

**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: filings@oah.idaho.gov)

DATE: August 19, 2025

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

AGENCY CASE/PROCEEDING NO.: PH-2025-NAV-22-006

AGENCY REQUEST:

☒ Adjudication

☐ Arbitration

☐ Mediation

PARTY/ATTORNEY (if represented):

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

Email: caseym@legacylw.com; jason@wesslen.com

Mailing Address: 1386 Northwest Blvd, Coeur d'Alene, ID 83814

Phone Number: 208-916-3647

AGENCY COUNSEL/CONTACT:

Attorney name/email: Kayleen Richter/ krichter@idl.idaho.gov

Other contact name/email: Marde Mensinger/ mmensinger@idl.idaho.gov

**ARE THERE SPECIFIC STATUTORY/REGULATORY DEADLINES FOR HEARING OR
DECISION?**

YES: ☒ NO: ☐

Deadline for hearing and/or decision: October 12, 2025

- Please attach a copy of the agency action/order to be addressed.
- OAH's provision of mediation, arbitration, or adjudication services are subject to acceptance by OAH. If OAH is unable to accept a request for mediation, arbitration, or adjudication 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. L9586181		Date Received: 07/11/2025		<input checked="" type="checkbox"/> Fee Received \$2,075.00 DATE: 07/11/2025		Receipt No.: # 2679			
INCOMPLETE APPLICANTS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: The Estates at Waterstone HOA, Inc					Name: Jason Garvey				
Company:					Company: Wesslen Marine CONst				
Mailing Address: 1836 Northwest Boulevard					Mailing Address: 5308 E Cataldo Ave				
City: Coeur d alene		State: Id	Zip Code: 83814		City: Spokane Valley		State: Wa	Zip Code: 99212	
Phone Number (include area code):		E-mail: caseym@legacylw.com			Phone Number (include area code): 208-916-3647		E-mail: Jason @wesslen.com		
3. PROJECT NAME or TITLE: Estates at Waterstone					4. PROJECT STREET ADDRESS: E Ponderosa Blvd				
5. PROJECT COUNTY: Kootenai		6. PROJECT CITY: Post Falls			7. PROJECT ZIP CODE: 83854		8. NEAREST WATERWAY/WATERBODY: Spokane River		
9. TAX PARCEL ID#: AIN 121635		10. LATITUDE: LONGITUDE:			11a. 1/4:	11b. 1/4:	11c. SECTION:	11d. TOWNSHIP:	11e. RANGE:
12a. ESTIMATED START DATE: October 2025		12b. ESTIMATED END DATE: Spring 2026			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. Seltice Way, Lft on Greensferry. Greensferry to Ponderosa Blvd, turn right. Arrive at site on the left side on Ponderosa Blvd									
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. Install one community dock at this site, where currently there is no dock system. Pier style dock will be installed with breakwater									

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.:

Installation of ~ 2900 sq ft community dock. Dock will be built on 12" steel piling~ 56 in all. Steel truss frames with composite decking will be used. Additionally the pier will have a 4' deep breakwater that extends 4' beneath the dock at summer level.

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.

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.



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

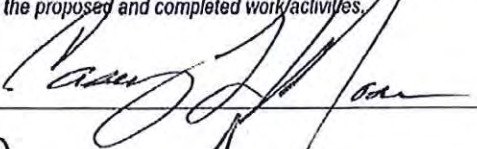
21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, describe ALL work that has occurred including dates.				
22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS: No				
23. <input type="checkbox"/> YES, Alteration(s) are located 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? <input type="checkbox"/> NO <input type="checkbox"/> 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. <u>See Instruction Guide for further clarification and all contact information.</u>				
The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation: <input type="checkbox"/> NO <input type="checkbox"/> YES Is applicant willing to assume that the affected waterbody is high quality? <input type="checkbox"/> NO <input type="checkbox"/> YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not? <input type="checkbox"/> NO <input type="checkbox"/> 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				
				
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
Community Dock		Perennial		103'
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: Laar Idaho LLC Mailing Address: 15247 W Pauline Trl City: Rathdrum State: Id Zip Code: 83858 Phone Number (include area code): E-mail:	Name: 9427 E Marine Dr Mailing Address: 8880 E Marine Dr City: Post Falls State: Id Zip Code: 83854 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: 

Date: 7/9/25

Signature of Agent: 

Date: 7/9/25

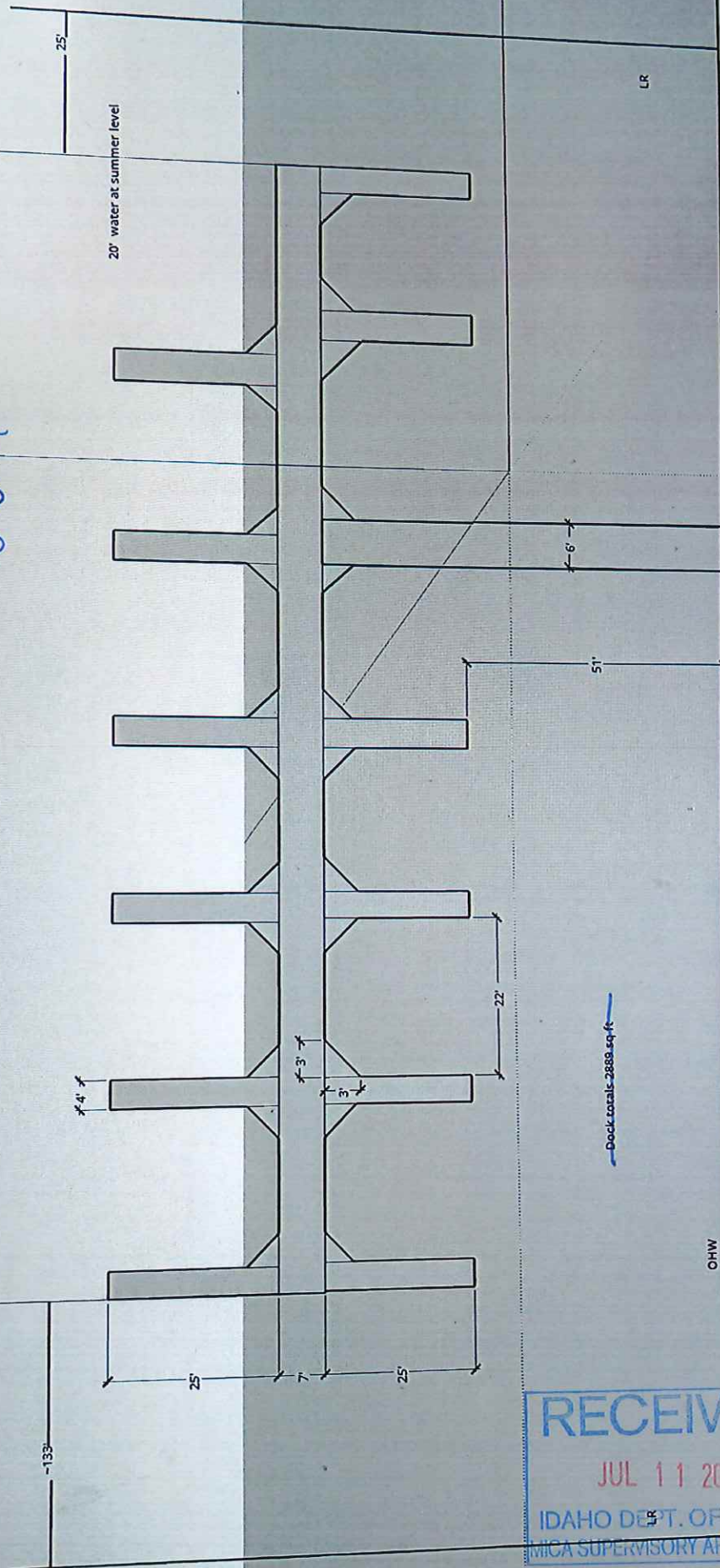
This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully 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".

1200 sq/ft Fingers
 450 wack out
 1134 Back Bone
 1035 w/b
 2873.5

2873.5
 11/14/20

Nearest dock ~217' away

Nearest dock ~174' away



RECEIVED
 JUL 11 2025
 IDAHO DEPT. OF LANDS
 MICA SUPERVISORY AREA OFFICE



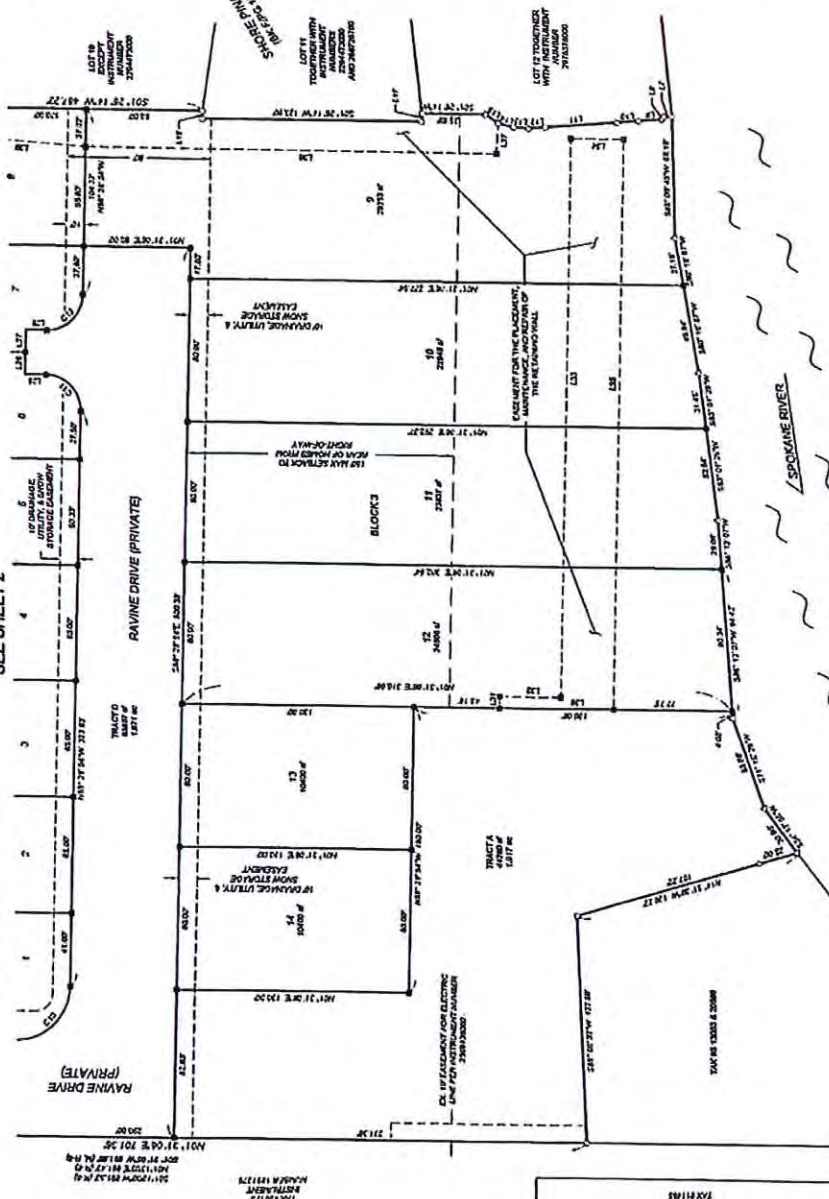
BOOK: M PAGE: 318
INSTRUMENT NO. 3007489000

ESTATES AT WATERSTONE

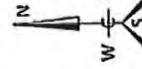
A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 50 NORTH,
RANGE 5 WEST, BOISE MERIDIAN, CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO

SEE SHEET 2

CONFORM COPY

[illegible]

Curve #	Length	Radius	Chds	Bearing	Chord
C10	47.12	30.00'	90°00'00"	S43°28'54"E	42.43'
C11	31.42	30.00'	90°00'00"	S48°31'08"W	28.28'
C12	31.42	30.00'	90°00'00"	N43°28'54"W	28.28'

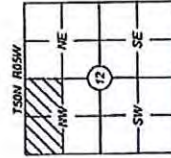


PROJECT:	22-1281	CAL
DATE:	06/09/25	<input checked="" type="checkbox"/> STRUCTURAL
DRAWN BY:	MAS	<input type="checkbox"/> TRAFFIC
REVIEWED BY:	WAL	<input type="checkbox"/> LANDSCAPE
		<input type="checkbox"/> OTHER



WASHINGTON COUNTY ENGINEERS
 2311 POKES ROAD
 STONEMAN VALLEY, WA 98291
 PH: 509-678-2817 FAX: 509-678-3277

<p>FINAL PLAT OF ESTATES AT WATERSTONE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO</p>	<p>SHEET 3 OF 4</p>
<p>JOB NUMBER 22-3391</p>	



GRAPHIC SCALE
SCALE: 1" = 40'

RECEIVED
JUL 11 2025
IDAHO DEPT. OF LANDS
MICA SUPERVISORY AREA OFFICE

BOOK M PAGE 316
INSTRUMENT NO. 2007-089000

CONFIRM COPY

ESTATES AT WATERSTONE

A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO

KOOTENAI COUNTY RECORDER

THIS DEED WAS RECORDED AT THE REQUEST OF JOHANNES AVEN NORTHSHORE, LLC. FOR
RECORD IN THE OFFICE OF THE RECORDER OF HORTON COUNTY, IOWA, THIS 25TH DAY
OF JULY 2025 AT 4:11 P.M. IN BOOK 14 OF PAGE 10000311A,
15 BY AS INSTRUMENT NUMBER 30728900

11-00
D. H. Thompson
CHIEF OF POLICE, MOBILE COUNTY CLERK

CITY COUNCIL CERTIFICATE

THIS PLAN HAS BEEN ACCEPTED AND APPROVED BY CITY COUNCIL OF THE CITY OF PORTLAND, OREGON, ON _____ 17 _____ DAY OF _____ June _____ 1935.

CITY CLERK

CITY CLERK

COUNTY TREASURER'S CERTIFICATE

HEREBY CERTIFY THAT THE TAXES DUE FOR THE PROPERTY DESCRIBED IN THE OWNERS
CERTIFICATE AND DECLARATION HAVE BEEN PAID THROUGH December 31, 2021
DATE OF PAYMENT 2300 NAME OF PAYEE ALL 2025

HEALTH DISTRICT APPROVAL

[illegible]

DATE TINS 11 DAYS 1942 2035

COUNTY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THE MORDEN PLAT AND OBSERVED THE PLAT
 COMPUTATIONS AND HAVE DETERMINED THAT THE REQUIREMENTS OF THE STATE CODE
 PERTAINING TO PLATS AND SURVEYS HAVE BEEN MET.

2018 JUL 26 11:18 AM
 2018 JUL 26 11:18 AM
 2018 JUL 26 11:18 AM

NATIONAL LAND SURVEY
 2018 JUL 26 11:18 AM

1947



NOTARY CERTIFICATE

STATE OF WASHINGTON)
COUNTY OF DOUGLAS) ss.
I, _____, Clerk of said County, do hereby certify that
_____ was duly elected _____ day of _____
in the year 19____ by ROBERT A. TOLMACH, MANAGING MEMBER OF BROOKLINE RIVER
NORTHSHORE LLC, a WASHINGTON LIMITED LIABILITY COMPANY.

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS PLAT IS TO CREATE LOTS MEETING THE REQUIREMENTS OF THE CITY OF POST RICHMOND, VIRGINIA, AND TO PROVIDE FOR THE CONVEYANCE OF THE LOTS SHOWN HEREON MORE EASILY TO SEPARATE THE BOUNDARY LOCATION OF THE SUBJECT PROPERTY.

THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE COMMITMENT POLICY FINANCED BY POSTOWN COUNTY TITLE COMPANY, INC. DATED OCTOBER 2, 2024. COMMITMENT NUMBER C1300313.

PLAT BOUNDARY IS BASED ON PUBLIC LAND SURVEY CORNER TIES AND PREVIOUS SURVEYS. PLAT WORK

SURVEYOR'S CERTIFICATE

I, HARRY ALAN SWANBER, PROFESSIONAL LAND SURVEYOR NO. 627912, STATE OF IDAHO, DO HEREBY CERTIFY THAT THE PLAT OF WATER STONE ESTATE IS BASED UPON AN ACTUAL FIELD SURVEY OF THE LAND DESCRIBED HEREON, AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, ARE IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATIVE TO PLATS AND SURVEYS. ALL INTERIOR CORNERS WILL BE SET, AS SHOWN ON THIS PLAT, ON OR BEFORE ONE YEAR AFTER RECORDATION OF THIS PLAT. IN ACCORDANCE WITH IDAHO CODE 68-1012, I AM FILING THIS PLAT WITH THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF BLAINE, IDAHO.

Mat How Brown 6/9/75

OWNER'S CERTIFICATE AND DEDICATION

[illegible]

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12, BEING A 3.25-ACRE ALUMINUM CUP MARKED "PL 413" PER CAP INSTRUMENT NUMBER 215183032, A SUCCESSORS OF HOUSTON COUNTY, TEXAS, THENCE ALONG THE NORTH QUARTER CORNER OF SAID SECTION 12 BEARING SOUTH 89° 41' 43" EAST 364.5 FEET; THENCE ALONG THE NORTH LINE OF NORTHWEST QUARTER OF SAID SECTION 12, SOUTH 89° 41' 43" EAST 118.88 FEET;

[illegible]

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY AND ALONG THE WEST LINE OF SAID PLAY OF SHORE PINE, SOUTH 17°14' WEST 48.25 FEET TO A 58 INCH NODUS WITH ORANGE PLASTIC CAP MARKED "ICE PILE 2042".

THENCE LEAVING THE ORIGINAL WEST LINE OF SAID SHOAL PIERCE NORTH 87°25'18" WEST 4°07'21" EAST ALONG THE NORTH LINE DESCRIBED UNDER INSTRUMENT NUMBER 238727002, THENCE ALONGS OF ROTHBURY COUNTY, OHIO TO A 5/8 INCH REBAR WITH GEORGE PLASTIC CAP MARKED "WEL PLS 20464", THENCE ALONG THE WEST LINE OF SAID INSTRUMENT NUMBER 238727002, SOUTH 61°25'18" WEST 82°07'21" EAST TO A 5/8 INCH REBAR WITH GEORGE PLASTIC CAP MARKED

THENCE ALONG THE SOUTH LINE OF SAID INSTRUMENT NUMBER 15107107, SOUTH 89°55'45" EAST 420 FEET TO THE NORTHWEST CORNER OF LOT 12, BLOCK 1 OF SAID PLAY OF SHORE PRICES TO A 58 INCH NUBAR WITH A ORANGE PLASTIC CAP MARKED "ACE PL 2046";

U SOUTH 25°37'N WEST 8.7 FEET TO A 54 INCH RUBBER WITH A QUANCE PLASTIC
THEACE ALONG THE WEST LINE DISCLOSED IN INSTRUMENT 7015275002, RECORDS OF
ROOSEVELT COUNTY, DAKOTA, THE FOLLOWING EXACT BE COURTESY:

3) SOUTH 1/2 32ND WEST 8.96 FEET TO A 5/8 INCH RIBBON WITH A ORANGE PLASTIC CAP MARKED "HCE PL 2 20464"

4) SOUTH 1/2 32ND WEST 8.96 FEET TO A 5/8 INCH RIBBON WITH A ORANGE PLASTIC CAP MARKED "HCE PL 2 20464"

5) SOUTH 1/2 32ND WEST 8.96 FEET TO A 5/8 INCH RIBBON WITH A ORANGE PLASTIC CAP MARKED "HCE PL 2 20464"

6) SOUTH 1/2 32ND WEST 8.96 FEET TO A 5/8 INCH RIBBON WITH A ORANGE PLASTIC CAP MARKED "HCE PL 2 20464"

8) SOUTH 87° 18' E, EAST 40.3 FEET TO A 3/8 INCH REBAR WITH A CHANGE
 PLASTIC CAP MARKED "ACE PLASTIC"
 9) SOUTH 63° 42' E, EAST 12.19 FEET TO A 3/8 INCH REBAR WITH A CHANGE
 PLASTIC CAP MARKED "ACE PLASTIC"
 10) SOUTH 87° 18' E, EAST 13.84 FEET TO A 3/8 INCH REBAR WITH A CHANGE
 PLASTIC CAP MARKED "ACE PLASTIC"
 11) SOUTH 87° 18' E, EAST 1.83 FEET TO A 3/8 INCH REBAR WITH A CHANGE
 PLASTIC CAP MARKED "ACE PLASTIC"

COP NUMBER 9127432047



73742
CRAS
KIND 50245
ALAN KATZ ROY

[illegible][illegible][illegible]

5077 JACKSON BLVD. NEW BRUNSWICK, NJ 08901

 JAMES C. WELLS & COMPANY, INC. 2015 PEGGY ROAD SPokane Valley, WA 99037 PH: 509-832-2917 FAX: 509-832-4350	PROJECT # 22-3291 DATE 06/08/23 DRAWN BY: HKS REVIEWED BY: WLL F.B.: 22-3291	TYPE STRUCTURAL <input checked="" type="checkbox"/> ELECTRICAL <input type="checkbox"/> MECHANICAL <input type="checkbox"/> PLUMBING <input type="checkbox"/> LANDSCAPE <input type="checkbox"/> OTHER <input type="checkbox"/>
--	--	---

FINAL PLAT OF
ESTATES AT WATERSTONE
CITY OF POST FALLS,
KOOTENAI COUNTY,
IDAHO

RECEIVED
JUL 11 2025
IDAHO DEPT. OF LANDS
MICA SUPERVISORY AREA OFFICE
Exhibit IDL 2



0006211995

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ARTICLES OF INCORPORATION (NONPROFIT)**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$30.00

For Office Use Only

-FILED-

File #: 0006211995

Date Filed: 4/18/2025 11:30:03 AM

Articles of Incorporation (Nonprofit)		
Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$70)		
Article 1: Corporation Name		
Entity name		The Estates at Waterstone Homeowners Association, Inc.
Article 2: Effective Date		
The corporation shall be effective		when filed with the Secretary of State.
Article 3: Purpose		
The purpose for which the corporation is organized is:		Homeowners Association
Article 4: Voting Members:		
The corporation		does not have voting members.
Article 5: Asset Distribution on Dissolution		
Upon dissolution the assets shall be distributed:		other asset distribution:
Upon termination, all assets will be distributed in undivided ownership interests to the owners of lots in a residential property development known as The Estates at Waterstone.		
Article 6: IRS Designation		
Does this nonprofit corporation intend to file as a 501(c)(3) with the IRS?		No
Article 7: The mailing address of the corporation shall be:		
Mailing Address		601 S DIVISION ST SPOKANE, WA 99202-1335
Article 8: Registered Agent Name and Address		
Registered Agent		Registered Agent Shelley Johnson Physical Address: 11873 N ROCKING R RD HAYDEN, ID 83835-8103 Mailing Address: 11873 N ROCKING R RD HAYDEN, ID 83835-8103
<input checked="" type="checkbox"/> I affirm that the registered agent appointed has consented to serve as registered agent for this entity.		
Article 9: Incorporator Name(s) and Address(es)		
Name		Incorporator Address
MICHAEL A. ROOZEKRANS		601 S. DIVISION STREET SPOKANE, WA 99202-3351
Article 10: Director Name(s) and Address(es)		
Name	Title	Director Address
SHELLEY JOHNSON	Secretary	11873 N ROCKING R ROAD HAYDEN, ID 83835



Exhibit IDL-2



MARK HAGENBAUGH	Treasurer	22270 WHITE PEAKS DRIVE BEND, OR 97702
ROBERT H. TOMLINSON	President	1836 NORTHWEST BLVD. COEUR D'ALENE, ID 83814

The Articles of Incorporation must be signed by at least one Incorporator.

<i>Michael A. Roozkrans</i>	<i>04/18/2025</i>
MICHAEL A. ROOZEKRANS	Date



RECORDING FEE: \$15.00

DD



RECORDING REQUESTED BY:

WARRANTY DEED

For value received, **SPOKANE RIVER NORTHSORE, LLC**, a limited liability company, of 1836 Northwest Boulevard, Coeur d'Alene, Idaho 83814, (hereafter referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto **THE ESTATES AT WATERSTONE HOMEOWNERS ASSOCIATION, INC.**, an Idaho non-profit corporation, of 1836 Northwest Boulevard, Coeur d'Alene, Idaho 83814 (hereafter referred to as "Grantee"), the following real property interests located in Kootenai County, Idaho, to-wit:

Tract A, Estates at Waterstone according to the Plat recorded as Instrument No. 3007089000 in Book "M" of Plats, Pages "31-31C," records of Kootenai County, Idaho.

To have and to hold the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs, successors, and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for current year taxes, levies, and assessments, and except for U.S. patent reservations restrictions, and easements of record; and that Grantor will warrant and defend the same from all claims whatsoever.

/

/

WARRANTY DEED - PAGE 1

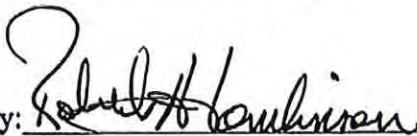


Exhibit IDL-2

Page 14

DATED: July 7, 2025

SPOKANE RIVER NORTHSORE, LLC
A limited liability company

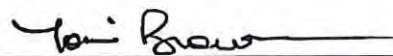
By: 
ROBERT H. TOMLINSON
Manager

STATE OF Idaho)
) ss.
COUNTY OF Kootenai)

On this 7th day of July, 2025, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared **ROBERT H. TOMLINSON**, known or identified to me to be a Manager of **SPOKANE RIVER NORTHSORE, LLC**, a limited liability company, the person whose name is subscribed to the within instrument and who acknowledged that he is authorized to execute the same.

WITNESS my hand and official seal.




Notary Public in and for the State of Idaho
Residing at: Arhee
My commission expires: 9/16/2028

WATERSTONE HOA-TRACT A.WD.wpd

WARRANTY DEED - PAGE 2



Exhibit IDE-2



Application Number:

Commercial/Community/Non-navigational Encroachment Permit Application

This application and required documents must be completed when submitting an encroachment permit application. Incomplete applications will be returned without processing.

ENCROACHMENT TYPE(S):
(Check all that apply)

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

Applicant's Littoral Rights Are:

- ☐ Owned, fee simple title holder
☐ Leased
☐ Signature of littoral rights owner is obtained if Applicant is not the owner of the riparian/littoral rights
☐ Other – describe: _____

Provide a 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 # _____ Date of Construction: _____

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

- ☐ Remain unchanged
☐ Complete removal
☐ Modification
☐ Other: _____

(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(s) Extend Beyond the Ordinary (or Artificial) High Water Mark?

Encroachment Type: pier dock	108	feet
Encroachment Type: _____	_____	feet
Encroachment Type: _____	_____	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 encroachments.



How many frontage parcel lots does the applicant own?

_____ parcels

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

☐ No☒ Yes Total front footage: ~420 _____ feetFor Community Docks, Does the Proposed Dock Exceed the Maximum Square Footage of 7 ft² per Littoral Front Foot?☒ No Total square footage: _____ ft²☐ Yes _____ ft²

Will any Proposed Docks Exceed the Maximum Width of 10 Feet?

☒ No☐ Yes If yes, explain why: _____

Will the Proposed Encroachment (besides riprap) 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?

Encroachment Type: _____ feet

Encroachment Type: _____ feet

Encroachment Type: _____ feet

☐ Consent of affected neighbor was attained**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.

I hereby certify that I am the applicant or authorized representative of the applicant and that the information contained in this application is true and correct to the best of my knowledge and further acknowledge that falsification or misrepresentation of any information contained herein or provided herewith will be grounds for denial of the application.

J. Harvey
Applicant Signature

Applicant Name

7/9/25
Date

Applicant Title (if applicable)

Second Applicant (If applicable)

Applicant Signature

Applicant Print Name

Date

Applicant Title (if applicable)



General Information

Owner: 9427 E Marine Dr Llc
Mailing Address: 8880 E Marine Dr Post Falls Id 83854
Property Address: 9427 E Marine Dr
Neighborhood: 2115 North Shore-Rodkey Area
District (TCA): 073000

Parcel ID (PIN): 50N05W122790
Alternate ID (AIN): 154804
Property Class: 534- Imp Res Rural Tract
Deeded Acres: 0.6000

Last updated: 6/17/2025 01:54:03 AM

Legal Descriptions

Description

TAX #S 13055 & 20586 [IN GOVT LT 4]
 12 50N 05W

Net Taxable Value

Tax Year	Value
2025	\$1,950,783.00
2024	\$2,323,901.00
2023	\$2,323,901.00
2022	\$2,445,910.00
2021	\$1,052,200.00
2020	\$856,404.00

Value History

Year	Reason	Land Value	Improvement Value	Total Value
2025	Assessment Update	\$1,632,433.00	\$318,350.00	\$1,950,783.00
2024	Assessment Update	\$1,990,772.00	\$333,129.00	\$2,323,901.00
2023	Assessment Update	\$1,990,772.00	\$333,129.00	\$2,323,901.00
2022	Assessment Update	\$2,095,550.00	\$350,360.00	\$2,445,910.00
2021	Assessment Update	\$838,220.00	\$213,980.00	\$1,052,200.00

1 2 3 4 5 5 Items per page

1 - 5 of 24 Items

Exemption History

Effective Year	Exemption Type	Percent	Total Value	Exemption Value	Net Taxable Value
No modifier data is available for this record.					

Land Details

Land Type	Acres
Waterfront Vacant Non-Buildable	0.31
Waterfront Homesite	0.29



Exhibit IDL-2

General Information

Owner: Iaar Idaho Llc
Mailing Address: 15247 W Pauline Trl Rathdrum Id 83858
Property Address: 522 S Shore Pines Rd
Neighborhood: 2125 North Shore-Harding Acre Tract
District (TCA): 011000

Parcel ID (PIN): P8500001012A
Alternate ID (AIN): 156121
Property Class: 541- Imp Res In-city
Deeded Acres: 0.5309

Last updated: 6/17/2025 01:54:03 AM

Legal Descriptions

Description

SHORE PINES, LT 12 BLK 1 & TAX#28005 50N05W12NW

Net Taxable Value

Tax Year	Value
2025	\$3,401,444.00

Value History

Year	Reason	Land Value	Improvement Value	Total Value
2025	Assessment Update	\$1,363,383.00	\$2,038,061.00	\$3,401,444.00
2024	Assessment Update	\$1,817,844.00	\$1,999,452.00	\$3,817,296.00
2023	Assessment Update	\$1,817,844.00	\$1,999,452.00	\$3,817,296.00
2022	Assessment Update	\$2,183,520.00	\$2,109,514.00	\$4,293,034.00
2021	Assessment Update	\$873,408.00	\$1,368,860.00	\$2,242,268.00

1 2 3 4 5 6 5 Items per page

1 - 5 of 26 items

Exemption History

Effective Year	Exemption Type	Percent	Total Value	Exemption Value	Net Taxable Value
No modifier data is available for this record.					

Land Details

Land Type	Acres	Total Value
Waterfront Homesite	0.29	\$961,875
Waterfront Vacant Non-Buildable	0.24	\$401,508

Improvements

Property Record	Improvement ID	Use Code	Description	Year Built	Length (ft.)	Width (ft.)	Area	Area Units
R01	D	DWELL	Dwelling	2014	n/a	n/a	8001	Fin SF
R01	G01	ATTGAR	Attached Garage	2014	40.00	32.00	1280	SF
R01	05	BARBQ	Residential Barbecue	2014	n/a	n/a	n/a	IT



Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>	<u>PO Number</u>
0000038726	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#14661 NOA - L95S6181

Ad Order Notes

Run dates July 17, 24, 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>
65.60	\$0.00	65.60	Invoice	\$0.00	65.60

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>
0000038726	ID-Metro	1 x 4.575" (40 lines)

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>Rate</u>	<u>Cost</u>
07/17/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.77	\$38.80
07/24/2025	ID-COEUR D'ALENE PRE	LEGALS	Any	\$0.67	\$26.80

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 The Estates at Waterstone HOA, Inc made application to build a community dock on Spokane River. Located adjacent to TAX#4564, 13055, 20586 & 28005, Post Falls; Sections 12, Township 50 North, Range 05 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#14661 AD#38726

July 17, 24, 2025

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

July 14, 2025

9427 E Marine Dr Llc
8880 E Marine Dr
Post Falls Id 83854

Re: Courtesy Notification of Application for Encroachment L95S6181

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor THE ESTATES AT WATERSTONE HOA, INC has applied for a permit from the Idaho Department of Lands to build a 11 double slip community dock on the Spokane River. 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 form (sign box 1) and return it to our office as quickly as possible.

If you **object** to the proposed application and would like to **request a public hearing**, in which you will be named as the objecting party, please complete and return the attached form to IDL. State law IDAPA 20.03.04.030.04 requires you submit your written objection (specifically asking for a public hearing) 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 **August 18, 2025**. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found here: <https://adminrules.idaho.gov/rules/current/20/200304.pdf>. Failure to provide contact information may result in dismissal of the objection due to strict timelines for hearings.

Sincerely,


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

Enclosures

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

COMMUNITY DOCK REQUIREMENTS AND SETBACKS

General requirements are as follows:

- 1) No part of the structure waterward of the natural or ordinary high-water mark or artificial high-water mark shall exceed ten (10) feet in width except breakwaters when justified by site specific conditions and approved by the department.
- 2) A community dock shall not have less than fifty (50) feet combined shoreline frontage. Moorage facilities will be limited in size as a function of the length of shoreline dedicated to the community dock. The surface decking area of the community dock shall be limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal foot or a minimum of seven hundred (700) square feet. However, the Department, at its discretion, may limit the ultimate size when evaluating the proposal and public trust values.
- 3) If a breakwater will be incorporated into the structure of a dock, and a need for the breakwater can be demonstrated, the department may allow the surface decking area to exceed the size limitations.
- 4) Length of Community Docks and Commercial Navigational Encroachments. Docks, piers, or other works may extend to a length that will provide access to a water depth that will afford sufficient draft for watercraft customarily in use on the particular body of water, except that no structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the director. If a normally accepted line of navigability has not been established through use, the director may from time to time as he deems necessary, designate a line of navigability for the purpose of effective administration of these rules.
- 5) 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 shall be subject to the above presumptions of adverse effects.

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

July 14, 2025

Iaar Idaho Llc
15247 W Pauline Trl
Rathdrum Id 83858

Re: Courtesy Notification of Application for Encroachment L95S6181

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor THE ESTATES AT WATERSTONE HOA, INC has applied for a permit from the Idaho Department of Lands to build a 11 double slip community dock on the Spokane River. 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 form (sign box 1) and return it to our office as quickly as possible.

If you **object** to the proposed application and would like to **request a public hearing**, in which you will be named as the objecting party, please complete and return the attached form to IDL. State law IDAPA 20.03.04.030.04 requires you submit your written objection (specifically asking for a public hearing) 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 **August 18, 2025**. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found here: <https://adminrules.idaho.gov/rules/current/20/200304.pdf>. Failure to provide contact information may result in dismissal of the objection due to strict timelines for hearings.

