TITLE 58
PUBLIC LANDS

CHAPTER 3
APPRAISEMENT, LEASE, AND SALE OF LANDS

58-301. APPRAISEMENT -- FEE -- REAPPRAISEMENT -- APPROPRIATION FOR APPRAISEMENT. The board may cause all lands belonging to the state to be appraised, at such times, in such manner and by such means as the board shall decide, and may require the actual cost of an appraisal to be collected from the purchaser at the time of the sale, in addition to the sum bid for the land. All appraisements are under the control of the board, which may approve or disapprove of the same, in whole or in part, and may, at any time, direct a reappraisement or new appraisement to be made: provided further, that the board may require the person or persons seeking such land to be appraised to pay such fee in advance; and when the land shall be thereafter sold, if the purchaser be other than the party seeking such appraisement the sum or sums or the due proportion thereof so advanced by the party seeking such appraisement shall be returned to the party paying the same.

[(58-301) 1905, p. 131, sec. 10; reen. R.C. & C.L., sec. 1569; C.S., sec. 2902; am. 1921, ch. 19, sec. 1, p. 28; I.C.A., sec. 56-301; am. 1986, ch. 114, sec. 1, p. 306; am. 1992, ch. 241, sec. 2, p. 713.]

58-302. GRAZING MANAGEMENT PLANS. (1) As used in this section, "grazing management plan" means a written agreement between the lessee and the department of lands, or between the lessee and another public agency and approved by the department, designed to meet the resource objectives identified by the department, including any criteria provided by the department in rule.

(2) All applicants for state grazing leases shall submit a grazing management proposal that addresses resource concerns, as identified by the department, no later than the deadline to apply for the lease.

(3) Provided however, a current lessee with a grazing management plan in place is not required to submit a grazing management proposal pursuant to this section unless:

(a) The department of lands makes a written request for a new grazing management proposal from the current lessee; or

(b) The current lessee desires to modify the existing grazing management plan, in which case a written request with the modified management proposal must be submitted no later than the deadline to apply for the lease.

[58-302, added 2012, ch. 256, sec. 1, p. 708.]

58-303. PERMITS. (1) At any time, a current state grazing lessee may make application to the department of lands to convert his state grazing lease into a state grazing permit if the lessee believes the land is so qualified. Application forms shall be provided by the department. Upon application, the department shall conduct research to determine if the land within the state grazing lease that is the subject of the application is qualified for a state grazing permit.

(2) To qualify for a state grazing permit, the land within the state grazing lease must have been received by the state through an exchange from the federal government on or after January 1, 2019.

(3) Within forty-five (45) days of application, the department shall determine if the land within the state grazing lease that is the subject of the application is qualified. If qualified, the permit shall be approved. If the land does not qualify, the applicant shall be notified of the reasons that the land does not qualify.

(4) A state grazing permit shall be valid for a minimum of ten (10) years and shall be subject to the same terms and conditions as a state grazing lease, including the annual payment pursuant to section 58-304, Idaho Code. Upon expiration of a state grazing permit, such permit shall be automatically renewed as long as the preponderance of evidence shows that the permittee has complied with the terms and conditions of the grazing permit. Such state grazing permit shall be an appurtenance to the base property.

(5) If the preponderance of evidence shows that the permittee has been out of compliance with the terms and conditions of the state grazing permit, the department shall recommend to the state board of land commissioners that the permit be canceled. Upon adoption of such recommendation by the state board of land commissioners, the permittee shall be entitled to judicial review prior to the cancellation becoming final. If the court finds in favor of the permittee, the permit shall be renewed. If the court finds in favor of canceling the permit, the permit shall be canceled and the land shall be subject to a state grazing lease.

[58-303, added 2024, ch. 38, sec. 2, p. 240.]

58-304. LEASES. (1) The state board of land commissioners may lease any portion of the state land at a rental amount fixed and determined by the board. The rental amount shall be due and payable by the date and upon the terms set by the board in the lease. Provided however, all grazing leases shall provide for annual payments which shall be due and payable by the date set by the board in the lease.

(2) The state board of land commissioners shall notify the lessee of any increase in the applicable rental rate six (6) months in advance of the date the rent is due and payable.

(3) The lessee shall pay the rental to the director of the department of lands, who shall receipt for the same in the name of the board. Upon receiving such rental, the director shall immediately transmit the same to the state treasurer.

[(58-304) 1905, p. 131, sec. 13; reen. R.C. & C.L., sec. 1572; C.S., sec. 2905; am. 1923, ch. 96, sec. 15, p. 115; am. 1927, ch. 120, sec. 1, p. 164; I.C.A., sec. 56-304; am. 1933, ch. 114, sec. 1, p. 184; am. 1941, ch. 91, sec. 4, p. 164; am. 1974, ch. 17, sec. 58, p. 308; am. 1981, ch. 148, sec. 1, p. 258; am. 1985, ch. 182, sec. 1, p. 467; am. 1987, ch. 62, sec. 1, p. 114; am. 1992, ch. 241, sec. 3, p. 714; am. 2000, ch. 84, sec. 1, p. 176; am. 2007, ch. 49, sec. 1, p. 122; am. 2008, ch. 27, sec. 14, p. 54.]

58-304A. FORFEITURE OF COTTAGE SITE LEASES -- NEW LEASES -- COLLECTIONS -- DISPOSITION. Upon forfeiture of a cottage site lease as provided in section 39-3610, Idaho Code, as amended, the department issuing the cottage site lease shall, as a condition of any new lease of such cottage site, collect from the new lessee an amount equal to all unpaid connection fees or

charges, monthly rates, tolls or charges, and special benefits payments, as certified by the district to the department as unpaid by the cottage site lessee whose cottage site lease was forfeited. Any amounts so collected shall be immediately transmitted by the department collecting the same to the state treasurer to be placed in the revolving fund for water and sewer districts established in section 58-141A, Idaho Code, taking his receipt therefor in duplicate, filing one (1) with the state controller and the other receipt in the office of the department.

