

Part 5 Irrigation District Act

17B-2a-501 Title.

This part is known as the "Irrigation District Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-502 Provisions applicable to irrigation districts.

- (1) Each irrigation district is governed by and has the powers stated in:
 - (a) this part; and
 - (b) Chapter 1, Provisions Applicable to All Local Districts.
- (2) This part applies only to irrigation districts.
- (3) An irrigation district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.

Enacted by Chapter 329, 2007 General Session

17B-2a-503 Additional irrigation district powers -- No authority to levy property tax.

- (1) In addition to the powers conferred on an irrigation district under Section 17B-1-103, an irrigation district may:
 - (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
 - (b) purchase stock of an irrigation, canal, or reservoir company;
 - (c) enter upon any land in the district to make a survey and to locate and construct a canal and any necessary lateral;
 - (d) convey water rights or other district property to the United States as partial or full consideration under a contract with the United States;
 - (e) pursuant to a contract with the United States, lease or rent water to private land, an entryman, or a municipality in the neighborhood of the district;
 - (f) if authorized under a contract with the United States, collect money on behalf of the United States in connection with a federal reclamation project and assume the incident duties and liabilities;
 - (g) acquire water from inside or outside the state;
 - (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land within the district:
 - (i) to a municipality, corporation, association, or individual inside or outside the district;
 - (ii) for irrigation or any other beneficial use; and
 - (iii) at a price and on terms that the board considers appropriate; and
 - (i) repair a break in a reservoir or canal or remedy any other district disaster.
- (2)
 - (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed five years.
 - (b) A vested or prescriptive right to the use of water may not attach to the land because of a lease or rental of water under Subsection (1)(h).
- (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a property tax.

Enacted by Chapter 329, 2007 General Session

17B-2a-504 Irrigation district board of trustees -- Bond for board of trustees members and district if the district is appointed as fiscal or other agent for the United States.

- (1)
 - (a) One board of trustees member shall be elected from each division established as provided in Section 17B-2a-505.
 - (b) Each landowner within an irrigation district may vote for one board of trustees member for the division in which the landowner's land is located.
 - (c) Each landowner is entitled to cast one vote for each acre-foot or fraction of an acre-foot of water allotted to the land owned by the landowner.
- (2)
 - (a) If an irrigation district is appointed fiscal agent of the United States or is authorized by the United States to collect money on behalf of the United States with respect to a federal project:
 - (i) each member of the district's board of trustees shall:
 - (A) execute an official bond in the amount required by the Secretary of the Interior, conditioned upon the faithful discharge of the trustee's duties; and
 - (B) file the official bond in the office of the clerk of the county in which the district is located; and
 - (ii) the irrigation district shall execute an additional bond for the district's faithful discharge of its duties as fiscal or other agent of the United States.
 - (b) The United States or any person injured by the failure of a member of the board of trustees or of the district to perform fully, promptly, and completely a duty may sue upon the official bond.

Enacted by Chapter 329, 2007 General Session

17B-2a-505 Divisions.

- (1) The board of trustees of each irrigation district shall divide the district into divisions, each as nearly equal in size to the others as practicable.
- (2) The number of divisions shall be equal to the number of board of trustees members.
- (3) At least 30 days before an election of board of trustees members, the board shall redivide the district into divisions if, since the last time the board divided the district into divisions:
 - (a) the district has annexed land under Chapter 1, Part 4, Annexation;
 - (b) land has been withdrawn from the district under Chapter 1, Part 5, Withdrawal; or
 - (c) the number of board of trustees members has been changed.

Enacted by Chapter 329, 2007 General Session

17B-2a-506 Different use charges for different units -- Use charges based on the size of the land served -- Use charge may not be based on property value.

- (1) An irrigation district may:
 - (a) divide the district into units and apply different use charges to the different units; and
 - (b) base use charges upon the amount of water or electricity the district provides, the area of the land served, or any other reasonable basis, as determined by the board of trustees.
- (2) If an irrigation district imposes a use charge based on the size of the land served or the amount of water allotted to the land:
 - (a) the assessor of the county in which the land is located shall assist the irrigation district in ascertaining the identity of a parcel served by the district;

- (b) the district shall notify the treasurer of the county in which the land is located of the charge to be imposed for each parcel of land served by the district; and
 - (c) the treasurer of the county in which the land is located:
 - (i) shall:
 - (A) provide each landowner a notice of use charges as part of the annual tax notice as an additional charge separate from ad valorem taxes;
 - (B) collect, receive, and provide an accounting for all money belonging to the district from use charges; and
 - (C) remit to the irrigation district, by the tenth day of each month, the funds previously collected by the county as use charges on the district's behalf; and
 - (ii) may receive and account for use charges separately from taxes upon real estate for county purposes.
- (3)
- (a) A use charge described in Subsection (2)(b) shall become a lien on the land served as provided in Section 17B-1-902 except that the certification described in Subsection 17B-1-902(1) is not required.
 - (b) A lien described in Subsection (3)(a) shall remain in force until the use charge is paid.
 - (c) The county treasurer shall release a lien described in Subsection (3)(a) upon receipt of full payment of the use charge.
- (4) A use charge may not be calculated on the basis of property value and does not constitute an ad valorem property tax or other tax.

