

Irrigation Districts
K.S.A. 42-701 through 42-730
2004

K.S.A. 42-701. Irrigation districts; petition and application for organization of district; contents of application; application to be accompanied by map and supplementary information. (a) A majority of the qualified owners of irrigable lands within a proposed irrigation district who shall be three or more persons and who own, collectively, at least 60 acres of land which are susceptible of irrigation, and who own a majority of the irrigable acres in such proposed district, may petition and make application to the chief engineer of the division of water resources of the Kansas department of agriculture, for the organization, establishment and authority to incorporate an irrigation district under the provisions of this act. Qualified owners of irrigable land shall be understood and construed to mean taxpayers of such proposed district owning irrigable land or some interest therein, in such proposed district. A qualified owner of irrigable land who is a tenant in common shall be understood and construed to own the number of acres of land to which such person would be entitled in the event that partition were made of such real estate, in kind, upon an acreage basis and not a valuation basis. A qualified owner of irrigable land who is a joint tenant shall be understood and construed to own the number of acres such person would receive in the event that the tract of land involved were divided, in kind, equally among the joint tenants owning such tract, upon an acreage basis and not upon a valuation basis. A corporation incorporated under the provisions of K.S.A. 17-5901, and amendments thereto, trust, association or partnership which legally holds title to such irrigable land shall be a qualified owner of irrigable land under the provisions of this act. Lands to be included in a district need not be contiguous. Irrigation districts may be formed in order to cooperate with the United States under the federal reclamation laws, heretofore or hereafter enacted, or under any act of congress which shall permit the performance by the United States of work in this state for the purpose of construction of irrigation works, including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as a principal or guarantor, of indebtedness to the United States on account of district works. When organized, irrigation districts shall have the authority and power conferred, or that may hereafter be conferred, by law upon such irrigation districts.

(b) The certificate of the register of deeds of the county where the land is located shall be sufficient evidence of title for the purposes of this act. Before any such district shall be established, the requisite number of qualified owners of irrigable lands, shall file an application with the chief engineer of the division of water resources of the Kansas department of agriculture, for the approval of the creation of the proposed district. Such application shall be accompanied by adequate maps, a general description of the lands proposed to be included in the district and a statement of the source of water supply for the district, and such application shall set forth: (1) The proposed name of the irrigation district designated as " _____ Irrigation District No. _____" (indicating in blank space number of district in consecutive order as incorporated and established); (2) a description of the territory proposed to be organized as a district, which description shall be deemed sufficient if generally accurate; (3) the names of the qualified owners of irrigable lands within the proposed district, together with addresses of such persons, if known; (4) the source from which the lands in the proposed district are expected to be irrigated, the character of the works, water rights, canals, ditches, and other property, proposed to

be acquired or constructed for irrigation or drainage purposes in such district; (5) a statement of the need and purpose of organizing, incorporating and establishing such proposed district; and (6) a request that the chief engineer define the boundaries of the lands to be benefited within the proposed district, and for approval of maps, plans and specifications submitted and for a permit approving organization of proposed irrigation district. Such application for authority to incorporate shall be accompanied by application for acquisition of permit for use of water. **(History:** L. 1941, ch. 262, § 1; L. 1947, ch. 284, § 1; L. 1979, ch. 155, § 1; L. 1992, ch. 70, § 1; L. 2004, ch. 101, § 77; July 1.)

K.S.A. 42-702. Powers and duties of chief engineer; expenses; bond or deposit for costs. The chief engineer of the division of water resources shall have the power to grant, reject or withhold approval of the application of the proposed irrigation district and the accompanying maps and other information submitted, or may incorporate in and make a part of his approval and permit, such conditions, regulations and restrictions as may be deemed by him advisable, or may require the submission of additional data or information if deemed pertinent or essential. If such application is denied and rejected the chief engineer shall state his reasons therefor.

All expenses incurred by the chief engineer, and representatives of his office under his direction, exclusive of salaries, in the investigation, inspection and consideration of application of the proposed irrigation district, and its proposed project, shall be certified to and paid by the district, if established, and in event that proposed district is not incorporated and established, then the certified expenses of the chief engineer and his office force as aforesaid shall be paid by the parties signing the application. The chief engineer shall have authority to require bond or cash deposit for security of payment of costs, in such amount as he shall deem sufficient. **(History:** L. 1941, ch. 262, § 2; June 30.)

K.S.A. 42-703. Proposed district; notice of hearing; protest against application; withdrawal of name from petition; review of action on application. Upon receipt of the application of the proposed irrigation district by the chief engineer, the chief engineer shall cause to be published at applicant's expense, once each week for three consecutive weeks, in a newspaper or newspapers of general circulation in the vicinity of the watercourse or source of supply from which water is sought for the land to be included in the proposed irrigation district, a notice of hearing upon such application. The published notice shall be directed to all persons concerned, without specifically naming any person. Such notice shall contain among other matters a general description of boundaries of the district as proposed; the purpose of the district as proposed; the source of the water supply sought for use and the approximate point of diversion proposed; and the date and place of hearing. Incorporated cities shall be excluded from such district. Any person interested, at any time after first publication of such notice and prior to the expiration of 60 days after the first publication of such notice, may file in duplicate with the chief engineer, a verified written protest against the approval of such application, stating therein all reasons relied upon in objection thereto, which objections shall be duly considered by the chief engineer.

A person who signs a petition and application for the organization and incorporation of a proposed irrigation district shall be permitted to withdraw such person's name as a signer only if the chief engineer determines that the signature was obtained by fraud, undue influence or mutual mistake of fact. All applications for withdrawal of a signature from the petition must be filed with the chief engineer, within 30 days after the first publication of the notice of hearing.

The chief engineer may hear and determine any such application for withdrawal of a signature in advance of the hearing for approval of the petition for establishment and organization of the proposed irrigation district.

