

S. F. No. 30 Introduced by:

Earl J. Brown

Ocean Grove

A. H. J. Walter

for

Earl J. Brown

AN ACT enabling the creation of governmental subdivisions of the state to be known as "Watershed Improvement Districts" to engage in flood protection and control, and the conservation, development, utilization and disposal of waters; to provide for the organization of such districts as sub-districts of soil and water conservation districts wherein supervisors of soil and water conservation districts shall act as boards of supervisors with respect to all matters concerning watershed improvement districts, including organization; to establish the governing body of watershed improvement districts to be known as directors and define the qualifications, election and tenure of such directors; to prescribe the powers and duties of such directors including the power of eminent domain, the power to levy assessments for benefits against lands within the districts, and the power to create bonded indebtedness and refer to voters of proposed issues; providing for a public hearing on proposed works of improvement; providing a method of levying assessments against lands benefited by works of improvement; providing an appeal from decisions of the directors or from levying of assessments; providing the method of collection of assessments; providing for additional assessments for maintenance of works of improvement; and providing a method of dissolution of watershed improvement districts.

JAN 17 1961 Introduced
JAN 17 1961 Read 1st time
JAN 17 1961 Referred to Com. on
JAN 17 1961 Delivered to Printing
JAN 17 1961 Referred to Com. on
JAN 17 1961

JAN 24 1961 COM. RECOMMENDATION
AMEND AND DO PASS

S. F. No. 30 (C.W.)
Amend as follows:
Page 10, line 1, after the word "use" change the comma to a period and strike the balance of the line, and all of line 2.

PLACED ON GENERAL FILE
JAN 25 1961
CONSIDERED BY COM. ON WHOLE
Standing Committee Report
Amended as follows:

Strike all sub-title wherever they appear in bill
Strike Section 1. Re-number succeeding Sections

S. F. No. 30 (C.W.)
Amend as follows:
Page 12, line 16, correct the spelling of the word "appraisers" in the original bill

S. F. No. 30 (C.W.)
Amend as follows:
Page 12, line 16, correct the spelling of the word "appraisers" in the original bill

Recommended to pass as amended
COM. OF WHOLE REPORT ADOPTED
JAN 25 1961 READ SECOND TIME

Amended as follows:
S. F. No. 30 (C.W.)
Amend as follows:
Page 5, line 11 after the word "supervisors" strike the period replace with a comma and add the following: "by personal letter to the landowners involved at least 10 days before the election."

S. F. No. 38

Introduced by

Paul J. Bowler

Sanley Walters
Carl K. Anderson

A BILL

for

AN ACT enabling the creation of governmental subdivisions of the state to be known as "Watershed Improvement Districts" to engage in flood prevention and control, and the conservation, development, utilization and disposal of water; to provide for the organization of such districts as sub-districts of soil and water conservation districts wherein supervisors of soil and water conservation districts shall act as board of supervisors with respect to all matters concerning watershed improvement districts, including organization; to establish the governing body of watershed improvement districts to be known as directors and define the qualifications, election and tenure of such directors; to prescribe the powers and duties of such directors including the power of eminent domain, the power to levy assessments for benefits against lands within the districts, and the power to create bonded indebtedness and referral to voters of proposed issue; providing for a public hearing on proposed works of improvement; providing a method of levying assessments against lands benefited by works of improvement; providing an appeal from decisions of the directors or from levying of assessments; providing the method of collection of assessments; providing for additional assessments for maintenance of works of improvement; and providing a method of dissolution of watershed improvement districts.

APPROVED AS TO FORM
[Signature]
Senate Attorney

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. Short Title - This Act may be known and cited as the "Watershed Improvement District Act"

Section 2. Definitions - As used in this Act.

A. "Director" means a director of a watershed improvement district; and "board of Directors" means the governing body of a watershed improvement district.

B. "Supervisor" means a supervisor of the soil and water conservation district in which a watershed improvement district is situated; and "board of supervisors" mean the governing body of the soil and water conservation district in which a watershed improvement district is situated.

C. "Landowner" means any person, firm or corporation holding title to, or occupying under a contract of purchase, any land lying within a watershed improvement district organized or proposed to be organized under the provisions of this Act.

D. "Due notice" means notice published at least twice, with an interval of at least six (6) days between the two publication dates, in a newspaper of general circulation within the boundaries of the proposed or organized district, or by posting at five (5) conspicuous places within the organized or proposed district, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. The notice of any hearing, election or referendum required to be held under this Act shall fix the time, place and purpose thereof, which time shall be not less than ten (10) or more than fifteen (15) days after the first publication or first posting of such notice. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

Section 3. Purposes of Act - The purposes of this Act are to provide for the prevention and control of erosion, floodwater and sediment damages, and the storage, conservation development, utilization, and disposal of water, and thereby to preserve and protect land and water resources, and protect and promote the health, safety, and general welfare of the people of this State.

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Senate Attorney

Section 4. Watershed Improvement Districts--Watershed improvement districts may be formed as subdistricts of soil and water conservation districts as herein provided for the development and execution of plans and projects relating to any of the purposes set forth in Section 3.

Section 5. Area - The land area embraced in a watershed improvement district must lie within the same or adjoining watershed or sub-watershed areas. A watershed improvement district may embrace land lying in one or more soil and water conservation districts. Land lying within the boundaries of one watershed improvement district shall not be included in another watershed improvement district.

Section 6. Petition - When ten or more landowners within a proposed watershed improvement district, or, if less than twenty landowners are involved, a majority of the landowners in the proposed district, desire to form a watershed improvement district, they shall file a petition with the board of supervisors of the soil and water conservation district in which the proposed watershed improvement district is situated asking that a watershed improvement district be organized to function in the area described in the petition. Such petition shall set forth the boundaries of the proposed district, the number of acres of land involved, the reasons for requesting creation of such district, and the proposed name of such watershed improvement district. A copy of such petition shall be furnished to the State Soil and Water Conservation Committee.

Section 7. Establishment of Watershed Improvement District--Situating in More than one soil and water conservation District. If a proposed watershed improvement district is situated in more than one soil and water conservation district, copies of such petition shall be presented to the boards of supervisors of all the soil and water conservation districts in which any part of the proposed watershed improvement district is situated, and the supervisors of all such soil and water conservation districts shall act jointly as a board of supervisors with respect to all matters concerning such watershed improvement district, including its organization. Such watershed improvement district shall be organized in like manner and shall have the same powers and duties as a watershed improvement district situated entirely in one soil and water conservation district.

