

Table of Contents

20.03.04 - THE REGULATION OF BEDS, WATERS AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO

000. LEGAL AUTHORITY.	2
001. -- 009. (RESERVED).	2
010. DEFINITIONS.	2
011. POLICY.	3
012. -- 019. (RESERVED).	3
020. APPLICATIONS.	3
021. -- 024. (RESERVED).	4
025. PROCESSING.	4
026. -- 049. (RESERVED).	7
050. RECORDATION.	7
051. -- 054. (RESERVED).	7
055. LEASES AND EASEMENTS.	7
056. -- 059. (RESERVED).	8
060. INSTALLATION.	8
061. -- 069. (RESERVED).	9
070. MISCELLANEOUS.	9
071. -- 079. (RESERVED).	9
080. VIOLATIONS - PENALTIES.	9
081. -- 999. (RESERVED).	9

**IDAPA 20
TITLE 03
Chapter 04**

**20.03.04 - THE REGULATION OF BEDS, WATERS AND AIRSPACE
OVER NAVIGABLE LAKES IN THE STATE OF IDAHO**

000. LEGAL AUTHORITY.

Following notice and hearing, and pursuant to the powers contained, inter alia, in Sections 58-104(9) and 58-1301, et seq., Idaho Code, the State Board of Land Commissioners hereby adopts these rules for the regulation of the beds, waters and airspace over navigable lakes in the state of Idaho. (9-13-90)

001. -- 009. (RESERVED).

010. DEFINITIONS.

01. Artificial High Water Mark. The high water elevation above the natural or ordinary high water mark resulting from construction of man-made dams or control works and impressing a new an higher vegetation line. (9-13-90)

02. Beds of Navigable Lakes. The lands lying under or below the "natural or ordinary high water mark" of a navigable lake and, for purposes of these rules only, the lands lying between the natural or ordinary high water mark and the artificial high water mark, if there be one. (9-13-90)

03. Board. The Board of Land Commissioners of the State of Idaho or its authorized representative. (9-13-90)

04. Commercial Navigational Encroachment. A navigational encroachment for the use of which patrons pay a fee. (9-13-90)

05. Department. The Department of Lands. (9-13-90)

06. Director. The director of the Department of Lands or his designee. (9-13-90)

07. Encroachments in Aid of Navigation. And includes docks, piers, floats, pilings, breakwaters, boat ramps, channels or basins, and other such aids to navigability on, in or above the beds or waters of a navigable lake. The term "encroachments in aid of navigation" may be used interchangeably herein with the term "navigational encroachments." (9-13-90)

08. Encroachments Not in Aid of Navigation. Includes all other encroachments on, in or above the beds or waters of a navigable lake, including landfills, bridges, utility and power lines, or other structures not constructed primarily for use in aid of navigation. It shall also include float homes moored permanently or in any one place for a substantial period of time and used as either a permanent or temporary place of abode or residence. (9-13-90)

09. Line of Navigability. A line located at such distance below the low water mark as will afford sufficient draft for water craft customarily in use on that particular body of water. (9-13-90)

10. Low Water Mark. That line or elevation on the bed of a lake marked or located by the average low water elevations over a period of years and marks the point to which the riparian or littoral rights of adjoining land owners extend as a matter of right, in aid of their right to use the waters of the lake for purposes of navigation. (9-13-90)

11. Natural or Ordinary High Water Mark. The high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes. (9-13-90)

12. Navigable Lake. Any permanent body of relatively still or slack water, not privately owned and not a mere marsh and capable of accommodating boats or canoes and includes man-made reservoirs except where the jurisdiction thereof is asserted and exclusively assumed by a federal agency. (9-13-90)

13. Party. Each person or agency named or admitted as a party, or property seeking and entitled as of right to be admitted as a party to a hearing on an application for an encroachment. (9-13-90)
14. Person. Any individual, partnership, association, company, corporation, municipality, county, state or federal agency, or other entity. (9-13-90)
15. Plans. Maps, sketches, engineering drawings, aerial and other photographs, word descriptions, and specifications sufficient to describe the extent, nature and approximate location of the proposed encroachment and the proposed method of accomplishing the same. (9-13-90)
16. Riparian or Littoral Rights. Only the rights of owners or lessees of land adjacent to navigable lakes and to maintain their adjacency to the lake and to make use of their rights as riparian or littoral owners or lessees in building or using aids to navigation but does not include any right to make any consumptive use of the waters or to remove bed materials from state-owned lake. (9-13-90)
17. Submerged Lands. The state-owned beds of navigable lakes, rivers and streams below the natural or ordinary high water marks. (9-13-90)
18. Uplands. The land bordering on navigable lakes, rivers and streams. (9-13-90)

