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Farm Ownership & Corporate Farming Laws:

Idaho



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Farm Ownership & Corporate Farming Laws: Idaho

Fast Find:

- 1) Prohibition: ID Code § 55-103; ID Code § 55-115; ID Code § 58-313
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ID Code § 55-103
ID Code § 55-115
ID Code § 58-313

Current through laws passed by the 2025 of the First Regular Session of the 68th Idaho State Legislature. Some statute sections may be more current.

ID Code § 55-103. Who may own property.

(1) Except as provided in subsection (2) or (3) of this section, any person, whether citizen or alien, may take, hold and dispose of property, real or personal.

(2) Notwithstanding any provision of law to the contrary, on and after the effective date of this subsection, a foreign government or a foreign state-controlled enterprise shall not purchase, acquire, or hold any controlling interest in agricultural land, forest land, water rights, mining claims, or mineral rights in the state of Idaho. This subsection does not apply to any interest in agricultural land, forest land, water rights, mining claims, or mineral rights acquired by a foreign government or foreign state-controlled enterprise prior to the effective date of this subsection or to any foreign pension fund.

(3) Notwithstanding any other provision of law to the contrary, a foreign principal from a foreign adversary shall not purchase, acquire, or hold any controlling interest, except a de minimis indirect interest, in agricultural land, water rights, mining claims, or mineral rights in the state of Idaho. A foreign principal has a de minimis indirect interest if any ownership is the result of the foreign principal's ownership of registered equities in a publicly traded company owning the land and if the foreign principal's ownership in the company is either:



(a) Less than five percent (5%) of any class of registered equities or less than five percent (5%) in the aggregate in multiple classes of registered equities; or

(b) A noncontrolling interest in an entity controlled by a company that is both registered with the United States securities and exchange commission as an investment advisor under the investment advisers act of 1940, as amended, and is not a foreign entity.

(4) A foreign principal that directly or indirectly owns or otherwise controls agricultural land, water rights, mining claims, or mineral rights in the state of Idaho must sell, transfer, or otherwise divest itself of the agricultural land, mining claims, or mineral rights within one hundred eighty (180) days of the effective date of this act.

(5) A foreign principal that directly or indirectly owns or acquires agricultural land, water rights, or any interest in such land in this state must register with the Idaho state department of agriculture within sixty (60) days of the effective date of this act or the date of acquisition, whichever is latest. The department must establish a form for such registration, which, at a minimum, must include all of the following:

(a) The name of the owner of the agricultural land, water rights, or the owner of the interest in such land;

(b) The address of the agricultural land, the property appraiser's parcel identification number, and the property's legal description; and

(c) The number of acres of agricultural land.

(6) A foreign principal that directly owns or acquires mining claims or mineral rights or any interest in such claims in this state must register with the Idaho department of lands and the Idaho secretary of state within sixty (60) days of the effective date of this act or the date of acquisition, whichever is latest. The foreign principal shall be registered to do business with the Idaho secretary of state's office. The Idaho department of lands shall provide the form for such registration, which at a minimum must include the following:

(a) The mineral lease number with lease length and premises by parcel and acres; and

(b) The application for use of state land by the individual or legal entity.

(7) Notwithstanding the provisions of subsection (3) of this section, a foreign principal from a foreign adversary country may acquire agricultural land, mining claims, or mineral rights on or after July 1, 2025, by devise or descent, through the enforcement of security interests, or through the collection of debts, provided that the foreign principal sells, transfers, or otherwise divests itself of the agricultural land, water rights, mining claims, or mineral rights within one hundred eighty (180) days of acquiring the



agricultural land, mining claims, or mineral rights.

(8) The provisions of subsections (3) through (7) of this section shall not apply to an entity that has a national security agreement with the committee on foreign investment in the United States as of July 1, 2025, and maintains such national security agreement.

(9) The Idaho state department of agriculture and department of lands shall adopt rules, subject to legislative approval, to implement the provisions of this section.

