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**IDAPA 13
TITLE 01
CHAPTER 04**

13.01.04 - RULES GOVERNING LICENSING

IDAHO FISH AND GAME COMMISSION

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-301, 36-401 through 412, Idaho Code, to adopt rules concerning the issuance and sales of licenses. (3-30-01)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.04.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.04, "Rules Governing Licensing". (3-30-01)

02. Scope. These rules establish the methods for the issuance and sales of licenses. (3-30-01)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (3-30-01)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (3-30-01)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (3-30-01)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (3-30-01)

006. -- 009. (RESERVED).

010. DEFINITIONS.

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

01. Authorized Corporate Representative. Any shareholder in a corporation, designated in writing by the corporation as the eligible applicant, who is in actual physical control of the eligible property. (7-1-93)

02. Blind Person. A blind person is one who has a medically documented loss or impairment of his or her vision and includes any person whose visual acuity with correcting lens does not exceed twenty/two hundred (20/200) in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees. (7-1-93)

03. Domicile. The term "domicile" means the place where an individual has his true, fixed, permanent home and to which place he has the intention of returning whenever he is absent. An individual can have several dwelling places, but only one (1) domicile. Factors to consider to establish domicile include, but are not limited to: (7-1-93)

a. What address does the person use on tax returns and where does the person file a state resident income tax return? (7-1-93)

- b.** Where is the person registered to vote? (7-1-93)
- c.** Where does the person and his immediate family live? (7-1-93)
- d.** Where does the person have his mail sent or forwarded to? (7-1-93)
- e.** Does the person remain listed in the telephone directory? (7-1-93)
- f.** Where does he register his automobiles? (7-1-93)
- g.** Where has the person claimed a homeowner exemption on a personal residence? (7-1-93)
- h.** Where does he have a driver's license? (7-1-93)
- i.** Where are his regular physicians and dentists located? (7-1-93)

04. Disabled. Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months. (7-1-93)

05. Eligible Applicant. A physically handicapped person certified by a physician licensed in the state in which the handicapped person resides, as meeting one (1) or more of the criteria set forth in Idaho Code, Section 36-1101(a)1 through 3, and one who is capable of holding and firing, without assistance from other persons, legal firearms or archery equipment. (7-1-93)

06. Eligible Property. At least six hundred forty (640) acres of land in one (1) controlled hunt unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or antelope, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-5-00)

07. Landowner. Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser. (10-26-94)

08. Medical Basis For Disability. An individual must have a medically determinable impairment. This means an impairment which has medically demonstrable, anatomical, physiological, or psychological abnormalities. Such abnormalities are medically determinable if they manifest themselves as signs or laboratory findings apart from symptoms. Abnormalities which manifest themselves only as symptoms are not medically determinable. Symptoms are the claimant's own perception of his or her physical or mental impairments. Signs are anatomical, physiological, or psychological abnormalities which can be observed through the use of medically acceptable clinical techniques. In psychiatric impairments, signs are medically demonstrable abnormalities of behavior, affect thought, memory, orientation and contact with reality. Laboratory findings are manifestations of anatomical, physiological, or psychological phenomena demonstrable by replacing or extending the perceptiveness of the observers senses and include chemical, electrophysiological, roentgenological or psychological tests. Statements of the applicant, including his or her own description of the impairment are alone insufficient to establish the presence of a physical or mental impairment. (7-1-93)

09. Medical Equivalency. A patient who is not working can meet the definition of disability if he or she has an impairment with specific clinical findings that are the same as or medically equivalent to any set of findings under the evaluation criteria as established by the U.S. Department of Health, Education, and Welfare, Social Security Administration, for disability under Title II and Title XVI. (7-1-93)

10. Permanent And Totally Disabled. Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months. (7-1-93)

- 11. Resident.** The term "resident" is defined in Idaho Code, Section 36-202(r). (7-1-93)

12. Substantial Gainful Work. Substantial gainful work is any work of a nature generally performed for remuneration or profit involving the performance of significant physical or mental duties, or a combination of both. Work may be considered substantial even if performed part time and even if it is less demanding or less responsible than an individual's former work and it may be considered gainful even if it pays less than his former work. (7-1-93)

011. -- 099. (RESERVED).

