

IN THE SENATE

SENATE BILL NO. 1355

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO HIGHWAYS AND RIGHTS-OF-WAY; AMENDING SECTION 6-401, IDAHO CODE,
3 TO REVISE PROVISIONS RELATING TO AN ACTION TO QUIET TITLE; AND AMENDING
4 CHAPTER 2, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-211,
5 IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE EXHAUSTION OF CER-
6 TAIN PROCEDURES.

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

8 SECTION 1. That Section 6-401, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 6-401. ACTIONS TO QUIET TITLE. Subject to the provisions of section
11 40-211, Idaho Code, aAn action may be brought by any person against another
12 who claims an estate or interest in real or personal property adverse to him,
13 for the purpose of determining such adverse claim, provided that all actions
14 to adjudicate water rights and obtain a decree as to water source, quantity,
15 point of diversion, place of use, nature of use, period of use, and priority
16 as against other water users shall be brought under the provisions of chapter
17 14, title 42, Idaho Code.

18 SECTION 2. That Chapter 2, Title 40, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 40-211, Idaho Code, and to read as follows:

21 40-211. EXHAUSTION OF PROCEDURE. The provisions of section 40-203,
22 40-203A or 40-204A, Idaho Code, shall provide the exclusive initial method
23 for determining whether any highway or right-of-way within a county or high-
24 way district system is or shall continue to be a public highway or public
25 right-of-way. If the provisions of section 40-203, 40-203A or 40-204A,
26 Idaho Code, and the provisions of section 40-208, Idaho Code, have been ex-
27 hausted in determining the status of a highway or right-of-way, then, when
28 applicable, the provisions of section 6-401, Idaho Code, may be utilized.