

**SUMMARY STATEMENT**  
*Byrd v. Idaho State Board of Land Commissioners*  
Docket No. 48042

The Supreme Court of Idaho affirmed the judgment of the district court, upholding a denied navigational encroachment permit filed with the Idaho Department of Lands. Stephan Byrd and Erika Mullins, the Appellants, filed a permit to add boat lifts to their existing dock on Priest Lake but neighbors Cal Larson and Steven Coffey filed objections to their application. Larson and Coffey argued before the Department that Coffey owns a strip of land between the ordinary high water mark of Priest Lake and the waterward boundary lines of the Appellants' properties. Following an administrative hearing, the Department denied Appellant's encroachment permit application for a failure to show by a preponderance of the evidence that they are littoral property owners. The district court then affirmed on Appellants' petition for judicial review.

The Supreme Court affirmed the judgment, explaining that Byrd and Mullins could not seek the equivalent of declaratory relief of their ownership rights through administrative proceedings. The Department of Lands and its State Board of Land Commissioners do not have the authority to determine property ownership; rather, the agency's powers lie in verifying littoral rights before issuing an encroachment permit. Thus, the Appellants' petition exceeded the statutory authority of the agency and failed to prove by a preponderance of the evidence that they were littoral owners on Priest Lake. Additionally, the Court determined that collateral estoppel did not apply.

***\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\****