Any action of the chief engineer upon an application of a proposed irrigation district is subject to review in accordance with the provisions of K.S.A. 2000 Supp. 82a-1901 and amendments thereto. Any action upon such review is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. **(History:** L. 1941, ch. 262, § 3; L. 1947, ch. 284, § 2; L. 1986, ch. 318, § 52; L. 1999, ch. 130, § 1; July 1.)

K.S.A. 42-704. Permit by chief engineer; articles of incorporation; filing fee; nature of corporation. If upon consideration of the application the chief engineer finds and determines that the proposed project is practical, feasible and economically sound and that said applicant is entitled to a permit for use of water sought, the engineer shall issue to said applicant a permit approving the proposed organization, incorporation and establishment of the proposed irrigation district, and prescribing the authority and limitations of said proposed district to acquire for beneficial use the waters from the source or sources requested.

Upon approval of application for the creation of proposed irrigation district by the chief engineer and upon obtaining approval of application for permit to acquire use of water sought, and after expiration of period within which appeals may be perfected and after final determination of all appeals taken, said applicants may present to the secretary of state its articles of incorporation, together with transcript of proceedings before the chief engineer and upon payment of fifty dollars (\$50), shall be eligible to incorporate as a quasi municipal corporation in same manner as is now provided for incorporation of nonprofit private corporations under the corporation code of this state. The proposed articles of incorporation shall be attached to application for approval of creation of proposed district, when filed with chief engineer, and need not be subsequently signed by incorporators, before filing with secretary of state. The articles of incorporation shall contain the legal description of the lands included in the district and a certified copy of the same shall be recorded in the office of the register of deeds of each county in which any of the lands so described are located. **(History:** L. 1941, ch. 262, § 4; L. 1977, ch. 78, § 5; July 1.)

K.S.A. 42-705. Perpetual existence; powers; eminent domain; bonds; tax levies. Upon incorporation as provided in this act, and from thenceforth said irrigation district shall have perpetual existence, subject to dissolution as provided in this act, and shall have a corporate seal and unless otherwise provided, it shall have all the rights, powers and responsibilities belonging to other public corporations, created under and by virtue of the statutes of the state of Kansas including the power of eminent domain, power to issue bonds, levy taxes, assessments and supplemental assessments and generally the power to do and perform all the acts and things necessary and proper to the performance of powers and duties granted and imposed by this act. **(History:** L. 1941, ch. 262, § 5; June 30.)

K.S.A. 42-706. Board of directors; qualifications, election and terms of office; conduct of elections, procedure; oath of office and official bond; conduct of elections in districts of less than 35,000 acres at annual meeting. (a) The officers of such district shall be a board of directors consisting of three members who shall be persons entitled to vote as provided in subsection (h) and residents of a county in which the district or a portion thereof is located, or

county adjoining a county in which such irrigation district or a portion thereof is located. Such members shall hold office for a period of three years, and each shall serve until a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (e) or (f) of this section except that the terms of the three directors shall be as provided in subsection (e) of this section.

(b) The chief engineer of the division of water resources, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such election within 60 days after the date of incorporation. In any irrigation district of more than 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and the board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

(c) The board of directors of every district of more than 35,000 acres which was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election held after the effective date of this act, a director shall be elected from each voting area and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. At each subsequent election, only one director shall be elected each year for a term of three years. Any director elected under this provision must be a person entitled to vote as provided in subsection (h).

(d) All elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Absentee voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated and amendments thereto shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection (h). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120 and amendments thereto and the applications for absentee ballots as provided in K.S.A. 25-1122d and amendments thereto shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections

and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The county election officer shall canvass the ballots, verify the results and declare the person receiving the highest number of votes duly elected as director except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the population of the irrigation district is located shall declare the three persons receiving the highest number of votes duly elected as directors except that in districts divided into three voting areas, the person receiving the highest number of votes in each voting area shall be duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director a certificate of election signed by such officer. The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials. Each member of the board of directors shall execute an official bond in the sum of \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to 125% of the amount, as near as can be ascertained, that shall be in such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by the county election officer. Upon approval of the bond, the county election officer shall endorse such approval thereon and file the same in the office of the county election officer and shall immediately notify the county treasurer of the county in which the registered office of the irrigation district is located of such approval and filing. In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection (h) may cause such suit to be instituted. Premiums on surety bonds for such directors and treasurers of irrigation districts shall be paid by the district out of its general funds. In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term such person was appointed to fill.

(e) All regular elections of directors of irrigation districts shall be held the first Tuesday in March except as provided by subsection (g). Any districts organized after the regular March election shall hold its election at the next regular March election following incorporation of the district and, at this election three directors shall be elected and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. In case the first election after creation of a district is held between June 1 of any year and the day preceding the first Tuesday in March of the next succeeding year, the next regular March election shall be held in the second succeeding year. At each subsequent regular election, only one director shall be elected each year for a term of three years. All persons desiring to be voted upon as directors shall at least 30 days before the day of holding of the elections, file such person's name with the county election officer of the county in which all or the greater part of the population of the irrigation district is

located, affixed to a statement that such person desires such person's name to be placed on the ticket as a candidate for member of board of directors of the district in such election. The county election officer shall make up the ticket, at expense of the irrigation district, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. At least five days before any election held subsequent to first election of directors, the boards of directors shall name and appoint three persons for each voting place, who shall be qualified electors in the district. At least five days before any election, the county clerks of the various counties within which a portion of the district is located, shall cause to be ascertained the names of all persons entitled to vote as provided in subsection (h) and shall furnish lists thereof to each election board within such county and to the secretary of the board of directors of the district. Notice of the time and places of holding of the election, signed by the president and attested by the secretary of the district shall be given in some newspaper or newspapers of general circulation in the district for one issue at least five days prior to date of the election. The return of all special or bond elections shall be made to the secretary of the district, and canvassed by the board of directors. All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

(f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection (h) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in March, except as provided by subsection (g). Notice of the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least 30 days prior to date of such meeting. Elections at the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) of this section. All persons desiring to be voted upon as director shall at least 30 days before the day of holding the annual meeting file such person's name with the secretary of the board of directors of the district, affixed to a statement that such person desires such person's name to be placed on the ballot as a candidate for member of board of directors of the district. The board of directors shall appoint three owners of irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.