[58-304A, added 1979, ch. 100, sec. 4, p. 245; am. 1994, ch. 180, sec. 122, p. 503.]

58-305. PAYMENT OF RENTAL IN ADVANCE -- EXTENSION OF TIME -- ADJUSTMENT OF COMPETITIVE BID RENTAL RATES. All leases of state land, except mineral leases, shall be conditional upon the payment of rental, in advance, and a violation of this condition shall work a forfeiture of the lease, at the option of the state board of land commissioners, after thirty (30) days' notice to the lessee, such notice being sent to the post office of the lessee, as given by himself to the director of the department of lands when the lease is issued: provided however, that upon the application of any person, firm, corporation or association from whom such rent is or will be owing, the state board of land commissioners is hereby given authority and power to, in its discretion, extend the time of payment of such moneys for said leases for not to exceed two (2) successive years: provided, that the applicant enters into an agreement with the said state board of land commissioners to pay the interest on said amount of rent money from January 1 of the year which the same is otherwise due, to the date of payment, at the rate per annum set by the state board of land commissioners; that this authority shall extend to amounts due on outstanding leases, leases renewed and new applications for leases. Lease rental rates established by competitive bidding may not be adjusted during the term of a lease, except that the state board of land commissioners upon a finding of a material change of circumstances from those existing at the time of auction, may, after a majority vote of those present, reduce the rental to no less than fair market value.

[58-305, added 1905, p. 131, sec. 14; reen. R.C. & C.L., sec. 1573; C.S., sec. 2906; am. 1921, ch. 27, sec. 1, p. 35; am. 1923, ch. 7, sec. 1, p. 7; am. 1925, ch. 42, sec. 1, p. 59; I.C.A., sec. 56-305; am. 1951, ch. 53, sec. 1, p. 76; am. 1971, ch. 264, sec. 1, p. 1063; am. 1974, ch. 17, sec. 59, p. 308; am. 1978, ch. 283, sec. 1, p. 689; am. 1980, ch. 323, sec. 1, p. 818; am. 2000, ch. 84, sec. 2, p. 177.]

58-306. NOTICE OF LIEN FOR RENT. Whenever state land is leased, the director of the department of lands may file with the county recorder of the county in which said land is situated a notice of lien, stating the description of the land, the number of the lease and the name of the lessee, the dates of the execution and expiration of the lease, and that the state claims a lien on any crops grown upon said land for the payment of the rental, during the term of said lease or any extension thereof. From and after the recording of said notice, the claim of the state for rental for said leased land, during the original term of said lease or any extension thereof, shall constitute a lien on any crops grown on such lands, prior to and superior to the lien of any chattel mortgage, any labor lien, or any other claim or lien thereon.

[(58-306) C.S., sec. 2906A, as added by 1925, ch. 38, sec. 1, p. 52; I.C.A., sec. 56-306; am. 1974, ch. 17, sec. 60, p. 308; am. 1992, ch. 241, sec. 4, p. 714.]

58-307. TERM OF LEASE -- APPLICATION FOR RENEWAL -- ALLOWANCE FOR IMPROVEMENTS. (1) No lease of state trust lands shall be for a longer term than twenty (20) years.

(2) Notwithstanding any other provisions of law, all state lands may be leased for a period of up to twenty-five (25) years to the federal government, to federal agencies, state agencies, counties, or cities, school districts or political subdivisions when leased for public purposes. Such leases for public purposes may be entered into by negotiation and shall secure a rental amount based on the fair market value of the state land.

(3) Notwithstanding any other provisions of law, all state endowment trust lands may be leased for a period of up to thirty-five (35) years for residential purposes as determined by the state board of land commissioners including, but not limited to, single family, recreational cottage site and homesite leases.

(4) Notwithstanding any other provision of law to the contrary, all state lands may be leased for a period of up to forty (40) years for grazing leases.

(5) Notwithstanding any other provisions of law, all state endowment trust lands may be leased for a period of up to forty-nine (49) years for commercial purposes under such terms and conditions as may be set by the board, provided that, for such leases in excess of twenty (20) years, the board consults with the county commissioners of the county in which the lands are located before leasing the lands, and the use for which the land is leased shall be consistent with the local planning and zoning ordinances insofar as is reasonable and practicable. For each lease in excess of twenty (20) years, the department shall hold a hearing in the county in which the parcel is located. Grazing leases shall be excluded from the hearing requirement.

(6) The term "commercial purposes" means fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power with a facility capable of generating not less than twenty-five (25) kilowatts of electricity, industrial enterprises, retail sales outlets, business and professional office buildings, hospitality enterprises, commercial recreational activities, multifamily residential developments and other similar businesses. For purposes of this section, farming leases, grazing leases, conservation leases including lands enrolled in federal conservation programs such as the conservation reserve enhancement program (CREP), noncommercial recreation leases, oil and gas leases, mineral leases, communication site leases, single family, recreational cottage site and homesite leases, and leases for other similar uses, are not considered leases for commercial purposes.

(7) The board may require that all fixed improvements constructed upon land leased for commercial purposes be removed or become the property of the state upon termination of the lease, and that any heirs, encumbrances or claims of third parties with respect to any improvements shall be expressly subordinate and subject to the rights of the state under this section.

(8) Except for oil and gas, mineral and commercial leases, the lease year shall run from January 1 through December 31, and all leases shall expire on December 31 of the year of expiration.

(9) All applications to lease or to renew an existing lease which expires December 31 of any year, shall be filed in the office of the director of the department of lands by the thirtieth day of April preceding the date of such expiration. Such applications will be considered by the state land board and be disposed of in the manner provided by law; except that the board may reject conflicting applications for a lease for commercial purposes if the lessee exercises the preference right to renew clause, and provided such right is specified in the lease.

(10) Where conflicts appear upon leases, except for mineral leases which, pursuant to chapter 7, title 47, Idaho Code, contain a preferential right to renew clause, such applications shall be considered as having been filed simultaneously. However, nothing herein shall be construed to prevent the state board of land commissioners from accepting and considering applications for new leases at any time.