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State Attorney

Section 8. Hearing -Notice - A. Within thirty days after such petition has been filed with or presented to the board of supervisors, it shall cause due notice to be given of a public hearing upon the practicability and feasibility of creating the proposed watershed improvement district. All owners of land within the proposed watershed improvement district and all other interested parties shall have the right to attend such hearing and to be heard. The State Soil and Water Conservation Committee may furnish advice and assistance to the board of supervisors in connection with such hearing. If it appears upon the hearing that any land included in the petition will not be benefited by its inclusion within the proposed watershed improvement district, the board of supervisors shall exclude such land from the proposed watershed improvement district.

B. If it appears upon the hearing that it may be desirable to include within the proposed watershed improvement district territory outside of the area described in such petition, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in such district, and a further hearing shall be held. After final hearing, if the board of supervisors determines, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare for such a district to function in the territory considered at the hearing, it shall make and record such determination and shall define by metes and bounds or by legal sub-divisions, the boundaries of such district. The board of supervisors, in making such determination, may advise and consult with the State Soil and Water Conservation Committee.

C. If the board of supervisors determines after the hearing that there is no need for such a district to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition.

Section 9. Referendum - After the board of supervisors has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the creation of the proposed watershed improvement district, it shall consider the question whether the operation of such a district within the proposed boundaries with the

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County Attorney

powers conferred upon such district in this Act is administratively practicable and feasible. To assist the board of supervisors in this determination, the board shall, within not more than sixty days after entry of the finding that there is need for the organization of such a district and the determination of the boundaries of such district, hold a referendum within the proposed district upon the proposition of the creation of such district. Due notice of such referendum shall be given by the board of supervisors. ^{xxx add} Such notice shall state the date of holding the referendum, the hours of opening and closing the polls and shall designate one or more places within the proposed district as polling places. The board of supervisors shall appoint a polling superintendent and other necessary polling officers.

Section 10. (Voting - Ballots - Right of Landowners to Vote - Proxies)

A. The question to be voted on shall be submitted by ballots upon which the words "For creation of _____ Watershed Improvement District" and "Against creation of _____ Watershed Improvement District" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose creation of such district. The ballot shall set forth the boundaries of the proposed watershed improvement district as determined by the board of supervisors.

B. All owners of land lying within the boundaries of the proposed district, as determined by the board of supervisors, shall be eligible to vote in the referendum. Only such owners of lands shall be eligible to vote. Any such owner who is unable because of illness or absence from the district to appear at the polls, may appoint in writing on a form prescribed by the State Soil and Water Conservation Committee and acknowledged before a notary public or other officer authorized to administer oaths, an agent or proxy to cast a ballot for him. The appointment of agent or proxy shall be presented to the polling officers, and if it is found to be bona fide and in proper form, the holder thereof shall be allowed to vote in behalf of the owner executing the appointment. Prior to casting his ballot, each owner shall present to the polling officers an affidavit stating that he is an owner of land within the district and showing the number of acres he owns and his interest therein.

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Senate Judiciary

and each agent or proxy shall present a similar affidavit executed by the landowner for whom he is voting. Each landowner shall be entitled to one vote in the referendum.

Section 11. ¹⁰(Votes - Results.) The votes cast in the referendum shall be counted by the polling officers at the close of the polls and a report of the results, along with the ballots, shall be delivered to the polling superintendent, who shall certify the results to the board of supervisors; and the board shall then consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the board of supervisors shall determine that the operation of the watershed improvement district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the board of supervisors shall determine that the operation of the watershed improvement district is administratively practicable and feasible, it shall declare the watershed improvement district to be created; provided, however, that the board of supervisors shall not have authority to determine that the operation of the watershed improvement district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum, which votes represent majority of the acreage contained in the proposed watershed improvement district, favor creation of the watershed improvement district. Upon declaring the watershed improvement district to be created, the board of supervisors shall certify the fact of the creation of such district to the county clerk of the county or counties in which such district is situated, for recordation; and such watershed improvement district shall thereupon constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, the certificate of the board of supervisors shall be filed with the Secretary of State, and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 12. ¹¹(Inclusion of additional Land - Detaching Land -- Change of Boundaries - Change of Name.) A. Petitions for including additional territory within an existing watershed improvement district may be filed with the board of supervisors, and in such cases the proceedings herein provided for with respect to petitions to organize watershed improvement districts shall be observed to the extent deemed.

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State Attorney

practicable in acting upon petitions for such inclusion. In determining whether the operation of a watershed improvement district, including such additional territory, will be administratively practicable and feasible, the board of supervisors shall advise and consult with the directors of the existing watershed improvement district. Where the total number of owners of land in the area proposed for inclusion shall be less than ten (10), the petition may be filed when signed by a majority of the owners of land in such area, representing a majority of the acreage contained in such area, and in such case no referendum need be held. If the board of supervisors makes a determination in favor of the inclusion of additional territory, it shall certify the fact of such inclusion of additional territory to the county clerk of the county or counties in which the watershed improvement district is situated. After being recorded, the certificate of the board of supervisors shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

B. The owner or owners of land which has not been, is not, and cannot be benefited by its inclusion in the watershed improvement district may petition the board of supervisors to have such land withdrawn. The petition shall describe such land and state the reasons why it should be withdrawn. A hearing shall be held within thirty (30) days after the petition is received. Due notice of such hearing shall be given by the board of supervisors. If it is determined by the board of supervisors that such land has not been, is not, and cannot be benefited by its inclusion in the watershed improvement district, such land shall be withdrawn from the district. A copy of such determination and withdrawal shall be certified to the county clerk of each county in which any portion of such withdrawn land is situated. After being recorded, the certification shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

C. Petitions for a change in the boundaries of watershed improvement districts may be filed with the board or boards of supervisors of the soil and water conservation district or districts to be affected. The board of supervisors of the soil and water conservation district or joint board of supervisors if more than one soil and water conservation district is affected may require such hearings or referenda as it deems

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STATE AUDITOR

appropriate to enable it to make a determination as to the desirability of the proposed change. If the board of supervisors or joint board of supervisors makes a determination in favor of the change in boundaries, it shall certify the fact of such change to the county clerk of the county or counties in which such watershed improvement district is situated and shall notify the board of directors of the watershed improvement district, setting out in such notice the new boundaries of the district. After being recorded, the certificate of the board of supervisors shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

D. Petitions for a change of name of a watershed improvement district may be submitted to the board or boards of supervisors of the soil and water conservation district or districts in which the watershed improvement district is situated. If the board of supervisors approves the change of name, it shall certify the fact of such change of name to the county clerk of the county or counties in which the watershed improvement district is situated and shall notify the board of directors of the watershed improvement district of such change. After being recorded, the certificate shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 13. ¹² (Directors - Election.) A. Within thirty days after a watershed improvement district is created, the board of supervisors shall cause an election to be held for the election of a board of directors of the watershed improvement district. Due notice of such election shall be given by the board of supervisors. The board of directors shall consist of five members. The first board of directors shall determine by lot from among its membership, two members to serve terms of one year, two members to serve terms of two years, and one member to serve a term of three years. Thereafter, as these initial terms expire, the members of the board of directors shall be elected for terms of three years. Vacancies occurring before the expiration of a term shall be filled for the unexpired term by appointment by the remaining members of the board of directors with the approval of the board of supervisors. The board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed improvement district.