(g) In any case where the time for any regular election of directors as described in subsection (e), or the election as described in subsection (f), is the same for any two districts having the same district manager, such election shall be held on the first Wednesday following the first Tuesday in March by the district organized latest in time.

(h) Until such time as assessments are made in the district pursuant to K.S.A. 42-715 and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within

the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

After lands have been assessed in the district pursuant to K.S.A. 42-715 and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of such person's land. As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section. (History: L. 1941, ch. 262, § 6; L. 1949, ch. 284, § 1; L. 1961, ch. 242, § 1; L. 1976, ch. 223, § 1; L. 1977, ch. 171, § 1; L. 1979, ch. 155, § 2; L. 1992, ch. 70, § 2; April 16.)

K.S.A. 42-707. Officers of board; rules and bylaws; central office; seal; contracts; records; open to inspection; duties of county treasurer and treasurer of district. That as soon as practicable after they have qualified, the directors shall meet and select from their number a president, secretary and treasurer, and shall designate one of their number to act as vice-president in case the regular president is absent; that said board of directors may formulate and adopt rules and bylaws to regulate the transaction of business, which may be amended and changed at their pleasure. The board of directors may establish a central office for a meeting place and for the conduct of the affairs and business of the district, which office may be located outside the corporate boundaries of the district, if such location is more convenient than a location within the district. The board of directors shall adopt a seal with which all contracts executed by the board shall be authenticated. The president shall preside at all meetings of the board when he is present, and shall execute all contracts in the corporate name of the district, and all such contracts shall be attested by the secretary, and the seal of the district affixed thereto.

All of the transactions and proceedings of the board shall be entered in writing by the secretary in a journal to be kept by him expressly for such purpose, which journal shall at all times be open for inspection by all electors of the district, and by the chief engineer and his subordinates and representatives, and the same or copies thereof, duly authenticated by the secretary under seal of the corporation, shall be admitted in all courts as evidence of such proceedings and transactions. The county treasurer of the county in which the registered office of said irrigation district is located shall receive, safely keep and pay out as hereinafter provided all funds belonging to the district, and shall be liable upon his official bond for such funds and for any default in the proper performance of his duty in that respect, provided that county treasurers making collections of assessments and taxes upon lands within said districts and within their respective counties shall transmit and transfer said moneys to the county treasurer, wherein the registered office of said district is located, and that each said county treasurer shall be liable upon his official bond for such funds and for the proper performance of his duty in that respect. The purchase price of bonds sold by the district shall be paid directly to such county treasurer, of county where registered office of district is located. The county treasurer of the county in which the registered office of an irrigation district is located shall pay to the treasurer

of such district all moneys in the county treasury belonging to said district, upon the order of the treasurer of the district countersigned by the president and the secretary of the district except as otherwise provided by law: Provided, That said county treasurer shall not pay to said district treasurer any such moneys unless and until he has been notified by the secretary of state that said district treasurer has filed his bond and the same has been approved by the secretary of state.

All moneys received by the treasurer of the district from the county treasurer shall be deposited by him in a depository designated by the board of directors as provided in article 14 of chapter 9 of the General Statutes of 1949, and acts amendatory thereof. The treasurer of each irrigation district shall pay out, on the warrant of the secretary, signed by the president of the district moneys which shall come into his hands for the use of the district, and he shall not pay any sum or sums from the funds of the district in any other manner. The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying the person or persons to whom, and the object for which, the same has been paid out. On the first Monday of February of each year, he shall present to the board of directors at its regular meeting a report in writing containing a statement of all moneys received by him from the county treasurer or from any other source during the calendar year preceding; and of the disbursements made by him with the items of such disbursements, and exhibit the warrants or checks, which report shall be recorded by the secretary; and at the close of his term of office shall settle with the board of directors of the district, and shall hand over to his successor said book and all other records and papers coming into his hands as treasurer of the district, together with all the moneys remaining in his hands as such treasurer. (**History:** L. 1941, ch. 262, § 7; L. 1949, ch. 284, § 2; L. 1961, ch. 242, § 2; April 6.)

K.S.A. 42-708. Meetings of directors; notice; quorum; assessor of district; employees; compensation; official bonds. (a) That all regular meetings of said board of directors shall be held on the first Monday of each month, and special meetings may be held at any time when all of the members are voluntarily present, or may be called by the president or any two members at any time; but notice in writing signed by persons calling any special meeting shall be served upon each director at least six hours before the time fixed for such special meeting, unless such notice be waived by voluntary appearance. If any director be present in the district, such notice must be delivered to him personally, but if absent shall be left at his usual place of residence. A majority of the directors shall constitute a quorum for the transaction of business, and in the absence of the secretary a quorum at any meeting may select a secretary pro tem. Each meeting of the board shall be open to the public.

(b) The board shall appoint an assessor of the district and such other employees as the board shall deem necessary for the efficient conduct of the district's business and shall fix their compensation. Officers and employees appointed by the board shall hold office and employment during the pleasure of the board. The assessor and other employees shall execute such official bonds as the board of directors may prescribe, which such bonds shall be approved by the board of directors and filed with secretary of said district, or with the county treasurer of the county wherein its registered office is located if the board of directors so directs. Premiums on all such bonds shall be paid by the district. The obligee named in any bond required under this act shall be the irrigation district, for use and benefit of said district and all others concerned. (**History:** L. 1941, ch. 262, § 8; June 30.)

