

HOUSE BILL NO. HB0124

Irrigation districts.

Sponsored by: Representative(s) Davison, Jaggi, McKim and
Thompson and Senator(s) Cooper

A BILL

for

1 AN ACT relating to irrigation districts; providing for
2 applicability of special district elections laws to
3 irrigation districts; providing for review of annual
4 reports by county commissioners; transferring jurisdiction
5 over irrigation districts to county commissioners;
6 providing conforming amendments; repealing conflicting
7 provisions; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 41-7-211 is created to read:

12

13 **41-7-211. Formation; applicability of special**
14 **district elections law.**

15

1 Except as otherwise provided in this article, formation of
2 an irrigation district shall be as provided in W.S.
3 22-29-101 through 22-29-601.

4

5 **Section 2.** W.S. 22-29-103(a) by creating a new
6 paragraph (xiv), 41-7-101, 41-7-201(a)(intro) and (b),
7 41-7-202, 41-7-203, 41-7-210(a)(intro), (iii) and (v),
8 41-7-302, 41-7-304, 41-7-305(a)(intro), (b), (c) and (g),
9 41-7-306 through 41-7-313, 41-7-318, 41-7-401, 41-7-402,
10 41-7-403, 41-7-404(b), 41-7-405 through 41-7-407, 41-7-409,
11 41-7-411, 41-7-414, 41-7-501 through 41-7-503, 41-7-505,
12 41-7-703, 41-7-704, 41-7-706 through 41-7-708, 41-7-711,
13 41-7-834, 41-7-852(a)(intro), 41-7-853, 41-7-854,
14 41-7-855(a)(i) and (iv), 41-7-856 through 41-7-859,
15 41-7-863, 41-7-903, 41-7-907, 41-7-913, 41-7-914, 41-7-927,
16 41-7-929(a)(ii), 41-7-1003 and 41-7-1006 are amended to
17 read:

18

19 **22-29-103. Applicability to special districts;**
20 **general provisions.**

21

22 (a) This act applies to the following districts as
23 specified in subsection (b) of this section:

24

1 (xiv) Irrigation districts.

2

3 **41-7-101. Waiver of defect of service.**

4

5 In case of failure to serve any notice of any proceeding or
6 hearing in this chapter provided for upon any person or
7 corporation, such persons or corporation may appear ~~in open~~
8 ~~court~~ before the county commissioners having authority over
9 the district and waive such defect of service, or may waive
10 it by filing ~~in court~~ with the county commissioners or
11 delivering to the commissioners of the irrigation district
12 to be filed ~~in court~~ with the county commissioners a
13 written waiver of such defect, in which waiver said defect
14 shall be described, which waiver shall be signed by such
15 party and witnessed and acknowledged before a proper
16 officer having power to take acknowledgments of deeds.

17

18 **41-7-201. Filing of landowners' petition; contents;**
19 **amendments; multiple petitions.**

20

21 (a) Whenever a majority of the freeholders owning
22 lands and the entrymen upon public lands in any district
23 who shall represent one-third (1/3) the area of lands
24 within said district, or whenever the freeholders owning

1 lands and the entrymen upon public lands who shall
2 represent more than one-half (1/2) the area of lands within
3 said district, desire to provide for the irrigation of the
4 same; or to improve the existing water supply for said
5 lands; or to purchase, extend, operate or maintain
6 constructed irrigation works; or to cooperate with the
7 United States under the federal reclamation laws heretofore
8 or hereafter enacted, or for the assumption as principal or
9 guarantor of indebtedness to the United States on account
10 of district lands, they may file a petition as provided in
11 W.S. 22-29-107 in the ~~district court of the~~ county which
12 embraces the largest acreage of the district, ~~a petition,~~
13 ~~hereinafter referred to as the "petition",~~ which shall
14 include:

15

16 (b) No petition having as many signers as are
17 required by this section shall be declared void, but the
18 ~~court~~ petition may at any time ~~permit the petition to be~~
19 amended in form and substance to conform to the facts, if
20 the facts justify the organization of an irrigation
21 district. Several similar petitions for the organization
22 of the same district may be circulated, and when filed,
23 shall together be regarded as one petition having as many
24 signers as there are separate signers on the several

1 petitions filed. All petitions for the organization of
2 said district filed prior to the hearing on said petition
3 as provided in W.S. 22-29-109 shall be considered by the
4 ~~court~~ county commissioners, the same as if filed with the
5 first petition placed on file, and the signatures thereon
6 contained shall be counted in determining whether
7 sufficient persons have signed said petition.

8

9 **41-7-202. Petitioner's affidavit.**

10

11 The affidavit of any three (3) or more of the signers of
12 said petition stating that they have examined it and are
13 acquainted with the locality of said district and that said
14 petition is signed by a sufficient number of corporations
15 and adult persons owning lands in said district, to satisfy
16 W.S. 41-7-201, may be taken by the ~~court or judge~~ county
17 commissioners as sufficient evidence of the facts therein
18 stated.

19

20 **41-7-203. Land that may be included in proposed**
21 **district.**

22

23 The lands proposed to be included in any irrigation
24 district, need not be contiguous provided that the benefit

1 of the proposed work in each part will exceed the damages
2 from costs of said proposed work in each part; and provided
3 further that the ~~court~~county commissioners shall be
4 satisfied that said proposed work can be more cheaply done
5 if in a single district than otherwise; and provided
6 further that lands within a town or city may be included
7 within the limits of any irrigation district, if the
8 creation of such irrigation district will benefit such town
9 or city in any amount equal to or in excess of the amount
10 of assessment for construction against the lands therein.

11

12 **41-7-210. Commissioner's decision.**

13

14 (a) If the issues at this hearing are decided in
15 favor of the petitioners, the ~~court~~county commissioners
16 shall make ~~an order~~a decision:

17

18 (iii) Dividing the district into three (3) or
19 five (5) subdivisions as the ~~court~~county commissioners may
20 consider appropriate, which subdivisions shall be as nearly
21 equal in size as may be practicable and which shall be
22 designated as commissioner districts, and each district
23 shall be numbered consecutively. Should the district be
24 first divided into three (3) subdivisions the same shall be

1 thereafter increased to five (5) subdivisions, and the
2 number of commissioners increased to five (5), provided a
3 majority of the qualified electors voting, vote in favor of
4 such increase at an election called for the purpose. Said
5 election for the increased number of districts and
6 commissioners shall be called upon the order of the
7 district commissioners upon receipt by them of a petition
8 requesting such an election signed by at least thirty
9 percent (30%) of the qualified electors of the district.
10 If a majority of the qualified electors voting should vote
11 in favor of such an increase the district commissioners
12 shall forthwith proceed to redivide the district into five
13 (5) subdivisions as nearly equal in size as may be
14 practicable, and commissioners shall be elected to
15 represent all districts, as redivided, at the next general
16 election of the district, and the terms of such
17 commissioners and the order of their retirement shall be as
18 provided for in the case of first election of commissioners
19 after the formation of the district;

20

21 (v) Shall appoint one (1) commissioner from each
22 commissioner district, who shall be a freeholder or
23 entryman upon public lands, in said district, provided,
24 however, if the majority of the irrigable area of the

1 district is unentered public land, a majority of the
2 commissioners shall be appointed by the secretary of the
3 interior, who shall be residents of the state. The
4 commissioners appointed by the ~~court~~county commissioners
5 shall at all times be under the direction of the ~~court~~
6 county commissioners and may be removed from office by the
7 ~~court~~county commissioners upon good cause shown; provided,
8 however, no commissioner shall be removed until written
9 charges specifying the ground upon which such removal is
10 sought are filed, and an opportunity given such
11 commissioner to be heard at a hearing provided. In case a
12 commissioner has been removed under this provision the
13 ~~court~~county commissioners shall immediately appoint a
14 successor. All findings ~~and order~~ of the ~~court~~county
15 commissioners made at the hearing herein provided for shall
16 be final and conclusive unless appealed from ~~to the supreme~~
17 ~~court~~ within thirty (30) days after filing thereof.

