

Conservancy Districts

District Services

Conservation District Training

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Conservancy Districts: The Basics



Separate entities from Conservation Districts



Some still exist, but most do not and are defunct



They have different rules than Conservation Districts



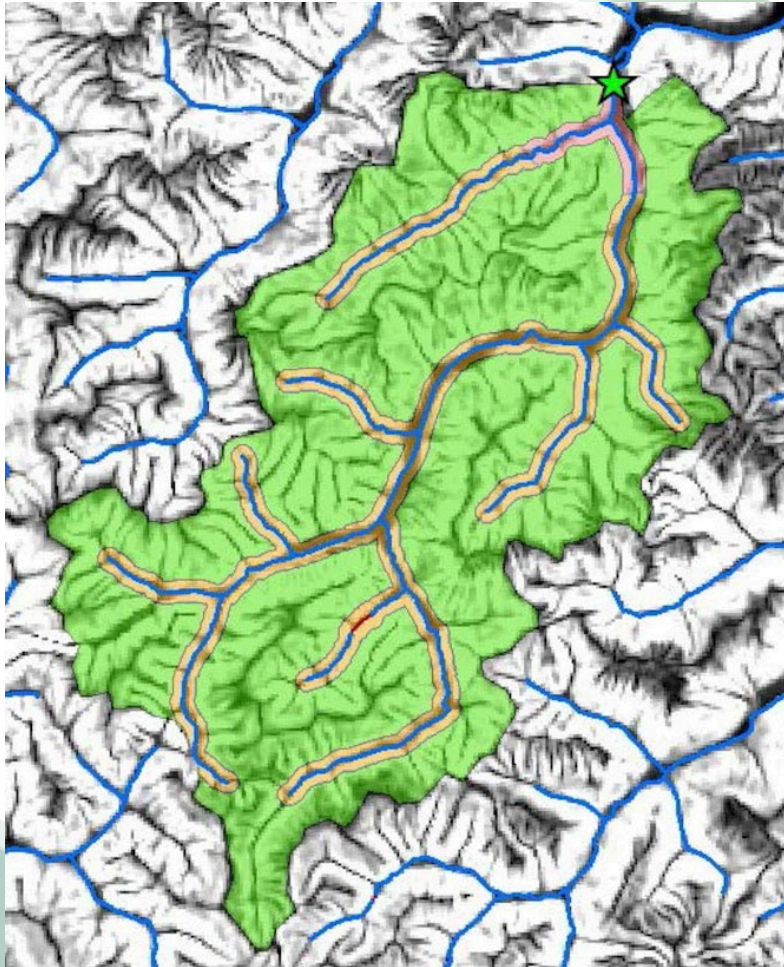
Can tax landowners (assessments) that were protected by Flood Control Structures