K.S.A. 42-709. Provision for preliminary expenses. When a board of directors of any district shall have been elected and qualified, such boards shall have the power and authority to issue and sell negotiable evidences of debt to be designated as irrigation district warrants, in such denominations as the board may fix for the purpose of financing the preliminary work of the board and its engineers, attorneys, agents and employees and such other incidental expenses as may be required for the purpose of formulating and investigating any plan of development in such district and otherwise carry out the purposes of this act and may pledge and agree that the ad valorem taxes first collected by the district shall be used in the payment of such warrants together with interest thereon, if not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009 for which the board may annually levy and collect a general tax not exceeding two mills on the dollar on all taxable property within the district. Said warrants if issued, shall not be sold for less than par and accrued interest and the proceeds of the sale shall be deposited in the same manner authorized herein for proceeds from the sale of bonds and shall only be withdrawn for the limited purposes herein set up.

Any money or surplus not required for the purposes set out in this section shall be used to redeem and buy such warrants and surplus upon resolution of board of directors, may be transferred to the general fund of said district. This section shall be construed as providing temporary and necessary means to finance preliminary expenses of such district, as an exception to the provisions of chapter 319 [*], Laws of Kansas, 1933, and after the completion of works and the receipts of revenue to be derived out of rentals and charges for water or other services, facilities or income of the district, such assessments shall no longer be made and the provisions of chapter 319 [*] of the Session Laws of Kansas, 1933, shall have full force and effect. (History: L. 1941, ch. 262, § 9; L. 1970, ch. 64, § 75; March 21.)

K.S.A. 42-710. General plan of operation; approval by chief engineer; surveys, maps and estimates. (a) As soon as practicable after organization of the irrigation district, the board shall by resolution entered upon its records, formulate a general plan for its proposed operation as approved by the chief engineer, in which it shall state what constructed work or other property is proposed to be purchased and the purchase price therefor, and/or what construction work it is proposed to do and the estimated cost of such construction, and shall state whether funds to pay such purchase price or costs of construction shall be raised by issuing bonds or by creating a fund through the collection of water rentals and charges or by creating a fund by levying assessments against the land benefited or from money received under contract with United States or its departments or agencies, or whether it is contemplated to raise funds by the use of all or a combination of such methods of raising funds.

(b) For the purpose of ascertaining the costs of any such construction work, the board shall cause surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan and furnish the proper basis for an estimate of the cost of carrying out the same. All such surveys, examinations, maps, plans and estimates shall be made under the direction of a competent irrigation engineer and certified by him. The board shall then submit a copy of the same to the chief engineer for his approval. Upon receiving the approval thereof by the chief engineer, as submitted or with limitations or as modified, amended or supplemented, the board shall determine the amount of money required to be raised. (History: L. 1941, ch. 262, § 10; June 30.)

K.S.A. 42-711. Powers of directors. (a) The board of directors, its agents and employees shall have the right to enter upon any land within the district to make surveys and locate the lines of the canals and the necessary branches and laterals for such canals and to maintain and keep in good repair the irrigation and drainage works within districts.

(b) The board of directors shall have the power to acquire by purchase, condemnation or otherwise, rights of way for ditches and canals and sites for dams, reservoirs and pumping plants and all lands, water rights, easements and other property necessary for the construction, use, maintenance, repair and improvement of dams, reservoirs, canals and electric power lines for the conveyance of electricity and gas to operate pumping plants, and all necessary appurtenances thereto.

(c) The board of directors of Cedar Bluff irrigation district No. 6 shall have the power to receive, hold and dispose of real and personal property acquired from the United States department of interior or bureau of reclamation.

(d) The board of directors shall have the right, subject to the limitations contained in this act, to acquire any existing irrigation works, ditches, canals, reservoirs and dams for the use of the district.

(e) The board of directors shall have full power to do any and all things required by the federal statutes now or hereafter enacted, and any and all rules and regulations thereunder in connection with any contract between the United States and the district for the construction, operation and maintenance of any and all necessary works for the storage and distribution of water therein for beneficial use.

(f) The board of directors shall have the power, subject to limitations contained in this act, to determine a plan or method for raising funds to finance the costs of construction and maintenance, or irrigation and drainage works within the district, and to provide funds for the purchase of existing irrigation or drainage works. Such plan may provide for the issuance of bonds, or for the payment of construction costs or purchase price or both, by creating a fund obtained from water rentals or charges to water users, or for a combination of such methods for raising funds. The term "works" as used in this act shall include canals, irrigation ditches, pipe lines, pumping plants, drainage ditches, rights of way, easements, reservoirs, dams and necessary sites for pumping plants, reservoirs and dams and drainage and other property required for complete operation of a system of irrigation.

(g) The board of directors shall have the power to borrow from the United States, its instrumentalities, departments or agencies, such sums of money as may be necessary for constructing, completing, finishing or operating their works, and to mortgage their corporate property and acquired water rights to secure the payment of any debt contracted by the corporation for such purposes and such authority is declared to be an exception to the cash-basis law.

(h) The board of directors shall be empowered to exercise all rights, authority, express and implied, that may be necessary to do and perform and carry out all of the expressed purposes of this act and all purposes reasonably implied and incidental thereto.

(i) The board of directors shall have the power and authority when it is deemed necessary to protect the interests of the district, or the electors thereof, or to protect the interests of the bondholders or other creditors of the district, if funds are available, to purchase any land offered for sale in tax foreclosure proceedings or subject to sale by issuance of tax deed to purchaser by the county. The board may acquire, own and sell such lands in accordance with best interests of the district. The legal title to all property acquired by district shall vest in the district its corporate name. (**History:** L. 1941, ch. 262, § 11; L. 1993, ch. 212, § 1; July 1.)