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State Attorney

B. The board of directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute a surety bond for the faithful performance of the duties of his office, which bond shall be approved by the board of directors. Any premium for such bond shall be paid by the watershed improvement district. The district shall be subject to an annual audit of its accounts by the State Examiner.

C. Nominating petitions may be filed with the board of supervisors to nominate candidates for directors of the watershed improvement district. No such nominating petition shall be accepted by the board of supervisors unless it shall be signed by ten (10) or more owners of land lying within the boundaries of such watershed improvement district, or by a majority of such owners if there be less than ten (10). Such owners may sign more than one such nominating petition to nominate more than one candidate for director. No person shall be eligible to be a director of a watershed improvement district who is not an owner of land within the watershed improvement district in which he seeks election.

Section 14. ¹³ Powers - Under the supervision of the board of supervisors, the board of directors of a watershed improvement district shall have power to:

A. Levy and collect assessments for special benefits accruing to land, as hereinafter provided.

B. Acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; maintain, administer, and improve any such property; and sell, lease, or otherwise dispose of any such property in furtherance of the purposes and provisions of this Act.

C. Exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use, take any property necessary to the exercise of the powers herein granted.

D. Construct, improve, operate and maintain such structures as may be necessary for the performance of any authorized function of the watershed improvement district.

E. Borrow such money as is necessary to carry out any of the purposes and provisions of this Act, and issue, negotiate, sell its bonds or other evidence of indebtedness as provided in Section 15.

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F. Cooperate with, and receive from or grant assistance to, towns, cities, counties, and State and Federal agencies in carrying out the purposes and provisions of this Act.

Section 15. ¹⁴ Bonds. A. Bonds authorized by Section 14 shall not be issued until proposed by order or resolution of the board of directors, specifying the purpose for which the funds are to be used, the rate of interest the bonds are to bear, the amount of the proposed bond issue, terms of the bonds, and the proposed method of payment and redemption of the bonds prior to maturity. A copy of the order or resolution shall be certified to the board of supervisors.

B. The board of supervisors shall conduct a hearing on such proposal after due notice of such hearing has been given. If it appears that the proposal is within the scope and purpose of this Act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the watershed improvement district by a referendum held under the supervision of the board of supervisors.

C. The provisions of Sections 8, 9, 10, and 11, as to notice and manner of holding a referendum in organizing a watershed improvement district shall be applicable to the referendum held under this section.

D. If two-thirds of the votes cast, which votes represent a majority of the acreage contained in the watershed improvement district, are in favor of the proposed bond issue, such bonds shall be authorized and may be issued.

E. Bonds authorized and issued shall bear interest at a rate not exceeding six per centum (6%) per annum, payable annually, and shall be due and payable not more than fifty (50) years from their dates. The form, terms, and provisions of such bonds, provision for their payment and provisions for their retirement and calling not inconsistent with law, shall be determined by the board of supervisors. Such bonds shall be exempt from all State, county, municipal, school, and other taxes imposed by a taxing authority of this State.

Section 16. ¹⁵ Per diem and Mileage. Members of the board of directors shall receive no salaries, but such members may be entitled to expenses for meetings and travel in the performance of their duties as approved by the board of supervisors.

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Section 17. ¹⁶ (Hearing on Proposed Projects.) Before any contract shall be let or work begun upon any improvement or project within the watershed improvement district, the cost of which cannot be exclusively financed by funds on hand, grants in aid, or financial assistance or gifts to the district, or before any contract may be entered into by the district with any governmental agency or body which will obligate the district to contribute financially beyond the extent of funds of the district then on hand, it shall be the duty of the board of directors to set a time and place within the district for a public hearing upon such proposal. Due notice of such hearing shall be given by the board of directors.

At the time and place fixed for such hearing any owner of land situated within the watershed improvement district, or any other interested person, may appear and be heard as to his objections to such proposal.

Following the public hearing the board of directors shall, by order or resolution, either affirm the proposal with or without modification or amendments, or disapprove the proposal. If the board of directors affirms the proposal, it shall determine the probable cost of and the proposed method of financing the improvement or project, the benefits to be derived therefrom, and whether the benefits will be conferred upon all land within the watershed improvement district or upon only certain land within the district, in which latter case the land to be benefited shall be described as to boundaries, ownership, and approximate acreage.

Section 18. ¹⁷ (Appointment of Appraisers and Appraisal of Benefited Property.) If the board of directors determines that the proposed improvement or project should be constructed and that the costs thereof should be paid by special assessment against the land benefited by such improvement or project, it shall appoint three qualified and disinterested residents of the State to act as appraisers. The appraisers shall inspect the plans and specifications of the proposed improvement or project and examine all land likely to be benefited thereby. The appraisers shall make and file with the board of directors a detailed report showing all tracts of land within the watershed improvement district found to be benefited, together with the acreage thereof, the name of the record owner of each tract, the amount each tract will be

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benefited, and the amount of assessment to be levied against each tract, which assessment against each tract shall be in proportion to the benefits accruing to such tract. Any necessary expenses connected with the making of the appraisal by the three appraisers shall be paid by the watershed improvement district.

Section 19. ¹⁹(Hearing on Report of Appraisers.) Upon receiving the report of the appraisers the board of directors shall fix a time and place within the watershed improvement district for hearing any complaint that may be made regarding the benefits appraised to any tract of land or the assessment proposed to be levied against any tract of land. Due notice of such hearing shall be given by the board of directors. At the time and place fixed for such hearing the board of directors shall consider the report of the appraisers and consider and hear any objections filed or voiced thereto. The board of directors shall, by order or resolution, reject the report of the appraisers or accept the report and ratify it with or without modification or amendments.

