

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 27
SOIL CONSERVATION DISTRICTS

22-2714. PAYMENTS OF FEDERAL AID TO VARIOUS COUNTIES BY STATE CONTROLLER. The state controller is hereby authorized and directed to draw his warrant in favor of the counties to whom payment should be made pursuant to the Act of Congress of July 24, 1946 (60 Stat. 642, 33 U.S.C.A. 701-C-3) and forward the same to the treasurer of the county to which such funds are allocated under the terms of the aforementioned federal statute, to be by the treasurer of said county deposited in the public school fund of said county.

[22-2714, added 1953, ch. 157, sec. 1, p. 252; am. 1994, ch. 180, sec. 19, p. 434.]

22-2715. SHORT TITLE. This act may be known and cited as the soil conservation district law.

[22-2715, added 1957, ch. 218, sec. 1, p. 476.]

22-2716. LEGISLATIVE DETERMINATION AND DECLARATION OF POLICY. (1) It is the determination of the state of Idaho that:

(a) Forest lands, rangelands and agricultural lands maintained in a healthy condition are a legitimate land use contributing to the economic, social and environmental well-being of the state and its citizens;

(b) It is essential to the general welfare of all citizens of this state that multiple use conservation improvements be implemented on a broader scale on both public and private lands;

(c) Due to numerous economic and practical issues relating to the improvements of individual tracts of land, both public and private resource conservation improvements, projects and programs of the nature contemplated by this chapter would enhance the economic productivity and environmental quality of the state; and

(d) It is sound public policy for the state of Idaho to provide for accounts to finance loans, grants, cost-share funding and tax incentives to the end that forest lands, rangelands and agricultural lands within the state can provide the greatest benefit to all concerned.

(2) It is the intent of the state of Idaho to provide a means by which funds, including federal, state, private and other moneys, can be obtained and utilized for the accelerated development of water quality programs, multiple use forest land, rangeland, and agricultural land conservation improvements in the state, and to provide that these improvements, projects and programs be locally planned, coordinated and implemented through statutory provisions pertaining to soil conservation districts, the state soil and water conservation commission, appropriate state and federal agencies and the owners and operators of privately owned lands.

(3) It is in the best interest of the state of Idaho:

(a) To emphasize nonregulatory, science-based technical assistance, incentive-based financial programs and informational and educational programs at the local level;

(b) To maintain, preserve, conserve and rehabilitate forest lands, rangelands and agricultural lands to assure the protection and productivity of the state's natural resources;

(c) That soil conservation districts, as governmental subdivisions, and the state soil and water conservation commission, as a state agency, are the primary entities to provide assistance to private landowners and land users in the conservation, sustainment, improvement and enhancement of Idaho's natural resources;

(d) To establish policies for cooperative working relationships between local soil conservation districts, the state soil and water conservation commission, local, state and federal agencies and public and private groups to plan, develop and implement conservation goals and initiatives with local landowners and land users;

(e) That soil conservation districts and the state soil and water conservation commission lead nonregulatory efforts to conserve, sustain, improve and enhance Idaho's private and state lands and to provide assistance to private landowners and land users to plan, develop and implement conservation plans addressing soil, water, air, plant and animal resources. Technical, financial and educational assistance to landowners and land users is vital to that effort; and

(f) That the state soil and water conservation commission provide support to soil conservation districts in the wise use and enhancement of soil, water and related resources.

(4) It is the policy of the state of Idaho:

(a) To provide appropriate tax policies and program mechanisms that provide incentives for private landowners and land users to voluntarily manage forest lands, rangelands and agricultural lands in a manner that promotes conservation;

(b) That the health, safety and general welfare of the people of this state can be greatly enhanced by providing nonregulatory opportunities to landowners and land users in order to increase the ability of such landowners and land users to readily understand and plan for local, state and federal natural resource requirements and opportunities through technological innovation and processes;

(c) To enhance natural resource productivity in order to promote a strong natural resource sector, reduce unintended adverse effects of resource development and use, protect individual and community health and safety and encourage stewardship;

(d) That conservation plan implementation shall include best management practices implemented according to the standards and specifications developed by the United States department of agriculture natural resources conservation service (NRCS) as designated by the agricultural pollution abatement plan. Those practices shall include, but not be limited to: irrigation water management systems; prescribed grazing; forest stand improvement; establishment of grass, trees and shrubs to reduce wind and water erosion; promotion of sound community development; protection of water and air resources from agricultural nonpoint sources of impairment; maintenance, restoration or enhancement of wetlands and fish and wildlife habitat; protection of upstream watersheds from flood risk; and protection of watersheds from the effects of chronic water shortages and risks; and

(e) That all conservation programs authorized pursuant to this chapter shall deliver services fairly and equitably, strengthen the conser-

vation district delivery system, provide timely science-based information and provide conservation information and educational programs and experiences to youth and adults.

[22-2716, added 2003, ch. 107, sec. 2, p. 335; am. 2010, ch. 279, sec. 1, p. 719.]

22-2717. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(1) "Administrator" means the administrator for the Idaho state soil and water conservation commission.

(2) "Agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(3) "Agricultural pollution abatement plan" or "ag plan" means the document developed by the state soil and water conservation commission and approved by the commission and the department of environmental quality, that provides appropriate technical, programmatic, informational and educational processes, guidelines and policies for addressing agricultural pollution.