(11) In case improvements have been made on land while under lease which is expiring, and the former lessee is not the successful bidder, but the land is leased to another, the amount of such improvements shall be paid to the former lessee. The following shall be considered improvements: plowing done within one (1) year, provided no crop has been raised on the plowed land after such plowing, fencing, buildings, cisterns, wells, growing crops and any other asset which shall be considered an improvement by the director.

(12) Commercial leases of the state lands shall not be subject to the conflict auction provisions of section 58-310, Idaho Code. The board may, at its discretion, consider individual applications or call for proposals and sealed bids by public advertisement, and may evaluate said proposals and award the lease to the bidder whose proposal achieves the highest return over the term of the lease and who is capable of meeting such terms and conditions as may be set by the board; in the alternative, the board may call for lease applications by public advertisement and if more than one (1) person files an application to hold an auction in the same manner as provided in section 58-310, Idaho Code. In all cases, the board must obtain a reasonable rental, based upon fair market value of the state land, throughout the duration of the lease. The board may reject any or all proposals and any or all bids, and may reoffer the lease at a later date if the board determines that the proposals or bids do not achieve the highest and best use of the land at market rental.

[58-307, added 1905, p. 131, 15; reen. R.C., sec. 1574; am. 1915, ch. 167, sec. 1, p. 36; compiled and reen. C.L., sec. 1574; C.S., sec. 2907; am. 1921, ch. 28, sec. 1, p. 36; I.C.A., sec. 56-307; am. 1941, ch. 162, sec. 1, p. 324; am. 1970, ch. 10, sec. 1, p. 17; am. 1972, ch. 108, sec. 1, p. 222; am. 1974, ch. 17, sec. 61, p. 308; am. 1979, ch. 25, sec. 1, p. 40; am. 1980, ch. 107, sec. 1, p. 244; am. 1987, ch. 111, sec. 1, p. 224; am. 1993, ch. 331, sec. 1, p. 1229; am. 1995, ch. 174, sec. 1, p. 655; am. 1995, ch. 185, sec. 1, p. 671; am. 1997, ch. 36, sec. 1, p. 63; am. 1999, ch. 84, sec. 1, p. 280; am. 1999, ch. 86, sec. 1, p. 285; am. 2000, ch. 84, sec. 3, p. 177; am. 2000, ch. 187, sec. 1, p. 460; am. 2003, ch. 234, sec. 1, p. 599; am. 2003, ch. 295, sec. 1, p. 798; am. 2004, ch. 155, sec. 1, p. 491; am. 2007, ch. 138, sec. 1, p. 400; am. 2008, ch. 103, sec. 1, p. 285; am. 2008, ch. 115, sec. 1, p. 319.; am. 2010, ch. 61, sec. 1, p. 109; am. 2024, ch. 102, sec. 1, p. 466; am. 2026, ch. 251, sec. 28, p. 1083.]

58-308. IMPROVEMENTS -- FILING OF RECEIPT FOR PAYMENT -- MISTAKE AND FRAUD. Should anyone apply to lease any of the lands belonging to the state

upon which there are improvements belonging to another party, before the lease shall issue, he shall file in the office of the state board of land commissioners a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the state board, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of said improvements, so agreed upon, or fixed by the board. If, by any mistake or error, any money has been, or shall hereafter be, paid on account of any sale or lease of state lands, or if any land or timber shall have been, or shall hereafter be sold by the state, or lease executed, which land or timber shall have been, or shall hereafter be, by a court or tribunal of competent jurisdiction, adjudged to belong to another than the state of Idaho, at the date of such sale or the execution of such lease, a claim shall be presented to the state board of examiners, and, if authorized by them, the state controller shall draw a warrant in favor of the party paying said money, and the state treasurer shall pay the same out of the fund into which such money was deposited or placed. If through any fraud, deceit or misrepresentation, any party or parties shall procure the issuing of any lease for state lands the board shall have the authority to cancel such lease.

[(58-308) 1905, p. 131, sec. 16; reen. R.C. & C.L., sec. 1575; C.S., sec. 2908; I.C.A., sec. 56-308; am. 1994, ch. 180, sec. 123, p. 503.]

58-309. BOND OF LESSEE -- PENALTY. In leasing state lands the state board of land commissioners may require of the lessee such a bond as shall secure the state against loss or waste, or occupation of the land for more than thirty (30) days after the cancellation or expiration of the lease of said lessee, unless the said lessee becomes the purchaser of the land.

[(58-309) 1905, p. 131, sec. 17; reen. R.C. & C.L., sec. 1576; C.S., sec. 2909; I.C.A., sec. 56-309; am. 1992, ch. 241, sec. 5, p. 714.]

58-310. TWO OR MORE APPLICANTS FOR SAME LAND -- AUCTION OF LEASE. Except as otherwise authorized:

(1) When two (2) or more persons apply to lease the same land, the director of the department of lands, or his agent, shall, at a stated time, and at such place as he may designate, auction off and lease the land to the applicant who will pay the highest premium bid therefor, the annual rental to be established by the state board of land commissioners.

(2) The director shall give notice by letter at least fourteen (14) days prior to the date of such auction, which notice shall be sent in the course of regular mail, to each of the applicants, notifying them of the time and place such auction is to be held. The notice shall be sent to the name and address exactly as it is given in the application.

(3) If any applicants fail to appear in person or by proxy at the time and place so designated in said notice, the director may proceed to auction and lease any part or all of the lands applied for.

(4) The state board of land commissioners shall have power to reject any and all bids made at such auction sales, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of said state board of land commissioners justified the rejection of said bids.

(5) The challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the annual rental bid be not paid forth-

with by the successful bidder, together with the expense of such sale, if the state board of land commissioners shall require the same to be paid as hereinbefore provided, or if for any reason the successful bidder does not accept the lease on the terms offered, the lease may be immediately reoffered in the same manner at public auction, without further notice.

(6) Only those persons who have filed applications in the manner and at the time provided for by statute or rule shall be permitted to bid at any such auction for the lease of state lands.