100. RESIDENT LIFETIME COMBINATION, HUNTING AND FISHING LICENSE CERTIFICATES.

01. General. A resident of Idaho, upon payment of the fee required in Section 36-413, Idaho Code, may receive a lifetime combination, hunting, or fishing license certificate under the conditions set forth in the following rules. (7-1-93)

02. Applications. Applications shall be made on a form prescribed by the Department and may be submitted either in person or by mail. Applications must be completed with all the requested information and accompanied by the documents described below. Applications may be submitted in person to any Idaho Department of Fish and Game office. Applications submitted by mail must be sent only to the Headquarters office at P.O. Box 25, Boise, ID 83707. Lifetime license certificates will be issued from the Headquarters office only. (7-1-93)

03. Required Documentation -- Submitted In Person. Applications submitted in person must be supported by the following: (7-1-93)

- a.** Idaho Driver's License for all persons who drive. (7-1-93)
- b.** Idaho Identification Card for persons who do not drive or who are fourteen (14) years of age or over who have not been issued a driver's license. (7-1-93)
- c.** Birth Certificate for persons under fourteen (14) years of age. (7-1-93)

04. Required Documentation -- Submitted By Mail. Applications submitted by mail must be accompanied by the following: (7-1-93)

- a.** Certified copy of the applicant's birth certificate if under the age of fourteen (14). (7-1-93)
- b.** Notarized copy of the applicant's Idaho Driver's License for persons who drive. (7-1-93)
- c.** Notarized copy of the applicant's Idaho Identification Card if the applicant does not drive or is fourteen (14) years of age or over and has not been issued a driver's license. (7-1-93)

05. Proof Of Idaho Residency. Certificates shall not be issued to applicants who do not submit an Idaho driver's license or Idaho identification card unless other adequate documentation is submitted showing that the person is a resident of Idaho. Such documentation may include voters registration, evidence of payment of resident tuition at an Idaho school or a resident Idaho income tax return filed for the previous year. Residency of applicants under the age of fourteen (14) years of age may be shown by the residency of his or her parents. The Department shall investigate and verify that the information submitted by the applicant is true and correct and that the applicant is an Idaho resident. (7-1-93)

06. Purchases For Other Persons. If the lifetime license certificate is being purchased for a person other than the one submitting the application, the purchaser must certify that the intended recipient of the lifetime license certificate meets the residency requirements set forth in Subsection 36-202(r), Idaho Code. If the lifetime license recipient is an infant under the age of six (6) months, the parent(s) must meet the minimum residency requirements. (7-1-93)

101. -- 199. (RESERVED).

200. LICENSES, STAMPS, PERMITS AND TAGS.

01. Licenses. Authorized lifetime license certificate holders will be issued appropriate license(s) annually. Certificate holders must have such license(s) in possession while hunting or fishing. However, no hunting or combination license shall be issued to the holder of a lifetime license certificate under the age of fifteen (15) unless a certificate of competency in hunter education is presented in accordance with Section 36-411, Idaho Code. (7-1-93)

02. Stamps, Permits, And Tags. The certificate holder has the responsibility to obtain stamp(s), permit(s), and/or tag(s) as required for hunting or fishing. (7-1-93)

201. TRANSFER OF CERTIFICATE, DUPLICATES.

Neither the lifetime license certificate nor the annual licenses are transferable. The fee paid is not refundable under any circumstances. If the lifetime license certificate is lost or stolen, a duplicate may be obtained for a fee of five dollars (\$5) upon presentation of proper identification and execution of an affidavit of loss. If a lifetime license is lost or stolen, a duplicate may be obtained following the procedures and upon payment of the fee prescribed in Section 36-405, Idaho Code, for duplicate license. (7-1-93)

202. CERTIFICATE HOLDERS RESIDING OUT-OF-STATE.

The lifetime license certificate shall not become invalid if the certificate holder subsequently resides outside the state of Idaho. However, should the certificate holder become a nonresident, any stamp(s), permit(s), and/or tag(s) required for hunting and fishing activities must be purchased at the nonresident fee. However, limits set by the Commission upon the sale of any nonresident stamp(s), permit(s), and/or tag(s) shall not apply to those sold to a certificate holder. (7-1-93)

203. ANNUAL RESIDENCE CERTIFICATION.

Certificate holders over the age of fourteen (14) and a parent or guardian of certificate holders under the age of fourteen (14) shall certify annually that the certificate holder is a resident or nonresident on a form prescribed by the Department. Certificate holders over the age of fourteen (14) and a parent or guardian of certificate holders under the age of fourteen (14) shall also provide the Department of Fish and Game with a new address, telephone number, and/or physical description when any of these change. (7-1-93)

