CHAPTER 61-16
CREATION OF WATER RESOURCE DISTRICTS - BOARDS

61-16-01. Definitions.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-02. Petition for establishment of water conservation and flood control district - Hearing thereon and investigation - District when created.
Repealed by S.L. 1973, ch. 500, § 13.

61-16-03. Bond to accompany petition for district - When - Exception.
Repealed by S.L. 1973, ch. 500, § 13.

61-16-04. Resolution of governing body of public corporation filed with commission.
Repealed by S.L. 1973, ch. 500, § 13.

61-16-05. Water resource districts - Area to be included.
All land in North Dakota shall be within a water resource district.

61-16-06. Order creating water resource district.
A certified copy of the order creating a water resource district shall be filed with the county auditor of each county within the district. A like copy of the order shall be filed with the secretary of state. The secretary of state shall issue to the state water commission a certificate, bearing the seal of the state, of the due organization of the district, and shall file a copy of the certificate and the commission's order creating the district. The secretary of state's certificate, or a copy authenticated by the secretary of state, shall be prima facie evidence of the organization of the district. This new district shall be, and is hereby declared to be, a governmental agency, and a body politic and corporate with the authority to exercise the powers specified in this chapter, or which may be reasonably implied to exercise such powers. The commission's order shall specify the name or number by which a district shall be known.

61-16-06.1. Consolidation of water resource districts.
1. Any two or more water resource districts may be consolidated into a single district or existing districts may be adjusted to reflect watershed boundaries, as determined by the state engineer, by filing with the state water commission a petition signed by:
   a. A majority of the members of the board of each of the districts; or
   b. Fifty percent or more of the landowners within each of the districts.

   When the petition is filed by the district boards, it must be accompanied by a certified copy of the resolution of the governing boards authorizing the signing of the petition. The petition must contain a detailed plan for the disposition of the property, assets, and liabilities of each of the districts. This plan must be as equitable as practicable to every landowner within the districts and must fully protect creditors and the holders of improvement warrants of the petitioning districts. The plan may provide for a continuance of assessments upon properties in the petitioning districts to retire outstanding obligations, or for the assumption of outstanding obligations and the spreading of assessments for the payment thereof over properties in the newly created district. No petition may be approved by the state water commission unless it fully meets the requirements of this section.
2. The state water commission shall fix a time and place for a public hearing at a site convenient and accessible for a majority of the affected individuals. At least fifteen days prior to the date of hearing, the commission shall publish notice of the hearing in at least one newspaper of general circulation in each of the districts being consolidated or adjusted. Additional notice of the hearing may be given in a manner prescribed by the state water commission.

3. Prior to the hearing, the state engineer shall make, or cause to be made, an investigation of the need for consolidation of the petitioning districts and shall submit a report of the findings to the state water commission. This report must be presented at the petition hearing. If the state water commission finds it is not feasible, desirable, or practical to consolidate the petitioning districts, it shall deny the petition and state the reasons for denial. If, however, the state water commission finds that problems of flood control, watershed development or improvement, drainage, water supply, or other reasons make consolidation or boundary adjustment and establishment of the proposed water resource district desirable, it shall grant the petition and create the district. Upon creation of the new water resource district, the state water commission shall dissolve the included districts or make necessary boundary adjustments to existing districts.

61-16-07. Water resource board - Appointment and number.

When a water resource district has been created, and the state water commission has filed notice with the county auditor of a county where the district or a part thereof is situated, a water resource board shall be appointed within ninety days, as provided herein. If the district's boundaries are confined to one county, the board of county commissioners shall appoint a water resource board consisting of three or five managers. When a district includes two counties, the water resource board shall consist of five managers, three appointed by the board of county commissioners of the county having the larger aggregate taxable valuation of property, and two appointed by the board of county commissioners of the other county. If a district includes three counties, the water resource board shall consist of five managers, one appointed by the board of county commissioners having the lowest aggregate taxable valuation of property in the district, and two appointed by the board of county commissioners of each of the other two counties. If a district includes four or six counties, the water resource board shall consist of two members from the county having the largest aggregate taxable valuation of property in the district, and one manager from each of the other counties. If a district includes five or seven counties, the water resource board shall consist of one manager from each county. Appointments to the water resource board shall be made by the boards of county commissioners of the respective counties.

61-16-08. Eligibility for appointment to board - Term of office - Removal - Filling vacancies - Compensation of managers.

When a water resource district has been created, any resident landowner in the district, except a county commissioner, is eligible, subject to the provisions of this section, for appointment to the water resource board. After June 30, 1985, when the term of office of a district manager has expired, the manager's successor shall hold office for three years from the first day of January next following the date of the successor's appointment. The term of office of a manager does not terminate until the successor in office is appointed and qualified. In case the office of any district manager becomes vacant, the manager appointed to fill the vacancy shall serve the unexpired term of the manager whose office became vacant.

Each member of a water resource board shall receive the sum of at least seventy-five dollars but not more than one hundred thirty-five dollars per day while performing duties as a member of the board, and an allowance for meals and lodging expenses at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses shall be at the same rate as provided by section 11-10-15 and shall be evidenced by a subvoucher or receipt as provided by section 21-05-01.

A manager may be removed from the board by the board of county commissioners after it appears to the board of county commissioners by competent evidence, and after a public hearing, if so requested by the manager subject to removal, at which hearing the manager must be apprised of and allowed ample opportunity to repudiate the evidence, that the manager has been guilty of misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, gross incompetency, or inability to perform the duties of office for reasons of health.

61-16-08.1. Appointment of alternate board member due to conflict of interest or illness.