[(58-310) 1905, p. 131, sec. 18; reen. R.C. & C.L., sec. 1577; C.S., sec. 2910; am. 1921, ch. 18, sec. 1, p. 26; am. 1923, ch. 117, sec. 1, p. 149; I.C.A., sec. 56-310; am. 1951, ch. 73, sec. 1, p. 114; am. 1974, ch. 17, sec. 62, p. 308; am. 1978, ch. 283, sec. 2, p. 689; am. 1981, ch. 350, sec. 1, p. 723; am. 1992, ch. 241, sec. 6, p. 715; am. 1995, ch. 231, sec. 1, p. 783; am. 2014, ch. 97, sec. 34, p. 291.]

58-311. LEASES OF MINERAL SPRINGS. The state board of land commissioners shall have full power and authority to make leases of the lands of the state of Idaho, containing mineral springs or mineral waters for such periods as they may deem advisable, not exceeding fifty (50) years, for the purpose of preserving and improving such mineral springs or waters situated upon state lands, and for the purpose of establishing sanitariums thereon.

No contract or leases as provided in this section shall be made in any form which would exclude the free use by the general public of any such mineral springs or mineral waters for the purpose of bathing or drinking.

[(58-311) 1909, p. 67; reen. C.L., sec. 1577a; C.S., sec. 2911; I.C.A., sec. 56-311.]

58-312. OCCUPATION OF LAND WITHOUT LEASE -- PENALTY -- SUIT FOR CIVIL DAMAGES. All persons using or occupying any state land without a lease from the state, and all persons who shall use or occupy state lands for more than thirty (30) days after the cancellation or expiration of a lease, shall be regarded as trespassers, and upon conviction shall be fined in a sum of not less than twenty-five dollars ($25.00) nor more than $500, or shall be punished by imprisonment in the county jail for a term of not to exceed six (6) months, or by both such fine and imprisonment. Any criminal suit under this section may be instituted by any person against any trespasser, and regardless of the fact whether or not the said land is under lease to any person other than the trespasser, and in case of a lessee, the sureties of his bond shall be liable to a civil suit for all damages sustained by the state by reason of the trespass. Any suit for civil damages against a trespasser, may be instituted by the attorney general in the name of the state, or in the event the land trespassed upon is leased, such suit for civil damages may be brought by the lessee in his own name: provided further, it shall be the duty of the prosecuting attorney to commence and prosecute all criminal actions under this section, arising in his county.

[(58-312) 1905, p. 131, sec. 27; reen. R.C., sec. 1578; am. 1911, ch. 195, sec. 1, p. 653; reen. C.L., sec. 1578; C.S., sec. 2912; am. 1927, ch. 66, sec. 1, p. 82; I.C.A., sec. 56-312.]

58-313. SALE OF STATE LAND. The state board of land commissioners may at any time direct the sale of any state lands, in such parcels as they shall

deem for the best interests of the state. All sales of state lands shall be advertised in four (4) consecutive issues of some weekly newspaper in the county in which the land is situated, if there be such paper, if not, then in some newspaper published in an adjoining county, and in such other paper or papers as the board may direct. The advertisement shall state the time, place and terms of sale, a description of the land and value of the improvements, if any, thereon, and the minimum price per acre of each parcel as fixed by the board, below which no bid shall be received: provided, that sales of state lands shall only be made to citizens of the United States and to those who shall have declared their intentions to become such. If the required sum be not paid forthwith by the highest bidder any lands upon which such payment shall not be made may be immediately reoffered at public sale as before. If any land be sold on which surface improvements have been made by a lessee, or by a former purchaser whose certificate of purchase has for any reason been canceled, said improvements shall be appraised under the direction of the state board of land commissioners. When lands on which improvements have been made, as above, are sold, the purchaser, if other than the owner or former owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, or to the former purchaser who placed the same thereon, taking a receipt therefor, and shall deposit such receipt with the state board of land commissioners before he shall be entitled to a certificate of purchase or patent of said land: provided, the lessee or former owner is not indebted to the state for delinquent rentals or instalment payments on said land. If he is indebted to the state, the value of the improvements shall be credited on his indebtedness and the surplus, if any, be paid to him. All such receipts shall be filed and preserved in the office of said board: provided, that no school lands shall be sold for less than their appraised value nor for less than ten dollars ($10.00) per acre; provided, further, that in the case of the sale of land leased as grazing land and which is too rough, rocky or steep to be reclassified as farming land, the lessee, if he is not the successful bidder, shall be entitled to continue in possession under the lease for a period of two (2) years from the first day of December next occurring after the date of sale at public auction of said land or until expiration of the lease, whichever period shall be shorter. During such period, all rental earned shall belong to the purchaser subject to the following provisions:

(1) If the land is sold upon instalment contract to the purchaser, the lessee shall continue to make rental payments to the director of the department of lands and the amount of rental earned after the date of sale shall, when received, be applied against and reduce the principal or interest, or both, payable by the purchaser;

(2) If the purchaser pays the purchase price in full, all rentals earned after the date of sale shall be paid directly to the purchaser. However, no lessee of state lands shall have any right to remain in possession under his lease upon the sale of such state lands for home or cabin site purposes, as provided by the regulations of the state board of land commissioners.

[(58-313) 1905, p. 131, sec. 19; reen. R.C. & C.L., sec. 1579; C.S., sec. 2913; am. 1927, ch. 218, sec. 1, p. 315; I.C.A., sec. 56-313; am. 1933, ch. 9, sec. 1, p. 8; am. 1937, ch. 148, sec. 1, p. 243; am. 1965, ch. 178, sec. 1, p. 364; am. 1967, ch. 130, sec. 1, p. 299; am. 1974, ch. 17, sec. 63, p. 308.]