204. BAG AND POSSESSION LIMITS.

Lifetime licensees shall be entitled to resident bag and possession limits. Consult the appropriate rules for additional rules pertaining to further age limitations, bag and possession limits. (7-1-93)

205. OBTAINING CERTIFICATES UNLAWFULLY.

It is unlawful for any person to obtain, use or possess, or attempt to obtain, use or possess a lifetime license certificate by fraud, deceit or misrepresentation. Any person violating this provision is guilty of a misdemeanor. All licenses including lifetime license certificates unlawfully obtained shall be seized and shall become null and void. Any fees paid will not be refunded. (7-1-93)

206. REVOCATION OF CERTIFICATE AND LICENSES.

A lifetime license and the rights of a lifetime license certificate holder to obtain a license may be revoked in the manner and for the time provided for in Section 36-1402, and in Chapter 15, Title 36, Idaho Code. (7-1-93)

207. -- 249. (RESERVED).

250. TAGS AND PERMITS ISSUED BY POINT-OF-SALE VALIDATION.

01. Tags Or Permits Properly Sealed. No big game tag, salmon permit, steelhead permit, WMA pheasant permit or three-day salmon/steelhead fishing license is valid unless it has been properly sealed in the appropriate portion of the tag/permit pouch. (3-20-97)

02. Defaced, Altered Or Tampered Permits. Any license (as defined in Section 36-202(z), Idaho Code) which is defaced, altered, or tampered with shall be invalid from the date and time of issuance. It shall be a violation to use or attempt to use any license that has been defaced, tampered with, or altered. Evidence of defacing, tampering, or altering shall include but is not limited to: tears in the paper that would indicate that a person had

attempted to lift up the clear acetate covering over a tag or permit which has been sealed in a tag/permit pouch or erasures or typeovers. (3-20-97)

251. -- 259. (RESERVED).

260. CONTRACT TO TAKE LICENSE APPLICATIONS BY TELEPHONE OR OTHER ELECTRONIC METHODS.

The director may contract with a supplier or suppliers to take applications for licenses (as defined by Section 36-202(z), Idaho Code) by telephone and other electronic methods. Applicants shall be required to furnish the same information as prescribed for in Section 36-405, Idaho Code, and by the director for the issuance of a license. All license fees collected by the supplier shall be deposited with the State Treasurer within twenty-four (24) hours of effective receipt of the monies. The supplier may collect a fee in addition to the license fee, which may be retained by the supplier. This fee shall be established in the contract between the department and supplier(s). (3-20-97)

261. AUTHORIZATION NUMBER.

01. Authorization Request. Upon request, the applicant may receive an authorization number assigned by the supplier as directed by the department. (3-20-97)

02. Authorization Number Used In Lieu Of License. The authorization number may be used in lieu of the actual license only by the individual for whom the license was purchased. When used in lieu of a license, the person must carry his driver's license, commercial permit, identification card, driver training permit, or instruction permit and, upon request of an authorized officer, present such identification for inspection. Failure to carry such identification or to present it for inspection is a violation. The authorization number may be used for not more than fourteen (14) calendar days from the date of issue, except authorization numbers for short-term licenses shall be valid only for the stated term from the beginning effective date of the license. This allows the authorization-number holder to hunt or fish during the time period it takes to mail the license to the individual. Thereafter, the individual must have in possession the appropriate signed license to hunt or fish. (3-20-97)

03. Violation. It is a violation to hunt and fish with an invalid authorization number or an authorization number issued to another person. (3-20-97)

04. Authorization Number Used Only For Activities That Do Not Require License, Tag, Permit Or Stamp. The authorization number may be used only for those hunting or fishing activities that do not require a license, tag, permit, or stamp to be sealed in a tag/permit pouch in accordance with Subsection 250.01. (3-20-97)

262. RESIDENTS.

01. Applicants For Resident Licenses Must Attest To The Residency Requirements. It is a violation for any person to misrepresent any information to obtain a resident authorization number or license. (3-20-97)

02. Application By Telephone Or Electronic Methods. To apply by telephone or other electronic methods, the person must have a valid Idaho driver's license, commercial permit, identification card, driver training permit, or instruction permit. The person must have had one of the previous items for at least six (6) months prior to the date of application. The applicant must give the license, permit, or card number and other information required by the director to the supplier. (3-20-97)

263. -- 302. (RESERVED).