Sincerely,



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

Enclosures

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

COMMUNITY DOCK REQUIREMENTS AND SETBACKS

General requirements are as follows:

- 1) No part of the structure waterward of the natural or ordinary high-water mark or artificial high-water mark shall exceed ten (10) feet in width except breakwaters when justified by site specific conditions and approved by the department.
- 2) A community dock shall not have less than fifty (50) feet combined shoreline frontage. Moorage facilities will be limited in size as a function of the length of shoreline dedicated to the community dock. The surface decking area of the community dock shall be limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal foot or a minimum of seven hundred (700) square feet. However, the Department, at its discretion, may limit the ultimate size when evaluating the proposal and public trust values.
- 3) If a breakwater will be incorporated into the structure of a dock, and a need for the breakwater can be demonstrated, the department may allow the surface decking area to exceed the size limitations.
- 4) Length of Community Docks and Commercial Navigational Encroachments. Docks, piers, or other works may extend to a length that will provide access to a water depth that will afford sufficient draft for watercraft customarily in use on the particular body of water, except that no structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the director. If a normally accepted line of navigability has not been established through use, the director may from time to time as he deems necessary, designate a line of navigability for the purpose of effective administration of these rules.
- 5) 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 shall be subject to the above presumptions of adverse effects.

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: July 14, 2025

SUBJECT: NOTICE OF APPLICATION L95S6181 – The Estates at Waterstone
HOA, Inc

Enclosed is an application requesting permission to build a 11 double slip community dock on the Spokane River.

Please submit your comments, recommendations, or objections to the Idaho Department of Lands by August 18, 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 August 18, 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

**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

July 14, 2025

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

Re: Legal Notice of Application – L95S6181

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

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 The Estates at Waterstone HOA, Inc made application to build a community dock on Spokane River. Located adjacent to TAX#4564, 13055, 20586 & 28005, Post Falls; Sections 12, Township 50 North, Range 05 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

\$75.00 #8227
L95S6181 8/15/25
Objection

August 15, 2025

Idaho Dept of Lands
3258 W. Industrial Loop
Coeur d'Alene, ID 83815

Subject: Request for Public Hearing on The Estates at Waterstone HOA,
#L95S6181

To Whom It May Concern,

Concerned Citizens, LLC is writing to formally request a public hearing in regards to the above-referenced encroachment/development on the Spokane River.

The entire river, and this section in particular, is characterized by narrow, shallow channels and an extremely high volume of boat traffic. The addition of a community dock extending at least 108 feet into this narrow channel, nearly 2900 sq ft of decking, and 25+/- boat slips, raises serious concerns about navigational safety, environmental degradation, and LONG-TERM impacts on the shorelines and local ecosystems.

We are specifically calling the IDL's and local Commissioners' attention to the following concerns:

- Increased risks of boating accidents due to the volume of boat traffic and the concern that the Spokane River is approaching its maximum carrying capacity. Please do a study. We do not want a tragedy to be the catalyst to finally forcing action!
- Profit over the health of the Spokane River - Local residents do not want to stand by and watch the river and shorelines degrade because of oversaturation secondary to permits indiscriminately given for profit.



Exhibit IDL-7

- Inadequate public input thus far, considering the potential for broad community and environmental impacts.
- There are laws on record that are not being enforced, so these need to come to the public for discussion and accountability.

NOW is the time to PAUSE, TAKE INVENTORY and then ACT to protect the Spokane River. **We need solutions, not just talk.** There are many issues that need to be addressed; wakes, boaters/tourists who don't know the rules of the river nor understand the geography of the river, to name a few.

Local residents will tell you that the river is dangerous and crowded, so we respectfully request that you schedule a public hearing and listen to the residents and taxpayers who love the Spokane River and want to preserve our precious resource.

Thank you for your attention to this matter.

Sincerely,

Concerned Citizens



BOOK: M PAGE: 31
INSTRUMENT NO. 300708900

ESTATES AT WATERSTONE

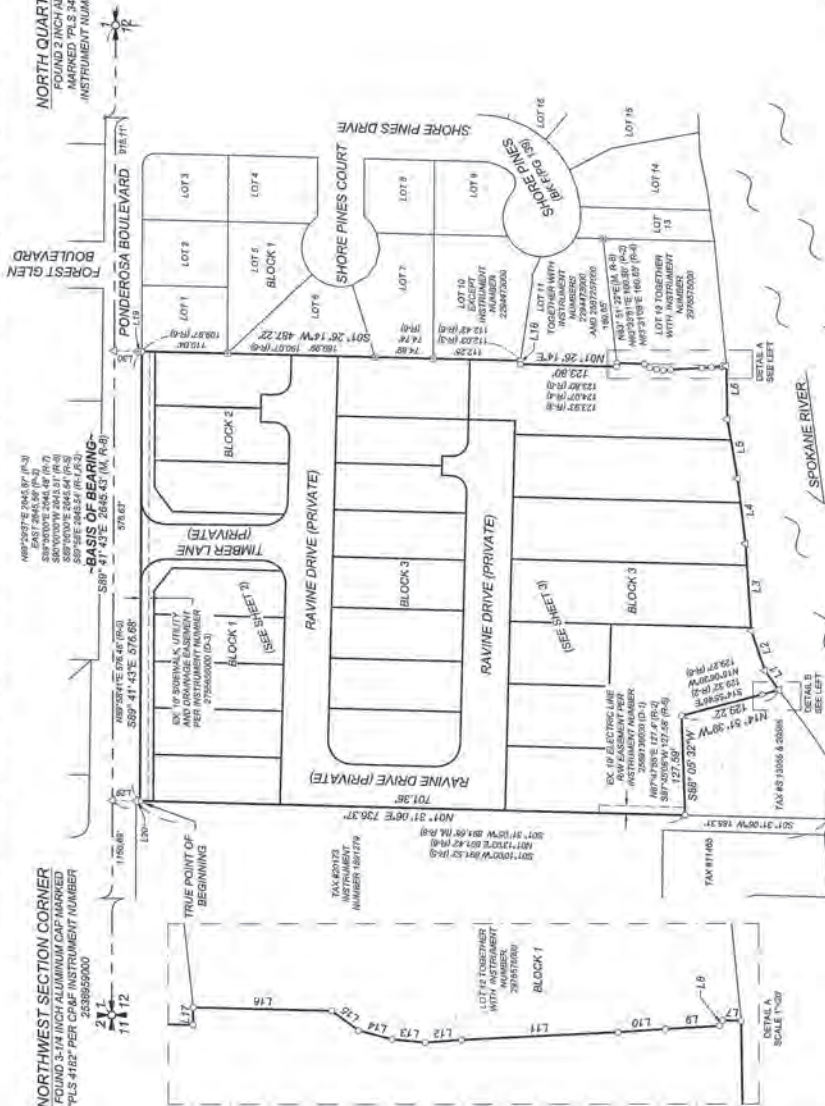
A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 50 NORTH,
RANGE 5 WEST, BOISE MERIDIAN, CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO

CONFIRM COPY

NORTHWEST SECTION CORNER
FOUND 3-1/4 INCH ALUMINUM CAP MARKED
PLS 4182" PER CP&F INSTRUMENT NUMBER
2538959000

NORTH QUARTER CORNER
FOUND 2 INCH ALUMINUM CAP
MARKED "PLS 3451" PER CR&F
INSTRUMENT NUMBER 2338958000

S59°00'00"E 2045.48" (R-7)
S90°00'00"W 2045.51" (R-8)
S89°00'00"E 2045.64" (R-9)
S89°58"E 2045.54" (R-1, R-2)



GRAPHIC SCALE

Line	Line	Direction	Line	Record Date
17	MS-1471	S-1471	MS-1471	10/30/94
18	MS-1472	S-1472	MS-1472	10/30/94
19	MS-1473	S-1473	MS-1473	10/30/94
20	MS-1474	S-1474	MS-1474	10/30/94
21	MS-1475	S-1475	MS-1475	10/30/94
22	MS-1476	S-1476	MS-1476	10/30/94
23	MS-1477	S-1477	MS-1477	10/30/94
24	MS-1478	S-1478	MS-1478	10/30/94
25	MS-1479	S-1479	MS-1479	10/30/94
26	MS-1480	S-1480	MS-1480	10/30/94
27	MS-1481	S-1481	MS-1481	10/30/94
28	MS-1482	S-1482	MS-1482	10/30/94
29	MS-1483	S-1483	MS-1483	10/30/94
30	MS-1484	S-1484	MS-1484	10/30/94
31	MS-1485	S-1485	MS-1485	10/30/94
32	MS-1486	S-1486	MS-1486	10/30/94
33	MS-1487	S-1487	MS-1487	10/30/94
34	MS-1488	S-1488	MS-1488	10/30/94
35	MS-1489	S-1489	MS-1489	10/30/94
36	MS-1490	S-1490	MS-1490	10/30/94
37	MS-1491	S-1491	MS-1491	10/30/94
38	MS-1492	S-1492	MS-1492	10/30/94
39	MS-1493	S-1493	MS-1493	10/30/94
40	MS-1494	S-1494	MS-1494	10/30/94
41	MS-1495	S-1495	MS-1495	10/30/94
42	MS-1496	S-1496	MS-1496	10/30/94
43	MS-1497	S-1497	MS-1497	10/30/94
44	MS-1498	S-1498	MS-1498	10/30/94
45	MS-1499	S-1499	MS-1499	10/30/94
46	MS-1500	S-1500	MS-1500	10/30/94
47	MS-1501	S-1501	MS-1501	10/30/94
48	MS-1502	S-1502	MS-1502	10/30/94
49	MS-1503	S-1503	MS-1503	10/30/94
50	MS-1504	S-1504	MS-1504	10/30/94
51	MS-1505	S-1505	MS-1505	10/30/94
52	MS-1506	S-1506	MS-1506	10/30/94
53	MS-1507	S-1507	MS-1507	10/30/94
54	MS-1508	S-1508	MS-1508	10/30/94
55	MS-1509	S-1509	MS-1509	10/30/94
56	MS-1510	S-1510	MS-1510	10/30/94
57	MS-1511	S-1511	MS-1511	10/30/94
58	MS-1512	S-1512	MS-1512	10/30/94
59	MS-1513	S-1513	MS-1513	10/30/94
60	MS-1514	S-1514	MS-1514	10/30/94
61	MS-1515	S-1515	MS-1515	10/30/94
62	MS-1516	S-1516	MS-1516	10/30/94
63	MS-1517	S-1517	MS-1517	10/30/94
64	MS-1518	S-1518	MS-1518	10/30/94
65	MS-1519	S-1519	MS-1519	10/30/94
66	MS-1520	S-1520	MS-1520	10/30/94
67	MS-1521	S-1521	MS-1521	10/30/94
68	MS-1522	S-1522	MS-1522	10/30/94
69	MS-1523	S-1523	MS-1523	10/30/94
70	MS-1524	S-1524	MS-1524	10/30/94
71	MS-1525	S-1525	MS-1525	10/30/94
72	MS-1526	S-1526	MS-1526	10/30/94
73	MS-1527	S-1527	MS-1527	10/30/94
74	MS-1528	S-1528	MS-1528	10/30/94
75	MS-1529	S-1529	MS-1529	10/30/94
76	MS-1530	S-1530	MS-1530	10/30/94
77	MS-1531	S-1531	MS-1531	10/30/94
78	MS-1532	S-1532	MS-1532	10/30/94
79	MS-1533	S-1533	MS-1533	10/30/94
80	MS-1534	S-1534	MS-1534	10/30/94
81	MS-1535	S-1535	MS-1535	10/30/94
82	MS-1536	S-1536	MS-1536	10/30/94
83	MS-1537	S-1537	MS-1537	10/30/94
84	MS-1538	S-1538	MS-1538	10/30/94
85	MS-1539	S-1539	MS-1539	10/30/94
86	MS-1540	S-1540	MS-1540	10/30/94

Line Table		Remot Data
	Overview	
L12	SONW47E	8.4F (M, R4)
L13	SON372W	8.6Z (M, R4)
L14	OT4322W	9.8E (M, R4)
L15	S35372W	8.8F (M, R4)
L16	SON1274W	33.6F (M, R4)
L17	SON330E	4.5F (M, R4)
L18	NO3344W	4.5F (M, R4)
L19	SON1344W	5.0F (M, R4)
L20	SON1374W	5.0F (M, R4)
L25	SON1374W	5.0F (M, R4)
L26	SON1374W	5.0F (M, R4)
L27	SON1374W	5.0F (M, R4)
L28	SON1374W	5.0F (M, R4)
L29	SON1374W	5.0F (M, R4)
L30	SON1374W	5.0F (M, R4)
L31	SON1374W	5.0F (M, R4)
L32	SON1374W	5.0F (M, R4)
L33	SON1374W	5.0F (M, R4)
L34	SON1374W	5.0F (M, R4)
L35	SON1374W	5.0F (M, R4)
L36	SON1374W	5.0F (M, R4)
L37	SON1374W	5.0F (M, R4)
L38	SON1374W	5.0F (M, R4)
L39	SON1374W	5.0F (M, R4)
L40	SON1374W	5.0F (M, R4)
L41	SON1374W	5.0F (M, R4)
L42	SON1374W	5.0F (M, R4)
L43	SON1374W	5.0F (M, R4)
L44	SON1374W	5.0F (M, R4)
L45	SON1374W	5.0F (M, R4)
L46	SON1374W	5.0F (M, R4)
L47	SON1374W	5.0F (M, R4)
L48	SON1374W	5.0F (M, R4)
L49	SON1374W	5.0F (M, R4)
L50	SON1374W	5.0F (M, R4)
L51	SON1374W	5.0F (M, R4)
L52	SON1374W	5.0F (M, R4)
L53	SON1374W	5.0F (M, R4)
L54	SON1374W	5.0F (M, R4)
L55	SON1374W	5.0F (M, R4)
L56	SON1374W	5.0F (M, R4)
L57	SON1374W	5.0F (M, R4)
L58	SON1374W	5.0F (M, R4)
L59	SON1374W	5.0F (M, R4)
L60	SON1374W	5.0F (M, R4)
L61	SON1374W	5.0F (M, R4)
L62	SON1374W	5.0F (M, R4)
L63	SON1374W	5.0F (M, R4)
L64	SON1374W	5.0F (M, R4)
L65	SON1374W	5.0F (M, R4)
L66	SON1374W	5.0F (M, R4)
L67	SON1374W	5.0F (M, R4)
L68	SON1374W	5.0F (M, R4)
L69	SON1374W	5.0F (M, R4)
L70	SON1374W	5.0F (M, R4)
L71	SON1374W	5.0F (M, R4)
L72	SON1374W	5.0F (M, R4)
L73	SON1374W	5.0F (M, R4)
L74	SON1374W	5.0F (M, R4)
L75	SON1374W	5.0F (M, R4)
L76	SON1374W	5.0F (M, R4)
L77	SON1374W	5.0F (M, R4)
L78	SON1374W	5.0F (M, R4)
L79	SON1374W	5.0F (M, R4)
L80	SON1374W	5.0F (M, R4)
L81	SON1374W	5.0F (M, R4)
L82	SON1374W	5.0F (M, R4)
L83	SON1374W	5.0F (M, R4)
L84	SON1374W	5.0F (M, R4)
L85	SON1374W	5.0F (M, R4)
L86	SON1374W	5.0F (M, R4)
L87	SON1374W	5.0F (M, R4)
L88	SON1374W	5.0F (M, R4)
L89	SON1374W	5.0F (M, R4)
L90	SON1374W	5.0F (M, R4)
L91	SON1374W	5.0F (M, R4)
L92	SON1374W	5.0F (M, R4)
L93	SON1374W	5.0F (M, R4)
L94	SON1374W	5.0F (M, R4)
L95	SON1374W	5.0F (M, R4)
L96	SON1374W	5.0F (M, R4)
L97	SON1374W	5.0F (M, R4)
L98	SON1374W	5.0F (M, R4)
L99	SON1374W	5.0F (M, R4)
L100	SON1374W	5.0F (M, R4)



BASIS OF BEARING

THE BASIS OF BEARING USED FOR THIS SURVEY IS SOUTH 89°11'11" EAST LOCATED ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 8 WEST, BOISE MERIDIAN, AS SHOWN ON THE RECORD OF SURVEY AS RECORDED IN BOOK 72 OF PLATS 127, RECORDS OF GUTENBERG COUNTY, IDAHO.

REFERENCES

- [illegible]


LEGEND

- [illegible]

BOUNDARY LINE
LOT LINE
ADJACENT LOT LINE
EASEMENT LINE
CENTER LINE
SECTION LINE
SURVEY MEASUREMENT LINE
SETBACK LINE



PROJ #:	22-3391
DATE:	06/08/25
DRAFTED BY:	MAS
REVIEWED BY:	WAL
BY:	03-3391



IWCE
WHIPPLE CONSULTING ENGINEERS
31 S PINEIS ROAD
STOKES VALLEY, WA 99306
PH: 509-893-2017 FAX: 509-893-0522

LOVE	STRUCT./VAL	SUPERVISING	TRAFFIC	PLANNING	LANDSCAPE	OTHER
	X					

FINAL PLAT OF
STATES AT WATERSTONE
CITY OF POST FALLS,
KOOTENAI COUNTY,
IDAHO

BOOK: M PAGE: 31A
INSTRUMENT No. 300708900

ESTATES AT WATERSTONE

A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO

CONFIRM COPY



Line #	Direction	Length
L21	N01°31'06"E	17.50'
L22	N88°28'54"W	17.63'
L23	N88°28'54"W	17.48'
L24	N01°31'06"E	17.50'
L25	N01°31'06"W	12.50'
L26	N88°28'54"W	12.50'
L27	N88°28'54"W	12.68'
L28	S01°31'06"W	12.50'
L29	S05°33'00"W	91.03'
L40	S16°41'46"W	16.78'
L41	S01°33'51"W	6.95'

LEGEND

- * SET 608:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 609:** 24" REBAR WITH ALUMINUM CAP MARKED "WCE PLS 22382"
*** SET 610:** 24" REBAR WITH ALUMINUM PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 611:** 24" REBAR WITH ORANGE PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 612:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 613:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 614:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 615:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 616:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 617:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 618:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 619:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"
*** SET 620:** 24" REBAR WITH YELLOW PLASTIC CAP MARKED "WCE PLS 22382"

- BOUNDARY LINE
LOT LINE
ADJACENT LOT LINE
BASEMENT LINE
CENTER LINE
SECTION LINE
SURVEY MEASUREMENT LINE
SETBACK LINE



Curve #	Length	Radius	Delta	Bearing	Discd
C8	3142	2000	90°00'00"	N43°25'54"W	28.28
C9	4712	3000	90°00'00"	N48°31'10"E	42.43
C10	4712	3000	90°00'00"	S43°25'54"E	42.43
C11	3142	2000	90°00'00"	S48°31'10"W	28.28
C12	3142	2000	90°00'00"	N43°25'54"W	28.28
C13	4712	3000	90°05'58"	N48°30'17"E	42.77
C14	4684	3000	90°05'58"	S48°56'45"E	43.98

Curve Table					
Curve #	Length	Radius	Delta	Bearing	Chord
C1	47.27'	30.00'	90°17'11"	S44°33'07"E	42.63'
C2	29.38'	30.00'	55°06'16"	S20°38'37"W	26.22'
C3	18.23'	30.00'	34°49'22"	S41°08'29"E	17.88'
C4	46.57'	30.00'	89°42'42"	N45°26'53"E	42.32'
C5	30.49'	30.00'	58°13'32"	N28°11'17"W	29.19'
C6	16.15'	30.00'	3°50'51"	S73°03'26"E	15.86'
C7	31.42'	30.00'	59°00'00"	N48°11'09"E	26.28'

SEE SHEET 3

PROJ. #:	22-3391	TYPE	STRUCTURAL
DATE:	06/09/25	<input checked="" type="checkbox"/> SURVEYING	
DRAFTED BY:	MAS	<input type="checkbox"/> TRAFFIC	
REVIEWED BY:	WAL	<input type="checkbox"/> PLANNING	
		<input type="checkbox"/> LANDSCAPE	
		<input type="checkbox"/> OTHER	

WHIPPLE CONSULTING ENGINEERS
 415 LINTAS ROAD
 BROWNSVILLE, MO 65009
 PH: 509-860-5441 FAX: 509-860-5322

FINAL PLAT OF
ESTATES AT WATERS
CITY OF POST FALLS
KOOTENAI COUNTY
IDAHO

SHEET
2 OF 4

GRAPHIC SCALE



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-22-006
)
) OAH Case No. 25-320-08
)
) **NOTICE OF APPOINTMENT OF**
) **HEARING OFFICER**
)
)
)
)

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:

Leslie M. Hayes
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
leslie.hayes@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
- NOTICE OF APPOINTMENT OF HEARING OFFICER
(AGENCY Case No. PH-2025-NAV-22-006/ OAH Case No. 25-320-08) Page 1

admissibility of evidence, and motions for continuances.

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: August 21, 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 21st day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

☐ U.S. Mail
☒ Email:
jason@wesslen.com
caseym@legacylw.com

Concerned Citizens, LLC
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

☐ U.S. Mail
☒ Email:
sherichic91@gmail.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave, #224
Coeur d'Alene, ID 83814
(20) 956-0145
Counsel for Objector Concerned Citizens

☐ U.S. Mail
☒ Email:
peter.smith@fennemorelaw.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

Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
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

Leslie M. Hayes
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
Hearing Officer

☐ U.S. Mail
☒ Email:
leslie.hayes@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

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-22-006
)
) OAH Case No. 25-320-08
)
) **NOTICE OF SCHEDULING**
) **CONFERENCE**
)
)
)
)

Please take notice that Hearing Officer Leslie Hayes will call this matter for a scheduling video-conference on **Friday, August 29, 2025, at 10:00 a.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: August 22, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M Hayes
Deputy Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

☐ U.S. Mail
☒ Email:
jason@wesslen.com
caseym@legacylw.com

Concerned Citizens, LLC
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

☐ U.S. Mail
☒ Email:
sherichic91@gmail.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave, #224
Coeur d'Alene, ID 83814
(20) 956-0145
Counsel for Objector Concerned Citizens

☐ U.S. Mail
☒ Email:
peter.smith@fennemorelaw.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

Marde Mensinger
Program Manager for Navigable Waters

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

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

From: [Lori Nienau](#)
To: [Navigable Waterways](#)
Subject: Boat Slips - Spokane River
Date: Sunday, August 3, 2025 2:44:37 AM

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.

Our grandchildren go to various places on the Spokane River almost weekly during the summer to play and swim in the water, paddleboard and kayak. We have all seen an increase in "water traffic" including some dangerous and close call accidents with boats/canoes/paddle boards/jet skis, etc. Even the waves that are created concern me as our grandchildren are in the water.

It is my understanding that there are various requests in the works for additional boat slips on the Spokane River, including 223 for Templins, 74 for Atlas/River's Edge and 22 for Greensferry.

To be honest, I can't imagine that many additional boat slips added to the Spokane River. We've been somewhat silent about our opposition because it appears that "money talks" - and organizations with money have the means to push things through before any proper studies are made.

So I'm appealing to your department that you would at least put a pause on these permits until there are studies made on safety and other issues that would occur with additional boat traffic.

My husband and I would like to state our opposition to additional permits for boat slips until there is a thorough review of what kind of effects this would have on the Spokane River, especially for those that maybe don't have boats, but enjoy the river for swimming, paddleboarding, etc.

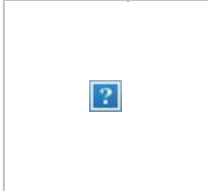
Thank you for listening.

Bill & Lori Nienau
3583 N McMullen Dr.
Post Falls, ID 83854
425-214-4634

From: [Marde Mensinger](#)
To: [Navigable Waterways](#)
Subject: FW: Opposition to Marina Encroachment Permits on the Spokane River
Date: Monday, August 4, 2025 8:14:11 AM

L95S6163A

Marde Mensinger - CPM®
Navigable Waterways Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103 Boise, ID 83702
Office: (208) 334-0248
Email: mmensinger@idl.idaho.gov
Web: <https://www.idl.idaho.gov>



From: Dan Loughlin <dfloughlin@proton.me>
Sent: Sunday, August 3, 2025 4:04 PM
To: Marde Mensinger <MMensinger@idl.idaho.gov>
Subject: Opposition to Marina Encroachment Permits on the Spokane River

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.

Daniel Loughlin
1908 E Rodkey Dr.
Post Falls, ID 83854

Permit 1) Atlas/River's Edge (74 slips).

Permit #L95S6163A

Permit 2) Greensferry (22 slips).

Permit # Unknown

Good morning,

This notice is in opposition to the listed pending dock encroachments on the Spokane River (the River) in the cities of Post Falls and Coeur d Alene. Over the Past 10 years that I an familiar, the River usage has increased dramatically, not only with increase in the number of boats, but with personal watercraft (PWC), kayaks, paddle boards etc. The size of the watercraft such as large Runabouts, Wake and Surf Boats and size of the wakes produced by those watercraft have also

increased dramatically. Templin's Marina near the Avista Dam, is now in the process of constructing well over 100 additional boat slips as a remodel of the location. As a resident on the River, I see near collisions of boats/ PWCs far too frequently. Not only is there a safety factor in allowing numerous additional slips, which will obviously increase the traffic on the River, but the erosion factor on the banks of the River need to be considered as well as other environmental impacts.

Sent with [Proton Mail](#) secure email.

From: Eric Hirst
To: [Navigable Waterways](#)
Subject: Permit #L95S6163A
Date: Saturday, August 2, 2025 8:27:49 AM

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.

Please consider the amount of additional traffic this would cause on an already very bust river. On top of the 414 proposal to add 200+ boats and the lack of any regular patrolling for excessive wake, excessive speed and just plain inattentive driving. There are very definite safety considerations on this river already and adding more boats will only make it worse. Many of us that live on or near the river are quite concerned and don't want to see a tragic accident happen. Thank you for your consideration of this matter.

Eric Hirst, Post Falls

From: ehsquared@verizon.net
To: [Navigable Waterways](#)
Subject: Permit #L95S6163A
Date: Saturday, August 2, 2025 9:16:35 AM

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.

To Whom it may concern,

As a resident on the Spokane river it is hard to imagine an additional 223 boat slips. As it is the river is very hard for kayakers, canoers, paddleboarders, swimmers, and small boat owners to enjoy. The wake boats cause waves that make it dangerous for the small crafts, and the sea dooers just don't care about other people. The river is narrow at some points, making it difficult and unsafe to have more than two boats pass each other safely, I can't imagine how dangerous, it will get when an additional 223 boats have easy access to these narrow parts of the river. The river is poorly patrolled, and people know they can get away with crazier behavior.

We need to make sure that everyone, including the wildlife, can enjoy our river, not just the large boats.

Thank you for your time and consideration of this manner.

Erin Hirst

From: [Gary Maddock](#)
To: [Navigable Waterways](#)
Subject: Opposition to Further permits for boats on the Spokane River
Date: Saturday, August 2, 2025 12:33:55 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.

TO WHOM IT MAY CONCERN:

As we live on the Spokane River, I am writing to oppose the addition of boat slips to the Spokane River. The biggest problem on the Spokane River already is congestion. The addition of 74 slips proposed by Atlas/River's Edge Permit #L95S6163A will certainly add to that congestion, the safety of boating on the Spokane River and the erosion to our retaining walls and our docks.

With the Spokane River being an average of 400 feet wide, with a 100 foot no-wake zone on each side, only 200 feet is left in the middle, where we simultaneously have:

- 1) wake boats losing their surfers every 100-200 yard and quickly circling back to get them;
- 2) water skiers losing their skiers every 100-200 yard and quickly circling back to get them;
- 3) boats towing tubes and constantly circling to give their riders thrills;
- 4) one or more wave runners going over the wakes and doing donuts to get their thrills; and
- 5) kayakers and we pleasure boaters trying to access and use the River through all of this.

The Spokane River is TOO narrow for the safe, simultaneous use by all of these activities and the addition of 74 additional slips will cause greater safety concerns.

Further, studies regarding the impact of wake boats on the River, illustrate how these large, energetic wakes stir up sediments on shallow waterways. That is a very concerning environmental threat on the Spokane River, whose sediments contain heavy metals and contaminants like those found in Lake Cd'A. Field studies last summer clearly show that wake surfing stirs up significantly more sediments than any other activity on the River, a threat to water quality, fisheries, and the environment.

All of this says nothing about the severe damage to our shoreline, retaining walls, boat docks and boats. As above, we live on the Spokane River and watch our pontoon boat get banged around all summer by the ever increasing traffic and especially by excessive wakes.

I've doubled the size of my bumpers, and still have damage to my dock and boat. One of my new bumpers was almost totally flat by the end of last season and a bolted down roller bumper was torn off.

I have just had to spend \$16,000 to repair damage to my dock, i.e. the deck boards being pushed up and loose, my air barrels under the dock were knocked loose and pushed up and out and my wooden poles cracked due to all of the swaying from the excessive activity and wakes on the River.

THE RIVER HAS ALREADY BEEN TURNED INTO AN ATHLETIC FIELD OR

PLAYGROUND IF YOU WILL. For we pleasure boaters living on the Spokane River, taking our boats onto the River with all of the present activity, is like trying to cross a football field with a game in progress. You're going to get bumped around and hurt.

We encourage you to deny this permit and any further permits for slips on the Spokane River to protect the safety of boarding on the River and reduce the damage to our docks and property.

Gary and Michele Maddock
5418 E Marina Ct
Post Falls, ID 83854

From: [Jeff Wilhelm](#)
To: [Navigable Waterways](#)
Subject: Boat Slips
Date: Sunday, August 3, 2025 9:57:20 AM

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.

Good morning

I very concerned about the number of boat slips on the river I believe they need to restrict these to single family lots only..

Allowing so many new slips will someday to require total no wake or reduced speed so getting up to the main lake could take over and hour. This would reduce home values by the 10's of thousands.

Thank you please take this into consideration before allowing more slips.

[Yahoo Mail: Search, Organize, Conquer](#)

From: [John Preston](#)
To: [Navigable Waterways](#)
Subject: Boat dock pending permits
Date: Saturday, August 2, 2025 11:03:30 AM

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.

To: Idaho Dept of Lands

Subject: Dock permits on the Spokane River (Idaho)

We have been 25 year residents of the area with property on the river. There has been an explosion of boat traffic in that time. These new docks would only add to the worsening conditions.

WE ARE IN OPPOSITION to the below dock permit requests based on safety and the geographic location of the proposed developments. Additionally, these docks will increase the negative impact of boat traffic, the maximum carrying capacity of the river, erosion to the shore line and damage to current docks and boats.

NEW PERMIT REQUESTS:

1) Atlas/River's Edge (74 slips). Public Comment deadline: This Monday August 4th

Permit #L95S6163A

2) Greens(22 slips). Public Comment deadline: August 14th

Permit # to be determined

3) Tenpins/414 PF Hospitality

Respectfully submitted

John & Joyce Preston

Joseph and Traci Parrish
5432 E. Marina Court
Post Falls, ID 83854
August 03, 2025

Idaho Department of Lands
300 N. 6th Street, Suite 103
Boise, ID 83702

Subject: Opposition to Permit #L95S6163A for Atlas/River's Edge and Greensferry Locations on the Spokane River

Dear Idaho Department of Lands Officials,

I write to strongly oppose the issuance of Permit #L95S6163A, which authorizes activities at the Atlas/River's Edge and Greensferry sites along the Spokane River. This permit risks exacerbating existing environmental degradation across the river's interconnected system, from the headwaters at Lake Coeur d'Alene to the Post Falls dam and beyond, threatening the river's biological health, causing property damage, and compromising public safety. Based on documented issues, approval would violate principles of sustainable water management and public welfare, particularly given the upstream sources of pollution that flow downstream to the permitted locations.

Damage to the River's Biological Health

The Spokane River already suffers from severe pollution, including polychlorinated biphenyls (PCBs), heavy metals, and per- and polyfluoroalkyl substances (PFAS), which bioaccumulate in fish and pose health risks. These issues originate upstream at the headwaters in Lake Coeur d'Alene, where historical mining from the Bunker Hill Superfund site has deposited over 75 million tons of lead, cadmium, arsenic, zinc, and other heavy metals into lake sediments, which continue to mobilize during floods and flow into the Spokane River up to Post Falls dam. Nutrient enrichment from stormwater, agriculture, and development causes eutrophication, leading to algal blooms, reduced oxygen levels, and harm to aquatic life in the lake and upper river. PCB concentrations are 20-100 times above EPA limits, causing cancer, immune deficiencies, reproductive disorders, and neurological problems. Heavy metals like lead, arsenic, zinc, and cadmium from historic mining at sites like Atlas and the Coeur d'Alene Basin contaminate sediments and harm aquatic life, with ongoing releases under low oxygen conditions. Recent PFAS from biosolids further degrade water quality. Development under this permit, including potential discharges or disturbances at River's Edge apartments and Greensferry water systems near Post Falls, would increase runoff and toxin mobilization from upstream sources, worsening habitat loss for fish and violating Clean Water Act standards throughout the river system.

Property Damage

Activities enabled by the permit, such as increased boat traffic from River's Edge boat slips (over 140 proposed), would accelerate shoreline erosion through wakes, damaging adjacent properties along the entire stretch from Lake Coeur d'Alene to Post Falls dam. Historic flooding risks in the area, amplified by Post Falls dam operations that artificially flood approximately 13,500 acres of low-relief lands and mobilize contaminated sediments during high flows, could lead to structural damage, toxin spread, reduced property values, and higher insurance costs. Contaminated groundwater seepage from the Atlas site and upstream mining wastes already threatens property values; further disturbance would spread pollutants across floodplains.

Safety Concerns

The permit would heighten safety risks on a river known for hazardous conditions from Lake Coeur d'Alene headwaters to the Post Falls dam. Increased motorized vessels could generate dangerous wakes, overturning kayaks, knocking over waders, and endangering swimmers, particularly in the busy upper river where high boat traffic already poses challenges for non-motorized users. Contaminants in beach sediments and water, such as lead and arsenic, pose health risks during recreation, especially to children, with ongoing studies highlighting potential ingestion hazards. Dam-related risks, including sudden water level changes, currents, and possible failures (as seen in recent crane incidents triggering flash flood watches), add to dangers near Post Falls. Oil spill potentials from development activities pose additional threats to users. Wildfire risks near the river could worsen with construction, endangering nearby properties. These issues contradict local safety ordinances and public health advisories.

