

## ORDINANCE NO. 45

AN ORDINANCE OF THE VILLAGE OF CASTLEFORD, TWIN FALLS COUNTY, IDAHO, CREATING AN MUNICIPAL IRRIGATION SYSTEM AND ESTABLISHING THE BOUNDARIES IN WHICH THE SAID VILLAGE WILL SUPPLY AND DELIVER IRRIGATION WATER AND PROVIDE FOR THE ACQUIRING OF IRRIGATION WATER FOR SAID SYSTEM AND THE OPERATION, MAINTAINANCE, CONSTRUCTION AND IMPROVEMENT OF SAID IRRIGATION SYSTEM, FOR THE ACQUISITION OF WATER FROM THE STATE OF IDAHO OR PRIVATELY OWNED WATER FOR SAID IRRIGATION SYSTEM FOR THE MAINTENANCE AND OPERATION OF CANALS, DITCHES AND RIGHT OF WAYS FOR THE USE OF SAID VILLAGE IN SUPPLYING IRRIGATION WATER, FOR THE LEVYING OF ANNYAL ASSESSMENTS TO PROPERTY USING SAID IRRIGATION WATER TO DEFRAY COSTS OF SAID SYSTEM AND FOR ENFORCEMENT OF COLLECTION OF SAID ASSESSMENTS, FOR AUTHORIZING EXPENDITURES TO BE MADE FOR THE PURPOSE OF THE ORDINANCE AND PROVIDING THE TIME THIS ORDINANCE SHALL TAKE EFFECT AND FOR PUBLICATION OF THE SAME.

Whereas, At this time the Village of Castleford, Idaho, has no Municipal Irrigation System and owns at this time forty (40) shares of stock in the Twin Falls Canal Company, and

Whereas, The Village of Castleford, Idaho, is empowered under Title 50, Chapter 13, Idaho Code, to create an Municipal Irrigation System.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF CASTLEFORD, IDAHO:

SECTION 1. That there is hereby established and created an municipal irrigation system for the Village of Castleford, Idaho under the provisions of Title 50, Chapter 13, Idaho Code.

SECTION 11. That the Board of Trustees of the Village of Castleford, Idahi, is hereby empowered to purchase from and does ratify the previous purchase of 40 shares of water stock from the Twin Falls Canal Company and further as from time to time as deemed necessary by said B oard of Trustees to contract in writing with any individual, district, company, cooperation or association for additional w ater supply for these purposes; that water so acquired shall be delivered to the various lots and parcels of land within the present boundaries of said Village by ditches, pipes and distribution boxes to be upon the public streets, alleys and other existing right of ways to each lot and parcel of land within said Village and the Board of Trustees shall maintain these distribution boxes and all these facilities as shall be deemed necessary, provided however, that each user of said water shallmaintain at their own expense facilities for removal of water from said Village fa cilities. The external boundaries within which this system shall operate shall be the external boundaries now existing for the Village of Casltefor,d, Idaho, reference is made to the Plat of said Village on file in the office of the Twin Falls County Recorder.

SECTION 111. That the B oard of Trustees shall be empowered from time to time to hire agents for the meintenance, repair and for the construction of the ditches, pipes and other work necessary for delivering said irrigation water to said users.

SECTION 1V. That all lots, pieces of lots and other parcels of real property iwthin the Village of Castlëford shall be entitled to the equal use of said irrigation water from the ditches or pipes maintained by the Village of Castleford and use of said water shall be regulated according to the supply available for a period of 6 hours per day and no more. Said water supply shall be available from the 15 day of March to the 15th day of November of each year

SECTION V. There is hereby established a municipal irrigation System fund to be under the control of the Village Treasurer and the records of which are to be maintained by the Village treasurer and all money received and expended for this purpose shall be upon said fund.

SECTION VI. That the Clerk of the Board of Trustees shall be the Assessor for said irrigation system and shall on or before the 2nd Monday of December of each year prepare an assessment book containing a true list of all lots, parcels and tracts of land to which said irrigation water shall be furnished by said system and contain the names of persons owning or in possession of the land. On the 4th Monday of December of each year the Board of Trustees shall establish the necessary funds for the maintenance, operation and repair and other expenses necessary for said irrigation system for the ensuing calendar year, as provided by Section 50-1304, Idaho Code, and the assessments against each parcel of land shall be made according to law. Said assessment shall be a first and prior lien upon said real property subject only to State and County taxes and assessments. Said irrigation system assessments shall be made only for the necessary expenditures in connection with proper operation of said municipal irrigation system. Said assessments shall be due and payable to the Village Treasurer on or before the 15th day of March of each year.

