

TITLE 43
IRRIGATION DISTRICTS

CHAPTER 15
MISCELLANEOUS PROVISIONS OF DISTRICT LAW

43-1501. NAVIGATION AND MINING INDUSTRIES NOT IMPAIRED. Navigation shall never in any wise be impaired by the operation of this title, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water or water rights or reservoirs or dams now used by the owners or possessors thereof in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used directly or indirectly in carrying on or promoting the mining industry, ever be affected by or taken under its provisions, save and except that rights of way may be acquired over the same.

[(43-1501) 1903, p. 150, sec. 42; reen. R.C. & C.L., sec. 2440; C.S., sec. 4443; I.C.A., sec. 42-1501.]

43-1502. PUBLICATION OF NOTICES. Whenever in this title any notice is required to be given by publication, it shall be satisfied by publishing the same in a weekly newspaper, the same number of times consecutively as the number of weeks mentioned in the requirement. A ten (10) days' notice shall be satisfied by two (2) such publications, a twenty (20) days' notice by three (3), and a thirty (30) days' notice by five (5) such publications.

[(43-1502) 1903, p. 150, sec. 60a, as added by 1907, p. 484, sec. 1; reen. R.C. & C.L., sec. 2441; C.S., sec. 4444; I.C.A., sec. 42-1502.]

43-1503. OTHER LAWS UNAFFECTED. None of the provisions of this title shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of irrigation or water distribution. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal or ditch, or the water therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

[(43-1503) 1903, p. 150, sec. 43; am. R.C. & C.L., sec. 2442; C.S., sec. 4445; I.C.A., sec. 42-1503.]

43-1504. EXISTING DISTRICTS TO BE GOVERNED BY THIS TITLE. All irrigation districts heretofore organized under any of the laws of this state shall hereafter be governed in all respects by the provisions of this title.

[(43-1504) 1903, p. 150, sec. 60; reen. R.C. & C.L., sec. 2443; C.S., sec. 4446; I.C.A., sec. 42-1504.]

43-1505. IRRIGATION LATERAL DISTRICTS. For the purpose of constructing, operating, and managing water in distributing systems by means of laterals, sublaterals, ditches, flumes, and pipe lines, an irrigation lateral district may be organized and created within the territory already organized as an irrigation district, in the same manner and by the same process re-

quired by the provisions of this title, for the creation of an irrigation district from unorganized territory, and such interior irrigation lateral district, when organized shall through its board of directors, other officers and employees have all necessary powers for the purpose of its creation conferred by this title upon the original irrigation district, including the power to issue, negotiate and sell bonds payable and secured as is in this title provided; to build and construct new works and to levy assessments and taxes necessary for the purpose of conducting its affairs in the same manner and by the same process as are by this title provided in the case of irrigation districts; provided, however, it is distinctly understood that the negotiation and sale of coupons bonds and levying of assessments and taxes and incurring of debts and obligations by any such irrigation lateral district shall not in any way or manner affect any of the bonds, assessments, taxes, or obligations of the irrigation district of which it is a part and shall not in any way or manner limit the power of such original irrigation district to incur the indebtedness, levying of assessments and issue its bonds for any of the purposes for which such district is by this title entitled to levy or issue the same.

[(43-1505) C.S., sec. 4446A, as added by 1925, ch. 50, sec. 1, p. 74; I.C.A., sec. 42-1505.]

43-1506. CHANGE OF NAME OF IRRIGATION DISTRICTS. The board of directors of any irrigation district of the state of Idaho may petition the district court of the county in which the lands of said irrigation district or the greater portion thereof are situated for a change of the name of such irrigation district. Such petition must specify the date of organization of the district, its present name, the name proposed, and that the board of directors deems it for the best interests of said district that the name of the district be changed, and must be signed by the directors of the district or by a majority of them. Upon filing such petition the same proceedings shall be had for effecting such change of name as are prescribed in chapter 8 of [title 7](#) of the Idaho Code, and a certified copy of any order of the district court changing the name of such irrigation district shall be forthwith filed with the department of water resources. Any change of name under the provisions of this section shall not affect any of the rights, property or obligations of said irrigation district.

[(43-1506) 1929, ch. 191, sec. 1, p. 353; I.C.A., sec. 42-1506.]

43-1507. INVESTMENT OF CERTAIN FUNDS AUTHORIZED. In addition to the authority conferred upon the board of directors of an irrigation district by section [57-127](#), Idaho Code, such board shall have the authority to invest the surplus funds of such district, in the negotiable, general obligation bonds or other evidences of indebtedness of the United States or of this state or in local improvement district bonds or warrants authorized by [chapter 17, title 50](#), or [chapter 25, title 43](#), Idaho Code, in lieu of depositing the same in designated depositories as provided by the public depository law and to dispose of such bonds, warrants, or evidences of indebtedness as and when said board may direct.

[43-1507, added 1943, ch. 153, sec. 1, p. 309; am. 2003, ch. 82, sec. 1, p. 258.]

43-1508. DISPOSITION OF LANDS ACQUIRED BY TAX TITLE -- PERFECTION OF TITLE BY DISTRICT -- RATIFICATION OF PRIOR ACTS. Any irrigation district, as the purchaser of any lands at any delinquent tax sale or holding tax deed issued in consequence of any delinquency entry for taxes or assessments, or as the owner of lands in any other manner acquired, and which are not necessary for the use of the district, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district may be conveyed by deed executed and acknowledged by the president and secretary of the board of directors, and in like manner the district may also contract to convey or lease the same; provided that authority so to convey, contract or lease must be conferred by resolution of said board entered upon its minutes. Any deeds executed on behalf of a county by its board of county commissioners or the officers thereof, to an irrigation district holding tax title or delinquency entry against lands within its boundaries prior to the date this act goes into effect, and any deeds, contracts, or leases executed by irrigation districts prior to the date this act goes into effect conveying, contracting to convey, or leasing lands acquired under the conditions set forth in this act are hereby declared to be good, valid and legal, and are hereby validated, approved, authorized and confirmed.

[43-1508, added 1935 (1st E.S.), ch. 53, sec. 1, p. 141; am. 1937, ch. 39, sec. 1, p. 49.]

43-1509. RIGHT TO PURCHASE LANDS WHEN HOLDING TAX TITLE. Any irrigation district holding tax title to, or a delinquency entry against, lands within its boundaries to which a county has heretofore taken or may hereafter take tax deed, may become the purchaser of such lands when the same are sold by such county, and the district may convey, contract to convey or lease any land so acquired, in the manner provided in section [43-1508](#).

[43-1509, added 1935 (1st E.S.), ch. 53, sec. 2, p. 141.]

43-1510. TAX EXEMPTIONS. The following irrigation district property and the revenue therefrom shall be exempt from taxation: (1) water rights for the irrigation of lands; (2) irrigation structures described in section [63-602N](#)(2), Idaho Code; (3) all property described in section [63-602N](#)(3), Idaho Code; and (4) all parks and recreational facilities owned or maintained by an irrigation district pursuant to this title. Such property tax exemption shall not be subject to approval by the county board of equalization. Bonds and interim notes, and interest thereon, issued pursuant to the authority contained in this title shall be exempt from taxation under the Idaho income tax law.

[43-1510, added 2007, ch. 136, sec. 1, p. 396; am. 2016, ch. 189, sec. 15, p. 522.]