

Opinion No. 274.

Counties—Public Domain Lands—
Apportionment of Money Received
Under Taylor Grazing Act—Section
191.2, R. C. M., 1935, as Amended
By Chapter 102, Laws of 1939.

HELD: Moneys received by county treasurers from the State Treasurer earned by public domain lands within a Taylor Grazing District are distributed according to Subdivision 2(a), Section 191.2, R. C. M., 1935, as amended by Chapter 102, Laws of 1939.

December 17, 1940.

Mr. Fred C. Gabriel
County Attorney
Malta, Montana

Dear Mr. Gabriel:

As we understand the facts from your letter of December 11, 1940 and from Mr. Montgomery's letter of December 9, 1940 enclosed, Phillips County is entirely within Montana District No. 1, a Taylor Grazing District. The money received by your County Treasurer from the State Treasurer is from lands of the public domain in Phillips County and therefore necessarily within a Taylor Grazing District. Since Section 15 of the Taylor Grazing Act has to do with "isolated and disconnected tracts", that is "vacant, unappropriated and unserved lands of the public domain so situated as not to justify their inclusion in any grazing district * * * ", the money above referred to could not possibly have been earned under said section but was earned under Section 3 thereof.

Therefore, such money would be distributed as provided by Section 2(a) and not 2(b), which has no application.

We enclose copy of our opinion given to County Attorney Onstad on November 30, 1940.