(4) "Best management practices" or "BMPs" means practices, techniques, or measures developed or identified by the designated agency and identified in the state water quality management plan which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

(5) "Commission" or "state soil and water conservation commission" means the agency created in section [22-2718](#), Idaho Code.

(6) "Conservation plan" means a description of identified natural resource issues and a specific schedule of implementation of component practices necessary to resolve those specific resource issues as agreed upon by the landowner.

(7) "Designated agency" is as defined in section [39-3602](#), Idaho Code.

(8) "District," "conservation district," "soil conservation district," or "soil and water conservation district" means a governmental subdivision(s) of this state, and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

(9) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjournment dates.

(10) "Eligible applicant" means an individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interest.

(11) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivisions, agency, or instrumentality, corporate or otherwise, of either of them.

(12) "Idaho OnePlan" means a computer-based system for improving efficiency and effectiveness of natural resource planning by landowners and land users.

(13) "Landowner" or "owner" includes any person, firm, or corporation who shall hold title to any lands lying within a district organized under the provisions of this chapter. A buyer on contract, who is the occupier of land, shall be construed as landowner.

(14) "Land user" means any entity with a lease, permit or similar business agreement with a landowner to implement, manage or utilize such land for activities related to use of the land.

(15) "Natural resources conservation service" or "NRCS" means the agency governed by the provisions of 16 U.S.C. sections 590a through 590d and 590f.

(16) "Nominating petition" means a petition filed under the provisions of section [22-2721](#), Idaho Code, to nominate candidates for the office of supervisor of a soil conservation district.

(17) "Participant" means an individual agricultural owner, operator, partnership, private corporation, conservation district, irrigation district, canal company, or other agricultural or grazing interest approved by the commission or an individual agricultural owner, operator, partnership, or private corporation approved for implementation of conservation improvements, projects, or the water quality program for agriculture.

(18) "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission.

(19) "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section [34-104](#), Idaho Code.

(20) "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.

(21) "Specifications" means the materials, operations and procedures necessary to obtain the desired standards of construction and installation.

(22) "Standards" means the minimum limits of technical excellence of a component practice for its planning, design and construction.

(23) "State" means the state of Idaho.

(24) "Supervisor" means one (1) of the members of the governing body of a district elected or appointed in accordance with the provisions of this chapter.

(25) "Total maximum daily load" is as defined in section [39-3602](#), Idaho Code.

(26) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

[22-2717, added 1957, ch. 218, sec. 3, p. 476; am. 1982, ch. 254, sec. 1, p. 646; am. 1995, ch. 118, sec. 7, p. 429; am. 1997, ch. 180, sec. 2, p. 500; am. 2000, ch. 160, sec. 2, p. 406; am. 2003, ch. 107, sec. 3, p. 336; am. 2010, ch. 279, sec. 2, p. 721; am. 2022, ch. 271, sec. 1, p. 870.]

22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION. (1) There is hereby established and created in the department of agriculture of the state of Idaho the Idaho state soil and water conservation commission which

shall perform all functions conferred upon it by this chapter and shall be a nonregulatory agency.

(a) The commission shall consist of seven (7) members appointed by the governor from divisions of the Idaho association of soil conservation districts as follows: one (1) member from division I, one (1) member from division II, one (1) member from division III, one (1) member from division IV, one (1) member from division V, one (1) member from division VI, and one (1) at-large member appointed at the governor's discretion.

(b) Commission members shall be chosen with due regard to their demonstrated expertise, including knowledge of conservation districts and their functions, knowledge of production agriculture, knowledge of banking or other similar financial experience, or experience as a county commissioner.

(c) Commissioners serving on July 1, 2022, will be assigned to the divisions that they would represent. On July 1, 2022, current commissioners, at the will of the governor, will be reappointed to the position representing the divisions in which they live.

(d) For divisions that have vacant positions, or divisions with no current commissioner residing there, the division shall submit a list of up to three (3) names for each open commission position. The governor shall appoint commission seats from the list submitted.

(e) The term of each commissioner shall be for five (5) years, with the ability to serve two (2) terms; except that on July 1, 2022, the terms of each commission position will be reset: The term of the commissioners from districts I and IV will be set for two (2) years. The term of the commissioners from districts II and V will be set for three (3) years. The term of the commissioners from districts III and VI and the at-large commissioner will be set for four (4) years. From and after the initial appointment or reappointment, commissioners may serve two (2) full terms of five (5) years, in addition to their initial appointment. From and after the initial appointment, the corresponding division shall provide the list of three (3) names to the governor to choose from on or before July 1 of each year with a vacancy.

(f) Each vacancy on the commission shall be filled by appointment by the governor following the guidelines set forth in this subsection. A vacancy that occurs in an unexpired term shall also be filled for its remainder by the governor's appointment following the guidelines set forth in this subsection. Each commissioner appointed to fill an unexpired term may serve the length of the unexpired term and be eligible to be reappointed for an additional two (2) full terms.

(g) All appointments shall be confirmed by the senate. Commission members shall serve at the pleasure of the governor. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, the dean of the university of Idaho college of agricultural and life sciences or his designated representative, or any other person or entities the commission deems appropriate to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules as may be necessary for the execution of its functions under this chapter.