K.S.A. 42-712. Bonds of indebtedness. Any irrigation district created under the provisions of this act, after it has obtained from the chief engineer, his approval of its plans, maps, specifications, surveys and examinations for proposed irrigation works and projects, and after it has obtained from the chief engineer his approval of its application for an acquisition of beneficial use of water for irrigation purposes, and permit therefor, shall have the power and it is hereby authorized to issue the bonds of said district or otherwise obtain funds as authorized in this act, for the purpose of building and constructing dams, reservoirs, canals, ditches, pumping plants, and electric power and gas lines for operation of same, and/or for the purchasing or condemning lands, water rights and easements, and other necessary property for the construction of the proposed system of irrigation within said district. Said bonds shall mature serially, the first installment of principal shall mature not less than two years, and the last installment not more than forty years from the date of said bonds. The amount of installment payments of principal may be such that the increase thereof from year to year shall approximately equal the decrease from year to year in the interest on the bonds remaining unpaid. Said bonds shall bear interest at a rate to be fixed by the board. (**History:** L. 1941, ch. 262, § 12; June 30.)

K.S.A. 42-713. Bond resolution; election; publication notice. (a) The board of directors of any irrigation district, created under the provisions hereof, which has previously complied with the conditions precedent thereto may adopt a resolution stating (1) the amount of bonds proposed to be issued; (2) the rate or rates they shall bear; (3) the years of maturity; (4) the purpose for which they are proposed to be issued; (5) the total amount of existing bonded indebtedness, if any; and (6) a statement directing submission of said resolution to approval of electors in said district and the date and polling places for said election. Such bond elections shall be conducted and the returns thereof made and canvassed in same manner as for regular election of members of the board of directors as provided in subsection (c) and (d) of section 42-706 except as otherwise provided in this act.

(b) Upon adoption of such resolution by the board of directors providing for the issuance of bonds, the secretary of said board shall cause notice of said election to be given by posting notice thereof in at least three (3) conspicuous places in the district and by publishing said notice three times in a weekly newspaper published in the county where the registered office of said district is located. If no newspaper is published therein, publication in any newspaper of general circulation in the district shall be deemed sufficient. The date of the posting and the publication in the first issue of newspapers containing such notice shall be not less than twenty-

one (21) days before the date of such election. Said notice shall contain a full copy of the resolution, and the question to be submitted at the election shall be whether said resolution shall be approved. The ballot for such election shall be written or printed and shall state the question in substantially the following form:

Shall the resolution of _____ Irrigation District No. _____ providing for the issuance of its bonds in an amount not to exceed \$_____ for the purpose of _____, be approved?

(With all blanks filled in and completed.)

Yes _____
No _____

(History: L. 1941, ch. 262, § 13; L. 1961, ch. 242, § 3; April 6.)

K.S.A. 42-714. Issuance, sale and delivery of bonds. If a majority of the ballots cast at such election are in favor of the proposal to issue bonds as stated in such resolution, the board of directors shall proceed to issue, sell and deliver such bonds as provided herein.

(a) Every bond shall be payable to "bearer" or to the "registered owner" and shall bear interest at the rate specified in the accepted bid for the purchase of the bonds. Each bond shall specify the time and place of payment of the principal and interest and shall be numbered consecutively with the other bonds of the same issue, which shall begin with the number one and continue upward, or if directed by the board shall begin with any number and continue upward.

(b) Such bonds shall be executed in the name of and for the district by the chairperson and secretary of the board. Any interest coupons may be executed by the lithographed or engraved facsimile signature of such officers. The validity of the bonds which are executed shall remain unimpaired by reasons of the fact that one or more of the subscribing or attesting officers have ceased to be such officer or officers, before delivery to the purchaser. Such bonds shall recite that they are, and shall be, payable in lawful money of the United States.

(c) The secretary of the board of directors of the irrigation district shall register in a book provided for that purpose an accurate description of every bond issued, specifying its number, date, purpose, amount, rate of interest, when and where payable and description of any coupons attached. All bonds authorized under this act which have not been delivered to the purchaser within three years after their date shall be canceled. It shall be the duty of the secretary to destroy all canceled bonds, by burning them in the presence of other members of the board of directors and that minutes relating such action be entered in the journal.

(d) Such bonds may be self-liquidating out of the revenue to be derived out of rentals and charges for water uses or other services, facilities or income of the district, or may be paid by means of assessments or by a combination of two or more of such methods.

(e) The revenue derived from the rates charged by the district for the services performed and facilities furnished by it shall be pledged to secure the payment of such bonds and interest thereon, less a proper amount to be set aside by the board of directors, to pay the expenses of operation and maintenance of the district and its works, and to provide for an

adequate depreciation fund. Rates shall be fixed in a reasonable amount sufficient to provide for such purposes.

(f) All money received from sale of any bond issue shall be placed in a fund and applied solely to the payment of the costs of the works proposed or for the purpose or purposes for which the same were issued. (**History:** L. 1941, ch. 262, § 14; L. 1983, ch. 49, § 82; May 12.)

42-715. Annual assessments; duties of assessor; map. The assessor for the district shall as soon as practicable after the first Tuesday of March each year, examine each tract or subdivision of land in said irrigation district and determine the benefits which will accrue to each of such tracts or subdivisions by reason of the construction or acquisition of such works; and the amount so apportioned or distributed to each of said tracts or subdivisions as finally equalized or confirmed by the district court, as the case may be, shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivisions in carrying out the purpose of this act.

