

TITLE 42
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 13
LATERAL DITCH WATER USERS' ASSOCIATIONS

42-1301. DEFINITIONS. As used in this chapter:

- (1) "Delivery point" means the location where a water delivery organization transfers the control of water to the water users on a lateral.
- (2) "Lateral" means any ditch, canal, or conduit not operated and maintained by a water delivery organization that is shared by water users entitled to receive water from:
 - (a) The same delivery point or points; or
 - (b) The same point or points of diversion from a natural water source.
- (3) "Water delivery organization" means any entity recognized by Idaho law that operates water diversion and delivery facilities, including but not limited to a canal company, ditch company, irrigation company, irrigation district, reservoir company, reservoir district, or water company. A water delivery organization does not include a lateral water users' association created pursuant to this chapter.
- (4) "Water user" means any person or entity entitled to receive water through a lateral.

[42-1301, added 2026, ch. 112, sec. 14, p. 570.]

42-1302. LATERAL WATER USERS' ASSOCIATION ORGANIZATION -- BOARD OF DIRECTORS AND LATERAL MANAGER. (1) Water users who share a common lateral or laterals shall be members of and shall constitute a water users' association known as a lateral water users' association.

(2) The association shall meet annually between January 1 and the last Monday in March of each year.

(a) The secretary-treasurer of the association shall call the annual meeting by providing ten (10) days' written notice before the annual meeting date.

(b) If for any reason the secretary-treasurer fails to call a meeting, the annual meeting shall be held on the last Monday in March.

(3) At the annual meeting, the association shall:

(a) Elect a chair, vice chair, and a secretary-treasurer to serve as the association's board of directors for one (1) year or until successors are elected;

(b) Elect a lateral manager to manage the distribution of water; and

(c) Set the compensation of such elected officers.

(4) The association may:

(a) Adopt rules and regulations for the management of the lateral or laterals and the delivery of water therefrom;

(b) By majority vote, if it is considered to be in the best interests of the lateral water users' association, combine one (1) or more laterals or abandon any lateral not in use; and

(c) Take any lawful action if doing so is in the best interests of the association.

(5) Each water user in the association shall be entitled to cast one (1) vote, in person, for each inch of water the water user is entitled to receive from the lateral and a fractional vote equal to the fraction of an inch of water the water user is entitled to receive. Corporations or other legally

recognized entities may designate a representative to cast the vote according to this subsection.

[42-1302, added 2026, ch. 112, sec. 15, p. 570.]

42-1303. LATERAL MANAGER -- DUTIES -- ALTERNATE METHODS OF ELECTION OR APPOINTMENT. (1) The lateral manager shall ascertain and ensure that the amount of water that each water user is entitled to receive is properly apportioned and distributed for the succeeding irrigation season.

(2) Should a lateral water users' association fail to elect a lateral manager or fix such manager's compensation at its annual meeting:

(a) The association's board of directors may elect a lateral manager and set such manager's compensation; or

(b) The association's water users may select and appoint a lateral manager by a written document that designates the manager, sets the compensation, and is signed by a majority of water users from the association.

(3) Any lateral manager elected or appointed pursuant to subsection (2) of this section or section [42-1302](#), Idaho Code, shall:

(a) Have documentation of their election or appointment recorded with:

(i) The manager, superintendent, or board of directors of the water delivery organization that delivers water to the lateral's delivery point or points; or

(ii) The watermaster of the state water district appointed pursuant to section [42-605](#), Idaho Code, who delivers water to the point or points of diversion from a natural water source; and

(b) Be treated as the lateral manager by the water delivery organization for the succeeding irrigation season unless such organization is notified by the lateral water users' association that a new lateral manager has been elected or appointed.

(4) Any water delivery organization delivering water to a lateral delivery point or points may, upon providing reasonable notice, refuse delivery of water for failure of the water users to appoint or select a lateral manager pursuant to this section or section [42-1302](#), Idaho Code.

[42-1303, added 2026, ch. 112, sec. 16, p. 571.]

42-1304. LATERAL MANAGER -- APPOINTMENT BY WATER DELIVERY ORGANIZATION. (1) If an association's water users do not elect or otherwise appoint a lateral manager pursuant to section [42-1302](#) or [42-1303](#), Idaho Code, the board of directors of the water delivery organization that delivers water to the lateral may, upon the written request of one (1) or more of the association's water users, appoint and set the compensation of a lateral manager. Such compensation shall be assessed to the water users pursuant to this chapter and may be collected in the same manner as other assessments are collected by the water delivery organization.

(2) A lateral manager appointed pursuant to this section shall:

(a) Have and exercise all of the powers and perform all of the duties of a lateral manager as described in this chapter; and

(b) Serve only for the period fixed by the appointment and not beyond the remainder of the year in which the manager is appointed.

[42-1304, added 2026, ch. 112, sec. 17, p. 571.]

