

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.21 – Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park

Who does this rule apply to?

These rules apply to recreational residence site lease holders within Heyburn State Park.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific the administration of recreational residence site leases within Heyburn State Park.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -
State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

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**26.01.21 – RULES GOVERNING LEASING PRACTICES AND PROCEDURES
FOR RECREATIONAL RESIDENCES WITHIN HEYBURN STATE PARK**

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Park and Recreation Board pursuant to Idaho Code, Section 67-4223 and are intended to further define and make specific Idaho Code, Section 67-4223 as it pertains to the administration of recreational residence site leases within Heyburn State Park. (3-18-22)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.21, “Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park.” (3-18-22)

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration of recreational residence site leases within Heyburn State Park. (3-18-22)

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (3-18-22)

01. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. (3-18-22)

02. Department. The Idaho Department of Parks and Recreation. (3-18-22)

03. Director. The director and chief administrator of the Department, or the designee of the director. (3-18-22)

04. Lease. The contract defining the rights and duties of the parties regarding a recreational residence site within Heyburn State Park. (3-18-22)

05. Lease Payment. The annual fee paid by a Lessee to the Lessor. (3-18-22)

06. Lessee. A person who holds a valid lease for a recreational residence site within Heyburn State Park. (3-18-22)

07. Lessor. The Board or it’s authorized representative. (3-18-22)

08. Recreational Residence Site. A particularly described parcel of real property, located within Heyburn State Park and owned by the Department, which has been made available to private individuals through a lease for the purpose of constructing and maintaining a recreational residence. (3-18-22)

011. -- 049. (RESERVED)

050. LEASE TERM.

01. Cottage Site Leases. Leases are issued for a term not to exceed ten (10) years commencing upon January 1 of the year the lease is entered into and ending upon December 31 of the final year of the term. (3-18-22)

02. Float Home Moorage Site Leases. Lease of a float home moorage site may be issued for a period of up to thirty (30) years commencing upon January 1 of the year the lease is entered into and ending upon December 31 of the final year of the term. (3-18-22)

051. -- 069. (RESERVED)

070. RENEWAL.

No lease may include any right of renewal, whether expressed or implied. (3-18-22)

071. -- 089. (RESERVED)

090. LEASE RATES.

01. Base Rates. Base lease rates are set so as to provide the Department a reasonable return based upon the fair market value of the lease site. (3-18-22)

02. Lease Rate Adjustments. The lease provides for annual adjustments. (3-18-22)

091. -- 109. (RESERVED)

110. OCCUPANCY.

01. Recreational Occupancy. With the exception of those leases that have been grandfathered for full-time occupancy, the leased premises may be used solely for recreational residential purposes. Use may be intermittent or seasonal but in no event may the residence be occupied in excess of six (6) months in any twelve (12) consecutive months or more than one hundred eighty five (185) days in any three hundred sixty five (365) day cycle. (3-18-22)

02. Full-Time Occupancy. Leases that have been grandfathered for full-time occupancy revert to recreational residential purposes when they are transferred, whether by gift, sale, or devise. (3-18-22)

111. -- 129. (RESERVED)

130. USE.

01. Commercial Use Prohibited. Leased premises may not be used for commercial purposes. This includes, but is not limited to, short- or long-term rental for profit, and the conduct of any enterprise of a commercial nature. (3-18-22)

02. Public Use. Heyburn State Park is a public facility that is managed for the use and benefit of the public. Recreational residence leases reserve to the Department and its agents the right of ingress and egress across lease premises. Recreational residence leases preserve the right of the general public to cross the leased premises for any lawful purpose. (3-18-22)

131. -- 999. (RESERVED)