011. POLICY.

01. Environmental Protection and Navigational or Economic Necessity. It is the express policy of the State of Idaho 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. Moreover, it is the responsibility of the State Board of Land Commissioners to regulate and control the use or disposition of state-owned lake beds, so as to provide for their commercial, navigational, recreational or other public use. (9-13-90)
02. No Encroachments Without Permit. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefore has been given as provided in these rules. (9-13-90)

012. -- 019. (RESERVED).

020. APPLICATIONS.

01. Encroachment Applications. No person shall hereafter make or cause to be made any encroachment on, in or above the beds or waters of any navigable lake in the state of Idaho without first making application to and receiving written approval from the director. The placing of dredged or fill material, refuse or waste matter intended as or becoming fill material, on or in the beds or waters of any navigable lake in the state of Idaho shall be considered an encroachment and written approval by the director is required. (9-13-90)
02. Other Permits. Nothing in these rules shall excuse a person seeking to make an encroachment from obtaining any additional approvals lawfully required by federal, local or other state agencies. (9-13-90)
03. Repairs, Replacement. Approval is not required to clean, maintain or to make repairs to an existing encroachment, but approval is required to replace, enlarge or extend an existing encroachment. Replacing the top or deck of a dock, wharf or similar structure shall be considered a repair; replacing of winter damaged or wind and water damaged pilings or float logs used to maintain existing encroachments in position shall be considered a repair. Redredging a channel or basin shall be considered a replacement and a permit is necessary unless redredging is authorized by the outstanding permit. (9-13-90)
04. Forms, Filing. Applications must be in writing on forms provided by the department or copies.

Applications and plans shall be filed in the office of the department in Boise, together with filing fees and costs of publication where required by these rules, except that applications and plans for noncommercial navigational encroachments may be filed at any supervisory field office. Plans shall include references to the relationship of the proposed encroachments to the various water surface elevations of the lake, the line of navigability, and the use to be made of the bed as well as the relationship of the proposed encroachment to the lake boundary and vicinity thereof at the place of encroachment. If plans are larger than eight and one-half (8 1/2) by fourteen (14) inches, a transparent copy must be furnished. Costs of preparation of the application, including all necessary maps and drawings, shall be paid by the applicant. (9-13-90)

a. Applications for nonnavigational encroachments and commercial navigational encroachments must be submitted or approved by the riparian or littoral owner or, if the encroachment will lie over or upon private lands between the natural or ordinary high water mark and the artificial high water mark, the application must be submitted or approved by the owner of such lands. Where the owner is not the applicant, the application shall bear the owner's signature as approving the encroachment prior to filing. (9-13-90)

b. Applications for noncommercial navigational encroachments associated with private or public uplands must be signed by the riparian or littoral owner or his lessee, or by the owner or lessee of private lands between the natural or ordinary high water mark, and the artificial high water mark, seeking approval to make the encroachment. Owners of riparian or littoral lands or of the aforesaid private lands not making or joining in the application shall be considered adjacent property owners entitled to notice under Subsection 006.02, where the encroachment is on or over such riparian or littoral or other private lands. (9-13-90)

c. Applications for noncommercial navigational encroachments intended to improve waterways for navigation and other recreational uses by members of the public may be filed by any municipality, county, state, or federal agency, or other entity empowered to make such improvements. (9-13-90)

d. The following applications shall be accompanied by a nonrefundable filing fee of two hundred-fifty dollars (\$250), together with a deposit toward the cost of newspaper publication, which deposit shall be determined by the director at the time of filing: (9-13-90)

i. Nonnavigational encroachments; (9-13-90)

ii. Commercial navigational encroachments; and (9-13-90)

iii. Navigational encroachments extending beyond the line of navigability. (9-13-90)

e. Applicants shall pay any balance due on publication costs before written approval will be issued. The department shall refund any excess at or before final action on the application. (9-13-90)

f. Application for a permit for any noncommercial navigational encroachment not extending beyond the line of navigability shall be accompanied by a nonrefundable filing fee of fifty dollars (\$50). (9-13-90)

g. No publication cost is required for application for noncommercial navigational encroachment not extending beyond the line of navigability or for application for installation of buried or submerged water intake lines and utility lines. (9-13-90)

h. Applications and plans shall be stamped with the time and date of filing. (9-13-90)

i. Incomplete applications and applications not in proper form or not accompanied where required by filing fees and costs of publication shall not be accepted for filing. The director shall notify the applicant of any deficiency. (9-13-90)

021. -- 024. (RESERVED).