58-313A. NOTICE TO COMMISSIONERS OF COUNTY -- OBJECTION BY COMMISSIONERS OR PERSON AGGRIEVED. Whenever the state board of land commissioners shall have determined to direct the sale of state lands in the manner provided in section 58-313, Idaho Code, they shall first give notice in writing by certified mail to the commissioners of the county or counties in which said lands are located of their intention to direct such sale. If, within sixty (60) days of the receipt of such notice the county commissioners shall object to such sale, they shall file their objections in writing with the state board of land commissioners who shall thereupon at the next regular meeting reconsider the order directing such sale and if good cause appears therefor they shall rescind the order directing such sale or reapproving such sale. From any such order the applicant, the county commissioners in the name of the people of the county concerned, or any person aggrieved by such sale may appeal to the district court of the county in which the land is located for a review of said order. If the court finds such order to be arbitrary, erroneous or capricious, the order of the state board of land commissioners may be set aside and rendered null and void.

[(58-313A) I.C., sec. 58-313(a), as added by 1961, ch. 175, sec. 1, p. 269; amended and redesignated 58-313A, 1992, ch. 241, sec. 7, p. 715.]

58-314. PLACE AND TERMS OF SALE -- CASH SALES -- NOXIOUS WEED DISTRICTS. All sales of state lands shall be held in Ada county unless otherwise directed by the state board of land commissioners. Any such sale held away from Ada county shall take place at the county seat of the county or one (1) of the counties in which such lands are situated unless otherwise directed by the board.

Terms of payment shall be cash on the day of sale, except that the state board of land commissioners may sell state lands on installments with the down payment, number of installments and interest on deferred payments to be set by the board, but in no case shall the down payment be less than ten percent (10%) of the purchase price or the number of annual payments greater than twenty (20). The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase.

When, in an installment sale, the conditions hereinbefore prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the governor and countersigned by the director of the department of lands and a record of the same kept by him in a suitable book. When, in the judgment of the board, a bond by a purchaser of state lands is necessary, the state board shall require such purchaser to give a bond upon such conditions as the said board may determine.

Whenever a purchaser of state lands shall have complied with all of the conditions of the sale, paid all purchase money with the lawful interest thereon, and shall furnish the director with satisfactory proof of payment of taxes levied and assessed against his equity in said lands for the current year, or with satisfactory proof that such taxes are otherwise secured, he shall receive a deed for the land purchased. Such deed shall be signed by the governor, and countersigned by the secretary of state and by the director and

attested with the great seal of the state and the seal of the state board of land commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple: provided that the conveyance by said deed shall be subject to reasonable easements for all roads used by the public which exist at the time of sale, unless the county commissioners of the county in which such roads are situated approve the release of such easements and the deed expressly conveys said easements.

Interest on all deferred payments to be at the rate per annum set by the state board of land commissioners. All payments shall be made to the director.

On state lands hereafter sold under contract of sale in noxious weed control districts, or which may become a part of a noxious weed control district, it shall be the duty of the contract purchaser if the lands are, or may become, infested with noxious weeds to join such a district and pay for the eradication and/or control of noxious weeds on these lands. If within ninety (90) days after receiving a notice by registered mail from the state land department that the lands are infested with noxious weeds, he does not join such a weed control program the director may request the treatment of such lands by those in charge of the weed control district. When the cost of such treatment has been determined, the supervisor of the weed control district shall send a bill to the purchaser for such eradication of noxious weeds, and if the amount of said bill be not paid within ninety (90) days the state board of land commissioners may declare the contract of sale forfeited and cancel the same, and if the contract is canceled said bill for noxious weed eradication and/or control shall be paid from the state noxious weed control fund appropriated for the treatment of noxious weeds upon state lands.

[(58-314) 1905, p. 131, sec. 20; reen. R.C., sec. 1580; am. 1913, ch. 91, sec. 1, p. 367; am. 1915, ch. 14, sec. 1, p. 50; am. 1917, ch. 100, sec. 1, p. 372; C.L., sec. 1580; C.S., sec. 2914; am. 1927, ch. 218, sec. 2, p. 315; I.C.A., sec. 56-314; am. 1933, ch. 79, sec. 1, p. 129; am. 1935, ch. 53, sec. 1, p. 99; am. 1949, ch. 262, sec. 1, p. 529; am. 1965, ch. 142, sec. 1, p. 277; am. 1969, ch. 317, sec. 1, p. 976; am. 1974, ch. 17, sec. 64, p. 308; am. 1974, ch. 205, sec. 1, p. 1533; am. 1980, ch. 322, sec. 1, p. 816; am. 1986, ch. 130, sec. 1, p. 336; am. 1992, ch. 241, sec. 8, p. 716; am. 2001, ch. 183, sec. 25, p. 635.]

58-316. FORFEITURE OF RIGHTS OF DELINQUENT PURCHASER -- REINSTATEMENT -- DISPOSITION OF PURCHASE MONEY. If any purchaser of state land after receiving a certificate of purchase, as provided in this chapter, shall fail to make any of the payments stipulated therein, and the same remains unpaid for thirty (30) days after the time when it should have been paid as specified in such certificate, the director of the department of lands shall, by certified letter addressed to such delinquent purchaser at his last known post-office address, notify such purchaser of such delinquency and of the amount due, and that unless such amount be paid within sixty (60) days after the date of mailing such letter and notice, the board will declare all rights of the purchaser in and to said land forfeited and the certificate and contract relating thereto annulled.

After the expiration of said period of sixty (60) days, the state board of land commissioners shall declare such forfeiture, and shall annul said contract and certificate. Such action of the board shall be recorded in the minutes of the proceedings of the board. When such forfeiture shall have been declared and entered in the minutes, as hereinbefore provided, all

rights of such purchaser in and to said lands shall be and are extinguished and the state board of land commissioners may sell the land again: provided, that unless other disposition has meanwhile been made of the land, said state board of land commissioners may, upon application of the former purchaser, if such application is made within two (2) years after the certificate has been canceled, reinstate any such canceled certificate upon compliance by the purchaser with such conditions as the board may impose. Such conditions to be imposed by the board shall include the funding of delinquent instalments of principal and interest accrued to the date of reinstatement, by distributing the same in annual payments, to commence with the expiration of the original period covered by the contract of sale, or any extension or extensions thereof, such deferred payments to draw interest from the date of the reinstatement of the certificate; but the board may, in its discretion, impose other conditions, and may, in its discretion, require the payment of such delinquencies in cash at the time of reinstatement. On reinstatement being made the board may, in its discretion, give credit to the purchaser, as for interest paid on his contract, of any amounts which may have been paid by the purchaser as rent of the land during the period of the cancellation of his certificate. Any and all reinstatements of certificates of purchase of state lands heretofore made by the state board of land commissioners are hereby legalized and validated: provided further, that in case of such default and declaration of forfeiture except as provided for in this section, all previous payments made by a purchaser on account of such land shall be forfeited to the state, and the title and right of possession to such land shall be in the state as if no sale had ever been made.