18

19 **41-7-302. Oath and bond; quorum; term; removal;**
20 **vacancies.**

21

22 Before entering upon their duties, commissioners shall take
23 and subscribe an oath to support the constitution of the
24 United States and the constitution of the state of Wyoming,

1 to faithfully and impartially discharge their duties as
2 commissioners and to render a true account of their doing
3 to the ~~court~~ county commissioners by which they are
4 appointed whenever required by law. ~~or the order of the~~
5 ~~court.~~ Commissioners shall execute a bond running to the
6 ~~clerk of court and his successors in office as obligees~~
7 county as obligee, to be filed with the county clerk for
8 the benefit of the parties interested, in an amount to be
9 fixed by the ~~court or presiding judge~~ county commissioners,
10 and with sureties to be approved by the ~~court or presiding~~
11 ~~judge~~ county commissioners, conditioned for the faithful
12 discharge of their duties as commissioners and the faithful
13 accounting of all monies which shall come into their hands
14 as commissioners. A majority shall constitute a quorum and
15 a concurrence of a majority in any matter within their
16 duties shall be sufficient to its determination. The
17 commissioners appointed shall hold their office until the
18 first regular meeting of the commissioners following the
19 date of the order organizing the district and until their
20 respective successors are qualified under the provisions of
21 W.S. 41-7-316. The commissioners appointed by the
22 secretary of the interior shall be subject to removal from
23 office and any commissioner appointed by the secretary of
24 the interior to fill a vacancy shall hold office until less

1 than a majority of the lands within the district are
2 unentered public lands, after which the commissioners shall
3 be elected as otherwise provided in this chapter. If the
4 office of any commissioner so appointed shall become vacant
5 by reason of death, or other cause, the ~~court or judge~~
6 ~~thereof~~ county commissioners shall appoint a qualified
7 person to fill the vacancy.

8

9 **41-7-304. Financial records and reports; compensation**
10 **and expenses; suit on bonds.**

11

12 The commissioners shall keep an accurate record of all
13 monies collected on account of the work under their charge
14 and of all payments made by them, and shall take vouchers
15 for payments and shall keep full, accurate and true minutes
16 of all their proceedings. On or before the tenth day of
17 January each year in a district which uses a calendar year
18 for elections under W.S. 41-7-316, and on or before the
19 tenth day of July each year in a district which uses a
20 fiscal year for elections under W.S. 41-7-316, the
21 commissioners shall file in the office of the ~~clerk of the~~
22 ~~court~~ county commissioners having jurisdiction in the
23 matter, an itemized statement of all their receipts and
24 disbursements, for the preceding fiscal year, and leave the

1 report in the office for examination by parties interested
2 at all times, and include a copy thereof in the regular
3 call for the annual meeting hereinafter provided. They
4 shall receive for their services compensation as the ~~court~~
5 ~~or presiding judge thereof~~ county commissioners may
6 determine. They shall also be reimbursed for their actual
7 reasonable expenses. Suit may also be brought upon their
8 bonds, and the amount recovered shall be applied to the
9 construction of the work or to the party injured, as
10 justice may require.

11

12 **41-7-305. Maps and plans of proposed work; reports to**
13 **county commissioners generally.**

14

15 (a) As soon as may be after the organization of said
16 district, or within such time as the ~~court~~ county
17 commissioners may direct, said district commissioners shall
18 proceed to have all necessary levels taken and surveys
19 made, and shall lay out said proposed work, make a map
20 thereof and plans, profiles and other specifications
21 thereof, and report in writing to the ~~court~~ county
22 commissioners:

23

1 (b) If it be found necessary to change the boundaries
2 of said proposed district, previously fixed, they shall
3 report said proposed change, and, if possible, shall report
4 the names, the residence and post-office addresses of the
5 owners or persons entitled to possession of all lands
6 affected by said change in boundaries, but no such change
7 in boundaries shall be made as to deprive the ~~court~~county
8 commissioners of jurisdiction; provided, however, that the
9 owners and those entitled to possession, by virtue of
10 public land filing, of lands adjacent to the district,
11 petition to have their lands brought into the district such
12 petitioners may be considered the same as the original
13 petitioners in making changes of boundaries.

14

15 (c) They shall also determine and report to the ~~court~~
16 county commissioners the total itemized amount as near as
17 they can determine, that said proposed work will cost,
18 including organization expenses and the unit cost upon
19 which the assessments are based, which shall be designated
20 as "cost of construction".

21

22 (g) The commissioners shall further report to the
23 ~~court~~county commissioners the probable cost of keeping
24 said proposed work in repair after it is completed.

1

2 **41-7-306. Power to alter location of irrigation**
3 **works; power of county commissioners to alter plans**
4 **proposed by commissioners.**

5

6 The commissioners shall not be confined to the points of
7 location, commencement, routes or termini of the
8 reservoirs, canals, ditches or other work, or the number,
9 extent or size of the same, as proposed by the petitioners,
10 but shall locate, design, lay out and plan same in such
11 manner as to them shall seem best to promote the public
12 welfare, and to reclaim or benefit the lands of the parties
13 interested with the least damage and greatest benefit to
14 all lands affected thereby. And any plan proposed by the
15 commission, may, on the application of any person
16 interested, on the hearing hereinafter provided for, or on
17 the application of the commissioners, be altered by the
18 ~~court, by written order,~~ county commissioners in such
19 manner as shall appear to the ~~court~~ county commissioners to
20 be just.

21

22 **41-7-307. Exclusion or inclusion of lands in**
23 **district; review of report by county commissioners**
24 **generally.**

1

2 If the commissioners find that the proposed district, as
3 described in the petition filed, will not embrace all of
4 the lands that will be benefited by the proposed work, or
5 that it will include lands that will not be benefited and
6 are not necessary to be included in said district for any
7 purpose, they shall extend or contract the boundaries of
8 the proposed district so as to include or exclude all such
9 lands, as the case may be; and the boundaries adopted and
10 reported by them, may upon the hearing of their report, as
11 hereinafter provided, upon their application, be altered by
12 the ~~court~~ county commissioners in such manner as shall
13 appear to be just; provided, that the alteration of
14 boundaries as aforesaid shall not have the effect of so far
15 enlarging or contracting the proposed district as to render
16 such petition void or dismissible. Said report shall be
17 filed with the ~~clerk of the court~~ county clerk.

