

TITLE 42
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 21
CAREY ACT CONSTRUCTION COMPANIES ACTING AS OPERATING COMPANIES

42-2101. MAINTENANCE CHARGES -- STATEMENT TO BE FILED WITH DEPARTMENT OF WATER RESOURCES. Every company or corporation operating, in whole or in part, irrigation works constructed or used for the purpose of furnishing water to or reclaiming, in whole or in part, any land granted, segregated or set apart by the United States to the state of Idaho under the provisions of an act of congress commonly known as the Carey Act, where such operating company is under the control, direction or management of persons other than the actual stockholders thereof, or where a majority of the stock in such company is represented by persons other than the owners thereof, either by agreement or contract, or is represented by such persons as trustees for the actual owners thereof, or where settlers or water users under such system of irrigation have contracted for the purchase of the stock in such operating company, in all of such cases the operating company shall file with the department of water resources an itemized statement of tolls, assessments, water charges or other obligations alleged to be proper charges for the operation of said irrigation works and the maintenance thereof and proposed to be assessed against the water users of such project or the stockholders in such operating company, or both, together with a statement of the number of acres or the number of shares of stock, or both, against which assessments are proposed to be made for such proposed expenditures, the amount per acre or per share of stock, or both, proposed to be levied by such company to raise such amount and such other statement of the affairs of the company as may be required by said department to give said department all information necessary to review and pass upon the matters before it.

[(42-2101) 1917, ch. 14, sec. 1, p. 31; reen. C.L. 128:1; C.S., sec. 3034; I.C.A., sec. 41-1801.]

42-2102. PUBLICATION OF STATEMENT. The department of water resources shall direct the company to have published in a newspaper of general circulation deemed by the department most likely to reach the water users of such irrigation system a true copy of the statement submitted to the department by said company, and said publication shall include notice by the department of a hearing to be held by said department at a named time, date and place for the purpose of hearing any protests against said proposed expenditures, any portions thereof or any matters pertaining thereto.

[(42-2102) 1917, ch. 14, sec. 2, p. 31; reen. C.L. 128:2; C.S., sec. 3035; I.C.A., sec. 41-1802.]

42-2103. HEARING BY DEPARTMENT. If after such hearing the department of water resources shall be satisfied that the expenditures proposed therein are necessary for the operation and maintenance of such irrigation works and are proper charges against the water users or stockholders of such system, or both, and the amount to be levied and the means thereof is determined to be proper, the department shall approve such statement and such approval shall give the company the right to assess, levy or enforce a lien for the collection thereof; or the department may reject such statement, in whole or in part, and if in part, the operating company shall have the authority to levy

assessments only for the collection of whatever portion thereof is approved by said department.

[(42-2103) 1917, ch. 14, sec. 3, p. 31; reen. C.L. 128:3; C.S., sec. 3036; I.C.A., 41-1803.]

42-2104. OPERATING REGULATIONS SUBJECT TO REVIEW. All rules and regulations under which water is furnished by such companies shall be subject to review by said department, which said department may nullify or amend such rules and regulations or any portion thereof as said department deems expedient and wise to best serve the interests of the water users on such projects or the stockholders in such companies.

[(42-2104) 1917, ch. 14, first part of sec. 4; p. 32; reen. C.L. 128:4; C.S., sec. 3037; I.C.A., sec. 41-1804.]

42-2105. OPERATION MATTERS SUBJECT TO REVIEW. All acts of such companies, all matters pertaining to the operation of canal works under the control of such companies and all matters pertaining to the financial affairs of such companies shall be subject to the jurisdiction of said department, which shall have full power and authority to provide for hearings, pass upon and review all such matters and take whatever steps may be necessary to enforce its decisions.

[(42-2105) 1917, ch. 14, last part of sec. 4, p. 32; reen. C.L. 128:5; C.S., sec. 3038; I.C.A., sec. 41-1805.]