Powers of Conservancy Districts



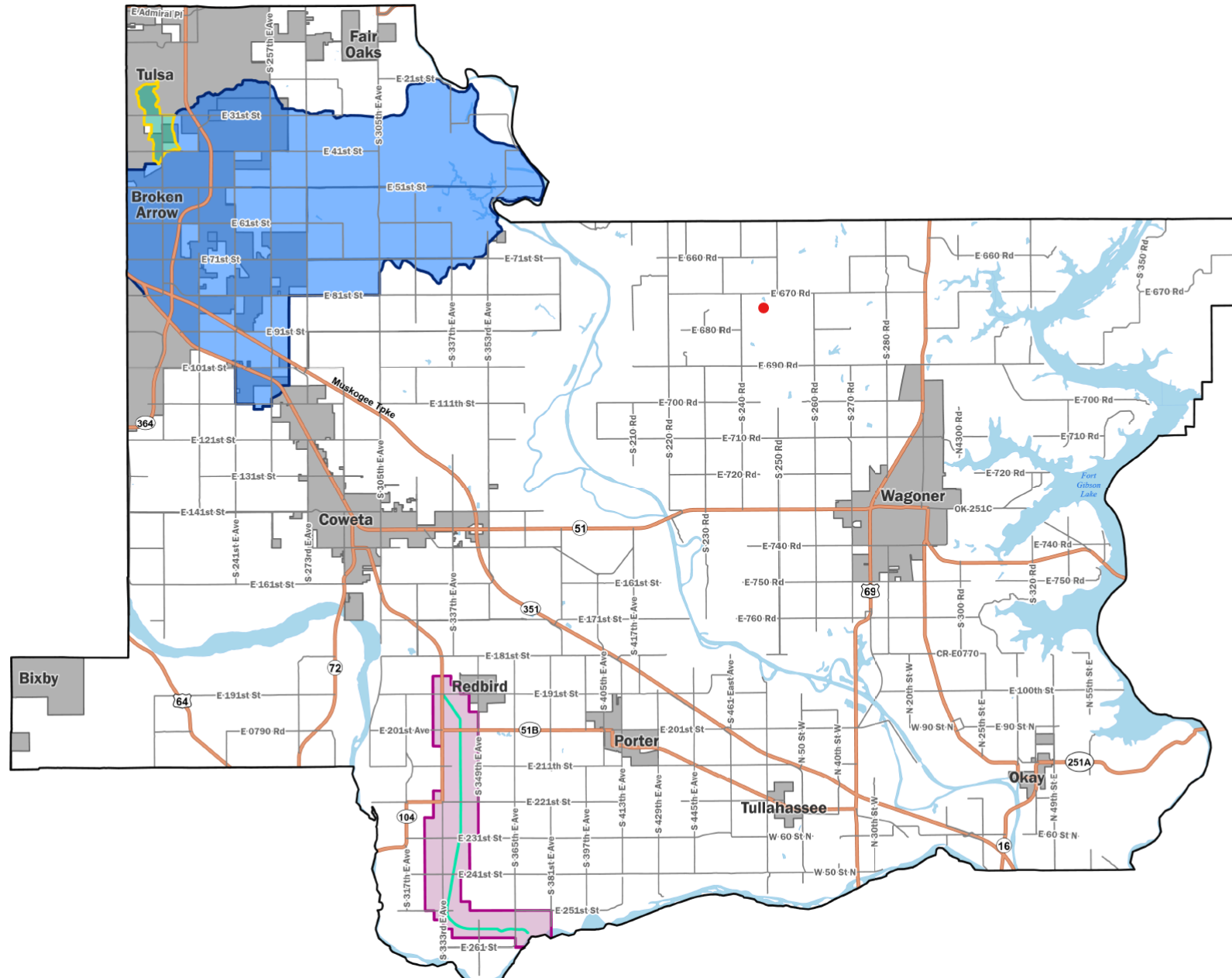
- Purpose: WATER! Preventing floods, regulating streams, irrigation, reclaiming or filling of wetlands, and diverting water flows.
- In certain areas anyone that wanted to use water in a Conservancy District had to apply to the Conservancy District for the right to use water
 - Water rights given to those with the most need and most reasonable use
- Have the power to tax (assess properties and levy) homeowners within District boundary
- Have the power to issue bonds for funding of dams and irrigation

Establishing Conservancy Districts



- Established by Petition, signed by at least 51% of landowners, to the Oklahoma Supreme Court, which transfers to District Court
- Petitioners request amount of land to be included in Conservancy District that will BENEFIT (prevent from being flooded) by the construction of 1 or multiple dams
- District boundaries did not have to touch! Can be multiple, unconnected areas of land, as long as all land benefitting from flood control is included
- Articles of Incorporation must be filed with Oklahoma Secretary of State's Office.
- They are NOT a political subdivision of the State.

Wagoner County Comprehensive Plan Conservancy Districts



Legend

-  Highway
-  Arterial Road
-  Yellow Water Ditch
-  Waterbodies
-  Incorporated Place
-  Wagoner County
- Conservancy Districts**
-  Spunky Creek Conservancy District
-  Adams Creek Conservancy District
-  Choska Conservancy District



Main Power:

