

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1355

BY JUDICIARY AND RULES COMMITTEE

AN ACT

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

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

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

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

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

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