42-1305. LATERAL MANAGER -- APPOINTMENT BY DIRECTOR OF DEPARTMENT OF WATER RESOURCES. (1) If water users taking water from the same point or points of diversion from any natural water source do not select or elect a lateral manager as provided in this chapter, then the director of the department of water resources may appoint and set the compensation of a lateral manager upon the written request from one (1) or more of the association's water users alleging that water is not being apportioned and distributed properly among the water users from the lateral and that the rights of the water users are thereby being injured.

(2) A lateral manager appointed by the director pursuant to this section:

(a) May set and collect assessments as is necessary to achieve the proper allocation and distribution of water from laterals;

(b) Shall not borrow money or otherwise mortgage or pledge assets pursuant to this chapter; and

(c) Shall serve only for the period fixed by the appointment and not beyond the remainder of the year in which the manager is appointed.

(3) If the lateral is within a water district established pursuant to [chapter 6, title 42](#), Idaho Code, the director shall, upon receipt of request for appointment of a lateral manager, advise the watermaster of the request and invite the watermaster to make recommendations concerning the need for appointment of a lateral manager and the nomination of a person to be appointed if an appointment is necessary.

(4) The director shall make a reasonable effort to provide written notice of the request to all affected lateral water users. Except in the case of serious threat of imminent injury to person or property, the director shall allow fourteen (14) days for written response to the request.

(5) Based on a review of the request, the responses thereto, the recommendations of the watermaster, and any investigation by the department of water resources, the director shall issue a decision either appointing a lateral manager or declining appointment of a lateral manager. Any person aggrieved by the director's decision shall be entitled to request a hearing before the director pursuant to section [42-1701A](#), Idaho Code.

[42-1305, added 2026, ch. 112, sec. 18, p. 572.]

42-1306. LATERALS -- REPAIRS, IMPROVEMENTS, AND MAINTENANCE -- ASSESSMENT OF COSTS. (1) Water users shall keep their laterals in good condition for carrying and distributing water.

(2) A water delivery organization may send written notices to water users or a lateral water users' association specifying any lateral maintenance deficiencies and a reasonable time to remedy the deficiencies. The water delivery organization may refuse delivery of water for failure of the water users or lateral water users' association to adequately maintain any lateral pursuant to the water delivery organization's notice.

(3) Water users or a lateral water users' association who neglect or refuse to perform the duties imposed on them by this section shall have no cause of action, including damages, against the water delivery organization for failure to deliver or distribute water to the lateral.

(4) The operation, improvement, repair, and maintenance of any lateral shall be under the direction of the association's board of directors. The board, with the lateral manager, shall examine laterals with maintenance deficiencies and prepare an estimate of the total cost to repair, operate, and maintain the lateral so that water can be properly delivered to the asso-

ciation's water users during the succeeding irrigation season. Such total costs, plus compensation for the board members and lateral manager, shall be assessed to each water user either:

- (a) In the proportion which the quantity of water the water user is entitled to receive from the lateral or laterals bears to the total quantity of water which all lateral water users' association water users are entitled to receive; or
- (b) If the water user's land consists of a lot or lots within a city or village, then the assessment may be made on the basis of each lot, the same to be uniform on lots of the same size.

[42-1306, added 2026, ch. 112, sec. 19, p. 572.]

42-1307. ASSESSMENTS -- NOTICE -- PENALTIES FOR DELINQUENCY. (1) On or before April 15, an association's secretary-treasurer of the lateral water users' association shall assess each water user for that year. Such assessment shall be due and payable on May 1 each year. If the assessment is not paid by the water user on or before June 15 each year:

- (a) A penalty of ten percent (10%) may be added thereto; and
- (b) The total amount due shall then draw interest at the rate of ten percent (10%) per annum from June 15 until paid.

(2) The lateral water users' association may, by vote of the water users at any annual meeting, set dates for notice and payment of assessments and any related late fees that are different than those prescribed by this section, provided that each water user is always given at least fifteen (15) days' notice to make a payment.

[42-1307, added 2026, ch. 112, sec. 20, p. 573.]

42-1308. DELINQUENT WATER USERS NOT ENTITLED TO WATER. (1) No water user that has a delinquent assessment shall be entitled to demand or receive water from a lateral.

(2) The lateral manager shall not distribute any water to the water user that has a delinquent assessment except upon order of the association's board of directors, who may allow the delivery of water if the water user provides security satisfactory to the board for the payment of any such delinquent assessment.

[42-1308, added 2026, ch. 112, sec. 21, p. 573.]

42-1309. COLLECTION AND DISBURSEMENT OF FUNDS. (1) A lateral water users' association's lateral manager or secretary-treasurer shall collect all assessments made to the association and shall deposit the same into an account that is in the name of the association.

(2) The secretary-treasurer shall:

- (a) Keep the funds of the association in the account and pay the costs and expenses for the management and operation of the laterals; and
- (b) Upon the order of the association's board of directors, perform other duties as the association may prescribe.

[42-1309, added 2026, ch. 112, sec. 22, p. 573.]

