

IN THE SENATE

SENATE BILL NO. 1059, As Amended

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 CONDITIONS OF ISSUANCE OF SUCH SPECIAL
6 ASSESSMENT, TO PROVIDE FOR THE ASSESSMENT OF INDIVIDUAL LANDS THAT ARE
7 THE SOURCE OF IRRIGATION RUNOFF OR DRAINAGE, TO PROVIDE THAT ASSESS-
8 MENTS SHALL BE FOR CERTAIN COSTS, TO PROVIDE THAT ASSESSMENTS SHALL BE
9 IN ADDITION TO ASSESSMENTS FOR THE DELIVERY OF WATER, TO PROVIDE FOR THE
10 APPLICABILITY OF CERTAIN PROVISIONS RELATING TO DELINQUENT ASSESSMENTS
11 AND TO PROVIDE THAT SPECIAL ASSESSMENTS SHALL BE SUBJECT TO REVIEW PUR-
12 SUANT TO SPECIFIED LAW.
13

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
21 a special assessment to pay for physical structures or other work necessary
22 to protect its facilities from harm caused by irrigation runoff or drainage
23 from individual lands within the district that are on the district's as-
24 sessment book prepared under section 43-701, Idaho Code. The district may
25 issue a special assessment on such lands to perform such protective work
26 only if the district has adopted a bylaw or resolution authorizing a special
27 assessment for protection of district facilities from irrigation runoff or
28 drainage from such individual lands, after notice to the landowner. When
29 an assessment for such protective work has been authorized, the district
30 shall assess such individual lands that are the source of irrigation runoff
31 or drainage, the cost of such protective measures, including the annual cost
32 of maintenance of any necessary repairs or maintenance of such protective
33 measures, in addition to the assessments that are levied for the delivery of
34 water to the individual landowners, and the same provisions shall apply with
35 regard to delinquent assessments, as in the case of assessments levied for
36 the delivery of water. The special assessments authorized under this sec-
37 tion are subject to review by the board of corrections under section 43-703,
38 Idaho Code.