

HOUSE BILL 615

IN THE HOUSE

February 5, 1979	On motion rules suspended and bill allowed to be introduced.
February 6, 1979	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 7, 1979	Rereferred to Select Committee on Water.
February 17, 1979	Committee recommend bill, do pass.
February 20, 1979	Second reading, as amended.
February 21, 1979	On motion taken from engrossing and referred to second reading.
February 22, 1979	Second reading, do not pass.

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HOUSE BILL NO. *615*

INTRODUCED BY *Senator Don Ramsey of Williams*
Farr, Robert Reukie of Sully

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT
CONSTRUCTION OF BUILDINGS WITHIN 25 FEET OF DITCHES OR
CANALS USED FOR IRRIGATION, OTHER LAWFUL DOMESTIC OR
COMMERCIAL PURPOSE, OR FOR CARRYING WASTE WATER AND
PROVIDING FOR THE PAYMENT OF COSTS AND ATTORNEYS' FEES IN
ACTIONS TO ENFORCE THIS ACT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Construction prohibited within 25 feet of
canals or ditches. (1) No person may construct a building
within 25 feet of a canal or ditch used for irrigation, any
other lawful domestic or commercial purpose, or for carrying
waste water.

(2) This prohibition does not apply if the owner or
managing agent of the canal or ditch consents to such
construction.

(3) Canals and ditches obtained by prescription or
conveyance are included within the scope of [this act].

Section 2. Liability. Whenever a lawsuit is initiated
under [this act], the unsuccessful party shall pay the
successful party the cost of the suit, including the
attorneys' fees.

-end-

HB 615
INTRODUCED BILL

HOUSE BILL NO. 615

INTRODUCED BY SIVERTSEN, DAY, RAMIREZ, WILLIAMS,
FAGG, KOLSTAD, ROSKIE, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT
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COMMERCIAL PURPOSE, OR FOR CARRYING WASTEWATER AND PROVIDING
FOR THE PAYMENT OF COSTS AND ATTORNEYS' FEES IN ACTIONS TO
ENFORCE THIS ACT."

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other lawful domestic or commercial purpose, or for carrying
wastewater.~~

~~{2} This prohibition does not apply if the owner or
managing agent of the canal or ditch consents to such
construction.~~

~~{3} Canals and ditches obtained by prescription or
conveyance are included within the scope of [this act]. NO
PERSON SHALL, WITHOUT AUTHORITY OF THE OWNER OR MANAGING
AGENT, BUILD, CONSTRUCT, OR ERECT A BUILDING OR STRUCTURE
WITHIN THE DISTANCE OF 25 FEET FROM THE NORMAL HIGH WATER~~

~~LINE OF THE CANAL OR DITCH USED FOR CARRYING WATER FOR THE
PURPOSE OF IRRIGATION OR DRAINAGE OR ANY OTHER LAWFUL
DOMESTIC OR COMMERCIAL PURPOSE OR FOR THE CARRYING OF
WASTEWATER. LATERALS SHALL BE ALLOWED 12 1/2 FEET FROM THE
CENTERLINE AS A WORKING RIGHT-OF-WAY. THE PROHIBITION
HEREIN CONTAINED SHALL EXTEND TO CANALS OR DITCHES, THE
RIGHT-OF-WAY TO WHICH WAS OBTAINED BY PRESCRIPTION OR BY
CONVEYANCE.~~

Section 2. Liability. ~~Whenever a lawsuit is initiated
under [this act], the unsuccessful party shall pay the
successful party the cost of the suit, including the
attorneys' fees. IN ANY SUIT, AT LAW OR IN EQUITY TO ENFORCE
THE PROVISIONS OF [THIS ACT], THE SUCCESSFUL PARTY SHALL BE
ENTITLED TO RECOVER FROM THE UNSUCCESSFUL PARTY THE COSTS OF
THE ACTION, INCLUDING REASONABLE ATTORNEYS' FEES EXPENDED.~~

-End-