All purchase moneys arising from the sale of state land shall without delay be paid by the director of the department of lands to the treasurer who shall receipt for the same, and the same shall be credited by the treasurer to the land bank fund to which the land sold belonged. All earnings on such money shall be paid forthwith by the director to the state treasurer and credited by the treasurer to the land bank fund to which the land belonged: provided, that moneys arising from the sale of state land and earnings on those moneys shall be managed by the state board of land commissioners pursuant to section 58-133, Idaho Code; and provided further, that upon the application of any such owner of a certificate of purchase of state land, filed with the director before the expiration of the sixty (60) days limited in said notice, showing by affidavit, or otherwise, that he is unable to pay the amount then due, or that it would work great hardship upon him to be required to make such payment at that time, and stating that he believes he will be unable to make such payment on or before November first of the current year, the state board of land commissioners may extend the time of payment of the amount then due to November first succeeding: provided, that in case of such extension the purchaser shall pay interest on the amount due from January first of the current year to the date of payment at the rate per annum, set by the state board of land commissioners, such interest to be part of the amount payable. Provided, the state board of land commissioners may, in its sole discretion, enter into a supplemental agreement with any owner and holder of a sale certificate on state land, by the terms of which all delinquent payments of principal and interest due on such certificate may be deferred beyond the end of the term of such certificate, or any prior extension thereof, a number of years equal to the period of such delinquency. The said sum so deferred shall draw interest the same as if it were originally a part of the purchase price named in the sale certificate from the date of the supplemen-

tal certificate herein referred to until paid. The forms, terms and conditions of such supplemental agreement, and the form of the application therefor, shall be as prescribed by the board. Any such supplemental agreement as herein provided, and any agreement reinstating a canceled certificate, as herein provided, shall be deemed a part of the original sale certificate.

[(58-316) 1905, p. 131, sec. 21; reen. R.C. & C.L., sec. 1581; C.S., sec. 2916; am. 1921, ch. 59, sec. 1, p. 109; am. 1925, ch. 97, sec. 1, p. 142; am. 1927, ch. 220, sec. 1, p. 318; I.C.A., sec. 56-316; am. 1933, ch. 9, sec. 2, p. 8; am. 1945, ch. 157, sec. 1, p. 233; am. 1953, ch. 97, sec. 1, p. 128; am. 1969, ch. 317, sec. 2, p. 976; am. 1974, ch. 17, sec. 65, p. 308; am. 1980, ch. 324, sec. 1, p. 819; am. 1992, ch. 241, sec. 9, p. 717; am. 1998, ch. 256, sec. 48, p. 844.]

58-317. SALES OF LESS THAN LEGAL SUBDIVISIONS. The state board of land commissioners may cause any portion of state lands to be laid out in subdivisions of less area than the legal subdivisions of the United States survey, upon showing to the satisfaction of the board that said subdivisions will be more salable or will sell at a better price than when undivided or that public convenience will be served thereby. A plat of any such subdivisions shall be filed in the office of the recorder of the county where said lands are situated. The board may sell such subdivisions from time to time, at public auction, in such quantities and on such terms as shall enable the state to realize the best prices therefor.

[(58-317) 1905, p. 131, sec. 22; reen. R.C. & C.L., sec. 1582; C.S., sec. 2917; am. 1927, ch. 78, sec. 1, p. 97; I.C.A., sec. 56-317; am. 1987, ch. 95, sec. 1, p. 187.]

58-318. SUPPLYING LOST CERTIFICATES. Whenever a certificate of purchase shall be lost or wrongfully withheld by any person from the owner thereof, the state board of land commissioners may receive evidence of such loss or wrongful detention, and upon satisfactory proof of the fact, may cause the certificate of purchase, or deed, as the case may be, to issue to such person or to his grantees or assigns, as shall appear to them to be the proprietor of the land described in the original certificate of purchase.

[(58-318) 1905, p. 131, sec. 23; reen. R.C. & C.L., sec. 1584; C.S., sec. 2918; I.C.A., sec. 56-318.]

58-319. LAND BOARD TO DETERMINE VALIDITY OF CLAIMS. The state board of land commissioners may hear and determine the claims of all persons who may claim to be entitled, in whole or in part, to any lands owned by this state, and the decision of said board shall be final until set aside by a court of competent jurisdiction, and the board shall have power to establish such rules and regulations as in their opinion may be proper or necessary to prevent fraudulent applications.

[(58-319) 1905, p. 131, sec. 24; reen. R.C. & C.L., sec. 1585; C.S., sec. 2919; I.C.A., sec. 56-319.]

58-320. LANDS EXEMPT FROM TAXATION. All lands heretofore sold under the provisions of this chapter shall be exempt from taxation for and during the period of time in which the title to said land is vested in the state of Idaho,

but the value of the interest therein of the purchaser shall be taxed, which interest shall be assessed for purposes of taxation as other property is assessed and the improvements thereon shall also be taxed. Provided, however, in the case of state land hereafter sold under contract, such land shall be assessed at its full cash value as other property is assessed.

[(58-320) 1905, p. 131, sec. 25; reen. R.C. & C.L., sec. 1586; C.S., sec. 2920; I.C.A., sec. 56-320; am. 1941, ch. 84, sec. 1, p. 158; am. 1947, ch. 157, sec. 2, p. 407.]

