

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

**APPLICANT'S AMENDED¹
EXHIBIT LIST**

Evidentiary Hearing

Date: October 6, 2025

Time: 4:00 p.m. Pacific Time

COMES NOW the Applicant, The Estates at Waterstone HOA, Inc., Jason Garvey (Agent), by and through its counsel, Nathan S. Ohler of Ohler Bean & Tinkey, and submits the following list of exhibits to be considered at the evidentiary hearing scheduled for October 6, 2025, at 4:00 p.m.:

1. The Joint Application for Permits and all attachments thereto which are already in the record and attached hereto as WS-1, Pages 1-19, which may be proffered as exhibits; and
2. Dock Exhibit attached hereto as WS-2, Page 1.
- 2A. Drawing and photograph of a breakwater as WS-2A, Pages 1-2.**

¹ Exhibits 2A and 3A are the only new exhibits. The initial exhibit list and exhibits were served on all interested parties on September 12, 2025 via email and Sendthisfile (due to size restrictions). As such, only Exhibits 2A and 3A will be served with this amended exhibit list.

3. Waterstone Aerial with waterfront attached hereto as WS-3, Pages 1-2.

3A. GIS image with overlay as WS-3A, Page 1.

4. Five separate Warranty Deeds identified as follows:

a. Warranty Deed recorded July 7, 2025 as Instrument No. 3008142000, records of Kootenai County, Idaho, attached hereto as WS-4, Pages 1-6;

b. Warranty Deed: Riparian Right of Wharfage recorded on July 7, 2025 as Instrument No. 3008143000, records of Kootenai County, Idaho, attached hereto as WS-4, Pages 7-12;

c. Warranty Deed: Riparian Right of Wharfage recorded July 7, 2025 as Instrument No. 3008144000, records of Kootenai County, Idaho, attached hereto as WS-4, Pages 13-18;

d. Warranty Deed: Riparian Right of Wharfage recorded July 7, 2025 as Instrument No. 3008145000, records of Kootenai County, Idaho, attached hereto as WS-4, Pages 19-24; and

e. Warranty Deed: Riparian Right of Wharfage recorded July 7, 2025 as Instrument No. 3008146000, records of Kootenai County, Idaho, attached hereto as WS-4, Pages 25-30.

Applicant reserves the right to supplement its exhibits, mainly with respect to WS-2 and WS-3, to provide additional detail as to the community dock design and its proximity to other encroachments along the Spokane River.

Applicant reserves the right to utilize any and all exhibits identified by the other parties, including without limitation those exhibits identified in their list of exhibits.

Applicant further reserves the right to add to, delete from, modify or otherwise supplement the foregoing exhibit list.

DATED: October 2, 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 October 2, 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
☒ 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
☒ Email: jason@wesslen.com;
caseym@legacylw.com

Concerned Citizens Protecting the Spokane
River Inc.
11927 W. Span Way Rd
Post Falls, ID 83854
(208) 964-4037
Objector

☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ 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
☒ 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
☒ Email: jrichards@idl.idaho.gov;
krichter@idl.idaho.gov

Marde Mensinger
Program Manager for Navigable Waters

☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ Email:

Kourtney Romine
Rachel King
Kayla Dawson
Service Contacts for IDL

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

mmensinger@idl.idaho.gov

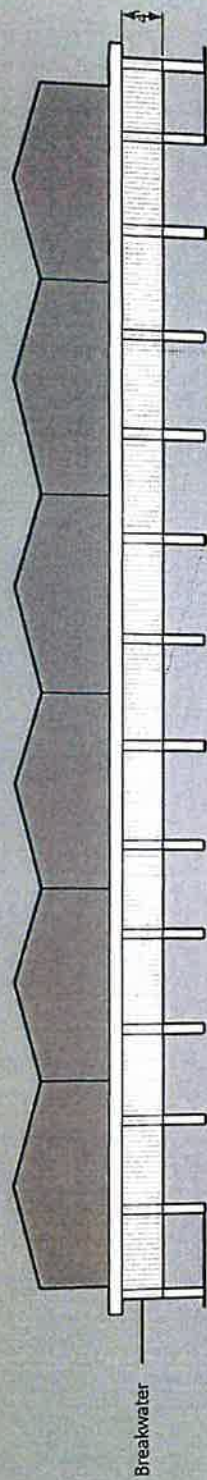
☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ Email: kromine@idl.idaho.gov;
rking@idl.idaho.gov;
kdawson@idl.idaho.gov

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

/s/ Jennifer Escruceria

Jennifer Escruceria

EXHIBIT WS-2A



Breakwater is rough cut 2x10 timbers attached to steel piling, extending
4' beneath the pier dock



EXHIBIT WS-3A

