

28 of any incorporated city or town; and

29 (b) not fewer than 5% of the owners of land within the limits of each incorporated city or
30 town.

31 (4) The property identification number of each tract of land that is owned by a petitioner
32 and is within the proposed water conservancy district must be listed opposite the petitioner's name.

33 (5) (a) If a petitioner signs a petition, both as owner of land situated within and outside a
34 municipality, the petitioner's name shall be counted only as an owner of land situated outside a
35 municipality.

36 (b) A signing petitioner is not permitted to withdraw his name after the petition is filed.

37 (6) A district may not be formed under this part unless the taxable value of land within the
38 proposed district, together with improvements on the land, exceeds \$500,000.

39 (7) The petition shall set forth:

40 (a) the proposed name of the district;

41 (b) that property within the proposed district will be [~~benefited by the accomplishment of~~
42 ~~the purposes enumerated in Section 17A-2-1403~~] benefitted by conserving, developing, and
43 stabilizing supplies of water for domestic, irrigation, power, manufacturing, and other beneficial
44 uses;

45 (c) a general description of the purpose of the contemplated improvement and of the
46 territory to be included in the proposed district;

47 (d) a general designation of the district's divisions and the number of directors proposed
48 for each division; and

49 (e) a request to organize the district by the name proposed.

50 (8) The description of a water conservancy district's territory, as set forth in the petition,
51 need not be given by metes and bounds or by legal subdivisions, but it must be sufficiently detailed
52 to enable a property owner to ascertain whether his property is within the territory proposed to be
53 organized as a district.

54 (9) The territory of a proposed water conservancy district:

55 (a) may include area within an existing water conservancy district; and

56 (b) need not be contiguous, provided it is so situated that the organization of a single
57 district for the territory described is calculated to promote [~~one or more of the purposes enumerated~~
58 ~~in Section 17A-2-1403~~] the conservation, development, or stabilizing of supplies of water for

59 domestic, irrigation, power, manufacturing, or other beneficial uses.

60 (10) (a) No petition with the requisite signatures may be declared void because of alleged
61 defects, but the court may permit the petition to be amended to conform to the facts by correcting
62 any errors in the description of the territory or other errors.

63 (b) Similar petitions or multiple copies of the same petition:

64 (i) may be filed and together shall be regarded as one petition; and

65 (ii) if filed prior to the hearing on the first petition, shall be considered by the court to be
66 filed with the first petition.

67 (11) In determining whether the requisite number of landowners have signed or are
68 considered to have signed the petition, the court shall be governed by the names as they appear
69 upon the tax roll, which is prima facie evidence of land ownership.

70 (12) All provisions of this part that establish, govern, or state the requirements and
71 procedure for the creation of a water conservancy district:

72 (a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local
73 Districts, with respect to the creation of a water conservancy district; and

74 (b) remain valid to the extent they establish, govern, or state the requirements or procedure
75 for the organization of a subdistrict.

Legislative Review Note
as of 2-10-00 10:11 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel