

IN THE SENATE

SENATE BILL NO. 1059

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 7, TITLE 43, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 43-733, IDAHO CODE, TO PROVIDE FOR SPE-
3 CIAL ASSESSMENTS TO PAY FOR PHYSICAL STRUCTURES OR OTHER WORK NECESSARY
4 TO PROTECT IRRIGATION DISTRICT FACILITIES FROM HARM CAUSED BY CERTAIN
5 RUNOFF OR DRAINAGE, TO PROVIDE A CONDITION OF ISSUANCE OF SUCH SPECIAL
6 ASSESSMENT, TO PROVIDE FOR THE ASSESSMENT OF INDIVIDUAL LANDS THAT ARE
7 THE SOURCE OF RUNOFF OR DRAINAGE, TO PROVIDE THAT ASSESSMENTS SHALL BE
8 FOR CERTAIN COSTS, TO PROVIDE THAT ASSESSMENTS SHALL BE IN ADDITION TO
9 ASSESSMENTS FOR THE DELIVERY OF WATER, TO PROVIDE FOR THE APPLICABILITY
10 OF CERTAIN PROVISIONS RELATING TO DELINQUENT ASSESSMENTS AND TO PROVIDE
11 THAT SPECIAL ASSESSMENTS SHALL BE SUBJECT TO REVIEW PURSUANT TO SPECI-
12 FIED LAW.
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14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Chapter 7, Title 43, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 43-733, Idaho Code, and to read as follows:

18 43-733. ASSESSMENTS FOR MEASURES TO PROTECT DISTRICT FACILI-
19 TIES. Notwithstanding any provision of title 43, Idaho Code, to the con-
20 trary, an irrigation district may determine that it is necessary to impose a
21 special assessment to pay for physical structures or other work necessary to
22 protect its facilities from harm caused by runoff or drainage from individ-
23 ual lands within the district. The district may issue a special assessment
24 to perform such protective work only if the district has adopted a bylaw or
25 resolution authorizing a special assessment for protection of district fa-
26 cilities from runoff or drainage from such individual lands. When an assess-
27 ment for such protective work has been authorized, the district shall assess
28 the individual lands that are the source of runoff or drainage, the cost of
29 such protective measures, including the annual cost of maintenance of any
30 necessary repairs or maintenance of such protective measures, in addition to
31 the assessments that are levied for the delivery of water to the individual
32 landowners, and the same provisions shall apply with regard to delinquent
33 assessments, as in the case of assessments levied for the delivery of water.
34 The special assessments authorized under this section are subject to review
35 by the board of corrections under section 43-703, Idaho Code.