

IN THE SENATE

SENATE BILL NO. 1084

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO IRRIGATION; REPEALING CHAPTER 21, TITLE 42, IDAHO CODE, RELAT-  
2 ING TO CAREY ACT CONSTRUCTION COMPANIES ACTING AS OPERATING COMPANIES;  
3 REPEALING SECTION 42-2202, IDAHO CODE, RELATING TO CERTAIN STATEMENTS  
4 FILED WITH COUNTY RECORDERS; REPEALING SECTION 42-2204, IDAHO CODE,  
5 RELATING TO DUTIES OF COUNTY RECORDERS; REPEALING SECTION 42-2504,  
6 IDAHO CODE, RELATING TO THE TRANSFER OF CERTAIN WATER RIGHTS; REPEALING  
7 SECTION 42-2505, IDAHO CODE, RELATING TO CERTAIN APPEALS; REPEALING  
8 SECTION 42-2506, IDAHO CODE, RELATING TO FEES FOR DECISIONS ON APPLI-  
9 CATIONS FOR TRANSFERS OF WATER RIGHTS; REPEALING CHAPTER 26, TITLE  
10 42, IDAHO CODE, RELATING TO THE SALE OF WATER RIGHTS; AMENDING SECTION  
11 43-323, IDAHO CODE, TO REMOVE PROVISIONS ASSOCIATED WITH CERTAIN RE-  
12 PORTS TO THE DEPARTMENT OF WATER RESOURCES AND TO PROVIDE FOR PLACE OF  
13 USE; AND REPEALING SECTION 30-806, IDAHO CODE, RELATING TO CERTAIN RE-  
14 PORTS OF IRRIGATION COMPANIES.  
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Chapter 21, Title 42, Idaho Code, be, and the same is  
18 hereby repealed.

19 SECTION 2. That Section [42-2202](#), Idaho Code, be, and the same is hereby  
20 repealed.

21 SECTION 3. That Section [42-2204](#), Idaho Code, be, and the same is hereby  
22 repealed.

23 SECTION 4. That Section [42-2504](#), Idaho Code, be, and the same is hereby  
24 repealed.

25 SECTION 5. That Section [42-2505](#), Idaho Code, be, and the same is hereby  
26 repealed.

27 SECTION 6. That Section [42-2506](#), Idaho Code, be, and the same is hereby  
28 repealed.

29 SECTION 7. That Chapter 26, Title 42, Idaho Code, be, and the same is  
30 hereby repealed.

31 SECTION 8. That Section 43-323, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 ~~43-323. REPORT TO DEPARTMENT OF WATER RESOURCES PLACE OF USE. (1) At~~  
34 ~~least as often as once a year after organization, the board of directors~~  
35 ~~shall make a report to the department of water resources of the condition~~  
36 ~~of the work of construction, as to capacity, stability and permanency, and~~

1 ~~whether or not the plan of irrigation formulated under the provisions of this~~  
2 ~~title is being successfully carried out, and whether or not in the opinion~~  
3 ~~of the board the funds available will complete the proposed works. Upon the~~  
4 ~~receipt of such report by the department, it shall make such suggestions and~~  
5 ~~recommendations to such board of directors as it may deem advisable for the~~  
6 ~~best interest of the district.~~

7       (2) A change in the generally described place of use for a water right  
8 held by an irrigation district may be made without applying for a change  
9 under the provisions of section 42-222, Idaho Code, provided the district  
10 files with the department of water resources a map portraying the changes  
11 to the generally described place of use within which the district's water  
12 rights shall be exercised. For this filing requirement, it shall be suffi-  
13 cient to provide a drawing on a seven-and-one-half-minute (7-1/2) quadran-  
14 gle map having a scale of one to twenty-four thousand (1:24,000) which shows  
15 the changes to the outer limits of the boundaries of the irrigation district  
16 to include each quarter-quarter section within which irrigation occurs.  
17 This map showing changes to the generally described place of use shall be  
18 filed with the department no later than April 1 of the year following the  
19 changes. Notwithstanding the filing of such map, only the legal description  
20 of an irrigation district's boundaries recorded in compliance with title 43,  
21 Idaho Code, shall constitute conclusive proof of the district's boundaries  
22 for purposes other than defining the generally described place of use for a  
23 water right held by the district.

24       SECTION 9. That Section [30-806](#), Idaho Code, be, and the same is hereby  
25 repealed.