(2) The state soil and water conservation commission shall appoint the administrator of the state soil and water conservation commission. The state soil and water conservation commission may employ such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The commission may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. The commission may establish offices, incur expenses, enter into contracts and acquire services and personal property as may be reasonable for the proper administration and enforcement of this chapter. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall insofar as may be possible under available appropriation, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys or studies as the commission may request.

(3) The commission shall designate its chairman, and may from time to time, change such designation. A majority of the commission shall constitute a quorum and the concurrency of a majority in any matter within their duties shall be required for its determination. The chairman and members of the commission shall be compensated as provided by section [59-509\(h\)](#), Idaho Code. The commission shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for a periodic management review of the accounts of receipts and disbursements as determined by the legislative auditor pursuant to section [67-702](#), Idaho Code.

(4) In addition to the duties and powers hereinafter conferred upon the state soil and water conservation commission, it shall have the following responsibilities:

(a) To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.

(b) To keep the supervisors of each of the several soil conservation districts informed of the activities and experience of all other soil conservation districts and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(c) To coordinate the progress of the several soil conservation districts so far as this may be done by advice and consultation.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

(e) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts in areas where their organization is desirable.

(f) To provide for the establishment and encouragement of the "Idaho OnePlan" as a primary computer-based conservation planning process for all natural resource concerns. Establishment and encouragement will be accomplished through an executive group and steering committee both

containing private, state and federal representation. The information provided by those using the "Idaho OnePlan" shall be deemed to be trade secrets, production records or other proprietary information and shall be kept confidential and shall be exempt from disclosure pursuant to section [74-107](#), Idaho Code.

(5) In addition to other powers, functions and duties of soil conservation districts and the state soil and water conservation commission provided in this chapter, the commission shall have the following additional powers, functions and duties:

(a) The commission shall conduct, in cooperation with appropriate federal and state agencies and the owners and operators of privately owned forest lands, rangelands and agricultural lands in this state, conservation improvements on or in respect to these lands for the purposes of implementing conservation systems to conserve and improve natural resource conditions;

(b) The commission shall assist and advise soil conservation districts and other entities in implementing the conservation improvements, projects and the water quality program for agriculture. To the extent that there are available general funds, the commission shall provide for grants and cost-share opportunities and, as legislatively designated, utilize the resource conservation and rangeland development fund for loans for conservation improvements. Provided however, that the commission shall determine whether general or resource conservation and rangeland development funds are available before approving any conservation improvements, projects and cost-share opportunities and, after having made such determination, shall enter into the necessary contracts for implementation;

(c) The commission shall be the agency responsible for the administration of funds accruing to the resource conservation and rangeland development fund and for all general funds appropriated as a separate and distinct action of the legislature to implement the powers, functions and duties of soil conservation districts and the commission;

(d) On or before March 1 of each year, the commission shall report to the senate agricultural affairs committee and the house agricultural affairs committee; and

(e) The commission shall promulgate such rules as are necessary to carry out the purposes of this chapter.

[22-2718, added 1957, ch. 218, sec. 4, p. 476; am. 1967, ch. 28, sec. 1, p. 48; am. 1971, ch. 100, sec. 1, p. 215; am. 1974, ch. 17, sec. 2, p. 308; am. 1980, ch. 247, sec. 10, p. 588; am. 1989, ch. 109, sec. 1, p. 250; am. 1997, ch. 180, sec. 3, p. 501; am. 2000, ch. 160, sec. 3, p. 407; am. 2003, ch. 107, sec. 4, p. 339; am. 2010, ch. 279, sec. 3, p. 723; am. 2015, ch. 141, sec. 33, p. 408; am. 2017, ch. 130, sec. 1, p. 304; am. 2022, ch. 271, sec. 2, p. 872.]

22-2720. CONSOLIDATION OF OR DELETION FROM AND ADDITION TO NEW OR EXISTING DISTRICTS. (1) Petitions for consolidating two (2) or more existing districts or for deleting territory from one (1) or more existing districts and adding the deleted territory to one (1) or more existing districts or incorporating the deleted territory into a new district or districts may be filed with the state soil and water conservation commission on such forms as may be prescribed by the state soil and water conservation commission.

(2) The petitions provided for in subsection (1) of this section shall be signed by twenty-five (25) landowners in the area proposed to be consolidated or the area proposed to be deleted plus the district or districts to which it is to be added or the territory which is to be included in a new district or districts, as the case may be. Provided however, if two-thirds (2/3) of the landowners of all such territory total less than twenty-five (25), then such lesser number of signatures will suffice for the petition.

(3) Within thirty (30) days after receipt of such a petition, the state soil and water conservation commission shall cause due notice of hearing on the matter to be given in all of the areas concerned.

(4) At the close of the hearing, the state soil and water conservation commission shall make and record the following determinations:

(a) Whether or not, in the opinion of the commission, the proposal set forth by the petition would serve the public health, safety and welfare.

(b) Whether or not, in the opinion of the commission, the proposal set forth by the petition is administratively practicable and feasible.

(5) If either or both of the determinations made under subsection (4) of this section are in the negative, the matter is closed. Provided however, after six (6) months have expired from the date of such determination, a new petition may be filed involving substantially the same proposals.