Section 20. ²⁰(Appeal from Approval of Project or Determination of Benefits or Assessments.) Any owner of land or person having an interest therein upon which an assessment is proposed to be levied may, within thirty (30) days from such order or resolution of the board of directors accepting the report of the appraisers, file with the Clerk of the District Court a written notice making demand for trial by the Court. The notice shall state definitely from what part of such order or resolution the appeal is taken and shall set forth any other objections of the appellant. In case more than one appeal is taken, the Court may, upon finding that the appeals may be consolidated without injury to the interests of anyone, consolidate and try the appeals together.

If no appeal is taken within the time prescribed in this section from such order or resolution of the board of directors accepting the report of the appraisers, or after the finding of the District Court in case an appeal is taken from such order or resolution of the board of directors, then such assessments shall be final and conclusive and shall constitute perpetual liens upon the land so assessed until they are fully paid.

Section 21. ²¹(Land of State and Its Subdivisions.) In case land belonging to the State, or a county, school district, or other public corporation is benefited by any improvement or project constructed under the provisions of this Act, all of such benefits shall be assessed against

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County Attorney

such land and the assessments shall be paid by the proper authorities at the same time as the assessments are called and paid in the cases of private persons.

Section 22, ²¹ Assessments. The board of directors shall, on or before the third Monday in July of each year, certify to the Board of County Commissioners of the county within the watershed improvement district in which assessed land is located the amount of the annual installments of assessments against such land, together with a fair proportionate amount of the estimated operating and maintenance charges apportioned to such land for the next succeeding year. Thereupon the County Commissioners shall certify to and deliver such assessment roll to the County Assessor of such county and such County Assessor shall extend the amounts so certified on the tax roll as a flat special assessment against the land benefited. Such assessments shall be subject to the same interest and penalties in case of delinquency as in the case of general taxes, and shall be collected at the same time and in the same manner as in the case of general taxes; provided, that such assessments shall become due and payable only at such times and in such amounts as may be determined by the board of directors; and provided further, that any person having an interest in land assessed under this Act may at any time within thirty (30) days after the order of the board of directors has become final and effective as provided in Section 20, pay to the tax collector the amount of the assessments against his land or any tract thereof, and said payment shall relieve said land from the lien of said assessments for the cost of the improvement or project.

The board of directors in making the annual assessments and levies as herein provided, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts, the maturing of bonds and interest on all bonds, and deficiencies and defaults of prior years, and shall make ample provisions for the payment thereof; provided however, that no one yearly call for assessment by the board of directors shall be in an amount to exceed ten per centum (10%) of the actual amount necessary to defray the costs of the construction of such improvement or project.

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County Attorney

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Section 23. (Collection, Expenditure and Use of Taxes Collected.)

It shall be the duty of the officer or body having authority to levy taxes within each county, to levy the taxes and special assessments as provided in this Act and it shall be the duty of all county officials, charged with the duty of collecting taxes, to collect the taxes and special assessments as provided in this Act in the time, form and manner and with like interest and penalties as county or city and county taxes are collected, and when collected to pay the same to the board of directors of the watershed improvement district ordering their levy and collection, and the payments of such collections shall be made through the treasurer of the watershed improvement district and deposited in the depository thereof to the credit of such district. All expenditures of such funds shall be made by the board of directors upon order of the board, under the supervision of the board of supervisors.

Section 24. Delinquent Assessments. All taxes and assessments levied against any land under this Act, together with all interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien upon such land on a parity with the tax lien of general, State, County, city, town or school taxes and no sale of such land to enforce any general, State, county, city, town or school tax or other liens shall extinguish the perpetual lien of such taxes and assessments. If the taxes and assessments levied are not paid as herein provided, then such land shall be sold at the regular tax sale for the payment of said taxes and assessments, interest and penalties, in the manner provided by the statutes of this State for selling real property for non-payment of general taxes.

Section 25. Discontinuance of Districts.

A. At any time after five years from the organization of a watershed improvement district, ten or more landowners within the district, or if less than twenty landowners are involved, a majority of the landowners in such district, may file a petition with the board of supervisors, praying that the existence of the watershed improvement district be discontinued. The petition shall state the reasons for discontinuance, and that all maintenance and operation assurances and other obligations of the district have been met. A copy of such petition shall be furnished to the Secretary of State and to the State Soil and Water Conservation Committee.

B. After giving due notice of a hearing on such petition, the board of supervisors may conduct such hearing on the petition as may be

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By _____
County Clerk

necessary to assist it in making a determination.

C. Within sixty (60) days after the petition is filed, a referendum shall be held under the supervision of the board of supervisors substantially as provided for in Section 9. No informalities in the conduct of the referendum or in any matters relating to the referendum shall invalidate it or its results if due notice of the referendum has been given.

D. If a majority of the votes cast in such referendum favor the discontinuance of the watershed improvement district, and the board of supervisors determines that all maintenance and operation assurances and other obligations of the district have been met, the watershed improvement district shall be discontinued. A copy of such determination and discontinuance shall be certified to the county clerk of the county or counties involved for recordation. After being recorded, the certification shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 26. Supervision by State Soil and Water Conservation Committee. If any soil and water conservation district in which a watershed improvement district is situated is discontinued, the State Soil and Water Conservation Committee shall thereafter serve in the same supervising capacity over the watershed improvement district as was theretofore served by the board of supervisors of such soil and water conservation district.

Section 27. Existing Water Rights Preserved. Nothing in this Act shall be so construed as to in any manner impair existing water rights, appropriations or priorities.

APPROVED AS TO FORM
[Signature]
[Date]

S. F. No. 38

Introduced by:

Earl T. Bower
Oscar T. Yoder
Stanley Walters
LeRoy Christinck
Carl Robinson

A B I L L

FOR

AN ACT enabling the creation of governmental subdivisions of the state to be known as "Watershed Improvement Districts" to engage in flood prevention and control, and the conservation, development, utilization and disposal of water; to provide for the organization of such districts as sub-districts of soil and water conservation districts wherein supervisors of soil and water conservation districts shall act as board of supervisors with respect to all matters concerning watershed improvement districts, including organization; to establish the governing body of watershed improvement districts to be known as directors and define the qualifications, election and tenure of such directors; to prescribe the powers and duties of such directors including the power of eminent domain, the power to levy assessments for benefits against lands within the districts, and the power to create bonded indebtedness and referral to voters of proposed issue; providing for a public hearing on proposed works of improvement; providing a method of levying

assessments against lands benefited by works of improvement; providing an appeal from decisions of the directors or from levying of assessments; providing the method of collection of assessments; providing for additional assessments for maintenance of works of improvement; and providing a method of dissolution of watershed improvement districts.

