

Prehearing Statement

Ross Schlotthauer

TITLE 58, PUBLIC LANDS, CHAPTER 13

NAVIGATIONAL ENCROACHMENTS:

58-1301. Encroachment on navigable lakes — Legislative intent. The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

Idaho Admin. Code r. 20.03.04.015 - ENCROACHMENT STANDARDS

Section 13. General Encroachment Standards

Paragraph e. e. Presumed Adverse Effect.

“commercial navigational encroachments, community docks or nonnavigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines. Written consent of the adjacent littoral owner or owners will automatically rebut the presumption. All boat lifts and other structures attached to the encroachments are subject to the above presumptions of adverse affects.”

The unpermitted encroachments (pilings) being located inside of 25-foot setback from the littoral line have an adverse effect on neighboring properties. They diminish property values, they diminish our use and access to our legal encroachments, and they diminish our enjoyment of our properties, all of which were purchased directly and indirectly from Finney.

Placing these pilings in the setback without permitting, immediately after selling the effected properties is not reasonable, or neighborly. Continuing to pursue them at this point, contrary to the Idaho statutes is not reasonable or neighborly. These pilings are not needed for commercial purposes.