



Right-of-Way Application and Approval Forms

In accordance with [Executive Order 2020-02, Transparency in Agency Guidance Documents](#), guidance documents promulgated by the department are not new laws. They represent an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

Agency Contact

Right-of-Way Program Manager

Please contact your local Idaho Department of Lands Supervisory Area for assistance on a right-of-way related project: <https://www.idl.idaho.gov/about-us/supervisory-areas/>.

Contents

1. "All-in-One" Right-of-Way Application and Instructions
2. Right-of-Way Program Endowment Lands Easement Approval Cover Sheet
3. Instrument Approval Form

We recommend a "Pre-Application" meeting before completing an application.

Please contact an Idaho Department of Lands office for assistance and a fillable form.



RIGHTS-OF-WAY POLICY MANUAL

SECTION 1480-1 "ALL IN ONE" RIGHT OF WAY APPLICATION

AS OF 02-20-2018 THE RIGHTS-OF-WAY (ROW) PROJECT EVALUATION COMMITTEE OR OPERATIONS CHIEF SHALL REVIEW ALL PROPOSED ROW PROJECTS PRIOR TO COMMENCEMENT AND PRIOR TO IDL'S ACCEPTANCE OF A ROW APPLICATION.

What TYPE of Permit or Easement Is Being Requested on Endowment Land?

- ☐ Easement Granted (Idaho Department Lands (IDL) issuing)
- ☐ Temporary Permit (IDL issuing, right-of-way purposes, road-use-permit, etc.)
- ☐ Road Users Association Easement (IDL issuing)
- ☐ Easement Amendment (generally processed as a new easement)
- ☐ Corrected Easement (IDL issuing)
- ☐ Acquired Easement (IDL acquiring)
- ☐ Acquired Road Use Permit (IDL acquiring)

- ☐ Assignment of Easement (includes full & partial assignment – (Assignments are only processed in exceptional circumstances))

Co-op Agreement applicable?

☐ YES ☐ NO

- ☐ 1964 BLM Agreement
- ☐ 2003 USFS Agreement
- ☐ 1994 Industrial Timberland Co-op Agreement
- Other _____

Please provide all information to ensure that the application is complete.
INCOMPLETE APPLICATIONS WILL BE RETURNED TO APPLICANT WITHOUT REVIEW

APPLICATION FEE SCHEDULE

Please read Application information carefully for additional terms and conditions prior to submitting. Requests that do not require an application fee shall submit this form for informational purposes only.

For granted Easements Idaho Administrative Procedures Act 20.03.08 on Endowment Lands, including Easement Amendments:

- ☐ Easement Application (Road Users Association, Utility, Public or Private Road) (Non-refundable)

DO NOT accept the non-refundable \$100 Easement Application Fee until the Project Evaluation Committee or IDL Operations Chief approves project.

- ☐ \$50 Assignment Application Fee

- ☐ Rights Of Way (ROW) application for informational purposes (No Application Fee)

- ☐ Co-op or Reciprocal
(No Application Fee for easement or permit)

For Temporary (RW) Permits issued by IDL:

- ☐ \$200 Non-Commercial Application (Non-refundable) OR
- ☐ \$500 Commercial Application (Non-refundable)

Possible Additional Costs: Appraisal, Survey, damages to the remainder, calculated buy-in to land improvements.
(IDL staff will determine applicable fee based on intended use)

Application must include the exact name(s) and address(s) you wish to appear on the ROW document.
The full legal name of the Applicant or the entity name on file with the Idaho Secretary of State.

Rights of Way Program recommends conducting a "Pre-Application" meeting prior to accepting application.

Contact (Applicant – not IDL):	Authorized Representative (if applicable):
Street Address:	Mailing Address (if different from Street Address):
Email Address(es):	Phone:
Website Address(es):	Cell/Mobile:

LOCATION OF PROPOSED USE:

If this is a request to cross **Navigable Waters or Public Trust Lands**, please consult the IDL Public Trust Program Manager at (208) 334-0200. **This form is for ROWs associated with IDL Endowment Lands Only.**

(Select all that apply)

- ☐ ROW for ingress / egress.
☐ ROW (utility line/pipe/cable, etc.)
☐ Is this ROW request for a pipeline, used for gathering, transporting or delivering oil, gas, natural gas liquids or any petroleum or petroleum related products or any other potentially hazardous materials?
☐ ROW for a public road?
☐ ROW for a trail or path?

