

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

WATERSHED IMPROVEMENT DISTRICTS

PURPOSE OF THE ACT

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

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...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
- + If CD is dissolved, WDA becomes supervising body
- + Apply liens

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

	W.I.D.	Irrigation District
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