025. PROCESSING.

01. Noncommercial Navigational Encroachments. Applications for navigational encroachments not

extending beyond the line of navigability and not intended primarily for commercial use will be processed with a minimum of procedural requirements and shall not be denied except in the most unusual of circumstances. No newspaper publication, formal appearance by the applicant, or hearing is contemplated. (9-13-90)

02. **Adjacent Owners.** If a proposed encroachment referred to in Subsection 025.01 may infringe upon the rights of an adjacent property owner, the director shall require the applicant to secure the written consent of the adjacent owner or require the applicant to serve notice of the pending application upon the adjacent owner by personal service, or by registered or certified mail return receipt requested, to his usual place of address, which, if not otherwise known, shall be the address shown on the records of the county treasurer or assessor. Satisfactory evidence of consent or service to the proper mailing address shall be filed with the department. (9-13-90)

03. **Written Objections.** If an adjacent property owner files written objections to the application with the director within ten (10) days from the date of service or receipt of notice of the application, the director shall fix a time and a place for hearing. In computing the time to object, the day of service or receipt of notice of the application shall not be counted. Objections must be received within the ten (10) day period by mail or hand delivery in the office of the department in Boise. If the last day of the period is Saturday, Sunday or a legal holiday, the time within which to object shall run until the end of the first business day thereafter. (9-13-90)

04. **Unusual Circumstances.** Even though no objection be filed by an adjacent property owner to a noncommercial navigational encroachment, if the director deems it advisable because of the existence of unusual circumstances, he may require a hearing. (9-13-90)

05. **Hearings.** Hearings fixed by the director following an objection pursuant to Subsection 025.03 or the director's own determination pursuant to Subsection 025.04 shall be fixed as to time and place, but no later than sixty (60) days from date of acceptance for filing of the application. At the hearing the applicant and any adjacent owner filing timely objections may appear personally or through an authorized representative and present evidence. (9-13-90)

06. **Decision.** The director shall, within forty-five (45) days after close of the hearing provided for in Subsections 025.03 or 025.04 render a final decision and give notice thereof to the parties appearing before him either personally or by certified or registered mail. The final decision shall be in writing and shall include findings of fact and conclusions of law, separately stated. (9-13-90)

07. **Judicial Review.** Any party appearing at a hearing who is adversely affected by a final decision of the director shall have a right to have the proceedings and final decision reviewed by the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final decision. An adjacent property owner shall be required to deposit with the court a five hundred dollars (\$500) appeal bond insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney fees, incurred on the appeal in the event the district court sustains the action of the director. The applicant need post no bond with the court to prosecute an appeal. (9-13-90)

08. **Informal Disposition.** Informal disposition may be made of an application by stipulation, agreed settlement or consent order entered into with the consent of the applicant and objecting adjacent property owners. (9-13-90)

09. **Formal Disposition.** If notice to an adjacent owner is not required or if the adjacent owner has consented to the proposed encroachment under Subsection 025.02 and if an adjacent owner has failed to file objection to the proposed encroachment within the time allowed following service of notice under Subsection 025.03; and if the director does not set the application down following hearing under Subsection 025.04; the director shall act upon an application filed under Subsection 025.01 as expeditiously as possible but no later than sixty (60) days from receipt of the application and failure to act within such time shall constitute approval of the application. (9-13-90)

10. **Nonnavigational and Commercial Navigational Encroachments.** Upon receipt of an application for a nonnavigational encroachment, a commercial navigational encroachment, or for a navigational encroachment extending beyond the line of navigability, the director shall, within ten (10) days of acceptance for filing of the application, cause notice of the application to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the encroachment is proposed, however, that if the director orders a

hearing on the application in the first instance within the time for publication of the notice, the director shall dispense with publication of the notice of the application and shall proceed instead to publish notice of the hearing as provided in Subsection 025.13. Applications for installation of buried or submerged water intake lines and utility lines shall be exempt from the newspaper publication process. (9-13-90)