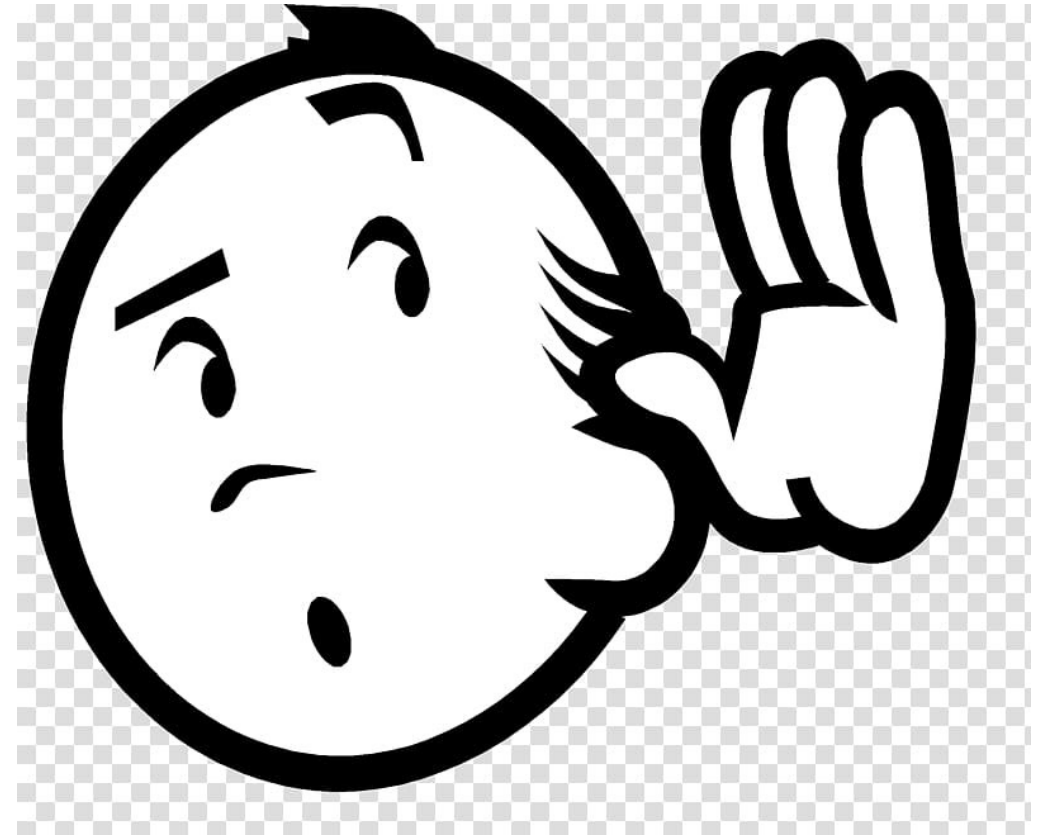
Construction,
operation and
maintenance
of flood
control
structures



Sound familiar?

Conservancy Districts and Conservation Districts often have shared responsibility:

- Both sponsored NRCS flood control dams, have responsibility for operation and maintenance
- Both built their own flood control dams, and performed operation and maintenance
- But notably, Conservancy Districts and Conservation Districts are **NOT the same thing!**



Question 1:

Are Conservation Districts and Conservancy
Districts the same thing?

NO!
Conservation Districts
and
Conservancy Districts
are
SEPARATE ENTITIES!



History of Conservancy Districts

Origin of Conservancy Districts:

Severe flood damage

- **State's flood loss in 1923 alone—approximately \$100M in property damage with 600,000 acres of land flooded**
- This represented \$12M in lost taxes from flooded property
- \$100M = \$1.9 Billion dollars today in property damage

Oklahoman (published as Daily Oklahoman) - February 8, 1924 - page 8
February 8, 1924 | Oklahoman (published as Daily Oklahoman) | Oklahoma City, Oklahoma | Page 8

AN EVER-PRESENT MENACE.

IN the maelstrom of political machinations, there is an extremely important bill that the legislators are likely to forget. This is senate bill 63, known as the conservancy act, a measure designed to prevent the annual recurrence of the disastrous floods which cause millions of dollars' loss each year in Oklahoma, with the loss, also, of a number of human lives.

It is estimated that the loss in Oklahoma last year from floods aggregated \$100,000,000, and that 600,000 acres of land, with a taxable value of \$12,000,000 was ruined.

The year before, the damage was heavy, and if immediate steps are not taken to prevent floods, great losses will be sustained next year and the years following.

Origin of Conservancy Districts:

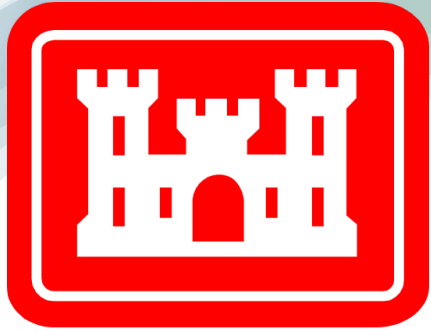
Watershed approach

- Previous law limited water control to **counties**, it was “impossible to drain, or protect these rivers” on a larger, more logical scale.
- Allowed districts to be as large geographically as was the area needing flood control measures—a **watershed approach**.
- This arrangement reduces the overall cost to any of the benefited parties while spreading the benefits more widely.

Under the present laws, a drainage district must be limited to one county. This makes it very difficult, if not impossible, to deal successfully with the flood situation, inasmuch as this problem is one affecting a number of counties along the same river, and even counties in other states.

To cope with the problem, it is necessary that all sections affected shall join in flood-prevention measures. Senate bill 63 makes that possible. Under its provisions, a flood-prevention district could be organized on as large a scale as is the flood problem, itself.