18

19 **41-7-308. Hearings on commissioners' report; filing**
20 **of objections; notice generally.**

21

22 Upon the filing of the said report, the ~~court or judge~~
23 ~~thereof~~ county commissioners, shall ~~make and enter an order~~
24 ~~fixing~~ fix the time and place when and where all persons

1 interested may appear and object to the confirmation
2 thereof. All objections shall be in writing and shall
3 clearly specify the grounds of objection and shall be filed
4 in the office of the ~~clerk of court~~ county commissioners
5 wherein said report is filed at least five (5) days prior
6 to the date set for the hearing. The ~~clerk of said court~~
7 county commissioners shall cause notice of the time and
8 place of such hearing to be given to all parties
9 interested, which notice shall contain a brief description
10 of the lands benefited and damaged, together with the net
11 damage awarded the several tracts, parcels, easements and
12 corporations to which damages are awarded, and the sum in
13 each case assessed for benefits and cost of construction
14 against the several benefited parcels, tracts, easements
15 and corporations, and the amount of water apportioned to
16 each acre of land in the district. Said notice shall be
17 published for at least three (3) consecutive weeks, prior
18 to the day set for the hearing, in one (1) newspaper
19 published in each county in which said lands, or any part
20 thereof within said district are situate (and if no
21 newspaper is published in said county, in some newspaper in
22 an adjoining county), and by serving a copy of such notice
23 on each of the persons or corporations by said report
24 recommended to be assessed, or whose lands are by said

1 report recommended to be included in said district, and who
2 resides in any of the counties in which any lands of the
3 proposed district are situated, at least twelve (12) days
4 before the day of hearing in the same manner that a summons
5 is required to be served; provided, absence from the county
6 of such person, or corporation shall excuse personal
7 service, whereupon due publication of such notice shall be
8 sufficient service.

9

10 **41-7-309. Hearings on commissioners' report; notice**
11 **when land situated in more than 1 county.**

12

13 In case the lands are situated in more than one (1) county
14 the notice published in the county wherein the ~~court having~~
15 ~~jurisdiction is situated~~ original petition is filed shall
16 contain a description of all the lands in said proposed
17 district, the damages awarded to the several parcels
18 thereof and the amounts assessed for benefits against the
19 several parcels thereof, but the notice published in any
20 other county or counties may contain a description of only
21 the lands situate in said county for which said publication
22 is made, together with the damages awarded to and
23 assessments for benefits against the several tracts,
24 parcels, easements and interests situate in said county for

1 which publication is made. In case of service of said
2 notice personally or the acceptance and waiver thereof of
3 all the owners of the lands within the district, said
4 service shall be sufficient and give the ~~court~~county
5 commissioners jurisdiction without said publication.

6

7 **41-7-310. Hearings on commissioners' report;**
8 **procedure when report requires modification.**

9

10 If the ~~court finds~~county commissioners find that the
11 report requires modification, the same may ~~by order of the~~
12 ~~court~~ be referred back to the commissioners, who may be
13 required to modify it in any respect.

14

15 **41-7-311. Hearings on commissioners' report;**
16 **confirmation of report.**

17

18 If there be no remonstrance, or if the finding be in favor
19 of the validity of the proceedings, or after the report
20 shall have been modified to conform to the findings, the
21 ~~court~~county commissioners shall confirm the report and the
22 ~~order of the~~ confirmation shall be final and conclusive,
23 the proposed work shall be established and authorized, and
24 the proposed assessments approved and confirmed, unless

1 ~~within thirty (30) days an appeal be taken to the supreme~~
2 ~~court,~~ and the said ~~order of~~ confirmation shall also fix
3 the commissioners' bond.

4
5 **41-7-312. Hearings on commissioners' report; revision**
6 **of confirmation.**

7
8 Said ~~order of~~ confirmation may, at the same or at any
9 subsequent ~~term of said court~~ time be revised, modified or
10 changed, in whole or in part, on petition of the
11 commissioners, after such notice as the ~~court~~ county
12 commissioners may require to parties interested. At any
13 time prior to ~~making the order~~ confirming said report or
14 thereafter, the ~~court~~ county commissioners may permit the
15 commissioners to present and file a supplemental report, or
16 amend their report, as to any matter which, pursuant to the
17 provisions hereof, was or might have been included in the
18 original report presented by them, and after reasonable
19 notice given to all parties interested, in such manner as
20 the ~~court~~ county commissioners shall direct, the ~~court~~
21 county commissioners may, upon the hearing in said matter,
22 make such ~~order~~ findings as the case may require.

23

1 **41-7-313. Hearings on commissioners' report; payment**
2 **of costs when objections dismissed.**

3
4 In case the petition or proceedings are dismissed as
5 provided herein, the county commissioners may file a claim
6 in district court and request a judgment ~~shall be entered~~
7 against the petitioners and in favor of the commissioners
8 for the costs, expenses, and liabilities incurred in said
9 proceedings, for the benefit of those who have rendered
10 services or advanced money in the prosecution of said
11 proceedings, or have recovered costs on successful contests
12 therein. Before any such judgment is entered, said
13 commissioners shall ~~file with the clerk of the district~~
14 ~~court, in which said proceedings were instituted,~~ prepare
15 an itemized statement of such costs and expenses, duly
16 verified., ~~upon which an order shall issue, requiring said~~
17 ~~petitioners to show cause before said court, at a time and~~
18 ~~place named, why judgment should not be entered against~~
19 ~~said petitioners for the amount of said costs and expenses.~~
20 ~~Notice of the hearing on said order, to show cause, shall~~
21 ~~be given to said petitioners, by mailing to each a copy~~
22 ~~thereof, to their last known post office address, at least~~
23 ~~twenty (20) days prior to the time set for hearing, and by~~
24 ~~publication of the same in one (1) or more newspapers,~~

1 ~~published in the county, where the proceedings are pending,~~
2 ~~at least three (3) successive weeks prior to the day set~~
3 ~~for such hearing. Said motion need not contain an itemized~~
4 ~~statement of said account. All petitioners shall, among~~
5 ~~themselves, contribute in the payment of said, Any judgment~~
6 awarded by a court shall be paid by all petitioners in
7 proportion to the number of acres of land they have within
8 the boundaries of the proposed district at the time of
9 filing said petition.

10
11 **41-7-318. Election; validity; qualifications of**
12 **candidates; vacancies in office; duties of elected**
13 **commissioners.**

14
15 No person shall be declared elected as a commissioner who
16 shall not be a landowner in said commissioner district and
17 who shall not have received a majority of all votes cast by
18 the qualified voters of said commissioner district. No
19 election shall be invalid by reason of the fact that a
20 majority of the acreage within the district was not
21 represented at such election. Whenever the office of any
22 elected commissioner shall become vacant by reason of
23 death, resignation or other cause, the vacancy shall be
24 filled by the surviving commissioners for the unexpired

1 term. In case such vacancy is not so filled within thirty
2 (30) days, the ~~court~~county commissioners shall fill such
3 vacancy. All elected commissioners shall have the same
4 qualifications and duties as herein prescribed for
5 appointed or elected commissioners.

