

IDAHO CODE

TITLE 47

MINES AND MINING

CHAPTER 7

MINERAL RIGHTS IN STATE LANDS

47-708. RIGHTS AND LIABILITIES OF LESSEES. A lessee of valuable mineral deposits shall have the right at all times to enter upon the lands described in his lease for prospecting and mining, provided he shall not injure, damage, or destroy the improvements of the surface owner; and the lessee shall be liable to and shall compensate such owner for all damages to the surface of said land and improvements thereon.

Any such lessee may occupy so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of the mineral deposits: first, upon securing the written consent or waiver of the surface owner; or, second, upon payment of the damages to the surface of said land and improvements thereon to the owner thereof where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond, or undertaking, to the state of Idaho, for the use and benefit of the owner of the land to secure the payment of such damages, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in the form prescribed by and in accordance with the rules and regulations of the board and to be filed with and approved by the board.

Lessees of mineral lands shall fully protect the rights of all agricultural and grazing leases which have been heretofore, or may be hereafter granted, by erecting and keeping closed gates in all fences which may be opened, and inclosing or keeping covered all shafts, holes or open cuts.

History: [(47-708) 1923, ch. 96, sec. 10, p. 115; am. 1925, ch. 220, sec. 6, p. 404; I.C.A., sec. 46-710.]

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<http://legislature.idaho.gov/idstat/Title47/T47CH7SECT47-708.htm>. Idaho Statutes and Constitutions are updated to the web July 1 following the legislative session. Idaho Statutes and Constitutions are current through the 2014 Legislative Session.