

# Idaho Statutes

## TITLE 43 IRRIGATION DISTRICTS

### CHAPTER 11

#### EXCLUSION OF LANDS FROM DISTRICT

43-1102. GROUNDS FOR EXCLUSION, CERTAIN LANDS MAY REMAIN IN THE DISTRICT FOR DRAINAGE PURPOSES. (a) The grounds and reasons for exclusion of lands from

an irrigation district are listed as follows:

1. The lands are too high to be watered without pumping by the owners of the lands from water owned or controlled by the irrigation district;
2. The owners of the lands have installed a good and sufficient water system independent of the water system of such irrigation district for

the

irrigation of the lands because the district does not own a sufficient water right to furnish an adequate water supply for those lands;

3. The lands in their present condition are not agricultural lands and the irrigation district has not:

(i) Adopted a resolution to construct a distribution system for the

lands pursuant to section 43-333, Idaho Code; or

(ii) Called an election on the question of constructing a distribution system for the lands under the provisions of section 43-329, Idaho Code; or

(iii) Independently or in cooperation with a city or county established a local improvement district to construct a distribution system for the lands; or

(iv) Constructed a distribution system for the lands; or

4. Prior to acquisition of the land by the petitioning owner, and without

his knowledge or consent, the ditch or other transmission facility extending from the delivery point of the district to the lands has been rendered permanently incapable of carrying water to the lands, but this ground for exclusion shall only apply to parcels less than five (5) acres in size.

(b) If the lands sought to be excluded from an irrigation district under this section or under sections 43-1110 through 43-1117, Idaho Code, are benefited by surface drainage facilities of the irrigation district pursuant to sections 43-306 to 43-312, Idaho Code, but otherwise would qualify for exclusion, the lands shall be excluded for purposes of irrigation but shall remain a part of the district for purposes of drainage and shall continue to be assessable for drainage, but shall not be assessed for irrigation water.

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