Personal Experience

As Spokane River property owners and year-round residents, we can assess the personal impacts of the increased use on the river, the shoreline, and the residents. Just this past 12 months, we've spent over \$10000 in repairs to our dock and shoreline structures. We have lost pieces of deck furniture, washed into the river by wake boats, and broken deck boards due to the heaving and shifting of our floating dock. Five years ago, I could fish off our dock after the boat traffic subsided; not anymore due to the floating vegetation ripped from the river bottom by the wake boats. Every cast comes back full of fresh vegetation. Just last evening, wake surfers were on the river after 8 PM, passing as close as 50 feet from our dock. Our dock becomes unusable when wake boats are on the river.

In conclusion, Permit #L95S6163A disregards ongoing cleanup efforts in the Coeur d'Alene Basin and would inflict irreversible harm across the Spokane River system. I urge denial to protect the river's ecosystem, properties, and community safety. Please consider this opposition in your decision.

Sincerely,

Joseph and Traci Parrish
Concerned Resident and River Advocate

Bibliography

- [0] U.S. Environmental Protection Agency. (2024). *Bunker Hill Mining and Metallurgical Complex: Five-Year Review Report*. <https://www.epa.gov/system/files/documents/2024-07/2024-07-18-bunker-hill-5-yr-2024-final.pdf>
- [1] Washington State Department of Ecology. (n.d.). *Water Quality Permits*. <https://www.ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits>
- [2] Washington State Department of Ecology. (n.d.). *Atlas Mine Cleanup*. <https://www.ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Atlas-Mine>
- [3] Spokane Tribe of Indians. (n.d.). *Environmental Programs*. <https://www.spokanetribe.com/environmental-programs>
- [4] Spokane River Forum. (n.d.). *Sediment Contamination in the Spokane River*. <https://www.spokaneriver.net/sediment-contamination>
- [5] U.S. Forest Service. (n.d.). *Coeur d'Alene Basin Environmental Impacts*. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5166887.pdf
- [6] Spokane River Forum. (n.d.). *History of the Spokane River*. <https://www.spokaneriver.net/history>
- [8] Idaho Department of Environmental Quality. (n.d.). *Coeur d'Alene Regional Office*. <https://www.deq.idaho.gov/regional-offices/coeur-dalene/>
- [9] U.S. Environmental Protection Agency. (n.d.). *Coeur d'Alene Basin Restoration Plan*. <https://www.epa.gov/columbiariver/coeur-dalene-basin-restoration-plan>

- [10] U.S. Forest Service. (n.d.). *Coeur d'Alene River Contamination Assessment*. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5296648.pdf
- [11] Spokane County. (n.d.). *Water Resources*. <https://www.spokanecounty.org/156/Water-Resources>
- [13] The Spokesman-Review. (2021, October 17). *Coeur d'Alene Lake Pollution Concerns*. <https://www.spokesman.com/stories/2021/oct/17/coeur-dalene-lake-pollution/>
- [14] U.S. Geological Survey. (n.d.). *Spokane River and Lake Spokane Water Science*. <https://www.usgs.gov/centers/idaho-water-science-center/science/spokane-river-and-lake-spokane>
- [15] U.S. Environmental Protection Agency. (n.d.). *Spokane River*. <https://www.epa.gov/spokaneriver>
- [16] The Spokesman-Review. (2023, June 15). *Spokane River Tests Positive for PFAS 'Forever Chemicals'*. <https://www.spokesman.com/stories/2023/jun/15/spokane-river-tests-positive-for-pfas-forever-chem/>
- [17] Spokane River Forum. (n.d.). *Cleanup Efforts for the Spokane River*. <https://www.spokaneriver.net/cleanup-efforts>
- [18] Spokane River Forum. (n.d.). *Spokane River Safety*. <https://www.spokaneriver.net/safety>
- [19] Spokane River Forum. (n.d.). *PCB Contamination in the Spokane River*. <https://www.spokaneriver.net/pcb-contamination>
- [20] Washington State Department of Health. (n.d.). *Polychlorinated Biphenyls (PCBs)*. <https://www.doh.wa.gov/CommunityandEnvironment/Contaminants/PCBs>
- [21] Washington State Department of Ecology. (n.d.). *Spokane River Water Quality Monitoring*. <https://www.ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-monitoring/Spokane-River>
- [22] Coeur d'Alene Press. (2023, August 10). *Post Falls Dam Incident*. <https://www.cdapress.com/news/2023/aug/10/post-falls-dam-incident/>
- [23] Spokane Riverkeeper. (n.d.). *PCB Facts*. <https://www.spokaneriverkeeper.org/pcb-facts>
- [24] U.S. Geological Survey. (n.d.). *Spokane River Basin*. <https://www.usgs.gov/centers/washington-water-science-center/science/spokane-river-basin>
- [25] U.S. Environmental Protection Agency. (n.d.). *Bunker Hill Mining and Metallurgical Complex*. <https://www.epa.gov/superfund/bunker-hill-mining-metallurgical>
- [26] The Spokesman-Review. (2020, May 10). *Flooding Risks Along the Spokane River*. <https://www.spokesman.com/stories/2020/may/10/flooding-risks-spokane-river/>
- [27] The Spokesman-Review. (2022, June 15). *Flood Watch Issued for Post Falls*. <https://www.spokesman.com/stories/2022/jun/15/flood-watch-post-falls/>
- [28] Spokane River Forum. (n.d.). *Toxics in the Spokane River*. <https://www.spokaneriver.net/toxics>
- [29] Spokane Riverkeeper. (n.d.). *Water Quality Monitoring*. <https://www.spokaneriverkeeper.org/water-quality>
- [30] Coeur d'Alene Press. (2022, July 15). *Spokane River Erosion Concerns*. <https://www.cdapress.com/news/2022/jul/15/spokane-river-erosion-concerns/>
- [31] KREM 2 News. (n.d.). *Post Falls Dam Safety Concerns*. <https://www.krem.com/article/news/local/post-falls-dam-safety/293-123456789>
- [34] Spokane Riverkeeper. (n.d.). *River Health*. <https://www.spokaneriverkeeper.org/river-health>
- [35] Coeur d'Alene Press. (2021, September 9). *Post Falls Dam Operations*. <https://www.cdapress.com/news/2021/sep/09/post-falls-dam-operations/>
- [36] Coeur d'Alene Press. (2023, June 22). *Lake Coeur d'Alene Water Quality Concerns*. <https://www.cdapress.com/news/2023/jun/22/lake-coeur-dalene-water-quality/>
- [37] Idaho Department of Environmental Quality. (n.d.). *Public Health Advisories*. <https://www.deq.idaho.gov/public-information/public-health-advisories/>
- [38] Washington State Department of Ecology. (n.d.). *Lake Coeur d'Alene Water Quality Monitoring*. <https://www.ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-monitoring/Lake-Coeur-dAlene>

From: Josh Sheppard
To: [Navigable Waterways](#)
Subject: Concerned citizen
Date: Saturday, August 2, 2025 11:00:28 AM

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.

Hello, my name is Josh. I have had a family house on the Spokane River for 34 years. Through the years, I have seen the use of and abuse of the Spokane River. In the 90s, waves used to be only 2 feet tall. Now they erode the bank at 4 feet or more. Not only that, but the amount of boat slips that are being approved needs to be checked. Adding a commercial aspect to a river that is only full for 4 months a year doesn't really make sense. Not only does it plug up the small portions of the river, but it increases the danger of boaters, swimmers, and recreators as well. I oppose the addition of the new slips as a concerned citizen and call for a study on the impact of the river and the pushing of commercial development on our river that is being loved to death.

From: kbasore.secairc.com
To: [Navigable Waterways](#)
Subject: Concerned Citizens
Date: Monday, August 4, 2025 5:46:41 PM

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

Hello Idaho Dept of Lands,

We oppose the addition of 223+ additional boat slips added to the Spokane River. AT THE VERY LEAST, THERE NEEDS TO BE A PAUSE ON PERMITS, AND AN ASSESSMENT/STUDY OF THE MAXIMUM CARRYING CAPACITY, SAFETY, EROSION and other issues impacting the river.

We live on the bay across from Templins and are very concerned with the safety of swimmers, people on non motorized water toys, water life and erosion of our land.

Please hear our voices or even come to our house and you can get a better idea of what we are speaking of.

Thank you,

Ken Basore

Concerned Citizens

From: [Linda Hardcastle](#)
To: [Navigable Waterways](#)
Subject: Spokane River
Date: Monday, August 4, 2025 6:10:43 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.

To whom this may concern :

My husband & I live about 6 houses up stream from the proposed new 'Templin' 120 new boat slips.

We strongly object to that many more boats on a river that is daily already full of recreational boaters.

The Sheriff has already stated that he will not enforce the wake zone

" guidelines ". Daily, there's multiple wake surfers with larger wakes than we've ever seen.

This is not the widest part of the river. Yes, it's across from a small bay like area, that shouldn't be used as a place to call this area the widest area of the river.

Daily, there's multiple, numerous boats that have some how decided to come in, to either the boat launch at the park, or any of the already existing three marinas. So , they race to see who can be first for gas, or to get to their chosen destination. No sheriff boat, no police, and no one paying any attention to how close these boats get to our docks, each other, or the many people paddle boarding or in kayaks.

It is not safe now, & with over 100 more boat slips, it will be even worse.

Don't want another large marina!

Doug & Linda Hardcastle
704 Anchor Way
Post Falls, Idaho

From: [Maggie Carli](#)
To: [Navigable Waterways](#)
Subject: Please reconsider boat slip permits
Date: Saturday, August 2, 2025 9:38:51 AM

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.

To anyone involved in permitting or protection of waterways,

I am writing to address the new boat slip permits being allowed or considered along the Spokane River in Post Falls, ID.

I live near the Spokane River and Kiwanis Park in Post Falls. I see the numbers of boats going up and down the river. The speed and numbers of boats cause safety concerns for the swimmers, paddlers, and shoreline. The river is not large enough for what amounts to boat traffic needing a 4 lane highway instead of the 2 lane country road that the river is. I strongly feel that there needs to be a study of the impact of the boats on the riverbank and water health. Some monitoring of the boat slips along the river as well as the number of boats added at the boat launches and entering from Lake Coeur d'Alene all combine to high numbers of boats especially over the weekends.

There will never be another Spokane River so we need to protect it. Please consider pausing any permits for new boat slips along the shore until a safety and environmental study can be conducted.

It is essential someone hits the pause button so we can protect the beautiful natural resource that is the Spokane River.

Thank you for your consideration,

Maggie Carli
Hunters Glen
Post Falls, ID

Sent from my iPhone

From: [MARY YORK](#)
To: [Navigable Waterways](#)
Subject: Boat dock opposition
Date: Saturday, August 2, 2025 4:26:27 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.

August 2, 2025

Dear Idaho Department of Lands,

I was unable to attend the July 30th meeting between your office and the "Concerned Citizen" group, but have been to a few of their other events along with many other concerned people. I just want to voice my opposition to the continued growth of traffic along the waters of the Spokane River from Post Falls to CDA. I have noticed throughout the year's how many more homes are being built along the river since 1968 when my family acquired land along the river. With these homes they brought their boats. I am from Spokane and we also brought our boat to that stretch of the river. Many people from all around the area come to use that river. Even as we see the growth of people moving into Spokane, Post Falls, and CDA, we see our streets becoming increasingly busy with traffic and congestion. So too are our favorite recreational places becoming congested with overgrowth and pollution. I cross the Post Falls bridge on a warm day and see signs, more frequently, telling me that the public boat ramp is "full". Also, as I sit on our beach front in one of the bays on the river, I see boats that will anker out all day long. We have counted maybe from 6 up to 25 boats at a time that anker in a bay. You might wonder if they all have pee cans in their boat or not. Kids and adults are on all types of water toys in the bay area. Other boaters, who do not linger and enjoy the swimming, are speeding through trying to safely avoid these obstacles, and at other times, not so safely avoiding obstacles.

I will admit that I have not studied the figures that the state may have on growth but just from personal observances it is not hard to see that there are problems that may just be beginning and some are already here. I am also concerned with the physical health of the river. Just by doing one Google search with the phrase "negative impacts of rec boating", will take you to a host of conditions that is created. The result of this Google search follows: (copy and pasted) Algae growth and sediment disruption: Boats can increase the growth of algae and kick up sediments, affecting water clarity and quality.

Water chemistry changes: Boat deposits can alter the water's chemistry, adding too much of certain compounds or making it overly alkaline or acidic.

Toxicant exposure: Swimming in heavily trafficked waterways can impair health due to toxins like tributyltin (TBT) in anti-fouling paints.

Wildlife habitat disruption: Boats can harm wildlife, especially slow-moving species like manatees, which cannot avoid the speed of motorboats.

Erosion and sedimentation: Wake boats generate large waves that can cause shoreline erosion and disrupt aquatic plant life.

Noise pollution: Boating can contribute to noise pollution, which can disturb aquatic life and affect local ecosystems.

These impacts highlight the importance of responsible boating practices to minimize environmental harm and protect natural ecosystems.

I won't go on because I know your departments are well aware of all this information. I just wanted your office to know that even some of the usually quiet citizens have shown up for these "Concerned Citizen" meetings. But it sounded like not too many did at the June 30th one. I think the issue's raised by this group is a valid one and that I am in support of their actions taken.

"Control" eventually happens when growth gets to be too much, just determining when that point is being reached is the hard part. Please take my comments into consideration when trying to determine if that point of growth has been reached along the Spokane River. If so, please consider stronger regulations and planning in the years to come along that particular stretch of the river.

With Regards,

Mary York,

mary_york@comcast.net

PS: (I want you to know that I am not taking this position just because I own property along the river. I am truly concerned for the river area. I am in the process of putting my beautiful land on the realtor's market and finding a place that is more serene.)

From: [Mike High](#)
To: [Navigable Waterways](#)
Subject: Against adding more boat slips on the Spokane River
Date: Saturday, August 2, 2025 11:03:52 AM

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.

Commissioners,

My wife and I live and boat on the river. Over the last few years, the traffic and uncited boating violations has increased. I see people pulling small kids on tubes without a spotter or proper orange warning flags. Speeding in no wake zones, boaters not following standard rules of navigation, etc. We can't just keep adding to the river without a plan. Sooner or later there will be fatalities, and major life changing injuries. On top of personal issues, the property damage to the waterway continues to destroy and erode the shoreline. This also creates turbidity that may contain heavy metals and other toxins.

I am not against growth, but there must be some sort of understanding and evaluation of the long term affects on the aquatic ecosystem, as well as the cost of property damage to the current residents living on the river.

We oppose the addition of 223+ slips. AT THE VERY LEAST, THERE NEEDS TO BE A PAUSE ON PERMITS, AND AN ASSESSMENT/STUDY OF THE MAXIMUM CARRYING CAPACITY, SAFETY, EROSION and other issues impacting the river.

Sincerely,

Michael and Sharon High
11992 W Span Way Rd
Post Falls, ID 83854

From: [Paula Smyly](#)
To: [Navigable Waterways](#)
Cc: [Patrick Smyly](#)
Subject: Boat slips on the Spokane River
Date: Saturday, August 2, 2025 7:47:26 AM

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.

Hello! We have listened to the Commissioner's Meeting regarding new dock requests for the Spokane River. While we are not opposed to individual river front property owners having docks - we are concerned of adding 'multiple slip marinas' to the already crowded river.

Specific new permit requests are:

1. Permit #L95S6163A - Atlas/River's Edge 74 slips
2. Permit # TBD - Greensferry 22 slips

We avoid using the river on the evenings and especially on weekends as it is no longer enjoyable. This is due to sheer volume of boat traffic. Our poor natural resource just cannot handle more traffic. Being a native of Coeur d'Alene, adding more motorized traffic is much like the housing growth on the Prairie without improving the roads for traffic flow.

Unfortunately, we can't make our river bigger to accommodate yet more traffic. Our family supports a safer river.

Thank you,

Paula Smyly and Patrick Smyly

208 E. 1st Avenue

208.661.9049

From: [Philip Restuccia](#)
To: [Navigable Waterways](#)
Subject: Slips
Date: Saturday, August 2, 2025 9:40:11 AM

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.

We live on the Spokane river. We boat, tube and ski. We do not surf. Generally we use the river only on week days and generally only early morning or late evening. The reason is the amount of traffic on the river now. At other times the river is dangerous and frustrating. To many surf boats destroying the enjoyment of others not to mention the destruction of the shoreline. There are many boats and jet skis going to fast and some boats that are so loud they disturb every household on the river.

To add additional slips on the river is only going to add to the risk of using the river and a significant reduction of the pleasure of living and boating here. Look what is happening in CDA in general. Common sense dictates that additional slips (Boats) on the river is unnecessary and dangerous.

Phil

From: rusticremenant@aol.com
To: [Navigable Waterways](#)
Subject: Concerned citizen
Date: Monday, August 4, 2025 7:35:06 AM

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.

Good morning. My name is Eddie Hanson a resident on Harbor Island and one that is currently effected by the growing abuse and use of the Spokane river. There are two permit requests currently being considered for approval:

1) Atlas/River's Edge (74 slips). Public Comment deadline: This Monday August 4th
Permit #L95S6163A

2) Greensferry (22 slips). Public Comment deadline: August 14th
Permit # to be determined.

Having lived on the river for many years I've seen its use grow exponentially year after year until the past couple years where its use has exploded with current growth of our community. The river, and lake, which is the areas life blood is in the process of being destroyed. The banks of the river are being destroyed and eroded due to unmanageable wake cause by unconcerned recreationalists, our children and kayakers can no longer enjoy the river because of the unsafe boating practices, our community docks and neighborhoods are being invaded by uninvited river users, the wild life that once considered it its habitat has long been removed.

Out of state profiteers have, and continue, to benefit from our inadequate rules, our reckless innocence and lack of back bone to protect our river from the onslaught of abuse.

I plead with you to consider your fiduciary responsibility to our natural resources, to those that call this home and please reconsider the adverse impact that the approval of these permits will have on our community, environment and what we all consider our home.

Thank you
Eddie Hanson
6182 W Harbor Drive

From: [sheri.scofield](#)
To: [Navigable Waterways](#); [Amidy Fuson](#); [Mike Ahmer](#)
Subject: Opposition to River"s Edge Encroachment permit #L95S6163A
Date: Monday, August 4, 2025 6:00:18 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.

Idaho Dept of Lands,

If you did a survey of Kootenai County residents, MOST residents would immediately state that the Spokane River is extremely crowded and dangerous! This is a fact known to all.

Therefore, this email is to inform you, once again, that we oppose the above-referenced permit (and any others that are coming) for the following reasons:

- 1) The Spokane River CARRYING CAPACITY and DEVELOPMENT CAPACITY needs to be professionally assessed and researched for the safety of LOCAL residents and recreators. There are many tourists who visit, but our residents who enjoy the river need to be protected.
- 2) We cannot reverse bad decisions after the development and disturbances to the river have already taken place.
- 3) We are dealing with antiquated rules and guidelines that favor large investors, developers and corporations over individuals. It is extremely easy for an investor to apply and meet the low bar of requirements, but it takes months and months for an individual to make an improvement on their private property.
- 4) The departments that are assigned the duty to manage our waterways have accountable
- 5) Investors are making a lot of PROFIT on our waterways!! At the peoples' expense.
- 6) Safety, erosion, environment ...

Many more reasons, but it's 4:58p. These deadlines are ridiculous.

PLEASE PROTECT THE RIVER AND PAUSE THE PROCESS

Scott & Sheri Scofield for
Concerned Citizens

From: [sheri scofield](#)
To: [Navigable Waterways](#); [Amidy Fuson](#); [Mike Ahmer](#)
Subject: Re: Opposition to River's Edge Encroachment permit #L95S6163A
Date: Monday, August 4, 2025 6:03:48 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 Aug 4, 2025, at 4:59 PM, sheri scofield <sherichic91@gmail.com> wrote:
>
> Idaho Dept of Lands,
>
> If you did a survey of Kootenai County residents, MOST residents would immediately state that the Spokane River is extremely crowded and dangerous! This is a fact known to all.
> Therefore, this email is to inform you, once again, that we oppose the above-referenced permit (and any others that are coming) for the following reasons:
>
> 1) The Spokane River CARRYING CAPACITY and DEVELOPMENT CAPACITY needs to be professionally assessed and researched for the safety of LOCAL residents and recreators. There are many tourists who visit, but our residents who enjoy the river need to be protected.
>
> 2) We cannot reverse bad decisions after the development and disturbances to the river have already taken place.
>
> 3) We are dealing with antiquated rules and guidelines that favor large investors, developers and corporations over individuals. It is extremely easy for an investor to apply and meet the low bar of requirements, but it takes months and months for an individual to make an improvement on their private property.
>
> 4) The departments that are assigned the duty to manage our waterways have accountable CORRECTION: have to be accountable to the People; but in our 5/28/25 hearing, the attorney stated that "IDL owns the water beds". This is not true; the People own the beds.
>
> 5) Investors are making a lot of PROFIT on our waterways!! At the peoples' expense.
>
> 6) Safety, erosion, environment ...
>
> Many more reasons, but it's 4:58p. These deadlines are ridiculous.
>
> PLEASE PROTECT THE RIVER AND PAUSE THE PROCESS
>
> Scott & Sheri Scofield for
> Concerned Citizens
>
>

From: [Skip Allert](#)
To: [Navigable Waterways](#)
Subject: Spokane River
Date: Saturday, August 2, 2025 9:09:55 AM

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.

From a safety point and a Spokane River property owner I am opposed to any more bot slips on the river.

It is already unsafe for my grandkids to play in the water.

Thank you for your consideration.

Clinton Allert

557 S Bret CDA ID

From: Terrie Kavran
To: [Navigable Waterways](#)
Subject: River
Date: Saturday, August 2, 2025 4:57:36 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.

We have lived on the river for 22 years. It has become very dangerous because it's so narrow in many places. We are against putting this many boat slips in unless they could make a lot of noise wake zones along the narrow spots. The surf boats are ruining our docks and property along the river. Please do something to help our waterways.

Sent from my iPhone

From: [Tonya Glinski](#)
To: [Navigable Waterways](#)
Subject: Spokane River Boat Slip-Opposition
Date: Monday, August 4, 2025 1:40:05 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.

Commissioners and IDL Members:

This email is intended to express my opposition to the additional boat slips being proposed at Templin's Resort, Atlas and Greensferry on the Spokane River.

Our home is located approximately 8 lots upstream from Templin's Resort on the Spokane River. We have resided on the Spokane River for over 40 years and have watched change happen...both positively and negatively. These proposed boat slips are most definitely a NEGATIVE for homeowners, boaters, recreational users and the River itself.

On the daily, we witness the congestion, the wakes created by oversized boats and wakeboats. the damage to the shoreline, the danger to our wildlife. On the daily, we witness close calls between boats, jet skis, paddleboarders and kayakers. Not to mention the close proximity that these boaters come to our children and grandchildren while swimming near the shore and docks. The River is already very congested and the addition of these boat slips will only further congest and cause an extremely dangerous situation. Trust us, the close calls with the present boat activity is already terrifying.

The River is a blessing to the public and we do not come to this opinion as "entitled homeowners" but as a first hand account of the present situation. As a lifelong Idaho resident the change to our area that I have witnessed is dramatic...the view from our dock and deck makes me a very valid witnesses to what is presently happening and the concern and danger of further traffic to the beautiful Spokane River.

The Marine Sherriff Department opinion should be carefully considered as the manpower to handle the existing boat traffic is already a stretch for their department, I am sure.

Public opinion on this matter should be weighed much more heavily than that of private investors seeking these boat slips for financial gain. Public safety and the damages to the River itself should be the primary concern when decisions are made.

Regards,

Tonya Glinski
549 S Idaho Street
Post Falls, ID 83854
Phone 208-661-0897

From: Tracie Davis
To: [Navigable Waterways](#)
Subject: Objection to increased boat slips on the Spokane River
Date: Sunday, August 3, 2025 9:50:55 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.

Dear Idaho Department of Lands and those whom it may concern,

We are writing to formally oppose the proposed addition of 74 boat slips at Atlas/River's Edge (Permit #L95S6163A), as well as any further expansion, such as the upcoming Greensferry permit. We are a property owner on Harbor Island and we see firsthand the growing safety, congestion, and environmental problems caused by the current level of boat and personal watercraft activity on the Spokane River.

The river is already under immense pressure. From our daily observations over the past 4 years we have lived in this community, we can attest to the high number of boats and PWCs that operate at fast speeds in this narrow, constrained waterway. This creates a clear safety hazard, especially in areas with limited sight lines and residential access points. Furthermore, the increased wake and traffic are accelerating shoreline erosion, a costly issue that we and many other residents on Harbor Island are actively trying to mitigate. Our community just had to spend over \$8,000 in repairs to our shoreline. These costs are not picked up by boat owners who are using the river. They are picked up by those of us who live on the river.

The congestion is a major concern. On weekends and holidays, the amount of boat traffic has increased exponentially over the past few years, making it nearly impossible to safely enjoy the river. Even on weekdays the river becomes too busy after mid-morning. We have personally experienced personal watercraft coming uncomfortably close to us and friends and family while we are trying to enjoy kayaking in the river. We cannot even begin to estimate how many times we've been swimming near the dock and boats and jet skis have come within 30 feet of us traveling at high speeds. It's gotten so out of control we won't go beyond the docks anymore as it is just too unsafe. Adding more slips and therefore more watercraft will only magnify these existing safety issues.

We are also aware of staffing shortages within the Sheriff's Office, which means they simply do not have the resources to properly enforce safe boating regulations. This lack of enforcement capacity makes the situation even more concerning. It is only a matter of time before someone is seriously injured or killed. The fact that both the Kootenai County Sheriff and Marine Deputy Sergeant Ryan Miller have issued statements opposing this development based on safety and geography should be a significant factor in your decision. When law enforcement warns against a development, it's a clear signal to pause and listen. That alone should be enough to halt new slip approvals until further study is completed.

We strongly urge the IDL to suspend further permits until a comprehensive study can be completed to assess the Spokane River's maximum carrying capacity, safety risks, shoreline erosion, and long-term ecological sustainability. While growth is inevitable, it must be managed responsibly. The unchecked commercialization of our river, often for the benefit of investors, is putting both people and our cherished natural resources at risk. Your concern needs to be about the safety of people and our river, not out of state investors who are being allowed to profit from our waterways.

Finally, we encourage the IDL to expand formal outreach to riverfront property owners who are most directly impacted as well as other citizens who would love to use our river for recreational use but can't because of the congestion and safety issues. Many residents we have spoken with are unaware of these proposed changes and deserve a voice in decisions that affect their safety, property, and quality of life.

Thank you for your time and consideration. We respectfully ask you to deny or at least pause Permit #L95S6163A

and initiate a broader evaluation of responsible river management practices going forward.

Sincerely,

Tracie and Brent Davis

6372 W Harbor Drive

CDA, ID. 83814

From: Victoria Le Forestier
To: [Navigable Waterways](#)
Subject: 223 boat slips!
Date: Sunday, August 3, 2025 3:08:58 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.

I strongly oppose this proposed measure!
Dangerous and will add to erosion!
Don't profit off our river!

Victoria LeForestier

Sent from my iPhone

From: [Magee, Wahed](#)
To: [Navigable Waterways](#)
Subject: Opposition to Proposed Boat Slips on Spokane River – Permit #L95S6163A (Atlas/River's Edge)
Date: Saturday, August 2, 2025 11:37:24 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.

Dear Idaho Department of Lands and those whom it may concern,

I am writing to formally oppose the proposed addition of 74 boat slips at Atlas/River's Edge (Permit #L95S6163A), as well as any further expansion, such as the upcoming Greensferry permit. I am a Spokane River waterfront property owner on Harbor Island, and I see firsthand the mounting safety, congestion, and environmental concerns caused by the current level of boat and personal watercraft activity.

The Spokane River is already under immense pressure. From daily observation, I can attest to the high number of boats and PWCs operating at fast speeds in a narrow, constrained waterway. This presents clear safety hazards, especially in areas with limited sightlines and residential access points. More importantly, the increased wake and traffic are accelerating shoreline erosion, an issue I and many others on Harbor Island are actively struggling to address. I recently consulted a contractor to explore costly mitigation strategies just to preserve my riverbank from further damage.

As someone who personally works as a Police Captain with over 20 years of experience, I will attest that I have seen the congestion firsthand and witnessed numerous instances where personal watercraft and boats come uncomfortably close to one another in front of my home on Harbor Island. Specially as it relates to the Spokane River, I have also observed personal watercraft traveling near people swimming or paddling in kayaks and paddleboards, many of whom are not easily visible on the water. The thought of adding all these new slips and therefore more watercraft only magnifies the existing safety issues. I am also aware of staffing shortages within the Sheriff's Office, and they simply do not have the resources to properly enforce safe boating regulations on the waterway every day all day. This lack of enforcement capacity (staffing is a widespread issue in law enforcement) makes the situation even more concerning. I am genuinely worried for everyone's safety, and it is only a matter of time before someone is seriously injured. From my personal law enforcement experience, I have seen how increased traffic on waterways leads to people getting severely injured and/or killed. Not to mention the quality of life issues for those who want to enjoy a safe environment on the waterway.

The fact that both the Kootenai County Sheriff and Marine Deputy Sergeant Ryan Miller

have issued statements opposing this development based on safety and geography should carry significant weight in your decision. If law enforcement is warning against it, it is time to pause and listen. That alone should be enough to halt new slip approvals until further study is completed.

I strongly urge the IDL to suspend further permits until a comprehensive study is completed to assess the Spokane River's maximum carrying capacity, safety risks, shoreline erosion, and long-term ecological sustainability. Growth is inevitable and can be positive when it is responsibly managed, but the unchecked commercialization of our river, often for the benefit of investors, is placing both people and cherished natural resources at risk.

Finally, I encourage the IDL to expand formal outreach to riverfront property owners who are most directly impacted. Many residents I have spoken with are unaware of these proposed changes and deserve a voice in decisions that affect their safety, property, and quality of life.

Thank you for your time and consideration. I respectfully ask you to deny or at least pause Permit #L95S6163A and initiate a broader evaluation of responsible river management practices going forward.

Sincerely,

Wahed (Wally) Magee
6339 W. Harbor Drive
Coeur d'Alene, Idaho
208-557-8775

From: James
To: barbj72@gmail.com
Subject: Spokane River boat slip permission issue
Date: Monday, August 4, 2025 5:45:59 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.

To: Idaho Department of Lands

navigablewaterways@idl.idaho.gov

From: Barbara and Dale James

708 E Anchor Way

Post Falls, ID 83854

Re: Concerns regarding increasing number of boat slips on the
Spokane River

We are probably the oldest full-time residents along the Spokane River, living just east of the Red Lion hotel and River Run gated community. We have resided in this location since 1980 and have both seen and experienced the changes in residential and recreational availability during these 45 years.

The number of boat slips keeps increasing along the river, seemingly with little or no regard or process for gaining a permit to allow a slip. This began when you (IDL) permitted Stancraft to provide an additional 100+ slips when they purchased Templins Red Lion hotel, with little or no notice to residents in the immediate area. Now, it seems that you are also considering adding another 96 slips in two locations, bringing a possible total of 223+ new slips along the river.

The blanket statement being tossed around of "Let's make the river a no wake zone" is not viable and would certainly detract from the recreational opportunities and value provided now to both Post Falls and Coeur d'Alene.

We are opposed to the procedure/process of approving these boat slips. It is difficult to understand that approval can be granted without any study of the river's maximum capacity, erosion, or other issues. We would encourage all responsible for these decisions to study the impact more closely than seems to be happening, and delay approval until you have sufficient factual information to make a wise and informed decision. If there is no updated and reasonably comprehensive permit process in place, take the time to establish one and take the responsibility for doing so.

Thank you -

Barbara and Dale James

--

This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: Connie Davis
To: [Navigable Waterways](#)
Subject: Greensferry (Permit #L95S6163A) and Atlas/River"s Edge additional Boat docks
Date: Monday, August 4, 2025 2:05:03 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.

Please save our river, erosion control and safety of our existing people using the Spokane River, Idaho upriver side of Post Falls Dam. Come out and use the river on the weekend especially. This might open your eyes to the growth. I don't believe the regulations have kept up the growth of the boating and recreational use of the river.

Take time to do a study of the usage and damage being done to the river.

Thank you

Connie Davis
112 S Coho Rd
Post Falls, ID

From: Debra Hammett
To: [Navigable Waterways](#)
Subject: Protect our river
Date: Monday, August 4, 2025 12:08:52 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.

Greetings. We're at a crossroads here to save the quality of our Spokane river. As a resident of Harbor Island since 1987, I have seen many changes.....many. The most noticeable is the volume of boat traffic on the water. Boats are also bigger! If you continue to grant permits for multiple marina slips (ie Templins, Greensferry, and Atlas), permanent residents of our beautiful N Idaho will again be left to clean up the aftermath of careless recreation. Tourists don't worry about the LEAD in our river bed. Anyone who has lived here more than a minute can recognize the complications of our population explosion. Please don't let the destruction of our river go unchecked. High boat traffic added to summer heat creates volatile tempers in all parties. Please help calm our waters and our residents with a moratorium on more slips. Thank you in advance for protecting the Spokane river.

Deb Hammett
6182 W Harbor Drive
Coeur d'Alene

From: dbasore@secairc.com
To: [Navigable Waterways](#)
Subject: Concerned Citizens
Date: Monday, August 4, 2025 5:43:41 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.

Hello Idaho Dept of Lands,

We oppose the addition of 223+ additional boat slips added to the Spokane River. AT THE VERY LEAST, THERE NEEDS TO BE A PAUSE ON PERMITS, AND AN ASSESSMENT/STUDY OF THE MAXIMUM CARRYING CAPACITY, SAFETY, EROSION and other issues impacting the river.

We live on the bay across from Templins and are very concerned with the safety of swimmers, people on non motorized water toys, water life and erosion of our land.

We simply do not have the space for this huge increase of boat traffic to continue a safe bay.

Thank you,

Delina Basore

Concerned Citizens

From: Diane Winebarger
To: [Navigable Waterways](#); [Diane Winebarger](#)
Subject: Subject: Spokane River Boat Slip Expansion Issues
Date: Monday, August 4, 2025 2:20:00 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.

As a residential property owner on the Spokane River we would like to provide you with our comments as to the ongoing, continue expansion/addition of boat slips, marinas, etc., on the Spokane River.

The amount of traffic on the Spokane River has dramatically increased over the past several years creating dangerous conditions, shore erosion, damage to boats/docks, etc. As retirees, we elect not to use our boat or jet skis on the weekend because of heavy boat traffic and what we determine to be unsafe conditions.

The river is too narrow to allow for continued expansion of boat slips by marinas and commercial boating operations. These marinas and commercial boating operations have negatively impacted the enjoyment by the general public and property owners of the recreational opportunities of the river due to overcrowding.

The public sector decision makers should seriously consider all aspects associated with expansions such as safety, environmental, future development of vacant land, etc., before issuing permits for commercial/multiple boat slips.

E. C. Winebarger
Diane Winebarger
dianewinebarger@yahoo.com

From: Jack Glinski
To: [Navigable Waterways](#)
Subject: Opposition to Boat Slips-Spokane River
Date: Monday, August 4, 2025 1:52:54 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.

