



## APPLICATION FOR DISCLAIMER OF INTEREST

**Disclaimer Number** (Bureau use only) \_\_\_\_\_

**Project Number** (Bureau use only) \_\_\_\_\_

**Acquired Easement Number** (Bureau use only) \_\_\_\_\_

**Acquired Easement Number** (Bureau use only) \_\_\_\_\_

### **GENERAL INFORMATION**

The State of Idaho owns the beds and banks of all navigable waters below the Ordinary High Water Mark (OHWM). These sovereign lands were acquired by virtue of the Equal Footing Doctrine and are administered by the Idaho Department of Lands (IDL) for the benefit of the general public in accordance with the Public Trust Doctrine.

If a river or lake has moved through accretion or reliction and the waterbed has become upland, a disclaimer of interest may be granted upon request by the adjacent upland landowner to provide clear title to their land. This means that the state is disclaiming any underlying interest in this portion of former state owned waterbed.

### **PROCEDURE**

The procedure for acquiring a disclaimer of interest is as follows:

1. Contact the appropriate IDL Supervisory Area Office to determine if the subject property qualifies for issuance of a disclaimer.
2. If the property does qualify, a completed and signed application for Disclaimer of Interest and a \$300 application fee will be required prior to any extensive consultations or surveys. The exact name(s) and address you wish to appear on the disclaimer should be on the form.
3. The subject property will require a legal land survey. An IDL representative will visit the site with the applicant's land surveyor to establish the OHWM. The applicant may also be present.
4. In cases where the present river has moved onto lands outside the General Land Office (GLO) meander lines, the IDL will require the requesting party to disclaim to the State that portion of the present riverbed.
5. The applicant is responsible for coordinating with adjoining land owners who could have a competing claim to the same property. Quit claim deeds from neighbors may be required.
6. IDL will require the applicant to grant a 25-foot public use right-of-way easement along and adjacent to the existing OHWM of rivers. This serves to protect the public trust values associated with rivers and the disclaimed lands by providing river access to the public.
7. The surveyor will submit a record of survey and legal descriptions which show: 1) areas to be disclaimed from the state to the property owner; 2) areas to be disclaimed from the property owner to the state; and 3) the 25-foot public use right of way easement. The record of survey must show the present OHWM, as identified by IDL, in relation to the original GLO meander line. The survey must be tied to at least one, and preferably two, PLSS corner(s).

### **APPLICATION**

When the record of survey has been completed, submit the following documents to the Department of Lands Supervisory Area Office:

- 1) A full size copy of the record of survey and a copy of the legal descriptions. A digital copy of each will also need to be provided, the legal descriptions as an MS Word file, and the record of survey as a PDF file.
- 2) Tax payment history.
- 3) Proof of ownership of the upland property adjacent to the area to be disclaimed. A copy of the property deed is preferable. The applicant must be the legal owner.
- 4) Any additional documentation needed to prove ownership and/or legal authorization to sign the disclaimer application and related documents (e.g. quit claim deeds from neighbors).

This is not to be considered an exhaustive list of all the information the Idaho Department of Lands may require. Additional information may be required as needed on a case by case basis.

The final fee for the disclaimer is the actual cost of the field inspection and preparation of the required documents minus the \$300 application fee, but not less than \$300. The applicant will be billed for the remainder following approval by the State Board of Land Commissioners and before the final documents are issued.

#### **APPLICATION INFORMATION**

1. NAME: \_\_\_\_\_ d/b/a: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_  
CITY, STATE, ZIP CODE: \_\_\_\_\_
3. TELEPHONE: \_\_\_\_\_
4. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:  
\_\_\_\_\_
5. RIVER/LAKE: \_\_\_\_\_
6. COUNTY(ies): \_\_\_\_\_

I HEREBY REQUEST A DISCLAIMER OF INTEREST FROM THE STATE OF IDAHO AND ACKNOWLEDGE THAT I UNDERSTAND MY OBLIGATIONS DESCRIBED HEREIN, INCLUDING THE GRANTING OF A TWENTY-FIVE (25.00) FOOT WIDE PUBLIC USE ACCESS EASEMENT IF THE DISCLAIMER IS FOR FORMER RIVERBED.

**APPLICANT(S) SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_