11. **Agency Comments.** Upon request or when the director deems it appropriate, the director may furnish copies of the application and plans to federal, state and local agencies and to adjacent property owners, requesting comment on the likely effect of the proposed encroachment upon adjacent property and lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty or water quality. Within thirty (30) days following receipt of a copy of the application and plans, such agencies shall notify the director of their opinions and recommendation, if any, for alternate plans determined by such agencies to be economically feasible to accomplish the purpose of the proposed encroachment without adversely affecting unreasonably adjacent property or other lake value factors. (9-13-90)

12. **Written Objections.** Any resident of the state of Idaho, or a nonresident owner or lessee of real property adjacent to the lake in question, or any state, federal or local agency may, within thirty (30) days of the first date of publication file with the director written objections to the proposed encroachment and a request for a hearing on the application. Any person or agency requesting a hearing on the application shall deposit and pay to the director an amount sufficient to cover the cost of publishing notice of hearing provided in Subsection 025.13. (9-13-90)

13. **Hearing.** Notice of the time and place of hearing on the application shall be published by the director once a week for two (2) consecutive weeks in a newspaper in the county in which the encroachment is proposed, which hearing shall be held within ninety (90) days from the date the application is accepted for filing. (9-13-90)

14. **Hearing Participants.** Any person may petition the director to appear and participate as a party in the hearing. Parties may present evidence, cross-examine witnesses and make argument on all issues involved subject to authority of the director to limit the same so as to prevent undue repetition or delay. Parties may appear in person or by an authorized representative. All hearings shall be open to the public. (9-13-90)

15. **Informal Disposition.** Informal disposition may be made of an application set down for hearing by stipulation, agreed settlement or consent order entered with the approval of the parties. (9-13-90)

16. **Decision After Hearing.** The director shall render a decision within forty-five (45) days after close of the hearing and a copy of his decision, together with findings of fact and conclusions of law, separately stated, shall be mailed to the applicant and to each person or agency appearing at the hearing and giving testimony in support of or in opposition to the proposed encroachment. (9-13-90)

17. **Judicial Review.** Any applicant or other aggrieved party so appearing at a hearing shall have the right to have the proceedings and final decision of the director reviewed by the district court in the county in which the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final decision. The applicant need post no bond with the court to prosecute an appeal. Any other aggrieved party shall be required to deposit with the court a five hundred (\$500) appeal bond insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney fees, incurred on the appeal in the event the district court sustains the action of the director. (9-13-90)

18. **Decision Where No Hearing; Reconsideration.** In the event no objection to the proposed encroachment is filed with the director and no hearing is requested under Subsection 025.12, or ordered by the director under Subsection 025.10, the director, based upon his investigation and considering the economics of the navigational necessity, justification or benefit, public or private, of such proposed encroachment as well as its detrimental effects, if any, upon adjacent real property and lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty or water quality, shall prepare and forward to the applicant either personally or by registered or certified mail, his decision. The applicant, if dissatisfied therewith, shall have twenty (20) days from the date if he requests reconsideration thereof. If reconsideration is requested, the director shall set a time and place for reconsideration, not to exceed thirty (30) days from receipt of the request, at which time and place the applicant may appear in person or through an authorized representative. Upon conclusion of reconsideration, the director shall by personal service or by registered or certified mail notify the applicant of his consideration. (9-13-90)

19. Judicial Review. If aggrieved by the reconsidered decision, the applicant may appeal to the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the director's reconsidered decision. An appeal bond need not be posted with the court. (9-13-90)

20. Factors in Decision. In recognition of continuing private property ownership of lands lying between the natural or ordinary high water mark and the artificial high water mark, the director shall consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors to be considered in granting or denying an application for either a nonnavigational encroachment or a commercial navigational encroachment not extending below the natural or ordinary high water mark. If no objections have been filed to the application and no hearing has been requested or ordered by the director, or, if upon reconsideration of a decision disallowing a permit, or following a hearing, the director determines that the benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, he shall grant the permit. (9-13-90)

21. Revocation. Revocation or withdrawal of a permit shall conform to the requirements of Section 67-5214(c), Idaho Code. (9-13-90)

026. -- 049. (RESERVED).

