



How does the conflict lease auction process work?

As a result of the July 2012 Idaho Supreme Court opinion in Wasden v. Land Board, all expiring leases are subject to the conflict lease auction requirement if multiple lease applications are received for the same site.

If more than one person applies to lease the same land, then the lease is auctioned to the applicants at a "conflict auction." Conflict lease auctions are only available to the conflicting applicants.

Any challenger will be required to provide:

- submission of a completed Application for Use Form;
- payment of the two hundred fifty dollars (\$250) nonrefundable application fee;
- payment of the first year's rent amount; and,
- payment of appraised value of existing lessee's improvements (if applicable)

Existing lessees will only be required to provide the completed Application for Use Form and the two hundred fifty dollars (\$250) application fee by the application deadline.

If more than one complete application is received for a lease, Idaho Department of Lands ("IDL") will notify each applicant of the lease conflict.

Idaho Department of Lands will then proceed with the valuation of any approved improvements (personal property) on the site, using a contracted appraiser. For grazing, conservation, farming, non-commercial recreation, and communication site leases, the improvement valuation is completed by IDL staff.

Notices will be sent to the applicants of the pending auction according to Idaho Code, which requires IDL to provide a fourteen (14) day written notice of the time and place of the auction.

Prior to commencement of the auction, challengers of an existing lease will be required to deposit with IDL an amount equal to the appraised value of the lessee's approved improvements (personal property). For grazing, conservation, farming, non-commercial recreation, and communication site leases, the improvement valuation amount will be paid at the conclusion of the auction.

At the next regularly scheduled board meeting following the auction, IDL will present the auction results to the Land Board for final approval. Idaho Code allows the Land Board to reject any and all bids made at an auction, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of the Land Board justifies the rejection of said bids.

If the existing lessee is not awarded the lease, IDL will disburse payment for the approved improvements to the existing lessee from the deposit of the successful challenger. A challenger who participates in the auction, but is not awarded the lease will receive a refund of their first year's rental deposit and improvement deposit (if applicable) once the auction results are approved by the Land Board.

Please note that the process outlined above may take 4-6 months to complete.