To: IDL Members:

This email is intended to express my opposition to the additional boat slips being proposed at Templin's Resort, Atlas and Greensferry on the Spokane River.

Our home is located approximately 8 lots upstream from Templin's Resort on the Spokane River. I have resided on the Spokane River for over 40 years. My parents, prior to their death, resided here since 1972. These proposed boat slips are most definitely a NEGATIVE for homeowners, boaters, recreational users and the River itself.

On the daily, we witness the congestion, the wakes created by oversized boats and wakeboats. the damage to the shoreline, the danger to our wildlife. On the daily, we witness close calls between boats, jet skis, paddleboarders and kayakers. Not to mention the close proximity that these boaters come to our children and grandchildren while swimming near the shore and docks. The River is already very congested and the addition of these boat slips will only further congest and cause an extremely dangerous situation. Trust us, the close calls with the present boat activity is already terrifying.

Just two days ago, 2 large Stancraft boats, heading towards Templins Resort downriver caused a huge amount of water to "swamp" our floating dock. I cannot imagine an additional 50 to 100 boats utilizing the River and causing the amount of wake and damage to shoreline and property. The wake created by the large boats that would be housed at the proposed boat slips at Templin's will be detrimental to the shoreline and properties.

The River is a blessing to the public and we do not come to this opinion as "entitled homeowners" but as a first hand account of the present situation. As a 50+ year Idaho resident living right on the Spokane River, I have witnessed change. Along with this change has come the increase of usage of the River and safety concerns. My position as a boater and River resident makes me a valid witnesses to what is presently happening and the concern and danger of further traffic on the Spokane River.

The Marine Sherriff Department opinion should be carefully considered.

Public opinion on this matter should be weighed much more heavily than that of private investors seeking these boat slips for financial gain. Public safety and the damages to the River itself should be the primary concern when decisions are made.

Regards,

John (Jack) Glinski, Jr.

549 S Idaho Street

Post Falls, ID 83854

Phone 208-660-1032

From: Jim Landers
To: [Navigable Waterways](#)
Subject: Post Falls Atlas/Rivers Edge boat slips
Date: Monday, August 4, 2025 10:35:57 AM

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.

I frequently boat on the Spokane River. It has been for years overcrowded. Common sense would tell anyone that more docks on the river is not warranted. Deny this request for more slips on the river.

From: Jody Wilson
To: [Navigable Waterways](#)
Subject: Opposition to Additional Boat Slips on the Spokane River
Date: Monday, August 4, 2025 2:36:51 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.

Idaho Department of Lands,

I am writing you to let you know that we oppose the addition of 223+ additional boat slips added to the Spokane River. There are already too many boats going to fast along the river. It is unsafe and noisy and dangerous. Please think about safety. We who live along the river already see daily near misses on the busy days on the river.

Thank you for voting no on this proposal,

Jody Wilson
6701 W Harbor Dr
Coeur D Alene ID

From: Kim Wilson
To: [Navigable Waterways](#)
Subject: No to More boat slips on the Spokane River
Date: Monday, August 4, 2025 2:41:16 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.

I am opposed to more boat slips on the Spokane River. It is already very unsafe with the boats we have on the river now. As homeowners on the River we see constant potentially dangerous situations with too many boats going too fast on the river regardless of what the speed limit is. They get way too close to the docks and don't pay enough attention to other boats. Please think about our North Idaho resident's safety.

Thank you,

Kim Wilson

From: Liz Koury
To: [Navigable Waterways](#)
Subject: Opposition to additional boat slips Spokane River!
Date: Monday, August 4, 2025 5:38:44 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.

I am writing today in opposition of all the proposed addition of boat slips on the Spokane River, between CdA lake and the Post Falls dam.

I have been a resident on the river for almost 30 years. What I have seen in the last 8 years is nothing short of astonishing and horrific. I have witnessed exponential increase in boat traffic, wave size, erosion, property damage and safety issues. Daily. It's hard to believe there is any public official or agency that cares about the long term consequences and environmental impact of what is being allowed to happen to a valuable natural resource for corporate profit.

Please. I beg your department to stop or pause any additions until environmental impact studies are completed and laws are put in place AND existing regulations are upheld. We need to protect the health and safety of waterways first. Please stop the greed and put the people and the resources first.

I would like to extend an invitation to anyone that would like to see what is happening on evenings and weekends to come over for a couple hours to witness some of the madness.

Liz Koury
6347 W Harbor Dr
CdA 83814

From: Mary Lee Linton
To: [Navigable Waterways](#)
Cc: [Mary Lee Linton](#); [Dirk Linton](#)
Subject: Re: New permit requests on Spokane River
Date: Monday, August 4, 2025 1:26:46 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.

Dear waterways manager at IDL,

We are residents living on the Spokane River between Post Falls and Coeur d'Alene, ID. Our family has owned this property since 1965.

We are writing today to express our strong opposition to the New Permit applications for boat slips on the Spokane River. Specifically 2 new permits: #1) Atlas/River's Edge, (74 slips) Permit#-L95S6163A and Permit #2) Greensferry (22 slips)--permit# undetermined.

This plus the 120+ boat slips planned for Templin's marina puts at least 200+ additional boats traveling on the Spokane River the short distance between Post Falls and Coeur d'Alene Lake.

The basis for our opposition is 2 fold: 1. SAFETY--to people and to the river--this is an extremely narrow and shallow body of water. Currently we see 3-4 boats at a time meeting/passing each other where the river is very narrow. We have also witnessed "close calls" where a jet skier was narrowly missed by a boat and boats passing each other way too closely and swerving to within 50 feet of our dock/shoreline.

We know the University of Idaho conducted studies last summer of this waterway studying how heavy metals such as lead and zinc occurring in silty sediments of the Spokane River and Cd'A Lake get kicked up by high boat traffic and large wakes. This presents a high risk to persons and shorelines of these toxic metals.

2. LACK OF CONSISTENT ENFORCEMENT OF IDAHO WATERWAY RULES--there are established regulations and rules for the Spokane River. All the boating laws are included in The Handbook of Idaho Boating Laws and Responsibilities. In part, the rules include specific language for wake boats to stay more than 200 feet from docks and shorelines and to operate at no wake speed when within 100 feet of docks, other vessels, swimmers and persons in the water.

It is common knowledge that the Sheriff marine patrols are not enforcing any of these rules for all boat types.

During high boat traffic times, we rarely see the marine patrol boats.

As Idaho residents and active boaters ourselves who enjoy this beautiful river, we are asking you to halt authorizing any further permits that will add boats this river; at the very least a longterm pause until there are assessments/studies done to determine the maximum carrying capacity of this waterway and to do erosion and safety studies.

Thank you for your time and attention on this matter.

Dirk and Mary Lee Linton
8825 W Driftwood Dr
Coeur d'Alene, ID 83814

From: RannSamm Haight
To: [Navigable Waterways](#)
Subject: Marina/Boat Slip Permits - Spokane River Permits
Date: Monday, August 4, 2025 1:26:34 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.

As a permanent resident on Harbor Island and frequent boater of the Spokane River, I believe the amount of traffic on the water is not the issue.

The river and property owners suffer from wakes produced by boats, personal watercraft and their excessive speed. The width of the river does not allow for wake producing boats to maintain a safe distance from existing docks.

We would not be opposed to most any marina located on the river as long as the water between the Post Falls Dam and North Idaho College was designated a "No Wake" zone and was policed accordingly.

If the "No Wake" designation is not an option then we are opposed to any commercial marinas on the Spokane River.

Thank you - Rann and Samm Haight

From: [Bonnie Lupton](#)
To: [Navigable Waterways](#)
Subject: Re: Protect the Spokane River — Opposition to Waterstone Encroachment #L95S6181
Date: Monday, August 18, 2025 1:46:06 AM

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.

I'm wishing you great success..
I reworked my letter you may like this version better.

Idaho Department of Lands
Navigable Waters Division

To Whom It May Concern,

I am writing to oppose the Estates at Waterstone Encroachment Application (#L95S6181) on the Spokane River near Post Falls.

This is not merely another permit—it is a decision about whether a living river will remain the inheritance of the people or be carved away for private gain.

The Spokane River is our heartline. At Q'emiln Park, families launch their boats. Children wade into the shallows with laughter on their lips. Anglers cast lines where the light bends over the water. Kayakers press forward against its current. From the Centennial Trail to Avista's recreation sites, it is shared ground, binding neighbor to neighbor, generation to generation.

For me, it is more than community—it is blood and memory. This summer my daughter and granddaughter traveled across an ocean to see me. Each morning my daughter swam two miles along the shoreline, calling it “wild swimming.” She said she had never known anything like it. That is what makes this river holy in its way—it is still wild, still real, still ours.

Each new dock is not just “one more.” It is another cut into something already fragile. It multiplies congestion, throws greater wakes against the shore, eats away at the banks, threatens fish and fowl, and endangers the safety of those who trust the river to hold them. The costs do not fall on the developers. They fall on the people—and on the river itself.

Idaho’s law could not be clearer. Under the Public Trust Doctrine, the State holds the beds and banks of its navigable waters, including the Spokane River, in trust for all its citizens. The courts of this state have said it again and again: no private encroachment can unreasonably interfere with the public’s rights to navigate, to fish, to recreate, and to find renewal in the beauty of the waters. This is not a courtesy. It is a legal and moral duty. To betray it is to betray the people.

Accordingly, I support:

- A pause on new encroachment permits until the river’s true carrying capacity is known.
- Stronger marine patrols to safeguard lives as traffic grows.
- Independent studies on erosion, habitat, and long-term impacts.
- Decisions that place public trust above private profit.
- A public hearing so that the voices of those who live here are heard before damage cannot be undone.

This river is not a commodity. It is a trust, held in your hands on behalf of us all. When you decide its future, you are not weighing paperwork—you are determining whether the Spokane River will remain a living gift or be diminished into memory.

I ask you: pause. Protect this river. Honor the law, the trust, and the generations yet to come who deserve to know its strength, its wildness, its

grace.

Respectfully,

Bonnie J. Lupton

212 E 1st Ave, Apt 11

Post Falls, ID 83854-7157

bonniejlupton@me.com

On Aug 17, 2025, at 11:49 PM, Bonnie Lupton <bonniejlupton@me.com> wrote:

You're welcome to use my letter. I'm off to bed, but why don't we connect tomorrow and we'll try to set up a time to meet good night Bonnie.

On Aug 17, 2025, at 11:42 PM, Bonnie Lupton
<bonniejlupton@me.com> wrote:

Begin forwarded message:

From: Bonnie Lupton <bonniejlupton@me.com>
Date: August 17, 2025 at 9:33:09 PM PDT
To: navigablewaters@idl.idaho.gov
**Subject: Protect the Spokane River — Opposition to
Waterstone Encroachment #L95S6181**

Subject: Please Protect the Spokane River —
Opposition to Waterstone
Encroachment #L95S6181

To: navigablewaters@idl.idaho.gov

Idaho Department of Lands
Navigable Waters Division

To Whom It May Concern,

I am writing to oppose the Estates at Waterstone Encroachment Application (#L95S6181) on the Spokane River near Post Falls.

This is more than another permit on paper. This is about whether our leaders are willing to protect a public river for the many—or open it up piece by piece for the profit of a few.

In Post Falls, the Spokane River is our heartline. Families launch boats at Q'emiln Park, children wade into the shallows, kayakers and anglers share the same current. Access points like the Centennial Trail and Avista's recreation sites connect us all to the

water. It is shared space, and it binds our community together.

For me, this river is also personal. This summer my daughter and granddaughter traveled all the way from the UK to visit me. My daughter spent her mornings swimming nearly two miles along the shoreline. She called it “wild swimming,” and she said she’d never experienced anything like it. That’s what makes this river so special—it’s still wild, still real, still ours. Please don’t take that away from us.

Every new dock and expansion doesn’t just add “one more.” It multiplies risk: more congestion, more wakes, more erosion, more stress on habitat and safety. That burden doesn’t fall on the developers—it falls on the people, and on the river itself.

I urge you to pause and ask: Whose interest is really being served?

The builders will move on once they’ve cashed their checks. But the citizens of Idaho will live with the consequences

forever.

Accordingly, I support:

- A pause on new encroachment permits until the river's true carrying capacity is studied.
- Stronger marine patrols to protect safety as boat traffic grows.
- Independent studies on shoreline erosion, habitat health, and long-term impacts.
- Decisions that put people over profit, because public waters belong to the public.
- A public hearing so local voices are heard before irreversible damage is done.

This river is not simply a resource—it is a trust. And when you sit in judgment over its future, you are not just granting a permit. You are shaping what this community, and future generations, will inherit.

I urge you: please protect the Spokane River. Protect it for the citizens who live here now, and for those not yet born who deserve to know it as more than a story.

Respectfully,

Bonnie J. Lupton
212 E 1st Ave, Apt 11
Post Falls, ID 83854-7157
bonniejlupton@me.com

From: Eric Hirst
To: [Navigable Waterways](#)
Subject: The Estates at Waterstone, #L95S6181
Date: Monday, August 18, 2025 8:48:31 AM

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.

Please consider the amount of additional traffic these premits would cause on an already very busy river. On top of the 414 proposal to add 200+ boats and the lack of any regular patrolling for excessive wake, excessive speed and just plain inattentive driving. There are very definite safety considerations on this river already and adding more boats will only make it worse. Many of us that live on or near the river are quite concerned and don't want to see a tragic accident happen. Thank you for your consideration of this matter.

From: Erica Sheppard
To: [Navigable Waterways](#)
Subject: Concerns Regarding Permit for Additional Boat Slips on the Spokane River: Greensferry Rd (Permit # TBD)
Date: Wednesday, August 13, 2025 12:54:52 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.

August 13, 2025

To Whom It May Concern,

I am writing to express my concerns about the proposed permit for additional boat slips being added off of Greensferry Road on the Spokane River (permit number TBD). As a lifelong Idaho resident and current resident on the Spokane River, I have witnessed significant changes in the river's usage and the increasing strain on both its environment and safety.

Safety:

The Spokane River is already experiencing congestion, and the addition of new boat slips will worsen safety risks. The understaffed Marine Deputy Department has limited capacity to enforce safety regulations, and I have observed many violations, including excessive speed, lack of life jackets, and improper towing practices. More boats will increase the likelihood of accidents and injuries.

Environmental Impact:

The river's shoreline is already suffering from erosion, exacerbated by wake sizes averaging 3-4 feet. This is damaging the riverbed and natural habitats of animals and fish. Additionally, the historical mining activities near Coeur d'Alene Lake may have left harmful chemicals in the riverbed, which could be stirred up by larger wakes, posing health risks to both humans and wildlife.

Property Damage:

Many riverfront property owners, including my family, have already faced significant costs due to shoreline erosion caused by increasing wake sizes. Adding more boat slips will only exacerbate this issue.

Before approving the permit, I urge the Department of Lands to conduct studies on the river's capacity, environmental health, and the impact of boat wakes. This data is essential to ensure that the river can safely accommodate additional boat traffic without further harm to the community and environment.

Thank you for your consideration.

Sincerely,
Erica Sheppard
Spokane River Resident

From: [Katelyn Scott](#)
To: [Navigable Waterways](#)
Subject: Spokane River Marina Permits
Date: Thursday, August 14, 2025 9:57:41 AM
Attachments: [Spokane Riverkeeper Comments re Marinas.pdf](#)

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.

Greetings:

On behalf of Spokane Riverkeeper, please find the attached written comments on the permits for Atlas/River's Edge (Permit #L95S6163A) and Greensferry. Thank you for your consideration.

Best,



Katelyn Scott
Water Protector
(she/her/hers)
Spokane Riverkeeper
katy@spokaneriverkeeper.org
509.464.7614 - office
509.638.5331 - mobile
spokaneriverkeeper.org



August 14, 2025

VIA EMAIL: navigablewaterways@idl.idaho.gov

Dear Idaho Department of Lands:

On behalf of Spokane Riverkeeper, I submit the following written comments on the permits for Atlas/River's Edge (Permit #L95S6163A) and Greensferry. Spokane Riverkeeper is a non-profit advocacy organization dedicated to protecting and restoring the health of the Spokane River watershed. We appreciate the opportunity to provide comments and urge the Idaho Department of Lands (IDL) to deny these permits.

We oppose the proposed addition of over 223 boat slips to the Spokane River. Such a large expansion raises serious concerns about water quality, shoreline stability, public safety, and the overall ecological health of the river. Spokane Riverkeeper supports responsible, well-managed boating and recognizes that the river is a valued place for recreation of all kinds. Our concern is not with boating as an activity, but with the scale of this proposed expansion and the cumulative impact it would add to an already stressed river system. In a waterway with known heavy metals contamination and limited channel width, large increases in boat traffic—especially from high-wake vessels—pose a clear threat to water quality, habitat stability, and safe public use.

The Spokane River's contamination legacy and legal protections

The Spokane River is a vital social and cultural asset for the entire region. The river supports a wide variety of uses including diverse recreation, fisheries, and wildlife habitat. It also carries a legacy of heavy metals contamination—arsenic, cadmium, lead, and zinc, originating from mining in the Coeur d'Alene Basin. While much of this contamination settled at the bottom of Lake Coeur d'Alene, fine metal-laden particles continue to flow downstream into the Spokane River.

These metals accumulate in sediments along the riverbed, shorelines, and even in high-water marks above summer levels. The primary source of dissolved metals remains the upper Coeur d'Alene Basin (US EPA 2015). The Spokane River in this section is on the EPA's 303(d) impaired waters list for lead and zinc, meaning it already fails to meet water quality standards required under the Clean Water Act to protect human health and aquatic life. Idaho's Department of Environmental Quality has recognized this impairment since 1994.



The Spokane River Metals Total Maximum Daily Load (TMDL)¹ relies on these metals staying settled and undisturbed in the sediments. Disturbance of contaminated sediments undermines this strategy and risks violating water quality protections.

How increased boat traffic worsens contamination

Increased boat traffic—especially from large wake boats—disturbs contaminated sediments, releasing lead, arsenic, cadmium, and zinc into the water. Once re-suspended, these toxic metals travel downstream, threatening fish, wildlife, and the health of communities that rely on the Spokane River for drinking water, fishing, and recreation. This single effect alone risks undoing decades of water quality progress and directly conflicts with state and federal Clean Water Act obligations.

Studies on similar waterways show that wake boats can resuspend sediments in waters as deep as 26 feet, and can significantly increase the size of waves reaching the shoreline.² Wake boats in surf mode are particularly egregious, and can make waves that are about twice as tall as waves from ski boats at the same distance from shore. Because wave energy increases faster than height, those waves actually carry about four times more energy. To get a wake boat's surf-mode wave down to the same size and energy as a ski boat's wave at 100 feet, you'd have to be more than 500 feet from shore. This matches what other studies have found.

On the Spokane River, these large, high-energy waves have little space to dissipate before hitting the shore. This concentrated energy accelerates shoreline erosion, washing away soil and vegetation that stabilize the banks and protect habitat. In such confined channels, waves can also rebound off opposite banks, amplifying their destructive power. In the Spokane River, where both the shoreline and riverbed are contaminated with heavy metals from historic mining, this erosion and disturbance carry additional risks.

Erosion of these soils to surface waters is an ongoing source of metals-contaminated sediment to surface water (Stratus 2000). Downstream beach sites are at risk of continued contamination from the resuspension of sediment caused by wake boats. In 2022 and 2018 monitoring, Washington's Department of Ecology found ongoing metals deposition and increased concentrations of arsenic, lead, cadmium, and zinc at downstream recreational sites, with the

¹ Spokane River Metals TMDL: Lead and Zinc, Idaho Department of Environmental Quality (2022) <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/16540>

² Riesgraf, Andrew; Marr, Jeffrey; Herb, William; Lueker, Matthew; Kozarek, Jessica. A Field Study of Recreational Powerboat Hydrodynamics and their Impacts on the Water Column and Lakebed. (2025). Retrieved from the University Digital Conservancy, <https://hdl.handle.net/11299/274184>; Terra Vigilis Environmental Services Group. (2022). Water quality and wave impact study: phase 2 report. https://www.safewakes.org/_files/ugd/2936a3_e64f2cd98fcb49c9b060fa11a959fbd0.pdf; Terra Vigilis Environmental Services Group. (2024). Lake Waramaug Shallow Water Environment Wave Impact Study, Final Report.



highest amounts found near the Washington-Idaho border³. This contamination is likely from upstream sources, including increased erosion and stir from wake boat traffic in the upper river.

Impacts to Safety, Recreation, and Habitat

The proposed expansion of marina boat slips on the Spokane River threatens to exacerbate water quality degradation, shoreline erosion, public safety risks, and the loss of diverse recreational opportunities. The re-suspension of contaminated sediments has the potential to impact designated uses on the entire upper river. It not only degrades water quality locally but also impacts downstream users and ecosystems as contaminants are carried further along the river. These pollutants threaten aquatic life and pose ongoing risks to human health, including those who rely on the river for drinking water, fishing, and recreation.

Aquatic Health Impacts: Water quality must be maintained to protect the most sensitive beneficial use and in this case aquatic life is the most sensitive use. Metals are toxic to aquatic life, and extremely low levels of some metals can adversely affect some fish species, as well as their food sources. A study conducted by Vinodhini and Narayanan, focused on the effects heavy metals have on marine life, more specifically on the effects of heavy metal bioaccumulation in fish. The study indicated, increased exposure to heavy metals causes serious and fatal health effects in fish. Ultimately, heavy metals cause a plethora of problems to the river ecosystem due to the bioaccumulation of heavy metals in organism. Not only would heavy metals effect fish, but the whole ecosystem including humans would be negatively affected.

Drinking Water Risks: The river is a major contributor to the Spokane Valley-Rathdrum Prairie Aquifer that is a sole source of potable water for hundreds of thousands of people. Increased releases of metals from sediments in the River could have untold impacts on aquifer groundwater quality. Proper management of these sediments to prevent increased releases of metals is necessary to control for the potential for metals contamination of the aquifer and ensure protection of the downstream in the River by preventing the release of hazardous substances into surface waters. This is an important issue for the downstream stakeholders.

Recreational Impacts: Increased turbidity and contamination also diminish the quality of recreational experiences downstream, affecting swimmers, anglers, and paddlers who seek clean, safe water. The growth of wake boat traffic also threatens to displace non-motorized recreation. High wakes create hazardous conditions for swimmers, paddlers, anglers, and others seeking quiet, low-impact river use, effectively eliminating some forms of traditional river enjoyment. This growing motorized use directly conflicts with the Spokane River's designated uses protected under the Clean Water Act, which include recreation and the protection of aquatic life. When the river becomes unsafe or inaccessible for these uses due to excessive wake boat activity

³ Spokane River Shoreline Metals Sites Periodic Review, WDOE (2022)
<https://apps.ecology.wa.gov/cleanupsearch/document/116415>



and congestion, it fails to meet water quality standards and designated use protections intended to preserve the river's ecological and recreational values.

Additionally, expanding marina facilities tends to increase no-wake zones to protect shorelines, which compresses motorized boat traffic into smaller river sections. Greater traffic volume:

- Increases potential for collision risks between motorized and non-motorized craft;
- Compresses boaters into narrower travel lanes, raising the likelihood of shoreline contact;
- Creates hazardous conditions for swimmers, paddlers, and anglers; and
- Heightens the potential for accidents in congested areas such as bends, docks, and marina entrances.

Increased congestion also amplifies environmental harm: more boats in confined areas create more wakes in less space, resulting in higher erosion rates and more sediment disturbance per shoreline mile. In this way, unchecked boat traffic undermines the progress made toward meeting water quality standards and compromises the health and enjoyment of the river for all communities along its course.

Recreational Carrying Capacity Study Needed

The proposed expansion of marina facilities on the Spokane River would increase boat traffic, accelerate shoreline erosion, increase metals re-suspension, and undermine decades of work to restore water quality. Given the contamination legacy, the river's narrow channel, and its legal protections, Idaho Department of Lands should pause any new permits until a thorough, science-based study is conducted, specifically to evaluate the cumulative impacts of wake boats and increased motorized traffic on the upper Spokane River's ecology, water quality, and recreational uses.

This study must determine the river's maximum carrying capacity and evaluate the cumulative impacts of existing and proposed boat traffic. Research on similar river systems⁴ has demonstrated the importance of understanding how increased recreational use affects water quality, safety, and habitat health. The study should address critical issues including:

- Water quality impacts from increased boat activity, including downstream impacts
- Shoreline erosion and habitat disruption
- Public safety and navigation hazards
- Impacts on recreational uses and overall river health

⁴ Ecoscape Environmental Consultants Ltd. & Larratt Aquatic Consulting Ltd., Lake Windermere Recreational Impact and Sediment Quality Assessment (2024)
<https://www.lakeambassadors.ca/lwawp/wp-content/uploads/2024/08/Lake-Windermere-Recreational-Carrying-Capacity-Study-Public-Release-Version.pdf>



Only with a clear understanding of these effects can informed decisions be made that protect this vital resource for current users and future generations.

Thank you for your consideration.

Respectfully submitted,

Katelyn Scott, Esq.,
Water Protector

From: [Paula Smyly](#)
To: [Navigable Waterways](#)
Subject: Fwd: Spokane River
Date: Monday, August 18, 2025 6:56:45 AM

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.

----- Forwarded message -----

From: Paula Smyly <paulajeansmyly@gmail.com>
Date: Mon, Aug 18, 2025 at 5:48 AM
Subject: Spokane River
To: Paula Smyly <paulajeansmyly@gmail.com>

The Estates at Waterstone, #L95S6181 - Located east of Greensferry near Ponderosa

"I support Concerned Citizens and the attention they have brought to the Spokane River! The best interest of citizens and the condition of the river is NOT being considered by our leaders.

Our opposition STARTS with boats and docks, but ENDS with upholding The Public Trust Doctrine: ensuring our state agencies are following the laws, providing safety, and choosing the ecological health of the river so future generations can enjoy it!

Accordingly, I support:

- a PAUSE on the permits being issued - "...when is enough, ENOUGH?" - Mattare, 7/30/25 KC mtg
- SAFETY by increasing marine sheriff patrols
- STUDIES of the maximum carrying capacity of the river
- RESEARCH because more boat traffic means more wakes, more erosion, and more stress on shorelines and aquatic life
- Decisions based on PEOPLE over PROFIT by out-of-state investors; stop PROFIT over PEOPLE!
- TRANSPARENCY for local residents. We want a say in how our Spokane River is being managed

I support calling for a public hearing in order to hear from local citizens.

Thank you."

From: Terri Shields
To: [Navigable Waterways](#)
Subject: The Estates at Waterstone, #L95S6181 - Located east of Greensferry near Ponderosa
Date: Monday, August 18, 2025 1:27:58 AM

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.

I oppose the encroachment especially with the passing of the PF Hospitality LLC case, which should be reevaluated. More studies need to be done to see what the capacity for boats on the river can be. If businesses apply for a large amount of boat slips and since there are no current studies on what the boat capacity of the river is, they shouldn't be granted the full amount of boat slips. Better yet, there should be a pause on granting large business marina types of boat slips being added to the river without a study on what the river capacity is.

Once that is determined divide the amount of slips left that the river can manage safely between the applicants and the possibly future applicants. The river is for the public to enjoy and cannot be enjoyed if the river is overcrowded. This could be why there aren't as many boats on the river this year. In the last ten years the river has seen increased usage with boats, paddle boards, canoes, kayaks etc. The safety of the public has been compromised.

I have been on the river since 1968 and have seen a lot of changes. It doesn't seem to matter what the residents think or know. We all know big money talks. But is it worth the price of safety and increased contamination of the river we know and love?

Sincerely,

Terri Shields

From: xjking24@yahoo.com
To: [Navigable Waterways](#)
Subject: "Opposition to L95S6163A"
Date: Sunday, August 17, 2025 9:30:35 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.

Open my shared document:

<https://www.icloud.com/pages/098sn6Geba4GaykHVmIl2cnqQ#Opposition_to_L95S6163A>
<https://www.icloud.com/pages/098sn6Geba4GaykHVmIl2cnqQ#Opposition_to_L95S6163A> Opposition to
L95S6163A <https://www.icloud.com/pages/098sn6Geba4GaykHVmIl2cnqQ#Opposition_to_L95S6163A>
Pages <https://www.icloud.com/pages/098sn6Geba4GaykHVmIl2cnqQ#Opposition_to_L95S6163A>

Sent from my iPad

From: [Bonnie Lupton](#)
To: [Navigable Waterways](#)
Subject: Re: Protect the Spokane River — Opposition to Waterstone Encroachment #L95S6181
Date: Monday, August 18, 2025 10:55:06 AM

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.

Dear Sheri,

Thank you for the kind words about my letter—I'm happy for you to use it. I know how hard you've been working on this project and I admire your dedication.

As Wallace J. Nichols writes in *Blue Mind*, “being near, in, on, or under water can make you happier, healthier, more connected, and better at what you do.” That’s true for me here: the river’s open view brings daily calm. If Templin’s expands, the structures will extend directly in front of my condo—replacing the sight of osprey fishing with boats bobbing beneath the marina’s signature blue canopies—and it will diminish that restorative “blue mind” effect.

If you’d like to grab coffee or have a quick phone chat, I’d welcome it. Please reach out at your convenience.

Bonnie

On Aug 17, 2025, at 11:42 PM, Bonnie Lupton <bonniejlupton@me.com> wrote:

Begin forwarded message:

From: Bonnie Lupton <bonniejlupton@me.com>
Date: August 17, 2025 at 9:33:09 PM PDT
To: navigablewaters@idl.idaho.gov
Subject: Protect the Spokane River — Opposition to Waterstone Encroachment #L95S6181

Subject: Please Protect the Spokane River —
Opposition to Waterstone Encroachment
#L95S6181

To: navigablewaters@idl.idaho.gov

Idaho Department of Lands
Navigable Waters Division

To Whom It May Concern,

I am writing to oppose the Estates at Waterstone Encroachment Application (#L95S6181) on the Spokane River near Post Falls.

This is more than another permit on paper. This

is about whether our leaders are willing to protect a public river for the many—or open it up piece by piece for the profit of a few.

In Post Falls, the Spokane River is our heartline. Families launch boats at Q'emiln Park, children wade into the shallows, kayakers and anglers share the same current. Access points like the Centennial Trail and Avista's recreation sites connect us all to the water. It is shared space, and it binds our community together.

For me, this river is also personal. This summer my daughter and granddaughter traveled all the way from the UK to visit me. My daughter spent her mornings swimming nearly two miles along the shoreline. She called it "wild swimming," and she said she'd never experienced anything like it. That's what makes this river so special—it's still wild, still real, still ours. Please don't take that away from us.

Every new dock and expansion doesn't just add "one more." It multiplies risk: more congestion, more wakes, more erosion, more stress on habitat and safety. That burden doesn't fall on the developers—it falls on the people, and on the river itself.

I urge you to pause and ask: Whose interest is

really being served?

The builders will move on once they've cashed their checks. But the citizens of Idaho will live with the consequences forever.

Accordingly, I support:

- A pause on new encroachment permits until the river's true carrying capacity is studied.
- Stronger marine patrols to protect safety as boat traffic grows.
- Independent studies on shoreline erosion, habitat health, and long-term impacts.
- Decisions that put people over profit, because public waters belong to the public.
- A public hearing so local voices are heard before irreversible damage is done.

This river is not simply a resource—it is a trust. And when you sit in judgment over its future, you are not just granting a permit. You are shaping what this community, and future generations, will inherit.

I urge you: please protect the Spokane River.
Protect it for the citizens who live here now, and
for those not yet born who deserve to know it as
more than a story.

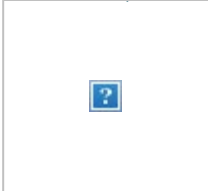
Respectfully,

Bonnie J. Lupton
212 E 1st Ave, Apt 11
Post Falls, ID 83854-7157
bonniejlupton@me.com

From: [Marde Mensinger](#)
To: [Rachel King](#)
Subject: FW: Boat Slip Apps & Wake Boats - Spokane River
Date: Monday, August 25, 2025 10:30:35 AM

I think this email would be relevant to the Estates at Waterstone Case.

Marde Mensinger - CPM®
Navigable Waterways Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103 Boise, ID 83702
Office: (208) 334-0248
Email: mmensinger@idl.idaho.gov
Web: <https://www.idl.idaho.gov>



From: Jill . <jilll@hotmail.com>
Sent: Friday, August 22, 2025 5:54 PM
To: Marde Mensinger <MMensinger@idl.idaho.gov>; Sharla Arledge <sarledge@idl.idaho.gov>;
Gwen Victorson <GVictorson@idl.idaho.gov>
Subject: Fw: Boat Slip Apps & Wake Boats - Spokane River

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.

Resending to correct email ids ...

From: Jill . <jilll@hotmail.com>
Sent: August 22, 2025 7:32 PM
To: navigablewaters@idl.idaho.gov <navigablewaters@idl.idaho.gov>; bmattare@kcgov.us <bmattare@kcgov.us>; lduncan@kcgov.us <lduncan@kcgov.us>; meberlein@kcgov.us <meberlein@kcgov.us>; kcsso@kcgov.us <kcsso@kcgov.us>; deq.northidaho@deq.idaho.gov <deq.northidaho@deq.idaho.gov>; dmiller@idl.idaho.gov <dmiller@idl.idaho.gov>; mahmer@idl.idaho.gov <mahmer@idl.idaho.gov>; bbuley@cdapress.com <bbuley@cdapress.com>
Cc: sheri scofield <sherichic91@gmail.com>
Subject: Boat Slip Apps & Wake Boats - Spokane River

To:
Idaho Dept of Lands (navigable waterways)

Bruce Mattare, KC Commissioner
Leslie Duncan, KC Commissioner
Marc Eberlein, KC Commissioner
Sheriff Norris
Dept of Environmental Quality
Mike Ahmer
IDL Director Dustin Miller
CdA Press:

Re: Current & future new boat slips applications for Spokane River, esp for Templin's (127 boat slips)

and the Estates at Waterstone, [#L95S6181](#).

Re: Wake boats on the Spokane River from Coeur D'Alene Lake to the Post Falls Dam

Hello Officials,

We appreciate the difficulties in maintaining a good balance between managing boat traffic on the Spokane River to keep it safe for all concerned (eg, other boaters, swimmers, river property owners, etc); while on the other hand, allowing boating to happen and subsequently having to manage requests from the Spokane River's business community.

No doubt it is a challenge placed in your hands. Having stated that, I'm writing about wake boats and also being in support of the organization called *Concerned Citizens Against 127 Boat Slips at Templin's*, where they express concern that it strongly appears that the best interest of citizens and the ecological condition of the river is not being considered.

