

SENATE BILL NO. 279
INTRODUCED BY SWYSGOOD, TASH

IN THE SENATE

JANUARY 29, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1993	PRINTING REPORT. SECOND READING, DO PASS.
FEBRUARY 13, 1993	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 50; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
MARCH 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.
MARCH 10, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 11, 1993	RECEIVED FROM HOUSE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 *Senate* BILL NO. *279*
2 INTRODUCED BY *Sen. Tash*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ADDITIONAL
5 SURVEY REQUIREMENTS FOR SURVEYS AFFECTING IRRIGATION
6 DISTRICTS; LIMITING THE RESPONSIBILITY OF IRRIGATION
7 DISTRICTS FOR CERTAIN IRRIGATION WATER DISTRIBUTION CHANGES;
8 AND AMENDING SECTIONS 76-3-401, 76-3-402, AND 85-7-1922,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Surveys affecting irrigation
13 districts -- additional survey requirements. (1) (a) A
14 surveyor who completes a survey identified in subsection (2)
15 that establishes or defines a section line and creates a
16 parcel that crosses the established or defined section line
17 so that an irrigation district assessment boundary is
18 included in more than 1 section shall note on the survey the
19 acreage of the farm unit or created parcel in each section.

20 (b) The surveyor shall notify the appropriate
21 irrigation district of the existence of the survey and the
22 purpose of the survey.

23 (2) The requirements of subsection (1) apply only to
24 surveys for which the surveyor determines that, based on
25 available public records, the survey involves land:

1 (a) traversed by a canal or ditch owned by an
2 irrigation district; or
3 (b) included in an irrigation district.
4 (3) For purposes of this section, "irrigation district"
5 means a district established pursuant to Title 85, chapter
6 7.

7 **Section 2.** Section 76-3-401, MCA, is amended to read:

8 "76-3-401. Survey requirements for lands other than
9 subdivisions. All divisions of land for sale other than a
10 subdivision after July 1, 1974, into parcels which cannot be
11 described as 1/32 or larger aliquot parts of a United States
12 government section or a United States government lot must be
13 surveyed by or under the supervision of a registered land
14 surveyor. Surveys required under this section must comply
15 with the requirements of [section 1]."

16 **Section 3.** Section 76-3-402, MCA, is amended to read:

17 "76-3-402. Survey and platting requirements for
18 subdivided lands. (1) Every subdivision of land after June
19 30, 1973, shall must be surveyed and platted in conformance
20 with this chapter, including the requirements of [section
21 1], by or under the supervision of a registered land
22 surveyor.

23 (2) Subdivision plats shall must be prepared and filed
24 in accordance with this chapter and regulations adopted
25 pursuant thereto to this chapter.

1 (3) All division of sections into aliquot parts and
 2 retracement of lines must conform to United States bureau of
 3 land management instructions, and all public land survey
 4 corners shall must be filed in accordance with Corner
 5 Recordation Act of Montana (Title 70, chapter 22, part 1).
 6 Engineering plans, specifications, and reports required in
 7 connection with public improvements and other elements of
 8 the subdivision required by the governing body shall must be
 9 prepared and filed by a registered engineer or a registered
 10 land surveyor, as their respective licensing laws allow, in
 11 accordance with this chapter and regulations adopted
 12 pursuant thereto to this chapter."

13 **Section 4.** Section 85-7-1922, MCA, is amended to read:

14 "85-7-1922. Regulation, supervision, apportionment, and
 15 control of water distribution. (1) In addition to all other
 16 powers granted them by the laws of Montana, boards of
 17 commissioners of all irrigation districts, ~~now or hereafter~~
 18 organized under any law of this state, ~~shall have the power~~
 19 ~~and authority to~~ may regulate, supervise, apportion, and
 20 control the furnishing and delivery of water through the
 21 distribution system of the district. ~~Such~~ The authority to
 22 regulate, supervise, apportion, and control shall does not
 23 apply to users who have water rights or ditch rights,
 24 established, acquired by court decree, use, appropriation or
 25 otherwise, at the time or prior to the organization of such

1 the district, without regard to whether ~~said~~ the
 2 distribution system or any a portion thereof of the system
 3 belongs to the district or to the owner of lands served by
 4 ~~said the~~ the district.

5 (2) Notwithstanding the provisions of 85-7-1921 and the
 6 powers granted to the board of commissioners under
 7 subsection (1) of this section, the irrigation district is
 8 not responsible for the:

9 (a) construction, operation, or maintenance of internal
 10 delivery systems; or

11 (b) division of irrigation water after the water is
 12 delivered to the established project delivery points."

13 **NEW SECTION. Section 5.** Codification instruction.
 14 [Section 1] is intended to be codified as an integral part
 15 of Title 76, chapter 3, part 4, and the provisions of Title
 16 76, chapter 3, part 4, apply to [section 1].

