

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 318

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5240, IDAHO CODE,
3 TO PROVIDE FOR THE PRIORITY OF CERTAIN LIENS, TO PROVIDE A CONDITION,
4 TO CLARIFY REFERENCE TO CERTAIN LIENS, TO PROVIDE THAT CERTAIN LIENS
5 SHALL CONSTITUTE SUCH LIENS UNTIL PAID, TO PROVIDE THAT UPON THE SALE OF
6 THE PROPERTY FOR PAYMENT OF A LIEN THE PURCHASER SHALL TAKE THE PROPERTY
7 SUBJECT TO CERTAIN ANNUAL ASSESSMENTS AND TO PROVIDE THAT SPECIFIED
8 PROVISIONS SHALL NOT ALTER OR AFFECT CERTAIN LIENS.

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

10 SECTION 1. That Section 42-5240, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 42-5240. LIEN OF ASSESSMENT. From and after January 1 of any year,
13 all assessments, other than those levied against municipalities, shall be
14 liens against the land of ground water users to which the water rights used to
15 determine assessments are appurtenant, and notwithstanding anything to the
16 contrary in this chapter or any provisions incorporated therein by refer-
17 ence, shall be superior to the lien of any mortgage or deed of trust, whether
18 prior in time or not, provided that notice of the assessment delinquency is
19 sent to the mortgage or deed of trust holder at least sixty (60) days prior
20 to any foreclosure sale of the property. Such Said assessment liens shall
21 not be removed until the assessments are paid or the property is sold for the
22 payment thereof, and shall constitute such lien until paid. Upon any sale of
23 the property the purchaser at such sale shall take the property subject to
24 any annual assessments of the district subsequent in time to the assessment
25 for which the foreclosure occurred. Nothing in this section alters or af-
26 fects any liens of water related districts or entities authorized pursuant
27 to Idaho law.