



OFFICE OF THE
ATTORNEY GENERAL
STATE OF WYOMING
CHEYENNE

October 10, 1962

(9)10/1/62 - Stephens

Mr. Kenneth R. Sturman
Coordinator-Secretary
State Soil and Water
Conservation Committee
308 Capitol Building

Dear Mr. Sturman:

This is in reply to your letter of September 27, 1962 addressed to Mr. Gray in which you ask the opinion of this office in regard to the following questions:

"Does a soil and water conservation district have authority or right to ask for, or to receive financial help from county government?"

"What is the legal procedure for a soil and water conservation district to ask, and secure financial assistance from the county government in which the district is located?"

"By what legal means may a soil and water conservation district receive financial assistance from the county government in which the district is located?"

In reply thereto, a soil and water conservation district does not have authority to ask the County government for any tax levy for their benefit.

"Counties have only the powers expressly granted by State or necessarily or reasonably implied from powers granted." 1 of syllabus, Hyde v. Commissioners of Converse County, 41 Wyo. 101.

No such power has been granted by the Legislature to the counties of the State, nor has any such power been granted from which such a right may be necessarily or reasonably implied therefrom.

Mr. Kenneth R. Sturman
October 10, 1962
Page # 2

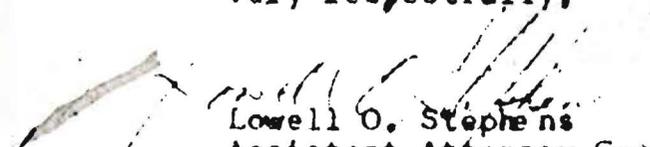
However, under the provisions of Sec. 11-245, Wyoming Statutes, 1957, as amended by Ch. 53, Section 2 and Ch. 193, Section 9, both of Session Laws of Wyoming, 1959, a soil and water conservation district is authorized to cooperate and to enter into agreements with any agency, governmental or otherwise, to make the improvements which they are authorized to carry out by the authority of sub-section (L) of that Section.

Under sub-section (L) just referred to, a soil and water conservation district is authorized:

"As a condition to the extending of any benefits under this act (§§ 11-234 to 11-250) to, or the performance of work upon, any land not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits and may require owners and occupiers of land to enter into and perform such agreements or covenants (covenants) as to the permanent use of such lands as will tend to prevent or control erosion and prevent flood water and sediment damages thereon and to promote the best use of such lands; (Laws 1959, ch. 53, § 2; ch. 193, § 9.)

This provision authorizes the soil and water conservation district to make agreements with other governmental sub-divisions or with private organizations to carry out the practices of the soil and water conservation district and authorizes the conservation district to require charges to pay for the assistance granted. In this way, the soil and water conservation district may require the county to pay a reasonable assessment for the benefits conferred upon any land owned by the county.

Very respectfully,


Lowell O. Stephens
Assistant Attorney General

LCS:gs