With all affected counties co-operating, and with the national department of agriculture lending its aid, it is proposed to impound the flood waters in natural reservoirs and release them gradually during seasons that are not rainy. In the meantime, these waters could be used for irrigation, if not also for the manufacture of electric power.



**US Army Corps
of Engineers®**

USDA



- To get federal funding, Conservancy Districts had to dam up flowing water and use the watershed approach
- USDA required dams : “must hold back these waters, impound them in the natural reservoirs, and use them where possible for irrigation, power, or other available uses.”
- War Department engineers preferred that that streams “be consistently handled as a whole and not here and there a part of them.”
- The Army Corps of Engineers estimated that the costs of enacting flood-control in Oklahoma on a watershed basis **at less than half of the cost of damage in 1923.**
- The Corps said reservoir construction would pay for itself: could hold enough water to irrigate “as much as five million acres of land, which would return at least **\$100 million dollars, for water rights, or more than the entire costs of the Conservancy Districts**”



BRIDGE AT N.W. 39th & NORTH CANADIAN RIVER. ON ROUTE
TO EL RENO. BRIDGE DAMAGED DURING FLOOD OF 1923.

202.325.040

- February 1924: the Oklahoma Legislature passed the Conservancy Act
- 13 years BEFORE Conservation Districts were created!



Differences
between
Conservancy Districts
and
Conservation Districts



Conservation Districts: Different!

- Created by 1937 Conservation District Act (Revised 1971)
- Formed Soil Conservation Districts
- Focus on Agriculture – local farmers making conservation decisions.
- Cannot tax!
- Can receive legislative funding (Conservancy Districts cannot)
- Have a central State Agency to assist them: The Oklahoma Conservation Commission
 - Conservancy Districts are completely independent with no centralized State entity



**Why can't the
Conservation
District collect taxes
like Conservancy
Districts?**

It's the law!


- The **Conservation District Act** (Title 27A – Environment and Natural Resources) does not allow **Conservation** Districts to collect taxes.
- The **Conservancy District Act** (Title 82 – Waters and Water Rights) allows **Conservancy** Districts to collect taxes (assessments on property value).

Question 2:

Can Conservancy Districts
collect property taxes
("levy assessments")?

Yes!

**Conservancy
Districts can collect
property taxes (“levy
assessments”)**



Current Status of Conservancy Districts



**Do Conservancy
Districts still exist?**

Some still exist!

- Known examples of active Conservancy Districts:
 - Lake Thunderbird Master Conservancy District
 - Payne County Conservancy District #16
 - Red Rock Conservancy District – Noble County
 - Black Bear Conservancy District – Noble County and Pawnee County
 - Turkey Creek Conservancy District– Garfield County
 - Lost Duck Creek Conservancy District – Kay County
 - Fourche Maline Creek #10 – Latimer County

Are there more
**Conservancy
 Districts**
 that you know
 about?

PLEASE tell us!

We are working on
 compiling current
 information about
 Conservancy
 Districts across
 Oklahoma.


