

SENATE BILL NO. 294
INTRODUCED BY HAZELBAKER,
THOPT, HAND, SEVERSON

IN THE SENATE

January 26, 1983	Introduced and referred to Committee on Natural Resources.
February 14, 1983	Committee recommend bill do pass. Report adopted.
February 15, 1983	Bill printed and placed on members' desks.
February 16, 1983	Second reading, do pass.
February 17, 1983	Correctly engrossed.
February 18, 1983	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 17, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in.

IN THE SENATE

March 23, 1983

Returned to Senate. Sent
to enrolling.

Reported correctly
enrolled.

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INTRODUCED BY *Senate* BILL NO. *294*
Saverson *Holladay* *Thompson* *Holm*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTES GOVERNING THE MANNER IN WHICH TAXES AND ASSESSMENTS ARE MADE AGAINST IRRIGATION DISTRICT LANDS; REMOVING THE \$5 MINIMUM FEE FOR LANDS NOT ABLE TO RECEIVE WATER; PROVIDING FOR ASSESSMENTS UNDER CONTRACTS WITH THE STATE; AND PROVIDING FOR ASSESSMENT OF CONSTRUCTION COSTS FOR GRAVITY SYSTEMS; AMENDING SECTIONS 85-7-2103 AND 85-7-2104, MCA."

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

Section 1. Section 85-7-2103, MCA, is amended to read:

"85-7-2103. All irrigable lands chargeable alike. (1) All irrigable lands in each irrigation district, except such lands that are included within the district because of the exchange or substitution of water under the provisions of 85-7-1912, shall pay at the same rate for all purposes for which the lands are charged, except as otherwise provided by law. There may be an administrative charge of \$5 to \$25 against each separately owned tract of land regardless of its size, as provided in 85-7-2104. ~~However, a separately owned tract of land of 1 acre or less and unable to receive water may be charged not more than the \$5 minimum.~~

(2) Whenever water used for the irrigation of any

1 lands within an irrigation district is obtained by pumping
2 to different elevations, the cost of maintenance, operation,
3 and pumping to each separate elevation shall be apportioned
4 and levied upon the lands lying under the ditch or ditches
5 running from that particular elevation, in such manner as
6 may be determined fair and equitable by the board of
7 commissioners after considering the facts in each case. This
8 apportionment shall be made by the board of commissioners
9 and included each year in the assessment provided for by
10 85-7-2104.
11 (2) The amount of the assessment for maintenance,
12 operation, and pumping of water to each separate elevation,
13 whenever there are different elevations, shall be determined
14 by the board of commissioners in such manner and upon such
15 notice to the persons interested in the district as the
16 board in its rules may provide.
17 (3) Whenever a contract has been made with the United
18 States, the lands within the district, whether originally
19 included or later annexed to the district, shall pay in
20 accordance with the federal reclamation laws and the public
21 notices, orders, and regulations issued thereunder and in
22 compliance with any contracts made by the United States with
23 the owners of the lands and in compliance with the contract
24 between the districts and the United States.
25 (4) ~~Whenever a contract has been made with the state~~

of Montana; the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with state laws and public notices and rules issued thereunder and in compliance with any contract made by the state with the owners of lands and in compliance with the contract between the district and the state.

(5) Whenever the works necessary for the completed project are constructed progressively over a period of years and whenever a portion of the lands within the district are or can be irrigated 1 year or more before the completion of the entire project, those lands so irrigated or that can be so irrigated through the built portion of the project shall pay for the cost of operating that portion of the project serving them with irrigation water and also shall pay such portion of the interest charges as its irrigable area bears to the irrigable area of the entire project.

(6) Whenever lands have appurtenant thereto a partial water right or partial rights in a system of irrigation other than that of the district, the amounts payable shall be equitably apportioned.

(7) Whenever the owners of a portion of the lands within an irrigation district choose to install a gravity system to irrigate those lands, the cost of constructing the gravity system shall be apportioned among and levied upon the lands irrigated by the gravity system in a manner

determined to be equitable by the board. The levy shall be included each year in the assessment charged under 85-7-2104."