050. RECORDATION.

Recordation of an issued permit in the records of the county in which an encroachment is located shall be a condition of issuance of a permit and proof of recordation shall be furnished to the department by the permittee before a permit becomes valid. Such recordation shall be at the expense of the permittee. Recordation of an issued permit serves only to provide constructive notice of the permit to the public and subsequent purchasers and mortgagees, but conveys no other right, title, or interest on the permittee other than validation of said permit. (Idaho Code Section 58-1306(e)) (9-13-90)

051. -- 054. (RESERVED).

055. LEASES AND EASEMENTS.

01. Lease or Easement Required. As a condition of the permit, the director may require a lease or easement for use of any part of the state-owned bed of the lake. NOTE: This rule is intended to grant the state recompense for the use the state-owned bed of a navigable lake where reasonable and it is not intended that the director withhold or refuse to grant such lease or easement if in all other respects the proposed encroachment would be permitted. (9-13-90)

02. Cost. Cost of a lease or easement to the applicant may be based on the value of the property and the impairment of the state's right to control it, severance damage, or upon a flat rate fee but shall be reasonable and as a recompense to the state for the use of its property. (9-13-90)

03. Commercial Uses. Occupancy and use of state-owned beds by commercial encroachments, marinas, log storage, condominium docks, or other commercial uses will be authorized, if at all, only by a permit and lease if determined by the director to be an appropriate use of submerged lands and in accordance with approved zoning use set by the proper authority for that area. (9-13-90)

04. Seawalls, Breakwaters, Quays. Seawalls, breakwaters and quays on or over state-owned beds, designed primarily to create additional land surface, will be authorized, if at all, by a permit and lease or easement, upon determination by the director to be an appropriate use of submerged lands. (9-13-90)

05. Submerged Land Leases. The policy, procedure and consideration for leases shall be governed by Rules for Leases on State-owned Submerged Lands, IDAPA 20.03.17. (9-13-90)

06. Submerged Land Easements. The policy, procedure and consideration for easements shall be governed by Rules for Easements on State-owned Submerged Lands and Formerly Submerged Lands, IDAPA 20.03.09. (9-13-90)

056. -- 059. (RESERVED).

060. INSTALLATION.

01. Installation Only After Permit Issued. Installation or construction of an encroachment may commence only when the permit is issued or when the director notifies the applicant in writing that installation may be commenced or when the director has failed to act in accordance with Subsection 025.09. (9-13-90)

02. Construction. Where feasible, all docks, piers or similar structures shall be constructed so as to protrude as nearly as possible at right angles to the general shoreline and shall be constructed so as not to interfere with docks, piers, or similar structures presently existing or likely to be installed to serve adjacent properties. (9-13-90)

03. Water Access. Docks, piers or other works may extend to a length that will provide access to a water depth that will afford sufficient draft for water craft customarily in use on the particular body of water during the normal low water period, except that no structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the director. If a normally accepted line of navigability has not been established through use, the director may from time to time as he deems necessary, after public hearing, designate a line of navigability for the purpose of effective administration of these rules. (9-13-90)

04. Excavated or Dredged Channels. Excavated or dredged channels or basins may be authorized to facilitate access to navigable waters. Whenever practical, such channels and basins shall be located to serve more than one riparian or littoral owner. Excavation or dredging normally shall be carried on during the low water period, unless exceptions are approved by the director on a showing of reasonable necessity for work to proceed at some other time. Material removed during excavation or dredging shall be carried and deposited at a point above normal flood water levels, except in cases where an applicant can satisfy the director that an alternative plan for disposition of such material is feasible and will not have an unreasonably adverse effect upon other lake values, including water quality. Additional conditions may be called for in the permit. (9-13-90)

05. Presumed Adverse Effect. It will be presumed, subject to rebuttal, that commercial navigational encroachments or nonnavigational encroachments will have an adverse effect upon adjacent property if located closer than twenty-five (25) feet to adjacent property lines and that noncommercial navigational encroachments will have a like adverse effect upon adjacent property if located closer than ten (10) feet from adjacent property lines. Consent of the adjacent owner or owners will automatically rebut the presumption. These distance limits shall not apply to excavated or dredged channels or basins. (9-13-90)