Such assessor shall make or cause to be made, a list of such apportionment or distribution, which shall contain a complete description of each tract or subdivision of lands in said district with the amount and rate per acre for such apportionment or distribution of cost, and the name of the owner or owners thereof; or he may prepare a map of convenient scale showing each of said tracts or subdivisions of land with the rate of apportionment or distribution of costs fixed thereon: Provided, That where all lands on any map or section of map are assessed at the same rate, a general statement to that effect shall be sufficient with acreage in each tract shown. Said list or map shall be made in duplicate and one copy shall be filed in the office of the chief engineer and one copy shall be filed in the office of the board of directors of said district, and shall be made available for public inspection. Any assessment of any property in the name of the wrong person shall in no way invalidate the assessment thereof. (**History:** L. 1941, ch. 262, § 15; June 30.)

K.S.A. 42-716. Water rentals or charges. The assessor shall also determine and list the amount payable for each tract obligated by contract, if any, to the United States or any department or agency of the United States, or to any person, corporation or other irrigation district, for the payment of water rentals or charges. (**History:** L. 1941, ch. 262, § 16; June 30.)

K.S.A. 42-717. Delivery of assessment roll; equalization of assessments. (a) On or before the fifteenth day of May, each year, the assessor must complete his assessment roll and deliver it to the secretary of the board of directors. The board shall thereupon fix a time and place when the board will meet to equalize assessments. The secretary shall give notice of such meeting in same manner as providing for posting and publishing notice of election for approval of resolution directing issuance of bonds. (b) Upon the day specified in the notice the board of directors shall meet as a board of equalization for the purposes of equalizing such assessments and shall continue in session from day to day, so long as may be necessary, but not to exceed ten days, exclusive of Sundays. The board shall hear and determine such objections to the apportionment of benefits and assessments as may come before it; and the board shall make such changes in the apportionment of benefits and assessments as shall appear to be just and equitable.

The secretary shall be present during the session of the equalization board, and he shall note the changes made in the apportionment of benefits and assessments returned by the assessor and, in the names of persons assessed; and within ten days after the close of the session he shall have the assessments and benefits as finally equalized by the board, extended into columns and added. (**History:** L. 1941, ch. 262, § 17; June 30.)

K.S.A. 42-718. Certification of levies to county clerk. The board of directors shall then levy an assessment against the lands in the district, sufficient to pay interest on outstanding indebtedness, and all other obligations due or to become due during the ensuing year. In determining the total of such assessment and levy the board shall take into consideration revenues derived from other sources than that obtained from the assessment and taxation of district lands. The secretary of the board shall compute and enter in separate columns of the assessment record the respective sums in dollars and cents required for each purpose and each general purpose shall be denominated a separate fund. If the board finds it necessary it may make an assessment levy (1) for expenses of organizing the district, (2) for operation, maintenance and repair of irrigation works, (3) for the payment of salaries of officers and employees and for other general expenses, which assessment shall be called the "general fund."

The secretary shall compute, or cause to be computed, the sum assessed against each tract for each purpose and shall certify to the county clerk of the respective counties wherein said lands are located, the amount of such assessment for each purpose, or fund, levied upon each tract of land by said board. The county clerk shall enter the total amount assessed against each tract of land in the tax list of his county, and shall certify and deliver same to the county treasurer in manner provided for certifying and delivering other tax levies. Such assessments shall be collected by the county treasurer at the same time and in the same manner as other taxes are collected in the county. (**History:** L. 1941, ch. 262, § 18; June 30.)

K.S.A. 42-719. Compensation of directors. The members of the board of directors shall receive for their services as directors an amount determined and fixed by said board not to exceed thirty-five dollars (\$35) per day and actual traveling expenses. (**History:** L. 1941, ch. 262, § 19; L. 1949, ch. 284, § 3; L. 1976, ch. 224, § 1; Jan. 1, 1977.)

K.S.A. 42-720. Bids for construction work; publication notice; contractor's bond.
(a) After adopting a plan for the proposed canal or canals, ditches, laterals, storage reservoirs, pumping plants and works and after having obtained the approval of same from the chief engineer, and a permit for acquisition of waters for beneficial use, the board of directors shall give notice, by publication thereof in a newspaper of general circulation in said district, at least once not less than fifteen days before bids are received, calling for bids for the construction of the work or any portion thereof, particularly describing the works or portions so advertised. The notice shall also set forth that plans and specifications can be seen at the office of the board, or other designated place within said district; that the board will receive sealed proposals therefor; that the contract will be let to the lowest responsible bidder, stating the time and place of opening of bids.

(b) All bids shall be opened in public at the time and place specified and as soon as convenient thereafter the board shall let such work either in whole or in part to the lowest responsible bidder, or it may reject any and all bids and readvertise for new bids or proposals, or

may proceed to construct the works under their own superintendence with the labor of the residents of the district. All contracts for the purchase of materials shall be awarded to lowest responsible bidder. The person or persons to whom a contract is awarded, shall enter into a bond with good and sufficient sureties, to be approved by the board payable to such district for its use, to an amount equal to twenty-five percent of the contracted price for the faithful performance of the contract, not however, to exceed a maximum of fifty thousand dollars. The work and construction shall be done under the direction and to the satisfaction of the engineer, and be approved by the board. The provisions of this section shall not apply in case of any contract between the district and the United States or with any department, bureau or agency thereof. (History: L. 1941, ch. 262, § 20; June 30.)

K.S.A. 42-721. Payment for property and improvements; additional bonds, election; agreement with federal agencies; water rentals or charges; approval of contract by court before assessments extended; service of process. (a) The costs and expenses of purchasing and acquiring property, irrigation works and improvements shall be paid out of funds raised for such purpose or purposes. In case the bonds, or the proceeds from the sale of any series of bonds, are insufficient for the purpose or purposes for which they were issued, additional bonds may be issued after submission of the question to an election in manner provided in this act.