Section 2. Section 85-7-2104, MCA, is amended to read:

"85-7-2104. Annual tax levy — apportionment when tracts divided. (1) On or before the second Monday in July each year, the board of commissioners of each irrigation district organized under parts 1 and 15 shall ascertain the total amount required to be raised in that year for the general administrative expenses of the district, including the cost of maintenance and repairs, and the total amount to be raised that year for interest on and principal of the outstanding bonded or other indebtedness of the district, including any indebtedness incurred under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as provided in 85-7-1906. The board shall levy, against each 40-acre tract or fractional lot, as designated by the United States public survey, or platted lot, if land is subdivided in lots and blocks (or where land shall be owned in less than 40-acre tracts or in less than the platted lot, then against each such tract) of land in the district, that portion of the respective total amounts so to be raised which the total irrigable area of any such tract bears to the total irrigable area of the lands in the

1 district, so that each acre of irrigable land in the
2 district shall be assessed and required to pay the same
3 amount as every other acre of irrigable land therein, unless
4 otherwise specifically provided. The board of commissioners
5 may make a charge of \$5 to \$25 against each separately owned
6 tract of land, regardless of its size. ~~However, a separately~~
7 ~~owned tract of land of 1 acre or less and unable to receive~~
8 ~~water may be charged not more than the \$5 minimum.~~

9 (2) In the event that the ownership of any such
10 40-acre tract or other subdivision of land in the district
11 shall be divided after a special tax or assessment against
12 the same has been levied, each or either of the owners of
13 such tract or subdivisions shall be entitled to have such
14 special tax or assessment equitably apportioned to and
15 against said divisions of such tract or subdivisions, so
16 that each owner shall be enabled to pay such special tax or
17 assessment against his portion of such tract or subdivision
18 and have the same discharged from the lien thereof. In no
19 event shall the charge against any separately owned tract of
20 land be less than \$5. ~~However, a separately owned tract of~~
21 ~~land of 1 acre or less and unable to receive water may be~~
22 ~~charged not more than the \$5 minimum."~~

-End-

Approved by Committee
on Natural Resources

SENATE BILL NO. 294

INTRODUCED BY
Sawenson

Senate Staff

1 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTES
2 GOVERNING THE MANNER IN WHICH TAXES AND ASSESSMENTS ARE MADE
3 AGAINST IRRIGATION DISTRICT LANDS; REMOVING THE \$5 MINIMUM
4 FEE FOR LANDS NOT ABLE TO RECEIVE WATER; PROVIDING FOR
5 ASSESSMENTS UNDER CONTRACTS WITH THE STATE; AND PROVIDING
6 FOR ASSESSMENT OF CONSTRUCTION COSTS FOR GRAVITY SYSTEMS;
7 AMENDING SECTIONS 85-7-2103 AND 85-7-2104, MCA."

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

9 Section 1. Section 85-7-2103, MCA, is amended to read:

10 "85-7-2103. All irrigable lands chargeable alike. (1)
11 All irrigable lands in each irrigation district, except such
12 lands that are included within the district because of the
13 exchange or substitution of water under the provisions of
14 85-7-1912, shall pay at the same rate for all purposes for
15 which the lands are charged, except as otherwise provided by
16 law. There may be a an administrative charge of \$5 to \$25
17 against each separately owned tract of land regardless of
18 its size, as provided in 85-7-2104. ~~However, a separately~~
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21 (2) Whenever water used for the irrigation of any

1 lands within an irrigation district is obtained by pumping
2 to different elevations, the cost of maintenance, operation,
3 and pumping to each separate elevation shall be apportioned
4 and levied upon the lands lying under the ditch or ditches
5 running from that particular elevation, in such manner as
6 may be determined fair and equitable by the board of
7 commissioners after considering the facts in each case. This
8 apportionment shall be made by the board of commissioners
9 and included each year in the assessment provided for by
10 85-7-2104.

11 ~~(2)~~ The amount of the assessment for maintenance,
12 operation, and pumping of water to each separate elevation,
13 whenever there are different elevations, shall be determined
14 by the board of commissioners in such manner and upon such
15 notice to the persons interested in the district as the
16 board in its rules may provide.

17 (3) Whenever a contract has been made with the United
18 States, the lands within the district, whether originally
19 included or later annexed to the district, shall pay in
20 accordance with the federal reclamation laws and the public
21 notices, orders, and regulations issued thereunder and in
22 compliance with any contracts made by the United States with
23 the owners of the lands and in compliance with the contract
24 between the districts and the United States.