Project	Conservancy District	Established	Counties		Current Contact	Notes	Registered Agent
			Covered	Status			
Bear Fall & Coon Creeks	Bear, Fall, & Coon Creeks Water & Soil	12/17/1954			Legal In Use / Active		
Big Cabin Creek	Big Cabin Creek Conservancy District #1	4/25/1961			Legal In Use / Active	Near Vinita	Vinita, OK
Big Wewoka Creek	Wewoka Water and Soil Conservancy	7/1/1954			Inactive / Dissolved		
	Blue River Conservancy District #9	11/27/1957			Legal In Use / Active		
Bois D'Arc-Cowskin Creek	Bois D'Arc-Cowskin Creek Conservancy	3/27/1972			Legal In Use / Active		
Brazil Creek	Brazil Creek Conservancy District #4	8/4/1961			Legal In Use / Active		
Brushy-Peaceable Creek	Brushy-Peaceable Creek Conservancy	8/1/1960	Pittsburg		Legal In Use / Active		McAlester, OK
Buffalo Creek	Buffalo Creek Conservancy District #27	10/5/1960			Legal In Use / Active		
Cache Creek Bottom ??????	Cache Creek Bottom ??????						
Cane Creek	Cane Creek Conservancy District #14	4/24/1958			Legal In Use / Active		
Caney Creek	Lower Clear Boggy River Conservancy						
Caston-Mountain Creek	Caston-Mountain Creek Conservancy	10/23/1958			Legal In Use / Active		
	Central Little River Conservancy District	6/27/1969	Cleveland, Pottawatomie,		Legal In Use / Active		
	Central OK Master Conservancy District	4/5/1961	Del City,		Legal In Use / Active		115 E. Gray St, Norman, OK
	Choska Conservancy District #5	6/25/1956			Legal In Use / Active		
	Coal Creek Conservancy District #1 of Pittsburg & Hughes Counties	7/31/1970	Pittsburg & Hughes		Legal In Use / Active		Rm 301 Federal Bldg., McAlester, OK
Cotton-Coon-Mission Creek	Conservancy District #26	9/14/1960			Legal In Use / Active		206 1st National Bank Bldg,
Cottonwood Creek	Cottonwood Creek Conservancy District	1/28/1958			Legal In Use / Active		
Cottonwood Creek	Cottonwood Conservancy District	12/18/1978					Registered Agent Lannie Registered agent SCS in
Delaware Creek	Lower Clear Boggy Conservancy District	10/21/1963			Legal In Use / Active		
Duck Creek	Duck Creek Conservancy District #1	3/5/1965			Legal In Use / Active		
Duck & Snake Creeks	Duck & Snake Creek Soil & Water	11/16/1960			Legal In Use / Active	Okmulgee area	
Dumpling-Beaver Creek	Dumpling-Beaver Creek Conservancy						
Fitzgerald & Soldier Creeks	Fitzgerald-Soldier Creek Conservancy District	3/30/1962			Legal In Use / Active	2 of them in system but with same	
	Fort Cobb Master Conservancy District	12/10/1987			Legal In Use / Active		
	Foss Reservoir Master Conservancy	1/21/1957			Legal In Use / Active		
	Fouche Maline Creek Conservancy District #10	2/28/1967			Legal In Use / Active	Ellen Foust, Latimer CCD, 918-465-2181	Seems to be 2 of these, does an Ellen Foust
Fouche Maline Creek	Fouche Maline Creek Conservancy District	2/4/1958			Legal In Use / Active		
Frogville Creek	Frogville Conservancy District #1	1/17/1961			Legal In Use / Active	Active and do assessments every	

FOR EXISTING CONSERVANCY DISTRICTS:

Tell landowners directly that they may be taxed!

In the Matter of the Turkey Creek Conservancy District (2008)

- Oklahoma Supreme Court Case
- 82 O.S. Section 606 requires Conservancy Districts to provide notice in a local paper to landowners who will be taxed, and have an opportunity to object
- The Oklahoma Supreme Court ruled that notice by publication in the paper is not enough!
- Landowners who will have assessment levied against them must be informed **DIRECTLY** of the assessments and have the opportunity to challenge the assessment.



What happened to defunct Conservancy Districts?

- Over time some Conservancy Districts stopped functioning – board members did not appoint new board members to replace them and existing board members passed away
- This leaves the Conservancy District unable to operate (defunct!)
- But many Conservancy Districts still have funding in accounts, but have no board and nobody can access funding
- Some Conservancy Districts are still functioning today!

