
Rules of
Department of Natural Resources
Division 70—Soil and Water Districts Commission
Chapter 3—Formation of Subdistrict

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 70—Soil and Water Districts
Commission
Chapter 3—Formation of Subdistrict**

10 CSR 70-3.010 Formation of Soil and Water Conservation Subdistricts

PURPOSE: This rule sets forth the basic procedures for the organization of a subdistrict of a soil and water conservation district.

(1) Petitions are to be filed with the board of supervisors of the soil and water conservation district by the landowners within the proposed subdistrict. The petition shall set forth and meet the following qualifications:

(A) Request a hearing and referendum on the formation of the subdistrict;

(B) Shall include the entire hydrologic area on which a proposed plan of work is to be developed and the area included must be contiguous and;

(C) Shall provide a legal description of the land suggested for inclusion in the subdistrict (incorporated areas may be excluded by description);

(D) Contain a brief statement of the reason for organization;

(E) Be signed by one (1) or more owners of at least fifty percent (50%) of the lands within the proposed subdistrict; and

(F) Request that the proposed area be organized as a subdistrict.

(2) Petition forms may be secured from the local soil and water conservation district board of supervisors or from the state commission office in Jefferson City, Missouri.

(3) The petitions shall be reviewed by the supervisors of the local soil and water conservation district, and if found adequate, they shall arrange for a hearing. The soil and water conservation districts' supervisors should require certification by an elected county official that the signatures on the petition are those of bonafide landowners.

(4) Within thirty (30) days after petitions have been filed, the board of soil and water conservation district supervisors shall fix a date, hour and place for a hearing.

(5) The board directs the chairman to cause notice to be given to the owners of each tract of land within the proposed subdistrict. The notice to be by publication once each week for two (2) consecutive weeks in one (1) newspaper of general circulation in the county, the last publication of which shall not be

less than ten (10) days prior to the date set for the hearing on the petition. Proof of this service shall be by affidavit of the publisher and be on file with the Soil and Water Districts Commission office in Jefferson City at the time the hearing begins.

(6) The soil and water conservation districts' supervisors shall consider and determine whether the operation of the subdistrict is desirable, practicable, feasible and of necessity in the interest of public health, safety and the general welfare.

(7) All objections to establishment of a subdistrict for any reason must be made in writing and filed with the secretary of the board of supervisors (or combined boards, if applicable) at, or before, the time set for the hearing.

(8) All interested parties shall have the right to attend the hearing and to be heard.

(9) The supervisors may divide a subdistrict into three (3) areas to nominate trustees.

(10) Landowners present at the hearing will nominate at least two (2) landowners from each of the three (3) designated areas, whose names will be placed on the ballot for election to serve as trustees of the subdistrict.

(11) Landowners present at the hearing will name the polling places and select the judges of the polls for the referendum.

(12) The soil and water conservation districts' supervisors, for good cause, may adjourn the hearing to a day certain which shall be announced at the time of adjournment and made a matter of record.

(13) A copy of the official notice of hearing shall be filed with the Soil and Water Districts Commission in Jefferson City.

(14) After the hearings, upon reaching a favorable conclusion, the soil and water conservation district supervisors shall call for and conduct, or cause to be conducted, a referendum.

(15) The referendum shall be by ballot of landowners within the area of the proposed subdistrict. Any landowner may be represented by notarized proxy not more than one (1) year old.

(16) The voting will be on the question of establishing the proposed area as a subdistrict. The ballot shall be so worded as to

clearly state that a tax, not to exceed forty cents (40¢) on one hundred dollars (\$100) valuation of all real estate within the subdistrict, will be authorized if the subdistrict is formed.

(17) Notice of the referendum shall be made in the same manner as the notice of the hearing and a copy of the notice shall be filed with the Soil and Water Districts Commission in Jefferson City.

(18) If sixty-five percent (65%) or more of all landowners voting in a referendum vote in favor of the establishment of a soil and water conservation subdistrict, the soil and water conservation district supervisors shall declare that the subdistrict is duly organized and the action shall be recorded in their official minutes together with an appropriate official name or designation of the subdistrict.

(19) After the entry in the official minutes of the board of soil and water conservation district supervisors of the creation of the subdistrict, the soil and water conservation districts' supervisors shall certify this fact on a separate form and record authentic copies by filing it with the recorder of deeds of each county in which any portion of the subdistrict lies. The certification form shall also be filed with the Soil and Water Districts Commission in Jefferson City.

(20) Three (3) landowners representing the three (3) designated areas within the proposed subdistrict shall be elected to serve as trustees of the subdistrict. One (1) trustee shall be elected for a period of two (2) years; one (1) trustee shall be elected for a period of four (4) years; and one (1) trustee shall be elected for a period of six (6) years. Each of their successors shall be elected for a period of six (6) years. Elections shall not fall upon the date of any regular political election held in the county and a simple majority vote is needed to elect a trustee. The trustees shall be responsible for the administration of the subdistrict. Each trustee shall be reimbursed for any expenses incurred in carrying out his/her responsibilities for the subdistrict.

(21) The board of supervisors of a subdistrict shall submit to the Soil and Water Districts Commission copies of any rules, forms or other documents used in pursuance of their duties and other information concerning their activities as the commission may require.

(22) Subdistricts may be formed lying in more than one (1) soil and water conservation district. In this case, the wording of all forms



and documents used in this formation will be changed to read in the plural as necessary. If the proposed subdistrict lies in more than one (1) soil and water conservation district, the petition may be presented to the board of any one (1) of the districts and the supervisors of all districts shall act jointly as a board with respect to all matters concerning the subdistrict, including its formation. They shall organize a single board and designate the chairman, vice-chairman, secretary and treasurer. The treasurer shall be the duly elected and bonded treasurer of one (1) of the component boards of supervisors.

(23) If the boundary of a subdistrict intersects a property, no less than a legally described one-quarter of a quarter section of land (40 acres) shall be considered for tax assessment purposes.

AUTHORITY: section 278.210, RSMo 1986. Original rule filed Aug. 12, 1957, effective Aug. 22, 1957.

**Original authority: 278.210, RSMo 1957, amended 1969.*

Op. Atty. Gen. No. 281, Buford, 7-3-69.
Section 278.290, RSMo (1969) which requires a waiting period of more than five years for disestablishment of watershed protection and flood prevention subdistricts has no application to the disestablishment of soil and water conservation districts; disestablishment of such districts is governed solely by section 278.150, RSMo (1969) which permits disestablishment at any time.

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.