(10) The responsibility for determining whether an entity is subject to this section rests solely with the foreign entity, the attorney general, or any qualifying whistleblower, and no other individual or entity. An individual or entity who is not a foreign entity shall not be required to determine or inquire whether another person or entity is or may be subject to the provisions of this section and shall bear no civil or criminal liability under this section.

(11) If a foreign principal from a foreign adversary country does not divest the public or private lands, mining claims, or mineral rights as required by this section, the attorney general shall commence an action in the district court within the jurisdiction of the public or private land, mining claims, or mineral rights.

(12) If the public or private land is held in violation of this section, the district court shall order that the public or private land be sold through judicial foreclosure.

(13) Proceeds of the sale shall be disbursed to lienholders, in the order of priority, except for liens that, under the terms of the sale, are to remain on the public or private land.

(14) Any individual may act as a whistleblower and provide a referral to the office of the attorney general for violations of this section.

(15) If a whistleblower referral results in a divestiture of land, mining claims, or mineral rights or other assets held in violation of this section, the whistleblower shall be entitled to a reward equal to thirty percent (30%) of the proceeds of the land, mining claims, mineral rights, or asset sale resulting from a violation of this section after payment of lienholders. Proceeds of the sale shall be disbursed in the following order:

(a) To bona fide lienholders, in order of priority, except for liens that, under the terms of the sale, are to remain on the property;

(b) The payment of authorized costs of the sale, including all approved fees and expenses of the referee and any taxes and assessments due;

(c) The payment, in an amount approved by the court, to the attorney general for reimbursement of investigation and litigation costs and expenses;



- (d) To whistleblowers; and
- (e) To the restricted foreign entity.

(16) The whistleblower enforcement provision takes effect one hundred eighty (180) days after the enforcement date of this section.

(17) As used in this section:

(a) “Agricultural land” shall have the same meaning as “land actively devoted to agricultural purposes” as provided in section 63-604, Idaho Code.

(b) “Controlling interest” means:

(i) Possession of more than fifty percent (50%) of the ownership interest in an entity; or

(ii) A percentage of ownership interest in an entity that is fifty percent (50%) or less if a foreign government actually directs the business and affairs of the entity without the requirement or consent of any other party.

(c) "Foreign adversary" means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as determined under 15 CFR 791.4, as it existed on January 1, 2025.

(d) "Foreign government" means a government other than the federal government of the United States or the government of any state, political subdivision of a state, territory, federally recognized Indian tribe, or possession of the United States.

(e) “Forest land” means privately owned or state owned land being held and used primarily for the continuous purpose of growing and harvesting trees of a marketable species. Having met the above criteria, forest land includes:

(i) Forest land is land evidenced by present use and silvicultural treatment.

(ii) Forest land is land that has a dedicated use that is further evidenced by a forest land management plan that includes eventual harvest of the forest crop.

(iii) Forest land is land bearing forest growth or land that has not been converted to another use.

(iv) Forest land is land that has had the trees removed by man through harvest, including clear-cuts or by natural disaster, such as but not limited to fire, and which within



five (5) years after harvest or initial assessment will be reforested as specified in the forest practices act (chapter 13, title 38, Idaho Code).

(f) "Foreign pension fund" means a trust, corporation, or other entity created or organized under the law of a country other than the United States to provide retirement or pension fund benefits. However, the term "foreign pension fund" shall not include any trust, corporation, or other entity that is owned by or subject to a controlling interest of a sovereign wealth fund.

(g) "Foreign principal" means:

(i) The government or any official of the government of a foreign adversary;

(ii) A political party or member of a political party or any subdivision of a political party of a foreign adversary;

(iii) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign adversary, or a subsidiary of such entity, owned or controlled wholly or in part by any person, entity, or collection of persons or entities of a foreign adversary;

(iv) Any person who is domiciled in a foreign adversary and is not a citizen or lawful permanent resident of the United States; and

(v) Any person, entity, or collection of persons or entities described in this paragraph having a controlling interest in a partnership, association, corporation, organization, trust, or any other legal entity or subsidiary formed for the purpose of owning real property.