Amended by Chapter 349, 2015 General Session

17B-2a-507 Right-of-way over state land.

Each irrigation district has a right-of-way on land that is or becomes the property of the state to locate, construct, and maintain district works.

Enacted by Chapter 329, 2007 General Session

17B-2a-508 Inclusion of state land in an irrigation district.

- (1) State land that is not under a contract of sale may be included in an irrigation district upon petition by the state entity responsible for the administration of the land.
- (2) State land included in an irrigation district may not be:
 - (a) assessed by the district; or
 - (b) the subject of use charges imposed by the district.
- (3) The entity responsible for the administration of the state land to be included in an irrigation district and the state engineer shall make a thorough examination of the benefits to accrue to the land by its inclusion in the district and by the acquisition of water rights for the land.
- (4)
 - (a) The entity responsible for the administration of the state land to be included in an irrigation district may enter into a contract with the district, specifying the land benefitted and the amount of benefit, as determined under Subsection (3).
 - (b) Each contract under Subsection (4)(a) shall provide that the entity responsible for the administration of the state land shall make annual payments to the district, to be applied to the cost of constructing the district's irrigation works, until the full amount of the benefit is paid.
 - (c) The entity responsible for the administration of state land included in an irrigation district may, at its option, pay the full amount of the contract at any time.

Enacted by Chapter 329, 2007 General Session

17B-2a-509 State engineer not prohibited from increasing water allotment.

Nothing in this part may be construed to prohibit the state engineer, upon petition by an irrigation district board of trustees, from increasing the maximum allotment of water for one or more tracts of land within the district if the state engineer determines that the land cannot be beneficially irrigated with the currently allotted water.

Enacted by Chapter 329, 2007 General Session

17B-2a-510 Rules for the distribution and use of water.

- (1) Each irrigation district board of trustees shall establish equitable rules for the distribution and use of water among the owners of land in the district.
- (2) The board of trustees of an irrigation district that establishes rules under Subsection (1) shall, as soon as the rules are adopted, print them in convenient form for distribution in the district.

Enacted by Chapter 329, 2007 General Session

17B-2a-511 Distribution of water under a contract with the United States.

If an irrigation district acquires the right to use water under a contract with the United States, the district shall distribute and apportion water according to the contract and federal law, rules, and regulations.

Enacted by Chapter 329, 2007 General Session

17B-2a-512 Removal of land from the assessor's roll.

- (1) An irrigation district may direct a county treasurer to remove parcels of land from the district's billing if:
 - (a) the land is publicly dedicated to a street, highway, or road; or
 - (b) the use of the land has so permanently changed as to prevent the beneficial use of water on it.
- (2) Each county treasurer shall comply with the direction of an irrigation district under Subsection (1).

Enacted by Chapter 329, 2007 General Session

17B-2a-513 Temporary application of water to land.

- (1) Upon the written application of the owner of land that has no water allotment or an insufficient water allotment, an irrigation district board of trustees may temporarily permit water to be applied to the land and charge the owner for that water.
- (2) Subsection (1) may not be construed to affect an irrigation district's permanent water allotments.

Enacted by Chapter 329, 2007 General Session

17B-2a-514 Assignment of the right to water.

With the consent of the irrigation district board of trustees, a landowner in the district may assign the right to some or all of the water apportioned to the landowner's land for any one year to another bona fide landowner in the district for use in the district, if all charges for the water have been paid.

Enacted by Chapter 329, 2007 General Session

17B-2a-515 Distribution of water when supply is inadequate.

If an irrigation district's water supply is not sufficient to supply all the needs within the district, the board of trustees may distribute water as the board considers best for all concerned, subject to distribution and apportionment requirements of a district contract with the United States and applicable federal law, rule, and regulation.

Enacted by Chapter 329, 2007 General Session

17B-2a-516 Diversions of water subject to eminent domain law.

Nothing in this part may be construed to authorize any person to divert the water of a river, creek, stream, canal, or reservoir to the detriment of anyone having a prior right to the water, unless compensation is previously determined and paid according to the laws of eminent domain.

Enacted by Chapter 329, 2007 General Session