January 17, 1961

Introduced
Read first time
Referred to Committee No. 5
Delivered to Printing Committee

January 19, 1961

Returned from Printing Committee
Delivered to Committee No. 5

January 24, 1961

Committee Recommendation
Amend and Do Pass
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Placed on General File
Considered in Committee of Whole
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and further amended
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Committee of Whole report adopted

January 25, 1961

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Ordered Engrossed

JAN 26 1961

READ THIRD TIME Amended as follows:

S. F. No. 38 (3rd Edg.)
Amend as follows:

Page 2, line 19, strike the word "or" and add the word "and". Strike the previous amendment, page 5, line 11

PASSED

AYES 27, NOES 12, EXCUSED 1, ABSENT 1

Received from Senate
Read First Time JAN 27 1961

Referred to Comm. No. 12
Delivered to Comm. No. 12 JAN 27 1961

JAN 27 1961 RETURNED
RE-REFER TO COM. NO. 12

FEB 8 1961 RETURNED

RECOMMENDED DO
PLACED ON GENERAL FILE

FEB 14 1961

CONSIDERED IN COM. OF WHOLE

AMENDED

Page 10, Line 19, strike the word "supervisors" and insert in lieu thereof the word "directors".

over

FEB 14 1961

Page 12.
FEB 14 1961
Laid back on General File

COM. OF WHOLE REPORT ADOPTED

FEB 17 1961

CONSIDERED IN COM. OF WHOLE

AMENDED

In the references to Section
numbers in body of bill,
reduce such references by one.

Page 6, line 24, after the word
"which" insert the word: "affirm-
ative"

On page 3, line 14, strike all
of the line after the word "when"
And all of line 15 and the words
"owners are involved" on line
16.

RECOMMENDED DO. PASS

COM. OF WHOLE REPORT ADOPTED

FEB 17 1961 Rules Suspended

AND SECOND TIME

AND THIRD TIME

PASSED

Ayes 42

12

Forwarded to Senate

Received Amended

Senate did concur on House Amendments

Ayes 21 Noes 11 Excused 1 Absent 1

Delivered to Enrolling Section

Received

Delivered to Enrolling Section

SEA No. 67. Signed by President

Signed by Speaker

Approved by Governor

Chapter No. 67, Session Laws of Wyoming

FEB 14 1961

After line 36, Page 12,
insert the following
language:

"Any hearing on appeal
provided for herein in the
District Court shall be de-
nove, and the District Court
shall consider not only the
question of procedure but also
the merits of the point or
points appealed from, including
but not limited to eminent domain
proceedings. Any appeal from a
decision of the District Court shall
follow the usual rules of civil
procedure."
page 13, line 3: Strike the word
"District".

CONSIDERED IN COM. OF WHOLE

AMENDED

In the references to Section
numbers in body of bill,
reduce such references by one.

Page 6, line 24, after the word
"which" insert the word: "affirm-
ative"

On page 3, line 14, strike all
of the line after the word "when"
and all of line 15 and the words
"owners are involved" on line
16.

RECOMMENDED DO.....PASS

COM. OF WHOLE REPORT ADOPTED

FEB 17 1961 Rules Suspended

2nd SECOND TIME

2nd Third Time

PASSED

Ayes 42

14

Excused.....Absent.....

Sent to Senate

Received Amended

Senate did concur on House Amendments

Ayes 11 Noes.....Excused.....Absent.....

Delivered to Enrolling Section

Received

Delivered to Enrolling Section

Feb 18 SEA No. 67. Signed by President

Signed by Speaker

Feb 21 Approved by Governor

Chapter No. 245, Session Laws of Wyoming

S. F. No. 38

Introduced by: Karl T. Bower
Oscar Ioder
Stanley Walters
LeRoy Christinek
Carl Robinson

A B I L L
FOR

AN ACT enabling the creation of governmental subdivisions of the state to be known as "Watershed Improvement Districts" to engage in flood prevention and control, and the conservation, development, utilization and disposal of water; to provide for the organization of such districts as sub-districts of soil and water conservation districts wherein supervisors of soil and water conservation districts shall act as board of supervisors with respect to all matters concerning watershed improvement districts, including organization; to establish the governing body of watershed improvement districts to be known as directors and define the qualifications, election and tenure of such directors; to prescribe the powers and duties of such directors including the power of eminent domain, the power to levy assessments for benefits against lands within the districts, and the power to create bonded indebtedness and referral to voters of proposed issue; providing for a public hearing on proposed works of improvement; providing a method of levying assessments against lands benefited by works of improvement; providing an appeal from decisions of the directors or from levying of assessments; providing the method of collection of assessments; providing for additional assessments for maintenance of works of improvement; and providing a method of dissolution of watershed improvement districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

* * *

Section 1. * * *

A. "Director" means a director of a watershed improvement district; and "Board of Directors" means the governing body of a watershed improvement district.

B. "Supervisor" means a supervisor of the soil and water conservation district in which a watershed improvement district is situated; and "Board of Supervisors"

means the governing body of the soil and water conservation district in which a watershed improvement district is situated.

C. "Landowner" means any person, firm or corporation holding title to, or occupying under a contract of purchase, any land lying within a watershed improvement district organized or proposed to be organized under the provisions of this Act.

D. "Due notice" means notice published at least twice, with an interval of at least six (6) days between the two publication dates, in a newspaper of general circulation within the boundaries of the proposed or organized district, ^{and} or by posting at five (5) conspicuous places within the organized or proposed district, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. The notice of any hearing, election or referendum required to be held under this Act shall fix the time, place and purpose thereof, which time shall be not less than ten (10) or more than fifteen (15) days after the first publication or first posting of such notice. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

Section 2. ^{***} The purposes of this Act are to provide for the prevention and control of erosion, floodwater and sediment damages, and the storage, conservation development, utilization, and disposal of water, and thereby to preserve and protect land and water resources, and protect and promote the health, safety, and general welfare of the people of this State.

Section 3. ^{***} Watershed improvement districts may be formed as subdistricts of soil and water conservation districts as herein provided for the development and execution of plans and projects relating to any of the purposes set forth in Section 2.

Section 4. ^{***} The land area embraced in a watershed improvement district must lie within the same or adjoining watershed or sub-watershed areas. A watershed improvement district may embrace land lying in one or more soil and water conservation districts. Land lying within the boundaries of one watershed improvement district shall not be included in another watershed improvement district.