06. Weather Conditions. Encroachments shall be designed and installed to withstand normally anticipated weather conditions in the area. Docks, piers and similar structures shall be adequately secured to pilings or anchors to prevent displacement due to ice, wind and waves. (9-13-90)

07. Markers. If the director determines that an encroachment is not of sufficient size to be readily seen or which poses a hazard to navigation, he shall specify in the permit approved markers to identify clearly the extent and size of the encroachment. (9-13-90)

08. Removal of Waste. Pilings, anchors and other structures, or material or waste at the site of the installation or reinstallation and not used as a part of the encroachment shall be removed from the water at the time of the installation or reinstallation to a point above normal flood water levels; provided, however, that this shall not be construed to prevent the use of trash booms for the temporary control of floatable piling ends and other floatable materials in a securely maintained trash boom, but approval for a trash boom shall be required as part of a permit. (9-13-90)

09. Seawalls or Breakwaters. Seawalls or breakwaters built upon the lake for use in aid of navigation will not be authorized below the level of normal low water without an extraordinary showing of need; provided, however that this shall not apply to floating breakwaters secured by piling and used to protect private property from recurring wind, wave or ice damage, or used to control traffic in busy areas of lakes. (9-13-90)

10. Compliance With Permit. All work shall be done in a workman-like manner, in accordance with these rules, the application submitted, and subject to any condition specified in the permit. (9-13-90)

11. Overhead Clearance. Overhead clearance between the natural or ordinary high water mark or the artificial high water mark, if there be one, and the structure or wires must be sufficient to pass the largest vessel which may reasonably be anticipated to use the subject waters in the vicinity of the encroachment. In no case will the clearance be required to exceed twenty (20) feet unless the director shall determine after hearing that it is in the overall public interest that the clearance be in excess of twenty (20) feet. Irrespective of height above the water, approval of structures or wires presenting a hazard for boating or other water related activities may be conditioned upon adequate safety marking to show clearance and otherwise to warn the public of the hazard. The director shall specify in the permit the amount of overhead clearance and markings required. (9-13-90)

12. Overhead Clearance; Other Requirements. In providing in the permit for overhead clearance or safety markings under Subsection 060.07, the director shall consider the applicable requirements of the U.S. Coast Guard, the Idaho Transportation Department, the Idaho Public Utilities Commission and any other applicable federal, state or local regulations. (9-13-90)

061. -- 069. (RESERVED).

070. MISCELLANEOUS.

01. Water Resources Permit. A permit to alter a navigable stream issued by the Department of Water Resources pursuant to Title 42, Chapter 38, Idaho Code, may, in appropriate circumstances, contain language stating the approval of the Department of Lands to occupy the state-owned bed of the navigable stream. (9-13-90)

02. Dredge and Placer Mining. Department authorization is required for dredge and placer mining in the lands, lakes and rivers within the state, whether or not the state owns the beds, pursuant to Title 47, Chapter 13, Idaho Code. (9-13-90)

03. Mineral Leases. Applications to lease minerals, oil, gas and hydrocarbon, and geothermal resources within the state-owned beds of navigable lakes will be processed by the department pursuant to Title 47, Chapters 7, 8 and 16, Idaho Code, and rules promulgated thereunder. (9-13-90)

071. -- 079. (RESERVED).

080. VIOLATIONS - PENALTIES.

01. Violations. The following acts or omissions shall subject a person to a civil penalty of not less than one hundred fifty dollars (\$150) nor more than two thousand five hundred dollars (\$2,500): (9-13-90)

a. A violation of the provisions of Section 58-1301, et seq., Idaho Code, or of the rules and general orders adopted thereunder and applicable to navigable lakes; (9-13-90)

b. A violation of any special order of the director applicable to a navigable lake; or (9-13-90)

c. Refusal to cease and desist from any violation in regards to a navigable lake after having been notified to do so in writing by the director by personal service or certified mail, within the time provided in the notice, or within thirty (30) days of service of such notice if no time is provided. (9-13-90)

02. Injunctions, Damages. The board expressly reserves the right, through the director, to seek injunctive relief under Section 58-1308, Idaho Code and mitigation of damages under Section 58-1309, Idaho Code in addition to the civil penalties provided for in Subsection 080.01. (7-1-93)

081. -- 999. (RESERVED).