

tracts are within a grazing district, under the Taylor Grazing Act they come within Section 3 of that Act. If they are not within a grazing district, they come within Section 15 of the Act, which describes the lands therein as follows:

“ \* \* \* where vacant, unappropriated, and unreserved lands to the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this act \* \* \* .”

This being true, whether such lands are within Section 3 or Section 15 becomes merely a question of fact whether they are within a grazing district or not. If the moneys are earned from public domain lands within a grazing district they should be distributed as provided by (2)a, Section 191.2 as amended by Chapter 102, Laws of 1939. If such lands are not within a grazing district moneys earned therefrom should be distributed as provided by (2)b Id.

**Opinion No. 268.**

**Counties—Public Domain Lands—  
Apportionment of Moneys Received  
Under Taylor Grazing Act—Section  
191.2, R. C. M., as Amended by  
Chapter 102, Laws of 1939.**

HELD: Moneys received by county treasurers from the state treasurer, being the earnings of isolated tracts of land of the public domain should be distributed according to Section 191.2, R. C. M., 1935, as amended by Chapter 102, Laws of 1939, depending whether such lands are within or not within grazing districts under the Taylor Grazing Act.

November 30, 1940.

Mr. L. J. Onstad  
County Attorney  
Broadus, Montana

Dear Mr. Onstad:

We are not entirely clear as to the facts presented in your request relative to the distribution of moneys as provided by Chapter 102, Laws of 1939, amending Section 191.2, R. C. M., 1935. As we understand it, you desire our opinion regarding the distribution of moneys earned by isolated tracts of public domain lands. If such isolated