(h) "Mineral right" shall have the same meaning as provided in section 47-701, Idaho Code.

(i) "Mining claim" means a portion of land containing minerals that a miner has a right to occupy and possess for the purpose of extracting minerals.

(j) "State-controlled enterprise" means a business enterprise, however denominated, sovereign wealth fund, or state-backed investment fund in which a foreign government has a controlling interest.

(k) "Water right" shall have the same meaning as provided in section 42-230, Idaho Code.

(18)



(a) The attorney general shall investigate acquisitions of interests in real property reasonably suspected of violating the prohibitions provided for in subsection (2) of this section upon receipt of a complaint alleging such violation.

(b) The attorney general shall enforce the prohibitions provided for in subsection (2) of this section for any interest in land, rights, or claims held in violation of the provisions of subsection (2) of this section by petitioning the district court for an order and judgment that: finds such violation; appoints a receiver; and authorizes the receiver to sell such land, rights, or claims. For a receivership proceeding under this section:

(i) Proceeds of the sale shall be disbursed to lienholders, in order of priority, except for liens that, under the terms of the sale, are to remain on the land, rights, or claims;

(ii) At the receivership sale, lienholders shall be permitted to have a credit bid; and

(iii) Any excess proceeds shall be disbursed to the owner of record of the real property.

(c) Upon the commencement of an action provided for in this section, the attorney general shall promptly file a notice of lis pendens with the court.

(d) Upon the entry of a court order appointing a receiver and authorizing the receiver's powers to sell the property pursuant to the provisions of this section, the attorney general shall promptly record a copy of the court order in the office of the county where the property is located that is responsible for the maintenance of property records.

(e) No title to land, rights, or claims shall be invalid or subject to divestiture due to a violation of the provisions of this section by any former owner or other individual or entity having formerly held or owned an interest in the real property.

(f) Divestiture of a foreign government's or foreign state-controlled enterprise's title under this section shall not be a basis to void, invalidate, or otherwise extinguish any bona fide mortgage, lien, or other interest granted by, through, or under the foreign government or foreign state-controlled enterprise.

(g) No person or entity that is not a foreign government or a foreign state-controlled enterprise shall bear any civil or criminal liability for failing to determine or to make an inquiry about whether an individual or other entity is a foreign government or a foreign state-controlled enterprise.



ID Code § 55-115. Prohibitions on lease or purchase of land or dwellings – within certain geographic boundaries.

(1) A foreign principal from a foreign adversary country shall not be allowed to directly or indirectly purchase, hold, rent, or otherwise control any property in Idaho within the geographic boundaries described by the following coordinates: N4200 W11700, N4320 W11700, N4320 W11600, N4300 W11600, N4300 W11500, N4200 W11500.

(2) A foreign principal that directly or indirectly controls any property covered by subsection (1) of this section must sell, transfer, or otherwise divest itself of control of the property within one hundred eighty (180) days of the effective date of this act.

(3) A foreign principal from a foreign adversary country that acquires, directly or indirectly, control of property covered by subsection (1) of this section after July 1, 2025, by devise, descent, through the enforcement of security interests, or the collection of debts must sell, transfer, or otherwise divest itself of the property within one hundred eighty (180) days of acquiring control of the property.

(4) If a foreign principal from a foreign adversary country does not divest the public or private lands as required by this section, the attorney general shall commence an action in the district court within the jurisdiction of the public or private land.

(5) If the public or private land is held in violation of this section, the district court shall order that the public or private land be sold through judicial foreclosure.

(6) Proceeds of the sale shall be disbursed to lienholders, in the order of priority, except for liens that, under the terms of the sale, are to remain on the public or private land.

