

IN THE SENATE

SENATE BILL NO. 1289

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-1106, IDAHO CODE, TO
2 REVISE PROVISIONS RELATING TO APPEAL PROCEDURES; AND AMENDING SECTION
3 43-1118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCE-
4 DURES.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 43-1106, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 43-1106. APPEAL. An appeal shall lie from the decision of the board
10 of directors of such irrigation district denying the petition or any part
11 thereof to the district court of the county where the lands described in the
12 petition are located. The appeal ~~to shall~~ be taken in ~~the same manner and~~
13 ~~within the same period of time as appeals are taken from decisions or orders~~
14 ~~of the board of county commissioners~~ accordance with and shall be subject to
15 the appeal provisions of section 43-719(4) and (5), Idaho Code. If an appeal
16 results in an order of the district court excluding the lands described in
17 the petition, or any of them, the time of segregation shall date from the date
18 of the hearing before the board of directors of the district.

19 SECTION 2. That Section 43-1118, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 43-1118. APPEALS -- PROCEDURE. An appeal shall lie from the resolution
22 or the order of the board of directors excluding, and from the order of the
23 board of directors not excluding, lands covered by proceedings under sec-
24 tions 43-1110 through 43-1117, Idaho Code, or from any part of any such or-
25 der. The appeal may be taken by any landowner in the district and by any per-
26 son, firm or corporation having any interest in any tract of land included in
27 any such order. The appeal shall be to the district court of the county where
28 the lands involved in the appeal are located. The appeal shall be taken in
29 ~~the same manner and within the same period of time as appeals from the board~~
30 ~~of county commissioners~~ accordance with and shall be subject to the appeal
31 provisions of section 43-719(4) and (5), Idaho Code.