6

7 **41-7-401. Payment in installments; construction**
8 **contracts with United States generally; default in payments**
9 **as lien; exception; power of commissioners to enforce**
10 **payment.**

11

12 At the time of the confirmation of any assessment provided
13 for in this article, it shall be competent for the ~~court~~
14 county commissioners to ~~order~~require the same to be paid
15 in installments of such amount and at such time as will be
16 convenient for the accomplishment of the purposes for which
17 such assessment was made, and the payment of the principal
18 and interest of such notes or bonds of said district as the
19 ~~court~~county commissioners shall grant authority to issue,
20 such installments to become delinquent on the same date or
21 dates as may be fixed by law for state and county taxes to
22 become delinquent, and such installments shall draw
23 interest from the date of any notes or bonds issued by the
24 district and for the payment of which said assessments are

1 pledged at such rates not to exceed seven percent (7%) per
2 annum, as may be fixed by the ~~court~~county commissioners;
3 provided, however, that it shall be competent for the ~~court~~
4 county commissioners, in case a contract is made between
5 the United States of America and an irrigation district for
6 the construction or sale of irrigation works and water
7 rights, to ~~order~~require the charges to be paid in
8 accordance with the provisions of an act of congress
9 approved December 5, 1924, entitled: "An act making
10 appropriations to supply deficiencies in certain
11 appropriations for the fiscal year ended June 30, 1924, and
12 prior fiscal years; to provide supplemental appropriations
13 for the fiscal year ending June 30, 1925; and for other
14 purposes," and all acts that may be hereafter enacted as
15 amendatory thereof or supplemental thereto, and in such
16 installments as fixed by contract between the district and
17 the United States. The annual levy for payment of
18 construction charges on the basis herein authorized shall
19 continue to be made each year against each tract of land in
20 the district against which benefits under such contract
21 with the United States have been apportioned, until the
22 full amount apportioned against the same has been paid;
23 such installments to become delinquent on the same date or
24 dates as may be fixed by law for state and county taxes to

1 become delinquent and such installments, after they become
2 due, shall draw interest at six percent (6%) per annum.
3 All assessments provided for in this article, together with
4 all interest thereon and all penalties for default in
5 payment of same, and all costs of collecting the same
6 shall, from the date of the ~~order of court confirming~~
7 confirmation of such assessments until paid, constitute a
8 perpetual lien in an amount not in excess of the benefits
9 severally assessed, upon all the land and other property
10 against which such assessments shall be levied, superior to
11 all liens of every kind and nature whatsoever except the
12 paramount lien of the state for the general state, county,
13 city, town or school taxes, and no sale of such property to
14 enforce any general state, county, municipal, or school
15 tax, or other lien shall extinguish the perpetual lien of
16 such assessments; and such assessments shall also be a lien
17 upon all equities or interests in existing water
18 appropriations for the irrigation of said lands when the
19 title to said lands is vested in the United States, and
20 when said water appropriations have attached to said lands.
21 The commissioner shall have the power to enforce payment of
22 such assessments, and all assessments by them duly levied
23 and confirmed, by shutting off the supply of water to any
24 and all lands upon which assessments are due and unpaid,

1 and may refuse to deliver water to such lands until such
2 assessments are paid. Any person having an interest in
3 land assessed for construction may at any time within
4 thirty (30) days after the confirmation of said report, pay
5 to the ~~court~~county commissioners the amount of the
6 assessment against his land or any tract thereof. Said
7 payment shall relieve said land and water rights from the
8 lien of said assessments for the cost of construction;
9 provided, however, that any district organized within a
10 federal irrigation project for co-operation between such
11 districts and the United States, may contract and agree in
12 connection with the acquisition of irrigation works and
13 water rights and the taking over of the care, operation and
14 control of the same from the United States, that each tract
15 or parcel of land shall pay the charges conformed in the
16 assessments against such tract or parcel of land, and that
17 liability for charges thus assessed may by contract be
18 conformed and limited to the particular tract or parcel of
19 land in question and if so contracted, shall not be imposed
20 as a charge or incumbrance upon other parcels or tracts of
21 land within the district.

22

1 **41-7-402. Due dates; annual budget of district;**
2 **hearings on budget; petition for additional funds; hearings**
3 **on petition.**

4
5 (a) Assessments to meet expenses of any current year
6 of any district shall become due, payable and delinquent at
7 such time or times each year as may be fixed by law for
8 state and county taxes to become due, payable and
9 delinquent. Commissioners having charge of any irrigation
10 district shall on or before the first Tuesday of June of
11 each year file with the ~~clerk of the court~~ county
12 commissioners having jurisdiction of such district, a
13 report showing an itemized estimate of the money to be
14 raised by assessment within the district for the purpose of
15 constructing new work, maintenance and to meet the yearly
16 current expenses of the district. In addition to the
17 amount above provided, the commissioners may add a sum
18 which in their judgment shall be sufficient to provide for
19 possible delinquencies. Within thirty (30) days after
20 filing such annual report, at a time and place to be fixed
21 by the ~~court or a judge thereof~~ county commissioners, the
22 ~~judge~~ county commissioners shall examine such report, hear
23 all objections thereto, fix and determine the amount to be
24 raised by assessments for the current year and cause such

1 ~~adjudication to be entered of record in said court and a~~
2 ~~certified copy thereof~~ determination to be delivered to the
3 commissioners of such district. The commissioners shall
4 add thereto such amount as may be necessary to meet the
5 principal and interest on lawful indebtedness of the
6 district maturing during the current year, together with a
7 sum which in their judgment shall be sufficient to provide
8 for possible delinquencies. When thus completed it shall
9 be known as "the budget of district for the year
10 (year)" and also be verified under oath by any one (1) of
11 the commissioners.

12

13 (b) The commissioners of any irrigation district
14 within the state of Wyoming are hereby forbidden to incur
15 any indebtedness for current expenses of the district in
16 excess of the amount provided in the budget. Provided,
17 however, in case a greater sum than that provided in the
18 budget is required, the commissioners may file a petition
19 setting forth the causes therefor, with the ~~clerk of the~~
20 ~~court~~ county commissioners having jurisdiction of said
21 district. Immediately upon the filing of said petition the
22 ~~court~~ county commissioners shall ~~make an order fixing~~ fix
23 the time and place of hearing and directing the form and
24 manner of notice thereof to be given if the ~~court~~ county

1 commissioners deem such hearing advisable. If the ~~court~~
2 county commissioners shall authorize the expenditure of a
3 greater sum of money the commissioners shall be authorized
4 to incur indebtedness equal to the amount of the additional
5 sum authorized by the ~~court~~county commissioners, and in
6 case the expenditure occurs at a time when it is too late
7 to place the amount upon the assessment roll for the
8 current year such amounts may be added to the budget of
9 ensuing years. All debts contracted in contravention of
10 this section shall be void.

