

MEMORANDUM

To: Phil Rassier
From: L. Glen Saxton *LS*
RE: WATER DISTRICT MEETING - BANCROFT-LUND AREA
Date: July 21, 1995

On April 28, 1995, Norm Young conducted the required hearing relative to establishing a water district in the Bancroft-Lund area and on May 26, 1995, issued a Preliminary Order creating a water district designated as Water District No. 13R.

On June 9, 1995, one of the parties filed a Petition for Reconsideration which the department denied on June 22, 1995. Nothing further has been filed by any of the parties.

The department has now been asked to call a water district meeting so that a watermaster can be elected and the other things usually addressed in a water district meeting implemented.

Since the dates for the usual water district meetings has passed, it appears that Section 42-605(11), I.C. (paragraph 11) applies. Norm and I have some questions about this section and related requirements.

It appears the Director on his own motion can call a special meeting but must comply with the Paragraph (2) of the code section relative to the notice. Therein lies a potential problem since the time frames do not apply well to the first meeting of a water district. We can't comply with the January 1st to February 1st time frame and there have been no resolutions to provide notice by publication or to change the meeting dates.

Because of these potential problems and the opposition to the operation of a water district, we are wondering whether a special meeting called by the Director for the election of a watermaster and conduct of activities which usually occur at a water district meeting are properly provided for in the statutes.

Please provide comments relative to authority and procedure.

c: Norm Young