

IN THE SENATE

SENATE BILL NO. 1289

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-732, IDAHO CODE, TO
REVISE PROVISIONS REGARDING THE GROUPING OF CERTAIN LANDS FOR ASSESS-
MENT PURPOSES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 43-732, Idaho Code, be, and the same is hereby
amended to read as follows:

43-732. CERTAIN LANDS MAY BE ASSESSED AT DIFFERENT AMOUNTS -- ADDI-
TIONAL SERVICE CHARGE. (1) Notwithstanding any provision of sections 43-701
and 43-1824, Idaho Code, to the contrary, an irrigation district ~~which~~ that
assesses land in the district under the provisions of chapters 7 and 18, ti-
tle 43, Idaho Code, may assess any land within the district to which the dis-
trict furnishes or supplies water for irrigation purposes ~~which~~ that:

(a) Lies above the level of the canals or ditches of the district and is
irrigated by pumping by the landowner, ~~or~~ i;

(b) Is irrigated by a partial, supplemental or intermittent supply of
water from the district, ~~i~~ r or

(c) Is irrigated by water of the district ~~which~~ that is subject to prior
use by other lands within the district;
in such amount as the board determines to be just, taking into consideration
the benefit to the land assessed and extra expenses, if any, of the landowner
or holder, ~~i~~ r in using such water, but such amount may not exceed the amount as-
sessed against irrigable acres lying below the level of the canals or ditches
of the district.

(2) Notwithstanding any provisions of sections 43-701 and 43-1824,
Idaho Code, to the contrary, an irrigation district ~~which~~ that assesses
land in the district under the provisions of chapters 7 and 18, title 43,
Idaho Code, may, at the discretion of the board of directors, assess a ser-
vice charge, ~~i~~ r in addition to the regular assessment, against subdivided and
small-tract lands that have appurtenant water rights and to which irrigation
water is furnished or is available for delivery, when delivery of water to
these lands requires operation, construction and maintenance costs substan-
tially greater than operation, construction and maintenance costs involved
in delivering water to the majority of other lands in the district. All such
small-tract or subdivided lands shall be placed in groupings of ~~two (2) acres~~
one (1) acre or less, or more than ~~two (2) acres~~ one (1) acre but not more than
ten (10) acres, and each grouping shall be assessed as a single class.