11

12 **41-7-403. Preparation of assessment roll; contents;**
13 **how apportioned; certification by county commissioners;**
14 **delivery to county assessors.**

15

16 It shall be the duty of the commissioners of each
17 irrigation district, on or before the third Monday in July
18 in each year to prepare an assessment roll of said
19 district, which shall contain the name of the owner,
20 together with a description of each lot, tract and easement
21 of land within said district and the aggregate assessments
22 of benefits confirmed by the ~~court~~county commissioners
23 against the same; the name of all corporations assessed
24 together with the aggregate assessment levied against such

1 corporations respectively. The assessment roll shall also
2 show the amount assessed against each lot, tract and
3 easement of land, and against each corporation in the
4 district, for current expense and to meet the principal and
5 interest on the indebtedness of the district for the
6 current year. All such assessments to meet the principal
7 and interest on the indebtedness of the district for the
8 current year, shall be apportioned on the aggregate
9 assessment of benefits last confirmed by the ~~court~~county
10 commissioners. All such assessments for current expenses
11 shall be based upon irrigable acreage and shall be uniform
12 as to irrigable lands receiving the maximum apportionment
13 of water from said district, and as to irrigable lands
14 receiving less than such maximum apportionment such
15 assessment shall bear the same proportion as the amount of
16 water apportioned to such lands bears to the maximum
17 apportionment of water to other lands in such district.
18 Provided however, that the commissioners of any irrigation
19 district may, in their discretion, provide for a minimum
20 annual assessment for current expense. When such
21 assessment roll is completed it shall be signed by the
22 commissioners of said district, and verified by any one (1)
23 of them. On or before the third Monday in July of each
24 year the commissioners of the irrigation district shall

1 deliver to the county commissioners of the county having
2 jurisdiction of such irrigation district the assessment
3 roll of such district. The county commissioners of said
4 county, immediately upon the receipt of the assessment roll
5 of such district and at the time of making the requisite
6 tax levy for county purposes, shall levy and assess against
7 each lot, tract and easement of land and against each
8 corporation, the respective amounts levied and assessed
9 against the same on said assessment roll. Thereupon the
10 county commissioners shall certify to and deliver said
11 assessment roll to the county assessor of such county, and
12 in case the territory embraced in such district is located
13 in two (2) or more counties a copy of the assessment roll
14 as certified to by the county commissioners of the county
15 having jurisdiction of such district shall be delivered to
16 the assessor of each county in which any of the land of the
17 district is located. Upon receipt of such assessment roll
18 the assessors of the counties embracing any of the lands of
19 such district, shall extend upon the tax roll of such
20 county the respective amounts levied and assessed against
21 each lot, tract and easement of land, and against each
22 corporation as shown by said assessment roll of said
23 districts.

24

1 **41-7-404. Collection; disposition; enforcement.**

2

3 (b) The revenue laws of this state for the collecting
4 of taxes on real estate for county purpose, except as
5 herein modified, shall be applicable for the purposes of
6 this act, including the payment of interest and enforcement
7 of penalties and forfeitures for delinquent taxes; all
8 penalties and interest on assessments of an irrigation
9 district collected by the county treasurer shall be the
10 property of such district, and shall be turned into the
11 bond interest fund, and all interest and penalties
12 collected on assessments of such district levied for
13 purposes other than bonded indebtedness shall be paid to
14 the treasurer of the district levying such assessment; such
15 payments to be made on or before the fifth day of the month
16 following the date of such collection. In advertising
17 property for sale for delinquent taxes the county treasurer
18 shall show in a separate column in such advertisement the
19 amount of unpaid assessments levied against each lot, tract
20 and easement of land in said district. The county
21 treasurer of any county in which any portion of the land of
22 any irrigation district is located, and at the time of
23 advertising real property for sale for state and county
24 taxes shall include in such advertisement the amount of

1 delinquent irrigation district assessments against each
2 lot, tract or easement of land. At the time and place of
3 sale of real property for state and county taxes the county
4 treasurer shall also separately sell the land for
5 delinquent irrigation district assessments and shall issue
6 separate certificates of sale therefor. In offering such
7 real estate for sale for irrigation district assessments,
8 the county treasurer shall offer the entire tract assessed,
9 and the first bid received in an amount sufficient to pay
10 such assessment, together with interest, penalty and costs,
11 shall be accepted and the treasurer shall not attempt to
12 secure a higher bid. In case no purchaser appears to
13 purchase the land offered for sale for such delinquent
14 assessments the county treasurer shall make an entry on his
15 delinquent tax roll "sold to District of County,
16 Wyoming", and shall issue a certificate of purchase to such
17 district. The owner of any tract, lot or easement of land
18 in an irrigation district shall have the right to redeem
19 the said land at any time within eighteen (18) months from
20 the date of sale thereof by the county treasurer, as shown
21 on said certificate by paying therefor the amount for which
22 said land was sold by the county treasurer, together with
23 such penalties and interest as may be provided by law
24 relative to sales of land for delinquent state and county

1 taxes, and in case the owner of any lot, tract or easement
2 of land in any district shall fail to redeem said land from
3 said sale for such assessment, the county treasurer shall
4 issue a deed therefor to the purchaser at said sale, his
5 heirs or assigns. The irrigation district purchasing such
6 land at said tax sale shall have all the rights of natural
7 persons in regard to owning, holding and selling such
8 certificate and including the receipt of a deed, holding
9 the title to real estate and selling and disposing of the
10 same. The commissioners shall in no case sell said land or
11 certificate of purchase for an amount less than the amount
12 for which said land was sold to said district, including
13 interest thereon, unless authorized so to do by the ~~court~~
14 county commissioners. The procedure for the issuing of tax
15 deed, including the form of the deed, time of publication
16 and service of notice of intention to apply for deed, shall
17 be the same as is now or may hereafter be provided by law
18 for the issuances of tax deeds by the county treasurer upon
19 the sale of land for state and county taxes, except as
20 herein modified.

21

22 **41-7-405. Additional assessments generally.**

23

1 If any assessment for construction, operation, maintenance
2 or repair that the commissioners shall have reported to the
3 ~~court~~ county commissioners is a smaller sum than is needed
4 to carry out the purpose for which said assessment has been
5 made, or if in any year an additional sum is necessary to
6 pay the principal or interest on lawful indebtedness of the
7 said irrigation district, further or additional assessments
8 on the lands and persons benefited shall be made by the
9 commissioners of said irrigation district under the ~~order~~
10 direction of the ~~court, or presiding judge thereof,~~ county
11 commissioners upon such notice as the ~~court~~ county
12 commissioners may direct, which further or additional
13 assessment may be made payable in installments as specified
14 herein, and shall be treated and collected in the same
15 manner as the original assessments confirmed by the ~~court~~
16 county commissioners in said irrigation district.

17

18 **41-7-406. Omissions; effect on other lands; duty of**
19 **commissioner.**

20

21 Omission to assess benefits, or to assess for construction,
22 or to make additional assessment, or to make assessment for
23 operation, maintenance or repairs against any land or
24 person which should have been assessed, or to award damages

1 to any one (1) or more tracts of lands or easements in an
2 irrigation district shall neither affect the jurisdiction
3 of the ~~court~~county commissioners to confirm the report nor
4 to render the benefits assessed, or the assessments for
5 construction, or additional assessments, or assessments for
6 operation, maintenance, or repairs against other lands, or
7 assessments against any person voidable, but the
8 commissioners of said irrigation district shall thereafter,
9 as soon as they discover the omission, or receive notice
10 thereof, either agree with the omitted parties upon the
11 proper award or assessments and award the damages or make
12 such assessment of benefits or assessments for
13 construction, operation, maintenance or repair, and make
14 such additional assessments against the omitted lands and
15 corporations, and award such damages as shall be just, and
16 report the facts, together with such assessments and
17 awards, to the ~~court~~county commissioners.