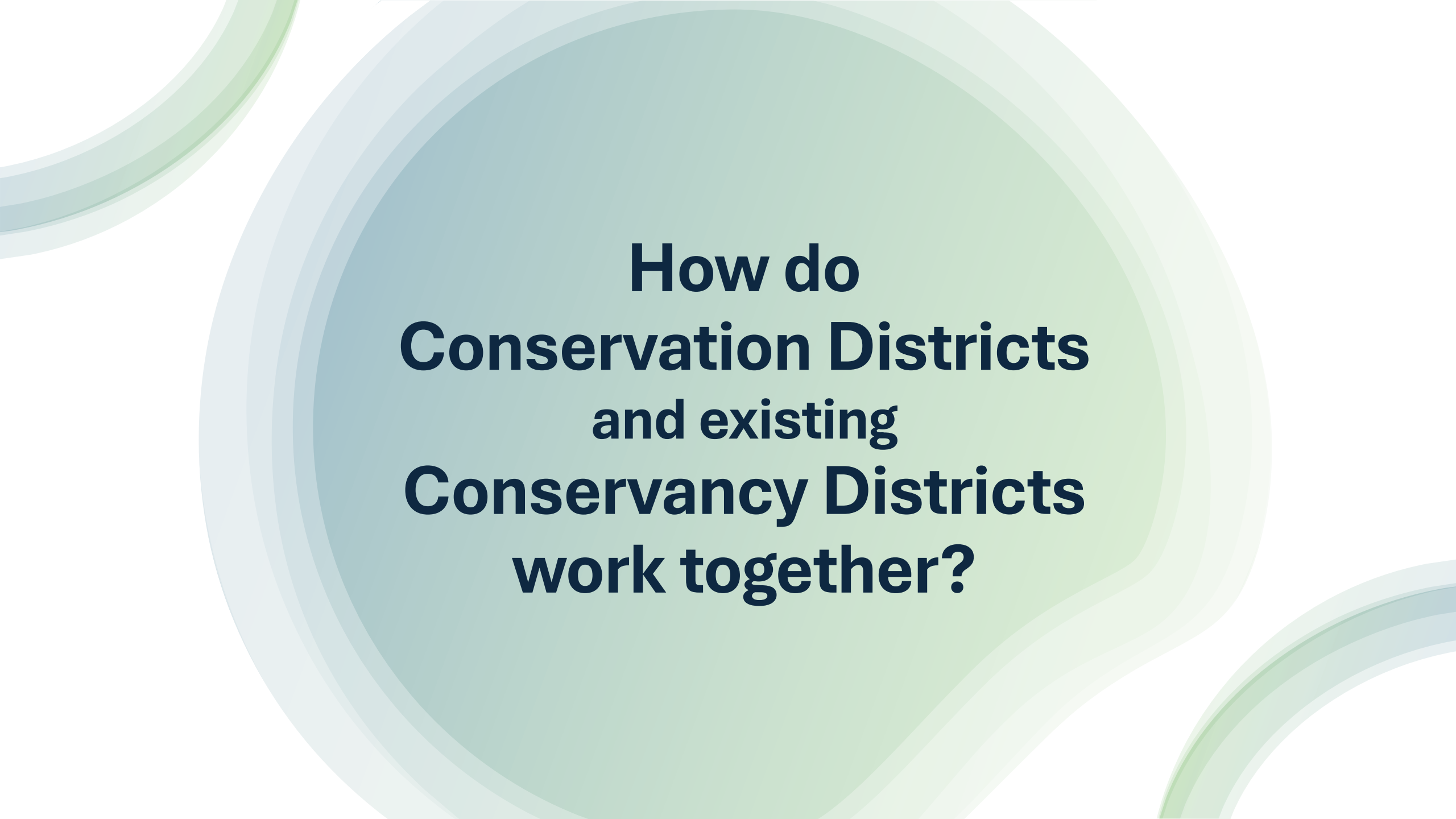
Question 3:

Do SOME Conservancy
Districts still exist?



Yes!


Many Conservancy Districts
still exist and operate today.



**How do
Conservation Districts
and existing
Conservancy Districts
work together?**



Conservancy Districts
and
Conservation Districts
are
PARTNERS
that both sponsor
NRCS Flood Control Dams



**How do
Conservancy
Districts
and
Conservation
Districts
work together?**

- Conservancy Districts' ability to tax landowners allowed funding to be raised for operation and maintenance of dams
- Many Conservation District easements list both Conservancy Districts and Conservation Districts as easement holders
 - Check your easements! You may share sponsorship with a Conservancy District!
- Now, some Conservation Districts perform operation and maintenance on Conservancy District dams

103958

VOL 123 PAGE 10
Easement

Example of shared
easement

(For Construction and Impoundment Purposes)

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Gus Glass

of _____, Grantor, does hereby grant, bargain, sell, convey and release unto
Red Rock Conservancy District and Noble County Soil Conservation District

of Red Rock, Oklahoma _____ its successors and assigns Grantee, an easement in, over and upon the follow-

ing described land situated in the County of _____ Noble _____, State of Oklahoma, to wit:

SE1/4- 9-23-1W

for the purpose of:

For or in connection with the construction, operation, maintenance and inspection of the following described works of improvement to be located on the above described land; for the flowage of any waters in, over, upon or through such works of improvement; and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained by such works of improvement:

Floodwater Structure #2



Relationship between
**Conservation
Commission**
and
**Conservancy
Districts**

27A Section 3-2-106:

Powers of the Conservation Commission

“Cooperate with and give such assistance as it deems necessary and proper **to conservancy districts...**for the purpose of cooperating with the United States through the Secretary of Agriculture **in the furtherance of conservation** pursuant to the provisions of the Federal Watershed Protection and Flood Prevention Act”



**Conservancy
District
Issues**



Easements held only by Conservancy Districts

Issue: Some operation and maintenance easements are held only by Conservancy Districts.

- Some Conservation Districts are continuing the legacy of a non-operating Conservancy District by performing operation and maintenance.
- Some Conservation Districts are PAID by the Conservancy District to perform operation and maintenance.
- Regardless : Operation and maintenance should still be performed.