SECTION VII. That unless payment of said assessments is made as provided by law no irrigation water shall be supplied to any piece or parcel of land delinquent to the payment of said assessment.

SECTION VIII. That on or before the 2nd Monday of July of each year succeeding the date on which assessments are levied and unpaid the Village Treasurer shall enter all delinquent assessments together with penalties on the assessment roll to be dated as of July 1st of said year which shall be the force and effect of a deed to said Village Treasurer in trust of all parcels of land upon which assessment is delinquent. The penalty referred to shall be added to said delinquent assessments and shall be 2% of the unpaid amount of said delinquent assessment and interest upon said delinquent assessment shall be added at the rate of 8% per annum from the date of sale until redemption.

SECTION IX. That on or before the 3rd Monday of July of each year succeeding the year in which assessments are levied, the Village Treasurer shall make his certificate to the Clerk of said Village showing the amount of said assessments collected before delinquency and the amount of assessments which are delinquent. On or before the 4th Monday of July of the year in which said assessments are levied the Village Treasurer shall compile a list of said delinquent assessments as provided by Section 50-1311, Idaho Code, in all cases where redemptions have not been made, showing the amount of the delinquent assessments together with penalties and shall file a certified copy of said delinquency with the Twin Falls County Recorder on or before the 4th Monday of July of the year in which said assessments are levied and shall pay to said County Recorder the sum of \$2.00 therefor.

SECTION X. That after delinquent and prior to three (3) years from the date of delinquency redemption may be made of said lands by payment to the Village Treasurer the delinquent assessments plus a penalty of 2% thereon plus interest of said delinquent assessments at the rate of 8% per annum from date of delinquency until paid. Upon redemption the Village Treasurer shall note its redemption in the delinquent list and shall issue an redemption certificate in triplicate as provided in Section 50-1313 Idaho Code, and shall deliver one (1) copy thereof to the redeemer, and one (1) copy to the Twin Falls County Recorder and pay to said Recorder the sum of \$.25 therefor.

SECTION XI. In the event that said land is not redeemed in three (3) years from date of the delinquent entry the Village Treasurer shall make to the Village a deed to said land provided that prior to the issuance of said deed, the Village Treasurer shall have published a notice in the Buhl Herald, a newspaper, as required by Section 50-1315, and shall file his affidavit and the affidavit of the newspaper as required by Section 50-1316.

SECTION XII. That all lots, pieces or parcels of land taken by the Village may be sold by said Village under the provisions of Section 50-1007.

SECTION XIII. That the Village may pay State and County taxes on any property on which the assessments herein levied are delinquent and may purchase any of said property from Twin Falls County at Tax sale, and the amount of taxes paid by the Village on the purchase price of said tax sale shall become a part of the Village lien on the property and must be paid upon the payment of the delinquent assessment or redemption of said tax deed; and when so purchased may be sold by the Village to the same manner as provided in Title 50, Chapter 13, Idaho Code, for the sale of property acquired for non payment of assessment, and when County taxes the Village may cancel all or part of the taxes and water assessment levied before said sale by the County and may cause to be executed an redemption certificate or a Quit Claim Deed upon proper resolutions.

SECTION XIV. That all moneys received from the sale of property hereunder shall be paid to the Municipal Water System Fund by the Village Treasurer and therein posted to the Village Funds on the same basis as levies upon which the sale was made.

SECTION XV. That it is the expressed intention of this ordinance to fully conform to the provisions contained in Title 50, Chapter 13, Idaho Code, regarding Municipal Water Systems and in accordance with the provisions of said law.

SECTION XVI. This ordinance shall take effect from and after its passage and approval and publication, an emergency exists therefor.

Passed and Approved by the Chairman and Board of Trustees of the Village of Castleford, Idaho this 23 day of Aug 1954.

Mrs. Annes Williams  
Village Clerk

Daniel W Phillips  
Chairman of Board of Trustees

Amendment to Ordinance #45

Section 1: That the Castleford City Code, Section 4 and 6 (a portion of Ordinance #45), be amended as follows and described by the following interlineation:

Section 4: Said water supply shall be available from the ~~15th day of March to the 15th day of November of each year.~~ the 25th day of April to the 15th day of October of each year.

Section 6: Said assessments shall be due and payable to the Village Treasurer on or before the ~~15th day of March of each year.~~ 10th day of April of each year.

Amended May 1, 1984

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Mayor

Patsy Kingon  
City Clerk