58-321. REBATES OF UNEARNED INTEREST ON CERTIFICATES OF SALE. In all cases where, since January 1, 1917, interest on deferred payments of principal due the state of Idaho on contracts or certificates of sale of state lands has been, or shall hereafter be, paid in advance and during the advance period for which such interest is paid, the principal of said contract or certificate of sale is paid in full, thereby leaving in the hands of the state of Idaho a balance of unearned interest, such balance of unearned interest shall be repaid to the certificate or contract holder who makes final payment of principal thereon.

[(58-321) 1919, ch. 33, sec. 1, p. 114; C.S., sec. 2921; I.C.A., sec. 56-321.]

58-322. REBATES OF ERRONEOUS PAYMENTS OF PRINCIPAL OR INTEREST. In all cases of payments of principal or of interest to the state on such certificates of sale, where more than the amount due has been, since January 1, 1917, or hereafter shall be, paid by error or mistake, the amount of such overpayment shall be repaid on demand, to the person holding the certificate, as shown of record at the time the demand for repayment is made.

[(58-322) 1919, ch. 33, sec. 2, p. 114; C.S., sec. 2922; I.C.A., sec. 56-322.]

58-323. UNEARNED INTEREST -- CERTIFICATE OF REBATE -- ALLOWANCE AND PAYMENT. The officer receiving such final payment of principal for the state in cases of unearned and rebatable interest, or the officer receiving money paid by error or mistake on the principal or interest on such certificate of sale, is hereby authorized, directed and empowered to execute and deliver, over his signature, to the person entitled thereto, a certificate stating, in cases of rebate of unearned interest, that the holder or his assignee, is entitled to a rebate of unearned interest under the terms of this chapter, giving the amount thereof, the date to which the interest on said certificate of sale had been paid, and the date when the principal on said certificate of sale was paid in full; and in cases of payment of principal or interest made by error or mistake, stating the date of the payment and the nature of the error or mistake, and the amount of rebate due. The said claim shall be paid from the fund of the state into which the moneys represented by said claim were paid and distributed on their receipt by the state, which payment shall be made by warrant drawn by the state controller on the treasurer of the state of Idaho, as in the case of other claims against the state.

[(58-323) 1919, ch. 33, sec. 3, p. 114; C.S., sec. 2923; am. 1923, ch. 87, sec. 1, p. 99; I.C.A., sec. 56-323; am. 1992, ch. 241, sec. 10, p. 719; am. 1994, ch. 180, sec. 124, p. 503.]

58-331. DESIGNATION OF SURPLUS REAL PROPERTY. Real property of the state of Idaho, the use of which by any department, officer, board, commission or other administrative agency of the state shall be terminated by law, and real property in the custody and control of any such agency which the agency shall declare to be no longer useful to or usable by it, shall be deemed surplus, and custody and control thereof shall thereupon be vested in and title be transferred to the state board of land commissioners, subject to disposition by said board in accordance with the provisions of this act.

[58-331, added 1951, ch. 223, sec. 1, p. 452; am. 2000, ch. 305, sec. 1, p. 1041; am. 2026, ch. 344, sec. 2, p. 1340.]

58-332. DISPOSAL OF SURPLUS REAL PROPERTY. (1) Upon transfer to it of such surplus real property the state board of land commissioners shall ascertain if such property is suitable for other state use, and if it is, then control and custody thereof shall be relinquished by the board to the agency which can make best use of the property. Such disposition may be by negotiated sale or exchange; provided, however, that such negotiated sales, transfers, or exchanges shall be for adequate and valuable consideration.

(2) If no state agency acquires the surplus property, the board may dispose of the surplus property to any tax-supported agency or unit of the state of Idaho or the United States other than the state of Idaho or its agencies. Such disposition may be by negotiated sale or exchange; provided however, that such negotiated sales, transfers or exchanges shall be for adequate and valuable consideration.

(a) In the event of such contemplated sale, transfer or exchange the state board of land commissioners shall cause to be published a notice of such contemplated sale, transfer or exchange, setting out in full the description of the property concerned, both as to what is being offered and what is to be received, and the proposed use of the property by the tax-supported unit which proposes to acquire such property.

(b) Such notice shall be published in a newspaper published in the county in which the property is situate for four (4) consecutive weeks prior to a certain fixed date therein, designating a time and place for public hearing in the matter.

(c) The state board of land commissioners shall determine at the next regularly scheduled meeting subsequent to such hearing as to acceptance or rejection of such proposed sale, transfer or exchange, and if accepted, the tax-supported unit shall thereafter have sixty (60) days in which to accept or reject the proffer, following such decision.

(d) If such negotiations fail, then the property may be subject to public sale as set forth in this section.

(3) If no tax-supported agency or unit of the state of Idaho or the United States acquires the surplus property, the state board of land commissioners may offer at public sale, after notice of publication for four (4) consecutive weeks in a newspaper published in the county in which the property is situate, and sell the same to the highest and best bidder upon terms and conditions to be determined by the board and specified in the notice of sale. If the property does not sell at public auction, the board may have the property appraised and enter into negotiations with any party(s) to effect disposition of the property for adequate and valuable consideration. Sale may be by any method that will help dispose of the property including, but not limited to, direct negotiations with interested parties, use of advertising, hiring real estate agents and public auction.

(4) In all cases, the compensation received by the board for the sale of surplus property shall be returned to the agency which declared the property surplus to be placed in such account as may be appropriate. The board may deduct the costs of the sale from any proceeds before transmitting the proceeds back to the agency which declared the property surplus.

[58-332, added 1951, ch. 223, sec. 2, p. 452; am. 1971, ch. 48, sec. 1, p. 104; am. 1986, ch. 113, sec. 1, p. 305; am. 2000, ch. 305, sec. 2, p. 1041.]

