

TITLE 43
IRRIGATION DISTRICTS

CHAPTER 14
CONSOLIDATION OF DISTRICTS

43-1401. PETITION FOR CONSOLIDATION. Whenever the boards of directors of any two (2) or more irrigation districts which are contiguous deem it for the best interests of their respective districts that the same be consolidated into a single district, such boards of directors may petition the board of county commissioners for an order for an election, to vote upon the question of such consolidation, which petition shall state in detail the terms upon which such consolidation is proposed to be made: provided, however, when any two (2) irrigation districts which are contiguous, where one (1) district does not embrace more than one-tenth (1/10) the land in the larger district, and the board of directors deem it for the best interests of the respective districts that the same be consolidated into a single district, the board of directors may arrange by contract upon what terms and conditions the smaller district may be consolidated with the larger district, with the name and officers of the larger district still retained, which contract shall be submitted to the board of directors of the smaller district, together with the question of whether or not said districts shall be consolidated under the terms of the agreement, at a special election held for that purpose in such smaller district. Notice of such election shall be published as required for notices of election for indebtedness. At such election should two-thirds (2/3) of the electors voting, vote in favor of said contract and the consolidation of said districts, the board of directors of the smaller district shall petition the board of directors of the larger district, which notice shall be published in a newspaper published within the county wherein the office of the board of directors of the larger district is situated, for such length of time and covering the same matters as required by a petition of a private owner of land to have same included within the boundaries of an irrigation district. The law applicable to the inclusion of land within the boundaries of an irrigation district, after the petition is filed and notice given, shall apply to the consolidating, including and annexing of a smaller district in and to the boundaries of a larger district. After the board of directors of the larger district has made the order including said smaller district within the boundaries of the larger district, the board of directors of the larger district shall file a petition in the district court within the county wherein the principal office of the larger district is situated, asking for an approval and confirmation of the proceedings thereunder, and the same procedure shall be followed as provided by sections [43-406](#), [43-407](#), and [43-408](#)[, Idaho Code,] with reference to the confirmation of the proceedings within irrigation districts. In such petition the prayer shall be that the proceedings, together with the contract, may be examined and approved by the court; that after the confirmation of said proceedings the order of the board of directors admitting the smaller district into the larger district, containing a description of all the land properly certified by the secretary of the district, shall be filed for record in the office of the recorder of the county within which said land lies.

[(43-1401) 1903, p. 150, part of sec. 56; reen. R.C. & C.L., sec. 2438; am. 1919, ch. 120, sec. 1, p. 405; C.S., sec. 4436; I.C.A., sec. 42-1401.]

43-1402. INVESTIGATION BY DEPARTMENT OF WATER RESOURCES. Upon receiving such petitions said board of county commissioners shall request the department of water resources to investigate the conditions of such districts, and all questions affecting such proposed consolidation, and it shall make a report of the result of such investigations to the board of county commissioners not more than ninety (90) days after such request is received.

[(43-1402) 1903, p. 150, part of sec. 56; reen. R.C., sec. 2438; reen. C.L., sec. 2438a; C.S., sec. 4437; I.C.A., sec. 42-1402.]

43-1403. ELECTION TO DETERMINE QUESTION OF CONSOLIDATION. At the time said report upon the matter is made, said board of county commissioners, if deemed advisable, shall make an order fixing the time for an election in the said districts to vote upon the question of such proposed consolidation, which time shall not be less than thirty (30) nor more than sixty (60) days after the date of said report. Notice of said election shall be published as required for notice of election in section [43-110](#)[, Idaho Code]; and the said boards of directors shall make all necessary arrangements for such election in their respective districts as provided in this title for other elections. The ballots shall be substantially as follows: "Consolidation--yes," "Consolidation--no." The said boards of directors shall canvass the returns of such election as provided in case of usual district elections, and shall immediately thereafter transmit, by messenger or registered mail, certified abstracts of the result of said election in their respective districts to the clerk of the board of county commissioners. Within ten (10) days after such returns are received by said clerk, the said board of county commissioners shall meet and canvass the same.

[(43-1403) 1903, p. 150, part of sec. 56; reen. R.C., sec. 2438; reen. C.L., sec. 2438b; C.S., sec. 4438; I.C.A., sec. 42-1403.]

43-1404. PROCEDURE UPON AFFIRMATIVE VOTE. If it appears that a majority of all the votes cast in each of said districts is "Consolidation--yes," said board shall make an order, and enter the same of record in its minutes, establishing said consolidated district, giving its boundaries and designation, and in detail the terms under which the consolidation has been effected, and dividing said consolidated district into three (3) divisions, and shall appoint some person qualified under this title, to act as director for each of said divisions of said district until the next general election for the election of directors, when a board of directors shall be elected as provided in section [43-201](#), Idaho Code: provided, however, that the organization of such district shall not take effect until the first Tuesday of the January following said order of its establishment. If the date provided by law for the election of directors shall come between the date of said order of the board of county commissioners and said first Tuesday of January, then in making such order said board shall designate the board of directors of one (1) of the consolidated districts as a board to take charge of said election, and a director shall in that case be elected for each said division of said consolidated district, and in that case no appointment of directors shall be made by said board of county commissioners.

[(43-1404) 1903, p. 150, part of sec. 56; reen. R.C., sec. 2438; reen. C.L., sec. 2438c; C.S., sec. 4439; I.C.A., sec. 42-1404; am. 2014, ch. 71, sec. 7, p. 181.]

43-1405. EFFECT OF NEGATIVE VOTE. If, however, upon such canvass by said board of county commissioners, it appears that a majority of the votes cast in any district thus proposed to be consolidated is "Consolidation--no," then a record of that fact shall be entered in the same minutes of said board of county commissioners, and all the proceedings had under the preceding sections of this chapter shall be void.

[(43-1405) 1903, p. 150, part of sec. 56; reen. R.C., sec. 2438; reen. C.L., sec. 2438d; C.S., sec. 4440; I.C.A., sec. 42-1405.]

43-1406. JOINT INTERSTATE DISTRICTS. One or more irrigation districts organized under the laws of this state may unite with one or more adjacent irrigation districts organized under the laws of any adjoining state in the purchase or construction of an irrigation system or works for the irrigation of the land within said respective irrigation districts; and in such case said irrigation districts are hereby jointly granted the same power of condemnation as is now possessed by one (1) district alone; and in such case the cost of purchase, acquisition or construction of such irrigation system shall be apportioned to each district in proportion to the acreage in each district for which water shall be provided and such joint works shall be owned jointly in proportion to such respective acreage; a joint commission not exceeding seven (7) in number shall be chosen by the board of directors of the respective irrigation districts, the members of which shall be apportioned to each district as nearly as practicable in accordance with the acreage for which water shall be provided in each respective district; said commission shall control and manage such joint works subject to the board of directors of the respective districts and each member of such commission shall hold office at the will of the board of directors of the district appointing him.

[(43-1406) 1917, ch. 31, sec. 1, p. 73; reen. C.L., sec. 2438n; C.S., sec. 4441; I.C.A., sec. 42-1406.]

43-1407. JOINT INTERSTATE DISTRICTS -- RIGHT TO DRAIN LANDS. The authority extended to joint interstate districts under the preceding section shall be construed to include the right to drain its lands under section [43-1406](#)[, Idaho Code].

[(43-1407) Compiled from 1917, ch. 31, sec. 2, p. 73; reen. C.L., sec. 2438o; C.S., sec. 4442; I.C.A., sec. 42-1407.]