

W.S. 41-8-101 through 41-8-126

# **WATERSHED IMPROVEMENT DISTRICTS**

# PURPOSE OF THE ACT

---

- ✘ To provide for:
  - + Preserve and protect land and water resources
  - + Health, safety and welfare of the general public
  - + Prevention of flood water and sediment damages
  - + Prevention and control of erosion
  - + Utilization and disposal of water
  - + Agricultural purposes
  - + Water storage and conservation development

# STEP 1- FILE A PETITION WITH THE LOCAL CONSERVATION DISTRICT

- ✘ Petition must be presented to the District Supervisors and show:
  - + Proposed boundaries (review for conflicts)
  - + Acres involved
  - + Reason for creation and who is going to pay?
  - + Proposed name
- ✘ Signed by 25% of landowners owning 25% of land
- ✘ Copy sent to Wyoming Board of Agriculture
- ✘ CD Manager must attach a Certificate of Verification (10 days after filing)

# STEP 2- PUBLICATION AND POSTING OF NOTICES OF PUBLIC HEARING

## Notice of Public Hearing

- ❑ Due notice for public hearing
  - + 2 notices should outline time, place, purpose of hearing, proposed boundaries & name for WID, to be posted at least 10 days and not more than 15 days before hearing
  - + Notice should be in two publication dates in a newspaper of general circulation or posted in 3 public places
  - + And state...that all interested persons may appear and be heard

# STEP 3- PUBLIC HEARING

---

- ✘ Held 45 to 90 days after filing petition and must focus on the public health, safety, and welfare
- ✘ Open to the public – all interested persons may appear and be heard
- ✘ Conducted by the Conservation District Board of Supervisors with assistance from the Wyo. Board of Agriculture

# STEP 4- DETERMINATION OF NEED

- ✘ Determination is based upon the results of the hearing (information and facts presented)
  - + Conservation District Supervisors decide if there is need for the W.I.D., with the advice of Wyo. Board of Agriculture
  - + Acres may be included (hearing) or excluded
  - + If the Board of Supervisors receives written protests signed by the landowners of at least 35% of assessed valuation of property, the petition fails
- ✘ Define boundaries and reasons of proposed W.I.D. (metes and bounds or legal subdivisions)

# STEP 5- NOTICE OF REFERENDUM

- ✦ 40 to 50 days before the election CD BOS publish proclamation stating:
  - + Date of election
  - + Who is the filing officer (County Clerk)
  - + Question of formation (sample ballot)
  - + What offices are to be filled including terms
  - + Filing period for offices (30 days before formation)
  - + Other pertinent information

# STEP 6 – HOLDING OF REFERENDUM- 60 DAYS AFTER FILING PETITION

---

- ✘ Polling Superintendent (District Manager) and polling officers appointed
- ✘ Ballots prepared (mail, primary, general, or Tuesday following the first Monday in May & Nov.)
- ✘ Provisions for casting absentee ballots
- ✘ Written Authorizations 30 days prior to election
- ✘ All qualified electors and landowners can vote
- ✘ Polling superintendent certifies results of referendum to Board of Supervisors



# STEP 7- DETERMINATION OF FEASIBILITY

---

- ✘ Determination of administrative practicality and feasibility
  - + Based on the results of the referendum
  - + Majority of votes representing a majority of the acreage within district must vote in favor of creation of watershed improvement district

# STEP 7- CONTINUED

---

- ✘ If determination is made that creation is practical and feasible, Conservation District Supervisors declare watershed improvement district created
  - + Copy of certification filed with County Clerk
  - + Copy also filed with Secretary of State and Wyoming Board of Agriculture
- ✘ Sponsoring agency must pay for formation and elections

# STEP 8- ELECTION OF DIRECTORS

- ✘ Election of Directors of watershed improvement district
  - + Conducted by the Conservation District Board of Supervisors (CD BOS pays for the election)
  - + Held within 30 days of formation of W.I.D.
  - + Due notice published
  - + Board of Directors consists of 5 landowners within district boundaries (Annually elect chairman, secretary, and treasurer)

# WID POWERS

---

- + Exercise the power of eminent domain
- + Construct, improve, operate, and contract for the maintenance of structures and improvements....own water rights
- + Borrow money and issue bonds
- + Cooperate with local, state, and federal agencies
- + Determine assessments on State Land
- + Per diem/mileage reimbursements
- + Apply liens
- + If CD is dissolved, WDA becomes supervising body

# WID POWERS

---

- + Under supervision of Conservation District
- + Can accept petitions for inclusion or exclusions of land (referendum or hearing)
- + Levy and collect assessments (County taxes)
- + Project identified (costs)
  - × Hearing is conducted (approve or disapprove)
  - × 3 Appraisers appointed
  - × Assessments proportioned to benefits accrued
  - × Hearing conducted
- + Purchase, exchange, lease, gift, grant, sell, maintain or bequest any real or personal property

# WID BOARD DUTIES

---

- ✘ Annual Report to Conservation District Board by March 1 of each year
  - + Outline previous year's expenditures and plans for future programs
  - + Copy to Wyoming Dept. of Agriculture
- ✘ Hold quarterly meetings with CD Board
  - + One meeting per year will be project tour
- ✘ Treasurer executes a surety bond

# DISSOLVING A DISTRICT- WYOMING SPECIAL DISTRICT ELECTIONS ACT TITLE 12, CHAPTER 29

- ✦ There are 3 ways to start the process for dissolving a watershed improvement district:
  1. A petition requesting dissolution must be signed by at least 25% of the voters (owning at least 25% of the land within the district).
  2. If they determine that dissolving the district is in the best interest of the inhabitants of that district, the directors can file a resolution with the county commissioners.
  3. By a resolution from the county commissioners.

# CONCERNS

---

- ✘ May be viewed as another layer of bureaucracy
- ✘ Perpetual liens may be applied
- ✘ Time consuming process
- ✘ Hard to get agreement by everyone



# WATERSHED IMPROVEMENT DISTRICT VS. IRRIGATION DISTRICT

	<b>W.I.D.</b>	<b>Irrigation District</b>
Focus	Entire watershed	Water and water conveyance systems used for irrigation only
Formation	Through the local Conservation District	Petition filed in County Court
Funding	Grants, Loans, Tax Assessment	Taxed on a per acre feet basis
Participation	Cooperative	Regulatory