Accordingly, the organization requests:

1. *Pause on the permits being issued - "...when is enough, enough?" - Mattare, 7/30/25 KC mtg*
2. *Safety by increasing marine sheriff patrols*
3. *Studies of the maximum carrying capacity of the river*
4. *Research - because more boat traffic means more wakes, more erosion, and more stress on shorelines and aquatic life (include doing ecological studies and interview/survey all river property owners between CdA lake to the Post Falls Dam)*
5. *Stop out-of-state investors making decisions that are based on 'profit over people'*
6. *Transparency for local residents. We want a say in how our Spokane River is being managed*
7. *Have public hearings in order to hear from local citizens.*

Wake Boats

Please ban wake boats on the Spokane River between Coeur D'Alene Lake to the Post Falls Dam. If that can not be done, then please significantly reduce speed limits. Please do what is needed to ensure the ban or speed reduction is enforced effectively. Those boats are proving to be dangerous to others and causing ecological damage to shorelines, owners' property and aquamarine life.

A neighbor received a head concussion from a wake boat incident that caused their boat to flip over.

On another incident, a wake boat approached our pontoon boat one cold evening, drove past us and caused a tsunami-size wave that covered the entire 25ft boat as well as us sitting at the back of the boat. Unfortunately there was no way to identify the boat. They didn't even bother to turn around to see what they had done. We put on life jackets to try to keep ourselves from shivering.

Also, elderly neighbors are watching their retaining-wall erode.

We appreciate you reading this letter, hope you agree with its content and if so, that you follow through with the above stated requests.

Thank you kindly,

Jill Ledden-Barone

From: [Lisa Richards-Evans](#)
To: [Navigable Waterways](#)
Subject: Concerned Citizens
Date: Monday, August 18, 2025 10:04:18 AM

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.

The Estates at Waterstone, #L95S6181 - Located east of Greensferry near Ponderosa

"I support Concerned Citizens and the attention they have brought to the Spokane River! The best interest of citizens and the condition of the river is NOT being considered by our leaders.

Our opposition STARTS with boats and docks, but ENDS with upholding The Public Trust Doctrine: ensuring our state agencies are following the laws, providing safety, and choosing the ecological health of the river so future generations can enjoy it!

Accordingly, I support:

- a PAUSE on the permits being issued - "...when is enough, ENOUGH?" - Mattare, 7/30/25 KC mtg
- SAFETY by increasing marine sheriff patrols
- STUDIES of the maximum carrying capacity of the river
- RESEARCH because more boat traffic means more wakes, more erosion, and more stress on shorelines and aquatic life
- Decisions based on PEOPLE over PROFIT by out-of-state investors; stop PROFIT over PEOPLE!
- TRANSPARENCY for local residents. We want a say in how our Spokane River is being managed

I support calling for a public hearing in order to hear from local citizens.

Thank you,

Lisa Richards-Evans
208 640-3065

CONFIDENTIALITY NOTICE: This e-mail transmission and any documents accompanying this transmission may contain personal information subject to such privacy regulations as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This information is intended only for the use of the authorized individual named above. Such authorized recipient of this information is prohibited from disclosing this information to any other party unless required to do so by law or regulation and is required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken in reliance on the contents of these

documents is strictly prohibited. If you have received this information in error, please notify the sender immediately and arrange for the destruction of these documents.

From: [Lori Nienau](#)
To: [Navigable Waterways](#)
Subject: Boat Slips - Spokane River
Date: Sunday, August 3, 2025 2:44:37 AM

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.

Our grandchildren go to various places on the Spokane River almost weekly during the summer to play and swim in the water, paddleboard and kayak. We have all seen an increase in "water traffic" including some dangerous and close call accidents with boats/canoes/paddle boards/jet skis, etc. Even the waves that are created concern me as our grandchildren are in the water.

It is my understanding that there are various requests in the works for additional boat slips on the Spokane River, including 223 for Templins, 74 for Atlas/River's Edge and 22 for Greensferry.

To be honest, I can't imagine that many additional boat slips added to the Spokane River. We've been somewhat silent about our opposition because it appears that "money talks" - and organizations with money have the means to push things through before any proper studies are made.

So I'm appealing to your department that you would at least put a pause on these permits until there are studies made on safety and other issues that would occur with additional boat traffic.

My husband and I would like to state our opposition to additional permits for boat slips until there is a thorough review of what kind of effects this would have on the Spokane River, especially for those that maybe don't have boats, but enjoy the river for swimming, paddleboarding, etc.

Thank you for listening.

Bill & Lori Nienau
3583 N McMullen Dr.
Post Falls, ID 83854
425-214-4634

From: Margo@Hardingclan.com
To: Navigable.Waterways@kcgov.us; bmattare@kcgov.us; Leslie.Duncan@kcgov.us; meberlein@kcgov.us; kcs@kcgov.us; deq.northidaho@deq.idaho.gov; Mike.Ahmer@cdapress.com; Dustin.Miller@cdapress.com; bbuley@cdapress.com; letters@cdapress.com; letters@spokesman.com
Subject: Spokane River
Date: Monday, August 18, 2025 11:35:45 AM

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.

Just want to thank you for another summer of wake boaters tearing up the river - and everyone's property. Even though it has been an unusually quiet river this year, those arrogant boaters still manage to create a lot of destruction with their repeated, excessive wakes. We had to take down several trees this year because of erosion. There are more trees to follow - if they do not fall into the water first. We have also had to repair our docks again - second time in less than three months.

The distance between my property and the land across the river from me is probably *just* 300 ft. I would like to know how a skier (being pulled) with wake boats on each side of her is allowed to pass, all together, through this narrow channel without breaking the law? Not to mention the other boats who move out of their way (it's almost godlike), and are then left to bob about, battling the gigantic after-waves. Course kayakers, paddle boarders, swimmers, and people fishing have to stop what they are doing to fight the continual wakes as well.

Okay - I realize these wakers are the same people who never followed the past NO EXCESSIVE WAKE rule to begin with. Perhaps you should get rid of any shoreline restrictions as well, since the wake boaters do not respect rules or regulations anyway.

There are a lot of newer BIG boats coming down the river that create huge wakes as well. I cannot wait to see what happens if 200+ new docks go in on this river with no thought given about how to control things. And do not expect the patrols to be able to handle it alone. It is amazing how boaters and skiers and tubers all settle down then the Sheriff's men are around. When the patrol boats vanish around a bend, everyone is back to doing whatever they wish. Maybe you should add some NO WAKE ZONES along narrow parts the river (starting in front of my property) to slow things down - like stop

lights do on the road. Changes need to be made for the betterment of the Spokane River.

Margo Harding
415 S Coach Ln
Coeur d Alene, ID

From: Mary Lee Linton
To: [Navigable Waterways](#); bmattare@kcgov.us; lduncan@kcgov.us; meberlein@kcgov.us; kcs@kcgov.us; [Mike Ahmer](#); deg.northidaho@deg.idaho.gov; [Dustin Miller](#)
Subject: RE: New permit applications on the Spokane River
Date: Monday, August 18, 2025 3:42:30 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.

Dear KC Commissioners, Sheriff Norris, Mr Ahmer, Mr Miller and DEQ,

We are writing today in opposition to the new permit applications for boat slips on the Spokane River between the Spokane Street bridge and Lake CDA, ID. Specifically, Atlas/River's Edge, Permit# L95S6163A and The Estates at Waterstone, Permit# L95S6181.

This plus the 120+ boat slips planned for Templins marina puts at least 200 additional boats traveling on the Spokane River between Post Falls and Lake Coeur d'Alene.

The basis of our opposition is 2 fold: 1. SAFETY--for the people using the waterway, those living along the river and for the river itself and the environmental impacts on the river and shorelines with increased boat traffic overcrowding, excessive wakes, and erosion.

2. LACK OF CONSISTENT ENFORCEMENT OF IDAHO WATERWAY RULES--there are established regulations and rules for the Spokane River. All the boating laws are included in The Handbook of Idaho Boating Laws and Responsibilities. Yet as a homeowner along the river, we see on a regular basis: speeding boats, dangerous passing of boats and jet skis, excessive wakes near docks and shorelines and we have witnessed "close calls." We live near Greensferry which is a very narrow portion of the river. Both of the above Permit #s are on very narrow areas of the river.

We support:

- * A PAUSE on the permits being issued
- * SAFETY by increasing marine sheriff patrols
- * STUDIES of the maximum carrying capacity of the river
- * RESEARCH on the water quality, the heavy metals that are being stirred up in the sediment. More boat traffic means more wakes, more erosion and stress and damage to shorelines
- * TRANSPARENCY for local residents who want a say in how our Spokane River is being managed

We support calling for a public hearing in order to hear from local and interested citizens.

Thank you for your time and attention on this matter.

Dirk and Mary Lee Linton
8825 W Driftwood Dr.
Coeur d'Alene, ID

From: [MARY YORK](#)
To: [Navigable Waterways](#)
Subject: The Estates at Waterstone, #L95S6181 - Located east of Greensferry near Ponderosa
Date: Monday, August 18, 2025 10:37:46 AM

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.

Navigable Waterways/Idaho Department of Lands.

Mary K York

mary_york@comcast.net

8/18/2025

Subject; The Estates at Waterstone, #L95S6181 - Located east of Greensferry near Ponderosa
To Dept of Lands/ Navigable Waterways,

"I support Concerned Citizens and the attention they have brought to the Spokane River! The best interest of citizens and the condition of the river is NOT being considered by our leaders. Our opposition STARTS with boats and docks, but ENDS with upholding The Public Trust Doctrine: ensuring our state agencies are following the laws, providing safety, and choosing the ecological health of the river so future generations can enjoy it!

Accordingly, I support:

a PAUSE on the permits being issued - "...when is enough, ENOUGH?" - Mattare, 7/30/25
KC mtg

SAFETY by increasing marine sheriff patrols

STUDIES of the maximum carrying capacity of the river

RESEARCH because more boat traffic means more wakes, more erosion, and more stress on shorelines and aquatic life

Decisions based on PEOPLE over PROFIT by out-of-state investors; stop PROFIT over PEOPLE!

TRANSPARENCY for local residents. We want a say in how our Spokane River is being managed

I support calling for a public hearing in order to hear from local citizens.

Thank you."

Very Sincerely,

Mary K York

From: [Rhonda Stenersen](#)
To: [Navigable Waterways](#)
Subject: The Estates at Waterstone #L9556181
Date: Monday, August 18, 2025 11:17:16 AM

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.

In regards to the application for Permit #L95S6181, we are in opposition. The Spokane River has become an overcrowded/undermanaged waterway for years.

Progress is inevitable throughout Kootenai County but our precious waterways, specifically, the Spokane River, need to have the utmost consideration on changes that will ultimately end up with non-reversible consequences.

Amongst some of the reasons and concerns, are the obvious and frequently mentioned issues. Erosion, safety concerns and overcrowding on the waterways.

The danger on the water itself. could stand alone as a reason for denial. The number of boaters, many who appear to be reckless, intoxicated, who ignore or don't understand boating rules or use uncommon sense, endangers all types of waterway usage. Paddleboarders, smaller watercraft, small fishing boats, tubing all have minimal use where they are NOT at risk. To those who are responsible and considerate, we are grateful.

We've lived on the River for 45 years. We currently live in the "no wake zone" near Red Lion & the Dam. "No Wake Zone"...that's a joke! The Sheriff's Marine Division has a slip near me. They are already spread thin. I can't imagine the task at hand they would have trying to control/manage additional boaters on top of what they already tackle.

Accordingly, I support:

- a PAUSE on the permits being issued - "...when is enough, ENOUGH?" - Mattare, 7/30/25 KC mtg
- SAFETY by increasing marine sheriff patrols
- STUDIES of the maximum carrying capacity of the river
- RESEARCH because more boat traffic means more wakes, more erosion, and more stress on shorelines and aquatic life
- Decisions based on PEOPLE over PROFIT by out-of-state investors; stop PROFIT over PEOPLE!
- TRANSPARENCY for local residents. We want a say in how our Spokane River is being managed

I support calling for a public hearing in order to hear from local citizens.

Thank You,
Steve & Rhonda Stenersen

From: [Richard Teich](#)
To: lduncan@kcgov.us; [Navigable Waterways](#); bmattare@kcgov.us; meberlein@kcgov.us; [Mike Ahmer](#); [Dustin Miller](#)
Subject: The Estates at Waterstone #L95S6181
Date: Monday, August 18, 2025 11:49:50 AM

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.

Ladies & Gents,

As owners of property and a home on the on the Spokane river we are opposed to additional slips per request of the Estates at Waterstone on the Spokane river

The Spokane River has reached a saturation point due to boat traffic especially wake boats.

The fishery has been decimated and our kids, grandchildren and great grandchildren have been put in harms way.

At the very least, a public hearing needs to be held to permit river property owners to express their opposition.

The future of the River hangs in a delicate balance.

Teresa & Richard Teich

12155 W Span Way Rd

Post Falls,ID

From: [sheri scofield](#)
To: [Navigable Waterways](#)
Subject: Fwd: Opposition to L95S6163A
Date: Monday, August 18, 2025 2:57:29 PM
Attachments: [Opposition to L95S6163A.pdf](#)

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.

I'm forwarding because an incorrect navigable Waterways address went out.
TY

Begin forwarded message:

From: Sharon Grunwald <sgrunwald49@gmail.com>
Date: August 18, 2025 at 8:00:53 AM PDT
To: navigablewaters@idl.idaho.gov, bmattare@kcgov.us, lduncan@kcgov.us, meberlein@kcgov.us, ksco@kcgov.us, mahmer@idl.idaho.gov, dmiller@idl.idaho.gov, sherichic91@gmail.com, Doyle King <xjking24@yahoo.com>, Gary Maddock <gary@maddock.biz>
Subject: **Opposition to L95S6163A**

Sharon

From: [Susan Stiger](#)
To: [Navigable Waterways](#)
Subject: Encroachment Permit Application #L95S6181, The Estates at Waterstone
Date: Monday, August 18, 2025 5:29:21 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.

The best interests of the citizens of Kootenai County and the near- and long-term health of the Spokane River are not being considered by our leaders. Specifically, applications for docks on the River, both public and private, need to be considered in a much broader context than they currently are. The River is relatively shallow and narrow and already heavily developed and overused much of the boating season. Adding to that burden without considering consequential issues is not responsible management of the state's resources. Related issues include compliance with all applicable laws, protecting the safety of those recreating on and residing on the River, and protecting the environmental and ecological health of the River for current and future generations. The River is already at a tipping point or has exceeded responsible metrics for many of these factors. To continue to approve applications for docks in the absence of a comprehensive and responsible management plan for the Spokane River will only present further challenges to the River. Challenges that could make restoration of the River's values very difficult, if not impossible.

Accordingly, I request a PAUSE on applications for new docks on the Spokane River while several actions can be taken leading to better management and protection of the Spokane River for multiple values. I also support calls for a public hearing regarding the referenced Encroachment Application in order to hear from local citizens.

Related actions include:

- Sustained increase in KCSO marine patrols and enforcement of all applicable state, county and federal laws
- Restoring the same protections Kootenai County has in place for other waterways in the county
- Scientifically-based determination of the River's carrying capacity
- Thoughtful consideration and application of the results of boat wake and prop wash research, including those by the U of Idaho
- Studies to consider the threat boat wakes present to the spread of heavy metals currently in river sediments, coupled with updating the understanding of the communication between the Spokane River and the Spokane River Rathdrum Prairie Aquifer.
- Enforcement of state invasive species rules and consideration of the unique risk ballasted boats present

I recognize that these efforts are under the jurisdiction of multiple agencies. Continuing to consider decisions in a silo, without a comprehensive plan that can guide each agency's actions, is a threat to the

future of the Spokane River. While the Idaho Department of Lands cannot direct each of these actions, IDL can take more responsible actions pending a comprehensive understanding of the issues facing the Spokane River and actions to protect this valuable resource for the future.

Thank you.

Susan G. Stiger

11831 W. Riverview Drive

Post Falls, ID 83854



From: [Vic Parrish](#)
To: [Navigable Waterways](#)
Cc: [bmattare@kcgov.us](#); [lduncan@kcgov.us](#); [meberlein@kcgov.us](#); [kcsso@kcgov.us](#); [deq.northidaho@deq.idaho.gov](#); [Dustin Miller](#); [bbuley@cdapress.com](#)
Subject: Opposition to The Estates at Waterstone, #L95S6181 - East of Greensferry near Ponderosa
Date: Monday, August 18, 2025 2:38:55 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.

Idaho Department of Lands
Navigable Waterways Division
3284 W Industrial Loop
Coeur d'Alene, ID 83815

Re: Opposition to The Estates at Waterstone, #L95S6181 - East of Greensferry near Ponderosa

Dear Idaho Department of Lands,

I strongly oppose the proposed Estates at Waterstone subdivision (#L95S6181) due to its detrimental impact on the Spokane River's water quality and navigational safety, echoing concerns raised by the Kootenai County Sheriff's Office, Idaho Department of Lands (IDL), and Kootenai County Parks and Waterways in their recent efforts to address waterway hazards.

The Spokane River's ecosystem is already strained by historical and ongoing pollution, including PCBs exceeding EPA limits by 20-100 times, heavy metals from mining, and low dissolved oxygen levels causing eutrophication. These conditions threaten aquatic life and human health, rendering fish unsafe for consumption and increasing risks like cancer. The proposed development's stormwater runoff will exacerbate these issues by introducing additional PCBs, nutrients, and lawn chemicals, further degrading water quality and undermining EPA Total Maximum Daily Load (TMDL) cleanup efforts.

Moreover, the Kootenai County Sheriff's Office has highlighted navigational hazards from unpermitted encroachments, such as illegal buoys, which endanger boaters and skiers. The Estates at Waterstone, located near the Spokane River, risks adding to these safety concerns through potential unpermitted structures or runoff-induced turbidity, which impairs visibility and navigation. The Sheriff's Office, IDL, and Parks and Waterways have called for public cooperation to remove such hazards by October 15, 2025, emphasizing that only governmental entities may place buoys to ensure safe navigation. This project's proximity to the river could intensify these documented risks, as seen in community objections to similar encroachments like the StanCraft marina expansion, which raised concerns about overcrowding and safety.

We live on the river, directly across from Harbor Island, and see and experience every day the impact on the river. We have a weather camera that overlooks the river. We have seen as many as 20 boats, jet skis, paddle boards, and kakis in a single video frame at the same time. We have recorded many times, wake boat waves wash over our dock and breakwater rock. We, like many of our neighbors, have spent thousands of dollars repairing or replacing parts of our dock, boats, and piers. It is irresponsible to allow this rape of the Spokane River to

continue.

I urge the IDL to deny this development to protect the Spokane River's water quality and ensure navigational safety, aligning with the Sheriff's Office and the community's call for stricter waterway protections.

We further request that the Kootenai County Commissioners take seriously their responsibility to protect the Spokane River by enacting no towing and strict speed restriction ordinances from the headwaters to the Post Falls dam.

Sincerely,
Vic & Traci Parrish

From: [Magee, Wahed](#)
To: eat@winstoncashatt.com; lanzce@lqdproperties.com; cindy.richardson@rrnorthwest.com; john@magnusononline.com; [John Richards](#); [Kayleen Richter](#); [Amidy Fuson](#); [Marde Mensinger](#); [Kourtney Romine](#); [Rachel King](#); [Kayla Dawson](#); filings@oah.idaho.gov; leslie.hayes@oah.idaho.gov
Cc: kcs0@kcgov.us; peter.smith@fennemorelaw.com
Subject: CONCERNED CITIZEN AGAINST ADDITIONAL BOAT SLIPS
Date: Thursday, August 21, 2025 4:18:39 PM
Attachments: [3427-1-1.pdf](#)

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.

To those whom this concerns,

I am writing to formally oppose the proposed addition of 74 boat slips at Atlas/River's Edge (Permit #L95S6163A), as well as any further expansion, such as the upcoming Greensferry permit. I am a Spokane River waterfront property owner on Harbor Island, and I see firsthand the mounting safety, congestion, and environmental concerns caused by the current level of boat and personal watercraft activity.

The Spokane River is already under immense pressure. From daily observation, I can attest to the high number of boats and PWCs operating at fast speeds in a narrow, constrained waterway. This presents clear safety hazards, especially in areas with limited sightlines and residential access points. More importantly, the increased wake and traffic are accelerating shoreline erosion, an issue I and many others on Harbor Island are actively struggling to address. I recently consulted a contractor to explore costly mitigation strategies just to preserve my riverbank from further damage.

As someone who personally works as a Police Captain with over 20 years of experience, I will attest that I have seen the congestion firsthand and witnessed numerous instances where personal watercraft and boats come uncomfortably close to one another in front of my home on Harbor Island. Specially as it relates to the Spokane River, I have also observed personal watercraft traveling near people swimming or paddling in kayaks and paddleboards, many of whom are not easily visible on the water. The thought of adding all these new slips and therefore more watercraft only magnifies the existing safety issues. I am also aware of staffing shortages within the Sheriff's Office, and they simply do not have the resources to properly enforce safe boating regulations on the waterway every day all day. This lack of enforcement capacity (staffing is a widespread issue in law enforcement) makes the situation even more concerning. I am genuinely worried for everyone's safety, and it is only a matter of time before someone is seriously injured. From my personal law enforcement experience, I have seen how increased traffic on waterways leads to people getting severely injured and/or killed. Not to mention the quality of life issues for those who want to enjoy a safe environment on the waterway.

The fact that both the Kootenai County Sheriff and Marine Deputy Sergeant Ryan Miller have issued statements opposing this development based on safety and geography should carry significant weight in your decision. If law enforcement is warning against it, it is time to pause and listen. That alone should be enough to halt new slip approvals until further study is completed.

I strongly urge the IDL to suspend further permits until a comprehensive study is completed to assess the Spokane River's maximum carrying capacity, safety risks, shoreline erosion, and long-term ecological sustainability. Growth is inevitable and can be positive when it is responsibly managed, but the unchecked commercialization of our river, often for the benefit of investors, is placing both people and cherished natural resources at risk.

Finally, I encourage formal outreach to riverfront property owners who are most directly impacted. Many residents I have spoken with are unaware of these proposed changes and deserve a voice in decisions that affect their safety, property, and quality of life.

Thank you for your time and consideration. I would ask that you look at the attached document, as I am a member of Concerned Citizens Against Additional 100 Boat Slips Added to Templins Resort on Spokane River INC.

Sincerely,
Wahed (Wally) Magee
6339 W. Harbor Drive
Coeur d'Alene, Idaho
208-557-8775

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application for
Encroachment L95S6163A, a Community
Dock,

River's Edge Apartments, LLC;
Lanzce Douglass,

Applicant.

AGENCY Case No. PH-2025-NAV-22-005

OAH Case No. 25-320-07

DECLARATION

1. I, Wahed Magee, am a citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and substantial interest in this proceeding concerning the River's Edge Apartments community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

DECLARATION : 1 OF 5

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☐ Boating

☐ Fishing

☐ Kayaking

☐ Canoeing

☐ Paddleboarding

☐ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Praying

Substantial Interest

7. The River's Edge Apartments community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Increased noise pollution and air pollution from watercraft.

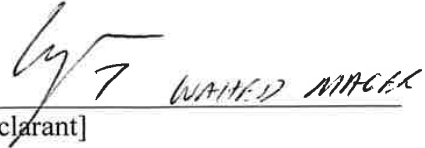
Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 21 day of August, 2025, at Coeur d'Alene, Idaho.


[Signature of Declarant]

DECLARATION : 3 OF 5

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of August, 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:

Elizabeth A. Tellessen WINSTON & CASHATT, LAWYERS, P.S. 250 Northwest Boulevard, Suite 206 Coeur d'Alene, Idaho 83814 Telephone: (208) 667-2103 Facsimile: (208) 765-2121 <i>Attorneys for River's Edge Apartments, LLC and Lanzce Douglass</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email eat@winstoncashatt.com
Lanzce Douglass 1402 E. Magnesium Rd. # 202 Spokane, WA 99217 (509) 951-4785 <i>Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email lanzce@lgdproperties.com
Cindy Richardson R&R Northwest 1857 W. Hayden Avenue, # 102 Hayden, ID 83835 (208) 818-6478 <i>Agent for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email cindy.richardson@rorthwest.com
Coeur d'Alene Land Company John F. Magnuson 1250 Northwood Center Court, Ste. A Coeur d'Alene, ID 83816 (208) 667-0500 <i>Counsel for Objector CDA Land Co.</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email john@magnusononline.com
Sheriff Robert B. Norris Kootenai County Sheriffs Office P.O. Box 9000 Coeur d'Alene, ID 83816 (208) 446-1300 <i>Objector</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email kcsa@kcgov.us

DECLARATION : 4 OF 5

Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for IDL</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Amidy Fuson <i>Lands Resource Specialist-Navigable Waters</i> Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email afuson@idl.idaho.gov mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for IDL</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.haves@oah.idaho.gov



 Wahed Magee

53062421.1

DECLARATION : 5 OF 5

OHLER BEAN & TINKEY
Nathan S. Ohler, ISB # 8502
nathan@ohlerbean.com
1809 E. Sherman Avenue, Suite 101
Coeur d'Alene, ID 83814
Telephone: (208) 444-8686

Attorneys for Applicant

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-
22-006

OAH Case No. 25-320-08

NOTICE OF APPEARANCE

COMES NOW Nathan S. Ohler of the firm Ohler Bean & Tinkey, and hereby appears as
counsel of record for Applicant, The Estates at Waterstone HOA, Inc., Jason Garvey (Agent), in
the above-captioned matter. Please serve all further notices on the undersigned at:

Nathan S. Ohler
Ohler Bean & Tinkey
1809 E. Sherman Avenue, Suite 101
Coeur d'Alene, ID 83814
Telephone: (208) 444-8686
Email: nathan@ohlerbean.com

//

//

//

//

//

//

Please also provide Zoom instructions to the undersigned to attend the upcoming Scheduling Conference scheduled for August 29, 2025 at 10:00 a.m. Mountain Time on behalf of the Applicant.

DATED: August 27, 2025.

OHLER BEAN & TINKEY

/s/ Nathan S. Ohler

By _____
Nathan S. Ohler, Of the Firm
Attorneys for Applicant
The Estates at Waterstone HOA, Inc.,
Jason Garvey (Agent)

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2025, I served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Leslie M. Hayes
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
Hearing Officer

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email:
Leslie.hayes@oah.idaho.gov

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email: jason@wesslen.com;
caseym@legacylw.com

Concerned Citizens, LLC
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email: sherichic91@gmail.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave., #224
Coeur d'Alene, ID 83814
(208) 956-0145
Counsel for Objector Concerned Citizens

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email:
peter.smith@fennemorelaw.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

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email: jrichards@idl.idaho.gov;
krichter@idl.idaho.gov

Marde Mensinger
Program Manager for Navigable Waters

___ US Mail
___ Overnight Mail
___ Hand Delivered
X Email:
mmensinger@idl.idaho.gov

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ 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

☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ Email: filings@oah.idaho.gov

/s/ Jennifer Escruceria

Jennifer Escruceria

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-22-006
)
) OAH Case No. 25-320-08
)
) **SCHEDULING ORDER**
)
)
)
)
)

A scheduling videoconference was conducted on August 29, 2025. As discussed at the scheduling conference, IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. The deadline to file a petition to intervene is **September 5, 2025**. Responses to the petition to intervene are due on or before **September 12, 2025**. No replies are to be filed, and argument will be taken up before the prehearing conference.

2. On or before **September 12, 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 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 "WS" (WS-1, WS-2, WS-3, etc.); IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); and Objector Concerned Citizens' exhibits shall begin with "CC" (CC-1, CC-2, CC-3, etc.);

3. On or before **September 12, 2025**, the parties will file with the Hearing Officer and serve each other their prehearing statement. Each party's prehearing statement should summarize the facts and law they intend to rely on at the hearing. Applicant may rely on the application as the prehearing statement.

4. **A remote Prehearing Conference will be held via Zoom on September 15, 2025, at 10:00 a.m. Mountain Time.** A Zoom link for the prehearing conference will be sent contemporaneously with this order.

5. **An in-person, one-day evidentiary hearing is scheduled for October 6, 2025, beginning at 4:00 p.m. Pacific Time at a location to be determined in Coeur d' Alene, Idaho.** An optional Zoom link will be available for remote viewing of the proceedings. Testimony/Public Comment will not be taken from remote participants. The hearing will be recorded.

6. The Hearing Officer will arrange for a court reporter. IDL will bear the cost of the appearance of the court reporter and the ordering of transcripts, if any, will be discussed at the time of the hearing.

7. To "file" and "serve" their documents, the parties may email them to all other parties at the addresses listed in the attached Certificate of Service before any deadline, with a copy to elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov.

8. Should any party or their counsel require special accommodations pursuant to the Americans with Disabilities Act, the Hearing Officer shall be notified of such request at or before

the time of the prehearing conference.

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 Elaine Maneck at elaine.maneck@oah.idaho.gov to schedule a status conference.

DATED: August 29, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M Hayes

Deputy Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

☐ U.S. Mail
☒ Email:
jason@wesslen.com
caseym@legacylw.com

Nathan S. Ohler
Brian J. Bean
Ohler Bean & Tinkey
1809 E. Sherman Ave., Suite 101
Coeur d'Alene, ID 83814
(208) 444-8686
Counsel for Applicant Estates at Waterstone

☐ U.S. Mail
☒ Email
nathan@ohlerbean.com
brian@ohlerbean.com

Concerned Citizens, LLC
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

☐ U.S. Mail
☒ Email:
sherichic91@gmail.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave, #224
Coeur d'Alene, ID 83814
(20) 956-0145
Counsel for Objector Concerned Citizens

☐ U.S. Mail
☒ Email:
peter.smith@fennemorelaw.com
ksheftic@fennemorelaw.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

Marde Mensinger
Program Manager for Navigable Waters

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

SCHEDULING ORDER

(AGENCY Case No. PH-2025-NAV-22-006/ OAH Case No. 25-320-08) Page 4

Exhibit IDL-17

Page 4

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
leslie.hayes@oah.idaho.gov

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

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

*Attorneys for Objector, 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

**NOTICE OF APPEARANCE OF KATIE
SHEFTIC AND NATHAN J. SARGENT
AS COUNSEL FOR OBJECTOR**

TO THE AGENCY, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Katie Sheftic of the Law Offices of Fennemore
Craig, P.C., who is permitted to practice law in the State of Idaho; and Nathan J. Sargent
of the Law Offices of Fennemore Craig, P.C., who is permitted to practice law in the State
of Idaho, hereby appear as counsel of record on behalf of Objector, Concerned Citizens
Against Additional 100 Boat Slips Added to Templins Resort on Spokane River Inc.

///

///

///

///

///

///

NOTICE OF APPEARANCE OF KATIE SHEFTIC KATIE SHEFTIC AND NATHAN J.
SARGENT AS COUNSEL FOR OBJECTOR: 1 OF 3

Effective immediately, please add Katie Sheftic and Nathan J. Sargent as attorneys to be noticed on all matters at the following address:

Katie Sheftic, ISB #12561
ksheftic@fennemorelaw.com
Nathan J. Sargent, ISB #12745
nsargent@fennemorelaw.com
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814

DATED this 2nd day of September, 2025.

FENNEMORE CRAIG, P.C.

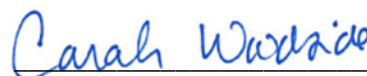


PETER J. SMITH IV, ISB #6997
Attorney for Objector, Concerned Citizens

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd 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
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

60364519.1

NOTICE OF APPEARANCE OF KATIE SHEFTIC KATIE SHEFTIC AND NATHAN J. SARGENT AS COUNSEL FOR OBJECTOR: 3 OF 3

Exhibit IDL-18

Page 3

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

**PETITION TO INTERVENE
(CONCERNED CITIZENS)**

Concerned Citizens Against Additional 100 Boat Slips Added to Templins Resort on Spokane River, Inc. ("Concerned Citizens"), by and through undersigned counsel, respectfully petition to intervene in this contested case pursuant to IDAPA 62.01.01.325, IDAPA 62.01.01.700, and the Lake Protection Act, Idaho Code §§ 58-1301 et seq. This Petition is supported by the Memorandum in Support of the Petition filed herewith along with declarations filed in support of the Petition.

The members and supporters of Concerned Citizens use and enjoy the Spokane River in the vicinity of the proposed encroachment. Their interests in navigation, recreation, safety, and protection of public trust resources will be directly affected by the outcome of this proceeding. Existing parties do not adequately represent these interests, and intervention will not unduly delay or broaden the issues.

Accordingly, Concerned Citizens respectfully requests that the Hearing Officer grant this Petition to Intervene and allow it to participate fully as a party in this proceeding.

DATED this 5th day of September 2025.

FENNEMORE CRAIG, P.C.



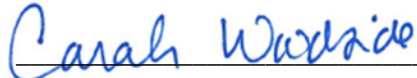
PETER J. SMITH IV, ISB #6997
Attorney for Concerned Citizens

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email kromine@idl.idaho.gov rking@idl.idaho.gov kdawson@idl.idaho.gov

<p>OAH General Government Division P.O. Box 83720 Boise, ID 83720-0104 (208) 605-4300</p>	<p><input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email</p> <p>filings@oah.idaho.gov leslie.hayes@oah.idaho.gov elaine.maneck@oah.idaho.gov</p>
---	---



Carah Woodside

60407184.1

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

**MEMORANDUM IN SUPPORT OF
PETITION TO INTERVENE**

Concerned Citizens Against Additional 100 Boat Slips Added to Templins Resort on Spokane River, Inc. ("Concerned Citizens") respectfully submit this memorandum in support of their Petition to Intervene in the above-captioned administrative proceeding before the Idaho Department of Lands ("IDL"). The pending application by The Estates at Waterstone HOA, Inc., Jason Garvey (Agent) ("Applicant"), seeks approval for the construction of a community dock facility on the Spokane River (Application No. L95S6181). For the reasons set forth below, Concerned Citizens satisfies the legal standard for intervention and bring necessary perspectives regarding compliance with IDAPA, the Lake Protection Act, and the Idaho Public Trust Doctrine.

I. FACTUAL BACKGROUND

On July 11, 2025, the Applicant filed its application with IDL seeking approval to construct a single community pier-style dock with a footprint of approximately 2,900 square feet, supported

by 56 twelve-inch steel pilings, and including a 4-foot deep breakwater extending beneath the dock at summer water level. *JOINT APPLICATION FOR PERMITS* filed July 11, 2025 at 2 (the “Application”). The stated purpose is to “install one community dock at this site, where currently there is no dock system,” in order to provide private mooring opportunities for members of The Estates at Waterstone Homeowners Association. *Application* at 1, 2

The Kootenai County Sheriff has express concern about construction of new marinas on the river, citing safety hazards to boaters, tubers, kayakers, paddleboarders, and swimmers, and warning that the project would further constrict navigation to the point where only a single vessel could safely pass. See MEMORANDUM FROM SERGEANT RYAN MILLER TO IDAHO DEPARTMENT OF LANDS AND COMMUNITY LEADERSHIP dated March 10, 2025.