Section 5. ^{***} When ^{ten or more} landowners within a proposed watershed improvement district, or, if less than twenty landowners are involved, a majority of the landowners

in the proposed district, desire to form a watershed improvement district, they shall file a petition with the Board of Supervisors of the soil and water conservation district in which the proposed watershed improvement district is situated asking that a watershed improvement district be organized to function in the area described in the petition. Such petition shall set forth the boundaries of the proposed district, the number of acres of land involved, the reasons for requesting creation of such district, and the proposed name of such watershed improvement district. A copy of such petition shall be furnished to the State Soil and Water Conservation Committee.

Section 6. * * * If a proposed watershed improvement district is situated in more than one soil and water conservation district, copies of such petition shall be presented to the Boards of Supervisors of all the soil and water conservation districts in which any part of the proposed watershed improvement district is situated, and the supervisors of all such soil and water conservation districts shall act jointly as a Board of Supervisors with respect to all matters concerning such watershed improvement district, including its organization. Such watershed improvement district shall be organized in like manner and shall have the same powers and duties as a watershed improvement district situated entirely in one soil and water conservation district.

Section 7. * * *

A. Within thirty days after such petition has been filed with or presented to the Board of Supervisors, it shall cause due notice to be given of a public hearing upon the practicability and feasibility of creating the proposed watershed improvement district. All owners of land within the proposed watershed improvement district and all other interested parties shall have the right to attend such hearing and to be heard. The State Soil and Water Conservation Committee may furnish advice and assistance to the Board of Supervisors in connection with such hearing. If it appears upon the hearing that any land included in the petition will not be benefited by its inclusion within the proposed watershed improvement district, the Board of Supervisors shall exclude such land from the proposed watershed improvement district.

B. If it appears upon the hearing that it may be desirable to include within the proposed watershed improvement district territory outside of the area described in such petition, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in such district,

and a further hearing shall be held. After final hearing, if the Board of Supervisors determines, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare for such a district to function in the territory considered at the hearing, it shall make and record such determination and shall define by metes and bounds or by legal sub-divisions, the boundaries of such district. The Board of Supervisors, in making such determination, may advise and consult with the State Soil and Water Conservation Committee.

C. If the Board of Supervisors determines after the hearing that there is no need for such a district to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition.

Section 8. * * * After the Board of Supervisors has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the creation of the proposed watershed improvement district, it shall consider the question whether the operation of such a district within the proposed boundaries with the powers conferred upon such district in this Act is administratively practicable and feasible. To assist the Board of Supervisors in this determination, the Board shall, within not more than sixty days after entry of the finding that there is need for the organization of such a district and the determination of the boundaries of such district, hold a referendum within the proposed district upon the proposition of the creation of such district. Due notice of such referendum shall be given by the Board of Supervisors, * * * ^{fact} BY PERSONAL LETTER TO THE LANDOWNERS INVOLVED AT LEAST 10 DAYS BEFORE THE ELECTION. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls and shall designate one or more places within the proposed district as polling places. The Board of Supervisors shall appoint a polling superintendent and other necessary polling officers.

Section 9. * * *

A. The question to be voted on shall be submitted by ballots upon which the words "For creation of _____ Watershed Improvement District" and "Against creation of _____ Watershed Improvement District" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose creation of such district. The ballot shall

set forth the boundaries of the proposed watershed improvement district as determined by the Board of Supervisors.

B. All owners of land lying within the boundaries of the proposed district, as determined by the Board of Supervisors, shall be eligible to vote in the referendum. Only such owners of lands shall be eligible to vote. Any such owner who is unable because of illness or absence from the district to appear at the polls, may appoint in writing on a form prescribed by the State Soil and Water Conservation Committee and acknowledged before a notary public or other officer authorized to administer oaths, an agent or proxy to cast a ballot for him. The appointment of agent or proxy shall be presented to the polling officers, and if it is found to be bona fide and in proper form, the holder thereof shall be allowed to vote in behalf of the owner executing the appointment. Prior to casting his ballot, each owner shall present to the polling officers an affidavit stating that he is an owner of land within the district and showing the number of acres he owns and his interest therein, and each agent or proxy shall present a similar affidavit executed by the landowner for whom he is voting. Each landowner shall be entitled to one vote in the referendum.

Section 10. * * * The votes cast in the referendum shall be counted by the polling officers at the close of the polls and a report of the results, along with the ballots, shall be delivered to the polling superintendent, who shall certify the results to the Board of Supervisors; and the Board shall then consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the Board of Supervisors shall determine that the operation of the watershed improvement district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the Board of Supervisors shall determine that the operation of the watershed improvement district is administratively practicable and feasible, it shall declare the watershed improvement district to be created; provided, however, that the Board of Supervisors shall not have authority to determine that the operation of the watershed improvement district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum, which ^{affirmative} votes represent majority of the acreage contained in the proposed watershed improvement district, favor creation of the watershed improvement district. Upon declaring

the watershed improvement district to be created, the Board of Supervisors shall certify the fact of the creation of such district to the county clerk of the county or counties in which such district is situated, for recordation; and such watershed improvement district shall thereupon constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, the certificate of the Board of Supervisors shall be filed with the Secretary of State, and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 11. * * *

A. Petitions for including additional territory within an existing watershed improvement district may be filed with the Board of Supervisors, and in such cases the proceedings herein provided for with respect to petitions to organize watershed improvement districts shall be observed to the extent deemed practicable in acting upon petitions for such inclusion. In determining whether the operation of a watershed improvement district, including such additional territory, will be administratively practicable and feasible, the Board of Supervisors shall advise and consult with the directors of the existing watershed improvement district. Where the total number of owners of land in the area proposed for inclusion shall be less than ten (10), the petition may be filed when signed by a majority of the owners of land in such area, representing a majority of the acreage contained in such area, and in such case no referendum need be held. If the Board of Supervisors makes a determination in favor of the inclusion of additional territory, it shall certify the fact of such inclusion of additional territory to the county clerk of the county or counties in which the watershed improvement district is situated. After being recorded, the certificate of the Board of Supervisors shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

B. The owner or owners of land which has not been, is not, and cannot be benefited by its inclusion in the watershed improvement district may petition the Board of Supervisors to have such land withdrawn. The petition shall describe such land and state the reasons why it should be withdrawn. A hearing shall be held within thirty (30) days after the petition is received. Due notice of such

hearing shall be given by the Board of Supervisors. If it is determined by the Board of Supervisors that such land has not been, is not, and cannot be benefited by its inclusion in the watershed improvement district, such land shall be withdrawn from the district. A copy of such determination and withdrawal shall be certified to the county clerk of each county in which any portion of such withdrawn land is situated. After being recorded, the certification shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

