

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 27  
STATE COOPERATION WITH UNITED STATES RECLAMATION SERVICE

42-2701. SALES UNDER GOVERNMENT IRRIGATION WORKS. Whenever the United States shall, through its proper officers, authorize the construction of any irrigation works in this state under the provisions of the Reclamation Act of June 17, 1902, no lands belonging to the state whose irrigation depends upon the construction of such works shall, after such authorization for construction shall have been publicly announced or communicated by such proper officer to the governor of the state, be sold except in conformity with the classification of farm units by the United States, and the title to such lands shall not pass from the state, until the applicant therefor shall have fully complied with the provisions of the laws of the United States, and the regulations thereunder, concerning the acquisition of the right to use water from such works, and shall produce the evidence thereof duly issued.

[(42-2701) 1905, p. 373, sec. 2; reen. R.C., sec. 1583; reen. C.L. 131:1; C.S., sec. 3069; I.C.A., sec. 41-2301.]

42-2702. SALES UNDER GOVERNMENT IRRIGATION WORKS -- LIMITATION OF TIME TO APPLY FOR WATER. In all contracts for the sale of lands, hereafter made, the irrigation of which depends upon the construction of irrigation works under the provisions of the Reclamation Act of June 17, 1902, it shall be provided that the purchaser shall apply for a water right from the government works, and subscribe such lands in the water users' association of the project in which they are located, within one (1) year after said contract of purchase is made, or in case there should be no association, at the time of the sale of the state lands, to which such subscription can be made, it shall be provided in said contract, that such application and subscription shall be made within one (1) year after such association is formed, and upon failure of the purchaser or purchasers to comply with the provisions of this section, the lands so purchased shall revert to the state together with the payment or payments made thereon, as fully and completely as if no sale had ever been made.

[(42-2702) R.C., sec. 1583a, as added by 1909, p. 70; reen. C.L. 131:2; C.S., sec. 3070; I.C.A., sec. 41-2302.]

42-2703. CONTRACTS WITH FEDERAL GOVERNMENT FOR IRRIGATION OF STATE LANDS. The state land board is hereby authorized and directed on behalf of the state to make and enter into suitable contracts with the secretary of the interior to provide for the irrigation of state lands within or adjacent to the national irrigation projects constructed or to be constructed in this state under the provisions of the act of congress of June 17, 1902, known as the reclamation act, and to provide for increasing the capacity of the irrigation works of such projects and extending them and perfecting them to provide for the irrigation of such state lands.

[(42-2703) 1909, p. 331, sec. 1; reen. C.L. 131:3; C.S., sec. 3071; I.C.A., sec. 41-2303.]

42-2704. CONTINUING APPROPRIATION OF CAREY ACT TRUST FUND. The funds accumulated and to be accumulated under the provisions of section [42-2018](#)[, Idaho Code,] are hereby appropriated for the purpose of carrying out the provisions of such contracts between the state land board and the secretary of the interior and for making the payments provided for therein: provided, that no obligations shall be incurred under this chapter in excess of the amount available in said fund.

[(42-2704) 1909, p. 331, secs. 2, 3; reen. C.L. 131:4; C.S., sec. 3072; I.C.A., sec. 41-2304.]

42-2705. FUNDS EXPENDED UNDER DIRECTION OF SECRETARY OF THE INTERIOR. It may be provided in such contracts that the fund appropriated herein may be used under the direction of secretary of interior to supplement such funds as may be available for this purpose from the national reclamation fund under the act of congress of June 17, 1902, for the irrigation of said state lands.

[(42-2705) 1909, p. 331, sec. 4; reen. C.L. 131:5; C.S., sec. 3073; I.C.A., sec. 41-2305.]

42-2706. REIMBURSEMENT OF CAREY ACT TRUST FUND. Provision shall be made for the collection of all sums expended by the state under this chapter and their return to the state is not to exceed ten (10) annual installments, said installments to be collected and returned to the state at the same times and in similar manner as may be provided for the collection of the installments due to the national government. Such installments when returned to the state shall constitute a trust fund in the hands of the state treasurer to be used only for the reclamation of other arid lands.

[(42-2706) 1909, p. 331, secs. 5, 6; reen. C.L. 131:6; C.S., sec. 3074; I.C.A., sec. 41-2306.]

42-2707. CONVEYANCE OF PROPERTY TO UNITED STATES AUTHORIZED. Whenever the board of county commissioners of any county shall adjudge that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to convey real property belonging to the county, however acquired, whether by tax foreclosure or in any other manner, not necessary for the use of the county, to the United States of America for use in connection with federal projects within the scope of the federal Reclamation Act of June 17, 1902, and federal acts amendatory thereof and supplemental thereto, for the reclamation and irrigation of arid lands, such board of county commissioners, by majority vote, are hereby authorized to convey such property to the United States of America for use in connection with such federal projects as aforesaid for the reclamation and irrigation of arid lands.

[42-2707, added 1943, ch. 108, sec. 1, p. 210; am. 1945, ch. 28, sec. 1, p. 35.]

42-2708. PROCEDURE FOR MAKING CONVEYANCE. Before making any such conveyance, the board of county commissioners shall enter a resolution declaring the intention of such board to make a conveyance of real property under authority of this act, and shall cause notice thereof to be published for at

least two (2) weekly issues of the official newspaper of said county before final action shall be taken, specifying the time and place where objections to such action may be filed and the time when such objections will be considered. Provided; that if no newspaper is published in said county, such notice may be given by posting such notice in three public places in the county, one (1) of which shall be at the county court house, in the place provided for posting similar notices, for a period of at least ten (10) days immediately preceding the time fixed for hearing objections.

[42-2708, added 1943, ch. 108, sec. 2, p. 210.]

42-2709. DETERMINATION OF CONSIDERATION. If no objections are filed or objections are overruled, the board may then convey the real property proposed in said resolution to be conveyed, as herein authorized; such conveyance may be for such consideration as may be determined by said board.

[42-2709, added 1943, ch. 108, sec. 3, p. 210.]