

BOISE, WEDNESDAY, SEPTEMBER 15, 2021, AT 8:50A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STEPHAN L. BYRD and ERIKA MULLINS,)	
)	
Petitioners-Appellants,)	
)	
v.)	Docket No. 48042
)	
THE IDAHO STATE BOARD OF LAND)	
COMMISSIONERS, THE IDAHO)	
DEPARTMENT OF LANDS, STEVE)	
COFFEY, and CAL LARSON,)	
)	
Respondents.)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Bonner County. John C. Judge, District Judge.

John F. Magnuson, Coeur d'Alene, for Appellants.

Featherston Law Firm, Chtd., Sandpoint, for Respondents.

Stephen Byrd and Erika Mullins appeal the district court's affirmation of their denied encroachment application with the Idaho Department of Lands. In 2019, Byrd and Mullins filed an encroachment application with the Department to add boat lifts to their existing two-family dock on Priest Lake. Neighbors Cal Larson and Steven Coffey filed objections to this application, arguing that Coffey owns a strip of land between the ordinary high water mark of Priest Lake and the boundary lines of the appellants' properties. An administrative hearing ensued to address the dispute. The Department then denied Byrd and Mullins's application upon concluding that the record failed to show by a preponderance of the evidence that Byrd and Mullins are littoral property owners with corresponding littoral rights, a key requirement to build or enlarge encroachments on the lake under Idaho's Lake Protection Act, I.C. §§ 58-1301 to 58-1312. The district court affirmed the Department's order on finding it was supported by substantial evidence. On appeal before the Idaho Supreme Court, Byrd and Mullins argue that prior administrative proceedings issuing the original permit for their dock fully determined that their properties hold littoral rights. Consequently, they argue, both the district court and administrative hearing officer erred in failing to apply the doctrine of collateral estoppel. Byrd and Mullins also contend that the Department's preliminary order was not based on substantial and competent evidence, and was arbitrary and capricious for equating a meander line to a boundary line.