II. NEED FOR INTERVENTION TO PRESERVE APPELLATE RIGHTS

In a separate case involving Concerned Citizens, the District Court in Kootenai County ruled that without intervention in the IDL proceeding, Concerned Citizens had no right of appeal to the District Court. MEMORANDUM DECISION AND ORDER, CV28-25-1908 (First Jud. Dist. Ct., Kootenai Cnty., June 26, 2025). Concerned Citizens believes this decision is contrary to the plain language of the Lake Protection Act and intends to appeal. Nevertheless, to protect the rights of its members, Concerned Citizens seeks intervention here to ensure its ability to seek judicial review if necessary. Notwithstanding the foregoing, Concerned Citizens does not waive any arguments that intervention is unnecessary for an objector under the Lake Protection Act and applicable regulations. In short, an objector is a party to this proceeding without the need for a formal petition for intervention.

Nothing in the Lake Protection Act or the implementing regulations requires a petition to intervene. Idaho Code § 58-1306(c) expressly provides that “[a]ny resident of the state of Idaho,

or a nonresident owner or lessee of real property adjacent to the lake, or any state or federal agency may, within thirty (30) days of the first date of publication, file with the board an objection to the proposed encroachment and a request for a hearing on the application.” Upon filing such an objection, the objector becomes a party to the proceeding by operation of law.

This framework is confirmed in IDAPA 20.03.04.030.04, which provides that within thirty days of the first date of publication, an agency, adjacent littoral owner, or Idaho resident may either (a) submit opinions or recommendations or (b) *“file with the Department written objections to the proposed encroachment and request a public hearing on the application.”* The rule does not limit the number of objections, nor does it condition party status on filing a separate petition to intervene. To the contrary, it recognizes that *any* person or agency properly objecting and requesting a hearing has a right to participate.

IDL’s own published materials also acknowledge this procedure. Its *Community Dock Handout* states that after notice, *“If an interested party objects, and an agreement cannot be reached, IDL will hold a public hearing. The purpose of the hearing is to gather the facts concerning the proposed encroachment and potential impact to the lake in order to determine if it meets relevant standards.”* See https://www.idl.idaho.gov/wp-content/uploads/sites/2/2025/06/CommunityDock-Handout_2025.pdf last accessed August 22, 2025. No mention is made of any requirement for intervention, and the objector is treated as a participant in the hearing by virtue of filing the objection.

Concerned Citizens further notes that IDL staff previously informed it that only one objection would be accepted in this case. That limitation has no basis in statute or rule. Both Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.04 contemplate that multiple residents, landowners, or agencies may file objections, each of whom is independently entitled to party status.

Accordingly, Concerned Citizens maintains that its objection and request for hearing—filed pursuant to Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.04—are sufficient to confer party status in this proceeding, without the need for a petition to intervene. Its request to intervene here is made solely out of an abundance of caution, to preserve its rights in light of the District Court’s recent ruling.

III. STANDARD FOR INTERVENTION

Under the Idaho Administrative Procedure Act and IDAPA procedural rules, intervention is permitted where a petitioner demonstrates: (1) a direct and substantial interest in the proceeding; (2) that the interests will not be adequately represented by existing parties; and (3) that participation will not unduly broaden the issues or delay the proceedings.

IV. THE LAKE PROTECTION ACT

The Idaho Legislature has declared that the public health, interest, safety, and welfare require strict regulation of all encroachments upon the waters of the state. Idaho Code § 58-1301. The statute mandates that protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality must be weighed against any claimed navigational or economic necessity or benefit from a proposed encroachment. No encroachment may be approved absent such consideration and approval.

The Act further provides that the Idaho Board of Land Commissioners shall regulate, control, and may permit encroachments in aid of navigation or not in aid of navigation on, in, or above the beds or waters of navigable lakes. Idaho Code § 58-1303. In addition, Idaho Code § 58-1304 authorizes the Board to adopt, revise, and rescind rules and regulations as necessary to effectuate the purposes of the Act. These may include minimum standards for projects or activities requiring permits, as well as procedures for processing applications. Section 58-1306 prescribes

the application and hearing procedures, requiring applications for community or commercial navigational encroachments to be filed by riparian or littoral owners and published for public notice. It authorizes state agencies and members of the public—including residents of Idaho and nonresident adjacent property owners—to file objections and request hearings. The statute emphasizes that unreasonable adverse effects on adjacent property and undue interference with navigation are the most important factors to be considered. These provisions underscore the participatory role envisioned for the public and the importance of considering the Act’s enumerated values in every encroachment decision.

V. ARGUMENT

The Lake Protection Act requires IDL to weigh protection of property, navigation, habitat, aquatic life, recreation, aesthetic beauty, and water quality against claimed benefits of an encroachment. Idaho Code § 58-1301. Concerned Citizens is uniquely positioned to present evidence on these statutory values, ensuring they are fully considered alongside the Applicant’s claimed benefits. Without their participation, the record will lack adequate representation of the broader public interests the Act is designed to protect.

A. Concerned Citizens Possess Direct and Substantial Interests.

The members and supporters of Concerned Citizens live, recreate, and navigate along the Spokane River near the proposed encroachment. Their use and enjoyment of the river will be directly harmed by increased congestion, safety hazards, and loss of public trust resources.

B. Existing Parties Do Not Adequately Represent Concerned Citizens’ Interests.

Neither the Applicant nor IDL staff represent the public’s recreational and navigational interests. Adjacent landowners have raised title and zoning concerns, but only Concerned Citizens represents the broader community of Spokane River users most affected.

C. Intervention Will Not Unduly Delay or Broaden the Issues.

Concerned Citizens seeks to ensure proper application of IDAPA rules governing community docks, marina requirements, and the Public Trust Doctrine. Their participation will assist IDL in developing a complete factual record on safety, congestion, and compliance with regulatory standards.

VI. CONCLUSION

For the foregoing reasons, Intervenors respectfully request that the Hearing Officer grant their Petition to Intervene so they may fully participate in this proceeding, present evidence, and ensure that the Department's obligations under IDAPA and the Lake Protection Act are met.

DATED this 5th day of September, 2025.

FENNEMORE CRAIG, P.C.



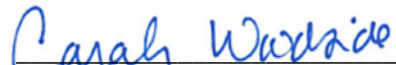
PETER J. SMITH IV, ISB #6997
Attorney for Concerned Citizens

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email kromine@idl.idaho.gov rking@idl.idaho.gov kdawson@idl.idaho.gov

<p>OAH General Government Division P.O. Box 83720 Boise, ID 83720-0104 (208) 605-4300</p>	<p><input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email</p> <p>filings@oah.idaho.gov leslie.hayes@oah.idaho.gov elaine.maneck@oah.idaho.gov</p>
---	---



Carah Woodside

BEFORE THE IDAHO DEPARTMENT OF LANDS

)	AGENCY Case No. PH-2025-NAV-22-006
Application for Permit to Install a)	
Community Dock, Encroachment)	OAH Case No. 25-320-08
L95S6181,)	
)	NOTICE OF HEARING LOCATION
The Estates at Waterstone HOA, Inc.,)	
Jason Garvey (Agent),)	
)	
Applicant.)	
_____)	

PLEASE TAKE NOTICE that the public, one-day evidentiary hearing scheduled for October 6, 2025, in the above-captioned matter, will be held at the **Best Western Plus, 506 West Appleway Avenue, Coeur d'Alene, Idaho, 83814, in the Hayden Conference Room.** The hearing will commence at 4:00 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: September 10, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M Hayes
Deputy Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

The Estates at Waterstone HOA, Inc.
Jason Garvey, Agent
1386 Northwest Blvd
Coeur d'Alene, ID 83814
(208) 916-3647
Agent for Applicant

☐ U.S. Mail
☒ Email:
jason@wesslen.com
caseym@legacylw.com

Nathan S. Ohler
Brian J. Bean
Ohler Bean & Tinkey
1809 E. Sherman Ave., Suite 101
Coeur d'Alene, ID 83814
(208) 444-8686
Counsel for Applicant Estates at Waterstone

☐ U.S. Mail
☒ Email
nathan@ohlerbean.com
brian@ohlerbean.com

Peter J. Smith IV
Fennemore
418 East Lakeside Ave, #224
Coeur d'Alene, ID 83814
(20) 956-0145
Counsel for Objector Concerned Citizens

☐ U.S. Mail
☒ Email:
peter.smith@fennemorelaw.com
ksheftic@fennemorelaw.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

Marde Mensinger
Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email:
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

NOTICE OF HEARING LOCATION

(AGENCY Case No. PH-2025-NAV-22-006/ OAH Case No. 25-320-08) Page 2

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

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

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

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Bruce Carey, am a citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☒ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

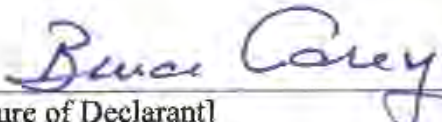
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

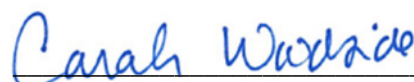
DATED this 5th day of September 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Catherine Bedford, am a citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☐ Boating

☐ Fishing

☐ Kayaking

☐ Canoeing

☐ Paddleboarding

☐ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☒ Other: Quality of life, enrichment of nature and its beauty along the water.

Quiet enjoyment of life

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

NOISE

POLUTION

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

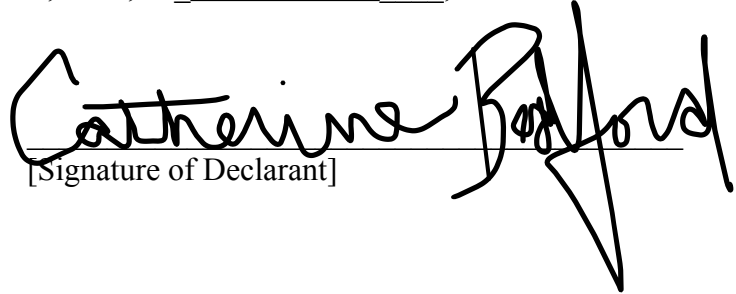
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

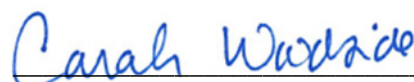
DATED this 5 day of September, 2025, at Coeur d'Alene, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Daniel F Loughlin _____, am a
citizen of the State of ____ Idaho _____.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

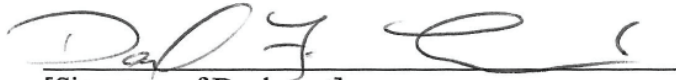
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

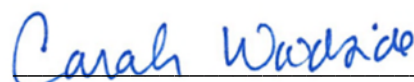
DATED this 5TH day of September, 2025, at POST FALLS, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, DOUG PARKER, am a
citizen of the State of IDAHO.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

DECLARATION : 1 OF 5

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☒ Other:

GIVING GRANDCHILDREN TOURS OF THE MARVELAS
WATER LIFE.

Substantial Interest

7. The The Estates at Waterstone Homcowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

EXTREMELY DETRIMENTAL TO FISH AND WILDLIFE, WHO KNOWS
WHAT THE RESULT WILL BE FROM STIRRING UP THE MINE TAILINGS
AT THE RIVER BOTTOM IN ADDITION THE SHORELINE EROSION IS
A MAJOR CONCERN

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

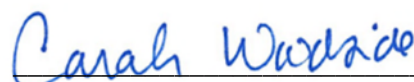
DATED this 5 day of September, 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Herbert Preston Hawkins, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☐ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Our section of the river allows unrestricted speeds and huge, high wakes. Increasing the number of boats specifically designed to create huge wakes will destroy safety, shoreline, docks and peaceful enjoyment for everyone else.

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

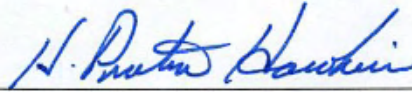
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 4th day of September, 2025, at Post Falls, Idaho.

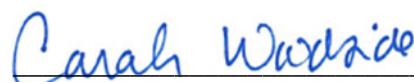
A handwritten signature in blue ink, appearing to read "H. Preston Hawkins", written over a horizontal line.

[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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),

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

OAH Case No. 25-320-08

DECLARATION

Applicant.

1. I, Joseph V. Padeski, am a
citizen of the State of IDAHO.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☒ Other:

relaxing on my dock and enjoying the evening air.

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.
8. The project will increase boat traffic and congestion on this section of the Spokane River.
9. Increased congestion will reduce safety for all users, including myself and my family.
10. The project will interfere with my ability to use and enjoy the Spokane River.
11. The project will increase risks of collision or injury to non-motorized users.
12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.
13. Other impacts specific to me include:
Continue to cause significant damage to my property
as can be seen in many videos, including recent
repair work

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

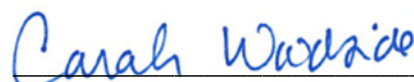
DATED this 5TH day of September, 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Keri McKee, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Safety is a huge concern. We are already dealing with too many boats and not enough law enforcement on the river. This summer alone I have had two boats come too close to my boat and I drive very defensively always watching out for others. Also when does
Adequacy of Representation adding more docks for non-waterfront Stop

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///


///

There are 4 waterfront lots but they want to add 24 docks. Insane. Out of state developer getting more bang for his buck without thought to impact on our river.

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 4 day of September, 2025, at Post Falls, Idaho.

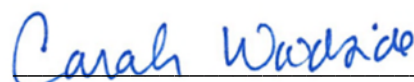


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Kimberli Gallagher, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☐ Boating

☐ Fishing

☒ Kayaking

☐ Canoeing

☐ Paddleboarding

☒ Swimming

☒ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Traffic is already scary on the river, increasing the traffic will have a serious negative impact on
the river and are just asking for serous accidents to happen. There were already a few serious
accidents this season. Also the erosion of the riverfront property's shoreline is a serious issue
already.

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

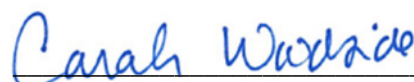
DATED this 09/05/25 day of September, 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Laura McHugh, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☒ Kayaking

☐ Canoeing

☐ Paddleboarding

☐ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of September, 2025, at Post Falls, Idaho.

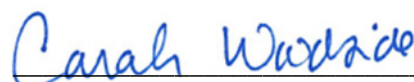
Laura McHugh

[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Lisa Richards Evans, am a citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☒ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

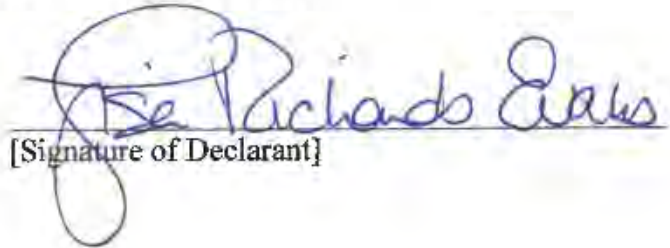
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

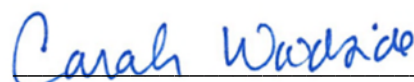
DATED this 5th day of September 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Mary Lee and Dirk Linton, am a
citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☒ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

This section of the Spokane River is already dangerously busy and crowded. Adding additional boats will increase the boat traffic and increase risk of collisions and injury. This type of heavy traffic has been proven to stir up heavy metals in the sediment of the river and is causing shoreline erosion and property damage.

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of September, 2025, at Coeur d'Alene, Idaho.

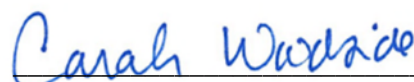
Mary Lee and Dirk Linton

[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Michael C High, am a
citizen of the State of Idaho.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☒ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

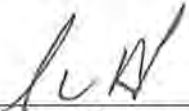
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of September, 2025, at Post Falls, ID 83854, Idaho.

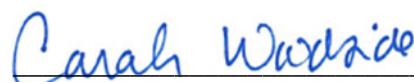


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Richard Teich _____,
am a citizen of the State of __Idaho_____.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☐ Paddleboarding

☒ Swimming

☒ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

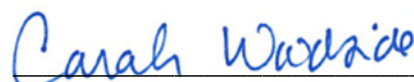
DATED this 5 _____ day of September, 2025, at _Post Falls_____,
Idaho.

Richard Teich _____
[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Scott Scofield, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

DECLARATION ; 1 OF 5

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☒ Kayaking

☒ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

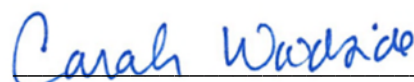
DATED this 5th day of September, 2025, at Post Falls, Idaho.


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Sharon M Grunwald, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☐ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Expensive damage to my pontoon boat costing thousands in repair twice now! There is so much
traffic and congestion that there is literally no way to get away from the large wakes being
generated on the river. We no longer even try to go out on the water on weekends.

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///


///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of September, 2025, at Coeur d Alene, Idaho.

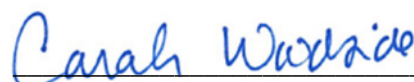


[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Shari Seefeld, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☐ Fishing

☒ Kayaking

☒ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.
8. The project will increase boat traffic and congestion on this section of the Spokane River.
9. Increased congestion will reduce safety for all users, including myself and my family.
10. The project will interfere with my ability to use and enjoy the Spokane River.
11. The project will increase risks of collision or injury to non-motorized users.
12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

As the river is damaged, it will require mitigation,
which could result in higher taxes to myself
and other citizens!

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of September, 2025, at Post Falls, Idaho.

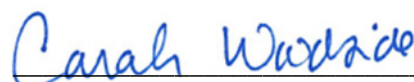
Cheri Seehed

[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Susan B Loughlin _____, am a citizen of the State of ___ Idaho _____.
2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER INC., an Idaho nonprofit corporation.
3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners Association, Inc.'s community dock application.
4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

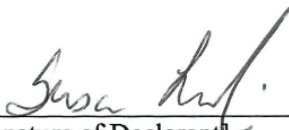
///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5TH day of September, 2025, at POST FALLS, Idaho.



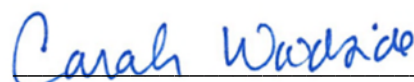
[Signature of Declarant]

DECLARATION : 4 OF 5

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, Traci M. Parrish, am a
citizen of the State of Idaho.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☒ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☐ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☐ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☐ Tubing

☐ Waterskiing / wakeboarding / wakesurfing

☐ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Use of our dock for relaxing is out of the question. The size of and number of waves makes it impossible to sit in a chair for any length of time without feeling like we'll be knocked into the water.

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

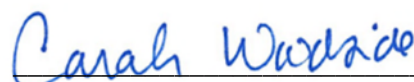
DATED this 5th day of September, 2025, at Post Falls, Idaho.

Lia M. Parish
[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

Peter J. Smith IV, ISB #6997
FENNEMORE CRAIG, P.C.
418 E. Lakeside, Suite 224
Coeur d'Alene, Idaho 83814
T: (208) 956-0145
E: peter.smith@fennemorelaw.com

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

DECLARATION

1. I, _____ James Prussack
_____, am a citizen of the State of
_____.

2. I am involved with and/or am a member of CONCERNED CITIZENS AGAINST
ADDITIONAL 100 BOAT SLIPS ADDED TO TEMPLINS RESORT ON SPOKANE RIVER
INC., an Idaho nonprofit corporation.

3. Pursuant to IDAPA 04.11.01.700 ("Intervention Generally"), I claim a direct and
substantial interest in this proceeding concerning the The Estates at Waterstone Homeowners
Association, Inc.'s community dock application.

4. My interests are not adequately represented by any existing party to this proceeding.

Property Interest

5. My property interest in relation to the Spokane River is as follows (check all that apply):

☐ I own and reside on riparian (waterfront) property directly fronting the Spokane River.

☒ I reside near the Spokane River but do not own waterfront property.

Uses of the Spokane River

6. I use the Spokane River for the following purposes (check all that apply):

☒ Boating

☒ Fishing

☒ Kayaking

☐ Canoeing

☒ Paddleboarding

☒ Swimming

☒ Tubing

☒ Waterskiing / wakeboarding / wakesurfing

☒ Wildlife viewing / photography

☐ Other:

Substantial Interest

7. The The Estates at Waterstone Homeowners Association, Inc. community dock project will directly and substantially affect my interests.

8. The project will increase boat traffic and congestion on this section of the Spokane River.

9. Increased congestion will reduce safety for all users, including myself and my family.

10. The project will interfere with my ability to use and enjoy the Spokane River.

11. The project will increase risks of collision or injury to non-motorized users.

12. Noise, wakes, and congestion will diminish the recreational value of this section of the river.

13. Other impacts specific to me include:

Adequacy of Representation

14. My interests as a property owner and/or river user are not adequately represented by any existing party to this proceeding.

///

///

///

///

///

Verification

15. I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 5 day of September, 2025, at Post Falls,
Idaho.

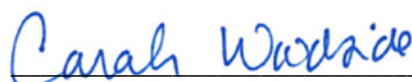
James
Prussasck

[Signature of Declarant]

CERTIFICATE OF SERVICE

I hereby certify that on the 5th 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
Nathan S. Ohler Ohler Bean & Tinkey 1809 E. Sherman Ave., Ste. 101 Coeur d'Alene, ID 83814 (208) 444-8686 <i>Attorneys for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email nathan@ohlerbean.com
Idaho Department of Lands John Richards, General Counsel Kayleen Richter, Counsel 300 N. 6 th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email jrichards@idl.idaho.gov krichter@idl.idaho.gov
Marde Mensinger <i>Program Manager for Navigable Waters</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email mmensinger@idl.idaho.gov
Kourtney Romine Rachel King Kayla Dawson <i>Service Contacts for Idaho Department of Lands</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By 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	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email filings@oah.idaho.gov leslie.hayes@oah.idaho.gov



Carah Woodside

**DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
THE ESTATES AT WATERSTONE**

The undersigned, Spokane River Northshore, LLC, a Washington limited liability company (hereinafter referred to as "Declarant"), is the owner of the real property located in the City of Post Falls, Kootenai County, Idaho, more particularly described on **Exhibit "A"** attached hereto. Declarant hereby adopts the following Declaration of Covenants, Conditions, and Restrictions for The Estates at Waterstone, and any additions to the Property, and declares that the following shall apply to the subject Property as well as any additions to the Property. These Covenants, Conditions, and Restrictions ("Declaration") shall run with the land, and with each estate therein, and shall be binding upon all persons having or acquiring any right, title or interest in said real property or any Lot, parcel, or portion thereof, and shall inure to the benefit of and be binding upon Declarant, Declarant's successors-in-interest, purchasers, assigns, heirs and any party having acquired any right, title or interest in or to any part of the subject Property until the Declaration is terminated.

ARTICLE 1.

STATEMENT OF PURPOSE AND IMPOSITION OF COVENANTS

1.1. **Purpose.** Declarant intends to ensure the attractiveness of the Property, including the residences and other improvements constructed on it; to prevent any future impairment of the Property and to protect and enhance the values and amenities of the Property; to provide for the operation, administration, use and maintenance of the Common Areas within the Property; to preserve, protect and enhance the values and amenities of the Property; to ensure the peaceful, quiet use and enjoyment of the Property; and to promote the health, safety and welfare of the Owners of the Property. Additionally, the Declarant further intends to ensure the Property's attractiveness, including the residences and other improvements constructed on it, and to guard against construction on the Property of improvements of improper or unsuitable materials or that would otherwise detract from the aesthetic value of the residential community.

1.2. **Additional Declarations.** Nothing contained in this Declaration is intended to prevent any subsequent Declarations of Covenants, Conditions, Restrictions and Easements, which may be recorded upon all or any portion of the Property or its use.

THIS DOCUMENT DOES NOT AND CANNOT ALTER THE LAW OF THE GOVERNMENTAL AGENCIES HAVING JURISDICTION.

**ARTICLE 2.
DEFINITIONS**

The following terms, as used in this Declaration, are defined as follows:

2.1. **Articles or Articles of Incorporation.** The Articles of Incorporation of The Estates at Waterstone Homeowners Association, Inc., which have been filed with the Secretary of State of Idaho, as such Articles may be amended from time to time.

2.2. **Assessments.** Those payments required of Owners or Association Members, including Annual, Special, and Default Assessments levied pursuant to Article 12.

2.3. **Association.** The Estates at Waterstone Homeowners Association, Inc., an Idaho non-profit corporation, and any successor of that entity by whatever name.

2.4. **The Estates at Waterstone.** The Estates at Waterstone is a residential Plat Community created by this Declaration, and any amendments or modifications to this Declaration, consisting of the Property described in Exhibit A and all of the Improvements located on the Property.

2.5. **The Estates at Waterstone Documents.** The basic documents creating and governing The Estates at Waterstone including, but not limited to, the Project documents, this Declaration, the Articles of Incorporation and Bylaws, recorded Plat, and any other procedures, rules, regulations, or policies adopted under such documents by the Association, all as may be amended from time to time ("The Estates at Waterstone Documents").

2.6. **Board or Board of Directors.** The Board of Directors of the Association.

2.7. **Building.** A building or other structure or improvement constructed on the Property.

2.8. **Bylaws.** The Bylaws of the Association, as such Bylaws may be amended from time to time.

2.9. **Common Areas.** The real property or improvements thereon designated as open space or common areas ("Common Areas") on the final plat filed for the Residential Plat Community.

2.10. **Common Expenses.** Common Expenses shall include the actual and estimated expenses incurred or anticipated to be incurred by the Association for the general benefit of all Owners, or for specific Owners. Common Expenses shall include reasonable reserves as the Board may find necessary and appropriate for deferred maintenance, repairs, replacements and improvements in accordance with The Estates at Waterstone Documents as well as: (i) premiums for insurance carried by the Association under Article 13; (ii) all expenses, costs and amounts of every kind and nature incurred by the Association in administering, servicing, conserving, managing, maintaining, operating, repairing or replacing the Common Areas and any Improvements located on it; (iii) all expenses expressly declared to be Common Expenses by The Estates at Waterstone Documents; (iv) all expenses in good faith determined to be Common Expenses by the Board of Directors; and (v) all expenses to be allocated among the Owners as provided in Article 12.

2.11. **Declarant.** Spokane River Northshore, LLC, a Washington limited liability company, or its successors or assigns, including any Successor Declarant to the

extent the rights of Declarant are assigned to the Successor Declarant, as provided in Section 2.36.

2.12. **Declaration.** This Declaration of Covenants, Conditions and Restrictions for The Estates at Waterstone.

2.13. **Default Rate.** An annual rate of interest that is prescribed by Idaho Code §28-22-104, which is currently twelve percent per annum.

2.14. **Director.** Member of the Board of Directors of the Association.

2.15. **Residence.** A single-family residence.

2.16. **First Mortgage.** Any Mortgage which is not subject to any lien or encumbrance except liens for taxes or other liens that are given priority by statute.

2.17. **First Mortgagee.** The holder of record of a First Mortgage.

2.18. **Improvement(s).** All Buildings, parking areas, loading areas, fences, walls, hedges, plantings, lighting, poles, driveways, gates, roads, docks, ponds, trails, gates, signs, changes in any exterior color or shade, excavation and all other site work, including without limitation, grading, road construction, utility improvements, removal of trees or plantings, and any new exterior construction or exterior improvement which may not be included in the foregoing. The term "Improvement(s)" does not include turf, shrub, or tree repair or replacement of a magnitude that does not change exterior colors or exterior appearances. The term "Improvement(s)" does include both original improvements and all later changes and improvements.

2.19. **Landscaping.** Grass, trees, shrubs, plants and any outside improvements, other than buildings.

2.20. **Lot.** A parcel of land designated as a lot on any Recorded Plat of the Property, existing, or later recorded by Declarant, which Declarant makes subject to this Declaration together with any Improvements thereon ("Lot").

2.21. **Maintenance Fund.** The fund created by assessments and fees levied pursuant to Article 12 below to provide the Board of Directors with the funds required to carry out its duties under this Declaration.

2.22. **Member.** Any person or entity holding membership in the Association.

2.23. **Mortgage.** Any mortgage, deed of trust, trust indenture, contract for deed, or other document which is recorded in the office of the Recorder of Kootenai County, and, which encumbers any portion of the Property or interest therein as security for the payment of a debt or obligation.

2.24. **Mortgagee.** Any person named as a beneficiary or mortgagee under a Mortgage, or any successor to the interest of any such person under such Mortgage. In the case of a contract for deed, the seller shall be considered the "Mortgagee" for purposes of this Declaration.

2.25. **Owner.** The person or other legal entity, including Declarant, which holds fee simple title of record to any Lot ("Owner"). Owner does not mean or refer to any person or entity who holds such interest merely as security for the performance of a debt or other obligation, including a Mortgage, unless and until such person or entity has acquired fee simple title pursuant to foreclosure or other proceedings.

2.26. **Person.** Whether or not in capitalized form, Person means a natural person, a corporation, a partnership, a limited liability company, an association, a trust or any other entity or combination of the foregoing.

2.27. **Plat.** Any engineering survey or surveys of all or part of the Property (including Expansion Property), together with such other diagrammatic plans and information regarding the Property as may be required by applicable law, or created in the discretion of Declarant, as each such survey may be amended and supplemented from time to time, and all as recorded in the office of the Recorder of Kootenai County, Idaho.

2.28. **Plat Community.** The Plat Community is the residential community created by the final Plat for The Estates at Waterstone and this Declaration that are recorded with the Kootenai County Recorder. Sometimes the Plat Community is also referred to as the Project.

2.29. **Project.** The residential Plat Community created pursuant to the final Plat, this Declaration and all other project documents.

2.30. **Property.** Includes the property described on Exhibit "A" and initially subjected to this Declaration, and any real property that may be annexed from time to time and made subject to this Declaration pursuant to the provisions of this Declaration.

ARTICLE 3

THE ESTATES AT WATERSTONE HOMEOWNERS ASSOCIATION, INC.

3.1. **Organization of The Estates at Waterstone Homeowners Association, Inc.** The Estates at Waterstone Homeowners Association, Inc. shall be initially organized by Declarant as an Idaho non-profit corporation under the provisions of the Idaho Code and shall be charged with the duties and invested with the powers prescribed by law and set forth in the Articles, Bylaws, and this Declaration. Neither the Articles or Bylaws shall be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration or with any Amendments thereto that Declarant might adopt pertaining to The Estates at Waterstone.

3.2. **Responsibilities of the Association – Common Areas and Community Dock, Gate, Private Roads.** The Association will be responsible for the administration and operation of the Common Areas, Community Dock, Gate, and Private Roads of the Property and enforcing the terms of this document and will exercise all powers, duties and authority of the Association. The Common Areas include the maintenance of the landscaping and sidewalks including snow removal alongside Ponderosa Boulevard in Tracts B and C (outside the fenced perimeter of the Plat Community), as well as the

maintenance of Tract A – the Common Area near the Community Dock – landscaping mowing and general maintenance, including the storm drainage pond located on Tract A.

3.3 **Association will Contract for Lawn Maintenance for all Owners.** To ensure consistent upkeep of lawns, the Association will contract with a landscaping company that will maintain the lawns of all the respective Owners' yards in the community. This will include mowing, edging, fertilizing, to the extent necessary annual aerating and thatching, turning on and off sprinkler systems, annual winterization, and lawn-related services. As set forth below, the cost of lawn maintenance will be included in the assessment.

3.4 **Appointment of Officers and Directors.** The appointment of Officers and Directors shall be done in accordance with the By-laws.

3.5 **Manager.** The Association may employ or contract for the services of a Manager to act for the Association and the Board and the Officers according to the powers and duties delegated to the Manager pursuant to the Bylaws or resolution of the Board. Neither the Board nor any officer of the Association will be liable for any omission or improper exercise by a Manager of any such duty, power, or function so delegated by written instrument executed by or on behalf of the Board. The Manager may be the Declarant or a person related to Declarant.

3.6 **Committees.** The Association may delegate any of its rights, duties or responsibilities to any committee or other entity that the Board may choose to form.

3.6.1. **Limitation.** Any delegation by the Board under this Section is subject to compliance with the Bylaws and the requirements that the Board, when so delegating, will not be relieved of its responsibilities under The Estates at Waterstone Documents.

ARTICLE 4. ASSOCIATION MEMBERSHIP

4.1. **Membership.** Every Owner, by virtue of being an Owner, and for so long as he/she or such legal entity is an Owner, will be a Member of the Association. Membership will be appurtenant to and may not be separated from ownership of any Lot. No Owner, whether one or more persons, will have more than one membership per Lot owned, but all of the persons owning each Lot will be entitled to rights of membership and of use and enjoyment appurtenant to such ownership.

4.2. **Classes of Membership.** The Association will have one class of Members and Owners of Lots shall be entitled to cast one (1) vote for each Lot owned.

4.3. **Voting Rights.** On matters requiring a vote of the Members, each Member will be entitled to vote based on the number of votes to which that Member is entitled based on such Member's membership class.

When more than one person holds an interest in any Lot, all such persons shall be Members but shall share the vote attributable to the Lot. Fractional votes, however, shall not be allowed. In the event that joint Owners are unable to agree among themselves as

to how their vote shall be cast, they shall lose their right to vote on the matter being put to a vote. When an Owner casts a vote, it will thereafter be presumed conclusively for all purposes that such Owner was acting with authority and consent of all joint Owners of the Lot from which the vote derived. The right to vote may not be severed or separated from the ownership of the Lot to which it is appurtenant, except that any Owner may give a revocable proxy.

4.4. **Transfer of Membership.** An Owner may not transfer, pledge, assign or alienate its membership in the Association in any way except upon the transfer of title to the respective Lot, and then only to the transferee of such title. If the transfer is pursuant to a contract for deed, Owner's membership shall transfer to the buyer under said contract.

4.5. **Notice of Membership.** Any person, on becoming a Member, will furnish the Secretary of the Association with a photocopy or certified copy of the recorded instrument or such other evidence as may be specified by the Board under the Bylaws, vesting the person with the interest required to make him a Member for each Lot owned.

4.6. **Owners' and Association's Addresses for Notices.** At the same time that the Member provides Notice of Membership as set forth in Section 4.5, the Member will provide the Association with the single name and address which shall be deemed the registered address for that Membership and for the Owners associated therewith. The registered address shall be the address to which any notices given pursuant to The Documents shall be sent. The Member will promptly update any changed information by providing a new written notice to the Association. The Association will keep and preserve the most recent written notice received by the Association with respect to each Member and shall be entitled to rely on such notice.

If no address is provided to the Association, or if all of the Owners cannot agree on a single address, then the address of the Lot will be deemed the registered address until another registered address is furnished as required under this Section 4.6.

All notices given under this Declaration will be sent by personal delivery, which will be effective upon receipt; by overnight courier service, which will be effective one business day following timely deposit with a courier service; or by regular, registered or certified mail, postage prepaid, which will be effective three days after deposit in the U.S. Mail.

All notices and demands intended to be served upon the Board of Directors will be sent to the address of the Association or such other address as the Board may designate from time to time by a notice delivered to all Owners in accordance with this Section.

