
Printed Name Date
Vandorman, as Agent
Wendy Vandorman, Agent
Signature of Applicant or Agent



MICA
SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 23, 2025

Dennis & Julie Pulos Family 1988 R Schoonover Karen J
PO Box 510
Nine Mile Falls WA 99026

Re: Courtesy Notification of Application for Encroachment **L95S0446C**

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor Walter Nevin has applied for a permit with Idaho Department of Lands to rebuild an existing permitted boat garage on Lake Coeur d'Alene. The enclosed applications with site diagrams show the location and indicate dimensions and distances to your mutual property/riparian boundary.

If you do not have concerns about the proposed project after reviewing the application packet, and you do not wish to object to the application, please complete the attached forms (sign box 1) and return them to our office as quickly as possible.

Boat Garage: If you object to the proposed application and would like to request a public/contested hearing, please complete the attached forms (sign box 3) and return them to our office as quickly as possible. State law IDAPA 20.03.04.030.04 requires you submit your written objection and a **\$75 fee** to cover the cost of publishing notice of hearing within thirty (30) days of the first date of publication (the first date it appears in the local newspaper advertising the application). Please ensure the Department receives this information by **July 28, 2025**. It would be helpful if your comments addressed effects on navigation, fish and wildlife habitat, aquatic life, recreation, water quality, aesthetic beauty, and/or protection of property. Please include your phone number and e-mail address with your correspondence so that I can respond to you in a timely manner.

Sincerely,

Amidy Fuson
Lands Resource Specialist-Navigable Waters

afuson@idl.idaho.gov

Enclosures

**STATE OF IDAHO DEPARTMENT OF LANDS
ADJACENT NEIGHBOR ATTACHMENT FOR ENCROACHMENT**

NON-NAVIGATIONAL REQUIREMENTS AND SETBACKS

1. Boat Garage. A structure with one (1) or more slips that is completely enclosed with walls, roof, and doors, but no temporary or permanent residential area.
2. Boat garages are considered nonnavigational encroachments.
3. Applications for permits to construct new boat garages, expand the total square footage of the existing footprint, or raise the height will not be accepted unless the application is to support local emergency services.
4. Presumed Adverse Effect. It will be presumed, subject to rebuttal, that single-family and two-family navigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten (10) feet from adjacent littoral right lines, and that commercial navigational encroachments, community docks or nonnavigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines. Written consent of the adjacent littoral owner or owners will automatically rebut the presumption. All boat lifts and other structures attached to the encroachments are subject to the above presumptions of adverse affects.

Please check one and initial:

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I consent** to the application and do not wish to participate in a public hearing. _____ (initial)

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. _____ (initial)

***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.**

Date

Name

Address City State Zip

Phone Number Email Address

**STATE OF IDAHO DEPARTMENT OF LANDS
ADJACENT NEIGHBOR ATTACHMENT FOR ENCROACHMENT**

NON-NAVIGATIONAL REQUIREMENTS AND SETBACKS

1. Boat Garage. A structure with one (1) or more slips that is completely enclosed with walls, roof, and doors, but no temporary or permanent residential area.
2. Boat garages are considered nonnavigational encroachments.
3. Applications for permits to construct new boat garages, expand the total square footage of the existing footprint, or raise the height will not be accepted unless the application is to support local emergency services.
4. Presumed Adverse Effect. It will be presumed, subject to rebuttal, that single-family and two-family navigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten (10) feet from adjacent littoral right lines, and that commercial navigational encroachments, community docks or nonnavigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines. Written consent of the adjacent littoral owner or owners will automatically rebut the presumption. All boat lifts and other structures attached to the encroachments are subject to the above presumptions of adverse affects.

Please check one and initial:

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I consent** to the application and do not wish to participate in a public hearing. _____ (initial)

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. _____ (initial)

***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.**

Date

Name

Address City State Zip

Phone Number Email Address

MICA
SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 24, 2025

Kidd Island Bay Homeowners Cooperative Assoc., INC.
Atten Tim Moss
4323 Vanilla Ct
Coeur d'Alene ID 83814

CERTIFIED LETTER

Re: Courtesy Notification of Application for Encroachment **L95S0446C**

To Whom it Concerns:

This letter serves as formal notice that **Walter Nevin**, a co-owner of your shared community waterfront parcel on **Lake Coeur d'Alene**, has applied to the Idaho Department of Lands (IDL) **to rebuild an existing permitted boat garage** located on the shared property.

Enclosed you will find the submitted application materials, including site diagrams that show the proposed location, structure dimensions, and distances in relation to the shared riparian boundary.

Because the project is located on jointly owned land per the Miller et al. v. Kidd Island Bay Dev. Co. et al. 1987 Decision (attached), all co-owners (represented by Kidd Island Bay Homeowners Cooperative Association, INC.) **are required to respond by completing and returning the attached form.**

If you do not object to the proposed project after reviewing the materials, please complete the form by **signing Box 1** and return it to our office as soon as possible.

If you **object** to the proposed project and wish to request a public or contested case hearing, please complete the form by **signing Box 2** and submit it along with a **\$75 fee** to cover the cost of publishing notice of the hearing. Pursuant to IDAPA 20.03.04.030.04, both the written objection and the fee must be received by the Department no later than **July 28, 2025**, which is 30 days from the first date of public notice in the local newspaper.

Should you choose to submit an objection, it is helpful to include comments specifically on how the proposed project may affect the site in terms of navigation, environmental impacts, recreation, water quality, aesthetics, or property use. Please include your phone number and email address so we can follow up with you if necessary.

If you have questions about the application or the response process, please feel free to contact me directly.

Sincerely,

Amidy Fuson
Lands Resource Specialist-Navigable Waters
afuson@idl.idaho.gov
Enclosures

**STATE OF IDAHO DEPARTMENT OF LANDS
ADJACENT NEIGHBOR ATTACHMENT FOR ENCROACHMENT**

NON-NAVIGATIONAL REQUIREMENTS AND SETBACKS

1. Boat Garage. A structure with one (1) or more slips that is completely enclosed with walls, roof, and doors, but no temporary or permanent residential area.
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Please check one and initial:

- ☐ I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I consent** to the application and do not wish to participate in a public hearing.
_____ (initial)
- ☐ I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. _____ (initial)

*IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.

Date

Name

Address City State Zip

Phone Number Email Address

**MICA
SUPERVISORY AREA**
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

MEMORANDUM

TO: Idaho Department of Fish and Game
Idaho Department of Environmental Quality
Idaho Department of Water Resources
Idaho Department of Transportation
US Army Corps of Engineers-CDA
Kootenai County Parks, Recreation/Waterways
Kootenai County Marine Division
Kootenai County Building & Planning & Zoning
Kootenai Environmental Alliance
Panhandle Health District 1-Kootenai County
Coeur d'Alene Tribe
Idaho Conservation League
Adjacent Neighbors

FROM: Amidy Fuson Resource Specialist Sr., Navigable Waters

DATE: June 23, 2025

SUBJECT: NOTICE OF APPLICATION L95S0446C – WATER NEVIN

Enclosed is an application requesting permission to rebuild an existing permitted boat garage on Lake **Coeur d'Alene**.

Please submit your comments, recommendations, or objections to the Idaho Department of Lands by July 28, 2025, regarding the likely effect of the proposed encroachments upon navigation, adjacent property, lake and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to this application, please list your specific reasons and any facts or documentation to support your position. Comments may suggest alternate plans or mitigation measures if feasible.

If you would like to request a public hearing on this application, please submit a written request and a \$75 publication fee to IDL by July 28, 2025.

Failure to submit comments will be considered as no objection to the application. For further inquiries, please contact the Idaho Department of Lands at Mica Office.

Enclosures

Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>	<u>PO Number</u>
0000037934	IDAHO DEPARTMENT OF LANDS	IDAHO DEPARTMENT OF LANDS	
<u>Sales Rep</u>	<u>Customer Account</u>	<u>Payor Account</u>	<u>Ordered By</u>
kpacker+cdahouse@ha...	6368	6368	rlindstrom@cdapress.com
<u>Order Taker</u>	<u>Customer Address</u>	<u>Payor Address</u>	<u>Customer Fax</u>
rlindstrom@cdapress.com	3258 W. INDUSTRIAL LOOP COEUR D ALENE, ID 83815	3258 W. INDUSTRIAL LOOP COEUR D ALENE, ID 83815	
<u>Order Source</u>	<u>Customer Phone</u>	<u>Payor Phone</u>	<u>Special Pricing</u>
	2087691577	2087691577	

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
0	0	1	0	0	0

Invoice Text

CDA#14571 NOA - L95AS0446C

Ad Order Notes

Run dates June 25, & July 2, 2025

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
67.04	\$0.00	67.04	Invoice	\$0.00	67.04

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>
0000037934	ID-Metro	1 x 4.691" (41 lines)

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>Rate</u>	<u>Cost</u>
06/25/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.77	\$39.57
07/02/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.67	\$27.47

NOTICE OF APPLICATION

Pursuant to Section 58-104(9) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Walter Nevin made application to rebuild existing permitted boat garage on Lake Coeur d'Alene. Located adjacent to Kidd Island Bay Lots, Lots 29 & 30, 2/61 Int Tax 12664, Coeur d'Alene; Sections 35, Township 50 North, Range 04 West; B.M., in Kootenai County.