(6) If both of the determinations made under subsection (4) of this section are in the affirmative and if the proposal involves the consolidation of two (2) or more existing districts or if the proposal involves the deletion of territory from one (1) or more districts and the addition of that territory to another existing district or districts, then the commission shall proceed to effect the change as per the commission's determinations hereinbefore referred to. The state soil and water conservation commission shall effect the change by filing with the secretary of state a sworn statement of a member of the commission stating:

(a) The name of the district or districts which are consolidated, if any;

(b) The name of the district or districts from which the territory is deleted or added, if any; and

(c) A description of the boundaries of the consolidated district or of the territory remaining in the district or districts deleted from and the district or districts added to, according to the commission's determination.

From and after the time of filing of such statement with the secretary of state, the changes will be effective. If the name of a district formed by the consolidation of two (2) or more existing districts differs from that of either of the consolidated districts, the secretary of state shall issue and record a new certificate of organization of said district.

(7) Within ten (10) days after the filing of a statement providing for the formation of a consolidated district as prescribed in subsection (6) of this section, the supervisors of each district involved in the consolidation shall meet and, from their number, shall designate a chairman of the consolidated district. Incumbent supervisors of districts involved in a consolidation may serve until any such supervisor's term expires. Any vacancy on the governing body of a district formed by consolidation shall not be filled until only five (5) supervisors, or seven (7) upon written request pursuant to section [22-2721](#), Idaho Code, remain on the governing body of such district. Thereafter, vacancies shall be filled consistent with procedures prescribed in section [22-2721](#), Idaho Code.

(8) A district formed by the consolidation of two (2) or more districts shall receive a sum not to exceed eight thousand five hundred dollars (\$8,500) for each district involved in the formation of the consolidated district for a period of three (3) years after the formation of such district. The maximum allocation of fifty thousand dollars (\$50,000) per district set forth in section [22-2727](#), Idaho Code, shall not apply to a district formed by consolidation for a period of three (3) years following the formation of such district. Upon expiration of the three (3) year time period, a district formed by consolidation shall be treated as one (1) district and shall be subject to all provisions of section [22-2727](#), Idaho Code.

(9) The office of any district supervisor is hereby declared to be vacant when, after the deletion of territory, such district supervisor is no longer a landowner within the district deleted from.

(10) If both of the determinations made under subsection (4) of this section are in the affirmative and if the proposal involves the addition of territory deleted from one (1) or more existing districts to other territory thus forming a new district, a referendum shall be held and other procedures followed as in cases involving the original formation of a district where no existing district is involved. In such a case, due notice shall be given in the area which may comprise the new district.

(11) If a new district is formed under the procedure prescribed in subsection (10) of this section, part of the area which is composed of an old district, the state soil and water conservation commission shall cause to be filed with the secretary of state a sworn statement of a member of the commission stating:

(a) The name of the district or districts deleted from; and

(b) A description of the boundaries of the territory remaining in the district or districts deleted from.

From and after the time of filing of such statement with the secretary of state, the change in the boundaries of the existing districts shall be effective.

[22-2720, added 1957, ch. 218, sec. 6, p. 476; am. 2010, ch. 279, sec. 5, p. 729.]

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. (1) The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions of this section and the uniform district election law, [chapter 14, title 34](#), Idaho Code. If at any time the supervisors of a district deem it necessary, upon majority vote of the district board, they may increase the number of supervisors to seven (7) or decrease the number of supervisors to five (5). If increased, the additional supervisors shall then be appointed as outlined in this section until such time as regular district elections for two (2) supervisors in each district. At that time, those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the district shall be persons who are by training and experience qualified to perform the specialized services that will be required of them in the performance of their duties. In the event the supervisors of a district, upon majority vote of the district board, deem it necessary to reduce the number of supervisors to five (5), there must either be two (2) vacant positions on the board or two (2) of the supervisors must first volunteer to give up

their seats. Written notification of the reduction in supervisors, signed by the district board chairman, shall then be sent to the state soil and water conservation commission. Such notification shall also be sent to the secretary of state to ensure only two (2) or three (3) supervisors shall be on the ballot for the next election cycle. All supervisors shall be landowners or farmers of the district where they are elected or appointed and shall be registered to vote in the state of Idaho.

(2) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil and water conservation commission to nominate candidates for supervisors of each district. The county clerk shall conduct the election for the district in compliance with [chapter 14, title 34](#), Idaho Code, and shall be the election official for the district. The election official shall have authority to extend the time within which nominating petitions may be filed. Nominating petitions shall be filed with the secretary of the district, and no such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section [34-106](#), Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall appear upon ballots, with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district.

(3) All elections in districts shall be conducted by the county clerk. Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of [chapter 14, title 34](#), Idaho Code, and shall be supervised and conducted by the county clerk. The cost of conducting such elections shall be borne by the county that conducted the election. The county clerk shall certify to the soil and water conservation district the names of the elected supervisors. The soil and water conservation district shall issue certificates of election to each elected supervisor so certified. The county clerk or county clerks of the county or counties in which the district is located shall conduct the election for the soil conservation district, and the county clerk must provide a ballot for the district election and must provide a process that allows only qualified electors of the district to vote in that district's election.

(4) In any election for supervisor, if, after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election. The board of supervisors shall declare such candidates elected as supervisors, and the soil and water conservation district shall immediately make and deliver to such persons certificates of election.