303. HANDICAPPED PERSONS MOTOR VEHICLE HUNTING PERMITS.

01. Applications For Handicapped Motor Vehicle Hunting Permits. (7-1-93)

a. Applications for handicapped motor vehicle hunting permits shall be on a form prescribed by the Department or an individual may present their valid Idaho driver's license in lieu of the prescribed department form if the individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, except for blindness, and the

driver's license is appropriately marked as disabled. Only eligible applicants may submit such applications. (5-3-03)

b. Individuals using the department form for a handicapped motor vehicle must complete and sign the application form. Nonresident applicants must have their signature notarized. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Idaho Code, Section 36-1101 qualifies the applicant and why. The physician, physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding and firing, without assistance from other persons, legal firearms or archery equipment. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for short-term or long-term disability on the application. If the disability is short term and physical mobility is expected to improve, the physician, physician assistant, or nurse practitioner must include a date when the disability is expected to end. (3-20-04)

02. Handicapped Motor Vehicle Hunting Permits. (7-1-93)

a. Handicapped motor vehicle hunting permits shall be issued only by the Director of the Department or his representative and shall expire no later than December 31 of the fifth year following the date of issuance. (5-3-03)

b. The permit shall be prominently displayed on any vehicle from which the person is hunting. Where applicable, the permit shall be displayed on the driver's side of the dashboard of the parked vehicle, suspended from the rearview mirror, or otherwise displayed so as to be in plain view of any person looking through the windshield of the vehicle. (7-1-93)

304. HANDICAPPED ARCHERY PERMIT.

01. Applications For Handicapped Archery Permits. (3-20-97)

a. Applications for handicapped archery permits shall be on a form prescribed by the Department. Only eligible applicants may submit such applications. (3-20-97)

b. Applicants shall sign the application. Nonresident applicants must have their signature notarized. Each application shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating that the applicant has a permanent disability whereby he does not have use of one (1) or both of his arms or hands. The physician, physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding and firing, without assistance from other persons, a crossbow. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner medical license must accompany the application. (3-20-04)

02. Handicapped Archery Permits. (3-20-97)

a. Handicapped archery permits shall be issued only by the Director of the Department and shall expire on December 31 of the fifth year following the date of issuance. (3-20-97)

b. The handicapped archery permit shall be carried on the person of anyone participating in an archery only season with the use of a crossbow and produced upon request on an officer. (3-20-97)

c. The handicapped archery permit shall allow the holder thereof to participate in an archery only hunt with the use of a crossbow. (3-20-97)

305. -- 399. (RESERVED).

400. LANDOWNER APPRECIATION PERMITS.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners. (4-5-00)

02. Hunt Units. Landowner Appreciation Permits shall be issued only for those controlled hunt units designated by the Director as eligible for such permits. (3-30-01)

03. Reasonable Access. In 2001, landowners, authorized corporate, or partnership representatives are not required to provide access or retain written records as a condition to qualifying for Landowner Appreciation Permits. (3-15-02)

04. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or antelope qualifies for the Landowner Appreciation Permit program. Landowners will receive Landowner Appreciation Permits only for the species and sex that use the property. (4-5-00)

05. Applications For Landowner Appreciation Permits. Applications for landowner appreciation permits shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (4-5-00)

a. The application shall include the applicant's hunting or combination license number. (5-15-95)

b. Applications will be accepted on or after June 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15 of each year will be entered in the random drawing for permits. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the hunt area. For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times. Applications for left-over-permits will be accepted on or after August 15 of each year on a first-come-first-served basis. Only written applications will be accepted and must be accompanied by a six dollar and fifty cent (\$6.50) application fee. (5-3-03)

c. Only one (1) application may be submitted for eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. Up to two (2) applications may be submitted for eligible property consisting of five thousand (5,000) acres or more. (5-3-03)

06. Property And Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Appreciation Permit, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (4-5-00)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (4-5-00)

c. If the Person registering is an authorized corporate or partnership representative, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (4-5-00)

