

67-4302. Big Payette Lake — Lands devoted to health and recreational uses. — The lands belonging to the state of Idaho between the ordinary high and low water mark at said Big Payette Lake, as well as all other lands of the state adjacent to said lake which are not held in trust for the beneficiaries of the endowed institutions, are hereby declared to be devoted to a public use in connection with the preservation of said lake in its present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes.

History.

1925, ch. 83, § 2, p. 117; I.C.A., § 65-4002;
am. 1996, ch. 268, § 1, p. 870.

67-4303. Big Payette Lake — Separability of act. — If any part of this act shall be adjudged to be invalid, such judgment shall not affect, impair or invalidate any part of the remainder.

History.

1925, ch. 83, § 3, p. 117; I.C.A., § 65-4003.

STATUTORY NOTES**Compiler's Notes.**

The term "this act" refers to S.L. 1925, Chapter 83, which is compiled as §§ 67-4301 to 67-4303.

Effective Dates.

Section 4 of S.L. 1925, ch. 83 declared an emergency. Approved February 25, 1925.

67-4304. Priest, Pend d'Oreille, and Coeur d'Alene Lakes — Appropriation of waters in trust for people. — The governor is hereby authorized and directed to appropriate in trust for the people of the state of Idaho all the unappropriated water of Priest, Pend d'Oreille and Coeur d'Alene Lakes or so much thereof as may be necessary to preserve said lakes in their present condition. The preservation of said water in said lakes for scenic beauty, health, recreation, transportation and commercial purposes necessary and desirable for all the inhabitants of the state is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the governor or the permit issued in connection therewith, and no proof of completion of any works of diversion shall be required, but license shall issue at any time upon proof of beneficial use to which said waters are now devoted.

Each succeeding governor in office shall be deemed to be a holder of such permit, in trust for the people of the state.

History.

1927, ch. 2, § 1, p. 6; I.C.A., § 65-4004.

Cross References.

Outlet control structure located in
River, § 70-501 et seq.

Tribal Land.

Where action was filed by Indians against the state of Idaho and various officials and agencies, seeking an order the court quieting title in the tribe to the banks, and waters of all navigable courses within the 1873 boundaries of the Coeur d'Alene Reservation, and the court further sought to declare invalid the statutes and ordinances which regulate affected in any way the disputed lands, waters, and to declare invalid the waters set forth in this section, the court found the claims brought by the tribe were barred by the Eleventh Amendment to the United States Constitution, and the tribe had no right to state a claim upon which relief could be granted. *Coeur d'Alene Tribe v. Idaho*, 1443 (D. Idaho 1992), rev'd in part, 1244 (9th Cir. 1994), rev'd in part, 261, 117 S. Ct. 2028, 138 L. Ed. 2d 117 (1997).

Suit by federally recognized Indians brought in federal court against the state and various state agencies, and numerous

67-4305. Priest, Pend d'Oreille, and Coeur d'Alene Lakes — Lands devoted to health and recreation. — The lands belonging to the state of Idaho between the ordinary high and low water mark at said Priest, Pend d'Oreille and Coeur d'Alene lakes as well as all other lands of the state adjacent to said lakes which are not held in trust for the beneficiaries of the endowed institutions, are hereby declared to be devoted to a public use in connection with the preservation of said lakes in its present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes.

History.

1927, ch. 2, § 2, p. 6; I.C.A., § 65-4005;
1996, ch. 268, § 2, p. 870.

Compiler's Notes.

The bracketed insertion near the