

TITLE 42
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 19
DAMS AND BOOMS IN CLEARWATER RIVER

42-1901. CONDITIONS OF CONSTRUCTION. Dams and booms may be constructed and maintained in the Clearwater river and the tributaries thereof in this state: provided, however, that any such dam or boom has connected therewith a sluiceway or other fixture, appliance or opening sufficient and so arranged as to permit floating timber in the form of loose logs, boards, planks, lumber, ties, poles, rails, posts, cordwood or beams but not in rafts, booms or brails, to pass around, through or over such dam or booms without unreasonable delay or hindrance and without any charge therefor.

[(2-1901) 1911, ch. 100, sec. 1, p. 343; am. 1915, ch. 59, sec. 1, p. 146; am. 1917, ch. 130, sec. 1, p. 437; reen. C.L. 126:15; C.S., sec. 2992; I.C.A., sec. 41-1601.]

42-1902. SUPERVISION OF DEPARTMENT OF WATER RESOURCES. The construction and maintenance of any such dam shall be subject to the provisions of sections 42-1707 and 42-1708[, Idaho Code].

[(42-1902) 1911, ch. 100, sec. 2, p. 343; reen. 1915, ch. 59, sec. 2, p. 147; reen. 1917, ch. 130, sec. 2, p. 438; compiled and reen. C.L. 126:16; C.S., sec. 2993; I.C.A., sec. 41-1602.]

42-1903. LIMITATION ON RIGHT TO FLOOD LAND OF OTHERS. This chapter shall not be construed to authorize any person to construct or maintain a dam or boom upon land above highwater mark owned by another person, or to flood, overflow or otherwise take, damage or interfere with land above highwater mark owned by another person without the consent of such owner, unless the right to do so is first acquired by agreement, purchase or condemnation.

[(42-1903) 1911, ch. 100, part of sec. 2, p. 343; reen. 1915, ch. 59, sec. 2, p. 147; am. 1917, ch. 130, sec. 2, p. 438; reen. C.L. 126:17; C.S., sec. 2994; I.C.A., sec. 41-1603.]

42-1904. REGULATION BY PUBLIC UTILITIES COMMISSION. Any such dam or boom and the use thereof shall be subject to the regulation and control of the public utilities commission, under chapters 1 to 7 of title 59, [Idaho Code,] and any amendments thereof heretofore or hereafter adopted, but only, while and as to, any service, such dam or boom, or the owner thereof, for hire or compensation, furnishes therefrom to the public.

[(42-1904) 1915, ch. 159, part of sec. 2, p. 147; am. 1917, ch. 130, sec. 2, p. 438; reen. C.L. 126:18; C.S., sec. 2995; I.C.A., sec. 41-1604.]