When a member of a water resource board has a conflict of interest in a specific issue before the board or is unable to fulfill the duties of a board member because of physical or mental illness, the county commissioners may appoint a person to serve as an alternate to the disqualified board member. If the disqualification is for a conflict of interest, the alternate board member is to serve only for the purpose of deciding the particular issue causing the conflict. If the disqualification is for physical or mental illness, the alternate board member is to be appointed by the county commissioners only for one meeting at a time.

61-16-09. Oath of office - Organization of water resource board - Appointment of employees - Meetings.

Upon receiving notice of appointment as member of the water resource board, such appointee shall take the oath of office prescribed for civil officers. Such oath shall be filed with the secretary of the board. Notice of the appointment of a member or members of a water resource board shall be mailed to the state water commission. Such notice shall state the name and post-office address of each appointee and the date of appointment.

A majority of the managers shall constitute a quorum for the transaction of such business as may come before the board but any number may adjourn a meeting for want of a quorum. The water resource board shall appoint a secretary and treasurer and such other employees as needed for the efficient conduct of the district's business and shall fix their compensation. The offices of secretary and treasurer may be held by the same person. Officers and employees shall hold office at the pleasure of the board.

The board shall provide an office suitable for its use as a meeting place and for conducting the affairs of the district. It shall adopt such rules for transacting the business of the district as it may deem necessary, including the time and place of holding regular meetings of the board. Special meetings may be called by the secretary on order of the chairman of the board or upon written request of two members of the board. Notice of a special meeting shall be mailed to each member of the board at least five days before any such meeting provided, that a special meeting may be held whenever all members of the board are present or consent thereto in writing.

61-16-10. Bonds of treasurer and appointive officers.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-11. Powers and duties of board of commissioners.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-11.1. Joint exercise of powers.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-12. District budget - Tax levy - Financing by special assessment.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-13. District may issue warrants in anticipation of taxes levied to pay current expenses.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-14. County treasurer to collect and remit taxes to district treasurer - Deposit of district funds.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-15. Construction and repair of dam - Proposals for - Presented to whom - Hearing proposals.

Repealed by S.L. 1981, ch. 632, § 11.

61-16-16. Commission and board of commissioners shall encourage construction of dams and other water control devices.
Repealed by S.L. 1983, ch. 82, § 154.

61-16-17. Dams constructed within a district shall come under control of board of commissioners.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-18. When dams constructed by federal agency under control of water management district.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-19. May contract with federal and state governments - Local districts, persons and corporations - Canadian government, provinces and municipalities - Acquire property in adjoining states and provinces.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-19.1. Contracts for construction or maintenance of project.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-20. Exemption of federal agencies from provisions of chapter - Purpose of chapter.
Repealed by S.L. 1969, ch. 545, § 5.

61-16-21. Financing project through special assessments or partly through general taxes and partly through special assessments - Apportionment of benefits.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-22. Financing of special improvements - Procedure.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-23. Resolution of board to include provision for protesting and refusing authority to make general tax levy in certain cases - Election to be held.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-24. When assessments may be made.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-25. Assessment lists.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-26. Assessment list to be prepared - Contents - Certificate attached to assessment list - Preparation of assessment list and notice of hearing of objection to list - Alteration of assessments at hearing - Limitations - Confirmation of assessment list of board certifying list - Filing.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-26.1. Reassessment of benefits.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-27. Correction of errors, and mistakes in special assessments - Regulations governing.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-28. Certification of assessments to county auditor.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-28.1. Removal of an obstruction to a drain - Notice and hearing - Appeal - Injunction - Definition.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-29. Extension of special assessments on tax lists - Collection - Payment to water management district.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-30. Lien of special assessment.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-31. Sale of property when general and special assessment taxes are delinquent.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-32. Warrants - Issuance - When payable - Amounts - Interest - Interest coupons.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-33. Warrants may be used in making payments on contract - Warrants payable out of fund on which drawn - May be used to pay special assessments.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-34. Refunding special assessment warrants - Purposes for which such warrants may be issued - Payment of warrants.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-34.1. Refunding outstanding refunding warrants - Terms and conditions.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-35. Financial reports - Liability for deficiencies.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-36. Appeal from decision of commission or board of commissioners - Undertaking - Jurisdiction.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-37. Appeal from decision of commission or board of commissioners - How to be taken.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-38. Time for taking appeal from commission or board of commissioners.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-39. Filing appeal - Docketing and hearing appeals - Final judgment and sending back.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-40. State's attorney and attorney general to assist boards - Employment of counsel.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-41. Construction of bridges and culverts - Cost.
Repealed by S.L. 1963, ch. 421, § 22.

61-16-42. How district may be dissolved or land excluded therefrom.
Repealed by S.L. 1973, ch. 500, § 13.

61-16-43. Proceedings to judicially confirm contracts, special assessments and other acts.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-44. Penalty for violation of chapter.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-45. Validating organization and acts of water conservation and flood control districts.
Repealed by S.L. 1983, ch. 82, § 154.

61-16-46. Drains along and across public roads and railroads.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-47. Construction of bridges and culverts - Costs.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-47.1. Culvert and pipe arch bids and acceptance.
Repealed by S.L. 1983, ch. 82, § 154.

61-16-48. Consolidation of water management districts.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-49. Division of a water management district.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-50. Closing a noncomplying drain - Notice and hearing - Appeal - Injunction.
Repealed by S.L. 1981, ch. 632, § 11.

61-16-51. Closing a noncomplying dike or dam - Notice and hearing - Appeal - Injunction.
Repealed by S.L. 1981, ch. 632, § 11.