

TITLE 43
IRRIGATION DISTRICTS

CHAPTER 16
PURCHASE OF STATE LANDS BY IRRIGATION DISTRICTS

43-1601. POWER TO PURCHASE. Any irrigation district organized or hereafter organized under the laws of the state of Idaho is hereby authorized and empowered to purchase state lands within the boundaries of such irrigation district from the state at the state sale of said lands and may sell and dispose of the lands so purchased at a price and upon terms to be determined by the board of directors of such district. Any irrigation district, as a purchaser of any state lands within the boundaries of such district, shall be entitled to the same rights as a private purchaser and a title so acquired by the district may be conveyed by deed executed and acknowledged by the president and secretary of the board of directors: provided, that authority to so convey must be conferred by resolution of the board entered on its minutes: provided further, that in the sale by the state of state lands within an irrigation district under this chapter the lands shall be offered in tracts or parcels of not more than six hundred forty (640) acres.

[(43-1601) 1917, ch. 40, sec. 1, p. 90; reen. C.L. 165:1; C.S., sec. 4447; I.C.A., sec. 42-1601; am. 1937, ch. 39, sec. 2, p. 49.]

43-1602. RESOLUTION TO PURCHASE -- PAYMENT. Whenever a board of directors of any irrigation district deems it for the best interest of the district to purchase any state lands within such district the said board shall determine what, if any, state land it desires to purchase and shall pass a resolution to that effect, which resolution shall describe the lands the district desires to purchase and the amount of money required to be available for the purchase of the same, and the said board of directors is hereby authorized to issue bonds the proceeds of which are to be used in the purchase of said lands whenever authorized to do so by a two-thirds (2/3) vote of the qualified electors voting at an election held for such purpose: provided, however, that in case an appropriation is made by the state to any district the proceeds of which appropriation are to be used by such district in the purchasing of state lands within said district the submitting of said question to the qualified electors is not necessary and the board of directors of such district shall have authority to apply the appropriation so made to the purchase of such state lands.

[(43-1602) 1917, ch. 40, sec. 2, p. 90; reen. C.L. 165:2; C.S., sec. 4448; I.C.A., sec. 42-1602.]

43-1603. APPRAISEMENT -- SALE -- CONSTRUCTION WORK DEFINED -- ASSESSMENT OF INITIAL COSTS. Before any state lands shall be offered for sale within an irrigation district the state board of land commissioners shall cause said lands to be appraised, showing the value of the lands exclusive of all benefits accruing to such lands by reason of the water rights and irrigation works acquired by the irrigation district, which appraisement shall not be less than ten dollars (\$10.00) per acre. And when lands are sold to other purchasers than the irrigation district, the purchasers shall pay to the irrigation district within which said lands are situated the initial cost of all construction work to the same extent as though said lands had been

held in private ownership at the time the construction work was done. But no maintenance or other assessments shall accrue against such land until such time as the land is actually sold. The term "construction work" as herein used shall include the erection of pump houses and electrical and other pumps or appliances for raising water to the lands, as well as dams, headgates, ditches, laterals, drainage canals and other irrigation works. These initial costs shall be assessed against purchasers of the land on such terms of payment as may be agreed upon between the state board of land commissioners and the directors of the irrigation district, and such terms shall be stated in the advertisement of such sale. Any adjustments or reductions of such initial construction charges, as may have been granted or that thereafter may be granted to any of the lands within the irrigation district, shall also be granted to the state lands.

[(43-1603) 1917, ch. 40, sec. 3, p. 90; reen. C.L. 165:3; C.S., sec. 4449; am. 1927, ch. 142, sec. 1, p. 184; I.C.A., sec. 42-1603.]

43-1604. APPRAISAL OF IMPROVEMENTS. In case an irrigation district shall become the purchaser of any state lands, as in this chapter provided, which lands or any portion thereof are held by a lessee, the district shall take the title to said lands subject to said lease, and the district shall not pay for the surface improvements made by such lessee, but whenever the district shall sell and dispose of said lands the said improvements shall be appraised and paid for in the same manner as provided by law and the rules and regulations governing the state board of land commissioners were the said state board of land commissioners acting instead of the board of directors of said district.

[(43-1604) 1917, ch. 40, sec. 4, p. 90; reen. C.L. 165:4; C.S., sec. 4450; I.C.A., sec. 42-1604.]

43-1605. CONTRACTS PLEDGED FOR CONSTRUCTION WORK. The board of directors of any irrigation district, after a sale and disposal of any lands purchased under this chapter, having contracts or evidence of lien on the lands so sold for the purchase price or any part thereof may use such contracts or evidence of lien and pledge the same to the United States or any contractor for the construction of any works necessary for the operation of the irrigation works of such district. And the board of directors of any irrigation district having such contracts or evidence of lien, may borrow money to be used for the construction of any irrigation or drainage works necessary for the use of said district, and may pledge such contracts or evidence of lien as security for such loan: provided, that no such loan shall exceed the face value exclusive of interest of the contracts or evidences of lien so pledged: and provided further, that any money so borrowed shall be placed in a special fund and used only for the construction of such works.

[(43-1605) 1917, ch. 40, sec. 5, p. 90; reen. C.L. 165:5; C.S., sec. 4451; am. 1929, ch. 59, sec. 1, p. 85; I.C.A., sec. 42-1605.]

43-1606. ELECTIONS. All elections held under the provisions of this chapter shall be in accordance with the laws governing elections authorizing the issuing of bonds by an irrigation district.

[(43-1606) 1917, ch. 40, sec. 6, p. 90; reen. C.L. 165:6; C.S., sec. 4452; I.C.A., sec. 42-1606.]

43-1607. APPLICATION OF GENERAL LAWS. All provisions of the law with reference to the sale and disposal of state lands under the general laws of the state not in conflict herewith shall apply to the sale of state lands under the provisions of this chapter.

[(43-1607) 1917, ch. 40, sec. 7, p. 90; reen. C.L. 165:7; C.S., sec. 4453; I.C.A., sec. 42-1607.]