Written objections to and requests for hearing in this matter must be on file with the Idaho Department of Lands, 3258 W Industrial Loop, Coeur d'Alene ID, 83815, within thirty (30) days after the first appearance of this notice. Requests for hearing must be accompanied by a \$75 publication fee. Specific information regarding this application may be obtained from Amidy Fuson, Resource Specialist Sr., at the above address or by calling (208) 769-1577.

/S/

Mike Ahmer

Resource Supervisor CDA
Idaho Department of Lands
Legal#14571 AD#37934
June 25, & July 2, 2025

**MICA
SUPERVISORY AREA**
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 23, 2025

The Coeur d'Alene Press
Attention: Legals
P.O. Box 7000
Coeur d'Alene, ID 83816

Re: Legal Notice of Application – L95S0446C

Enclosed is a notice of application. Please publish this as a legal advertisement for two consecutive weeks as soon as possible.

Upon completion, please provide a tear sheet for the 2nd publication, an affidavit of publication, and statement of cost.

Thank you. Your help in this matter is greatly appreciated.

Sincerely,

Amidy Fuson, Lands Resource Specialist Sr.,
Navigable Waterways

Enclosure

NOTICE OF APPLICATION

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/S/

Mike Ahmer Resource Supervisor CDA
Idaho Department of Lands

**STATE OF IDAHO DEPARTMENT OF LANDS
ADJACENT NEIGHBOR ATTACHMENT FOR ENCROACHMENT**

NON-NAVIGATIONAL REQUIREMENTS AND SETBACKS

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*IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.

7-12-25
Date
Kidd Island Bay Homeowners Association KIBHA
Name
P O Box 263 , Coeur d'Alene ID 83816
Address City State Zip
board.kibha@gmail.com
Email Address

Phone Number
KIBHA Board Members
John Boisen - Vice President
Judy Bauer - treasurer
Carol Ruyf - Member at Large
Matt Boisen - Road Master



\$175.00 # 1088
7/23/25

July 12, 2025

Kidd Island Bay Homeowners Association (KIBHA)
PO Box 263
Coeur d'Alene, Idaho 83816
board.kibha@gmail.com

Idaho Department of Lands (DOL)
3258 W. Industrial Loop
Coeur d'Alene, Idaho 83815

Amidy Fuson,

The KIBHA received your Certified Letter, dated June 24, 2025, regarding Encroachment L95S0446C, "to rebuild an existing permitted boat garage located on the shared property."

This Certified Letter was presented to our Board Meeting on Saturday, July 12, 2025. Six Board Members were present. Two of the Board Members recused themselves. By unanimous vote, the Board Members OBJECTED the application for the following reasons;

1. Many of the Board Members have witnessed the boat garage disintegrate into disrepair over the past 25 years. The owners of the boat garage did not appear to have an interest in the boat garage, nor with their fellow members. It is unknown how much of the boat garage is laying at the bottom of the lake.
2. The proposed boat garage has not been identified by the DOL as a private dock or a community dock, in writing.
3. The KIBHA Board is greatly concerned that the square footage used for the boat garage will be subtracted from the total square footage of the KIBHA.
4. The Joint Application for Permits states, "Logs to remain. Logs to remain as the floatation of the dock." This is unacceptable. The logs are old, water-logged, sinking and disintegrating. The entire floatation



Exhibit IDL-8

Page 2

1/6

structure must be replaced to ensure that the boat house does not sink and create a navigational problem.

5. The KIBHA has written at least two letters to your office, requesting information regarding the status of the boat garage and your office has not responded. Nor, acknowledged that your office received the letters.
6. The owners of the boat garage had contacted an attorney, September 2024, who sent a lengthy letter dismissing KIBHA as having any authority/control regarding the boat garage.
7. The owners of the boat garage have not submitted a request to rebuild their boat garage to the KIBHA. The Board Members do not know how the DOL is processing their request without approval from the KIBHA.
8. Lastly, the Board Members do not understand how another members' request for lengthening their dock has been pending and the boat garage's request has been granted.

We look forward to a hearing to have all of our questions answered.

If you have any questions, please contact our website listed above.

Sincerely,


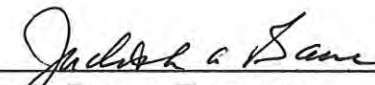

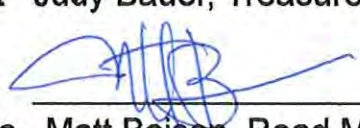
 _____ John Boisen, Vice-President	 _____ Judy Bauer, Treasurer
 _____ Carol Ruyf, Member at Large	 _____ Matt Boisen, Road Master



