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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application for Permit
Encroachment L9685863A, for construction of
two boat garages at existing dock,

Patrick Lewis E. Trust,

Applicant,

AGENCY Case No. PH-2026-NAV-20-0001
OAH Case No. 26-320-03

MOTION TO UPDATE CAPTION

I. INTRODUCTION

The Applicant moves the Hearing Officer to correct the caption in this proceeding. The current caption incorrectly identifies the Applicant as “Patrick Lewis E. Trust”. The Applicant’s correct legal name is “Lewis E. Patrick Trust dated April 8, 1999”. This motion requests that the caption be updated in all further filings, notices, and orders to reflect the Applicant’s accurate legal name.

II. FACTUAL BACKGROUND

This proceeding concerns an encroachment application filed with the Idaho Department of Lands for Encroachment L9652863A. The application seeks approval for the construction of two boat garages at an existing dock. The proceeding is designated as Agency Case No. PH-2026-NAV-20-001 and OAH Case No. 26-320-03.

The Applicant is a Trust established on April 8, 1999. The Trust's correct legal name is "Lewis E. Patrick Trust dated April 8, 1999". The current caption identifies the Applicant as "Patrick Lewis E. Trust," which is a mistaken shorthand that does not accurately reflect the Trust's legal name.

The error appears to have originated in the initial filing or docketing process. The Applicant now seeks to correct the record to ensure that all documents, notices, and orders accurately identify the party before the Office of Administrative Hearings.

III. ARGUMENT

The Hearing Officer has authority to manage the docket and correct the administrative record to ensure accuracy. Correcting the caption to reflect the Applicant's proper legal name is appropriate for several reasons.

First, this is a clerical or administrative correction. The change does not alter the identity of the applicant or the substance of the claims at issue. It simply corrects a misnomer in the caption.

Second, no party will be prejudiced by the correction. All parties have been on notice of the Applicant's identity throughout this proceeding. The correction merely conforms the caption to the Applicant's actual legal name.

Third, accuracy in the administrative record serves the interests of all parties and the public. The final order and all official documents should correctly identify the parties. Using the Trust's proper legal name—including the date of establishment—eliminates ambiguity and ensures the order is enforceable against the correct legal entity.

IV. REQUESTED RELIEF

The Applicant respectfully requests that the Hearing Officer:

1. Issue an order updating the caption in Agency Case No. PH-2026-NAV-20-001 and OAH Case No. 26-320-03 to identify the applicant as “Lewis E. Patrick Trust dated April 8, 1999”;
2. Direct the Office of Administrative Hearings clerk, the Idaho Department of Lands, and all parties to use the corrected caption in all future filings, notices, and orders in this proceeding; and
3. Direct that the final order in this matter reflect the corrected caption.

DATED this 12th day of February 2026.

FENNEMORE CRAIG, P.C.

By: /s/ Peter J. Smith
Peter J. Smith IV, ISB #6997
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2026, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Bob Presta CE Kramer Crane and Contracting 46820 Hwy 2 Hope, ID 83836 (208) 264-3021 <i>Agent for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: bob@cekramer.com <input type="checkbox"/> By iCourt
Kevin Chadwick 2365 E Tennessee Ave Denver, CO 80209 (303) 619-6877 <i>Objector</i>	<input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: kevinspears.chadwick@gmail.com <input type="checkbox"/> By iCourt

<p>Arthur Bistline Bistline Law, PLLC 1205 N 3rd Street Coeur d'Alene, ID 83814 (208) 665-7270 <i>Attorney for Objector Williams</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: service@bistlinelaw.com <input type="checkbox"/> By iCourt</p>
<p>Idaho Department of Lands Kayleen Richter 300 N. 6th Street, Ste. 103 Boise, ID 83702 (208) 334-0200 <i>Counsel for IDL</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: krichter@idl.idaho.gov <input type="checkbox"/> By iCourt</p>
<p>Idaho Department of Lands Amidy Fuson <i>Lands Resource Specialist-Navigable Waters</i> Marde Mensinger <i>Program Manager for Navigable Waters</i> Rachel King <i>Program Specialist-Navigable Waterways</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: afuson@idl.idaho.gov mmensinger@idl.idaho.gov rking@idl.idaho.gov <input type="checkbox"/> By iCourt</p>
<p>Kourtney Romine Kayla Dawson Idaho Department of Lands 300 N. 6th Street, Suite 103 Boise, ID 83702 <i>Service Contacts for IDL</i></p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: kromine@idl.idaho.gov kdawson@idl.idaho.gov <input type="checkbox"/> By iCourt</p>
<p>Office of Administrative Hearings General Government Division Leslie M. Hayes P.O. Box 83720 Boise, ID 83720-0104 (208) 605-4300</p>	<p><input type="checkbox"/> By U.S. Mail <input type="checkbox"/> By Overnight Mail <input type="checkbox"/> By Facsimile <input checked="" type="checkbox"/> By Email: filings@oah.idaho.gov leslie.hayes@oah.idaho.gov <input type="checkbox"/> By iCourt</p>

/s/ Shannon James
SHANNON JAMES