(b) Any irrigation district may enter into an agreement with the United States or any department, bureau or agency thereof in pursuance of the federal laws governing such department, bureau or agency, or with any person or corporation for the establishment, construction and completion of the necessary irrigation works as provided in this act, and may in such contract or agreement provide for the payment of the cost of establishing and constructing such works by the levy and collection of assessments against the lands benefited and/or by annual payments from funds raised by the collection of water rentals, tolls or charges from persons furnished water for the irrigation of their lands: Provided, That before any assessments shall be extended on the tax roll against any lands in the district, or the contract providing therefor becomes effective, the board of directors in the district shall file an action in the district court in which the greater part of said district is located, for the approval of any such contract and for the approval of the proposed assessments. A copy of the proposed schedule of assessments shall be attached to the petition or embodied therein. Service of process shall be deemed sufficient upon the publication of a notice in three issues, a week apart, in some newspaper of general circulation in the district. Said notice shall be addressed "To the landowners of Irrigation District No. _____ in _____ County, Kansas:" (the number of the district and the name of the county to be filled in) and said notice shall state that a description of the various tracts of land in the district and the respective amounts of assessments proposed for each tract, as fixed by the board, may be examined in the office of the clerk of said district court. It shall not be necessary that the notice contain the description of the various tracts of real estate, or of the total real estate, within the boundaries of the district. Such notice shall specify a date not earlier than thirty days after the date of the first publication of said notice and not later than forty days thereafter within which any qualified owner of land within the district shall file his answer, or other pleadings, to said petition challenging the assessment against his property, if he believes a proposed assessment against his property is either: Too high; erroneously computed; or not uniformly assessed in proportion to other tracts within the district.

Upon trial of said cause, the court shall hear evidence concerning the correctness and uniformity of assessments and may modify the schedule of assessments in accordance with such evidence. The court hearing such evidence shall review the schedule of assessments as proposed by the board of directors and shall not disturb the findings and assessments of the board unless the proposed assessments are manifestly disproportionate. The assessments as determined by the district court shall be final and a conclusive determination that all such proposed assessments have been made in proportion to the benefits conferred upon such properties by reason of the improvements to be constructed, and such assessments shall constitute a perpetual lien on the properties so assessed, until paid. The approval of the proposed contract by the trial court, together with any approved changes or modifications of the same, shall be final and binding upon the parties signatory to said contract. For the purpose of defraying the expenses of organizing the district and the maintenance, operation, management, repair and improvement of such irrigation works, including salaries of officers and employees, the board may collect water rentals or service charges, or may levy assessments therefor, or by a combination of methods. (History: L. 1941, ch. 262, § 21; L. 1951, ch. 304, § 1; March 24.)

K.S.A. 42-722. Dissolution of district; petition to chief engineer. Except as provided by K.S.A. 42-722a and amendments thereto, whenever a petition signed by a majority of the members of the board of directors of an irrigation district, or by a majority of the qualified owners of irrigable land within a district as defined in K.S.A. 42-701, and amendments thereto, organized or existing under provisions of this act, is presented to the chief engineer praying for the dissolution of the district, and it shall appear from the petition that the district has no real property; that the board of directors has not held a meeting, other than those meetings held for the purpose of considering any aspect of the election of members of the board of directors, for more than one year prior to the date resulting in signing and presentation of the petition; and that the district is not functioning, had ceased to function and will probably continue inoperative and that all indebtedness and obligations of the district have been satisfied, the chief engineer, after such finding, shall issue a certificate in duplicate, declaring the irrigation district dissolved. The chief engineer shall forward the original of the certificate to the secretary of state and the duplicate to the secretary of the board of directors of the irrigation district. The certificate shall: (a) Direct the secretary of the district to file all minutes and records of the district with the county clerk of the county wherein the registered office of the irrigation district is located; (b) direct the officer of such district having custody of any personal property other than moneys to make such disposition as the chief engineer deems proper; and (c) direct the treasurer of such district to transfer to the county treasurers of the counties within such district, moneys held in the name of the district, to be distributed by such treasurer in proportion to the number of acres of each county within the district. The county treasurer shall deposit such moneys into the county general fund. The irrigation district shall be dissolved and cease to exist upon expiration of 30 days after the date of the issuance of such certificate, or upon expiration of 30 days after a final order pursuant to K.S.A. 2000 Supp. 82a-1901 and amendments thereto or a final judicial determination affirming the findings of the chief engineer, as set out in the certificate, in event that an appeal is taken therefrom. (History: L. 1941, ch. 262, § 22; L. 1974, ch. 197, § 1; L. 1979, ch. 155, § 3; L. 1993, ch. 212, § 2; L. 1999, ch. 130, § 2; July 1.)

K.S.A. 42-722a. Cedar Bluff irrigation district No. 6; dissolution; procedure. The board of directors of Cedar Bluff irrigation district No. 6 may present a petition, adopted by a

majority of the directors, to the chief engineer requesting the dissolution of such district. The petition shall state the district has no real property; and that the district is not functioning, had ceased to function and probably will continue inoperative; and that all indebtedness and obligations of the district have been satisfied. Upon finding that the petition is true, the chief engineer shall issue a certificate in duplicate, declaring the irrigation district dissolved, and shall forward the original of the certificate to the secretary of state and the duplicate to the secretary of the board of directors of the irrigation district. The certificate shall: (a) Direct the secretary of the district to file all minutes and records of the district with the county clerk of the county wherein the registered office of the irrigation district is located; (b) direct the officer of such district having custody of any personal property other than moneys to make such disposition as the chief engineer deems proper; and (c) direct the treasurer of such district to distribute moneys held in the name of the district to the owners of property within the irrigation district. Such moneys shall be apportioned to each property owner in the district in the same proportion that the number of irrigable acres owned by a property owner, and located in such district, bears to the total number of irrigable acres in the district. The irrigation district shall be dissolved and cease to exist upon expiration of 30 days after the date of the issuance of such certificate, or upon expiration of 30 days after a final order pursuant to K.S.A. 2000 Supp. 82a-1901 and amendments thereto or final judicial determination affirming the findings of the chief engineer, as set out in the certificate, in event that an appeal is taken therefrom. (**History:** L. 1993, ch. 212, § 3; L. 1999, ch. 130, § 3; July 1.)