18

19 **41-7-407. Omissions; procedures generally.**

20

21 In case of omission to assess any person or land that
22 should be assessed for benefits, or additional assessment,
23 or to award damages, said omitted party and the owners or
24 person entitled to the possession of omitted land may, in

1 writing, agree with the commissioners of said district that
2 the assessment should be against said land, or against said
3 person, or what said damage should be, and such agreement
4 shall be acknowledged and witnessed as provided above for
5 waivers, and be filed ~~in the court~~ with the county
6 commissioners.

7

8 **41-7-409. Bonds; refunding procedures.**

9

10 The ~~court~~ county commissioners may, upon the petition of
11 the commissioners, authorize them to refund a lawful
12 indebtedness of the district now existing or which may
13 hereafter be incurred by taking up and canceling all or a
14 part of its outstanding notes and bonds, as fast as they
15 come due or before, if the holders thereof will surrender
16 the same, and issue in lieu thereof new notes or bonds of
17 the district, payable in a time as the ~~court deems~~ county
18 commissioners deem proper, in an amount sufficient to
19 retire all notes and bonds of the district then outstanding
20 and the unpaid accrued interest thereon, together with an
21 amount as the commissioners of the district deem necessary
22 to provide for possible future defaults and delinquencies
23 in the payment of assessments, and bearing interest. For
24 the purpose of providing funds to pay the refunding bonds

1 with interest thereon, the commissioners may levy
2 assessments against the land in the district, but not in
3 excess of the benefits assessed. In the alternative the
4 commissioners may issue refunding bonds in an amount
5 sufficient only to retire all notes and bonds of the
6 district then outstanding and the unpaid accrued interest
7 thereon, and may, if they desire to provide a fund to
8 provide for possible defaults and delinquencies in the
9 payment of assessments, levy from year to year assessments
10 against the land in the district for such purposes, but not
11 in excess of the benefits assessed against the same.

12

13 **41-7-411. Damages to landowners to be paid before**
14 **entry for construction; exceptions; when entry prior to**
15 **assessment authorized.**

16

17 The damages allowed to the owners of lands shall be paid or
18 tendered before the commissioners shall be authorized to
19 enter upon the lands, for damage to which the award is
20 made, for the construction of any reservoirs, canals,
21 ditches, or other work proposed thereon. If the owner is
22 unknown or there shall be a contest in regard to the
23 ownership of the lands, or the owner will not receive
24 payment, or there exists a mortgage or other lien against

1 the same, or the commissioners cannot for any other reason
2 pay him, they may deposit the said damages with the ~~clerk~~
3 ~~of the court~~ county commissioners, for the benefit of the
4 owner, or parties interested, to be paid or distributed as
5 the ~~court~~ county commissioners shall direct, and such
6 payment shall have the same effect as the tender to and
7 acceptance of the damages awarded by the true owners of the
8 land. This section shall not, however, prevent said
9 commissioners, their agents, servants, and employees from
10 going upon said lands to do any and all work found
11 necessary prior to making their assessment of benefits and
12 award of damages, and the trial on their report thereof.

13

14 **41-7-414. When assessments to be judgments against**
15 **land; manner of collection.**

16

17 Each and every sum assessed in any irrigation district
18 organized in the manner herein provided, as soon as such
19 assessment is confirmed by the ~~court~~ county commissioners,
20 shall be and is declared to be a ~~judgment of the district~~
21 ~~court~~ lien in favor of said irrigation district and against
22 the land so assessed, and unless some other method of
23 collection is herein provided, ~~shall be collected in the~~
24 ~~same manner as any other money judgment, provided, that~~

1 ~~whenever said assessment is a lien upon land it~~ shall only
2 be collected on said land on which it is a lien.

3
4 **41-7-501. Warrants for expense of survey authorized.**

5
6 The duly appointed, qualified and acting commissioners of
7 an irrigation district, having complied with the provisions
8 of W.S. 41-7-302, are hereby authorized to issue warrants
9 of said district bearing interest at the rate of six
10 percent (6%) per annum up to the amount set by the ~~judge of~~
11 ~~the district court of the judicial district wherein such~~
12 ~~district was organized~~ county commissioners for the purpose
13 of making the surveys necessary to present their first
14 report as provided in W.S. 41-7-305, and to defray other
15 necessary expenses of the district, prior to the said first
16 report and the assessment of benefits, upon complying with
17 the procedure set out hereinafter.

18
19 **41-7-502. Petition for authority to issue warrants;**
20 **notice of hearing; objections.**

21
22 Whenever the commissioners of an irrigation district, after
23 their appointment and qualification, shall wish to avail
24 themselves of the provisions of W.S. 41-7-501, they shall

1 file ~~in the district court~~ with the county commissioners
2 wherein such district was organized, a petition for
3 authority to issue interest-bearing warrants, setting out
4 the necessity for such issuance, the amounts of warrants to
5 be issued and the purpose thereof; the ~~judge of said court~~
6 county commissioners shall thereupon, ~~by order,~~ set a date
7 for hearing said petition and notice of such hearing,
8 setting out briefly the purpose thereof, shall be published
9 for one (1) consecutive week in a newspaper of general
10 circulation in the county wherein the district or the
11 greater portion thereof is situate, the last publication of
12 said notice shall be at least ten (10) days prior to the
13 date set for said hearing and any protests or objections to
14 the said petition must be in writing, setting out the
15 grounds of such protest or objection, signed and verified
16 by the protestant or objector, and filed in the proceeding
17 at least five (5) days prior to the date set for said
18 hearing.

19

20 **41-7-503. Petition for authority to issue warrants;**
21 **hearing generally; decree generally; appeal.**

22

23 Upon the date set for the hearing of said petition, the
24 ~~judge~~ county commissioners shall hear evidence in support

1 thereof and in support of any protests or objections
2 properly filed and shall hear and determine all proper
3 issues presented by said petition and any protests or
4 objections which there may be and the ~~judge~~county
5 commissioners shall enter ~~his order~~their decision in
6 accord with such evidence; if, in the discretion of the
7 ~~court~~county commissioners the petition should be granted
8 ~~he~~they shall make ~~his order~~the decision authorizing the
9 issuance of such interest-bearing warrants, setting the
10 amount of such warrants which may be issued and the purpose
11 for which such warrants may be used; such ~~order~~decision
12 will become final and conclusive unless appealed from
13 within thirty (30) days of the date of its entry.

14

15 **41-7-505. Assessment roll when assessments not yet**
16 **approved or confirmed; equalization of assessments; levy.**

17

18 It shall be the duty of the commissioners of each
19 irrigation district in which an assessment for benefits and
20 construction has not theretofore been approved or confirmed
21 by the ~~court~~county commissioners to prepare an assessment
22 roll of said district which shall contain the name of the
23 owner, together with a description of each tract, lot and
24 easement of land within said district, together with the

1 aggregate assessment levied or assessed against each lot,
2 tract and easement of land therein. All such assessments
3 to meet the authorized expenditures of said district shall
4 be apportioned among the various landowners owning lands
5 within said irrigation district in such manner that each
6 irrigable acre of land, as returned for assessment purposes
7 by the county assessor, and as thereafter amended or
8 confirmed by the county board of equalization, shall bear
9 an equal part or portion of the total of said assessments
10 as its assessed irrigable area, as returned by the county
11 assessor, bears to the total irrigable area of land,
12 returned by the county assessor, within said irrigation
13 district. Such assessment roll of the district shall be
14 signed by the commissioners thereof and verified by any one
15 (1) of them. On or before the fourth Monday in May of each
16 year the commissioners of any such irrigation district
17 shall deliver to the county commissioners of the county
18 having jurisdiction of such irrigation district, the
19 assessment roll of said district by filing the same in the
20 office of the proper county clerk. The county
21 commissioners of said county, acting as a board of
22 equalization shall proceed to hear any and all complaints
23 or objections thereto and correct, equalize and complete
24 the same in such manner that said assessments listed in