(5) The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. Vacancies shall be filled for

the unexpired term. The selection of successors to fill an unexpired term or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise, and the supervisors shall certify the name of the appointed supervisor to the state soil and water conservation commission. In the event supervisors fail to appoint a replacement within ninety (90) days following a vacancy, and the vacancy results in the loss of a quorum of the district board, the governor shall appoint a replacement sufficient to reestablish a quorum of the district board. The soil conservation district shall issue a certificate of such appointment.

(6) A quorum shall consist of three (3) supervisors for those districts with a total of five (5) supervisors and four (4) supervisors for those districts with a total of seven (7) supervisors, and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section [22-2726](#), Idaho Code, or state funds authorized in section [22-2727](#), Idaho Code.

(7) In the event the district has a special project, approved by the state soil and water conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

(8) The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents or employees such powers and duties as they may deem proper. The supervisors shall furnish to the state soil and water conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ and such other information concerning the supervisors' activities as the commission may require in the performance of the commission's duties under this chapter.

(9) The supervisors shall provide for the execution of surety bonds for all employees and officers entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted; and shall provide for independent financial audits in accordance with the provisions of section [67-450B](#), Idaho Code. Supervisors shall be subject to recall in accordance with the provisions of [chapter 17, title 34](#), Idaho Code.

(10) The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy that may affect the property, water supply, or other interests of such municipality or county.

[22-2721, added 1957, ch. 218, sec. 7, p. 476; am. 1963, ch. 30, sec. 1, p. 171; am. 1973, ch. 59, sec. 1, p. 97; am. 1978, ch. 280, sec. 1, p. 679; am. 1986, ch. 179, sec. 1, p. 469; am. 1990, ch. 3, sec. 1, p. 4; am. 1995, ch. 118, sec. 9, p. 434; am. 1995, ch. 256, sec. 1, p. 837; am. 1997,

ch. 180, sec. 4, p. 502; am. 1999, ch. 78, sec. 1, p. 222; am. 2000, ch. 4, sec. 2, p. 5; am. 2008, ch. 383, sec. 1, p. 1053; am. 2009, ch. 341, sec. 4, p. 994; am. 2010, ch. 279, sec. 6, p. 731; am. 2010, ch. 279, sec. 7, p. 733; am. 2011, ch. 11, sec. 2, p. 24; am. 2012, ch. 211, sec. 1, p. 571; am. 2022, ch. 271, sec. 4, p. 875; am. 2024, ch. 39, sec. 1, p. 241.]

22-2722. POWERS OF DISTRICTS AND SUPERVISORS. A soil conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

(1) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, for the conservation, development, utilization, and disposal of water and the prevention and control measures, and works of improvement needed, to publish results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies or with the United States or any of its agencies;

(2) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner of such lands or the necessary rights of interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil-blowing and soil-washing may be prevented and controlled; works of improvement for flood prevention and the conservation, development, utilization, and disposal of water may be carried out;

(3) To carry out preventive and control measures and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water within the districts including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and other appropriate best management practices, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner of such lands or the necessary rights or interests in such lands;

(4) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid, to any agency, governmental or otherwise, or any owner of lands within the district, in carrying on erosion control and prevention operations and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water within the district, subject to such conditions as the supervisors may deem necessary to advance the purpose of this chapter;

(5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein and all such property shall be exempt from taxation for state, county and municipal purposes; to maintain,

administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter;

(6) To make available, on such terms as it shall prescribe, to landowners within the district, agricultural and engineering machinery or equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water;

(7) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specifications of engineering operations, method of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(9) To take over, by purchase, lease, or otherwise, and to administer, any soil conservation, flood prevention, erosion control, or erosion prevention project, or combination thereof, located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies; or of this state or any of its agencies, any soil conservation, flood prevention, erosion control, or erosion prevention project, or combination thereof, within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, flood-prevention, erosion-control, or erosion-prevention project, or combination thereof, within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and use or expend such moneys, services, material, or other contributions in carrying on its operations;

(10) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules not inconsistent with this chapter, to carry into effect its purposes and powers;

(11) As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in moneys, services, materials, or otherwise to any operations conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to permanent use of such lands as will tend to prevent or control erosion and prevent floodwater and sediment damages thereon;

(12) No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.

[22-2722, added 1957, ch. 218, sec. 8, p. 476; am. 2003, ch. 107, sec. 5, p. 341.]

22-2723. COOPERATION BETWEEN DISTRICTS. The supervisors of any two (2) or more districts may cooperate with one another in the exercise of any or all powers conferred in this chapter.

[22-2723, added 1957, ch. 218, sec. 9, p. 476; am. 2010, ch. 279, sec. 8, p. 736.]

22-2724. STATE AGENCIES TO COOPERATE. Agencies of this state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and of any county, or other governmental subdivision of the state, which shall have jurisdiction over, or charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of such district shall be given free access to enter and perform work upon such publicly owned lands.

[22-2724, added 1957, ch. 218, sec. 10, p. 476; am. 2010, ch. 279, sec. 9, p. 736.]