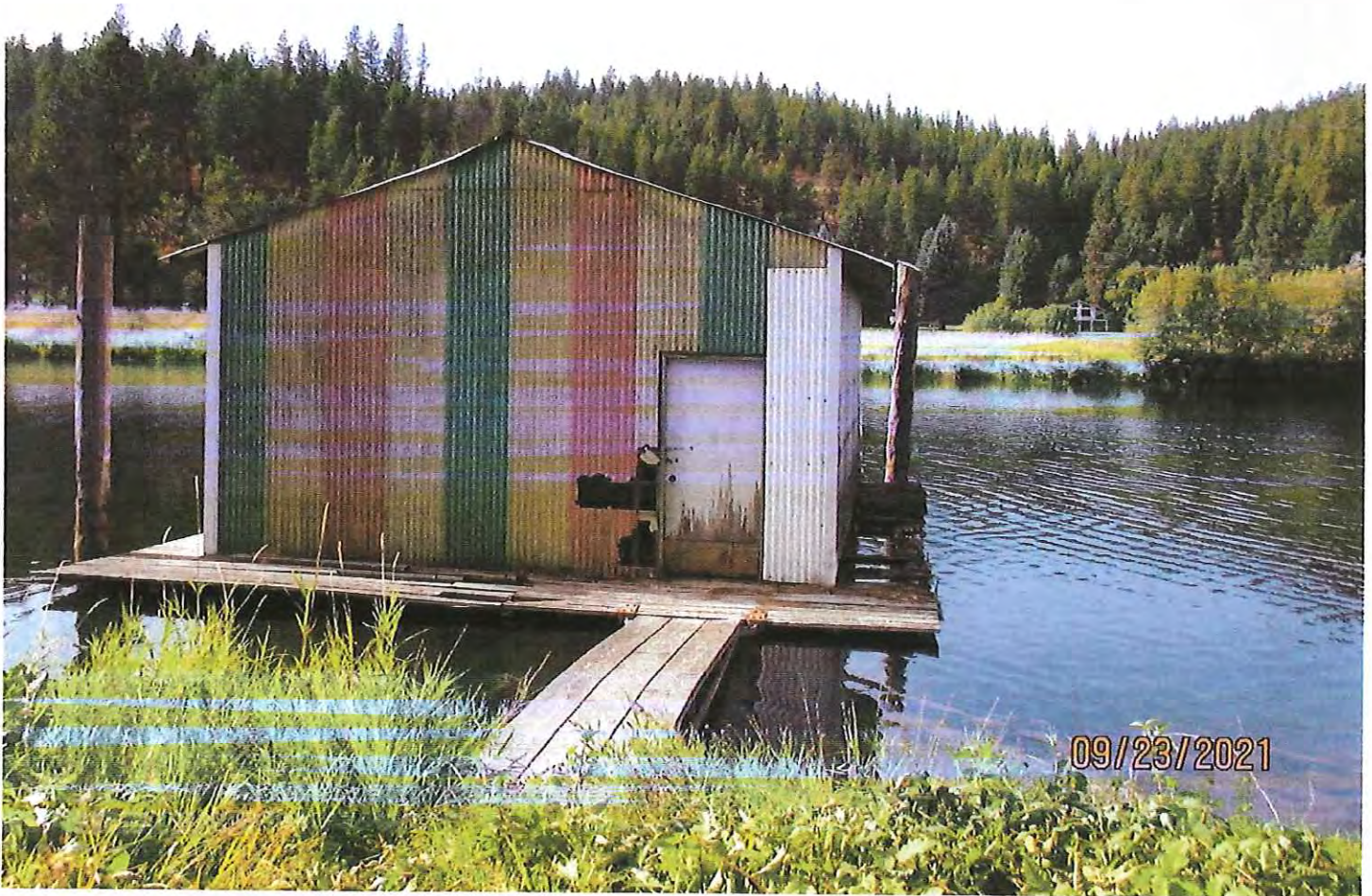
Exhibit IDL-8

Page 3

2/6

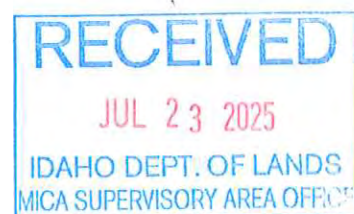
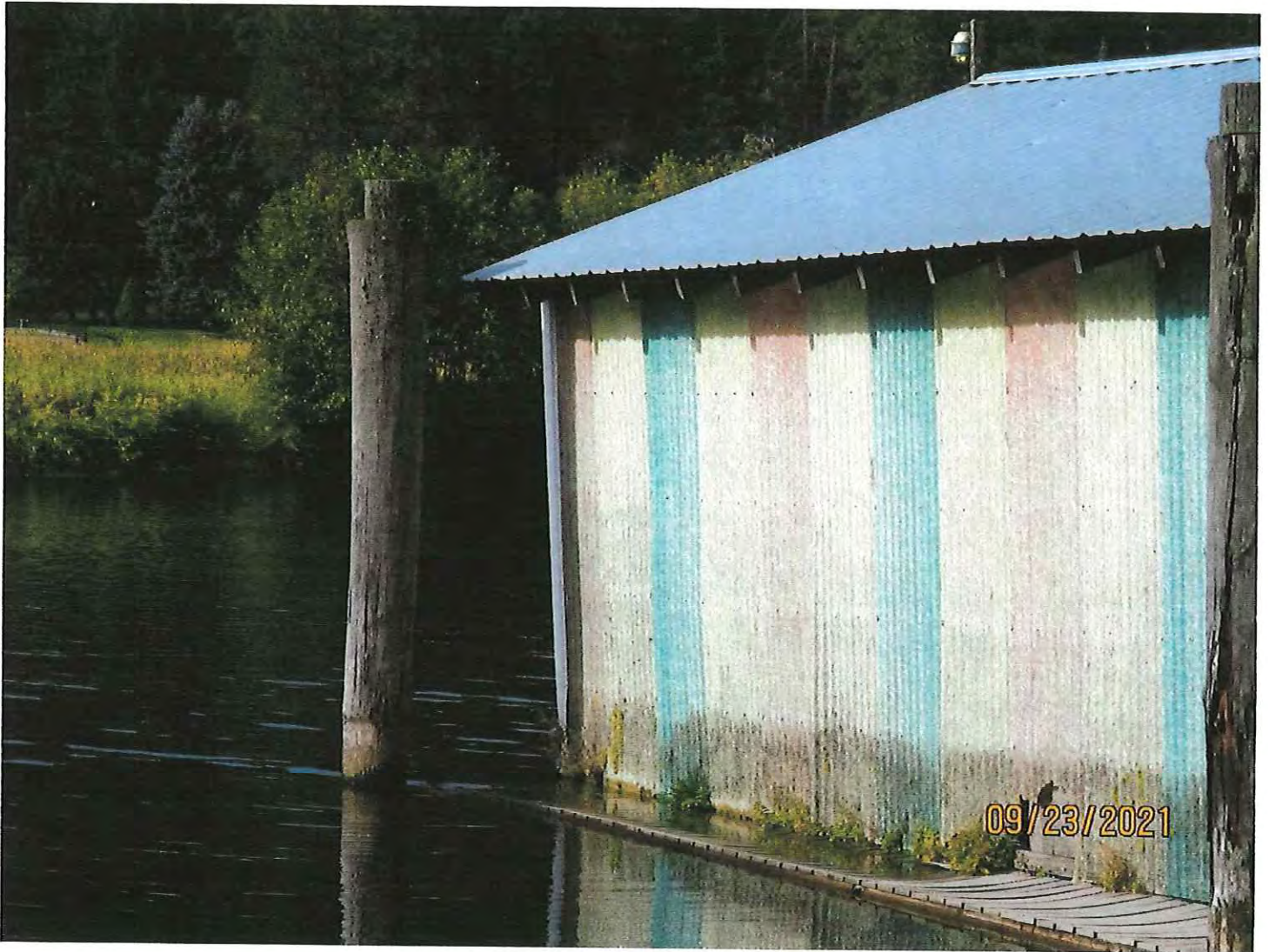


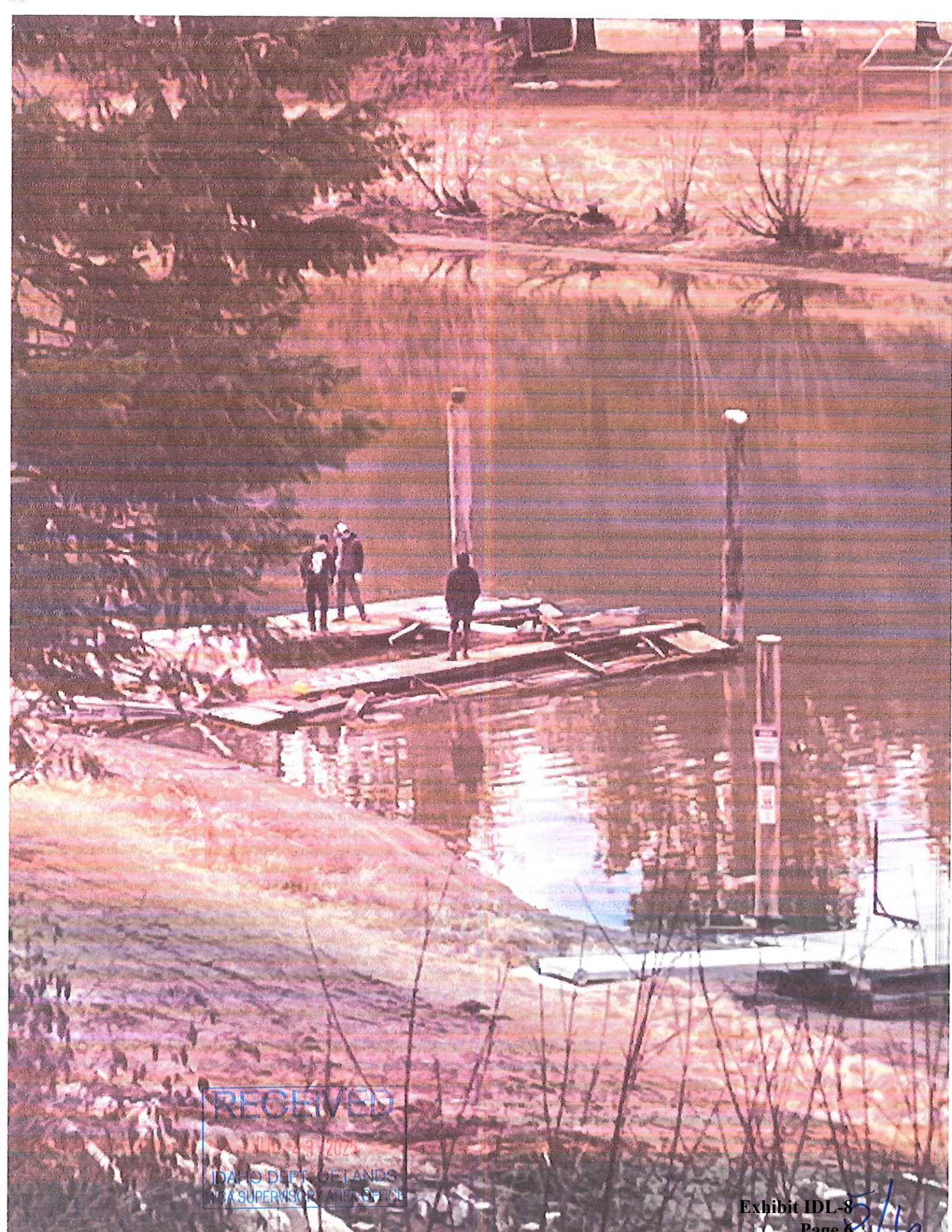
Public Trust Program Inspection Report





Public Trust Program Inspection Report





RECEIVED
JUL 23 2023
IDAHO DEPT. OF LANDS
NCA SUPERVISOR AREA OFFICE

5/6



RECEIVED
IDAHO DEPT. OF LAND
AND SHOOTING
JAN 10 2007

6/6

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application to Permit	)	AGENCY Case No. PH-2025-NAV-22-003
)	
Rebuilding Existing Permitted Boat Garage,	)	OAH Case No. 25-320-05
)	
Walter Nevin,	)	NOTICE OF APPOINTMENT OF
	)	HEARING OFFICER
Applicant.)	
<hr style="width: 45%; margin-left: 0;"/>		

TO ALL PARTIES AND COUNSEL OF RECORD:

The Chief Administrative Law Judge of the Office of Administrative Hearings, pursuant to their authority under Idaho Code § 67-5282(1)(d), hereby appoints the following administrative law judge as the duly authorized Hearing Officer in this matter:

W. Scott Zanzig
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
scott.zanzig@oah.idaho.gov

This administrative law judge is appointed to conduct a hearing in this matter in accord with all governing statutes and rules, and make appropriate findings of fact, conclusions of law, and preliminary or recommended orders (as may be requested or mandated) to the Director of the Idaho Department of Lands. The administrative law judge is required to comply with the Office of Administrative Hearings' Code of Conduct.

