

**BLACK CANYON IRRIGATION DISTRICT DEVELOPMENT RESOLUTION NO. 2023-02 (REV-1): FACILITY PIPING RECOMMENDATIONS FOR RESIDENTIAL SUBDIVISIONS**

WHEREAS, the District, pursuant to Idaho Code Section 43-304, enjoys broad authority to do any and every lawful act necessary to be done to facilitate, perpetuate, and ensure that sufficient water is delivered to lands and landowners in the district for irrigation purposes;

WHEREAS, the District is experiencing increased urbanization and residential development encroaching upon District water delivery and drainage facility easements and rights-of-way, which development oftentimes threatens the integrity and function of the District's irrigation and drainage facilities, including making the same more difficult to operate, maintain, repair and replace;

WHEREAS, the District is authorized to review, and reasonably condition encroaching land uses through the written permission requirements of Idaho Code Sections 42-110, 42-1207, and 42-1209, among others, because of the legal duties the District owes under Idaho Code Section 42-121, 42-1202, 42-1203, and 42-1204; and

WHEREAS, the district wishes to further centralize, formalize, and codify its facility tiling/piping policies developed over time as discussed in the official meeting minutes of the its Board of Directors;

NOW, THEREFORE, BE IT RESOLVED, that the District further confirms and ratifies the following facility tiling/piping policies and recommendations for use throughout its boundaries:

All new residential subdivisions are recommended to, as part of the District's facility encroachment review process, tile/pipe all open ditch District delivery facilities located within the subdivision. All open ditch tiling/piping shall be performed consistent with the requirements of Idaho Code Section 42-1207 and consistent with the design and installation requirements contained in the District's published Standards and Specifications. The District shall consider any variance requests on a case-by-case basis.