25 ~~(4) Whenever a contract has been made with the state~~

1 of Montana, the lands within the district, whether
 2 originally included or later annexed to the district, shall
 3 pay in accordance with state laws and public notices and
 4 rules issued thereunder and in compliance with any contract
 5 made by the state with the owners of lands and in compliance
 6 with the contract between the district and the state.

7 (5) Whenever the works necessary for the completed
 8 project are constructed progressively over a period of years
 9 and whenever a portion of the lands within the district are
 10 or can be irrigated 1 year or more before the completion of
 11 the entire project, those lands so irrigated or that can be
 12 so irrigated through the built portion of the project shall
 13 pay for the cost of operating that portion of the project
 14 serving them with irrigation water and also shall pay such
 15 portion of the interest charges as its irrigable area bears
 16 to the irrigable area of the entire project.

17 (6) Whenever lands have appurtenant thereto a partial
 18 water right or partial rights in a system of irrigation
 19 other than that of the district, the amounts payable shall
 20 be equitably apportioned.

21 (7) Whenever the owners of a portion of the lands
 22 within an irrigation district choose to install a gravity
 23 system to irrigate those lands, the cost of constructing the
 24 gravity system shall be apportioned among and levied upon
 25 the lands irrigated by the gravity system in a manner

1 determined to be equitable by the board. The levy shall be
 2 included each year in the assessment charged under
 3 85-7-2104."

4 Section 2. Section 85-7-2104, MCA, is amended to read:
 5 "85-7-2104. Annual tax levy -- apportionment when
 6 tracts divided. (1) On or before the second Monday in July
 7 each year, the board of commissioners of each irrigation
 8 district organized under parts 1 and 15 shall ascertain the
 9 total amount required to be raised in that year for the
 10 general administrative expenses of the district, including
 11 the cost of maintenance and repairs, and the total amount to
 12 be raised that year for interest on and principal of the
 13 outstanding bonded or other indebtedness of the district,
 14 including any indebtedness incurred under any contract
 15 between the district and the United States, accompanying
 16 which bonds of the district have not been deposited with the
 17 United States as provided in 85-7-1906. The board shall
 18 levy, against each 40-acre tract or fractional lot, as
 19 designated by the United States public survey, or platted
 20 lot, if land is subdivided in lots and blocks (or where land
 21 shall be owned in less than 40-acre tracts or in less than
 22 the platted lot, then against each such tract) of land in
 23 the district, that portion of the respective total amounts
 24 so to be raised which the total irrigable area of any such
 25 tract bears to the total irrigable area of the lands in the

1 district, so that each acre of irrigable land in the
2 district shall be assessed and required to pay the same
3 amount as every other acre of irrigable land therein, unless
4 otherwise specifically provided. The board of commissioners
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6 tract of land, regardless of its size. ~~However, a separately~~
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9 (2) In the event that the ownership of any such
10 40-acre tract or other subdivision of land in the district
11 shall be divided after a special tax or assessment against
12 the same has been levied, each or either of the owners of
13 such tract or subdivisions shall be entitled to have such
14 special tax or assessment equitably apportioned to and
15 against said divisions of such tract or subdivisions, so
16 that each owner shall be enabled to pay such special tax or
17 assessment against his portion of such tract or subdivision
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19 event shall the charge against any separately owned tract of
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INTRODUCED BY *Senate* BILL NO. *294*
Sorenson *Phillips* *Thompson* *Alvord*

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[2] Whenever water used for the irrigation of any

lands within an irrigation district is obtained by pumping to different elevations, the cost of maintenance, operation, and pumping to each separate elevation shall be apportioned and levied upon the lands lying under the ditch or ditches running from that particular elevation, in such manner as may be determined fair and equitable by the board of commissioners after considering the facts in each case. This apportionment shall be made by the board of commissioners and included each year in the assessment provided for by 85-7-2104.
[2] The amount of the assessment for maintenance, operation, and pumping of water to each separate elevation, whenever there are different elevations, shall be determined by the board of commissioners in such manner and upon such notice to the persons interested in the district as the board in its rules may provide.
[3] Whenever a contract has been made with the United States, the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with the federal reclamation laws and the public notices, orders, and regulations issued thereunder and in compliance with any contracts made by the United States with the owners of the lands and in compliance with the contract between the districts and the United States.
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1 of Montana, the lands within the district, whether
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THOFT, HAND, SEVERSON

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-End-