C. Petitions for a change in the boundaries of watershed improvement districts may be filed with the Board or Boards of Supervisors of the soil and water conservation district or districts to be affected. The Board of Supervisors of the soil and water conservation district or joint Board of Supervisors if more than one soil and water conservation district is affected may require such hearings or referenda as it deems appropriate to enable it to make a determination as to the desirability of the proposed change. If the Board of Supervisors or joint Board of Supervisors makes a determination in favor of the change in boundaries, it shall certify the fact of such change to the county clerk of the county or counties in which such watershed improvement district is situated and shall notify the Board of Directors of the watershed improvement district, setting out in such notice the new boundaries of the district. After being recorded, the certificate of the Board of Supervisors shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

D. Petitions for a change of name of a watershed improvement district may be submitted to the Board or Boards of Supervisors of the soil and water conservation district or districts in which the watershed improvement district is situated. If the Board of Supervisors approves the change of name, it shall certify the fact of such change of name to the county clerk of the county or counties in which the watershed improvement district is situated and shall notify the Board of Directors of the watershed improvement district of such change. After being recorded, the certificate shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 12. * * *

A. Within thirty days after a watershed improvement district is created, the Board of Supervisors shall cause an election to be held for the election of a

Board of Directors of the watershed improvement district. Due notice of such election shall be given by the Board of Supervisors. The Board of Directors shall consist of five members. The first Board of Directors shall determine by lot from among its membership, two members to serve terms of one year, two members to serve terms of two years, and one member to serve a term of three years. Thereafter, as these initial terms expire, the members of the Board of Directors shall be elected for terms of three years. Vacancies occurring before the expiration of a term shall be filled for the unexpired term by appointment by the remaining members of the Board of Directors with the approval of the Board of Supervisors. The Board of Directors shall, under the supervision of the Board of Supervisors, be the governing body of the watershed improvement district.

B. The Board of Directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute a surety bond for the faithful performance of the duties of his office, which bond shall be approved by the Board of Directors. Any premium for such bond shall be paid by the watershed improvement district. The district shall be subject to an annual audit of its accounts by the State Examiner.

C. Nominating petitions may be filed with the Board of Supervisors to nominate candidates for Directors of the watershed improvement district. No such nominating petition shall be accepted by the Board of Supervisors unless it shall be signed by ten (10) or more owners of land lying within the boundaries of such watershed improvement district, or by a majority of such owners if there be less than ten (10). Such owners may sign more than one such nominating petition to nominate more than one candidate for Director. No person shall be eligible to be a Director of a watershed improvement district who is not an owner of land within the watershed improvement district in which he seeks election.

Section 13. * * * Under the supervision of the Board of Supervisors, the Board of Directors of a watershed improvement district shall have power to:

A. Levy and collect assessments for special benefits accruing to land, as hereinafter provided.

B. Acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; maintain,

administer, and improve any such property; and sell, lease, or otherwise dispose of any such property in furtherance of the purposes and provisions of this Act.

C. Exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use. * * *

D. Construct, improve, operate and maintain such structures as may be necessary for the performance of any authorized function of the watershed improvement district.

E. Borrow such money as is necessary to carry out any of the purposes and provisions of this Act, and issue, negotiate, sell its bonds or other evidence of indebtedness as provided in Section 14.

F. Cooperate with, and receive from or grant assistance to, towns, cities, counties, and State and Federal agencies in carrying out the purposes and provisions of this Act.

Section 14. * * *

A. Bonds authorized by Section 13 shall not be issued until proposed by order or resolution of the Board of Directors, specifying the purpose for which the funds are to be used, the rate of interest the bonds are to bear, the amount of the proposed bond issue, terms of the bonds, and the proposed method of payment and redemption of the bonds prior to maturity. A copy of the order or resolution shall be certified to the Board of Supervisors.

B. The Board of ^{Directors} Supervisors shall conduct a hearing on such proposal after due notice of such hearing has been given. If it appears that the proposal is within the scope and purpose of this Act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the watershed improvement district by a referendum held under the supervision of the Board of Supervisors.

C. The provisions of Sections 7, 8, 9, and 10, as to notice and manner of holding a referendum in organizing a watershed improvement district shall be applicable to the referendum held under this section.

D. If two-thirds of the votes cast, which votes represent a majority of the acreage contained in the watershed improvement district, are in favor of the proposed bond issue, such bonds shall be authorized and may be issued.

I. Bonds authorized and issued shall bear interest at a rate not exceeding six per centum (6%) per annum, payable annually, and shall be due and payable not more than fifty (50) years from their dates. The form, terms, and provisions of such bonds, provision for their payment and provisions for their retirement and calling not inconsistent with law, shall be determined by the Board of Supervisors. Such bonds shall be exempt from all State, county, municipal, school, and other taxes imposed by a taxing authority of this State.

Section 15. * * * Members of the Board of Directors shall receive no salaries, but such members may be entitled to expenses for meetings and travel in the performance of their duties as approved by the Board of Supervisors.

Section 16. * * * Before any contract shall be let or work begun upon any improvement or project within the watershed improvement district, the cost of which cannot be exclusively financed by funds on hand, grants in aid, or financial assistance or gifts to the district, or before any contract may be entered into by the district with any governmental agency or body which will obligate the district to contribute financially beyond the extent of funds of the district then on hand, it shall be the duty of the Board of Directors to set a time and place within the district for a public hearing upon such proposal. Due notice of such hearing shall be given by the Board of Directors.

At the time and place fixed for such hearing any owner of land situated within the watershed improvement district, or any other interested person, may appear and be heard as to his objections to such proposal.

Following the public hearing the Board of Directors shall, by order or resolution, either affirm the proposal with or without modification or amendments, or disapprove the proposal. If the Board of Directors affirms the proposal, it shall determine the probable cost of and the proposed method of financing the improvement or project, the benefits to be derived therefrom, and whether the benefits will be conferred upon all land within the watershed improvement district or upon only certain land within the district, in which latter case the land to be benefited shall be described as to boundaries, ownership, and approximate acreage.