AUTHORITY AS HEARING OFFICER

As Hearing Officer, the administrative law judge has the authority to:

1. Schedule and conduct motion hearings and enter the appropriate orders disposing of all pre-hearing motions, such as motions for notices of proposed default orders, motions on the admissibility of evidence, and motions for continuances.

NOTICE OF APPOINTMENT OF HEARING OFFICER
(AGENCY Case No. PH-2025-NAV-22-003/ OAH Case No. 25-320-05) Page 1

2. Schedule and conduct any pre-hearing conference and enter the appropriate orders for any purpose recognized by IDAPA 62.01.01.402.

3. Perform other duties assigned by the Board and as authorized by the Idaho Administrative Procedure Act, promulgated at Idaho Code §§ 67-5201 *et seq.*, the Idaho Rules of Administrative Procedure promulgated at IDAPA 62.01.01 *et seq.*, and such other statutes and rules as may govern the proceedings.

4. The Hearing Officer may not engage in *ex parte* communications concerning the substance of this matter, except as provided in Idaho Code § 67-5253 and IDAPA 62.01.01.255.

FILING AND SERVICE OF DOCUMENTS

All documents filed in this matter must be filed by email with the Office of Administrative Hearings at the following email address: filings@oah.idaho.gov

Additionally, all documents filed in this matter must also be served by email upon the Hearing Officer and all other parties to the proceeding at the email addresses listed in the Certificate of Service attached hereto, which list may be updated from time to time by the Hearing Officer.

Original and/or paper documents do not need to be filed with the Office of Administrative Hearings, except upon request by the Hearing Officer. If you are requested to submit original and/or paper documents by the Hearing Officer, submit those documents to the Office of Administrative Hearings at the following address:

Office of Administrative Hearings
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

DATED: July 28, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ *Bryan A. Nickels*

Bryan A. Nickels

Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Walter Nevin
Applicant

☐ U.S. Mail
☒ Email:
qualityfirst@aol.com

Wendy Van Orman
23306 E. Sharp Ave.
Liberty Lake, WA 99019
(509) 220-1557
Agent for Applicant

☐ U.S. Mail
☒ Email:
vanormanby5@gmail.com

Kidd Island Bay Homeowners Association
P.O. Box 263
Coeur d'Alene, ID 83816
Objector

☐ U.S. Mail
☒ Email:
Board.kibha@gmail.com

Idaho Department of Lands
John Richards, General Counsel
Kayleen Richter, Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email:
jrichards@idl.idaho.gov
krichter@idl.idaho.gov

Amidy Fuson
Lands Resource Specialist-Navigable Waters
Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
afuson@idl.idaho.gov
mmensinger@idl.idaho.gov

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

☐ U.S. Mail
☒ Email:
kromine@idl.idaho.gov
rking@idl.idaho.gov
kdawson@idl.idaho.gov

W. Scott Zanzig
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
Hearing Officer

☐ U.S. Mail
☒ Email:
scott.zanzig@oah.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

☐ U.S. Mail
☒ Email:
filings@oah.idaho.gov

/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearing

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application to Permit	)	AGENCY Case No. PH-2025-NAV-22-003
)	
Rebuilding Existing Permitted Boat Garage,	)	OAH Case No. 25-320-05
)	
Walter Nevin,	)	NOTICE OF SCHEDULING
	)	CONFERENCE
Applicant.)	
)	

Please take notice that Hearing Officer Scott Zanzig will call this matter for a scheduling video-conference on **Wednesday, August 6, 2025, at 4:00 p.m. Mountain Time**, or as soon thereafter as the parties may be heard. The parties will be sent a Zoom link for this conference contemporaneously with this notice.

The scheduling conference will be informal, and the purpose of the conference will primarily be to select an evidentiary hearing date and identify related deadlines. Additionally, as appropriate, the Hearing Officer and the parties may also have discussions to:

1. Identify or simplify the issues in the case;
2. Determine if there are any areas of agreement between the parties, and whether the parties believe mediation may be appropriate;
3. Discuss the number and type of documents and witnesses each party intends to use and/or call if a hearing needs to be held; and
4. Discuss any other procedural or evidentiary matters which may tend to expedite or clarify this case.

If any party is unable to participate in the scheduling conference at the date and time identified in this notice, the Hearing Officer may grant a postponement. To request a postponement of the scheduling conference:

1. Contact the Office of Administrative Hearings (“OAH”) via email to filings@oah.idaho.gov to seek additional available dates;
2. Contact the other party(ies) to discuss the alternatives dates, and jointly select a date from those offered that all parties are available to participate in the conference; and
3. Email OAH again to advise as to the date and time the parties have agreed upon. An amended scheduling notice will be issued stating the new date and time and the reason for the continuance. The original date of the scheduling conference will remain in effect until the Hearing Officer has been assured that all parties have agreed upon a new specific date and time for a re-set hearing.
4. **NOTICE:** Any party failing to attend any stage of a contested case may be defaulted. *See* Idaho Code section 67-5242(4) & IDAPA 62.01.01.425.

DATED: July 28, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ W. Scott Zanzig

W. Scott Zanzig
Lead Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Walter Nevin
Applicant

☐ U.S. Mail
☒ Email:
qualityflrs@aol.com

Wendy Van Orman
23306 E. Sharp Ave.
Liberty Lake, WA 99019
(509) 220-1557
Agent for Applicant

☐ U.S. Mail
☒ Email:
vanormanby5@gmail.com

Kidd Island Bay Homeowners Association
P.O. Box 263
Coeur d'Alene, ID 83816
Objector

☐ U.S. Mail
☒ Email:
Board.kibha@gmail.com

Idaho Department of Lands
John Richards, General Counsel
Kayleen Richter, Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email:
jrichards@idl.idaho.gov
krichter@idl.idaho.gov

Amidy Fuson
Lands Resource Specialist-Navigable Waters
Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
afuson@idl.idaho.gov
mmensinger@idl.idaho.gov

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

☐ U.S. Mail
☒ Email:
kromine@idl.idaho.gov
rking@idl.idaho.gov
kdawson@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

☐ U.S. Mail
☒ Email:
filings@oah.idaho.gov
scott.zanzig@oah.idaho.gov

/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearing

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application to Permit	)	AGENCY Case No. PH-2025-NAV-22-003
)	
Rebuilding Existing Permitted Boat Garage,	)	OAH Case No. 25-320-05
)	
Walter Nevin,	)	SCHEDULING ORDER
)	
Applicant.)	
)	

A scheduling videoconference was conducted on August 7, 2025. Appearances were made by Lead Administrative Law Judge Scott Zanzig and representatives of the applicant, the objectors, and the Idaho Department of Lands (IDL).

As discussed at hearing, IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. On or before **September 2, 2025**, the parties will file the following with the Hearing Officer and serve on the opposing party:

- a) A disclosure of witnesses, by name, address, and telephone number, who will testify at the final hearing in this matter, including expert witnesses, along with a summary of the anticipated testimony of each witness; and
- b) An exhibit list of all documents, drawings, photographs, or other demonstrative evidence to be considered at the hearing; and
- c) The parties shall provide a copy of their proposed exhibits to one another and to the Hearing Officer. All exhibits should be marked to reflect the party offering the exhibit and the exhibit number. Copies of all exhibits on the exhibit list. All exhibits should be marked to reflect the party offering the exhibit.

Applicant's exhibits shall begin with "WN" (WN-1, WN-2, WN-3, etc.); IDL's

NOTICE AND REMINDER: The Hearing Officer shall not be contacted by either party *ex parte*. To schedule a status conference to address any case matters, the parties are directed to first confer about agreed-to dates and times, and then to contact Deputy Clerk Elaine Maneck at elaine.maneck@oah.idaho.gov to schedule a status conference.

DATED: August 7, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ W. Scott Zanzig
W. Scott Zanzig
Lead Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Walter Nevin
Applicant

☐ U.S. Mail
☒ Email:
qualityflrs@aol.com

Wendy Van Orman
23306 E. Sharp Ave.
Liberty Lake, WA 99019
(509) 220-1557
Agent for Applicant

☐ U.S. Mail
☒ Email:
vanormanby5@gmail.com

Jack Mosby
Ramsden, Marfice, Ealy & De Smet, LLP
700 Northwest Blvd.
Coeur d'Alene, ID 83814
(208) 664-5818
Counsel for Applicant and Agent for Applicant

☐ U.S. Mail
☒ Email:
jmosby@rmedlaw.com

Kidd Island Bay Homeowners Association
P.O. Box 263
Coeur d'Alene, ID 83816
Objector

☐ U.S. Mail
☒ Email:
Board.kibha@gmail.com

Idaho Department of Lands
John Richards, General Counsel
Kayleen Richter, Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email:
jrichards@idl.idaho.gov
krichter@idl.idaho.gov

Amidy Fuson
Lands Resource Specialist-Navigable Waters
Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
afuson@idl.idaho.gov
mmensinger@idl.idaho.gov

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

☐ U.S. Mail
☒ Email:
kromine@idl.idaho.gov
rking@idl.idaho.gov
kdawson@idl.idaho.gov

SCHEDULING ORDER

(AGENCY Case No. PH-2025-NAV-22-003/ OAH Case No. 25-320-05) Page 4

Exhibit IDL-11

Page 4

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

☐ U.S. Mail
☒ Email:
filings@oah.idaho.gov
scott.zanzig@oah.idaho.gov

/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application to Permit	)	AGENCY Case No. PH-2025-NAV-22-003
)	
Rebuilding Existing Permitted Boat Garage,	)	OAH Case No. 25-320-05
)	
Walter Nevin,	)	NOTICE OF LOCATION OF
	)	EVIDENTIARY HEARING
Applicant.)	
)	

PLEASE TAKE NOTICE that the public, one-day hearing scheduled for September 15, 2025, will be held at **North Idaho College (NIC) located at 1000 W. Garden Ave., Coeur d'Alene, Idaho, in the DeArmond Building, classroom 216** (please see attached campus map). The hearing will commence at 12:00 p.m. Pacific Time (public comment will commence at 5:00 p.m. Pacific Time) and be recorded via Zoom. The ordering of transcripts, if any, will be discussed at the time of the hearing. Public comment will not be taken from remote participants.

