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Attorneys for Concerned Citizens Against Additional 100 Boat Slips Added to Templins Resort on Spokane River, Inc.

BEFORE THE IDAHO DEPARTMENT OF LANDS

Application for Permit to Install a Community
Dock, Encroachment L95S6181,
The Estates at Waterstone HOA, Inc., Jason
Garvey (Agent),

Applicant.

AGENCY Case No. PH-2025-NAV-22-0006

OAH Case No. 25-320-08

**PREHEARING STATEMENT OF
CONCERNED CITIZENS**

Objector, Concerned Citizens Against Additional 100 Boat Slips Added to Templins Resort on Spokane River, Inc. ("Concerned Citizens"), by and through counsel, submits this Prehearing Statement in opposition to the above-captioned Application.

I. INTRODUCTION

On July 11, 2025, the Applicant, The Estates at Waterstone Homeowners Association, Inc., filed an application with the Idaho Department of Lands ("IDL") seeking approval to construct a community dock on the Spokane River.

II. LEGAL BASIS FOR OBJECTION

Idaho law provides clear guidance regarding encroachments on navigable waters. Idaho Code § 58-1301 declares:

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

Idaho Code § 58-1301.

Applying this standard, the balance clearly favors protecting the Spokane River from additional boat traffic, rather than permitting further encroachments that would increase congestion and strain on navigation, recreation, fish and wildlife habitat, aquatic life, water quality, and aesthetic values.

III. APPLICATION OF STATUTORY FACTORS

1. **Protection of Property:** The Spokane River is a narrow and heavily used waterway where shoreline property is particularly vulnerable to erosion, wake damage, and overuse. Increasing the number of docks and boats intensifies shoreline impacts, undermines private and public investments in riverfront properties, and heightens conflicts among property owners. Here, granting this Application would expose neighboring and downstream properties to increased risks of erosion, bank instability, and diminished property enjoyment, contrary to the legislative intent to safeguard property along navigable waters.

2. **Navigation:** The Spokane River is already heavily congested with watercraft. Adding another community dock will materially impair safe navigation.
3. **Fish and Wildlife Habitat & Aquatic Life:** Additional structures and increased boat use pose risks to shoreline stability, fish habitat, and aquatic life.
4. **Recreation and Aesthetic Beauty:** Increased density of docks and vessels diminishes the recreational and scenic value of the river for the public.
5. **Water Quality:** Greater boat traffic raises risks of fuel spills, erosion, turbidity, and degradation of water quality.

No compelling navigational or economic necessity exists to justify the Applicant's proposed dock.

IV. CONCLUSION

For these reasons, Concerned Citizens respectfully objects to the Application. Idaho Code § 58-1301 requires that encroachments be evaluated with due regard to the public health, safety, and welfare. Here, the statutory balance overwhelmingly supports fewer boats on the Spokane River, not more.

DATED this 13th day of September 2025.

FENNEMORE CRAIG, P.C.



PETER J. SMITH IV, ISB #6997
Attorney for Concerned Citizens

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2025, I cause to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

The Estates at Waterstone HOA, Inc. Jason Garvey, Agent 1386 Northwest Blvd Coeur d'Alene, ID 83814 (208) 916-3647 <i>Agent for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jason@wesslen.com caseym@legacylw.com
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