22-2725. DISCONTINUANCE OF DISTRICTS. (1) At any time after five (5) years after the organization of a district under the provisions of this chapter, any twenty-five (25) owners of land lying within the boundaries of such district may file a petition with the state soil and water conservation commission requesting that the operations of the district be terminated and the existence of the district discontinued. The commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such petition has been received by the commission, it shall give due notice to the county clerk of the holding of an election, subject to the provisions of section [34-106](#), Idaho Code, and the county clerk shall supervise the election, and issue appropriate regulations governing such election as are consistent with [chapter 14, title 34](#), Idaho Code, the question to be submitted by ballots upon which the words "For terminating the existence of the (name of the soil conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to mark the ballot as the voter may favor or oppose discontinuance of such district. All qualified electors who reside within the proposed district shall be eligible to vote in said election. No informalities in the conduct of the election or in any matters relating thereto shall invalidate the election or the result thereof if notice thereof shall have been given substantially as herein provided and the election shall have been fairly conducted.

(2) The commission shall publish the result of the election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the commission determines that the continued operation of such

district is administratively practicable and feasible, it shall record such determination and deny the petition. If the commission determines that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the commission shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of residents eligible to vote in the election who shall have voted, the proportion of the votes cast in the election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the landowners of the district, the probable expense of carrying on such erosion-control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in section [22-2716](#), Idaho Code, provided however, that the commission shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

(3) Upon receipt from the state soil and water conservation commission of a certificate that the commission has determined that the continued operation of the district is not administratively practicable and feasible pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application duly verified, with the secretary of state for the discontinuance of such district, and shall transmit with such application the certificate of the state soil and water conservation commission setting forth the determination of the commission that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

(4) Upon issuance of a certificate of dissolution under the provisions of this section, all contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The state soil and water conservation commission shall be substituted for the district or supervisors as party to such contracts.

(5) The state soil and water conservation commission shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this chapter, more often than once in five (5) years.

[22-2725, added 1957, ch. 218, sec. 11, p. 476; am. 1995, ch. 118, sec. 10, p. 437; am. 2009, ch. 341, sec. 5, p. 997; am. 2010, ch. 279, sec. 10, p. 736; am. 2010, ch. 279, sec. 11, p. 737.]

22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL FUND. In those counties of Idaho wherein all or a substantial part of the

county has been created and is operating as a soil conservation district or districts under the provisions of [chapter 27, title 22](#), Idaho Code, or any amendment thereto, the board of county commissioners may, from time to time, at their discretion and upon request of the supervisors of such soil conservation districts provide in their budget a sufficient amount of money from the county general fund for allocation to the districts to be used by the districts for any purposes authorized by law, or in lieu of such allocation the county commissioners at their discretion may assign or hire an employee or employees of the county to assist the supervisors in the performance of the work of their office. The duties of such employee or employees shall be under the direct supervision of the supervisors of each soil conservation district.

[22-2726, added 1963, ch. 14, sec. 1, p. 149; am. 1969, ch. 217, sec. 1, p. 711; am. 1976, ch. 17, sec. 1, p. 48; am. 1984, ch. 16, sec. 1, p. 18; am. 1990, ch. 358, sec. 1, p. 967; am. 2022, ch. 271, sec. 5, p. 877; am. 2023, ch. 218, sec. 5, p. 609.]

22-2727. ALLOCATION OF FUNDS TO DISTRICTS. (1) A public hearing shall be held by the state soil and water conservation commission on or before June 15 of each year and twenty (20) days' written notice of such hearing shall be given to each soil conservation district and to all other persons requesting notice of such hearing. At the hearing the state soil and water conservation commission shall consider the needs of each soil conservation district and shall base its request for state funds for the soil conservation districts upon the budgets, budget requests, district programs and work plans, and work load analysis of the various soil conservation districts.

(2) All funds appropriated by the state for the various soil conservation districts shall be appropriated to the Idaho state soil and water conservation commission and shall be allocated by the commission equally to the various soil conservation districts on the basis of the criteria established in subsection (1) of this section.

(3) Funds appropriated to the state soil and water conservation commission for distribution to soil conservation districts shall be allocated by the commission equally to the various soil conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district. All funds appropriated to the state soil and water conservation commission for distribution to soil conservation districts in excess of eight thousand five hundred dollars (\$8,500) per district shall be allocated by the commission to the various soil conservation districts in a sum not to exceed twice the amount of funds or services allocated to each district by the county commissioners in the previous fiscal year and funds or services allocated to each district by authorized officials or other local units of government or organizations in the previous fiscal year, provided that any such allocation by the commission shall not exceed fifty thousand dollars (\$50,000) to any one (1) district in a fiscal year.

(4) The state soil and water conservation commission shall adopt rules necessary to carry out the purposes of this section.

[I.C., sec. 22-2727, as added by 1969, ch. 217, sec. 2, p. 711; am. 1984, ch. 16, sec. 2, p. 19; am. 1990, ch. 358, sec. 2, p. 967; am. 1991, ch. 80, sec. 1, p. 181; am. 2010, ch. 279, sec. 12, p. 739.]

22-2730. RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT FUND CREATED. (1) There is hereby created in the state treasury a fund to be known as the Idaho resource conservation and rangeland development fund, which shall consist of all moneys which may be appropriated to it by the legislature or made available to it from federal, private or other sources. The state treasurer is directed to invest all unobligated moneys in the fund. All interest and other income accruing from such investments shall accrue to the fund. The state soil and water conservation commission may expend from the fund such sums as it shall deem necessary for any of the conservation improvements, projects and programs provided for under this chapter under such terms and conditions provided for in the commission's rules and the water quality program for agriculture.

