

IN THE SENATE

SENATE BILL NO. 1041

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO IRRIGATION AND DRAINAGE; AMENDING SECTION 42-909, IDAHO CODE, TO  
2 REVISE PROVISIONS REGARDING THE MANAGEMENT OF DISTRIBUTING LATERALS,  
3 DITCHES, AND OTHER CONDUITS; AND DECLARING AN EMERGENCY AND PROVIDING  
4 AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 42-909, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 42-909. MANAGER OF DISTRIBUTING LATERAL, DITCH, OR OTHER CONDUIT --  
10 APPOINTMENT BY DISTRICT WATERMASTER -- BY DIRECTORS OF IRRIGATION DISTRICT  
11 CANAL COMPANY, OR OTHER IRRIGATION ENTITY -- PAYMENT OF COMPENSATION. (1)  
12 If two (2) or more parties taking water from any main ditch, canal, other  
13 conduit, or reservoir at the same point to be conveyed to their respec-  
14 tive premises for any distance, through the same distributing lateral,  
15 or distributing ditch, or other conduit do not select a manager for said  
16 distributing lateral, ditch, or other conduit as provided in section 42-907,  
17 Idaho Code, or section 42-908, Idaho Code, the watermaster of the water dis-  
18 trict, shall on the written demand of any one or more of said parties, appoint  
19 a manager for said distributing lateral, ditch, or other conduit who shall  
20 have and exercise all the powers and perform all of the duties of a manager  
21 of the distributing lateral, ditch, or other conduit as provided in section  
22 42-910: provided, that, Idaho Code; provided, however, if an irrigation  
23 district, canal company, or other irrigation entity is the owner of the main  
24 ditch, canal, other conduit, or reservoir, then the board of directors of  
25 such district shall, canal company, or other irrigation entity may, upon  
26 such demand, make such appointment.

27 (2) The compensation of said manager shall be fixed by said watermas-  
28 ter, and shall be paid in the manner provided by section 42-910, Idaho Code,  
29 for the payment of expenses incurred by him. If not paid, it may be col-  
30 lected, with other damages in the action provided by said section: ~~provided,~~  
31 ~~that;~~ provided, however, if an irrigation district, canal company, or other  
32 irrigation entity is the owner of the main ditch, canal, other conduit, or  
33 reservoir, the board of directors of such district, canal company, or other  
34 irrigation entity shall fix the compensation of said manager, and at the end  
35 of the irrigation season upon the request of such manager the secretary of  
36 such district, canal company, or other irrigation entity shall prorate the  
37 amount of such compensation among the several parties taking water through  
38 such distributing lateral, or distributing ditch upon ditch, or other con-  
39 duit on the basis of the number of acres irrigated by each, and mail each a  
40 statement of the amount prorated to such party, requesting that remittance  
41 be made to such secretary for and on behalf of such manager. In the event any  
42 such parties or either of them, not, no later than the date when irrigation

1 district assessments are delinquent, remit to such secretary, he shall, upon  
2 receiving same, and without making any entry in his books of account, deliver  
3 it to such manager. Should any such parties ~~or either of them~~ fail or refuse  
4 at such time to remit to said secretary, then such manager may collect as  
5 ~~hereinbefore~~ provided in this section.

6 SECTION 2. An emergency existing therefor, which emergency is hereby  
7 declared to exist, this act shall be in full force and effect on and after  
8 July 1, 2025.