07. Issuance Of Permits. (7-1-93)

a. Effective in 1999, once the Department has determined the number of controlled hunt permits to be issued in any controlled hunt unit, an additional ten percent (10%) of the number of controlled hunt permits MAY be issued as Landowner Appreciation Permits. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt permits MAY be issued only if the hunt is over subscribed by eligible Landowner Appreciation Permit applicants. (4-5-00)

b. Where the number of landowner appreciation applicants exceeds the number of landowner appreciation permits available in a unit, successful applicants will be determined by drawing. (4-5-00)

c. No more than two (2) Landowner Appreciation Permits may be issued to any eligible landowner. (4-5-00)

d. Only one (1) landowner appreciation permit may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within the hunt area designated by the Director with Landowner Appreciation Permits. However, one (1) additional permit may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within the hunt area designated by the Director with Landowner Appreciation Permits. No landowner or designated agent(s) is eligible to receive more than one (1) permit for one (1) species in a calendar year. (3-15-02)

e. A successful landowner, corporate or partnership representative drawing a landowner appreciation permit may, without additional fees, designate to whom the permit will be issued. (4-5-00)

08. Application Of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner preference permit. (7-1-93)

b. Landowner appreciation permits issued to non-residents shall not be considered as part of the non-resident quota. (4-5-00)

c. Landowner preference permits are exempt from the one (1) year waiting periods applicable for certain deer, elk and antelope permits. (3-30-01)

09. Special Restrictions. Any person hunting with a Landowner appreciation permit shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year deer, elk, or antelope tags may be used in conjunction with a landowner appreciation permit. No person shall kill more than one (1) deer, elk or antelope during a calendar year EXCEPT: (3-30-01)

a. In designated controlled depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts; or (7-1-93)

b. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-98)

c. In no event shall any person take more than two (2) deer, elk or antelope during a calendar year or more than one (1) deer, elk or antelope per day. (7-1-93)

401. DEER LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

402. ELK LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

403. ANTELOPE LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

404. -- 499. (RESERVED).

500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

01. Tags. The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each Hunting Season: (3-20-04)

- a. One thousand nine hundred (1,900) deer tags (regular or Clearwater); (7-1-99)
- b. Eighty-five (85) S.E. Idaho Area deer tags; (3-20-04)
- c. Two thousand four hundred (2,400) elk tags (A or B tags for all zones); (3-20-04)

02. Restrictions. These tags shall be sold on a first-come, first-serve basis through June 30 of each year. Application for purchase of these tags shall be made by the outfitter for the nonresident on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the nonresident hunter has a contract to hunt with the outfitter making application. (7-1-93)

03. Unsold Tags. Any tags not sold by July 1 of each year shall be sold by the Department to nonresidents on a first-come, first serve basis. If there is a waiting list of individuals desiring a tag for the species available, those individuals will be first served. Application shall be made only to the Headquarters office of the Department of Fish and Game in Boise, Idaho. (7-1-99)

501. -- 504. (RESERVED).

505. DEER AND ELK TAG ALLOCATION.

01. Allocation Of Tags. Pursuant to Idaho Code, Section 36-408(d), the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (7-1-99)

02. Controlled Hunt Areas. Only those controlled hunt areas existing prior to 1998 with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation. (3-30-01)

a. The number of allocated tags will be subtracted from the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (3-30-01)

b. Successful allocated controlled hunt applicants must use the services of an Idaho licensed outfitter. (3-30-01)

c. Successful applicants who do not want to participate in the outfitted hunt can decline the hunt upon written notification to the department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to the appropriate waiting period. (5-3-03)

d. Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt permit and tag by August 20 will forfeit the opportunity to purchase a controlled hunt permit. The forfeited controlled hunt permit will then be listed as a leftover permit. The department will inform the Idaho Outfitters and Guides Board that a permit is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt permit at a department regional or headquarters office. (5-3-03)

e. The number of allocated tag/permits will be determined by using one (1) of the following options: (3-30-01)

i. The number of allocated tags available within the controlled hunt area will be based on a variable

scale depending on the number of tags established by the Fish and Game Commission: less than fifty-one (51) tags = zero percent (0%); fifty-one (51) or more tags = maximum of three percent (3%); or (7-1-99)

ii. The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period and calculated tag numbers will be rounded up when permits equal or exceed zero point six (0.6) and rounded down when permits are less than zero point six (0.6); or (3-30-01)

iii. No tags will be allocated. (7-1-99)

f. Applicants who apply for an outfitter controlled hunt by their application authorize the Department to provide their names and addresses only to those outfitters licensed for that controlled hunt and only if they are successful in drawing a permit for that controlled hunt. (3-30-01)