DATED: August 11, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ *W. Scott Zanzig*

W. Scott Zanzig
Lead Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Walter Nevin
Applicant

☐ U.S. Mail
☒ Email:
qualityflrs@aol.com

Wendy Van Orman
23306 E. Sharp Ave.
Liberty Lake, WA 99019
(509) 220-1557
Agent for Applicant

☐ U.S. Mail
☒ Email:
vanormanby5@gmail.com

Jack Mosby
Ramsden, Marfice, Ealy & De Smet, LLP
700 Northwest Blvd.
Coeur d'Alene, ID 83814
(208) 664-5818
Counsel for Applicant and Agent for Applicant

☐ U.S. Mail
☒ Email:
jmosby@rmedlaw.com

Kidd Island Bay Homeowners Association
P.O. Box 263
Coeur d'Alene, ID 83816
Objector

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Board.kibha@gmail.com

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300 N. 6th Street, Ste. 103
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(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email:
jrichards@idl.idaho.gov
krichter@idl.idaho.gov

Amidy Fuson
Lands Resource Specialist-Navigable Waters
Marde Mensinger
Program Manager for Navigable Waters

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mmensinger@idl.idaho.gov

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

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rking@idl.idaho.gov
kdawson@idl.idaho.gov

OAH
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☒ Email:
filings@oah.idaho.gov
scott.zanzig@oah.idaho.gov

/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearings



North Idaho College

1000 W. Garden Ave. • Coeur d'Alene, Idaho 83814
(208) 769-3300 • (877) 404-4536

Coeur d'Alene Campus Map

Building Information, Campus Parking Information,
and Off-Campus Locations are located on the back.



To ensure a safe and healthy environment for students, employees, and visitors, North Idaho College prohibits the use of any tobacco products including e-cigarettes and smokeless tobacco products on campus.

If the format of any material in this document interferes with your ability to access the information, please e-mail us at communityrelations@nic.edu, call us at (208) 769-4059 or write to us at: North Idaho College, Communications and Marketing, 1000 W. Garden Ave., Coeur d'Alene, ID 83814.



Building Information

- ① **McLain Hall (MCL)**
460 N. College Dr.
Outdoor Center, Graphic and Web Design Program
 - ② **Lee-Kildow Hall (LKH)**
471 N. College Dr.
Cardinal Central (Campus Information, Student ID, Parking Services), Admissions, Office of Finance and Business, Financial Aid, Student Finance, Registrar, Cardinal Learning Commons (Math Education Center, Academic Tutoring), English and Humanities Division, Social and Behavioral Sciences Division, Center for New Directions, Dual Credit
 - ③ **Christianson Gymnasium (GYM)**
481 N. College Dr.
Athletics Department, Gymnasium
 - ④ **Edminster Student Union Building (SUB)**
495 N. College Dr.
Market Food Court, Caffeinated Cardinal, Cardinal Bookstore, ASNIC Student Government Offices, Student Services (Advising), Career Services, Veteran and Military Family Services, Auxiliary Services, American Indian Student Advisor, TRIO, Food Pantry, Student Involvement, Title IX and Student Conduct, Victim Advocate and Violence Prevention
 - ⑤ **Meyer Health and Sciences Building (MHS)**
521 N. College Dr.
Health Professions and Nursing Division, Natural Sciences Division, Labs, DeArmond Auditorium, Rolphe Auditorium
 - ⑥ **Siebert Building (SBT)**
430 N. College Dr.
Information Technology, The Sentinel, Mail and Copy Center, Fleet Services
 - ⑦ **Industrial Arts (IND)**
466 N. College Dr.
Carpentry Lab
 - ⑧ **Residence Hall (RES)**
518 N. College Dr.
Student Housing
 - ⑨ **Post Hall (PST)**
536 N. College Dr.
Athletics Department; Physical Education, Dance, and Resort/Recreation Management Division
 - ⑩ **Fort Sherman Officers' Quarters (FSQ)**
1025 W. Garden Ave.
Heritage Conference Room
 - ⑪ **Workforce Training Center**
525 Clearwater Ln., Post Falls
Workforce Training, Community Education
 - ⑫ **Lakeside Center (LKC)**
489 N. College Dr.
Children's Center
 - ⑬ **Winton Hall (WIN)**
536 N. College Dr.
Dental Hygiene Clinic
 - ⑮ **Bob and Leona DeArmond Building (DARM)**
901 W. River Ave.
New Student Welcome Center, University of Idaho Office, Lewis-Clark State College Office
 - ⑯ **Lee Hall Annex (LHA)**
485 N. College Dr.
Writing Center, Modern Languages Lab
 - ⑰ **Seiter Hall (STR)**
475 N. College Dr.
Math, Computer Science, and Engineering Division; Counseling, Disability Support Services
 - ⑱ **Fort Sherman Powder Magazine (FSM)**
530 N. College Dr.
Study Area/Meeting Space
 - ⑲ **Hedlund Building (HED)**
420 N. College Dr.
Emery's Restaurant, Gizmo-CDA, Idaho Small Business Development Center, Venture Center, Business and Professional Programs Division, Job Corps, University of Idaho
 - ⑳ **Sherman Building (SHE)**
1000 W. Garden Ave.
President's Office, Community Relations, Communications and Marketing, NIC Foundation, Alumni Association, Grants
 - ㉒ **Boswell Hall (BOS)**
880 W. Garden Ave.
Schuler Performing Arts Center; Corner Gallery; Communication and Fine Arts Division
 - ㉓ **Molstead Library (MOL)**
875 W. Garden Ave.
Library, Todd Lecture Hall, Testing Center, Computer Labs, Office of Instruction, Office of Planning and Effectiveness, eLearning, Adult Education Center/GED®
 - ㉔ **Sunspot**
Concessions and rentals (June-September)
- **Headwaters Complex**

 - ㉖ **Facilities Operations (HWCA)**
701 W. River Ave.
Custodial Services, Fleet Services - Key pick-up
 - ㉗ **Human Resources (HWCB)**
710 Military Dr.
 - ㉘ **Maintenance Department (HWCC)**
724 Military Dr.
 - ㉙ **Landscape Services (HWCE)**
719 Military Dr.
 - ㉚ **Security (HWCD)**
703 Military Dr.
 - ㉛ **Student Wellness and Recreation Center (SWRC)**
920 W. River Ave.
Recreational Sports, Learning Labs

Campus Parking & Parking Services

(208) 769-5902

All passenger vehicles — with the exceptions of vehicles with a handicap plate or placard and motorcycles — are required to display a current parking permit during Fall and Spring Semesters. Parking permits must be displayed from the vehicle's rear-view mirror with the front of the permit facing outward.

Permits are required during Fall and Spring Semesters:

Monday through Thursday from 7:30 a.m. to 4 p.m.
Friday from 7:30 a.m. to 2:30 p.m.

Parking permits are not required during Summer Session. Rosenberg Drive, Hubbard Avenue and parking lot A on Hubbard Avenue near Northwest Boulevard do not require parking permits throughout the academic year.

Visit nic.edu/parking for regulations, information and online services, including purchasing parking permits.

Emergencies

Call 911 immediately and then call NIC Security at (208) 769-3310 to report any crime or medical emergency that is in progress. Contact NIC Security to report any suspicious behavior, to request a security escort or for other assistance.

Metered Parking

All vehicles parked at the meters are required to pay. Vehicles displaying a parking permit are required to pay when parking at the meters. Vehicles with handicap plates or placard may park at the meters for free.

Visitor Permits

Visitor passes are required during the times when parking permits are required. Visitor passes are available in the Sherman Building, the DeArmond Building and Cardinal Central in Lee-Kildow Hall. A visitor is defined as any person other than a student, staff member or faculty member of North Idaho College. Visitor permits are free.

