

PETITION FOR EXCLUSION OF LAND
FROM NEW YORK IRRIGATION DISTRICT
IDAHO CODE – TITLE 43, CHAPTER 11

Petitioner(s) and Mailing Address:

Additional Information for Petitioners
(Please read before filling out petition)

1. A filing fee in the amount of five dollars (\$5.00) per each lot or parcel of land described in the petition shall accompany the filing of each petition, plus an exclusion fee in the amount of twenty-five dollars (\$25.00) for each lot or parcel containing less than one (1) acre which is in a subdivision as defined in Section 50-1301, Idaho Code, or an exclusion fee of fifty dollars (\$50.00) for each acre or portion thereof in all other parcels of property, for which New York Irrigation District (“NYID”) shall provide a suitable receipt evidencing payment. Petitions shall be summarily rejected if not accompanied by the required filing fee, exclusion fee, and any indebtedness owing to NYID.
2. If the lands are benefited by drainage facilities of NYID pursuant to Sections 43-305 through 43-312, Idaho Code, assessments for drainage benefits may be collected by NYID or by the County Tax Collector in the event the lands are excluded from NYID for irrigation purposes, but retained for drainage purposes.
3. Exclusions are reviewed by the Board of Directors at the regular Board meeting each month. Any petition received within seven (7) days of a regular meeting may be held until the next board meeting and can be subject to additional costs where applicable.

Total amount due by _____: \$ _____

TO THE BOARD OF DIRECTORS OF NEW YORK IRRIGATION DISTRICT:

The undersigned hereby petition the Board for an order that the land hereinafter described be excluded from NYID:

The land owned by the Petitioner(s) is situated in Ada County and is described as follows:

NYID Assessment #: _____ District Acres _____

The County Assessor’s Parcel #: _____

Property Address: _____

Legal Description: _____

The reasons for exclusion of the land from NYID are: [circle the letters(s) which pertain(s) in your case]

- a. The lands are too high to be watered without pumping by the owners of the lands from water owned or controlled by NYID,
- b. The owners of the lands have installed a good and sufficient water system independent of the water system of such NYID for the irrigation of the lands because NYID does not own a sufficient water right to furnish an adequate water supply for the lands,
- c. The lands in their present condition are not agricultural lands and NYID has not:
 - (i) Adopted a resolution to construct a distribution system for the lands pursuant to section 43-333, Idaho Code; or
 - (ii) Called an election on the question of constructing a distribution system for the lands under the provision of section 43-329, Idaho Code; or
 - (iii) Independently or in cooperation with a city or county established a local improvement district to construct a distribution system for the lands; or
 - (iv) Constructed a distribution system for the lands; or
- d. Prior to acquisition of the lands by the petitioning owner and without his knowledge or consent, the ditch or other transmission facility extending from the delivery point of NYID to the lands had been rendered permanently incapable of carrying water to the lands, but this ground for exclusion shall only apply to parcels less than five (5) acres in size.

The Petitioner(s) understand that land excluded from NYID pursuant to proceedings on this petition shall not thereafter be entitled to receive water from the water rights or from the irrigation works and system of NYID and shall not thereafter be entitled to any irrigation benefits of NYID and shall be deemed to have fully relinquished all such water rights and benefits to NYID.

A Petition for Exclusion filed with NYID constitutes representation to NYID by the Petitioner or Petitioners that the facts stated in the Petition are true and correct and that no mortgage company or other person holds a lien of record in the county where the land for which Exclusion is requested is located, for which the lien holder's consent to the Exclusion is required or that, if such consent is required, the consent has been granted by the lien holder. The Petitioner shall be liable for any expenses or damages to lien holders or to other landowners or to NYID resulting directly or indirectly from wrongful exclusion of lands by reason of untrue and incorrect statements in the Petition.

IF WATER IS AVAILABLE TO THIS PROPERTY AN EXCLUSION WILL NOT BE GRANTED.

I HAVE READ AND FULLY UNDERSTAND THE ABOVE STATEMENT AND ACKNOWLEDGE ALL FACTS STATED IN THIS PETITION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

_____))
_____)) Date _____
_____))

(If the property is recorded in more than one name, all recorded owners must sign this petition.)