

THE STATE OF WYOMING



ED HERSCHLER
GOVERNOR

In reply refer to:

Attorney General

A.G. McCLINTOCK
ATTORNEY GENERAL

CHEYENNE, WYOMING 82002
PHONE 307 777-7841

January 24, 1984

Mr. William Gentle
State Executive
Conservation Commission
Department of Agriculture
2219 Carey Avenue
Cheyenne, Wyoming 82002

Dear Mr. Gentle:

You have inquired as to the possibility of a landowner in a conservation district to withdraw his lands upon his petition. You ask can the State Conservation Commission deny his petition if such withdrawal would make the district administratively impracticable.

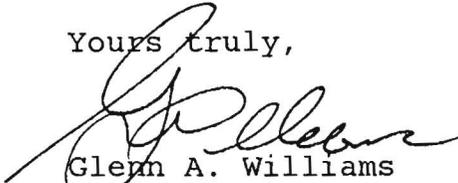
The law seems clear that if such landowner files a petition for such withdrawal any time after one year of membership he may file a petition for withdrawal but subject to the obligations of his being in the district. Section 11-16-109, W.S. states in part:

Any owner of lands within a proposed district may have his owned and leased lands excluded from the proposed district upon presentation of a petition and description of the lands to the commission not less than seven (7) days prior to the holding of the referendum for the organization of the district, and may have his lands withdrawn from the district at any time after one (1) year after its organization, subject to any existing contracts with the district, upon sixty (60) days notice by petition filed with the commission. In either case, the commission shall exclude the lands of the petitioner from the district upon proof by the petitioner of his interest therein.

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Accordingly, it is my opinion that if such petition is filed after the one year period the landowner may have his land withdrawn from the conservation district even though such withdrawal would leave the rest of the district "administratively impracticable".

Yours truly,



Glenn A. Williams
Senior Assistant
Attorney General

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