

IDAHO LEGAL DISTRICTS

Organization – Operation – Major Differences

Watershed Improvement District	Flood Control District	Drainage District	Irrigation District
<p>DEFINITION: Engage in flood prevention and the conservation, development, utilization, disposal of water and protection of the health, safety and welfare of the people.</p>	<p>DEFINITION: Engage in the control of flood waters and flood damage of streams, lakes and watersheds and make the highest and best use of stored or developed waters.</p>	<p>DEFINITION: Engage in drainage or diking to protect the health, safety and welfare of the people.</p>	<p>DEFINITION: Engage in one or more modes of irrigation of land.</p>
<p>PETITION: Any 15 owners of land in the proposed district may petition the State Soil Conservation Commission, asking that a district be organized in the territory described. Less than 15 owners may petition with a majority of 2/3 of the owners of land and representing 2/3 of the acreage of land in the district. Petition requires that the State Soil Conservation Commission define the boundary and shall hold a referendum. In no instance shall a district involve more than 250,000 acres. The district shall not include any lands lying within the limits of any incorporated city or village.</p>	<p>PETITION: Qualified electors who own at least 1/3 of the taxable area in a proposed district may petition the State Department of Reclamation for organization of a district, to designate temporary boundaries and show the general outline of work contemplated.</p>	<p>PETITION: Owners of at least 1/3 of the acreage in the proposed district shall petition for organization, to designate temporary boundary and to describe the proposed system to the Clerk of the District Court of the county. A surety bond of \$500 must accompany the petition.</p>	<p>PETITION: Any 50 or a majority of the owners of the land in the proposed district can petition the board of the County Commissioners and the State Department of Reclamation. The petition shall describe the boundaries of the proposed district. A petition must be accompanied with a surety bond in double the amount of the probable cost to the county organizing the district.</p>
<p>HEARING: The State Soil Conservation Commission will define the boundary and initiate and hold a referendum. A majority of the votes being cast in favor will create the proposed district.</p>	<p>HEARING: Upon the favorable examination of the petition by the Department of Reclamation, the Department will divide the district into not less than 3 nor more than 9 divisions, and</p>	<p>HEARING: The judge of the district court will consider the petition and set a time for a hearing. Upon a favorable hearing, the judge will order</p>	<p>HEARING: The State Department of Reclamation will examine the petition and purposes of the organization and prepare</p>

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<p>HEARING (Cont.) The State Soil Conservation Commission will present a certificate of creation of the district to the Secretary of State.</p>	<p>HEARING (Cont.) will publish a general notice of such petition and hold a hearing. Upon a favorable hearing, the Department shall recommend organization of the district, name and appoint a commissioner for each division and order a recording in the office of the county recorder.</p>	<p>HEARING (Cont.) a record entered in the county defining the temporary boundaries and shall issue a copy declaring the district organized to the Secretary of State.</p>	<p>HEARING (Cont.) a report to the Board of County Commissioners. Upon a favorable report, the Board will divide the district into not less than 3 nor more than 7 divisions. The Board will give notice of election for the purpose of organization of the district, and for the election of a director for each division.</p>
<p>ORGANIZATION: Upon a majority of votes being cast in favor, the State Soil Conservation Commission shall appoint one director to act, with two directors to be elected for the governing body of the district. Nominating petitions for the two directors will contain 10 or more owners of land within the district. (Man and wife may sign). The State Soil Conservation Commission will hold an election and the two directors receiving the largest number of votes will be elected. The terms of office of the elected directors shall be 4 years. The term of office for the appointed director shall be 2 years. Therefore, an election will be held for a new director or directors every 2 years. Vacancies will be filled by appointment of the directors left.</p>	<p>ORGANIZATION: The appointed Board of Commissioners will execute a surety bond in the amount of \$5,000 and file with the Clerk of the District Court of the county. The Board shall organize themselves and, by lot, determine the terms of office into 1-, 2- and 3-year terms. Annually thereafter, the State Department of Reclamation shall appoint a new commissioner. Upon organization of the board, they shall file an order of organization with the Clerk of the District Court of the county. The State Department of Reclamation will appoint commissioners to fill any vacancies that occur.</p>	<p>ORGANIZATION: The judge of the District Court appoints three drainage commissioners. Members of the board each submit a surety bond of \$5,000 to the Clerk of the District Court. Commissioners shall organize themselves into a board and, by lot, determine the terms of office into 1-, 2- and 3-year terms. Annually thereafter, the judge of the District Court of the county shall appoint one drainage commissioner for a 3-year term. The judge will also appoint a commissioner to fill any vacancies that occur.</p>	<p>ORGANIZATION: Upon a favorable vote of 2/3 of votes cast for the district formation and of the persons receiving the highest number of votes for each division, the Board of Commissioners will declare the district to be duly organized. The directors will organize themselves into a president, secretary and treasurer. The treasurer shall execute a surety bond in the amount of \$5,000. The term of office of the directors shall be determined by lot into 1-, 2- and 3-year terms. Elections for</p>