2462

VOL 130 PAGE 213
Easement

Example of Conservancy
District easement

(For Construction and Impoundment Purposes)

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Anton Shultz

of _____, Grantor, does hereby grant, bargain, sell, convey and release unto

Red Rock Conservancy District #12

of Red Rock, Oklahoma its successors and assigns Grantee, an easement in, over and upon the follow-

ing described land situated in the County of Notle, State of Oklahoma, to wit:

East Half of the South Twenty-six and two-thirds acres (E $\frac{1}{2}$ S 26 2/3 A.) of
South Half of the Northwest Quarter of Section Nine, Township Twenty-three north,
Range One West (S $\frac{1}{2}$ NW 9-23-1N)
for the purpose of:

For or in connection with the construction, operation, maintenance and inspection of the following described works of improvement to be located on the above described land; for the flowage of any waters in, over, upon or through such works of improvement; and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained by such works of improvement;

Floodwater Structure #2

1. In the event construction of the above described works of improvement is not commenced within 8 from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the Grantor, his heirs and assigns.

2. This easement includes the rights of ingress and egress at any time over and upon the above described land of the Grantor and any other land of the Grantor adjoining said land for the purpose of construction, the checking of operations, and the inspection and maintenance of the structure.

3. There is reserved to the Grantor, his heirs and assigns, the rights and privileges to use the above described land at any time, in any manner and for any purpose that does not interfere with construction, operations, maintenance and inspection of the structure.

4. The rights and privileges herein granted are subject to all easement, rights-of-way, mineral reservations or other rights now outstanding in third parties.

5. The Grantee is responsible for operating and maintaining the above described works of improvement.

6. Special provisions:



FUN FACT

Other watershed structure sponsor and easement holder:

- **THE OLD “Conservation Commission” = NOT US!**
 - Created in 1927
 - Was absorbed into the Oklahoma Water Resources Board 10 years later
 - Sometimes held easements for operation and maintenance of dams
 - Our modern Conservation Commission was created in 1972 – much later!



Get a call or email about a Conservancy District?

- Typically, callers are **Title Companies** asking for an “assessment letter”
- this means they are asking for a written statement about Conservancy District taxes (otherwise known as “assessments”)



Get a call about a Conservancy District?

- Does anyone in your office know about a Conservancy?
 - Appropriate **Conservancy District contact person**
 - Ask **other Conservation personnel in your District office** if they have information about Conservancy District status
 - Ask **local NRCS office** for information about local Conservancy District status
 - **Long-serving NRCS personnel** may have knowledge of Conservancy Districts from decades ago
- If you are not aware of Conservancy District, give caller information to **Janet Stewart & Stephanie Acquario, attorneys**



Conservation District receiving Conservancy District Bank Statements -

- Conservancy Districts & Conservation Districts are **SEPARATE ENTITIES**
- Districts that receive Conservancy District bank statements may only receive them because the two districts shared a board member, or shared an employee
- Bank accounts for Conservancy Districts **ARE NOT CONSERVATION DISTRICT FUNDS**
 - Therefore, they should not be included in audits or compilations
 - Your accountant may not know this!



Conservation District Access to Conservancy District funds

- **1. Revive Conservancy District – contract**
 - Conservancy District contracts with Conservation District for Operation and Maintenance
- **2. 51% of Landowners Petition Court to Dissolve Conservancy**
 - Argue to Court that existing funds should be transferred to Conservation District to continue to perform operation and maintenance on dam
- **3. Revive Conservancy District – transfer funds before dissolving**
 - Conservancy District transfers funds to Conservation District to perform operation and maintenance
 - Conservancy District then dissolves itself, with newly appointed board members



Go to court!


Finding out more information

- Search Secretary of State registered organizations to see if Conservancy is listed as “active.”
 - This may not mean the Conservancy is functioning. It just means that it was never formally dissolved.
- Ask **county treasurer** employees about Conservancy district records, or assessments completed (taxes on properties)
- **Ask County Court Clerk** about Conservancy District petition and filing of a map
- General detective work... **ask around town** if anyone has heard of “X Creek Conservancy District No. 31” who were the last board members? Did they pass away without a successor?
- **Can be HARD to find out information!**



Question 4:

How can Conservation
Districts access
Conservancy District funds?