(7) Any individual may act as a whistleblower and provide a referral to the office of the attorney general for violations of this section.

(8) If a whistleblower referral results in a divestiture of land or other assets held in violation of this section, the whistleblower shall be entitled to a reward equal to thirty percent (30%) of the proceeds of the land sale resulting from a violation of this section. Proceeds of the sale shall be disbursed in the following order:

(a) The payment of authorized costs of the sale, including all approved fees and expenses of the referee and any taxes and assessments due;

(b) The payment, in an amount approved by the court, to the attorney general for reimbursement of investigation and litigation costs and expenses;



(c) To bona fide lienholders, in the order of priority, except for liens that, under the terms of the sale, are to remain on the property;

(d) To whistleblowers; and

(e) To the restricted foreign entity.

(9) The whistleblower enforcement provision takes effect one hundred eighty (180) days after the effective date of this section.

(10) As used in this section, "military base" or "installation" means any land, structure, or property owned or controlled by any division of the department of defense, Idaho national guard, or any other department of government, state or federal, vital to the safety and security of the state of Idaho or the United States.

(11) The responsibility for determining whether an entity is subject to this section rests solely with the foreign entity, the attorney general, or any qualifying whistleblower, and no other individual or entity. An individual or entity who is not a foreign entity shall not be required to determine or inquire whether another person or entity is or may be subject to this section and shall bear no civil or criminal liability under this section.

ID Code § 58-313. Sale of state land.

The state board of land commissioners may at any time direct the sale of any state lands, in such parcels as they shall deem for the best interests of the state. All sales of state lands shall be advertised in four (4) consecutive issues of some weekly newspaper in the county in which the land is situated, if there be such paper, if not, then in some newspaper published in an adjoining county, and in such other paper or papers as the board may direct. The advertisement shall state the time, place and terms of sale, a description of the land and value of the improvements, if any, thereon, and the minimum price per acre of each parcel as fixed by the board, below which no bid shall be received: provided, that sales of state lands shall only be made to citizens of the United States and to those who shall have declared their intentions to become such. If the required sum be not paid forthwith by the highest bidder any lands upon which such payment shall not be made may be immediately reoffered at public sale as before. If any land be sold on which surface improvements have been made by a lessee, or by a former purchaser whose certificate of purchase has for any reason been canceled, said improvements shall be appraised under the direction of the state board of land commissioners. When lands on which improvements have been made, as above, are sold, the purchaser, if other than the owner or former owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, or to the former purchaser who placed the same thereon, taking a receipt therefor, and shall deposit such receipt with the state board of land commissioners before he shall be entitled to a certificate of purchase or patent of said land: provided, the lessee or former owner is not indebted to the state for delinquent rentals or instalment payments on said land. If he is indebted to the state, the value of the improvements shall be credited on his indebtedness and the surplus, if any, be paid to him. All such receipts shall be filed and preserved in the office



of said board: provided, that no school lands shall be sold for less than their appraised value nor for less than ten dollars (\$10.00) per acre; provided, further, that in the case of the sale of land leased as grazing land and which is too rough, rocky or steep to be reclassified as farming land, the lessee, if he is not the successful bidder, shall be entitled to continue in possession under the lease for a period of two (2) years from the first day of December next occurring after the date of sale at public auction of said land or until expiration of the lease, whichever period shall be shorter. During such period, all rental earned shall belong to the purchaser subject to the following provisions:

- (1) If the land is sold upon instalment contract to the purchaser, the lessee shall continue to make rental payments to the director of the department of lands and the amount of rental earned after the date of sale shall, when received, be applied against and reduce the principal or interest, or both, payable by the purchaser;
- (2) If the purchaser pays the purchase price in full, all rentals earned after the date of sale shall be paid directly to the purchaser. However, no lessee of state lands shall have any right to remain in possession under his lease upon the sale of such state lands for home or cabin site purposes, as provided by the regulations of the state board of land commissioners.