Winter Parking

From November 1 to March 15, do not park vehicles overnight on college streets, College Drive, West Garden Avenue or NIC parking lots. Limited overnight parking is available in the west row of the North Molstead lot - look for the overnight parking signs. Overnight parking will be enforced seven days a week from midnight to 6 a.m. Vehicles parked overnight in areas other than the designated overnight parking spots during the winter will be issued citations and towed when snow removal is in progress.

Citations

Illegally parked vehicles and/or vehicles without a visible permit will be ticketed. Fines are payable online at nic.edu/parking. The fine will be reduced if paid within seven days. Fines are not reduced for handicap and fire lane violations. An additional fine will be assessed if the fine remains unpaid after 30 days. Students with unpaid parking tickets may lose course registration privileges and/or be placed on Academic Hold.

Appeal Process

An appeal must be made within seven business days of the date of citation. Appeal parking citations online at nic.edu/parking.

Security

(208) 769-3310

Campus Security

703 Military Dr., Coeur d'Alene, ID 83814
Security reports, fire reports, crime statistics, and safety tips: nic.edu/security.

Off-Campus Locations

NIC at Sandpoint

(208) 263-4594
515 Pine St., Ste. G
Sandpoint, ID 83864

Workforce Training Center

(208) 769-3214
525 Clearwater Ln.
Post Falls, ID 83854

Workforce Training Center Law Enforcement Program Kaniksu Building

510 Clearwater Ln.
Post Falls, ID 83854

Parker Technical Education Center

(208) 769-4040
7064 W. Lancaster Rd.
Rathdrum, ID 83858

Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>	<u>PO Number</u>
0000040487	IDAHO DEPARTMENT OF LANDS	IDAHO DEPARTMENT OF LANDS	
<u>Sales Rep</u>	<u>Customer Account</u>	<u>Payor Account</u>	<u>Ordered By</u>
kpacker+cdahouse@ha...	6368	6368	rlindstrom@cdapress.com
<u>Order Taker</u>	<u>Customer Address</u>	<u>Payor Address</u>	<u>Customer Fax</u>
rlindstrom@cdapress.com	3258 W. INDUSTRIAL LOOP COEUR D ALENE, ID 83815	3258 W. INDUSTRIAL LOOP COEUR D ALENE, ID 83815	
<u>Order Source</u>	<u>Customer Phone</u>	<u>Payor Phone</u>	<u>Special Pricing</u>
	2087691577	2087691577	

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
0	0	1	0	0	0

Invoice Text

CDA#14930 NOPH & NOA L95S0446C

Ad Order Notes

Run dates August 28, & September 4, 2025

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
97.28	\$0.00	97.28	Invoice	\$0.00	97.28

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>
0000040487	ID-Metro	1 x 7.111" (62 lines)

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>Rate</u>	<u>Cost</u>
08/28/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.77	\$55.74
09/04/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.67	\$41.54

NOTICE OF APPLICATION AND PUBLIC HEARING

Pursuant to Section 58-104(9) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Walter Nevin, has applied to rebuild existing permitted boat garage on Lake Coeur d'Alene. Located adjacent to Kidd Island Bay Lots, Lots 29 & 30, 2/61 Int Tax 12664, Coeur d'Alene; Sections 35, Township 50 North, Range 04 West; B.M., in Kootenai County.

This announcement will serve as **Notice that a Public Hearing** will be held for this project. This Public Hearing will be conducted by the Office of Administrative Hearings to take testimony regarding the proposed project. A one-day, in-person evidentiary hearing is scheduled for **Monday, September 15, 2025, at North Idaho College (NIC) located at 1000 W. Garden Ave., Coeur d'Alene, Idaho, in the DeArmond Building, classroom 216.** The hearing will commence at 12:00 p.m. Pacific Time and conclude at 5:00 p.m. Pacific Time. A Zoom link will be available for remote viewing.

Written objections or comments regarding this project must be directed to navigablewaterways@idl.idaho.gov and be on file with the Idaho Department of Lands by the close of hearing on September 15, 2025. Specific information regarding this application, including the Zoom link may be obtained via the website: <https://www.idl.idaho.gov/lakes-rivers/administrative-hearings/walter-nevin/>

/S/

MIKE AHMER,
COEUR D'ALENE

Idaho Department of Lands
Legal#14930 AD#40487
Aug. 28, & Sept. 4, 2025

Scott W. Read
Attorney at Law
P.O. Box 2
Coeur d'Alene, ID 83814
(208) 664-2161

S. E. Anne Solomon
Flammia S. Solomon
Attorneys at Law
P. O. Box 1117
Coeur d'Alene, ID 83814
(208) 667-3561

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

FREDERICK M. MILLER, JR., and JOAN)
CAROLE MILLER, husband and wife,)
RICHARD W. LINDELOF and CAROL M.)
LINDELOF, individually and as)
designated class representative,)

Plaintiffs,)

vs.)

KIDD ISLAND BAY DEVELOPMENT)
CORPORATION, an Idaho corporation,)
et al,)

Defendants.)

FREDERICK M. MILLER, JR., et al,)
individually and as designated)
class representative of Class I,)

Cross-Plaintiffs,)

vs.)

JAMES P. RUYF and CAROL L. RUYF,)
husband and wife, et al, individ-)
ually and as designated represent-)
atives of Class II,)

Cross-Defendants.)

CASE NO. 57540

AMENDED ORDER

AMENDED ORDER

LOCATION:12084461188

RX TIME 07/11 '03 12:21

07-10-03 11:34AM FROM:KC DISTRICT COURT

12084461188

T-021 P.22/25 F-802

The Court having on August 28, 1987 entered an Order in Re: Cross-motions for Summary Judgment and Opinion on Stipulation for Compromise which directed further action by the Court and the attorneys for the parties having consulted and the Court having entered an Order on October 13, 1987 and the Class I plaintiffs having thereafter moved pursuant to Rule 50(a), I.R.Civ.P., to correct clerical error and the parties having stipulated thereto, Now Therefore

IT IS HEREBY ORDERED as follows:

1. Craig C. Kesonen, as court-appointed trustee, shall execute a deed granting and conveying all right, title and interest in and to Tax No. 12664 to the owners of Lots 1, through 39, Kidd Island Bay Lots, and Lots 1 through 22, First Addition to Kidd Island Bay Lots to be held as tenants in common. The owners of each of said lots shall have a one-sixty-first (1/61) interest in Tax No. 12664. The county assessor shall divide the assessed value of Tax No. 12664 by 61 and shall thereafter attribute such 61st proportion as being part of the assessed value of each of the described lots in Kidd Island Bay Lots and First Addition to Kidd Island Bay Lots. The county treasurer shall collect taxes in accordance with said division by the County Assessor.

2. Delinquent taxes paid by representatives of Class I plaintiffs are as follows:

1981	\$1,635.84 paid January 30, 1985
1982	\$1,688.04 paid January 27, 1986

AMENDED ORDER

2

LOCATION:12084461188

RX TIME 07/11 '03 12:21

07-10-03 11:34AM FROM-KC DISTRICT COURT

12084461188

T-021 P.23/25 P-602

These sums should bear interest at the rate of 12 percent as provided by Section 63-1117, Idaho Code, and shall be reimbursed by payment to Scott W. Reed Trust Account for distribution to Class I payers.

3. Delinquent taxes accruing and remaining unpaid with interest and penalties calculated to October 1, 1987 are as follows:

	Tax	Interest	Penalty	Total
1983	\$1,509.24	\$ <u>708.05</u> <u>Warrant Cost</u>	\$ <u>22.18</u> \$ <u>22.00</u>	\$ <u>2,277.47</u>
1984	\$1,330.27	\$ <u>463.98</u>	\$ <u>25.76</u>	\$ <u>1,828.86</u>
1985	\$ 722.04	\$ <u>163.33</u>	\$ <u>14.56</u>	\$ <u>905.93</u>
1986	\$1,249.98	\$ <u>127.43</u>	\$ <u>25.00</u>	\$ <u>1,402.41</u>
1987 (Est)	\$1,250.00	\$ -0-	\$ -0-	\$ <u>1,250.00</u>
			TOTAL	\$ <u>7,664.67</u>

4. The total amount of taxes identified as paid in Paragraph 2 is \$1,635.84 plus 31 months interest at 12% of \$507.11 and \$1,688.04 plus 10 months interest of \$320.73 for a total of \$4,151.72 in paid delinquent taxes with those which are delinquent in Paragraph 3 of \$7,664.67 for a total of \$11,816.39 plus interest and penalties as accruing after October 1, 1987. One sixty-first of the present total is \$11,816.39 ÷ 61 = \$194.00. Said sum plus a pro-rata share of continuing interest and penalties shall be a lien upon each lot in Kidd Island Bay Lots and Kidd Island Bay First Addition. Counsel for the parties shall cause to be sent to each of the owners of said lots a notice

3

AMENDED ORDER

LOCATION:12084461188

RX TIME 07/11/03 12:21

07-10-03 11:35AM FROM-KC DISTRICT COURT

12084461188

T-921 P.24/25 F-602

cause to be sent to each of the owners of said lots a notice of court created lien for taxes together with a copy of the Order and a direction that payment to discharge the tax lien shall be made to the Kootenai County Treasurer. Upon receipt of each 61st pro-rata share from a lot owner the County Treasurer shall issue receipt and cause the lien as against that lot to be discharged and released.

