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**Rules of**  
**Department of Natural Resources**  
**Division 70—Soil and Water Districts Commission**  
**Chapter 1—Organization**

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**  
**Division 70—Soil and Water Districts  
Commission**  
**Chapter 1—Organization**

**10 CSR 70-1.010 Organization**

*PURPOSE: The purpose of this rule is to comply with the requirements of section 536.023, RSMo 1986 which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.*

(1) The Soil and Water Districts Commission is a state agency created by section 278.080, RSMo Supp. 2007 for the administration of the soil and water conservation districts provided for in sections 278.060-278.300, RSMo. The commission is comprised of six (6) farmer members and four (4) non-voting ex officio members and operates with an assigned staff as an agency within the Department of Natural Resources. Its primary responsibility is the determination of policies and procedures to be used by soil and water conservation districts. In addition, the Soil and Water Districts Commission has the authority and responsibility to—

(A) Encourage the formation of soil and water conservation districts;

(B) Formulate and fix rules and procedures for the establishment or disestablishment of soil and water conservation districts and sub-districts and the selection of soil and water conservation districts' supervisors;

(C) Receive petitions, hold hearings and conduct referenda on the establishment of soil and water conservation districts;

(D) Advise soil and water conservation districts in developing programs for saving soil and water;

(E) Obtain technical, financial or material assistance for soil and water conservation districts; and

(F) Provide any assistance it may judge as useful to any soil and water conservation district in the saving of soil and water.

(G) Unless prohibited by any federal or state law, the commission may grant individual variances to Soil and Water Districts Commission rules upon presentation of adequate proof, that compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement, limitation or order of the commission will have an arbitrary and unreasonable impact on landowners participating in soil and water conservation eligible practices. In determining under what conditions and to what extent a variance may

be granted, the commission shall exercise a wide discretion in weighing the equities involved as well as the advantages and disadvantages in approving or disapproving a request for a variance.

1. The variance request shall:

A. Be in writing;

B. Filed with the program director of the Soil and Water Conservation Program; and

C. Set out reasons the applicant believes a variance should be granted.

2. The burden shall be placed on the applicant of a variance to show the inequities if the variance is not granted.

3. The program director shall promptly investigate the application and make a recommendation to the commission after the application is received as to whether the variance should be granted or denied.

(2) Requests for services or information may be directed to locally organized soil and water conservation districts or to the commission office, PO Box 1368, Jefferson City, MO 65102.

*AUTHORITY: section 278.070.4, RSMo 2000 and sections 278.080.1 and 278.080.5(8), RSMo Supp. 2007.\* Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Jan. 2, 2002, effective Aug. 30, 2002. Amended: Filed Sept. 26, 2007, effective May 30, 2008.*

*\*Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980 and 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001.*

*Op. Atty. Gen. No. 465, Norbury, 12-29-66. The appointment of a member of the State Soil and Water Districts Commission, or a member of the board of supervisors of a soil and water conservation subdistrict, or a member of the trustees to the governing body of a subdistrict as the contracting officer for a soil and water conservation subdistrict is against public policy and void.*