ARTICLE 5 POWERS AND DUTIES OF THE ASSOCIATION

5.1. **Powers.** The Association shall have all the powers permitted under the Idaho Nonprofit Corporation Act as supplemented or limited by this Declaration, the Articles and the Bylaws. The Association shall have the power to engage in all lawful

activities necessary, proper or incidental to carry out the purposes for which it is formed, so long as such activities are not inconsistent with the Act, this Declaration, the Articles or the Bylaws. The Association shall act through its Board or Manager.

5.1.1. **Association Rules.** The power to adopt, amend and repeal by majority vote of the Board such rules and regulations as the Association deems reasonable and necessary to accomplish the purposes for which the Association is formed, but may not further restrict the use and enjoyment of the Property. A copy of the Association Rules as they may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Owner. Upon such mailing or delivery, the Association Rules shall have the same force and effect as if they were set forth in and were a part of this Declaration. In the event of any conflict between such Association Rules and any other provisions of this Declaration, or other Articles or Bylaws, the provisions of the Association Rules shall be deemed to be superseded by the provisions of this Declaration, the Articles or the Bylaws to the extent of any such inconsistency.

5.1.2. **Emergency Powers.** The power, exercised by the Association or by any person authorized by it, to enter upon any property in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance or construction for which the Association is responsible. Such entry shall be made with as little inconvenience to the Owner as practicable, and any damage caused thereby shall be repaired by the Association.

5.1.3. **Licenses, Easements and Rights-of-Way.** The power to grant and convey to any party such licenses, easements and rights-of-way in, on or under the Property as may be necessary or appropriate to effectuate the purposes of this document and for the orderly maintenance, preservation and enjoyment of the Common Areas, and for the preservation of the health, safety, convenience and the welfare of the Owner, for the purpose of constructing, erecting, operating or maintaining:

5.1.3.1. Underground lines, cables, wires, conduits or other devices for the transmission of electricity or electronic signals for lighting, heating, power, telephone, television, security and communication, or other purposes, and the above ground lighting stanchions, meters, and other facilities associated with the provisions of lighting and services;

5.1.3.2. Sewers, storm drains, underground irrigation pipes, water drains and pipes, water supply systems, sprinkling systems, heating and gas lines or pipes, and any similar public or quasi-public improvements or facilities; and

5.1.3.3. Mailboxes and sidewalk abutments around such mailboxes or any service facility, berm, fencing, gates, and landscaping abutting Common Areas, public and private streets or land conveyed for any public or quasi-public purpose including, but not limited to, bicycle pathways.

The right to grant such licenses, easements and rights-of-way are hereby expressly reserved to the Association.

5.2. **Implied Rights and Obligations.** The Association will perform all of the duties and obligations and may exercise all of the rights and privileges expressly set forth in The Estates at Waterstone Documents, together with every other duty, obligation, right or privilege, or reasonably necessary in conjunction with any other duty, right or privilege.

ARTICLE 6. COMMON AREAS

6.1. **Common Areas.** The Plat Community contains Common Areas. These Common Areas include but are not limited to the following:

6.1.1 **Landscaping along Ponderosa Boulevard and Entrance to Plat Community - Tracts B & C.** Landscaping along Ponderosa Boulevard and entrance to Plat Community on Timberlane. This landscaping will be irrigated. This landscaped area is identified as Tracts B and C on the Plat map. Additionally, the Association will be responsible for the snow removal of the sidewalks bordering Ponderosa Boulevard.

6.1.2 **Gate.** An electronic gate into the entrance of the Plat Community.

6.1.3 **Entry Monument/Signage.** Entrance monument providing signage for The Estates at Waterstone.

6.1.4 **Private Streets.** Given that the plat community is gated the streets are private. Both Timberlane and Ravine Drive are private streets.

6.1.5 **Landscape Area and Walkway Leading to Community Dock and Drainage Pond - Tract A.** Landscaping and walkway leading to community dock located identified as Tract A on the Plat map. Additionally, Tract A will contain a drainage pond to handle stormwater.

6.1.6 **Dock for Boat Moorage.** Community dock for boat moorage located on the Spokane River described in Section 7.

6.1.7 **Parking Lot in Tract A for Community Dock.** A parking lot on Tract A near the Community Dock will have approximately 9 parking spots

6.1.8 **Perimeter Fence.** The perimeter of the Plat Community is improved with a fence. The Association will be responsible for repairs and/or maintenance associated with the perimeter fence.

6.2. **Association's Responsibility for Common Areas.** With regard to landscaping, the Association shall be solely responsible for all landscaping maintenance including routine weeding, mowing, watering, trimming and planting and all normal activities required to sustain attractive healthy plants and plantings in a landscaped

environment. The landscaping responsibilities of the Association include maintenance of irrigation or watering system as well as the replacement of shrubs, sod, trees and other plants as required to keep the landscaped area attractive, healthy and aesthetically pleasing. With regard to the sidewalks and asphalt pathways located in the respective Common Areas specifically Tracts B and C, the Association is responsible for snow removal. The Association is also responsible for maintenance of the private roads, including patching, sealing, replacement and snow removal as needed.

6.3. **Retaining Walls.** Retaining walls have been constructed on the flowing Lots 1, 2, 3, 4, and 5 Block 1, Lots 8, 9, 10, 11, 12 Block 3, and Tract A. Lot Owners shall not alter or remove the retaining walls. The retaining walls are not considered Common Areas, however the Association has the responsibility of maintaining, repairing or replacing the retaining walls. An easement granting the Association ingress egress access to preform maintenance, repair or replacing of the retaining walls over across and through the Lots identified above will be recorded.

6.4. **Conveyance by Declarant of Common Area.** Declarant will convey to the Association, by written instrument recorded with the Recorder of Kootenai County, Idaho, any designated Common Area shown on the final plat for the Project.

6.5. **Use of Common Areas.** Common Areas generally are designated by this Declaration for the common use, benefit and enjoyment of the Owners and their families, tenants, employees, guests and invitees, and such other persons as may be permitted to use the Common Areas of the Association.

6.6. **No Dedication to the Public.** With the exception of the sidewalks located in Tracts B and C bordering Ponderosa Boulevard, nothing in this Declaration or the other The Estates at Waterstone Documents will be construed as a dedication to public use of the Common Areas.

6.7. **Association's Agreements Regarding Common Areas.** The Association may grant easements, rights-of-way, leases, licenses, and concessions through or over the Common Areas without the independent approval of the Owners, provided doing so is consistent with the purposes of this document.

6.8. **Ownership of Personal Property and Real Property for Common Use.** The Association may acquire, hold and dispose of personal property and real property.

6.9. **Creation of Additional Entities.** The Association may create additional Idaho Non-Profit Corporations, or other governing entities, and charge the same with the responsibility of maintaining any Common Areas. The Association may contract with any entity to maintain the Common Areas under any terms the Association deems reasonable.

ARTICLE 7. PRIVATE ROADS AND DOCKS

7.1. **Roads.** The Association shall own and be responsible for maintaining all roads within the Property. Such maintenance will include repair and replacement of such roads, as well as periodic maintenance of the surface and regular snow, and ice removal.

7.2. **Community Dock.** The Association shall be responsible for overseeing the community dock. The community dock is for the use and enjoyment of the Lot Owners and their respective family members and guests.

7.2.1. **Owner Dock.** The Association shall own and cover permitting associated with community dock located on the Spokane River for the use and enjoyment of the Owners and their guests. The cost of said dock/boardwalk shall be shared covered by the Association.

7.2.2. **No Construction of Private Docks.** No Owners shall have the right to construct docks on the Spokane River. In particular, the Owners of Lots 9, 10, 11, and 12 that border the Spokane River may not construct a private dock because the waterfront footage was utilized for the community dock.

7.2.3. **Use Restrictions**

7.2.3.1 **Size of Boats.** No Owner may moor a boat whose length is in excess of thirty feet or height of the boat is more than ten feet above the water line. A variance to this rule may be obtained with permission from the Board. Loud boats shall not operate within the River between the hours of 10:00 p.m. and 8:00 a.m.

7.2.3.2 **Personal Watercraft.** Personal watercraft shall be moored both at the bow and the stern directly to a dock and not at the end of the dock.

7.2.3.3 **No Alterations.** The maintenance of the community dock shall be the responsibility of the Association, and no Owner may perform any modification to community dock without the prior written consent of the Association.

7.2.3.4 **Personal Property.** No personal property may be left on any community dock except as is usual and customary for the use of the area during the day. The Association may approve an architecturally consistent dock locker for the community dock.

7.2.3.5 **Harbor Restrictions.** All boats shall proceed into and out of the community dock in a manner to create as little wake as possible. Swimming and Fishing shall be allowed provided it does not interfere with the use boat access to the community dock.

7.2.3.6 **Maintenance of Boats.** All boats shall be kept and maintained in a neat and tidy fashion and so as not to allow the discharge of any hazardous materials. Except in an emergency, boats and personal watercraft shall not be fueled while in the community dock. Additionally, maintenance and repairs to boats shall not be completed at the community dock unless it is an emergency.

ARTICLE 8.
BOOKS, RECORDS, AND RESERVE ACCOUNTS

8.1. **Books and Records.** The Association will make available for inspection by Owners and Mortgagees, upon written request, within five (5) business days, during normal business hours or under other reasonable circumstances, current copies of The Estates at Waterstone Documents, and the books, records and financial statements of the Association prepared pursuant to the Bylaws. The Association may charge a reasonable fee for copying such materials.

8.2. **Reserve Account.** The Association will establish and maintain an adequate reserve fund from Annual Assessments levied pursuant to Section 12.3 below for maintenance, repair or replacement of the Common Areas and Improvements located within the Common Areas that must be replaced on a periodic basis and for any other facilities made available to the Association that must be replaced on a periodic basis with contribution from the Association.

8.3. **Working Capital Account.** In order to provide the Association with adequate working capital funds, the Association will collect at the time of the close of escrow of each Lot an amount equal to three months' installments of the Annual Assessments at the rate in effect at the time of the close of such escrow. The Association will maintain such funds in a segregated account to meet unforeseen expenditures or to acquire additional equipment or services for the benefit of the Members. Payments to this fund from escrow closings are not and shall not be considered advance payments of Annual Assessments.

ARTICLE 9
ARCHITECTURAL COMMITTEE

9.1. **Creation and Declarant's Right to Appoint.** As long as Declarant owns any Building Lot in the Property, Declarant shall have the absolute right and authority to appoint the member or members of the Architectural Committee and to perform all functions of the Architectural Committee hereunder, unless the Declarant shall sooner relinquish such authority to the Association in a written document signed by an authorized representative of the Declarant. Additionally, the Declarant has the right to appoint the responsibilities of the Architectural Committee to a licensed architect. When the Declarant has sold all Lots in the plat community it shall turn over control of the Architectural Committee to the Association Board. When Declarant turns over control of the Architectural Committee to the Association then the Association Board shall assume the responsibilities of the Architectural Committee or appoint the member or members of the Architectural Committee or contract with individuals that will assume such responsibilities.

9.2. **Architectural Committee Rules and Fees.** The Architectural Committee also may establish written rules and/or guidelines setting forth procedures for and the required content of the applications and plans submitted for approval. Such rules may require a fee to accompany each application for approvals or additional factors which it will take into consideration in reviewing submissions. The Architectural Committee shall determine the amount of such fee in a reasonable manner. Presently, the fee for review of

architectural plans is \$1,000.00, that fee is subject to change. Such fees shall be used to defray the costs and expenses of the Architectural Committee, including the cost and expense of hiring a licensed architect as provided above, or for such other purposes as established by the Board, and such fee shall be refundable to the extent not expended for the purposes herein stated. If plans submitted are the same or substantially similar to plans previously approved by the Architectural Committee, fees may be reduced for such application approvals. Such rules and guidelines may establish, without limitation, specific rules and regulations regarding design and style elements, landscaping, and fences and other structures such as animal enclosures as well as special architectural guidelines applicable to Building Lots located adjacent to public and/or private open space.

9.3 Review of Proposed Construction. The Architectural Committee shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to this Declaration and perform such other duties as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with plans approved by the Architectural Committee. The Board shall have the power to determine by rule or other written designation consistent with this Declaration, which types of Improvements shall be submitted for Architectural Committee review and approval. The Architectural Committee shall have the power to hire a licensed architect to assist the Architectural Committee in its review of proposals or plans and specifications submitted to the Architectural Committee.

9.3.1 Conditions on Approval. The Architectural Committee may condition its approval of proposals or plans and specifications upon such changes therein as it deems appropriate, and/or upon the agreement of the Applicant to reimburse the Association for the cost of maintenance and may require submission of additional plans and specifications or other information before approving or disapproving material submitted.

9.3.2 Detailed Plans. The Architectural Committee may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, landscape plans, drainage plans, elevation drawings, and descriptions or samples of exterior material and colors. Until receipt of such details, the Architectural Committee may postpone review of any plan submitted for approval.

9.3.3. Architectural Committee Decisions. Decisions of the Architectural Committee and the reasons therefore shall be transmitted by the Architectural Committee to the Applicant at the mailing or email address set forth in the application for approval within twenty (20) days after filing all materials required by the Architectural Committee. Any materials submitted pursuant to this Section shall be deemed approved unless written disapproval by the Architectural Committee shall have been mailed or emailed to the Applicant within twenty (20) days after the date of filing said materials with the Architectural Committee. The Architectural Committee shall approve proposals or plans and specifications submitted for its approval only if it deems that the construction, alterations or additions contemplated thereby in the locations indicated will not be detrimental to the habitat of the Common Areas, or appearance of the surrounding area of the Property as a whole, that the appearance

of any structure affected thereby will be in harmony with the surrounding structures, and that the upkeep and maintenance thereof will not become a burden on the Association.

9.4 **No Waiver of Future Approvals.** The approval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matter whatever subsequently or additionally submitted for approval or consent.

9.5 **Inspection of Work.** Inspection of work and correction of defects therein shall proceed as follows:

9.5.1. Upon the completion of any work for which approved plans are required under this Article 10, the Owner shall give written notice of completion to the Architectural Committee.

9.5.2. Within sixty (60) days thereafter, the Architectural Committee or its duly authorized representative may inspect such Improvement. If the Architectural Committee finds that such work was not done in substantial compliance with the approved plans, it shall notify the Owner in writing of such noncompliance within such sixty (60) day period, specifying the particular noncompliance, and shall require the Owner to remedy the same.

9.5.3 If upon the expiration of thirty (30) days from the date of such notification, or any longer time the Architectural Committee determines to be reasonable, the Owner shall have failed to remedy such noncompliance, the Architectural Committee shall notify the Board in writing of such failure. Upon notice and hearing, as provided in the Bylaws, the Board shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Owner shall remedy or remove the same within a period of not more than forty-five (45) days from the date of the announcement of the Board ruling unless the Board specifies a longer time as reasonable. If the Owner does not comply with Board ruling within such period, the Board, at its option, may either remove the non-complying improvement or remedy the noncompliance, and the Owner shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy a Limited Assessment against such Owner for reimbursement pursuant to this Declaration.

If for any reason the Architectural Committee fails to notify the Owner of any noncompliance with sixty (60) days after receipt of the written notice of completion from the Owner, the work shall be deemed to be in accordance with the approved plans.

9.6 **Non-Liability of Architectural Committee Members.** Neither the Architectural Committee nor any member thereof, nor its duly authorized Architectural Committee representative, shall be liable to the Association, or to any Owner or

Declarant for any loss, damage, or injury arising out of or in any way connected with the performance of the Architectural Committee's duties hereunder, unless due to the willful misconduct or bad faith of the Architectural Committee. The Architectural Committee shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration or addition, solely on the basis of aesthetic considerations and the overall benefit or detriment which would result in the immediate vicinity and to the Property generally. The Architectural Committee shall take into consideration the aesthetic aspects of the architectural designs, placement of building, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of any plan or design from the standpoint of structural safety or conformance with building or other codes.

9.7. **Variances.** The Architectural Committee may authorize variances from compliance with any of the architectural provisions of this Declaration, including restrictions upon height, size, floor area, or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require. Such variances must be evidenced in writing, must be signed by the member or members of the Architectural Committee. If such variances are granted, no violation of the covenants, conditions or restrictions contained in this Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular Building Lot and particular provision hereof covered by the variance, nor shall it affect any way the Owners obligation to comply with all governmental laws and regulations affecting such Owners use of the Building Lot, including but not limited to zoning ordinances or requirements imposed by any governmental or municipal authority.

9.8. **Declarant's Exemption.** Any and all improvements constructed by Declarant on or to the Property are not subject to review and approval by the Architectural Committee.

9.9 **Owner's Duty to Commence Construction within One Year of Purchase.** Each Lot Owner shall commence construction on their residential structure within 12 months of the closing date of the Lot purchase. Home construction shall be completed no later than 24 months after closing date of Lot purchase.

ARTICLE 10. PROPERTY USE, MAINTENANCE, AND RESTRICTIONS

10.1. **General Restriction.** The Property will be used only for the purposes set forth in this Declaration, as permitted by the applicable ordinances of the City of Post Falls, the laws of the State of Idaho, and as set forth in The Estates at Waterstone Documents or other specific recorded covenants affecting all or any part of the Property.

10.2. **Use of Lots.** Each Lot may be used only as a single-family residence and not for any commercial purposes.

10.3. **Golf Carts and UTVs Authorized - Limitations on Motorized and Recreational Vehicles.** Golf carts and Utility Terrain Vehicles (UTV) are allowed for beach access. No motorized or recreational vehicles of any kind other than passenger automobiles or pickup or utility trucks with a capacity of one ton or less, may be parked, stored or in a manner kept or placed on any portion of the Property except in an enclosed garage. This restriction, however, will not be deemed to prohibit commercial and construction vehicles, in the ordinary course of business, from making deliveries or otherwise providing services to the Property or to Declarant or the other Owners. Only currently licensed vehicles shall be on the Property.

No snowmobiles or off-road vehicles will be allowed to operate anywhere in the Property, except for emergency purposes or in areas specifically designated for such purposes by the Board. Motorcycles may be used on roads in the Property only for transportation to and from a Lot and shall be operated in a quiet manner and in compliance with the rules of the road. All other starting and running of motorcycles on any of the Property shall be strictly prohibited.

10.4. **Parking.** No overnight on-street parking shall be allowed in the Project other than incident to short-term visits from Owner guests. A short-term visit shall be considered 48 hours.

10.5. **Parking Lot on Tract A Near Community Dock.** A parking lot located on Tract A near the Community Dock will have approximately 9 parking spaces. No overnight parking in the Parking Lot located on Tract A is allowed. Owners use of the Parking Lot will be on a first-come first-served basis.

10.6. **Automobile Repair, Abandoned, Inoperable, or Oversized Vehicles.** No work on automobiles or other vehicle repair will be performed in any visible or exposed portion of the Owner's Lots except in emergencies. All repair work shall be done in Owner's garage or off the Property. No abandoned or inoperable vehicles of any kind will be stored or parked on or any portion of the Property, except as provided below. An "abandoned or inoperable vehicle" is defined as any vehicle that has not been driven under its own propulsion for a period of three weeks or longer, provided, however, this will not include vehicles parked by Owners while on vacation or residing away from The Estates at Waterstone.

10.7. **Political Signs.** Consistent with controlling Idaho law, political yard signs are not prohibited on Lot Owners' property. Political signs shall be no larger than two and one-half feet by two and one-half feet. No Lot Owner shall place more than two political signs in their respective yards. Political signs shall only be displayed six weeks prior to the election date and must be removed within seven days after the election date. No political signs may be placed in the Common Areas of the plat community including but not limited to Tracts A, B, and C, and in particular the entrance landscaping or landscaping areas that border Ponderosa Boulevard.

10.8. **Animals and Pets.** All pets (animals, birds, reptiles or living creatures of any kind) are subject to the following restrictions.

10.8.1. **Allowed Pets.** Raising or housing of any animal on a commercial basis, including, without limitation, kenneling and breeding, is prohibited. No

animals, livestock, or poultry of any kind will be kept on any portion of the Property, other than domestic household pets.

10.8.2. **Limitation on Number of Pets.** No more than two (2) domestic household pets are allowed per Lot.

10.8.3. **Containment.** Domestic household pets shall be kept within the perimeter of the Owner's Lot or Lot and shall not be permitted to run at large at any time. Underground electric fencing may be used. Pets that are leashed may not be left unattended. Pets shall be managed and controlled in such a way as to not become a nuisance due to excessive noise, odors or any other characteristics that may impair the enjoyment of the Property by other Owners. Accordingly, Owners shall keep their dogs from barking excessively in any area where such barking can be heard from outside the Building Lot. Continued barking after receipt of three warnings from the Board and/or an Owner of another Building Lot who is being affected by the noise of such barking shall be considered excessive barking and a nuisance, entitling such affected Owner and/or Board to take appropriate action to assure that such excessive barking is eliminated, and/or exercise right of removal of such dog as set forth below. Barking no more than occasionally to alert the Owners of the need to let the dog into a dwelling, to warn of strangers coming to the Building Lot, and the like shall be permitted. Leaving a dog outside the dwelling for prolonged periods while the dog is frequently barking will also be considered excessive.

10.8.4. **Leashes.** Pedestrians within the Property who are accompanied by dogs must have the dogs under the pedestrians' direct control by use of a leash not to exceed 10 feet in length and shall promptly remove any animal waste.

10.8.5. **Right for Removal.** The Association may at any time require the removal of any pet which it finds to be disturbing other Owners unreasonably and may exercise this authority for specific pets even though other pets are permitted to remain.

10.8.6. **Damage by Pets.** Owners and their guests are responsible for any damage to the Common Areas, to other real or personal property, or to individuals within the Property caused by their pets.

10.8.7. **Alterations to Common Areas.** Nothing shall be altered or constructed in a Common Area to house or accommodate pets, without the prior written approval of the Association.

10.8.8. **Service Animals.** Notwithstanding anything above in this Declaration to the contrary, service animals, and any similar class or category of animals covered by the Federal Fair Housing Act, Idaho Human Rights Act, or any similar provision under law regarding disabilities and/or handicapping conditions, shall not be considered regulated animals or pets in interpreting or enforcing this Section, but shall be permitted within the Property to the full extent permitted or required under applicable law, rule, regulation, or other legal requirement.

10.9. **No Outside Clothesline.** No laundry or wash will be dried or hung outside any Dwelling Lot.

10.10. **Satellite or Antenna.** No satellite or antennas shall be allowed unless first approved by the Architectural review committee.

10.11. **Window Coverings.** Windows shall not be covered with any reflective material, cardboard, or other similar material.

10.12. **Noise.** No use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound-producing device, so as to be audible to occupants of other Lots, except for security alarm device used exclusively for security purposes, will be permitted on any portion of the Property unless approved by Association.

10.13. **Snow Clearance.** Snow clearance and/or removal in the Common Areas is the responsibility of the Association and Owners shall not clear or remove snow from Owners' driveways or walkways onto Common Areas or roads within the Property.

10.14. **Association Landscape Maintenance.** Subject to the right of the Association to assess pursuant to Article 12, landscape maintenance, for all Common Areas, including but not limited to mowing of grass, weeding, removing debris, is the responsibility of the Association.

10.15. **Exterior Maintenance.** The Owner of a residence is responsible for the upkeep of the exterior of the residence. The exterior appearance of any structure of a residence, including but not limited to, landscaping, color, windows, decks/porches and the like, shall not be modified, or allowed to deteriorate to the point of changing the appearance of the exterior without the express written consent of the Association, the giving of which shall be at the sole discretion of the Association.

10.16. **Compliance with Laws.** Subject to the rights of reasonable contest, each Owner will comply with the provisions of all applicable laws, regulations, ordinances, and other governmental or quasi-governmental regulations with respect to all or any portion of the Property.

10.17. **Obstructions.** There will be no obstruction of any walkways or paths or interference with the free use of those walkways and paths except as may be reasonably required in connection with repairs. The Owners, their families, tenants, guests and invitees are granted nonexclusive easements to use the walkways and paths within the Property, subject to such rules as the Board may adopt from time to time.

10.18. **Camping, Picnicking, and Public Assembly.** No camping or picnicking will be allowed within the Property. Public assemblies, weddings, or other gatherings within the Property are prohibited without the unanimous written consent of all Owners which may be achieved by the mailing of a letter to the registered address of the Owner or Owners informing the Owner that a non-response is the same as an affirmative response or negative, as the case may be.

10.19. **Nuisance.** No obnoxious or offensive activity will be carried on within the Property, nor will anything be done or permitted that will constitute a public nuisance.

No noise or other nuisance will be permitted to exist or operate upon the Property so as to be offensive or detrimental to any other part of the Property or its occupants.

10.20. **Rental and Leasing.** The Owner of a Lot shall not lease or rent out their residential structures whether short term or long term.

10.21 **Licensed Daycare Facilities.** Owners who wish to operate an in-home child day-care facility, childcare center or family day care (hereinafter collectively referred to as "Day Care," must do so in strict compliance with the licensure requirements of Idaho Code Title 39 Chapter 11 and the rules and regulation promulgated by the Idaho Department of Health and Welfare. Prior to commencing the operation of a Day Care the Owner must provide the Association with a copy of the current license, as well as any renewed license. The Owner shall notify the Association immediately of any suspension or termination of their license to operate a Day Care. An Owner who wishes to operate a Day Care must sign an indemnity and hold harmless agreement in favor of indemnify and holding the Association of and from any and all claims that may be brought against the Association in any manner and in particular for use of any of the Common Areas owned by the Association. The Owner shall obtain a general commercial liability policy and name the Association as an additional insured in connection with their operation of a Day Care. The Owner shall provide the Association documentation proving that the Association has been named at an additional insured with a minimum of one million dollars of coverage. At all times of operating a Day Care, the number of children under care must not exceed the maximum number allowed per the capacity and restrictions as established by the Idaho Department of Health and Welfare.

10.22. **Flags and Flag Poles.** In accordance with terms of this paragraph Owners may display a flag of the United States of America and/or the state of Idaho. Each Lot Owner is limited to one flagpole that is no higher than 20 feet. The flagpole must be constructed of permanent, long-lasting material that is harmonious to the existing residential structure on the respective Lot. The displayed flag and flagpole shall be maintained in good condition and any deteriorated flag or structurally unsafe flagpole shall be repaired, replaced or removed. No other flags shall be displayed on the exterior of home or outside flagpole other than the flag of the United States of America, flag of the state of Idaho, a POW/MIA flag, or official or replica flag of any branch of the United States armed forces. The Association must give a Lot Owner at least three days' notice to take corrective action to comply with the provisions of this paragraph.

10.22. **Fences.** The entire perimeter of the community is fenced and has an entrance gate. In certain areas the perimeter is improved with retaining walls. Absolutely no interior fences are allowed on the residential Lots. Invisible electric dog fences are permitted.

10.24. **Enforcement.** The Association may take such actions as it deems advisable to enforce this Declaration, including, but not limited to, the ability to require compliance with this Declaration, or any other valid requirement of the Association. In addition, the Association will have a right of entry on any part of the Property for the purposes of enforcing this Article, and any costs incurred by the Association in connection with such enforcement which remain unpaid thirty (30) days after the Association has given notice of the cost to the Owner and otherwise complied with this Declaration will be subject to interest at the Default Rate from the date of the advance by

the Association through the date of payment in full by the Owner, and will be treated as a Default Assessment enforceable as provided in Article 11.

ARTICLE 11. OWNERS' OBLIGATIONS FOR MAINTENANCE

11.1. **Owners' Negligence.** If the need for maintenance, repair or replacement of any portion of the Common Areas (including Improvements located on it) arises because of the negligent or willful act or omission of an Owner or his family member, guest, invitee or tenant, then the expenses incurred by the Association for the maintenance, repair or replacement will be a personal obligation of that Owner. If the Owner fails to repay the expenses incurred by the Association within thirty (30) days after the notice to the Owner of the amount owed, then those expenses will bear interest at the Default Rate from the date of the advance by the Association until payment by the responsible Owner in full, and all such expenses and interest will become a Default Assessment enforceable in accordance with Article 11.

ARTICLE 12. ASSESSMENTS

12.1. **Covenant to Pay and Personal Obligation for Assessments.** Each Owner, by accepting a deed for a Lot, is deemed to covenant to pay to the Association: (1) the Annual Assessments imposed by the Board of Directors as necessary to fund the Maintenance Fund and to generally carry out the functions of the Association, including, without limitation, the payment of Common Expenses including the community dock; (2) Special Assessments for capital improvements and other purposes as stated in this Declaration; (3) Assessments for lawn maintenance of Lot Owner's yards as described below; (4) Utility Assessments for any utility services provided by the Association; (4) Default Assessments which may be assessed against a Lot pursuant to The Estates at Waterstone Documents for the Owner's failure to perform an obligation under The Estates at Waterstone Documents or because the Association has incurred an expense on behalf of or caused by the Owner under The Estates at Waterstone Documents; and (5) any other Assessments as the Board may impose from time to time.

Each such Assessment, together with fines, interest, costs and reasonable attorneys' (and legal assistants') fees, will also be the personal and individual obligation of the Owner as of the time the Assessment becomes due, and two or more Owners of a Lot will be jointly and severally liable for such obligations. No Owner may exempt himself from liability for any Assessment by abandonment of his Lot or by waiver of the use or enjoyment of the Common Areas. Suit to recover a money judgment for unpaid Assessments and related charges as listed above may be maintained without foreclosing or waiving the Assessment lien provided in this Declaration. The Association may be awarded attorney fees in connection with any action to collect Assessments.

12.2. **Purpose of Assessments.** The Assessments levied by the Association will be used exclusively to promote the recreation, health, safety, and welfare of the Owners and occupants of the Project/Plat Community, and to effect the provisions of The Estates at Waterstone Documents.

12.3. **Annual Assessments.**

12.3.1. **Calculation of Annual Assessments.** At least thirty (30) days before the beginning of each fiscal year, the Board shall prepare a budget of the estimated Common Expenses for the coming year, including any contributions to be made to a reserve fund. The budget shall also reflect the sources and estimated amounts for funds to cover such expenses, which may include any surplus to be applied from prior years, any income expected from sources other than assessments, and the amount to be generated through the levy of Annual Assessments and Special Assessments. In determining the Annual Assessment, the Board may consider any assessment income expected to be generated from any additional Lots reasonably anticipated becoming subject to assessment during the fiscal year.

The Board shall send a copy of the final budget, together with notice of the amount of the Annual Assessment to be levied pursuant to such budget, to each Owner at least thirty (30) days prior to the effective date of such budget.

The budget shall be determined by the Board of Directors annually in its sole discretion. If any Board fails for any reason to determine the budget for any year, then the budget most recently in effect shall continue in effect until a new budget is determined.

12.3.2. **Apportionment of Annual Assessments.** For Common Expenses which benefit all Lots equally as determined by the Association in its sole discretion, each Owner will be responsible for that Owner's share of the Common Expenses, which will be divided equally among the existing Lots.

12.3.3 **Apportionment of Assessment for Lawn Maintenance of Lot Owners' Yards.** As set forth above, the Association will contract with a landscaping company that will provide lawn maintenance for all the Lot Owners' yards throughout the plat community. The yard maintenance will be apportioned based upon the size of the lots. The apportionment for lawn maintenance shall be as follows:

Lots, 1, 2, 3, 4, and 5 Block 1, and Lots 1, 2, 3 Block 2, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 13, and 14 Block 3 shall pay four percent (4%) of the lawn maintenance cost.

Lots 9, 10, 11, and 13 Block 3 shall pay seven percent (7%) of the lawn maintenance cost.

12.3.4. **Collection.** Annual Assessments or installments thereon shall be payable in advance and will be collected at such frequency as the Board may determine from time to time. The omission or failure of the Association to fix the Annual Assessments for any Assessment period will not be deemed a waiver, modification, or release of the Owners from their obligation to pay the same. The Association will have the right, but not the obligation, to prorate refunds of any Annual Assessment in excess of the actual expenses incurred in any fiscal year.

12.3.5. **Date of Commencement of Annual Assessments.** The Annual Assessments for each Lot will commence upon sale of the same to an Owner, a prorated basis for the year of sale, based on the number of months remaining in said year.

12.3.6. **Capitalization of the Association.** At closing on the acquisition of record title to a Lot from Declarant or any seller after Declarant, each Owner will contribute to the working capital and reserves of the Association an amount equal to three (3) months installments of the Annual Assessment determined by the Board of Directors for the Lot for the year in which the Owner acquired title. The Association will maintain the working capital funds in segregated accounts to meet unforeseen expenditures or to acquire additional equipment or services for the benefit of the Members. Such payments to this fund will not be considered advance payments of Annual Assessments.

12.4. **Special Assessments.**

12.4.1. **Determination by Board.** The Board of Directors may levy in any fiscal year one or more Special Assessments, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of a described capital improvement upon the Common Areas, including the necessary fixtures and personal property related thereto, or, after adopting and submitting a revised budget to the Association as may be required, to make up any shortfall in the current year's budget.

12.4.2. **Apportionment and Collection of Special Assessments.** The Board will apportion Special Assessments among the Lots and collect payment according to the same guidelines as set forth for Annual Assessments. Lots in a subsequently platted portion of the Expansion Property which is added to the Property shall not be subject to Special Assessments which preceded the recording of the new Plat, unless the Special Assessment is due in monthly or periodic installments in which case the Lots in the newly platted portion shall be subject to the Special Assessment only to the extent of the installments which become due after the recording of the Plat.

12.4.3. **Notice.** Notice of the amount and due dates for such Special Assessments must be sent to each Owner at least thirty (30) days prior to the due date if payable in a single payment, and at least thirty (30) days prior to the first due date if payable in periodic installments.

12.5. **Default Assessments.** All monetary fines, penalties, interest or other charges or fees (excluding Annual and Special Assessments) levied against an Owner pursuant to The Estates at Waterstone Documents, or any expense of the Association which is the obligation of an Owner or which is incurred by the Association on behalf of the Owner pursuant to The Estates at Waterstone Documents, and any expense (including without limitation attorneys' and legal assistants' fees) incurred by the Association as a result of the failure of an Owner to abide by The Estates at Waterstone Documents, constitutes a Default Assessment, enforceable as provided in this Declaration below.

12.6. General Remedies of Association for Nonpayment of Assessments.

Any installment of an Annual Assessment or a Special Assessment that is not paid within thirty (30) days after its due date will be delinquent. In the event that an Annual or Special Assessment becomes delinquent, or in the event any Default Assessment is established under The Estates at Waterstone Documents, the Association may take any or all of the following actions, in addition to any legal remedy provided at law or equity:

- (a) Assess a late charge for each delinquency at uniform rates set by the Board of Directors from time to time;
- (b) Charge interest from the date of delinquency at the Default Rate;
- (c) Suspend the voting rights of the Owner during any period of delinquency;
- (d) Accelerate all remaining Assessment installments for the fiscal year in question so that unpaid Assessments for the remainder of the fiscal year will be due and payable at once;
- (e) Bring an action at law against any Owner personally obligated to pay the delinquent Assessment charges as may or may not be accelerated by the Board pursuant to 12.6 (d) above; or
- (f) File a Notice of Lien with respect of the Lot and foreclose as set forth in more detail below.