03. Controlled Hunts Or Hunts With Limited Hunting Opportunities Established After 1997. Controlled hunts or hunts with limited hunting opportunities established after 1997, with historic licensed deer and/or elk outfitted areas, may be considered for allocated tags. The number of tags will be determined by the Fish and Game Commission using Subsections 505.02.c.i., 505.02.c.ii., and 505.02.c.iii. (3-30-01)

506. DEER AND ELK OUTFITTER ALLOCATED TAG.

01. Allocated Tags. Deer and elk tags shall annually be allocated for sale to persons who have entered into a signed agreement to utilize the services of an outfitter who is licensed in that zone under Title 36, Chapter 21, Idaho Code. (3-20-04)

02. Distribution Of Allocated Tags. Allocated tags shall be sold by the Department, as designated by IDAPA 25.01.01, "Rules of Idaho Outfitters and Guides Licensing Board," Section 057, to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold. In zones where resident and nonresident deer and/or elk tags are issued by lottery, allocated tags will be issued by lottery. Application for the purchase of allocated tags shall be made by the outfitter for the hunter on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the hunter has a signed agreement to hunt with the outfitter making application. (7-1-99)

03. Designated Buyers. Purchasers of allocation tags who return their unused tag and a notarized affidavit stating that the tag buyer has not hunted may designate another person to purchase a replacement tag. If the original buyer does not make a designation, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement tag. (7-1-99)

04. Unsold Tags. Any allocation tags not sold by August 1 of each year shall be sold by the Department through a waiting list methodology. (3-20-04)

507. -- 599. (RESERVED).

600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (3-20-97)

a. Twelve thousand eight hundred (12,800) regular or Clearwater deer tags; (7-1-99)

b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones; (3-20-04)

c. One thousand two hundred (1,200) S.E. Idaho area Deer tags. (7-1-98)

02. Exceptions. Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

d. Junior mentored tag holders. (3-20-04)

03. Refunds. The fee for any nonresident license (as defined in I.C. 36-202(z)) shall not be refunded for any reason except as follows. (7-1-98)

a. Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (7-1-98)

b. General season deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season deer or elk tag fees may be refunded for any reason other than death of the licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

| Postmarked | Percent of Fee Refunded |
|----------------------------|-------------------------|
| Before April 1 | 75% |
| in April through June | 50% |
| in July and August | 25% |
| September through December | 0% |

(7-1-98)

c. Department Error. The department determines that a department employee made an error in the issuance of the license. (7-1-98)

d. Submission Requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (7-1-98)

e. Effective. These changes will be effective with the 1997 licenses and tags. (7-1-98)

04. Sale Of Unsold Nonresident Deer And Elk Tags To Residents. Any unsold nonresident deer or elk tags may be sold to residents and to nonresidents as a second tag, at the nonresident deer or elk tag price, beginning September 1. All privileges and restrictions associated with the use of the nonresident deer or elk tag will

apply equally to residents who purchase a nonresident deer or elk tag. (3-15-02)

05. S.E. Idaho License/Tag Application And Drawing. (3-20-04)

a. Nonresidents must submit application to the Idaho Department of Fish and Game headquarters license section to be eligible to receive an Idaho S.E. deer tag. The application period will be for the two (2) consecutive months from December 1 through January 31, and received by the license section no later than February 5 for the current year's license. The Idaho Department of Fish and Game is not responsible for lost or late applications. (3-20-04)

b. Applications must be submitted on a department-approved form. (3-20-04)

c. Only those eligible to purchase an Idaho hunting license at the time of application are eligible to apply for the S.E. deer tag. (3-20-04)

d. A nonrefundable application fee of six dollars and fifty cents (\$6.50) must be submitted with the application. (3-20-04)

e. At the time of application, the applicant must submit the nonrefundable application fee, the hunting license fees (if applicable), and the fees for the S.E. deer tag. Those successful in the drawing will receive the appropriate hunting license (if applicable) and the S.E. deer tag. Those who are unsuccessful will receive a refund of the license fee (if applicable) and the S.E. deer tag fees. (3-20-04)

f. Group applications may be submitted. A group application may consist of up to four (4) individuals. All required information must be submitted in the same envelope to be considered as a group application. If a group application is selected in the random drawing, then each applicant will receive a hunting license (if applicable) and a S.E. deer tag. (3-20-04)

g. Applications received after the deadline will be processed through the drawing but will be ineligible to draw. The appropriate license and tag fees will be refunded. (3-20-04)