42-1310. ACTION FOR COLLECTION OF DELINQUENT ASSESSMENTS -- ATTORNEY'S FEES. (1) A lateral water users' association's board of directors or lateral

manager, or the water delivery organization associated therewith, may sue to collect any delinquent assessments that are due and unpaid in any court of competent jurisdiction.

(2) Reasonable attorney's costs and fees may be collected, as determined by the court, in addition to the full delinquent assessment and all penalties and interest associated therewith and costs incurred in attempting to collect such assessment.

[42-1310, added 2026, ch. 112, sec. 23, p. 574.]

42-1311. AMOUNT AND LIEN OF ASSESSMENTS BY LATERAL WATER USERS' ASSOCIATION. (1) The amount assessed against each water user, together with any penalties and interest, shall be a first and prior lien, except as to a lien related to taxes and assessments of a water delivery organization, upon the water user's land that is entitled to receive water from the point or points of delivery in the canal or reservoir, or from the point or points of diversion from waters of the state, that supplies the association's lateral or ditch.

(2) The lien shall be recorded and collected pursuant to section [55-3207](#), Idaho Code.

[42-1311, added 2015, ch. 80, sec. 3, p. 203; am. 2022, ch. 323, sec. 5, p. 1045; am. 2026, ch. 112, sec. 24, p. 574.]

42-1312. LATERAL WATER USERS' ASSOCIATION AUTHORIZED TO BORROW MONEY OR TO MORTGAGE OR PLEDGE ASSETS. (1) A lateral water users' association may:

- (a) Borrow money to repay a loan;
- (b) Mortgage or pledge any assets of the association as security for a loan; and
- (c) Levy assessments to repay a loan.

(2) Before any money can be borrowed or any mortgage or pledge can be made or entered into, the association's secretary-treasurer shall send a written notice to all water users to inform the water users that an election is being called to determine whether or not the association, through its chair and secretary-treasurer, may borrow money or mortgage or pledge its assets. Such notice shall include a brief description of the proposed action and the date, time, and place of such election, which shall be held at least ten (10) days after the date of the secretary-treasurer's notice.

(3) The election shall be determined by a majority vote of the water users present at the election in accordance with section [42-1302](#)(5), Idaho Code.

[42-1312, added 2026, ch. 112, sec. 25, p. 574.]

42-1313. WITHDRAWAL FROM LATERAL WATER USERS' ASSOCIATION. (1) A water user may withdraw from a water users' association by providing written notice and proof that the water user's land is no longer entitled to receive water from the water delivery organization and the point or points of delivery in the canal or reservoir, or from the point or points of diversion from waters of the state, that supplies the association's lateral or ditch.

(2) Withdrawal shall not affect any delinquent assessment or lien recorded against the water user's land pursuant to this chapter that accrued before the user's withdrawal.

[(42-1313) 42-1312, added 2015, ch. 80, sec. 5, p. 203; am. and re-desig. 2026, ch. 112, sec. 26, p. 575.]

42-1314. WATER DELIVERY ORGANIZATIONS -- REPAIRS, IMPROVEMENTS, AND MAINTENANCE OF LATERALS. (1) If a lateral water users' association has not elected a board of directors or appointed a lateral manager pursuant to this chapter, any water user taking water from a lateral may authorize the water delivery organization providing water to the lateral to perform any necessary repairs, improvements, or maintenance to the lateral.

(2) The water delivery organization may perform the requested work only if the organization's board has adopted a resolution authorizing the work.

(3) The water delivery organization shall have the same rights and privileges as the water user authorizing the work to enter the land across which the associated right-of-way extends to clean, maintain, repair, and perform such other work as may be done by the authorizing water user.

(4) By performing such work, the water delivery organization does not assume ownership of the lateral or incur liability for any injury to person or property caused by an act or omission of the authorizing water user.

(5) When such work has been authorized, the water delivery organization may assess the respective authorizing water user or users for the annual cost of any necessary repairs, improvements, or maintenance performed on the lateral, in addition to the assessments that are levied by the water delivery organization for the delivery of water to the water user or users, and the same provisions shall apply with regard to delinquent assessments as in the case of assessments levied by the water delivery organization for the delivery of water.

(6) Nothing in this section shall affect the authority of a lateral water users' association from assessing its members for work authorized pursuant to this chapter.

[(42-1314) 42-1310, added 2004, ch. 147, sec. 1, p. 477; am. and re-desig. 2026, ch. 112, sec. 27, p. 575.]

42-1315. WATER DELIVERY ORGANIZATIONS TO FURNISH DIVERSION STRUCTURES AND MEASURING DEVICES. (1) Each water delivery organization shall provide the necessary diversion structures and measuring devices at delivery points to control and measure the quantity of water being delivered to water users served by the water delivery organization, unless the bylaws or controlling documents of the water delivery organization provide otherwise.

(2) Measuring devices shall comply with standards approved by the department of water resources.

[42-1315, added 2026, ch. 112, sec. 28, p. 576.]