

TITLE 43
IRRIGATION DISTRICTS

CHAPTER 24
ANNEXATION OF PROPERTY FOR THE PURPOSE OF RECEIVING DOMESTIC WATER

43-2401. APPLICATION. The provisions of this chapter shall apply only to irrigation districts having a system of works and piping for the distribution of treated domestic water separate from its works and piping for the distribution of irrigation water.

[43-2401, added 1979, ch. 178, sec. 1, p. 530.]

43-2402. DOMESTIC ANNEXATION. In such districts, the holder or holders of any title, or evidence of title, representing one-half (1/2) or more of any body of lands adjacent to the boundary of the irrigation district, may, in lieu of proceeding for annexation under [chapter 10, title 43](#), Idaho Code, file with the board of directors of such district a petition in writing praying that said lands may be annexed to the district for the sole purpose of receiving domestic water therefrom. Such annexation is herein referred to as "domestic annexation." The petition shall describe the lands, and shall also describe the several parcels owned by the petitioners.

[43-2402, added 1979, ch. 178, sec. 1, p. 530.]

43-2403. CONSERVATORS AND PERSONAL REPRESENTATIVES MAY SIGN PETITION. A conservator or personal representative of an estate who was appointed as such under the laws of this state may, on behalf of his ward or the estate which he represents, sign the petition mentioned in the next preceding section for domestic annexation.

[43-2403, added 1979, ch. 178, sec. 1, p. 530.]

43-2404. NOTICE OF PETITION. The secretary must cause the notice of the filing of such petition to be published three (3) weeks in the manner of notices of special elections. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and that domestic annexation thereof has been requested, and it shall notify all persons interested in or that may be affected by such domestic annexation to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the petition for domestic annexation should not be granted. The petitioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings in connection with all such domestic annexations.

[43-2404, added 1979, ch. 178, sec. 1, p. 530.]

43-2405. HEARING OF PETITION. The board of directors, at the time mentioned in such notice, or at such other time to which the hearing may be adjourned, shall hear the petition and all objections thereto, showing cause as aforesaid. The failure of any person to show cause as aforesaid shall be taken as an assent on his part to such domestic annexation as to the lands mentioned in the petition, or such part thereof as the board of directors shall determine.

[43-2405, added 1979, ch. 178, sec. 1, p. 530.]

43-2406. DOMESTIC ANNEXATION FEE. The board of directors may require, as a condition to the granting of such petition, that the petitioners shall severally pay to such district such sum as the board of directors shall determine, as a fee for such domestic annexation.

[43-2406, added 1979, ch. 178, sec. 1, p. 531.]

43-2407. ORDER ACCEPTING OR REJECTING PETITION. The board of directors, if they deem it not for the best interest of the district to grant such domestic annexation, shall order that the petition be rejected. But if they deem it for the best interest of the district, and if no person interested shall show cause why such domestic annexation should not be granted, or if having shown cause, withdraws the same, the board may order, without any election, that domestic annexation be granted as to the lands mentioned in the petition, or some part thereof. The order shall describe the lands to which domestic annexation shall be granted, and the board may cause a survey thereof to be made if deemed necessary.

[43-2407, added 1979, ch. 178, sec. 1, p. 531.]

43-2408. OBJECTIONS NOT WITHDRAWN -- RESOLUTION OF BOARD. If any person interested shall show cause as aforesaid and shall not withdraw the same, and if the board of directors shall deem it in the best interest of the district that domestic annexation be granted as to the lands described in such petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the lands for which, in the opinion of the board, domestic annexation should be granted.

[43-2408, added 1979, ch. 178, sec. 1, p. 531.]

43-2409. ELECTION TO DETERMINE CHANGE. Upon adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district to determine whether such domestic annexation shall be granted, as mentioned in said resolution, and it shall fix the time at which such election shall be held. Notice thereof shall be given and published, and the said election shall be held, and all things pertaining thereto conducted, as nearly as may be, in the manner prescribed by [title 43](#), Idaho Code, in case of an election to determine whether bonds of the district shall be issued. The question submitted to the voters shall be in the words "Domestic Annexation--Yes" or "Domestic Annexation--No", or words equivalent thereto. The notice of election shall describe the lands for which domestic annexation is proposed.

[43-2409, added 1979, ch. 178, sec. 1, p. 531.]

43-2410. ORDER CHANGING BOUNDARIES. If the majority of all votes cast at such election shall be against the granting of such domestic annexation, the board shall proceed no further in the matter. But if a majority of such votes be in favor of the granting of such domestic annexation, the board shall thereupon order the domestic annexation of the lands described in the notice of election. Any order granting such domestic annexation shall specify to which director's division such lands shall be attached.

[43-2410, added 1979, ch. 178, sec. 1, p. 531.]

43-2411. ORDER TO BE RECORDED -- EFFECT. Upon an order of domestic annexation being made a copy thereof, certified by the president and secretary of the board shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district. Thereupon such lands shall be entitled to receive domestic water from the district, and shall pay therefore [therefor] upon such basis as the board of directors shall direct. Such lands shall be subject to all laws, and rules and regulations of the district relating to domestic water. Such lands shall not be entitled to receive irrigation water from the district, and shall not be subject to assessment by the district. The owners of and/or residents on such lands shall be subject to the same voter qualifications and shall have the same voting rights in district elections as the owners of and/or residents on other lands within the district.

[43-2411, added 1979, ch. 178, sec. 1, p. 532.]

43-2412. SUBSEQUENT ANNEXATION. The making and filing of an order of domestic annexation shall not preclude the owners of any such lands from thereafter petitioning for annexation of such lands, or some part thereof, under the provisions of [chapter 10, title 43](#)[, Idaho Code]. Any annexation of such lands made under the provisions of such [chapter 10, title 43](#)[, Idaho Code], shall supersede any prior domestic annexation of such lands.

[43-2412, added 1979, ch. 178, sec. 1, p. 532.]