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			<p>ORGANIZATION (Cont.) replacement of directors will be held annually. Vacancies shall be filled by appointment by the remaining members of the board from which the vacancy occurred. Officers must not have an interest in contracts of work.</p>
<p>COMPENSATION: A director shall receive no compensation for his services, but shall be entitled to expenses including travel necessarily incurred in the discharge of duties.</p>	<p>COMPENSATION: Commissioners shall receive \$5 per day for services and per diem expenses including travel expenses.</p>	<p>COMPENSATION: Commissioners shall receive \$5 per day for services and per diem expenses including travel expenses.</p>	<p>COMPENSATION: Commissioners shall receive \$5 per day for services and per diem expenses including travel expenses.</p>
<p>COSTS: The State Soil Conservation Commission shall pay all expenses of organization, supervision and conduct of elections until the district is organized. Directors may levy and collect assessments on real property in the amount not to exceed 3 mills for each dollar of assessed valuation for the purpose of general administration, operation and maintenance of the district. In addition, they may levy and collect assessments on real property in amounts not to exceed 10 mills for each dollar assessed valuation for the construction of structural works of improvement. A referendum must be held before a levy can be made for any</p>	<p>COSTS: Commissioners shall annually fix and determine assessment required for operation and maintenance of the district. Assessment shall not exceed 3 mills for each dollar of assessed valuation of all real property within the district. Assessment must be approved by 2/3 of the qualified voters. All lands and improvements thereon shall be assessed according to the benefits obtained. The amount of damages done to any lands or improvements shall be determined and fixed by the commissioners of the district. Commissioners shall allocate the costs of all the works or irrigation,</p>	<p>COSTS: Commissioners shall examine the lands for benefit and damage estimate cost of proposed work, estimate costs of operation and maintenance of works completed and shall apportion and assess the estimated costs on the land so benefited. In the event that the amount levied shall be insufficient to complete contemplated improvements, then the Board shall levy an additional assessment sufficient to complete them.</p>	<p>COSTS: The costs of any drainage or irrigation works may be paid out of the maintenance, operation, charges, tolls or other assessments not to exceed 20% of the total amount of such maintenance, charges, tolls and assessments for any one year. Costs of drainage work shall be apportioned to each tract of land in the district according to the benefits. No power contract involving more</p>

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<p>COSTS (Cont.) purpose. Assessments can only be levied against lands to be directly benefited. Negotiable coupon bonds may be issued at 6% per annum for up to 30 years out of and from the assessments levied upon and alien upon the lands within the district. A referendum election must be held in order to use such bonds. Two-thirds of the property owners representing at least 51% of the lands benefited must cast their ballot in favor. When projects are proposed or there is construction or improvement to be paid by special assessment against the lands benefited, the director shall appoint 3 disinterested resident of the state to act as appraisers. Appraisers will inspect, show benefited lands by acres, name of owner and the amount of assessment to be levied. Hearings to be held on the report of the appraisers.</p>	<p>COSTS (Cont.) drainage, power or other purposes and shall file with the district court of the county. All contracts providing for a replacement of any portion or all of any funds advanced will be binding when ratified by 2/3 of the voters. Other incomes received from power and water sales will be used for operation and maintenance of the district.</p>	<p>COSTS (Cont.) Such additional levy shall be made against the same property and in the same proportion against each as was the original levy. All the lands in the district shall be assessed in proportion to the benefits of additional construction estimated as accruing to such lands.</p>	<p>COSTS (Cont.) than \$1,000 shall be binding on the district until ratified by 2/3 vote of the electors. Directors may levy an assessment upon lands within the district not to exceed 10 cents per acre for the extermination of gophers and other rodents. If 2/3 or more of the votes are cast for the assessments, the Board shall levy an assessment sufficient to raise the amount voted. Districts embracing 50,000 acres can issue warrants not in excess of \$15,000. Decreasing acreages reaching a limit embracing \$2,000 worth of irrigable land can issue up to \$2,000 worth of warrants.</p>