



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

*McDougal*

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R 76-303

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August 4, 1976

Honorable James E. Don  
Pinal County Attorney  
P. O. Box 387  
Florence, Arizona 85232

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**ARIZONA ATTORNEY GENERAL**

Dear Mr. Don:

This is in response to your letter of June 23, 1976 wherein you asked the following:

Must an individual reside within the boundaries of an Irrigation Water Delivery District in order to serve as a member of the Board of Trustees of the District?

A.R.S. § 45-1931.A states in part that:

The management and control of an irrigation water delivery district is vested in a board of trustees which shall consist of three persons who are landowners within the district.

The portion of the statute that prescribes the requisite qualifications of trustees of the district is clear and unambiguous. It requires only that a person own land within the district in order to be eligible to serve on the Board of Trustees of the District; it says nothing about the actual residence of the landowners.

The provisions of A.R.S. § 45-1933.B relating to trustee qualifications are not as clear. The statute provides as follows:

The office of a trustee who removes from the district or who ceases to possess the qualifications of a trustee shall become vacant, and the remaining members shall within thirty days appoint a successor to fill the vacancy for the unexpired term, and issue a certificate of appointment. (Emphasis added.)



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Language similar to that used in the underlined portion of the above statute has been construed in other jurisdictions to mean a change in residence. See, Larson v. Bunch, 255 P.2d 486, 208 Okla. 278 (1953); Prather v. Hart, 24 N.W. 282, 17 Neb. 598 (1885). There are no Arizona cases to seek guidance from interpreting the language in question.

A.R.S. § 45-1933.B must, of course, be read in conjunction with A.R.S. § 45-1931.A since both statutes relate to the same subject matter. See, Campbell v. Superior Court in and for Maricopa County, 18 Ariz.App. 287, 501 P.2d 463 (1972). When the two statutes are read together, it is unreasonable to construe the phrase "removes from the district" as meaning the changing of a trustee's residence from a location within the district to a location outside the district, since A.R.S. § 45-1931.A does not require a trustee to reside within the district in order to be eligible to serve as a member of the Board of Trustees of the District to begin with.

A Cardinal rule of statutory construction is that statutes should be construed so as to give effect to the intent of the lawmakers. Adams v. Bolin, 74 Ariz. 269, 247 P.2d 617 (1952). Additionally, the rules of statutory construction instruct the Courts to look to statutes in pari materia when a statute is found to be ambiguous, in order to determine legislative intent. Frazier v. Terril, 65 Ariz. 131, 175 P.2d 438 (1947).

By applying the above rules of construction to the statute in question this office has concluded that effect will be given to the legislative intent if A.R.S. § 45-1933.B is construed to mean that a trustee "removes from the district" when he ceases to be a landowner within the district; and that the trustee "ceases to possess the qualifications of a trustee" when he fails to meet the qualifications for public officers prescribed in Article 7, Section 15, of the Arizona Constitution. We further conclude that there is no legal requirement that a trustee reside within an irrigation water delivery district in order to serve as a trustee of the district.

Sincerely,

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Attorney General

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