1 said assessment roll shall be equitably and ratably
2 apportioned equally among the various irrigable lands
3 included within said irrigation district. At the time of
4 making the requisite tax levy for county purposes, the
5 county commissioners of said county shall levy and assess
6 against each tract, lot and easement of land, the
7 respective amounts levied and assessed against the same
8 upon said assessment roll as revised and corrected by them.
9 Thereupon the county commissioners shall certify to and
10 deliver said assessment roll to the county assessor of said
11 county and in case the territory embraced in said district
12 is located in two (2) or more counties, separate assessment
13 rolls and proceedings shall be had and taken in each
14 separate county, as required herein, but the assessment
15 rate per irrigable acre as determined by the county
16 commissioners having jurisdiction ~~in the county in which~~
17 ~~the court proceedings are handled for said district~~ shall
18 be the rate per irrigable acre used by the county
19 commissioners in all other counties in said district. Upon
20 receipt of said assessment roll, the assessor of the county
21 embracing any of the lands of said district shall extend
22 upon the tax rolls of such county, the respective amounts
23 levied against each lot, tract and easement of land as
24 shown by said assessment roll of said district.

1

2

41-7-703. Report made to county commissioners.

3

4

Upon the adoption of such a resolution, the said commissioners shall file an appropriate report with the ~~district court of the~~ county commissioners having jurisdiction of said irrigation district proceeding of the same nature and kind as provided in W.S. 41-7-305 through 41-7-307, for the construction of irrigation works.

10

11

41-7-704. Hearing on objections to report.

12

13

14

Upon the filing of the said report, the ~~court or judge thereof~~ county commissioners shall ~~make an order fixing~~ fix the time and place when and where all persons interested may appear and object to the confirmation thereof and all of the provisions of W.S. 41-7-308 through ~~41-7-314~~ 41-7-313, shall be followed and be applicable thereto.

19

20

41-7-706. Notices; contents.

21

22

23

24

Such notice shall show the ~~court~~ county in which said petition is filed, give a general description of the proposed works, state the time and place fixed by the ~~court~~

1 county commissioners when and where the hearing on said
2 petition will be had, and it shall require all persons
3 interested to appear at the time and place therein stated,
4 then and there to show cause if any they have, why said
5 irrigation district should not proceed with plans and
6 specifications for the construction or purchase as need be
7 of the incidental necessary and required works for the
8 development, distribution and sale of hydroelectric energy
9 and power.

10

11 **41-7-707. Decision of county commissioners**
12 **authorizing project; procedure commissioners to follow.**

13

14 If the ~~court~~county commissioners at the hearing so
15 petitioned for, noticed and held shall decide the issues in
16 favor of the petitioners the ~~court~~county commissioners
17 shall ~~enter an order approving and confirming~~approve and
18 confirm the petition and authorize the commissioners of
19 said district to proceed as provided in the irrigation
20 district laws of the state of Wyoming, and in particular as
21 provided in W.S. 41-7-305 through 41-7-315, and the
22 amendments thereof, to make investigations, surveys and lay
23 out said proposed work, to make maps, plans and profiles
24 and other specifications thereof and to negotiate for the

1 purchase of needed works and equipment as is required and
2 report their findings to the ~~court~~county commissioners for
3 a hearing thereon which said plans, proposals, etc. shall
4 be subject to change and amendments as might be beneficial
5 and as provided in said irrigation district laws of the
6 state of Wyoming.

7

8 **41-7-708. Approved project may proceed as incident to**
9 **existing system; disposition of excess energy.**

10

11 After the approval of the ~~court~~county commissioners the
12 board of commissioners of said irrigation district shall be
13 authorized to proceed with the construction, acquisition or
14 purchase of all works and equipment required to provide for
15 the generation, distribution and sale of hydroelectric
16 energy and power as an incident to its existing or proposed
17 water storage and distribution system and that it shall
18 have the power to sell, distribute or otherwise dispose of
19 hydroelectric energy not necessary for the uses and
20 purposes of the district.

21

22 **41-7-711. Assessments for power project to be**
23 **determined; reported to county commissioners.**

24

1 The commissioners shall likewise determine the portion of
2 assessments, if any, which is attributable to the cost of
3 the properties and works which are necessary to be used in
4 connection with the generation, distribution and sale of
5 electric energy and power and the same shall be reported to
6 and be one (1) of the items for determination and
7 confirmation of the ~~court~~ county commissioners.

8

9 **41-7-834. Filing of certificate of change.**

10

11 If the vote shows that the transformation has been
12 authorized by the district, the secretary shall file a
13 certificate to that effect ~~in the office of the clerk of~~
14 ~~court in the counties embraced within the district~~ with the
15 board of county commissioners which would have jurisdiction
16 over the district under W.S. 41-7-201 and a duplicate copy
17 with the state engineer; thereafter said district shall
18 proceed to act under the provisions of chapter 122, article
19 7, Wyoming Revised Statutes 1931, and any and all acts
20 supplementary thereto or amendatory thereof and shall have
21 all of the rights, powers and obligations as if originally
22 organized under said chapter and article.

23

1 **41-7-852. Report made to county commissioners;**
2 **contents.**

3

4 (a) Upon the adoption of such a resolution, the said
5 commissioners shall file an appropriate report with the
6 ~~district court of the county~~ board of county commissioners
7 having jurisdiction of said irrigation district proceeding,
8 stating in general the desirability of said district to
9 have and obtain the rights, powers and authority of an
10 irrigation and public power district, which report shall
11 include:

12

13 **41-7-853. Hearing on proposal.**

14

15 Upon such petition being filed the ~~court or judge thereof~~
16 county commissioners shall ~~make an order fixing~~ fix a time
17 and place of hearing thereon and require notice of the time
18 and place of such hearing to be given thereon. ~~by the clerk~~
19 ~~of said court.~~

20

21 **41-7-854. Notice of hearing; publication.**

22

23 The ~~clerk of said court~~ county commissioners shall give
24 notice of the filing of said petition and of the time and

1 place of hearing thereon to any and all persons interested
2 therein by publishing a copy of said order at least once a
3 week for three (3) consecutive weeks in a newspaper
4 published in each county within which any of the lands of
5 the said irrigation district is situated. If there be no
6 newspaper in any such county, such notice may be published
7 in a newspaper published in an adjoining county.

8

9 **41-7-855. Notice of hearing; contents.**

10

11 (a) Such notice shall disclose:

12

13 (i) In what ~~court~~county said petition is filed;

14

15 (iv) The time and place fixed by the ~~court~~
16 county commissioners, when and where the hearing on said
17 petition will be heard;

18

19 **41-7-856. Decision of county commissioners**
20 **authorizing change.**

21

22 If the ~~court~~county commissioners at the hearing so
23 petitioned for, noticed, and held, shall decide the issues
24 in favor of the petitioners, the ~~court~~county commissioners

1 shall ~~enter an order approving and confirming~~ approve and
2 confirm the petition, amend the name of said irrigation
3 district to show that it is also a public power district,
4 and authorize said district to have and receive all of the
5 rights, powers and authority of a "public power district"
6 in addition to all of the rights, powers and authority
7 given to and enjoyed by it as an irrigation district under
8 the laws of the state of Wyoming.