Section 17. * * * If the Board of Directors determines that the proposed improvement or project should be constructed and that the costs thereof should be paid by special assessment against the land benefited by such improvement or project,

it shall appoint three qualified and disinterested residents of the State to act as appraisers. The appraisers shall inspect the plans and specifications of the proposed improvement or project and examine all land likely to be benefited thereby. The appraisers shall make and file with the Board of Directors a detailed report showing all tracts of land within the watershed improvement district found to be benefited, together with the acreage thereof, the name of the record owner of each tract, the amount each tract will be benefited, and the amount of assessment to be levied against each tract, which assessment against each tract shall be in proportion to the benefits accruing to such tract. Any necessary expenses connected with the making of the appraisal by the three appraisers shall be paid by the watershed improvement district.

Section 18. * * * Upon receiving the report of the APPRAISERS the Board of Directors shall fix a time and place within the watershed improvement district for hearing any complaint that may be made regarding the benefits appraised to any tract of land or the assessment proposed to be levied against any tract of land. Due notice of such hearing shall be given by the Board of Directors. At the time and place fixed for such hearing the Board of Directors shall consider the report of the appraisers and consider and hear any objections filed or voiced thereto. The Board of Directors shall, by order or resolution, reject the report of the appraisers or accept the report and ratify it with or without modification or amendments.

Section 19. * * * Any owner of land or person having an interest therein upon which an assessment is proposed to be levied may, within thirty (30) days from such order or resolution of the Board of Directors accepting the report of the appraisers, file with the Clerk of the District Court a written notice making demand for trial by the Court. The notice shall state definitely from what part of such order or resolution the appeal is taken and shall set forth any other objections of the appellant. In case more than one appeal is taken, the Court may, upon finding that the appeals may be consolidated without injury to the interests of anyone, consolidate and try the appeals together. *20*

If no appeal is taken within the time prescribed in this section from such order or resolution of the Board of Directors accepting the report of the appraisers, or after the finding of the District Court in case an appeal is taken from such order

or resolution of the Board of Directors, then such assessments shall be final and conclusive and shall constitute perpetual liens upon the land so assessed until they are fully paid.

Section 20. * * * In case land belonging to the State, or a county, school district, or other public corporation is benefited by any improvement or project constructed under the provisions of this Act, all of such benefits shall be assessed against such land and the assessments shall be paid by the proper authorities at the same time as the assessments are called and paid in the cases of private persons.

Section 21. * * * The Board of Directors shall, on or before the third Monday in July of each year, certify to the Board of County Commissioners of the county within the watershed improvement district in which assessed land is located the amount of the annual installments of assessments against such land, together with a fair proportionate amount of the estimated operating and maintenance charges apportioned to such land for the next succeeding year. Thereupon the County Commissioners shall certify to and deliver such assessment roll to the County Assessor of such county and such County Assessor shall extend the amounts so certified on the tax roll as a flat special assessment against the land benefited. Such assessments shall be subject to the same interest and penalties in case of delinquency as in the case of general taxes, and shall be collected at the same time and in the same manner as in the case of general taxes; provided, that such assessments shall become due and payable only at such times and in such amounts as may be determined by the Board of Directors; and provided further, that any person having an interest in land assessed under this Act may at any time within thirty (30) days after the order of the Board of Directors has become final and effective as provided in Section 19, pay to the tax collector the amount of the assessments against his land or any tract thereof, and said payment shall relieve said land from the lien of said assessments for the cost of the improvement or project.

The Board of Directors in making the annual assessments and levies as herein provided, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts, the maturing of bonds and interest on all bonds, and deficiencies and defaults of prior years, and shall make ample provisions for the payment thereof; provided however, that no one yearly call for assessment by

the Board of Directors shall be in an amount to exceed ten per centum (10%) of the actual amount necessary to defray the costs of the construction of such improvement or project.

Section 22. * * * It shall be the duty of the officer or body having authority to levy taxes within each county, to levy the taxes and special assessments as provided in this Act and it shall be the duty of all county officials, charged with the duty of collecting taxes, to collect the taxes and special assessments as provided in this Act in the time, form and manner and with like interest and penalties as county or city and county taxes are collected, and when collected to pay the same to the Board of Directors of the watershed improvement district ordering their levy and collection, and the payments of such collections shall be made through the treasurer of the watershed improvement district and deposited in the depository thereof to the credit of such district. All expenditures of such funds shall be made by the Board of Directors upon order of the Board, under the supervision of the Board of Supervisors.

Section 23. * * * All taxes and assessments levied against any land under this Act, together with all interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien upon such land on a parity with the tax lien of general, State, county, city, town or school taxes and no sale of such land to enforce any general, State, county, city, town or school tax or other liens shall extinguish the perpetual lien of such taxes and assessments. If the taxes and assessments levied are not paid as herein provided, then such land shall be sold at the regular tax sale for the payment of said taxes and assessments, interest and penalties, in the manner provided by the statutes of this State for selling real property for non-payment of general taxes.

Section 24. * * *

A. At any time after five years from the organization of a watershed improvement district, ten or more landowners within the district, or if less than twenty landowners are involved, a majority of the landowners in such district, may file a petition with the Board of Supervisors, praying that the existence of the watershed improvement district be discontinued. The petition shall state the reasons for discontinuance, and that all maintenance and operation assurances and other obligations

of the district have been met. A copy of such petition shall be furnished to the Secretary of State and to the State Soil and Water Conservation Committee.

B. After giving due notice of a hearing on such petition, the Board of Supervisors may conduct such hearing on the petition as may be necessary to assist it in making a determination.

C. Within sixty (60) days after the petition is filed, a referendum shall be held under the supervision of the Board of Supervisors substantially as provided for in Section 8. No informalities in the conduct of the referendum or in any matters relating to the referendum shall invalidate it or its results if due notice of the referendum has been given.

D. If a majority of the votes cast in such referendum favor the discontinuance of the watershed improvement district, and the Board of Supervisors determines that all maintenance and operation assurances and other obligations of the district have been met, the watershed improvement district shall be discontinued. A copy of such determination and discontinuance shall be certified to the county clerk of the county or counties involved for recordation. After being recorded, the certification shall be filed with the Secretary of State and a copy thereof shall be filed with the State Soil and Water Conservation Committee.

Section 25. * * * If any soil and water conservation district in which a watershed improvement district is situated is discontinued, the State Soil and Water Conservation Committee shall thereafter serve in the same supervising capacity over the watershed improvement district as was theretofore served by the Board of Supervisors of such soil and water conservation district.

Section 26. * * * Nothing in this Act shall be so construed as to in any manner impair existing water rights, appropriations or priorities.