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

SENATE BILL NO. 279

INTRODUCED BY SWYSGOOD, TASH

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ADDITIONAL
SURVEY REQUIREMENTS FOR SURVEYS AFFECTING IRRIGATION
DISTRICTS; LIMITING THE RESPONSIBILITY OF IRRIGATION
DISTRICTS FOR CERTAIN IRRIGATION WATER DISTRIBUTION CHANGES;
AND AMENDING SECTIONS 76-3-401, 76-3-402, AND 85-7-1922,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Surveys affecting irrigation
districts -- additional survey requirements. (1) (a) A
surveyor who completes a survey identified in subsection (2)
that establishes or defines a section line and creates a
parcel that crosses the established or defined section line
so that an irrigation district assessment boundary is
included in more than 1 section shall note on the survey the
acreage of the farm unit or created parcel in each section.

(b) The surveyor shall notify the appropriate
irrigation district of the existence of the survey and the
purpose of the survey.

(2) The requirements of subsection (1) apply only to
surveys for which the surveyor determines that, based on
available public records, the survey involves land:

(a) traversed by a canal or ditch owned by an
irrigation district; or

(b) included in an irrigation district.

(3) For purposes of this section, "irrigation district"
means a district established pursuant to Title 85, chapter
7.

Section 2. Section 76-3-401, MCA, is amended to read:

"76-3-401. Survey requirements for lands other than
subdivisions. All divisions of land for sale other than a
subdivision after July 1, 1974, into parcels which cannot be
described as 1/32 or larger aliquot parts of a United States
government section or a United States government lot must be
surveyed by or under the supervision of a registered land
surveyor. Surveys required under this section must comply
with the requirements of [section 1]."

Section 3. Section 76-3-402, MCA, is amended to read:

"76-3-402. Survey and platting requirements for
subdivided lands. (1) Every subdivision of land after June
30, 1973, shall must be surveyed and platted in conformance
with this chapter, including the requirements of [section
1], by or under the supervision of a registered land
surveyor.

(2) Subdivision plats shall must be prepared and filed
in accordance with this chapter and regulations adopted
pursuant thereto to this chapter.

(3) All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners ~~shall~~ must be filed in accordance with Corner Recordation Act of Montana (Title 70, chapter 22, part 1). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body ~~shall~~ must be prepared and filed by a registered engineer or a registered land surveyor, as their respective licensing laws allow, in accordance with this chapter and regulations adopted pursuant thereto to this chapter."

Section 4. Section 85-7-1922, MCA, is amended to read:

"85-7-1922. Regulation, supervision, apportionment, and control of water distribution. (1) In addition to all other powers granted them by the laws of Montana, boards of commissioners of all irrigation districts, ~~now or hereafter~~ organized under any law of this state, ~~shall have the power and authority to~~ may regulate, supervise, apportion, and control the furnishing and delivery of water through the distribution system of the district. ~~Such~~ The authority to regulate, supervise, apportion, and control ~~shall~~ does not apply to users who have water rights or ditch rights, established, acquired by court decree, use, appropriation or otherwise, at the time or prior to the organization of such

the district, without regard to whether ~~said~~ the distribution system or any a portion thereof of the system belongs to the district or to the owner of lands served by ~~said~~ the district.

(2) Notwithstanding the provisions of 85-7-1921 and the powers granted to the board of commissioners under subsection (1) of this section, the irrigation district is not responsible for the NOT REQUIRED TO:

(a) construction, operation, or maintenance of CONSTRUCT, OPERATE, OR MAINTAIN internal delivery systems; or

(b) division of DIVIDE irrigation water after the water is delivered to the established project delivery points."

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 4, and the provisions of Title 76, chapter 3, part 4, apply to [section 1].

NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 279
INTRODUCED BY SWYSGOOD, TASH

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ADDITIONAL SURVEY REQUIREMENTS FOR SURVEYS AFFECTING IRRIGATION DISTRICTS; LIMITING THE RESPONSIBILITY OF IRRIGATION DISTRICTS FOR CERTAIN IRRIGATION WATER DISTRIBUTION CHANGES; AND AMENDING SECTIONS 76-3-401, 76-3-402, AND 85-7-1922, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Surveys affecting irrigation districts -- additional survey requirements. (1) (a) A surveyor who completes a survey identified in subsection (2) that establishes or defines a section line and creates a parcel that crosses the established or defined section line so that an irrigation district assessment boundary is included in more than 1 section shall note on the survey the acreage of the farm unit or created parcel in each section.

(b) The surveyor shall notify the appropriate irrigation district of the existence of the survey and the purpose of the survey.

(2) The requirements of subsection (1) apply only to surveys for which the surveyor determines that, based on available public records, the survey involves land:

(a) traversed by a canal or ditch owned by an irrigation district; or

(b) included in an irrigation district.

(3) For purposes of this section, "irrigation district" means a district established pursuant to Title 85, chapter 7.

