

Scenario:

Survey team appears on your property to investigate the future site(s) of construction.

Your response:

Deny them access. They will inform you that they will be back with the Sherriff next week (intimidating you) to complete the work. Tell them that would be fine and **do not interact with them any further!**

When the Sherriff arrives with the survey team, inform them that you were never notified about the survey, as required by statute TITLE 54, Chapter 12, section 4, 7 days prior to when the survey team plans to arrive.

"...prior notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed as soon as practicable following the contract or agreement to perform the work and at least seven (7) days prior to the entry onto the land unless the notice period is waived in writing by the landowner, occupant, or an agent thereof."

Deny them access again and the sheriff will try to intimidate you too – stand your ground. They must follow their own laws – make them do so.

If they inform you that the "week prior was when we came the first time," inform them that you received no physical notice, as outlined in the same Idaho Statute:

"The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey, and the presence of any temporary or permanent monuments or other markers to be established by the surveyor and left on the land... Notice that is given by personal notice must be hand-delivered to the landowner or occupant or, if hand delivery cannot be accomplished, it may be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice."

If you did not receive a physical notice by mail or in person, tell them you will wait to receive it *then* establish a time to meet, according to your available times.

If you run a business in your home, you can schedule them for a Saturday afternoon, "The surveyor or his agent or employee shall cooperate with the landowner, occupant, or agent thereof to avoid disruption of a business or agricultural operation." You must hold them to their own laws!

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES
CHAPTER 12
ENGINEERS AND SURVEYORS

54-1230. LAND SURVEYING - RIGHT OF ENTRY. (1) Any person duly licensed by the state of Idaho as a professional land surveyor, including all subordinates subject to the supervision of a licensed surveyor while undertaking land survey activities, and any surveyor or his subordinate employed in the execution of any survey authorized by the congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and doing any work that may be necessary to carry out the objects of existing laws relative to surveys, may establish permanent station marks, and may erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

(2) Nothing in this section shall affect the right of entry established in sections [40-1310](#) and [40-2301](#), Idaho Code.

(3) A surveyor or his subordinate shall not enter railroad property pursuant to this section without written permission from the railroad's chief engineering officer or his designee.

(4) The surveyor, or any employee or agent of the land surveyor, may not enter upon land for the purpose of surveying, performing other survey work, or establishing a permanent survey monument without first providing prior notice to the landowner or occupant by first class mail or by personal notice. If the land is occupied by a person other than the landowner, prior notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed as soon as practicable following the contract or agreement to perform the work and at least seven (7) days prior to the entry onto the land unless the notice period is waived in writing by the landowner, occupant, or an agent thereof. Notice that is given by personal notice must be hand-delivered to the landowner or occupant or, if hand delivery cannot be accomplished, it may be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice. The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey, and the presence of any temporary or permanent monuments or other markers to be established by the surveyor and left on the land. The surveyor or his agent or employee shall cooperate with the landowner, occupant, or agent thereof to avoid disruption of a business or agricultural operation.

History:

[(54-1230) 1919, ch. 31, sec. 1, p. 112; C.S., sec. 2243; I.C.A., sec. 53-2309; am. 1986, ch. 140, sec. 25, p. 395; am. 2019, ch. 149, sec. 1, p. 498.]