

HOUSE BILL NO. 418

INTRODUCED BY R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LIMITATIONS ON IRRIGABLE ACREAGE WITHIN AN IRRIGATION DISTRICT; PROVIDING A DEFINITION; AND AMENDING SECTION 85-7-1837, MCA."

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

**Section 1.** Section 85-7-1837, MCA, is amended to read:

**"85-7-1837. 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 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~~ a qualified recipient.

(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~~ A qualified recipient ~~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~~ THE QUALIFIED RECIPIENT.

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

1 (7) For the purposes of this section, "qualified recipient" means an individual, married couple,

2 corporation, trust, or partnership that operates as an individual, independent farm operation."

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