Section 2. Section 76-3-401, MCA, is amended to read:

"76-3-401. Survey requirements for lands other than subdivisions. All divisions of land for sale other than a subdivision after July 1, 1974, into parcels which cannot be described as 1/32 or larger aliquot parts of a United States government section or a United States government lot must be surveyed by or under the supervision of a registered land surveyor. Surveys required under this section must comply with the requirements of [section 1]."

Section 3. Section 76-3-402, MCA, is amended to read:

"76-3-402. Survey and platting requirements for subdivided lands. (1) Every subdivision of land after June 30, 1973, shall must be surveyed and platted in conformance with this chapter, including the requirements of [section 1], by or under the supervision of a registered land surveyor.

(2) Subdivision plats shall must be prepared and filed in accordance with this chapter and regulations adopted pursuant thereto to this chapter.

(3) All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners shall must be filed in accordance with Corner Recordation Act of Montana (Title 70, chapter 22, part 1). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall must be prepared and filed by a registered engineer or a registered land surveyor, as their respective licensing laws allow, in accordance with this chapter and regulations adopted pursuant thereto to this chapter."

Section 4. Section 85-7-1922, MCA, is amended to read:

"85-7-1922. Regulation, supervision, apportionment, and control of water distribution. (1) In addition to all other powers granted them by the laws of Montana, boards of commissioners of all irrigation districts, now or hereafter organized under any law of this state, shall have the power and authority to may regulate, supervise, apportion, and control the furnishing and delivery of water through the distribution system of the district. Such The authority to regulate, supervise, apportion, and control shall does not apply to users who have water rights or ditch rights, established, acquired by court decree, use, appropriation or otherwise, at the time or prior to the organization of such

the district, without regard to whether said the distribution system or any a portion thereof of the system belongs to the district or to the owner of lands served by said the district.

(2) Notwithstanding the provisions of 85-7-1921 and the powers granted to the board of commissioners under subsection (1) of this section, the irrigation district is not responsible for the NOT REQUIRED TO:

(a) construction, operation, or maintenance of CONSTRUCT, OPERATE, OR MAINTAIN internal delivery systems; or

(b) division of DIVIDE irrigation water after the water is delivered to the established project delivery points."

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 4, and the provisions of Title 76, chapter 3, part 4, apply to [section 1].

NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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

NEW SECTION. Section 1. Surveys affecting irrigation districts -- additional survey requirements. (1) (a) A surveyor who completes a survey identified in subsection (2) that establishes or defines a section line and creates a parcel that crosses the established or defined section line so that an irrigation district assessment boundary is included in more than 1 section shall note on the survey the acreage of the farm unit or created parcel in each section.

(b) The surveyor shall notify the appropriate irrigation district of the existence of the survey and the purpose of the survey.

(2) The requirements of subsection (1) apply only to surveys for which the surveyor determines that, based on available public records, the survey involves land:

(a) traversed by a canal or ditch owned by an irrigation district; or

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(3) For purposes of this section, "irrigation district" means a district established pursuant to Title 85, chapter 7.

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(2) Subdivision plats shall must be prepared and filed in accordance with this chapter and regulations adopted pursuant thereto to this chapter.

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 2 retracement of lines must conform to United States bureau of
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 4 corners ~~shall~~ must be filed in accordance with Corner
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 8 the subdivision required by the governing body ~~shall~~ must be
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 10 land surveyor, as their respective licensing laws allow, in
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 17 commissioners of all irrigation districts, ~~now or hereafter~~
 18 organized under any law of this state, ~~shall have the power~~
 19 ~~and authority to~~ may regulate, supervise, apportion, and
 20 control the furnishing and delivery of water through the
 21 distribution system of the district. ~~Such~~ The authority to
 22 regulate, supervise, apportion, and control ~~shall~~ does not
 23 apply to users who have water rights or ditch rights,
 24 established, acquired by court decree, use, appropriation or
 25 otherwise, at the time or prior to the organization of such

1 the district, without regard to whether said the
 2 distribution system or any a portion thereof of the system
 3 belongs to the district or to the owner of lands served by
 4 said the district.

5 (2) Notwithstanding the provisions of 85-7-1921 and the
 6 powers granted to the board of commissioners under
 7 subsection (1) of this section, the irrigation district is
 8 not responsible for the NOT REQUIRED TO:

9 (a) construction, operation, or maintenance of
 10 CONSTRUCT, OPERATE, OR MAINTAIN internal delivery systems;
 11 or

12 (b) division of DIVIDE irrigation water after the water
 13 is delivered to the established project delivery points."

14 **NEW SECTION. Section 5.** Codification instruction.
 15 [Section 1] is intended to be codified as an integral part
 16 of Title 76, chapter 3, part 4, and the provisions of Title
 17 76, chapter 3, part 4, apply to [section 1].

18 **NEW SECTION. SECTION 6.** EFFECTIVE DATE. [THIS ACT] IS
 19 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-