Provide the legal description of Endowment parcel(s) managed by the Idaho Department of Lands.

County	
Township – Range - Section	
Legal Description (Include Quarter, Quarter of Section, as applicable)	
Linear footage of right-of-way	
Road Name(s) (If Applicable)	
Road Number(s) (If Applicable)	

PROPOSED USE (list specific purpose, associated activities, and time frame(s))

I HEREBY REQUEST AN ☐ **EASEMENT** ☐ **TEMPORARY (ROW) PERMIT** (pick only one)
FROM THE STATE OF IDAHO AND ACKNOWLEDGE THAT I UNDERSTAND MY OBLIGATIONS
DESCRIBED HEREIN.

APPLICANT SIGNATURE: _____ **DATE:** _____

****Idaho Department of Lands Administrative Use Only****

Endowment Beneficiary _____

Land Asset Class _____

Project approved by Project Evaluation Committee?

DATE: _____

APPROVED BY AREA: _____

DATE: _____

REJECTED BY AREA: _____

DATE: _____

Processing note: Upon complete application acceptance, the Area will drop Easement Application and "Attachment A" form into Lands and Waterways Processing Center (LWPC) Document Exchange via the LWPC In-Box into appropriate folder to obtain easement number.



The ROW Project Evaluation Committee (PEC) should review ALL proposed easement projects,
Prior to commencement or IDL's acceptance of a ROW Application.
(Temporary permits do not need to go the PEC).

Rights-Of-Way Program

Endowment Lands Easement Approval Cover Sheet

(Must accompany Easement)

Supervisory Area Name: _____ Instrument Number (ES, AE, etc.) _____
Project Name: _____ Township / Range / Section: _____

TYPE OF EASEMENT:

- | | |
|--|--|
| <input type="checkbox"/> ES (Easement Granted)
<input type="checkbox"/> AE (Acquired Easement)
<input type="checkbox"/> Full or Partial Assignment of Easement
<input type="checkbox"/> Amended Easement
<input type="checkbox"/> Corrected Easement | <input type="checkbox"/> Termination / Release
<input type="checkbox"/> Other <i>(describe - e.g., Cooperative project, Reciprocal Easement Exchange, etc.)</i> _____

_____ |
|--|--|

SUMMARY OF EASEMENT PROJECT: *Include the objective(s) of this easement – any related agreements, synopsis of agreement, project contacts, benefit to Endowments, etc. (attach a separate sheet if necessary.)*

OPTIONAL: Asset Classification _____ Endowment _____ Linear footage _____

LIST OF ITEMS that accompany this easement package (if applicable)

ROW <u>Application</u> included (if easement has an application)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<u>Application Fee</u> received after PEC/Ops approval. Amount: \$ _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<u>Appraisal Fee</u> received after PEC/Ops approval. Amount: \$ _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<u>Assignment Fee</u> received after PEC/Ops approval. Amount: \$ _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<u>Compensation</u> to the Endowments to be received at signing. Amount: \$ _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
W9 Form (if an AE where IDL is paying grantor - W9 tax form from Grantor is required)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

APPROVAL CHECKLIST *Approval of FINAL easement document.* Approvals 1 through 3 listed below must be completed, prior to routing for ROW Agent review. Approval of steps 1 through 3 are confirmed by project Point of Contact - typically the Area Resource Supervisor / Manager.