In the event the payment is not made in full for any lot on such tax lien by June 20, 1988, the County Treasurer shall have the authority to seek foreclosure of the tax lien by appropriate manner approved by this Court.

5. Every lot in Kidd Island Bay Lots and Kidd Island Bay First Addition shall include an undivided one-sixty-first (1/61st) interest in Tax. No. 12664 which cannot be separated, alienated or transferred from ownership of one of the designated lots in the two platted subdivisions.

6. The owners of lots constituting Class I and Class II shall form a nonprofit membership corporation under the provisions of Chapter 3, Title 30, Idaho Code. Each lot within Kidd Island Bay Lots and Kidd Island Bay First Addition shall be entitled to one membership and one vote within the organization. The membership shall be inalienable from lot ownership. The nonprofit membership corporation shall regulate the use and management of Tax No. 12664 under such by-laws as it may establish in conformity with the order entered in the case on August 28, 1987 and in

4

AMENDED ORDER

LOCATION:12084461188

RX TIME 07/11 '03 12:21

07-10-03 11:35AM FROM-KC DISTRICT COURT

12084461188

T-821 P.25/25 F-802

compliance with the provisions of the Lake Protection Act. Sections 58-142 to 58-153, Idaho Code.

The name of the non-profit membership corporation shall be Kidd Island Bay Tax No. 12664 Cooperative Association, Inc. Attorney for the parties shall take the necessary action to provide articles of incorporation, by-laws and the organization meeting and minutes.

7. The costs and attorneys fees incurred by each class other than tax payments as advanced shall be assessed pro-rata against Class I and Class II respectively. Application for costs and attorney's fees shall be submitted on behalf of the parties. Public hearing shall be provided with adequate notice to all property owners in each class. The Court shall thereafter enter an order fixing and determining such costs and attorney's fees and directing that the same be made a lien upon the lot divided pro-rata for each class upon the lots in the respective subdivisions.

Dated this 9th day of November, 1987.


Gary M. Barran, District Judge

AMENDED ORDER

5

LOCATION:12084461188

RX TIME

07-11 '03 12:21

Page 6

strip of land lying between these platted lots and the mean high water mark of Lake Coeur d'Alene. The property is identified by the Kootenai County assessor as Tax No. 12664.

The lawsuit, as originally brought, seemed to be based upon theories of fraud and misrepresentation on the part of the Defendant, Kidd Island Bay Development Corporation. It was alleged that the Defendant made certain false representation concerning the strip of land to the Plaintiffs, and to all other purchasers of lots in the subdivision, at the time the plat was prepared, approved, and filed.

The plat of "Kidd Island Bay Lots" was filed on February 19, 1959. Subsequently, the Defendant corporation filed a plat for the "First Addition to Kidd Island Bay Lots" on January 26, 1960. The latter subdivision consists of secondary lots situated behind the "lakefront" lots in relation to the lake.

Thus, for clarity, the relationships of the properties involved in this case, with respect to proximity to the waters of Lake Coeur d'Alene are: (1) the strip; (2) the "Kidd Island Bay Lots"; and (3) the First Addition to Kidd Island Bay Lots."

On October 12, 1984, the Plaintiffs filed a Motion to Certify the Action as a Class Action under Rule 23(c)(2), IRCP; simultaneously, an Amended Complaint was tendered which added the Lindelofs as Plaintiffs, and added a second count to the complaint which sought to obtain judgment vesting title to Tax No. 12664 in all owners of Lots 1 through 39 of "Kidd Island Bay Lots" (all of the lots in that subdivision). Certification was ordered, and leave to file the Amended Complaint was granted on

October 23, 1984, after all of the then involved parties agreed that the Court should take such action.

At first blush, it might seem that a fraud action filed nearly a quarter of a century after the making of the alleged misrepresentations might potentially be jeopardized by problems with statutes of limitations. Possibly, but that has not created the primary problem in the case. This has largely been due to the fact that, by the time the suit was filed, Kidd Island Bay Development Corporation was defunct. Its interests in the property involved has been conveyed by quitclaim deed to E. B. and Frances Frushour in 1979. The Frushours were stockholders and officers in the corporation.

The Frushours paid real property taxes levied on the property in 1979 and 1980. They have not paid any such taxes since that date. The precipitating event leading to the filing of this litigation was the threatened tax sale by Kootenai County because of nonpayment of taxes. The Plaintiffs paid such taxes in 1981 and 1982.

After hearing, and on October 28, 1985, the Court entered an order denying the first motion by the Plaintiffs for Summary Judgment. The Plaintiffs, by this time, of course, consisted of all of those lot owners in "Kidd Island Bay Lots" who were included in the class. In deciding the motion for summary judgment, it was apparent to the Court that there were other Kidd Island Bay subdivisions which might be affected by the litigation. Thus, the Court ordered a further hearing at which time the parties were to show cause why lot owners in the First, Second and Third Additions to Kidd Island Bay should not be

joined as necessary parties. Following such hearing, the lot owners of the First Addition were ordered to be included as a part of the class action pursuant to stipulation.

As the litigation proceeded, it became painfully obvious that the Frushours, who had become the de facto defendants as successors in interest to "Kidd Island Bay Development Company," wanted nothing to do with the property in question. On February 26, 1986, they filed a motion seeking Court authorization to deed the property to the Clerk of the Court or some other person or entity to be held until the litigation was resolved. Hearing of such motions was held April 10, 1986. The motion to deed the property to the Clerk was denied. However, the Court reserved ruling on the remainder of the motion to allow the parties time within which to determine if they could agree upon a trustee who would hold the property pending resolution of the litigation.

On May 7, 1986, the parties filed a stipulation naming Craig C. Kosonen as such trustee. Order was entered to such effect. Eventually, Attorney Kosonen took title to the property as trustee.

The litigation thereafter was reduced to a dispute between the two classes of lot owners as to what should be done with the property. Each side has moved for summary judgment. Each side recognizes that summary judgment may not be appropriate, both because there may be material issues of fact in dispute, and because there may be no legal theory by which either side can obtain title to the property (for reasons that will subsequently be discussed).

Thus, the Class I owners of "Kidd Island Bay Lots," and the

Class II owners of the "First Addition to Kidd Island Bay Lots" have stipulated to an alternate method of resolution. It has been agreed that "each side shall submit a compromise proposal pursuant to Rule 23(e). Such proposals shall include a determination of ownership, access and use of Tax No. 12664. They have also stipulated that "the Court, using its equitable powers, shall make an adjudication and final determination which accepts the compromise proposed from cross-plaintiffs or from cross-defendants or any variation or modification thereof which may seem just and proper." Thus, the lot owners in the two classes have, in effect, agreed that the Court can resolve their dispute concerning the property, regardless of the lack of any legal basis upon which to do so.

Each side has submitted such compromise proposals. They do not agree. Essentially, the Class I owners want the Court to direct the trustee to convey the property to them, with the Class II owners to have access rights to use a ten-foot strip along the beach and certain docking privileges. The Class II owners want the property to be conveyed to all owners in each class, with certain restrictive covenants to be imposed; Class II owners also propose that the Court order that an association be formed consisting of all lot owners to maintain and regulate the property.

The problem in this case is created by the fact that "Kidd Island Bay Development Company," in retaining the strip of land along the beach, did not provide any method whereby the strip would be regulated, maintained, or eventually conveyed to any of the lot owners. The developer corporation did record what was entitled as being a "Resolution" on March 25, 1959, which

document purported to set forth various covenants which were to run with the land which it was developing, and which includes all of the properties now owned by the Class I and Class II lot owners.

Among the provisions contained in the "Resolution" is the following:

9. Any owner of said lot, or person lawfully in possession thereof, shall have the perpetual right to the use of all beach facilities, beach area, trail area, and road area designated upon the plat heretofore mentioned, it being understood and agreed that each lot owner similarly situated and such other persons as the vendor may from time to time designate shall have equal rights and privileges, providing that no person may use any of said facilities in a manner injurious to the use, occupation, and enjoyment of any other person."

The covenants and conditions contained in the "Resolution" applied to the First Addition to Kidd Island Bay Lots by reason of language on the filed plat and by provisions in the warranty deeds issued when such lots were conveyed.

As is obvious, this provision in the "Resolution" falls far short of being any type of conveyance of fee simple title to Tax No. 12664 to any of the lot owners. At best, it could be argued that the language in the provision might grant an irrevocable license to the lot owners to jointly use the described areas and facilities with others designated by the developer.

One can only guess that the terms "beach facilities" and "beach area" refer to the retained strip of land along the beach, and that the term "trail area" might refer to the fact that the plat displays four (4) walkways, placed at regular intervals, passing through the Kidd Island Bay Lots (Class I) and providing

access to the lake by secondary lot owners (Class II).

