

Office of the
Attorney General
State of Wyoming
Cheyenne

April 9, 1962

Mr. Kenneth R. Sturman
Coordinator-Secretary
State Soil & Water Conservation Committee
BUILDING

Dear Mr. Sturman:

This will acknowledge receipt of your letter of April 2, 1962 requesting an opinion relative to four propositions relating to steps in carrying out a watershed project by a watershed improvement district.

These will be answered in order

1. In general the steps are satisfactory but not complete. You have stopped with step five which has to do with notice of referendum to determine the practicability and feasibility. There is the matter of appeal, assessments of benefits, lien of assessments, discontinuance of districts and supervision by the State Soil and Water Conservation Committee. Perhaps you did not desire to include any of these provisions which could occur after preliminary organization.

Under step five you refer under "Necessary Action" to Section 41-354.8 and I wonder if this should have been 41-354.18. Also it should be mentioned that six days should elapse between the two publications.

2. So far as I can ascertain there is no other means of financing the construction of a watershed project other than by bonding the district. Assessments, of course, can be made by maintenance. I am not unmindful that Section 41-354.13 E provides the district shall have power to sell its bonds or other evidence of indebtedness as provided in Section 14.

Section 14 only goes into the matter of issuance of bonds. Section 14 spells out the method of the issuance of bonds and no mechanics are set up for financing a project in any manner. There would absolutely have to be some requirement in the law, if any other means of financing could be considered, whereby the land owners who have some means of passing on any indebtedness that might be assessed against their lands, for without such provisions they could lose their lands without due process of law. As I have stated, no method or mechanics are set up to give the landowners the opportunity to pass on any other means of securing the indebtedness of the district other than through bond issue.

3. The previous answer takes care of No. 3

4. In connection with step No. 5, it is my opinion that separate hearings must be held on the report of appraisers and the issuance of bonds. There exists the right of hearing on complaints regarding appraisals and there is also the right of appeal therefrom and the matter of conclusive determination on appraisals would not necessarily be culminated at one hearing. The matter of the issuance of bonds is one that could only be given favorable consideration after all matters concerning

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assessment of benefits have been fully determined.

Respectfully submitted,

S/ Wm. Haight

T/ W. M. Haight
Deputy Attorney General