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Attorneys for Idaho Department of Lands, Navigable Waterways Program

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

IN THE MATTER OF

Encroachment Permit Application
No. L96S0446C

Walter Nevin,

Applicant.

Agency Case No. PH-2025-NAV-20-003

OAH Case No. 25-320-05

**STIPULATED MOTION TO
VACATE, REMAND, AND DISMISS**

The Idaho Department of Lands (“IDL”), by and through its counsel of record, Kayleen Richter, and Walter Nevin (“Applicant”) by and through its counsel of record, Jack Mosby, submit this *Stipulated Motion to Vacate, Remand, and Dismiss* in accordance with I.C. § 67-5241(1)(c), IDAPA 62.01.01.305, and IDAPA 62.01.01.325.

On September 2, 2025, Kidd Island Bay Homeowners Association (“Objector”) emailed a withdrawal of its objection that asserted KIBHA’s approval of the Applicant’s application to rebuild an existing permitted boat garage. *Attachment A*. On September 8, 2025, KIBHA delivered signed ratification of KIBHA’s approval of the application to IDL. *Attachment B*. As stated in IDL’s prehearing statement, once KIBHA withdrew its objection IDL’s only concern was with receiving KIBHA’s signed ratification of approval. *IDL Prehearing Statement* at 15. Pursuant to the withdrawal of KIBHA’s objection and the resolution of IDL’s concerns, IDL and the Applicant agree that an evidentiary hearing on the application is no longer necessary.¹

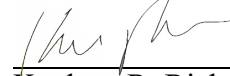
¹ The parties note for the record that IDL did not receive any public comment on or other objection to Application No. L96S0446C and there are no other individuals or entities with party status or ‘interested person’ status in this matter.

Therefore, for the reasons stated herein, IDL and the Applicant respectfully move the Hearing Officer to vacate the hearing for the above captioned matter currently scheduled for Monday, September 15, 2025, remand the matter to IDL to process the application under Idaho Code § 58-1306(d), and dismiss this proceeding.

Oral argument is not requested.

DATED this 8 day of September, 2025.

IDAHO DEPARTMENT OF LANDS



Kayleen R. Richter
Attorney for Idaho Department of Lands

RAMSDEN, MARFICE, EALY & DE
SMET, LLP

/s/ Jack Mosby

Jack Mosby
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Walter Nevin <i>Applicant</i>	<input checked="" type="checkbox"/> Email: qualityflrs@aol.com
Wendy Van Orman 23306 E. Sharp Ave., Liberty Lake, WA 99019 <i>Agent for Applicant</i>	<input checked="" type="checkbox"/> Email: vanormanby5@gmail.com
Jack Mosby Ramsden, Marfice, Ealy & DeSmet, LLP 700 Northwest Blvd., Coeur d'Alene, ID 83814 <i>Counsel for Applicant and Agent for Applicant</i>	<input checked="" type="checkbox"/> Email: jmosby@rmedlaw.com
Kidd Island Bay Homeowners Association P.O. Box 263, Coeur d'Alene, ID 83816 <i>Objector</i>	<input checked="" type="checkbox"/> Email: Board.kibha@gmail.com
Amidy Fuson Marde Mensinger Idaho Department of Lands 300 N. 6 th Street, Boise, ID 83702 <i>IDL Program Manager for Navigable Waters</i>	<input checked="" type="checkbox"/> Email: afuson@idl.idaho.gov mmensinger@idl.idaho.gov
Kayla Dawson Rachel King Kourtney Romine <i>Service Contacts for IDL</i>	<input checked="" type="checkbox"/> Email: kdawson@idl.idaho.gov rking@idl.idaho.gov kromine@idl.idaho.gov
W. Scott Zanzig OAH, General Government Division P.O. Box 83720, Boise, ID 83720-0104 816 W. Bannock Street <i>Hearing Officer</i>	<input checked="" type="checkbox"/> Email: filings@oah.idaho.gov scott.zanzig@oah.idaho.gov



Kayleen Richter
Attorney for Idaho Department of Lands

Attachment A

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

Attachment B

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,



Armidy 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)
(initials)
- ☐ 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.

9-4-2025
 Date _____

KIBHA Board -
 Name _____

PO BOX 263, Coeur d'Alene, ID 83816
 Address _____ City _____ State _____ Zip _____

818-577-7984
 Phone Number _____

KIBHA Board Members
 Email Address _____

Mrs. Judy Bauer

Mr. John Boisen

Mr. Timothy Moss-Tiller

Mrs. Margaret Moss-Tiller

Mrs. Carol Ruyf

Mr. Tim Ball

Mr. Matt Boisen

Mrs. Devin Heffernan