The original plan of the developer corporation was to plant grass on the beach area strip and install a sprinkler system to water the grass. Picnic tables and benches were to be placed on the strip, and docking and restroom facilities were to be constructed. In effect, it seems that the developers envisioned a little beachfront park for the benefit of the lot owners and any one else as they might designate.

A restroom and two docks were constructed. After the first five or six years, however, the developer corporation ran short of money, and the restroom and docks were removed. From then on, any maintenance of the area was done by the lot owners themselves, primarily those situated in the Class I area. In fact, many of those Class I lot owners who purchased their properties in recent years believed that they were buying waterfront lots which extended to the lakeshore. Many of these same owners have constructed various structures which encroach onto Tax No. 12664. Likewise, the access routes which were to serve the Class II secondary lot owners exist only on the plat. . .no actual pathways have ever been cleared.

As has been mentioned, the original obstacle facing both classes of Plaintiffs was that there appeared to be no legal way whereby any of them could obtain fee simple title to Tax No. 12664 despite the fact that the Frushours early on indicated that they wanted nothing further to do with the property. Thus, neither the Court nor any of the able attorneys involved in the case could discover a legal basis whereby any requested relief

could be granted.

In part, the Frushours solved that problem when they threw in the towel or, more accurately, when they threw in the deed. In effect, the Frushours have said, "here, Court, we can't figure out to whom to deed this property, so you do it." I say, "in part," because the Court is now faced with the same problem.

Although the only remaining litigants in the case are the two opposing classes of Plaintiffs, each of which has moved for summary judgment as against the other, still, neither side has been able to present any legal theory as to why such side should prevail. Consequently, the Court is of the opinion that both motions for summary judgment must be denied. Such denial is not based upon the existence of disputed material facts. Indeed, there are no material issues of fact in dispute as the same relate to the issue of ownership of Tax No. 12664, since there is no legal basis whereby the resolution of any disputed fact could afford a basis for granting relief to either class.

It is, therefore, clear that, if relief is to be afforded at all, it must be granted pursuant to the stipulation of the two competing classes of lot owners under which the compromise proposals have been submitted. These parties have, in effect, agreed to submit their competing claims to the Court for determination of the issues of ownership, access, and use much in the same manner as if they had agreed to submit those issues to an arbitrator.

Of course, the easy way to handle the matter would be to simply dismiss the entire action on the basis that there is no legal basis for granting the relief sought by the class action

Plaintiffs. That, however, would not solve the very real and pressing problems of the numerous property owners involved.

Consequently, the Court, acting somewhat as if it were the Court of King Solomon, will proceed to attempt to fashion a fair solution to the problem.

In arriving at a solution to the problem of ownership of the lakefront strip of land known as Tax No. 12664, it would seem prudent to primarily consider the following: (1) The original purpose to which the property was to be put as best that can be determined; (2) the reasons why such purposes were not attained and why this litigation became necessary; and, (3) the fact that, over the number of years following the initial development of the property, many rather innocent property owners have purchased what they believed was lakefront property and have, in some cases, constructed improvements which encroach upon Tax No. 12664.

In examining the proposals for compromise, it is obvious, as has previously been mentioned, that one of the major areas of disagreement concerns the proposal for ownership of the property. The Class I owners desire that the Court order that the property be conveyed to them, subject to certain rights of use in the Class I owners. The Class II owners want the Court to order that the property be conveyed to all lot owners in both classes.

I recognize that many of the Class I lot owners were not even aware of the existence of Tax No. 12664 prior to the filing of this litigation, and, in fact, thought that they owned their properties right down to the mean high water mark. However, no good reason has been advanced to support their proposal for

ownership, and the Court cannot find any reason which would justify a resolution which would grant sole ownership of the parcel to Class I owners, leaving the Class II owners with only certain rights of use.

Furthermore, paragraph 9 of the Resolution, as applied through plats and deeds, clearly evidences an intent on the part of Kidd Island Bay Development Corporation to reserve the property for the equal benefit of all of the lot owners, not just those in the Class I area.

Consequently, it is the conclusion of the Court that the trustee should be ordered to convey Tax No. 12664 to all of the lot owners in Class I and Class II, as tenants in common, for their common use and benefit, subject to certain restrictions as will be set out hereinafter.

Furthermore, as concerns the real property taxes levied on Tax No. 12664, both those which are past due and those which will result from future assessments, it is the conclusion of the Court that these should be assessed to and paid by the individual lot owners on a pro-rata basis.

It is also apparent that ownership interest in Tax No. 12664 should not be separated from ownership interests in the various lots in the Class I and Class II subdivision. That being the case, any transfer of any lot owners common interest in Tax No. 12664 separate and apart from a transfer of ownership of any subdivided lot should be prohibited.

The Court is also of the opinion that an order should enter which will require the formation of a nonprofit corporation or association consisting of all of the lot owners in Class I and

secondary lots through the "Kidd Island Bay lots." Certainly the location of the walkways should be established, but matters relating to surveys or construction, or the costs thereof, are best left to the affected lot owners.

I depart from this noninterventionist policy in three (3) respects, however. First, I specifically decline to follow the proposal of the Class II lot owners that any encroachments or obstructions now existing upon the property be removed. Any order which will be entered by the Court herein, shall preserve the right of those Class I lot owners to keep and maintain without enlargement, any improvements now situated on Tax No. 12664, so long as such improvements do not prevent normal pedestrian movement along the beachfront. While I recognize that there are several such encroachments, I also recognize that the same have been constructed innocently. Having been asked to act as King Solomon, I intend to do so, and that intent is to preserve the status quo with respect to such improvements as long as people can still stroll along the beach and upon Tax No. 12664.

* Secondly, any lot owner of either class who presently has a legally existing docking facility, or an interest therein, dependent upon riparian rights derived from Tax No. 12664 shall have the right to keep and maintain, without enlargement, any such docking facility. The construction and placement of future docking facilities dependent upon Tax No. 12664 shall be left to the board of directors of the nonprofit association to be established, or their authorized representation, provided, however, that no lot owners of either class shall at any time be deprived of the use of reasonable docking facilities. By

"reasonable," I mean that any lot owner should be entitled to be able to have docking facilities for at least one average size boat of the type normally used on Lake Coeur d'Alene.


Thirdly, in keeping with the intent of the original developers, any commercial activity should be prohibited upon Tax No. 12664.

Each class of Plaintiffs shall be responsible for paying such costs and attorneys' fees as have been respectively incurred by the attorney representing such class in pursuing this action. The amount and manner of collection of such costs and fees shall be determined by the Court at a later time.

In summary, the Motions for Summary Judgment filed by each class of Plaintiffs are hereby denied, and it is so ordered.

Mr. Reed and Mr. Loats are requested to jointly prepare and submit a proposed Judgment which will contain the various provisions concerning Tax No. 12664 as are set forth in this opinion. The Court will expect to receive the same within 30 days. Post judgment proceedings shall be brought before the Court by motion in accordance with the Idaho Rules of Civil Procedure.

ENTERED this 28th day of August, 1987.


Gary M. Haman, District Judge

I HEREBY CERTIFY THAT true and correct copies of the above-entitled matter were mailed on the 28 day of August, 1987, to:

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SHIRLEY A. DEITZ, Clerk of Court

By: *CA McCombs*
Deputy Clerk









From: [Board KIBHA](#)
To: filings@oah.idaho.gov; [Timothy/Maggie Lot 27+28, dock 14 \(grandfather\) Dock 14 Moss-Tiller; Judy Lot 24, Dock 12 Bauer; John/Diane Lot 13, Dock 7 Boisen; Carol/Jim Lot U16+18, Dock 13 and 4 Ruyf; Devin/Jason Lot U5, Dock 3 \(grandfather\) Heffernan; Tim/Brianna Lot 7, Dock 4 Ball; Matt Lot 12, Dock 7 Boisen; Kayleen Richter; Mike Ahmer; Timothy/Maggie Lot 27+28, dock 14 \(grandfather\) Dock 14 Moss-Tiller](#)
Subject: Withdraw of OAH Case No. 25-320-05, Mr. Walter Nevin
Date: Tuesday, September 2, 2025 4:29:19 PM

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

On Tuesday, September 2, 2025, the Kidd Island Bay Homeowners Association (KIBHA) elected to WITHDRAW from
AGENCY Case No. PH-2025-NAV-22-003
OAH Case No. 25-320-05

In the Matter of the Application to Permit Rebuilding Existing Permitted Boat Garage, Walter Nevin, Applicant.

On Tuesday, September 2, 2025, Board members from the KIBHA met with Mr. Mike Ahmer at the Idaho Department of Lands. Mr. Ahmer provided information needed. The Board members were satisfied with the information obtained. Immediately following, the KIBHA had an emergency Board Meeting. The KIBHA Board voted to WITHDRAW as the OBJECTOR, with a vote of 3 to 2 and 2 abstaining.

The KIBHA Board APPROVES the application for a permit.

Sincerely,

Timothy Moss-Tiller
President
KIBHA