

IN THE SENATE

SENATE BILL NO. 1379

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CITY IRRIGATION SYSTEMS; AMENDING SECTION 50-1801, IDAHO CODE,
2 TO PROHIBIT SPECIFIED ACQUISITIONS THROUGH THE POWER OF EMINENT DOMAIN,
3 TO AUTHORIZE CITIES TO ESTABLISH AND EXTEND CITY IRRIGATION SYSTEMS IN
4 CERTAIN AREAS OF CITY IMPACT AND TO MAKE A TECHNICAL CORRECTION.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 50-1801, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 50-1801. CITY IRRIGATION SYSTEM AUTHORIZED. Any city within the state
10 of Idaho is hereby authorized, in the whole or part of the city to establish a
11 city irrigation system and to extend the boundaries within which it will sup-
12 ply and deliver irrigation water; to acquire by purchase, contract, eminent
13 domain or otherwise and to operate, maintain, construct, improve, enlarge
14 and extend an irrigation system to supply water to a part or all of the lands,
15 lots, parcels and pieces of real estate within the limits of such city; to ac-
16 quire by appropriation, purchase, contract, eminent domain or by any other
17 lawful means not herein enumerated any of the public or private waters of the
18 state of Idaho whether such waters are surface or subterranean waters; to ac-
19 quire, extend, enlarge, maintain and operate any canals, ditches, conduits
20 and rights_of_way for ditches, canals and conduits by contract, deed, emi-
21 nent domain or any other lawful means for the use of such city in supplying
22 water to and distributing the same throughout the city. The power of emi-
23 nent domain shall not be used to acquire any portion of an irrigation system,
24 ditch, canal, conduit or right-of-way that is used by the owner(s) or opera-
25 tor(s) thereof to deliver an existing water right to the water right owner(s)
26 or to persons under a sale, supply service, rental or distribution. Any city
27 within the state of Idaho is also authorized to establish or extend a city ir-
28 rigation system in the whole or part of an area of city impact that has been
29 established pursuant to section 67-6526, Idaho Code, and for which an or-
30 dinance has been adopted to provide for the establishment or extension of a
31 city irrigation system into the city impact area.