h. Applications with insufficient fees will be processed through the drawing but will be ineligible to draw. The appropriate license and tag fees will be refunded (if applicable). (3-20-04)

i. Computer drawing: To ensure fairness to all applicants, the drawing will be conducted using the existing department controlled hunt drawing processes. A random computer selection will determine successful applicants. If the applicant is successful, the license (if applicable) and deer tag will be issued and mailed to the customer within fifteen (15) days of the drawing date. License (if applicable) and tag fees will be refunded to unsuccessful applicants in the form of a state warrant. All refunds will be issued in the name of the applicant, regardless of who submitted the original payment for the application. (3-20-04)

j. Those applying for the S.E. deer tag will not affect their ability to apply for controlled hunts. (3-20-04)

k. Those unsuccessful in drawing a S.E. deer tag will be placed on a waiting list randomly in case the department receives returned unused tags for refunds or controlled hunt exchanges. These tags will be sold to the individuals on the list in order of standing on the waiting list. (3-20-04)

l. All other existing refund rules apply to those who have successfully drawn and have been issued the S.E. Idaho deer tag. (3-20-04)

601. ELK ZONE TAG QUOTAS.

| Zone | Units | Total Tags | General Resident Tags | General Nonresident Tags | Outfitter Allocation |
|------|-------|------------|-----------------------|--------------------------|----------------------|
|------|-------|------------|-----------------------|--------------------------|----------------------|

| | | | | | |
|--------------------|-----------------|-------|-------|-----|-----|
| Lolo B Tags | 10,12 | 1600 | 1008 | 356 | 236 |
| Selway B Tags | 16A, 17, 19, 20 | 1255 | 565 | 334 | 356 |
| Middle Fork A Tags | 20A, 26, 27 | 1551 | 1168 | 174 | 209 |
| Middle Fork B Tags | 20A, 26, 27 | 1636 | 925 | 267 | 444 |
| Boise River B Tags | 39 | 3,300 | 3,013 | 269 | 18 |

(3-15-02)

602. SPECIAL OPERATION IRAQI FREEDOM REFUND AND RAIN CHECK.

01. 2003 Special Refund And Rain Check Rule. This special refund and rain check rule applies only to the 2003 hunting season. Because of military deployment to Operation Iraqi Freedom, some hunters will be unable to hunt big game animals for which they purchased tags in the state of Idaho. (3-20-04)

02. 2004 Special Refund And Rain Check Eligibility. Hunters who have purchased tags and who can show in good faith they could not participate in hunting activities due to military deployment for Operation Iraqi Freedom will be eligible for a refund or rain check for license and tags for the 2004 hunting season as outlined in this rule. (3-20-04)

03. General Season Tag. Holders of a general season tag for deer or elk may request: (3-20-04)

- a.** A refund of the hunting license and tag fee; (3-20-04)
- b.** A rain check for a hunting license and same tag for the 2004 hunting season; or (3-20-04)
- c.** An exchange in 2003 for a tag in another zone or area so long as tags are available in that area or zone. (3-20-04)

04. Controlled Hunt Permit And Tag. Holders of a controlled hunt permit and tag for deer, elk, or antelope may request: (3-20-04)

- a.** A refund of the hunting license, controlled hunt permit, and tag fee; (3-20-04)
- b.** A rain check for a hunting license, controlled hunt permit, and tag for the same controlled hunt in the 2004 hunting season; or (3-20-04)
- c.** An exchange in 2003 for a hunting license and a general season tag in another zone or area so long as tags are available in that area or zone. (3-20-04)

05. Nonresident Bear Or Mountain Lion Tags. Holders of nonresident bear or mountain lion tags may request: (3-20-04)

- a.** A refund of the hunting license and tag fee; or (3-20-04)
- b.** A rain check for a hunting license and tag for the 2004 hunting season. (3-20-04)

06. Moose, Bighorn Sheep, Or Mountain Goat Controlled Hunt Permits. Holders of moose, bighorn sheep, or mountain goat controlled hunt permits may request: (3-20-04)

- a.** A refund of the hunting license, controlled hunt permit, and controlled hunting tag fee; or (3-20-04)
- b.** A rain check for a hunting license, controlled hunt permit, and controlled hunt tag for the 2004 hunting season. (3-20-04)

07. Ineligible To Request Tag Or Permit Refund Or Rain Check. If the person hunts a species of wildlife before requesting a refund or rain check, then the tag or permit fee for that species will not be refunded or eligible for a rain check for the 2004 season. (3-20-04)