K.S.A. 42-723. (**History:** L. 1941, ch. 262, § 23; Repealed, L. 1947, ch. 284, § 9; April 10.)

K.S.A. 42-724. Invalidity of part. The sections and provisions of this act are severable and are not matters of mutual essential inducement, and it is the intention of the legislature to confer the whole or any part of the powers herein provided for and if any section, provision or part or parts thereof are for any reason held unconstitutional, void or inoperative, it is the intention that the remaining sections, provisions and parts thereof shall remain in full force and effect. (**History:** L. 1941, ch. 262, § 24; June 30.)

K.S.A. 42-725. Changing of boundaries; petition; approval of chief engineer; withdrawal of name from petition, when. The holders of title, representing one-half or more of lands which taken together constitute one tract of land located adjacent to the boundaries of an irrigation district or located within the same county as a part of an irrigation district, may file with the directors of such irrigation districts, a petition for the changing and extending the boundaries of such district to include such additional lands. The holders of title to lands located within the boundaries of an irrigation district may file with the directors of such irrigation district a petition for the changing of the boundaries of such district to exclude from the district lands which they own. The petition shall describe the boundaries of the proposed additional lands or lands to be excluded, and shall describe the boundaries of the several parcels respectively owned by each of the petitioners, but such description need not be more particular than is required by fractional portions of a quarter section of land. A certified copy of the petition and description of additional lands, proposed to be included in the district, or a description of the lands proposed to be excluded shall be filed with the chief engineer of the division of water resources of the Kansas department of agriculture. The board of directors of the irrigation district shall not take action

upon such petition without the approval of said chief engineer. A signer upon such petition shall not be permitted to withdraw his name as a signer except for fraud, undue influence or mutual mistake of fact. (**History:** L. 1947, ch. 284, § 3; L. 1967, ch. 277, § 1; L. 2004, ch. 101, § 78; July 1.)

K.S.A. 42-726. Same; notice by publication; objections in writing. After such petition has been approved in writing by the chief engineer, the board of directors of the irrigation district shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time as notices for hearing on petition for organization of original irrigation district are required by section 1 [*] of this act. The notice shall state the filing of such petition, a general description of lands mentioned in said petition, and the prayers of the petition. The notice shall be directed to all persons concerned without specifically naming said persons. The notice shall inform such persons concerned to appear in the office of the directors of the irrigation district at a time stated therein, and show cause, in writing, if any they have, why the change in the boundaries of the district as proposed in the petition should not be made. (**History:** L. 1947, ch. 284, § 4; April 10.)

K.S.A. 42-727. Same; hearing on petition. The board of directors, at the time and place stated in the notice, or upon an adjourned hearing thereof, shall proceed to hear the petition, and all objections thereto presented in writing by any person concerned. The failure of any person interested or concerned in the district or the proposed addition thereto or the proposed exclusion of lands therefrom, to show cause of objections in writing, shall be deemed and taken as an assent to the change of the boundaries of the district as prayed for in the petition, or such a change as will include a part or all of proposed additional lands or will exclude a part or all of the lands proposed to be excluded. The filing of the petition with the board of directors shall be deemed and taken as an assent on the part of each and all of the petitioners to such a change of the boundaries of the district as may include the whole or any portion of the lands included in the petition or will exclude the whole or any portion of the lands included in the petition. (**History:** L. 1947, ch. 284, § 5; L. 1967, ch. 277, § 2; July 1.)

K.S.A. 42-728. Same; payments by petitioners may be required. The board of directors, to whom a petition for change of boundaries is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be determined by the said directors, as such petitioners or their predecessors in title would have been required to pay to such district as assessments, had such lands been included in such districts at the time the same was originally formed, exclusive of assessments for water previously supplied to original water users in the original district. (**History:** L. 1947, ch. 284, § 6; April 10.)

K.S.A. 42-729. Same; order on petition. The board of directors, if it deems it for the best interests of the district, may reject the petition for change of boundaries or inclusion or exclusion of lands. If it deems it for the best interests of the district or the petitioners that the boundaries of the district be changed, the board shall, by order duly made, include in the district the lands described in the petition, or such part thereof as shall be determined advisable by said board or exclude from the district the lands described in the petition, or such part thereof as shall

be determined advisable by said board. (**History:** L. 1947, ch. 284, § 7; L. 1963, ch. 269, § 1; L. 1967, ch. 277, § 3; July 1.)

K.S.A. 42-730. Same; amendment to articles of incorporation; recordation; effect. In the event a change in the boundaries of a district is made by an order of the board of directors, said board of directors shall present to the secretary of state an amendment to its articles of incorporation, containing the legal description of the lands to be annexed to or excluded from the district. A certified copy of the amendment to the articles of incorporation shall be filed for record with the register of deeds of each county wherein any district lands or any of the lands added to and included in or excluded from the district are located, and with the chief engineer of the division of water resources. Thereupon the irrigation district shall be and remain an irrigation district as fully and as to every intent and purpose as if the lands which are included in the district by the change of boundaries, had been included therein at the original organization of the district or as if the lands which were excluded from the boundaries of the district had never been included therein. (**History:** L. 1947, ch. 284, § 8; L. 1963, ch. 269, § 2; L. 1967, ch. 277, § 4; July 1.)