(2) The state soil and water conservation commission shall establish a priority list for conservation improvements, projects and the water quality program for agriculture. The priority list shall be used as the method for allocation of funds loaned under this chapter.

[22-2730, added 1985, ch. 116, sec. 1, p. 240; am. 1992, ch. 270, sec. 4, p. 839; am. 1999, ch. 137, sec. 3, p. 388; am. 2003, ch. 107, sec. 7, p. 344; am. 2010, ch. 279, sec. 13, p. 739.]

22-2731. ALLOCATION OF FUND. The Idaho resource conservation and rangeland development fund shall be allocated for use by the state soil and water conservation commission:

(1) To eligible applicants for conservation improvements which it deems to be "in the public interest" in such amounts as are necessary for the implementation of conservation measures identified in a conservation plan;

(2) To eligible applicants for the purpose of conservation improvements on rangelands, agricultural lands and riparian lands, which will provide environmental enhancement to soil, water, wildlife and related resources;

(3) For the purpose of implementing conservation improvements, projects and the water quality program for agriculture.

[22-2731, added 1985, ch. 116, sec. 1, p. 241; am. 1992, ch. 270, sec. 5, p. 839; am. 1999, ch. 137, sec. 4, p. 389; am. 2003, ch. 107, sec. 8, p. 344; am. 2010, ch. 279, sec. 14, p. 740.]

22-2732. LOANS FROM FUND -- APPLICATION -- APPROVAL -- REPAYMENT. (1) Eligible applicants may file an application with the local soil conservation district or the state soil and water conservation commission for a loan from the fund for the purpose of financing conservation improvement cost. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission. Any such application filed with the district or the commission under the provisions of this chapter shall:

(a) Describe the nature and purposes of the improvements or projects;

(b) Set forth or be accompanied by a conservation plan approved by the local soil conservation district or the commission that identifies the conservation improvements, or projects, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this chapter will be used for improvement costs, and whether such money is available or has been sought for this purpose;

(d) Show that the applicant holds or can acquire title to all lands or has necessary easements and rights-of-way for the improvements; and

(e) Show the proposed project is feasible from a technical standpoint and economically justified.

(2) The local soil conservation districts and the commission shall keep each other informed of applications received. Within sixty (60) days of receipt of an application, the local soil conservation district or the commission shall review and evaluate, and if it deems necessary, investigate aspects of the proposed improvements. As part of such investigation, the district or the commission shall determine whether the plan for development of the conservation improvements is satisfactory. If the district or the commission determines the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan satisfactory. If the district or the commission determines the plan and application are satisfactory, it shall be considered for funding.

(3) The commission may approve a loan for conservation improvements if after review, evaluation and investigation if necessary, it finds that:

(a) The applicant is qualified and responsible;

(b) There is reasonable assurance that the borrower can repay the loan; and

(c) That money in the resource conservation and rangeland development fund is available for the loan.

(4) If the commission approves a loan, the applicant shall execute a promissory note for repayment to the account of money loaned therefrom, together with interest not to exceed six percent (6%) annually as determined by the commission. The note shall further provide that repayment of the loan, together with interest thereon, shall commence not later than two (2) full years from the date the note is signed. Repayment shall be completed within the time period specified by the commission not to exceed fifteen (15) years, except that the commission may extend the time for making repayment in event of emergency or hardship. Such agreement shall also provide for such assurance of, and security for, repayment of the loan as are considered necessary by the commission.

(5) Upon approval of the loan and securing all necessary documents, the commission will make available, in approved form, project or contract funding.

(6) If an applicant fails to comply with the repayment contract, the interest in the improvement may be conveyed to a successor upon approval by the commission, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with interest thereon, and for succession to its rights and obligation in any contract with the commission.

[22-2732, added 1985, ch. 116, sec. 1, p. 241; am. 1992, ch. 270, sec. 6, p. 839; am. 1999, ch. 62, sec. 1, p. 164; am. 1999, ch. 137, sec. 5, p. 389; am. 2010, ch. 279, sec. 15, p. 740.]

22-2733. GRANTS FROM STATE SOIL AND WATER CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL -- GRANT AGREEMENT. (1) Eligible applicants or participants may file an application with the local soil conserva-

tion district or the state soil and water conservation commission for a grant from the state soil and water conservation commission general fund for the purpose of financing conservation improvements, projects and implementation of the water quality program for agriculture. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission; provided however, any such application filed with the district or the commission under the provisions of this section shall:

(a) Describe the nature and purpose of the improvements or conservation plan implementation project;

(b) Set forth or be accompanied by an improvement project plan approved by the local soil conservation district or the commission that identifies the practices to be applied, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this section will be used for improvement project or conservation plan implementation costs, and whether such money is available or has been sought for this purpose; and

(d) Show that the applicant or participant holds or can acquire title to all lands or has necessary easements and rights-of-way to implement the project plan.