08. Ineligible To Request License Fee Refund Or Rain Check. If the person hunts for any species during the 2003 season before requesting a refund or rain check, then the hunting license fee will not be refunded or eligible for a rain check for the 2004 season. (3-20-04)

09. Rain Check Requests Must Be For Same Species. All rain check requests must be made for the same species. For example, a deer tag will not be eligible for a rain check of an elk tag in the 2004 season. (3-20-04)

10. Refunds Will Be For The Amount Paid. All refunds will be for the amount the person paid for the hunting license or tag. (3-20-04)

11. Use Of Department-Approved Form For Rain Check or Refund Request. Resident and nonresident military personnel who have purchased general season tags or controlled hunt tags and are unable to participate in any hunting activities due to military deployment must submit a request for a refund or rain check on the department-approved form (found on Idaho Fish and Game website www2.state.id.us/fishgame) by January 1, 2004, along with a copy of their deployment papers, or a letter from their commanding officers stating the dates the individual was deployed for duty in Operation Iraqi Freedom. Those requests received after this date will not be eligible for the special refund or rain check. (3-20-04)

603. -- 699. (RESERVED).

700. SPECIAL BIGHORN SHEEP PERMIT/TAG.

01. Eligibility. In order to be eligible to bid on the special bighorn sheep tag, a person must be eligible to purchase an Idaho hunting or combination license. (3-20-04)

02. Validity Of Tag. The Special Bighorn Sheep Permit/Tag shall be valid in Unit 11 only during odd-numbered years and during even-numbered years when the Bighorn Sheep Lottery Permit/Tag holder chooses not to hunt in Unit 11. (3-20-04)

03. License And Permit. A hunting license and permit will be provided to the successful bidder from the net proceeds of the auction. (7-1-93)

04. Application Of Big Game Rules. All rules governing the Taking of Big Game Animals, IDAPA 13.01.08, shall apply to the eligible and successful bidders other than as specified herein. (7-1-93)

a. No successful bidder shall be eligible to apply for a bighorn sheep controlled hunt permit tag the same year the bidder is issued a Special Bighorn Sheep Permit/Tag. (3-30-01)

b. A person receiving a Special Bighorn Sheep Permit/Tag, but who is unsuccessful in taking a bighorn sheep, shall be eligible to bid the following year for another Special Bighorn Sheep Permit/Tag. (3-15-02)

c. A person successful in taking a bighorn sheep with a special bighorn sheep tag shall be eligible to bid the following year. (3-20-04)

701. -- 799. (RESERVED).

800. BIGHORN SHEEP LOTTERY PERMIT/TAG.

01. Eligibility. (7-1-93)

a. In order to win and be issued the Bighorn Sheep Lottery Permit/Tag, a person must be eligible to

purchase an Idaho hunting or combination license EXCEPT that the Lottery Permit/Tag shall be valid in Unit 11 only during even-numbered years and during odd-numbered years when the Special Bighorn Sheep Permit/Tag holder chooses not to hunt in Unit 11. (3-15-02)

b. If any person wins the Bighorn Sheep Lottery Permit/Tag and has already been drawn for a bighorn sheep controlled hunt permit for the same year, the controlled hunt permit shall be returned to the Department and voided and the permit/tag fees refunded. The lottery tag will be valid to hunt bighorn sheep that year. (7-1-93)

02. Validity Of Tag. The Bighorn Sheep Lottery Permit/Tag shall be valid in Unit 11 only during even-numbered years and during odd-numbered years when the Special Bighorn Sheep Permit/Tag holder chooses not to hunt in Unit 11. (3-20-04)

03. Permit. A permit and tag will be provided to the lottery tag winner from the net proceeds of the lottery. (7-1-93)

04. Application Of Big Game Rules. All Rules Governing the Taking of Big Game Animals shall apply to the eligible ticket purchasers and lottery tag winner, other than as specified herein. (7-1-93)

a. A person receiving a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year for another bighorn sheep lottery tag. (3-30-01)

b. A person successful in taking a bighorn sheep with a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year. (3-20-04)

c. Any person who wins a Bighorn Sheep Lottery Permit/Tag, and who is otherwise eligible to apply for a deer, elk or antelope controlled hunt permit, shall be allowed to apply for a permit for those species during the same year the Bighorn Sheep Lottery Permit/Tag is valid. (3-30-01)

801. -- 999. (RESERVED).

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