

TITLE 47
MINES AND MINING

CHAPTER 16
GEOTHERMAL RESOURCES

47-1601. GEOTHERMAL RESOURCES -- LAND LEASES -- AUTHORIZATION. The state board of land commissioners is hereby authorized and empowered to issue geothermal resource leases for terms of up to forty-nine (49) years on any state or school lands which may contain geothermal resources, together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the prospecting for, exploration for, drilling or other well construction for, and production of geothermal resources.

[47-1601, added 1972, ch. 182, sec. 1, p. 467; am. 2011, ch. 61, sec. 1, p. 136.]

47-1602. "GEOTHERMAL RESOURCES" DEFINED. For the purposes of this chapter, "geothermal resources" shall mean the natural heat energy of the earth, the energy, in whatever form, which may be found in any position and at any depth below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from the material medium of any geothermal resource. Geothermal resources are found and hereby declared to be sui generis, being neither a mineral resource nor a water resource, but they are also found and hereby declared to be closely related to and possibly affecting and affected by water resources in many instances. No right to seek, obtain, or use geothermal resources has passed or shall pass with any existing or future lease of state or school lands, including but not limited to, mineral leases and leases issued under [chapter 8, title 47](#), Idaho Code.

[47-1602, added 1972, ch. 182, sec. 1, p. 467.]

47-1603. RULES AND REGULATIONS. The state board of land commissioners is hereby authorized and empowered to adopt such rules and regulations governing the issuance of geothermal resource leases and governing the conduct of any operations thereunder.

[47-1603, added 1972, ch. 182, sec. 1, p. 467.]

47-1604. LEASED AREA. The surface area covered by a geothermal lease issued pursuant to this chapter shall be determined by the state board of land commissioners.

[47-1604, added 1972, ch. 182, sec. 1, p. 467; am. 2011, ch. 63, sec. 1, p. 138.]

47-1605. LEASES -- RENTAL AND ROYALTY. (1) Geothermal resources leases shall be issued at an annual rental of not less than twenty-five cents (25¢) per acre, payable in advance. The rental specified in geothermal leases shall be fixed in any manner by the state board of land commissioners including, but not limited to, competitive bidding, negotiation, fixed amounts or formulas.

(2) Royalty shall be established by the board of land commissioners based on the market value of the geothermal resources produced from the lands under lease. The royalties specified in geothermal leases shall be fixed in any manner by the state board of land commissioners including, but not limited to, competitive bidding, negotiation, fixed amounts or formulas. Royalties shall be paid in addition to rental payments, at the discretion of the board of land commissioners.

[47-1605, added 1972, ch. 182, sec. 1, p. 467; am. 1985, ch. 124, sec. 1, p. 308; am. 2011, ch. 62, sec. 1, p. 137.]

47-1606. LEASES -- PURPOSES FOR WHICH LAND USED. The state board of land commissioners shall have the right to lease state or school lands for grazing, agricultural, or other purposes, as may be otherwise provided by law, and to issue geothermal resource leases covering lands leased for grazing, agricultural, or other purposes, provided however, that the lessee under a geothermal resource lease issued under the provisions of this chapter shall have paramount right to the use of so much of the surface of the land as shall be necessary for the purposes of his lease and shall have the right to ingress and egress at all times during the term of such lease.

[46-1606, added 1972, ch. 182, sec. 1, p. 467.]

47-1607. LEASES -- ASSIGNMENT OR TRANSFER -- RESTRICTIONS. No geothermal resource lease, which shall be issued under the provisions of this chapter, shall be assignable or transferable except upon the written consent of the state board of land commissioners.

[47-1607, added 1972, ch. 182, sec. 1, p. 467.]

47-1608. BONDING. The board shall require the execution of good and sufficient bonds in amounts the board determines reasonable for reclamation and all damages to the land surface and improvements thereon, whether or not the lands have been sold or leased for any other purpose. These bonds shall not duplicate bonds for well closure held by the Idaho department of water resources.

[47-1608, added 1972, ch. 182, sec. 1, p. 467; am. 1993, ch. 289, sec. 1, p. 1081; am. 2011, ch. 64, sec. 1, p. 138.]

47-1609. LEASES -- CANCELLATION. The state board of land commissioners shall reserve and may exercise the authority to cancel any geothermal resource lease upon failure by the lessee to exercise due diligence or care in the prosecution of his operations in accordance with the terms and conditions stated in such lease and with all laws of the state of Idaho, and shall insert in every such lease appropriate provisions for its cancellation by the board in the event of noncompliance upon the part of the lessee.

[47-1609, added 1972, ch. 182, sec. 1, p. 467.]

47-1610. CONSTITUTIONAL REQUIREMENTS -- COMPLIANCE. All grants and permissions under this act shall be executed as required by the Constitution of the state of Idaho, Article IV, Section 16.

[47-1610, added 1972, ch. 182, sec. 1, p. 467.]

47-1611. COOPERATIVE AGREEMENTS AND MODIFICATION OF LEASES AUTHORIZATION. The state board of land commissioners is a person authorized to join on behalf of the state of Idaho in agreements for cooperative or unit plans of development or operation of the geothermal resources of geothermal resource areas involving state or school lands and to do all things necessary to make operative such plan or plans subject to any and all provisions of state and federal law; and for such purposes the board is hereby authorized with the consent of its lessees to modify and change any and all terms of leases issued by it to facilitate efficiency and resource conservation in geothermal resource operations on and from lands under its jurisdiction; provided however, that said board shall not use or contract to use funds under its control for the purpose of drilling or otherwise paying the cost of geothermal resource operations.

[47-1611, added 1972, ch. 182, sec. 1, p. 467.]