12.7. Assessment Lien. Any Assessment chargeable to a Lot will constitute a consensual lien on the same, effective upon the date of the Assessment. To evidence the lien, the Association, as applicable, may, but will not be obligated to, prepare and record, at the office of the Kootenai County Recorder a Notice of Lien with respect to the Lot, setting forth the name of the Owner, the legal description of the same, the name of the Association, as applicable, and the delinquent Assessment amounts then owing. Any such notice will be duly signed and acknowledged by an Officer or Director of the Association, as applicable, or by the Manager of such entity, and will be served upon the Owner of the Lot by personal service or by certified or registered mail to the last known address of the Owner or Owners of the Lot and any holder of a prior perfected security interest. Thirty (30) days following the mailing of such notice to the Owner, the Association, as applicable, may proceed to foreclose the lien in the manner provided under Idaho law. The Association, as applicable, will have the power and the right to bid on a Lot at foreclosure sale and to acquire, hold, lease, mortgage and convey any such Lot.

12.8. Successor's Liability for Assessment. All successors to the fee simple title of a Lot, except as provided in Section 11.10, will be jointly and severally liable with the prior Owner or Owners thereof for any and all unpaid Assessments, interest, late charges, costs, expenses, and attorneys' (and legal assistants') fees against such Lot without prejudice to any such successor's right to recover from any prior Owner any amounts paid by such successor. This liability of a successor will not be personal and will terminate upon termination of such successor's fee simple interest in the Lot. In

addition, such successor will be entitled to rely on the statement of status of Assessments by or on behalf of the Association under Section 11.12.

12.9. **Waiver of Homestead Exemption; Subordination of the Lien.** The Assessment liens will be superior to and prior to any homestead exemption provided now or in the future by the laws of the State of Idaho, and to all other liens and encumbrances except the following:

12.9.1. **Prior Liens.** Liens and encumbrances recorded before the date of recording this Declaration;

12.9.2. **Tax, Governmental and Statutory Lien.** Liens for real estate taxes and other governmental assessments or charges made superior by statute; and

12.9.3. **First Mortgage Liens.** The lien for all sums unpaid on a First Mortgage recorded before the date on which the Assessment sought to be enforced became delinquent, including any and all advances made by the First Mortgagee, even though some or all of such advances may have been made subsequent to the date of attachment of the Association's lien.

With respect to Section 12.9, any First Mortgagee who acquires title to a Lot by virtue of foreclosing the First Mortgage or by virtue of a deed or assignment in lieu of such a foreclosure, or any purchaser at a foreclosure sale of the First Mortgage, will take the Lot free of any claims for unpaid Assessments, interest, late charges, costs, expenses, and attorneys' (and legal assistants') fees against the Lot which accrue prior to the time such First Mortgagee or purchaser acquires title to the Lot.

All other persons who hold a lien or encumbrance of any type not described in Sections 12.9.1 through 12.9.3 will be deemed to consent to the subordination of such lien or encumbrance to the Association's current and future Assessment liens, interest, late charges, costs, expenses, and attorneys' (and legal assistants') fees, as provided in this Article, whether or not such consent is specifically set forth in the instrument creating any such lien or encumbrance.

12.10. **Reallocation of Assessments Secured by Extinguished Liens.** The sale or transfer of any Lot to enforce any of the liens to which the Assessment lien is subordinate will extinguish such Assessment lien as to installments that became due prior to such sale or transfer. The amount of such extinguished lien may be reallocated and assessed to all Lots as a Common Expense at the discretion of the Board of Directors. However, no such sale or transfer will relieve the purchaser or transferee of a Lot from liability for, or the Lot from the lien of, Assessments made after the sale or transfer.

12.11. **Exempt Property.** The following portions of the Property will be exempt from the Assessments, charges, and liens created under this Declaration:

12.11.1. All utility lines and easements; and

12.11.2. Common Areas.

12.12. **Statement of Status of Assessments.** The Association will furnish to an Owner or his designee or to any Mortgagee a statement setting forth the amount of unpaid Assessments then levied against the Lot in which the Owner, designee or Mortgagee has an interest. The Association will deliver the statement personally or by certified mail, first class postage prepaid, return receipt requested, to the inquiring party within fourteen (14) business days after the registered agent of the Association receives the request by personal delivery or by certified mail, first class postage prepaid, return receipt requested. The information contained in such statement, when signed by an Officer or Director of the Association or the Manager, will be conclusive upon the Association, the Board, and every Owner as to the person or persons to whom such statement is issued and who rely on it in good faith.

12.13. **Failure to Assess.** The omission or failure of the Board to fix the Assessment amounts or rates or to deliver or mail to each Owner an Assessment notice will not be deemed a waiver, modification, or release of any Owner from the obligation to pay Assessments. In such event, each Owner will continue to pay Annual Assessments on the same basis as for the last year for which an Assessment was made until a new Assessment is made, at which time any shortfalls in collections may be assessed retroactively by the Association.

12.14. **Estoppel Certificate.** The Association, upon at least five (5) days prior written request, shall execute, acknowledge, and deliver to the party making such request, a statement in writing ("Estoppel Certificate") stating whether or not, to the knowledge of the Association, a particular Building Lot is in default under the provisions of this Declaration and providing such other information as may be required under the Act, further stating the dates to which any Assessments have been paid by the Owner. Any prospective purchaser or lender of the Owner's Building Lot may rely upon any such certificate delivered pursuant to this paragraph. The Association or Professional HOA management company shall have the right to impose a reasonable charge/fee as a condition to providing an Estoppel Certificate.

12.15 **Setup Fee and Transfer Fee.** Each initial buyer of a Building Lot shall pay a \$500.00 Setup Fee to the Association, which shall be paid at the time the conveyance Deed of a Building Lot is recorded. Additionally, upon the transfer of any Building Lot and the recording of the deed in connection with such transfer, each buyer at closing shall pay to the Association a Transfer Fee of \$500.00. The Declarant and any home builder are exempt from paying the Setup Fee and Transfer Fee.

ARTICLE 13. PROPERTY RIGHTS OF OWNERS

13.1. **Owners' Easements of Access and Enjoyment.** Every Owner has a perpetual, non-exclusive easement for access to and from his Lot and for the use and enjoyment of the Common Areas by all Owners of said Lot, their families, guests, invitees, tenants and employees. Said easement is appurtenant to and will pass with the title to said Lot, subject to the provisions set forth in this Article.

13.2. **Easements of Record and of Use.** The Property shall be subject to all easements of record or shown on any recorded Plat and to any other easements of record or of use as of the date of recordation of this Declaration.

13.3. **Emergency Access Easement.** A general easement is hereby granted to all police, sheriff, fire protection, ambulance, and all other similar emergency agencies or persons to enter upon all streets and upon the Property in the proper performance of their duties.

13.4. **Easements of Encroachment.** There shall be reciprocal appurtenant easements of encroachment and for maintenance and use of any permitted encroachment, between each Lot and any adjacent Common Area and between adjacent Lots or any Lot due to the unintentional placement or settling or shifting of the improvements constructed, reconstructed, or altered thereon (in accordance with the terms of these restrictions) to a distance of not more than three feet, as measured from any point on the common boundary along a line perpendicular to such boundary. However, in no event shall an easement for encroachment exist if such encroachment occurred due to willful and knowing conduct on the part of or with the knowledge and consent of, an Owner, occupant, or the Association.

13.5. **Easements for Utilities.** There are hereby reserved unto the Association access and maintenance easements upon, across, over, and under all of the Property to the extent reasonably necessary for the purpose of replacing, repairing and maintaining cable television systems, master television antenna systems, security and similar systems, roads, walkways, trails, drainage systems, street lights, hydrants, signage and all utilities, including but not limited to water, sewers, meter boxes, telephone, gas and electricity and for providing access to docks and for the purpose of installing any of the foregoing on property which Declarant owns or within easements designated for such purposes on recorded plats of the Property. The foregoing easements may traverse the private property of any Owner. Any damage to a Lot resulting from the exercise of an easement shall promptly be repaired by, and at the expense of, the Person exercising the easement. The exercise of an easement shall not unreasonably interfere with the use of any Lot and, except in an emergency, entry onto any Lot shall be made only after reasonable notice to the Owner or occupant.

Should any entity furnishing a service covered by the general easement herein provided request a specific easement by separate recordable document, the Board shall have the right to grant such easement over the Property without creating a conflict with the terms hereof. The easements provided for in this Article shall in no way adversely affect any other validly recorded easement on the Property.

The Board shall have, by a two-thirds (2/3) vote, the power to dedicate portions of the Common Areas to any local, state or federal governmental or quasi-governmental entity.

13.6. **Easements to Serve Expansion Property.** The Association hereby reserves for itself and its duly authorized agents, representatives, employees, designees, successors, assigns, licensees, and mortgagees an easement over the Common Areas for the purposes of enjoyment, and use of Property as the Association may designate in the future. This easement includes, but is not limited to, a right of ingress and egress over the Common Areas for construction of roads and for connection and installation of utilities on such property. Declarant and its successors or assigns shall be responsible for any

damage caused to the Common Areas as a result of vehicular traffic connected with development of such property.

13.6.1 **Right of Entry.** The Association shall have the right, but not the obligation, to enter upon any Lot for emergency, security and safety reasons, or to perform any act in furtherance of its duties imposed by this Declaration, and to inspect for the purpose of ensuring compliance with The Estates at Waterstone Documents which rights may be exercised by any member of the Board, the Association, or its Officers, agents, employees and managers and all policemen, firemen, ambulance personnel and similar emergency personnel in the performance of their duties. Except in an emergency situation, entry shall only be during reasonable hours and after notice to the Owner. This right of entry shall include the right of the Association to enter upon any Lot to cure any condition which may increase the possibility of a fire or other hazard in the event an Owner fails or refuses to cure the condition within a reasonable time after requested by the Board, but shall not authorize entry into any Lot without permission of the Owner except by emergency personnel acting in their official capacities.

ARTICLE 14. INSURANCE AND FIDELITY BONDS

14.1. **Authority to Purchase.** All insurance policies relating to the Common Areas will be purchased by the Board of Directors or its duly authorized agent, on behalf of the Association. The Board of Directors, the Manager and Declarant will not be liable for failure to obtain any coverage required by this Article or for any loss or damage resulting from such failure if such failure is due to the unavailability of such coverage from reputable insurance companies, or if such coverage is available only at demonstrably unreasonable costs.

14.2. **General Insurance Provisions.** All such insurance coverage obtained by the Board of Directors will be governed by the following provisions:

14.2.1. As long as Declarant owns any Lot, Declarant will be named as an additional insured on all such policies in the same manner as any other Owner.

14.2.2. The deductible, if any, on any insurance policy purchased by the Board of Directors may be treated as a Common Expense payable from Annual Assessments or Special Assessments, allocable to all of the Lots or to only some of the Lots, if the claims for damages arise from the negligence of particular Owners, or if the repairs benefit only particular Owners. The deductible may also be paid from working capital reserves established by the Board of Directors. The Board of Directors shall, in its sole discretion, determine the treatment and allocation of any deductible.

14.3. **Physical Damage Insurance on Common Areas.** The Association will obtain insurance for Improvements within the Common Areas with such coverages, limits, deductibles and other terms and conditions as the Board may determine from time to time.

14.4. **Liability Insurance.** The Association will obtain a comprehensive policy of public liability insurance and property damage insurance with such coverages, limits, deductibles, and terms and conditions as the Board of Directors may from time to time determine. Such insurance shall provide coverage to each member of the Board of Directors, the Association, the Manager, and their respective employees, agents, and all persons acting as agents against any liability to the public or the Owners, their guests, invitees, tenants, agents, and employees arising in connection with the ownership, operation, maintenance, or use of the Common Areas, streets and roads within the Project and any other areas under the control of the Association. Declarant will be included in the coverage as an additional insured, but only for claims and liabilities arising in connection with the ownership, existence, use or management of the Common Areas.

The Board of Directors will review the coverage limits from time-to-time, but generally, the Board will carry such amounts of insurance usually required by private institutional mortgage lenders on projects similar to the Project, and in no event will such coverage be less than \$1,000,000.00 for all claims for bodily injury or property damage arising out of one occurrence.

14.5. **Fidelity Insurance.** Fidelity bonds or insurance coverage will be maintained by the Association to protect against dishonest acts on the part of its Officers, Directors, trustees, and employees, and on the part of those who are responsible for handling the funds of or administered by the Association. In addition, if responsibility for handling funds is delegated to a Manager, such bonds or insurance coverage will be required for the Manager and its Officers, employees, and agents, as applicable. Such fidelity bonds or insurance coverage will name the Association as an obligee or insured and will be written in such amount as the Board may determine appropriate.

14.6. **Provisions Common to Physical Damage Insurance, Liability Insurance, and Fidelity Insurance.** Any insurance coverage obtained by the Association under the preceding provisions of this Article will be subject to the following provisions and limitations:

14.6.1. **Named Insured.** The named insured under any such policies shall include the Association and Declarant, until all of the Lots in the Project have been conveyed by Declarant, then, only the Association.

14.6.2. **Owner as Insured.** Each Owner will be an insured person with respect to liability arising out of the Owner's interest in the Common Areas or membership in the Association.

14.6.3. **Authorized Representative.** The Association, or its authorized representative, is hereby appointed as attorney-in-fact for the Owners and will have exclusive authority to negotiate losses on Owners' behalf under such policies.

14.6.4. **Personal Liability Insurance of Officers and Directors.** To the extent obtainable at reasonable cost, appropriate Officers' and Directors' personal liability insurance will be obtained by the Association to protect the Officers and Directors from personal liability in relation to their duties and responsibilities in acting as such Officers and Directors on behalf of the Association.

14.6.5. **Workers' Compensation Insurance.** The Association will obtain workers' compensation or similar insurance with respect to its employees, if any, in the amounts and forms as may now or hereafter be required by law.

14.6.6. **Other Insurance.** The Association may obtain insurance against such other risks, of a similar or dissimilar nature, as it may deem appropriate with respect to the Association's responsibilities and duties.

14.6.7. **Insurance Obtained by Owners.** Each Owner shall obtain insurance for such Owner's benefit, at such Owner's expense, covering the Owner's Lot and Improvement, personal property and personal liability. However, no insurance coverage obtained by an Owner will operate to decrease the amount which the Board of Directors, on behalf of all Owners, may realize under any policy maintained by the Board, otherwise affect any insurance coverage obtained by the Association or cause the diminution or termination of that coverage. Any such insurance obtained by an Owner will include a waiver of the particular insurance company's right to subrogation against the Board of Directors, the Association, the Manager, and other Owners. Owners shall take whatever reasonable steps are required by the Association in order to assure compliance with this provision and the Association shall have the right, but not the obligation to purchase an insurance policy which complies with this paragraph and assess the costs thereof against the non-complying Owner.

14.6.8. **Indemnification by Owners.** Each Owner shall indemnify and hold harmless the Association and its' Officers, Directors, Agents and Employees for injuries to person or property occurring on such Owner's Lot.

ARTICLE 15. ASSOCIATION AS ATTORNEY-IN-FACT

15.1. Each and every Owner hereby irrevocably constitutes and appoints the Association as such Owner's true and lawful attorney-in-fact in such Owner's name, place, and stead for the purpose of dealing with the Improvements on the Common Areas upon damage or destruction as provided in Article 16 or a complete or partial taking as provided in Article 17 below. Acceptance by any grantee of a deed or other instrument of conveyance from any Owner will constitute appointment of the Association as attorney-in-fact as provided in this Article. As attorney-in-fact, the Association will have full and complete authorization, right, and power to make, execute and deliver any contract, assignment, deed, waiver, or other instrument with respect to the interest of any Owner that may be necessary or appropriate to exercise the powers granted to the Association as attorney-in-fact.

ARTICLE 16. DAMAGE OR DESTRUCTION

16.1. **Damage or Destruction of Common Areas.**

16.1.1. **Estimate of Damages or Destruction.** As soon as practical after an event causing damage to or destruction of any part of the Common Areas, the Association will obtain an estimate or estimates that it deems reliable for the costs of repair and reconstruction of that part of the Common Areas so damaged or destroyed. "Repair and reconstruction" as used in this Article will mean restoring the damaged or destroyed Improvements to substantially the same condition in which they existed prior to the damage or destruction.

16.1.2. **Repair and Reconstruction.** As soon as practical after obtaining estimates, the Association will diligently pursue to completion the repair and reconstruction of the damaged or destroyed Improvements. As attorney-in-fact for the Owners, the Association may take any and all necessary or appropriate action to effect repair and reconstruction, and no consent or other action by any Owner will be necessary. Assessments of the Association will not be abated during the period of insurance adjustments and repair and reconstruction.

16.1.3. **Funds for Repair and Reconstruction.** The proceeds received by the Association from any hazard insurance will be used for the purpose of repair, replacement and reconstruction. If the proceeds of the insurance are insufficient to pay the estimated or actual cost of such repair and reconstruction, the Association may, pursuant to Section 11.4, levy, assess and collect in advance from all Owners, a Special Assessment sufficient to provide funds to pay such estimated or actual costs of repair and reconstruction. Further levies may be made in like manner if the amounts collected prove insufficient to complete the repair and reconstruction. In the event the damage or destruction is the result of a negligent or intentional act of a Lot Owner or Owners, then the Association may assess the entire costs of repair or replacement against that Lot Owner or Owners.

16.1.4. **Disbursement of Funds for Repair and Reconstruction.** The insurance proceeds held by the Association and the amounts received from the Special Assessments provided for in Section 11.4 constitute a fund for the payment of the costs of repair and reconstruction after casualty. It will be deemed that the first money disbursed in payment for the costs of repair and reconstruction will be made from insurance proceeds, and the balance from the Special Assessments. If there is a balance remaining after payment of all costs of such repair and reconstruction, such balance will be distributed to the Owners in proportion to the contributions each Owner made as a Special Assessment to the Association under Section 11, or, if no Special Assessments were made, then in proportionate shares on the basis of the allocation to the Owners of Common Expenses under Section 11, first to any First Mortgagee that has paid any such Assessment pursuant to Section 19 below, and then to the Owners, as their interests appear.

16.2. **Danger or Destruction Affecting Lots.** In the event of damage or destruction to any Lot, the Owner thereof will promptly repair and restore the damaged Lot to its condition prior to such damage or destruction. If such repair or restoration is not commenced within one hundred and eighty (180) days from the date of such damage or destruction, or if repair and reconstruction is commenced and then abandoned for a period of more than ninety (90) days, then the Association may, after notice and hearing as provided in the Bylaws, impose a fine accruing at the rate of \$100.00 per day or such

other rate imposed by the Board in compliance with the Bylaws, charged against the Owner of the Lot until repair and reconstruction is commenced, unless the Owner can prove to the satisfaction of the Association that such failure is due to circumstances beyond the Owner's control. Such fine will be a Default Assessment and lien against the Lot as provided in Section 11.5 above.

ARTICLE 17. CONDEMNATION

17.1. **Rights of Owners.** Whenever all or part of the Common Areas are taken or conveyed in lieu of and under threat of condemnation by any authority having the power of condemnation or eminent domain, each Owner will be entitled to notice of the taking, but the Association will act as attorney-in-fact for all Owners in the proceedings incident to the condemnation proceeding, unless otherwise prohibited by law.

17.2. **Partial Condemnation; Distribution of Award; Reconstruction.** The award made for such taking will be payable to the Association as trustee for all Owners to be disbursed as follows:

If the taking involves a portion of the Common Areas on which Improvements have been constructed, then, unless, within sixty (60) days after such taking, six of the seven Owners so agree, the Association will restore or replace such Improvements so taken on the remaining land included in the Common Areas to the extent lands are available therefore, in accordance with plans approved by the Board of Directors. If such Improvements are to be repaired or restored, the provisions in Article 16 above regarding the disbursements of funds with respect to casualty damage or destruction that is to be repaired will apply. If the taking does not involve any Improvements on the Common Areas, or if there is a decision made not to repair or restore, or if there are net funds remaining after any such restoration or replacement is completed, then such award or net funds will be deposited with sums collected pursuant to Section 11.3.5, subject to the rights of third parties as set forth herein.

17.3. **Complete Condemnation.** If the entire Project is taken, condemned, sold, or otherwise disposed of in lieu of or in avoidance of condemnation, then the regime created by this Declaration will terminate, and the portion of the condemnation award attributable to the Common Areas will be distributed as provided in Section 17.2.

ARTICLE 18. MORTGAGEE PROTECTIONS

18.1. **First Mortgagees' Rights.**

18.1.1. **Payment of Taxes and Insurance.** First Mortgagees, jointly or singly, may pay taxes or other charges which are in default, and which may or have become a charge against any of the Common Areas or Improvements thereon, and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on the lapse of a policy, for the Common Areas.

18.1.2. **Cure of Delinquent Assessments.** A First Mortgagee will be entitled to cure any delinquency of the Owner of the Lot encumbered by the First Mortgagee in the payment of Assessments. In that event, the First Mortgagee will be entitled to obtain a release from any lien perfected by reason of such delinquency and to any funds paid by the Lot Owner to the Association that had prior been paid by the First Mortgagee.

18.2. **Title Taken by First Mortgagee.** Any First Mortgagee who obtains title to a Lot pursuant to the remedies provided in the First Mortgage, including foreclosure of the First Mortgage, will be liable for all Assessments which become due and payable on or after the date title to the Lot vests in the First Mortgagee under the statutes of Idaho governing foreclosures, whether judicial or nonjudicial. Except as otherwise provided by law, such First Mortgagee will not be liable for any unpaid dues and charges attributable to the Lot which were due and payable prior to the date such title vests in the First Mortgagee.

ARTICLE 19. ENFORCEMENT OF DECLARATION

19.1. **Violations Deemed a Nuisance.** Every violation of The Estates at Waterstone Documents, including without limitation, this Declaration, is deemed to be a nuisance and is subject to all the remedies allowed at law or equity against any person responsible for such violation.

19.2. **Compliance.** Each Owner or other occupant of any part of the Property must comply with the provisions of this Declaration and The Estates at Waterstone Documents as the same may be amended from time to time.

19.3. **Failure to Comply.** Failure to comply with The Estates at Waterstone Documents will be grounds for an action to recover damages or for injunctive relief to cause any such violation to be remedied, or both. Reasonable notice and an opportunity for a hearing as provided in the Bylaws will be given to the delinquent party prior to commencing any legal proceedings, unless the violation threatens the health and/or safety of persons anywhere within the subject Property.

19.4. **Who May Enforce.** Any action to enforce The Estates at Waterstone Documents may be brought by the Board, or the Manager in the name of the Association on behalf of the Owners. If, after a written request from an aggrieved Owner, none of the foregoing persons or entities commences an action to enforce The Estates at Waterstone Documents, then the aggrieved Owner may bring such an action and shall be entitled to attorney's fees and costs if the Owner is the prevailing party as determined by the arbitrators. Nothing in this document shall be construed to limit the right of the Association to take judicial action in Courts of Law and Equity to enforce the terms of this document.

19.5. **Nonexclusive Remedies.** All the remedies set forth herein are cumulative and not exclusive.

19.6. **No Waiver.** The failure of the Board of Directors, the Manager, or any aggrieved Owner to enforce The Estates at Waterstone Documents in any one or more instances will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any other part of The Estates at Waterstone Documents at any future time.

19.7. **No Liability.** No member of the Board of Directors, the Manager or any Owner will be liable to any other Owner for the failure to enforce any of The Estates at Waterstone Documents at any time.

19.8. **Recovery of Costs.** If legal assistance is obtained to enforce any of the provisions of The Estates at Waterstone Documents, or in any legal proceeding (whether or not suit is brought) for damages or for the enforcement of The Estates at Waterstone Documents or the restraint of violations of The Estates at Waterstone Documents, the prevailing party will be entitled to recover all costs incurred by it in such action, including reasonable attorneys' fees and legal assistants' fees as may be incurred, or if suit is brought, as may be determined by the court. To the extent legal assistance is obtained, but no action is filed, the Association shall have the right to assess the violating Lot Owner for the reasonable attorneys' fees and costs incurred by the Association.

ARTICLE 20. MISCELLANEOUS PROVISIONS

20.1. **Severability.** This Declaration, to the extent possible, will be construed or reformed so as to give validity to all of its provisions. Any provisions of this Declaration found to be invalid or unenforceable by a court of competent jurisdiction, will be ineffective to the extent of such invalidity or unenforceability without affecting the remainder of this Declaration, which shall continue in full force and effect the same as if the invalid or unenforceable provision had not been included in the first instance.

20.2. **Construction.** In interpreting words in this Declaration, unless the context otherwise provides or requires, the singular will include the plural, the plural will include the singular, and references to the masculine, the feminine or the neuter each include the other.

20.3. **Paragraph Headings.** Paragraph headings are included only for purposes of convenient reference, and shall not affect the meaning, interpretation, or construction of this Declaration.

20.4. **No Waiver.** No waiver by the Association or the Board shall be inferred from the failure of either, at any time or under any conditions, to give notice of default, or to exercise or delay in exercising any right or remedy hereunder. No waiver will be effective unless it is in writing and signed by the President or Vice President of the Board on behalf of the Association. The fact that a condition or provision of this Declaration may have been once waived does not preclude future enforcement of that condition or provision.

20.5. **Limitation of Liability.** Neither the Association nor any partner, Director, Officer, manager or member of either will be liable to any party for any action

or for any failure to act with respect to any matter arising by, through or under The Estates at Waterstone Documents if the action or failure to act was made in good faith. The Association will indemnify all of the Officers, Board Members, with respect to any act taken in their official capacity to the extent provided in this Declaration and by law and in the Articles of Incorporation and Bylaws.

20.6. **Conflicts Between Documents.** In case of conflict between this Declaration and the Articles of Incorporation or the Bylaws, this Declaration will control. In case of conflict between the Articles of Incorporation and the Bylaws, the Articles of Incorporation will control.

(Signature page follows)

DATED this 20th day of June 2025.

DECLARANT

SPOKANE RIVER NORTHSORE, LLC
a Washington limited liability company

By: Robert H. Tomlinson

Robert H. Tomlinson, Manager

STATE OF WASHINGTON)

)ss.

COUNTY OF SPOKANE)

On this 20th day of June 2025 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared ROBERT H. TOMLINSON to me known to be the Manager of SPOKANE RIVER NORTHSORE, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the limited liability company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

TONI BROWN
Notary Public
State of Washington
Commission Number 202244
My Commission Expires
09/12/2026

Toni Brown
NOTARY PUBLIC in and for the State of
Washington, residing at Spokane.

My commission expires: 9/12/2026

Toni Brown
Print Name

EXHIBIT A
Property Description

PARCEL 1:

Beginning at the Northwest corner of Government Lot 4, Section 12, Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho; thence

South 89°56' East along the line between Sections 1 and 12, 1144.2 feet; thence

South 1°10' West 30.00 feet to a point on the South road line, being the true point of beginning, and the Northeast corner of the remaining property owned by Howard J. Dolph; thence

South 89°56' East parallel to said Section line and along the South road line, 483.7 feet, more or less to the Northwest corner of Lot 34, Harding Acre Tracts; thence

South 1°10' West along the West line of said Lot 34, 690.00 feet; thence

South 89°56' East along the South line of said Lot 34, 100.00 feet; thence

South 1°10' West along the West line of said Lot 34, 129 feet, more or less to the Spokane River; thence

In a Southwesterly direction along said Spokane River, 600 feet, more or less to a point which is located South 1°10' West and 989.45 feet, more or less from the true point of beginning, and being the Southeast corner of the remaining property owned by Howard J. Dolph; thence

North 1°10' East along the said East line of the said remaining property owned by Howard J. Dolph, 989.45 feet, more or less to the place of beginning and being part of Government Lots 3 and 4, Section 12, Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho.

Excepting therefrom the following described parcel:

A portion of land located in Government Lot 4, in Section 12, Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Beginning at the Northwest Corner of said Section 12; thence

South 89°56' East, 1,129.00 feet along the North line of said Section 12 to a point which lies North 89°56' West, 1,516.54 feet from the North Quarter Corner of said Section 12; thence

South 01°10' West, 736.04 feet; thence

South 88°50' East, 20.00 feet to the True Point of Beginning for this description; thence

North 87°47'55" East, 127.64 feet; thence

South 14°55'46" East, 129.32 feet to a point on the North shore of the Spokane River and the East end of an existing concrete seawall; thence

Following the outside edge of said seawall South 55°51'00" West, 106.21 feet to an angle point in said seawall; thence

South 79°56'19" West, 53.90 feet to an angle point in said seawall; thence

Leaving said seawall North 10°13'35" West, 120.17 feet; thence

North 01°10' East, 70.85 feet to the True Point of Beginning for this description.

Also excepting therefrom that portion which lies Southerly and Westerly of the following described line;

Beginning at the Northwest Corner of said Section 12; thence

South 89°56' East, 1,129.00 feet along the North line of said Section 12 to a point which lies North 89°56' West, 1,156.54 feet from the North Quarter Corner of said Section 12; thence

South 01°10' West, 736.04 feet; thence

South 88°50' East, 20.00 feet; thence

North 87°47'55" East, 127.64 feet; thence

South 14°55'46" East, 129.32 feet to a point on the North Shore of the Spokane River and the East end of an existing concrete seawall, the TRUE POINT OF BEGINNING of said line; thence

Following the outside edge of said seawall South 55°51'00" West, 106.21 feet to an angle point in said seawall; thence

South 79°56'19" West, 53.90 feet to an angle point in said seawall; thence

Leaving said seawall North 10°13'35" West, 120.17 feet to the terminus point of said line.

Also excepting therefrom that portion conveyed to the City of Post Falls by Grant of Right-of-Way recorded June 5, 2020 as Instrument No. 2755655009, records of Kootenai County, Idaho.

Also excepting therefrom a strip of land varying in width being a portion of Tract 34 excepting the East 60.2 feet thereof of Harding's Acres Tract, recorded in Book A of Plats at Page 67, Records of Kootenai County Idaho and a portion of Government Lot 3, all situate in Section 12, Township 50 North, Range 5 West, Boise Meridian, City of Post Falls, State of Idaho, and more particularly described as follows:

Commencing at the North Quarter corner of said Section 12, being a 2-inch aluminum cap marked "PLS 3451" per CP&F Instrument Number 2538958000, Records of Kootenai County, Idaho, from which the northwest corner of said Section 12 bears North 89°41'43" West 2645.43 feet;

thence along the North line of Northwest Quarter of said Section 12, North 89°41'43" West 918.11 feet;

thence leaving the North line of said Northwest Quarter and along the West line Block 1 of the Plat of Shore Pines, recorded in Book F Plats at Page 139, Records of Kootenai County, Idaho, South 01°26'14" West 681.71 feet to the **True Point of Beginning**;

thence continuing along the West line of said Block 1, South 01°26'14" West 100.57 feet to a 1/2 inch rebar with yellow plastic cap marked "PLS 6602";

thence leaving said West line, North 58°50'01" West 1.65 feet to a fence corner of a 6-foot chain link fence;

thence along said 6-foot chain link fence the following seven (7) courses:

- 1) North 03°13'49" West 13.84 feet;
- 2) North 03°43'02" West 12.19 feet;
- 3) North 02°48'46" West 40.35 feet;
- 4) North 04°06'43" West 9.34 feet;
- 5) North 05°31'24" East 8.52 feet;
- 6) North 14°52'26" East 8.96 feet;
- 7) North 35°57'15" East 8.57 feet to the **True Point of Beginning**.

PARCEL 2:

Lot 34, HARDINGS ACRE TRACTS, according to the plat recorded in the office of the County Recorder in Book A of Plats at Page 67, records of Kootenai County, Idaho.

EXCEPT the East 60.2 feet thereof.

ALSO EXCEPT a portion of Tract 34, HARDINGS ACRE TRACTS, situated in the Northwest Quarter of Section 12, Township 50 North, Range 5 West, Boise Meridian, recorded at Book A of Plats, Page 67, Kootenai County, Idaho, more particularly described as follows:

Beginning at the North Quarter corner of said Section 12, from which the Northwest corner of Section 12 bears North 90°00'00" West a distance of 2645.51 feet; thence

North 90°00'00" West a distance of 918.20 feet to a point on the North section line of said Section 12; thence

South 01°05'01" West a distance of 522.23 feet to a point marked by a found 1/2" inch rebar with no cap, taken to be the Northwest corner of Tax #22848 as recorded by Instrument #2294473, Kootenai County Records, said point being the TRUE POINT OF BEGINNING of the herein described parcel of land; thence

South 01°12'04" West a distance of 123.80 feet along the West line of said Tax #22848 and the West line of Lot 11, Shore Pines, as recorded at Book F of Plats, Page 139, Kootenai County Records, to the Southwest corner of said Lot 11; thence

North 88°47'56" West a distance of 4.50 feet; thence

North 01°12'04" East a distance of 123.80 feet; thence

South 88°47'56" East a distance of 4.50 feet, to the TRUE POINT OF BEGINNING of the herein described parcel of land.

ALSO EXCEPT that portion conveyed to the City of Post Falls by Grant of Right-of-Way recorded June 5, 2020 as Instrument No. 2755655000, records of Kootenai County, Idaho.

ALSO EXCEPT a strip of land varying in width being a portion of Tract 34 excepting the East 60.2 feet thereof of Harding's Acres Tract, recorded in Book A of Plats at Page 67, Records of Kootenai County Idaho and a portion of Government Lot 3, all situate in Section 12, Township 50 North, Range 5 West, Boise Meridian, City of Post Falls, State of Idaho, and more particularly described as follows:

Commencing at the North Quarter corner of said Section 12, being a 2-inch aluminum cap marked "PLS 3451" per CP&F Instrument Number 2538958000, Records of Kootenai County, Idaho, from which the northwest corner of said Section 12 bears North 89°41'43" West 2645.43 feet;

thence along the North line of Northwest Quarter of said Section 12, North 89°41'43" West 918.11 feet;

thence leaving the North line of said Northwest Quarter and along the West line Block 1 of the Plat of Shore Pines, recorded in Book F Plats at Page 139, Records of Kootenai County, Idaho, South 01°26'14" West 681.71 feet to the **True Point of Beginning**;

thence continuing along the West line of said Block 1, South 01°26'14" West 100.57 feet to a 1/2 inch rebar with yellow plastic cap marked "PLS 6602";

thence leaving said West line, North 58°50'01" West 1.65 feet to a fence corner of a 6-foot chain link fence;

thence along said 6-foot chain link fence the following seven (7) courses:

- 1) North 03°13'49" West 13.84 feet;
- 2) North 03°43'02" West 12.19 feet;
- 3) North 02°48'46" West 40.35 feet;
- 4) North 04°06'43" West 9.34 feet;
- 5) North 05°31'24" East 8.52 feet;
- 6) North 14°52'26" East 8.96 feet;

North 35°57'15" East 8.57 feet to the **True Point of Beginning**.