

House BILL NO. 170

INTRODUCED BY

Ross

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MEMBERS OF AN IRRIGATION DISTRICT, BY SPECIAL ELECTION OR PETITION, TO REQUIRE THE BOARD OF COMMISSIONERS OF THE IRRIGATION DISTRICT TO IMPOSE AN ACREAGE LIMITATION ON THE SIZE OF FARMS THAT WILL BE SERVICED BY THE IRRIGATION DISTRICT; ALLOWING A LANDOWNER OR LESSEE WHO IRRIGATES ACREAGE IN EXCESS OF THE LIMITATION TO CONTINUE OPERATIONS UNDER CERTAIN CONDITIONS; AND ALLOWING AN IRRIGATION DISTRICT THAT HAS IMPLEMENTED AN ACREAGE LIMITATION TO WITHHOLD WATER TO ACREAGE IN EXCESS OF THE LIMITATION."

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

**NEW SECTION. Section 1. Limitation on irrigable acreage -- special election or petition.**

(1) The board of commissioners of an irrigation district shall, when authorized as provided in subsection (2), limit the amount of acreage within any farm operation in the district that may be serviced by the district.

(2) In determining whether to impose an acreage limitation on a particular farm operation:

(a) the board of commissioners may submit the question to the qualified electors of the district by special election as provided in 85-7-1712; or

(b) the limitation may be imposed based on a petition signed by not less than 60% of landowners representing not less than 60% of the irrigated land within the boundaries of the irrigation district.

(3) If a limitation is imposed by special election or petition, the minimum acreage limit that may be imposed is 960 acres of land owned or leased by any individual or legal entity.

(4) An irrigation district that has imposed an acreage limitation may require certification of acreage and designation of excess acreage by the electors. Except as provided in subsection (5), the district may withhold water on all acres designated as excess acres.

(5) An individual or legal entity that owns or leases irrigated acreage in excess of the limitation at the time the process of imposing a limitation begins may continue operations without penalty and without having water withheld as long as the ownership or lease remains with that individual or legal entity.

(6) The board of commissioners may adopt regulations necessary to administer the provisions of

1 this section.

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3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
4 integral part of Title 85, chapter 7, and the provisions of Title 85, chapter 7, apply to [section 1].

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6 NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that  
7 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
8 act].

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