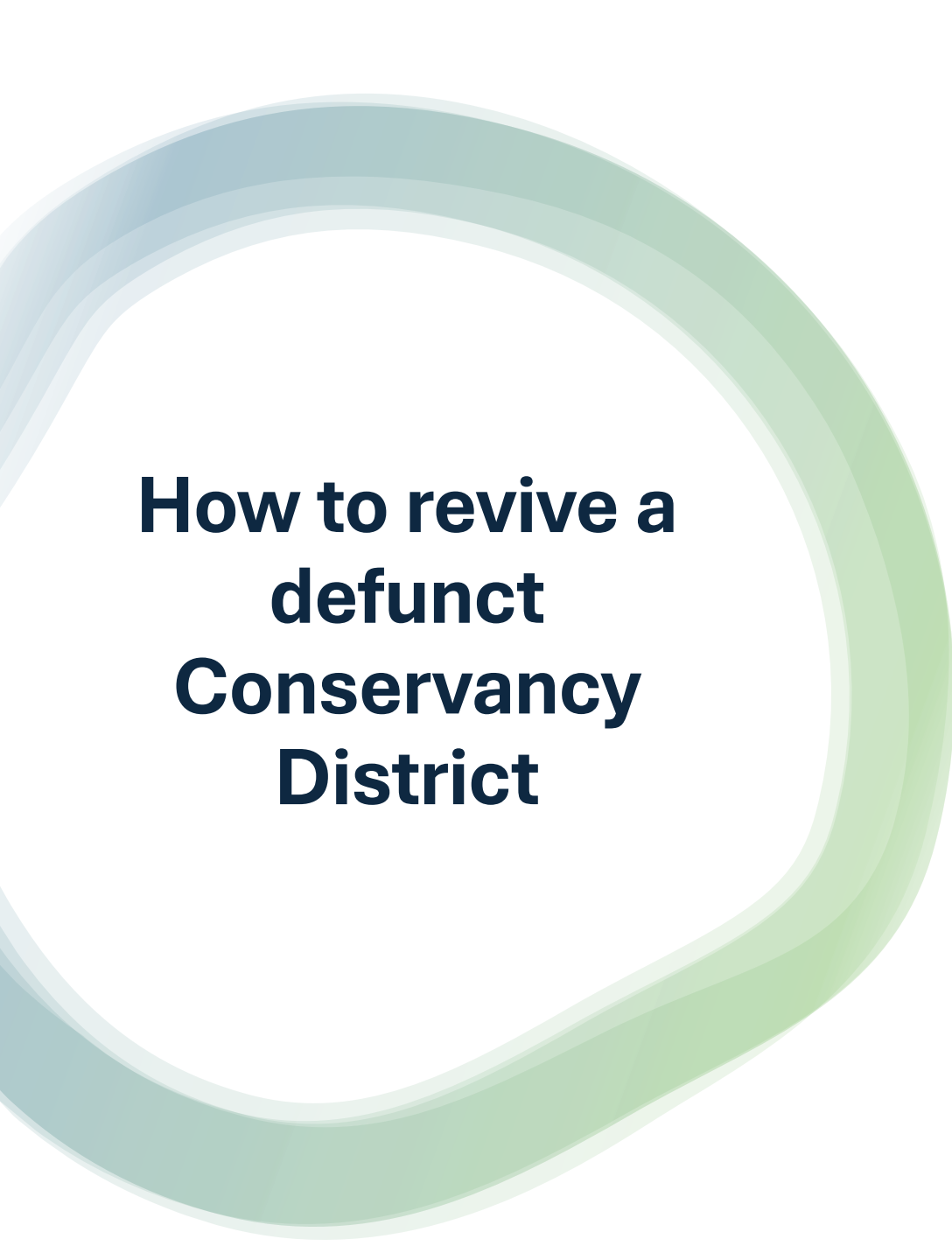


**Through the court
system!**



Why revive a Conservancy District?

Great way to raise funds for operation and maintenance of dams that are in desperate need of rehab or decommissioning!



How to revive a defunct Conservancy District

- [82 O.S. Section 561](#)
- Petition to District Judge to call an election of temporary board of directors
- Publish notice and call a meeting of all owners of land within district for an election of 3 temporary board members conducted by District Judge
- Conduct [appraisal of benefits](#) (court appointed appraisers)
- Court conducts meeting of owners of land with appraised benefits within district to elect permanent board of 3 members



How to create a new Conservancy District

- 51% of landowners of Conservancy land area submit petition to Oklahoma Supreme Court
- Oklahoma Supreme Court transfers to appropriate District Court
- Required public hearing on formation of Conservancy
- Opportunity for affected landowners to object/protest
- District Judge decides to dismiss District formation or allow Conservancy formation by Court Order
- Conservancy files articles of incorporation for Secretary of State's office
- District Judge conducts election of board members

Important takeaways



Conservancy Districts and Conservation Districts are separate entities



Many Conservancy Districts are “defunct,” meaning they did not properly dissolve (close) and distribute their assets



Conservancy District funds are not Conservation District funds



Try to ask around to see if any Conservancy Districts remain in your area – local knowledge is key!



Forward calls and emails from Title Companies asking about Assessments to Janet & Stephanie

Conservancy Districts