9

10 **41-7-857. Submission of proposal to vote of**
11 **landowners and entrymen.**

12

13 In the event the board of commissioners by a majority vote,
14 or the ~~court~~ county commissioners by an appropriate ~~order~~
15 decision, shall request or determine that a vote should be
16 had of the landowners and entrymen within the district on
17 the question of whether or not the said irrigation district
18 should acquire the rights, powers and authority of a
19 "public power district", then the matter shall be submitted
20 to the landowners and entrymen of the district at either a
21 regular or special election, at a time and place or places,
22 to be designated by the commissioners of the district under
23 the ~~order~~ direction of the ~~court~~ county commissioners to be
24 held under the same rules and in the same manner as

1 elections are held for commissioners within an irrigation
2 district.

3

4 **41-7-858. Effect of vote on county commissioners.**

5

6 In the event such an election be had the result thereof
7 shall be certified to the ~~court~~county commissioners and
8 shall be advisory and determinative of the final ~~order~~
9 decision to be presented on the question of whether or not
10 said irrigation district should receive all of the rights,
11 powers and authority of a public power district.

12

13 **41-7-859. County commissioners' decision vests**
14 **powers.**

15

16 Upon the entry of ~~an order~~a decision of the ~~court~~county
17 commissioners authorizing or approving the receipt by an
18 existing irrigation district of the rights, powers and
19 authority of a public power district, then it shall have
20 and receive all of said rights, powers and authority as are
21 given and granted to a public power district by the
22 provisions of chapter 123, Session Laws of Wyoming, 1937
23 and the amendments thereof as now codified and compiled in

1 W.S. 41-7-101 through 41-7-1006 and any existing amendments
2 thereof.

3

4 **41-7-863. Report of proposed construction to county**
5 **commissioners; apportionment of irrigation and power costs.**

6

7 Prior to the starting of any construction work thereon, the
8 commissioners shall report the purpose, whether for
9 irrigation or power for which any of said works is to be
10 constructed; and shall recommend to the ~~court~~county
11 commissioners an equitable and fair division and
12 distribution of the cost thereof as between irrigation and
13 power; and the ~~court~~county commissioners upon the hearing
14 for the authorization thereof, shall fix and determine the
15 proportionate amount as between the irrigation and power
16 works or features which shall be beneficial and chargeable
17 to the irrigation portion and the power portion thereof and
18 the ~~order~~decision of the ~~court~~county commissioners
19 thereon shall be determinative and final thereon.

20

21 **41-7-903. Designation of revenue from which principal**
22 **or interest payable.**

23

1 If in the judgment of the board of commissioners of any
2 irrigation district or combined irrigation and public power
3 district it is desirable that the principal or interest or
4 both, of any of its bonds or any part of the principal or
5 interest thereof be payable solely from revenue designated
6 by the board of commissioners, it, with the approval of the
7 ~~court~~ county commissioners after a hearing thereon may so
8 provide by resolution adopted at or prior to the time of
9 the issuance of such bonds.

10

11 **41-7-907. Designation of revenue releases district**
12 **and officers from payment otherwise.**

13

14 If any board of commissioners with the approval of the
15 ~~court~~ county commissioners provides that the principal or
16 interest or both of any bonds or any portion of the
17 principal or interest or both shall be payable solely from
18 designated revenue, neither the district nor any officer
19 thereof shall be held for payment otherwise.

20

21 **41-7-913. Allocation of revenue to reserve fund.**

22

23 Any sources of revenue of any district may by order of its
24 board of commissioners with the approval of the ~~court~~

1 county commissioners be irrevocably allocated to a reserve
2 fund established to pay the interest or principal of any
3 bonds.

4

5 **41-7-914. Bonds may be made redeemable before**
6 **maturity.**

7

8 With the approval of the ~~court~~county commissioners a
9 district may by resolution of its board of commissioners
10 adopted at or prior to the time of issuing any bonds then
11 proposed to be issued, provide for the call and redemption
12 prior to their fixed maturity of any of the bonds.

13

14 **41-7-927. Approval of private sale required.**

15

16 No sale of bonds at private sale shall be valid unless
17 approved by the ~~court~~county commissioners, or public
18 service commission.

19

20 **41-7-929. Refunding bonds sold or exchanged for bonds**
21 **or warrants.**

22

23 (a) Any refunding bonds may be either:

24

1 (ii) Exchanged for other bonds or warrants of
2 the district upon terms approved by the ~~court~~ county
3 commissioners.

4
5 **41-7-1003. Election; conduct; certification of**
6 **result; report of district indebtedness.**

7
8 If at any such election which shall be conducted in the
9 same manner as is now provided by law for the conduct of
10 annual elections in irrigation districts, a majority of all
11 the qualified votes in the district shall be in favor of
12 the dissolution of such district, the commissioners of such
13 district shall forthwith certify to the ~~district court~~
14 ~~having jurisdiction of such district~~ county commissioners
15 the result of such election, and at the same time shall
16 report to the ~~court~~ county commissioners the amount and
17 character of the then existing indebtedness of the
18 district. In the event the question of the dissolution of
19 such district does not carry at such election the question
20 shall not again be raised for a period of one (1) year.

21
22 **41-7-1004. Hearing on results of election; generally.**

23

1 Upon the filing of the commissioner's report and return of
2 election, ~~an order shall be made and entered by the court~~
3 ~~fixing~~ county commissioners shall fix the time and place
4 for a hearing thereon, at which time and place all
5 creditors and other persons interested may appear and show
6 cause why said district should not be dissolved.

7

8 **41-7-1006. Hearings; final settlement.**

9

10 Upon said hearing, the ~~court~~ county commissioners must
11 find, on the evidence submitted, if the district be ~~ordered~~
12 dissolved, that the best interests of all parties
13 interested will be served by the proposed dissolution, and
14 shall determine the amount of the existing indebtedness of
15 such district, if any, and shall ~~make an order requiring~~
16 require the payment of the same. Upon the filing by the
17 commissioners of proper receipts, showing payment of all
18 indebtedness against the district, the ~~court~~ county
19 commissioners shall thereupon ~~make a final order dissolving~~
20 finally dissolve such district, and ~~in said order~~ the ~~court~~
21 county commissioners may provide for a receiver who shall
22 have full authority to collect and distribute any assets of
23 property formerly belonging to said district, and who shall
24 be guided by and shall comply with the provisions of W.S.

1 1-33-101 through 1-33-110, in the performance of his
2 duties.

3

4 **Section 3.** W.S. 41-7-204 through 41-7-208 are
5 repealed.

6

7 **Section 4.** After the effective date of this act, all
8 existing proceedings overseeing irrigation districts in
9 district courts shall be dismissed and all existing
10 irrigation districts shall begin reporting to the boards of
11 county commissioners applicable under W.S. 41-7-201 as
12 amended by this act.

13

14 **Section 5.** This act is effective July 1, 2009.

15

16

(END)