Project Evaluation Committee decision and date: _____

- | | |
|--|------------------------|
| 1) _____
Land Records Staff <u>Name</u> (approval of legal description and exhibit map) | _____
Date approved |
| 2) _____
IDL Staff Appraiser <u>Name</u> (approval of appraisal / valuation for easement consideration) | _____
Date approved |
| 3) _____
Area's point of contact or Area Manager <u>Name</u> | _____
Date approved |
| 4) _____
Right of Way Agent | _____
Date approved |
| 5) _____
R.E. Bureau Chief / ROW PM | _____
Date approved |
| 6) _____
Office Of Attorney General (<u>Last step</u>) | _____
Date approved |

Approvals 1 through 6 must be obtained prior to obtaining applicant and Land Board signatures
Steps 4 through 6 are processed by the ROW Agent



INSTRUMENT APPROVAL FORM

Instrument Number: _____

Easement Type: _____

Statutory Authority: Citation Included

Date of Land Board Approval: _____¹

Prior to obtaining easement signatures, all easements must be reviewed by the respective Program Manager and then submitted to the Deputy Attorney Generals (DAGs) assigned to IDL for final review and DAG approval.

This easement has been approved by the Rights-of-Way Program and now is submitted to the Deputy Attorney General (DAG) for final review and approval. **All changes made to the most current standard easement template must be shown in red font with track changes enabled, in word.doc format. All remaining terms and conditions considered pending are highlighted in yellow.** The completed 1480 Easement Approval Coversheet must accompany this easement.

Easement Intent: _____

AUTHORITY

Pursuant and consistent with Idaho Code, Title 58, Chapters 1 and 6, and Article IX, Sections 7 and 8 of the Idaho Constitution, IDAPA 20.03.08 "Easements on State-Owned Lands" sets forth the procedures for administering rights-of-way on lands within the jurisdiction of the Idaho State Board of Land Commissioners. Acting on behalf of The Idaho State Board of Land Commissioners, the Director of the Idaho Department of Lands has been delegated limited authority to grant and / or acquire easements, as cited below.

Director Authority for Easement Grants:

020. Policy

04. Director's Discretion. The director may grant an easement over state-owned land for any legitimate public or private purpose upon payment of appropriate compensation. (9-9-86)

05. Reciprocal Easements. The director may seek reciprocal easements for access to state-owned lands from applicants for easements over state-owned lands. The value of the easement acquired by the state may be applied towards the cost of the easement acquired from the state. (9-9-86)

07. Limit of Director's Discretion. The director may grant and renew easements in all cases except when the compensation will exceed twenty-five thousand dollars (\$25,000) exclusive of the value of timber and payment for any damage or impairment of rights to the remainder of the property. (3-30-06)

10. Term Easement. The director may grant an easement, which is issued for a specific time period of ten (10) to fifty-five (55) years.

(If an ES exceeds the Limit of Director's Discretion, 20.03.08.020.07. insert

"The ES consideration payment of _____ exceeds the Director's Discretion of twenty-five thousand dollars (\$25,000), and on _____ this proposed ES was heard and approved by LB, at _____ Land Board Meeting.)

¹ To be used if prior Land Board approval was required.

Director Authority for Easement Acquisitions:

Under the authority approved by the Land Board and cited in the Idaho Board of Land Commissioners' Statement of Investment Policy, updated July 17, 2018, the Director has the authority to approve decisions, including acquisitions under \$500,000. (Item #3 within General Roles and Responsibilities section, pages 12 and 13)

(Use 20.03.08.035 whenever the easement is part of a Co-op project)

035. COOPERATIVE USE AND RECIPROCAL USE AGREEMENTS.

01. Joint Agreements. The director may, subject to the approval of the Board, enter into joint ownership and use agreements with persons for roads providing access to state endowment lands and other lands managed by the Department. Such agreements must provide that all landowners share proportionately in the cost of building and maintaining the shared road. The proportionate shares shall be calculated on timber volume, acreage or other unit of value. (9-9-86)

02. Reciprocal Use Agreements. The director may enter into reciprocal use agreements with persons for existing roads where such agreements will enhance the management of state endowment lands or other lands managed by the Department.

PM Review	Reviewed by: <u>Lawson Tate, ROW PM</u>	Review date: _____
	Email: <u>ltate@idl.idaho.gov</u>	Phone No.: <u>208-263-5125</u>
DAG Approval	Reviewed by: _____	Approval date: _____