58-333. DISPOSITION OF PROCEEDS OF SALE. The state board of land commissioners shall at all times preserve the integrity of state funds and obligations in the disposition of surplus property; receipts or acquisitions from the property of any special fund shall accrue to such fund, first liquidating any encumbrances against such property; save that when any property has been acquired by the general fund, or is supported by or added to, by the general fund, then the receipts following liquidation of an encumbrance, shall be deposited in the permanent building fund for future appropriation or use.

[58-333, added 1951, ch. 223, sec. 3, p. 452.]

58-334. COSTS OF SALE AND TRANSFER. All costs of sale and of transferring property pursuant to such sale, including advertising, abstract fees and/or title insurance premiums, shall be borne by the purchaser, or in case of negotiated sale, transfer or exchange, shall be borne by the agency or person acquiring title to the property as a result thereof.

[58-334, added 1951, ch. 223, sec. 4, p. 452.]

58-335. LANDS EXEMPT FROM ACT. This act shall not be construed as applying to any lands or properties acquired under the act of congress, known as the Idaho Admission Act, or in the subsequent operations of the various endowment funds of the state. Nor shall this act apply to any lands or properties in the custody of the state board of education and the board of regents of the University of Idaho in their corporate capacity; provided however, that the state board of education and the board of regents, desiring to avail themselves of the facilities of this act, for the sale, exchange or transfer of any such properties, may proceed to negotiate a sale, transfer or exchange with the state board of land commissioners as would any other tax-supported agency. If the state board of education and the board of regents of the University of Idaho does not avail itself of the facilities of this act, then the state board of education and the board of regents shall use a process for disposal of real property that includes, at a minimum, a required appraisal and public notice of the proposed real property disposal prior to disposal; and for property disposals that are not part of an exchange or transfer, consideration given to granting a first option to purchase to local, state and federal governmental entities.

[58-335, added 1951, ch. 223, sec. 5, p. 452; am. 2004, ch. 331, sec. 1, p. 987; am. 2015, ch. 18, sec. 1, p. 24.]

58-335A. OTHER LANDS EXEMPT FROM ACT. The provisions of sections 58-331 through 58-335, Idaho Code, shall not apply to surplus real properties of the

Idaho transportation department, with the exclusion of office and maintenance yard sites. The Idaho transportation board shall promulgate rules to govern the sale of surplus real properties under this section, provided that in no case shall a property be sold or exchanged for a value less than that established through the appraisal process; and provided further that surplus real property may be offered for sale or exchange to any tax-supported agency or political subdivision of the state of Idaho, other than the state of Idaho or its agencies, in whose jurisdiction the property is located, at a negotiated price not to exceed the appraised value. Such surplus property sold or exchanged for less than the appraised value must be used in perpetuity exclusively for a public purpose which shall be stated in the deed of transfer. If the stated use shall cease, the property shall revert to the ownership of the Idaho transportation department.

For the purpose of acquiring highway rights-of-way, the Idaho transportation board is authorized to exchange surplus real property of the department for other parcels of real property. In exchanging real properties, the board shall cause both parcels of real property to be appraised, and either the owner or the department shall pay to the other the difference in value.

Before the department disposes of surplus property at public sale, the department shall first notify any person who owns real property which is contiguous with the surplus property of the department that he has first option to purchase the surplus property for an amount not less than the appraised value. If more than one (1) adjoining owner wants to purchase the property, a private auction shall be held for such parties. If no owner of adjoining property exercises his option to buy, the department may proceed to public sale.

[58-335A, added 1986, ch. 129, sec. 1, p. 336; am. 1992, ch. 219, sec. 1, p. 657; am. 1996, ch. 209, sec. 1, p. 679; am. 2005, ch. 100, sec. 1, p. 319; am. 2008, ch. 382, sec. 1, p. 1053.]

58-335B. GOVERNOR'S HOUSING COMMITTEE LANDS EXEMPT FROM ACT. Sections 58-331 through 58-335, Idaho Code, shall not apply to real property if acquired by or on behalf of the governor's housing committee pursuant to 67-455 or 67-455A, Idaho Code, as the same now exists or may from time to time be amended. This section shall apply to all real property acquired pursuant to section 67-455 or 67-455A, Idaho Code, before or after the effective date of this section.

[58-335B, added 1999, ch. 336, sec. 3, p. 914.]

58-336. STATE LANDS -- ASSESSMENT FOR LOCAL BENEFITS. All lands, including school lands, granted lands, escheated lands, or other lands owned by the state of Idaho in fee simple, situated within the limits of any incorporated city, town or local improvement district in this state, may be assessed and charged for the cost of local benefits specially benefiting such lands which may be ordered by the proper authorities of any such city, town or local improvement district:

Provided, that the leasehold, contractual or possessory interest of any person, firm, association, private or municipal corporation in any such lands shall be charged and assessed in the proportional amount such leasehold contractual or possessory interest is benefited;

Provided further, that the interest of the state in such property shall not be sold to satisfy the lien of such assessment, but only such interest or contract or other right therein as may be in private ownership shall be subject to such sale.

Provided further, that nothing in this act shall be construed to authorize the payment by the state of Idaho or any agency thereof of any tax levied by any local unit of government.

[58-336, added 1951, ch. 239, sec. 1, p. 497.]

58-337. LEASE OF OLD PENITENTIARY SITE. To preserve and enhance the cultural, educational, recreational and scenic values of the old penitentiary site at Boise, the state board of land commissioners or any other state agency having jurisdiction and control over the site is authorized to lease any part of the site to private persons, firms, or corporations for a term not to exceed fifty (50) years. The board is also authorized to relinquish control and custody over any part of the old penitentiary site to other state agencies for use as building or office space. Unless otherwise prohibited by law, proceeds from the rental of the old penitentiary site beyond cost of maintenance and historic interpretation shall be credited to the permanent building fund. For purposes of this act, the old penitentiary site at Boise includes all penitentiary reserve and acquired lands owned by the state of Idaho in:

Sections 12 and 13, Township 3 North, Range 2 East, Boise Meridian, and the west half of Section 18, Township 3 North, Range 3 East, Boise Meridian.

[58-337, added 1974, ch. 301, sec. 1, p. 1768.]