(2) The commission and local soil conservation district will keep each other informed of grant applications received. Within thirty (30) days of receipt of an application, the local soil conservation district or the commission shall review and evaluate and, if deemed necessary, investigate all aspects of the proposed improvement, project or conservation plan. As part of such investigation, the district or the commission shall determine whether the project plan is satisfactory. If the district or the commission determines that the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the plan satisfactory. If the commission determines either the plan or a plan revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a grant if after review, evaluation and investigation if necessary, it finds that:

(a) The applicant or participant is qualified and responsible;

(b) The improvement, project or conservation plan demonstrates public benefits; and

(c) That money in the state soil and water conservation commission general fund is available for the grant.

(4) If the commission approves a grant, the applicant or participant shall enter into an agreement covering the grant offer and acceptance of the grant for implementing the improvement, project or conservation plan. The agreement shall be improvement, project or conservation plan specific. The terms and conditions shall be those specified by the commission.

(5) Upon approval of the grant and securing all necessary documents, the commission will make available, in the approved form, project or contract funding.

[22-2733, added 1992, ch. 270, sec. 7, p. 841; am. 1999, ch. 137, sec. 6, p. 391; am. 2003, ch. 107, sec. 9, p. 344; am. 2010, ch. 279, sec. 16, p. 741.]

22-2734. COST-SHARE FROM STATE SOIL AND WATER CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL. (1) Eligible applicants or participants may file an application with the local soil conservation district or the state soil and water conservation commission for a cost-share contract or project from the state soil and water conservation commission general fund for the purpose of financing agricultural, grazing or other conservation improvements, projects or implementation of the water quality program for agriculture. Such application shall be filed in such a manner and shall be in such form and be accompanied by such information as may be prescribed by the commission; provided however, any such application filed with the district or the commission under the provisions of this section shall:

(a) Describe the nature and purposes of the improvements and projects requiring cost-sharing;

(b) Set forth or be accompanied by a plan that identifies the conservation improvements or projects, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this section will be used for costs, and whether such money is available or has been sought for this purpose; and

(d) Show the proposed project is feasible from a technical standpoint and is economically justified.

(2) The commission and the local soil conservation district will keep each other informed of cost-share applications received. Within thirty (30) days of receipt of an application, the local soil conservation district or the commission shall review and evaluate and, if deemed necessary, investigate all aspects of the proposed contract or project. As part of such investigation, the district or the commission shall determine whether the plan for development of the conservation improvements or projects is satisfactory. If the district or the commission determines the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the application satisfactory. When the commission determines either the application or an application revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a cost-share contract to an applicant or participant for conservation projects and improvements if, after review, evaluation and investigation, it finds that:

(a) The applicant or participant is qualified and responsible;

(b) The conservation improvement or project demonstrates public benefit;

(c) There is reasonable assurance that the applicant or participant will adhere to contract terms; and

(d) Money is available in the state soil and water conservation commission general fund for cost-share.

(4) Upon approval of the cost-share contract or cost-share grant, and securing of all necessary documents, the commission will make funding available.

[22-2734, added 1999, ch. 137, sec. 7, p. 392; am. 2003, ch. 107, sec. 10, p. 345; am. 2010, ch. 279, sec. 17, p. 742.]

22-2735. PAYMENTS BY THE STATE SOIL AND WATER CONSERVATION COMMISSION -- RULES -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. (1) The commission may make payments not to exceed the estimated reasonable cost of an eligible improvement, project or plan.

(2) The commission may, in the name of the state of Idaho, enter into contracts with approved applicants, and any such approved applicants may enter into a contract with the commission concerning eligible improvements, projects or plans. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of the improvements, projects or plans as determined by the commission;

(b) The terms under which the commission may unilaterally terminate the contract and/or seek repayment from the applicant of sums already paid pursuant to the contract for noncompliance by the applicant with the terms and conditions of the contract and the provisions of this chapter;

(c) An agreement by the applicant binding for the life of the eligible improvements, projects or plans:

(i) To develop water quality plans for landowners and provide payments to landowners for installation of best management practices;

(ii) To determine payment rates in conjunction with the commission for best management practices;

(iii) To establish a method for administration and provisions for technical assistance to landowners in conjunction with the commission;

(iv) To allow the state to make payments up to the estimated reasonable cost for best management practices installation, technical assistance and project administration of an eligible project;

(v) To develop and to secure the approval of the commission of plans for operation of the eligible project;

(vi) To ensure that the local matching share of the cost is provided as applicable;

(vii) To assure an adequate level of landowner participation and application of best management practices to ensure water quality goals are met.

(3) The commission may enter into contracts to provide technical assistance to applicants that have entered agreements pursuant to this chapter. Any such contract may include such provisions agreed upon by the parties thereto and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of technical assistance;

(b) The terms under which the commission may unilaterally terminate the contract, and/or seek repayment of sums paid pursuant to the contract, for noncompliance by the applicants with the terms and conditions of the contract, the provisions of this chapter, or rules adopted pursuant thereto.

(4) The commission may enter into contracts and establish procedures to be followed in applying for eligible improvements, projects and plans herein authorized as shall be necessary for the effective administration of the water quality program for agriculture.

(5) All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant

as provided by law on vouchers approved by the chairman and the administrator of the commission.

(6) All grant agreements and contracts previously entered into with the state board of health and welfare, soil conservation districts and the commission pursuant to section [39-3627](#), Idaho Code, for payments and administration are now to be administered and payments implemented solely by the commission.

[22-2735, added 1999, ch. 137, sec. 8, p. 393; am. 2010, ch. 279, sec. 18, p. 743.]