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Geil v. Missoula Irrigation Dist., 59 P.3d 398 (Mont. 2002)

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Geil v. Missoula Irrigation Dist., 59 P.3d 398 (Mont. 2002)

Using the same standard of review, the court then reviewed the district court's limitation of Quigley's easement rights, which limited the size of machinery Quigley could bring onto Graveley's property to maintain and repair the Quigley Ditch, and which required Quigley to access Graveley's property using specific vehicles and specific routes. The court affirmed all of these limitations except the one limiting the size of machinery Quigley could use to repair and maintain his ditch. The court reasoned that limiting Quigley to the use of smaller equipment could be dangerous and much less effective than using larger equipment. Thus, the court ordered that Quigley be permitted to use any equipment designed for ditch repair and maintenance, so long as such equipment would not damage Graveley's property or expand the current dimensions of the Quigley Ditch.

Next, the court determined whether the district court erred in finding both Quigley and Graveley jointly liable for the washout. The court reviewed the evidence brought before the district court, which consisted of two credible, though contradictory reasons for the washout. Evidence presented by Quigley blamed the washout on Graveley's recent remodeling of the Graveley Ditch, while evidence presented by Graveley blamed the washout on the Quigley Ditch carrying too much water. The court concluded that the district court's apportionment of equal fault to both parties was not erroneous, and therefore affirmed the finding.

The court also affirmed the district court's order that Quigley pay Graveley's attorney's fees. The court found the lower court had correctly applied the relevant state statute entitling the prevailing party to reasonable attorney's fees. According to the district court, Graveley prevailed on the only claim he brought against Quigley—an encroachment claim—and was therefore correctly awarded attorney's fees.

Next, the court reviewed the lower court's refusal to grant Quigley a new trial regarding an injunction temporarily limiting Quigley's ditch flow to 400 miner's inches until he could prove it was safe to transport more. The court affirmed the district court's ruling, which was based on Quigley's failure to present new evidence sufficient to prove this fact. Lastly, the Court found that the lower court had not abused its discretion when determining the amount of damage suffered by each party due to the washout. The court therefore affirmed this determination.

Kate Osborn

Geil v. Missoula Irrigation Dist., 59 P.3d 398 (Mont. 2002) (holding legislation permitting irrigation district members to petition for exclusion from the district for taxation purposes did not violate district's rights to equal protection or due process).

Raymond Geil and over 500 additional individuals sought to exclude their land from taxation by the Missoula Irrigation District (“MID”). Although legislation authorized irrigation districts to tax district members to pay for irrigation expenses, district members could petition for exclusion if the irrigation district did not currently serve the land in question. The District Court for the Fourth Judicial District consolidated the claims and appointed a special master. After reviewing the special master’s recommendations, the court issued a Notice of Intent to enter a final order exempting Geil’s property from MID taxation. Despite MID’s objection, the district court ultimately issued the final order. On appeal to the Montana Supreme Court, MID argued three major points: first, the legislation denied MID’s right to equal protection; second, the legislation denied MID’s right to due process; and third, the court’s ruling violated the principle of *res judicata* with respect to a 1922 court decree finding all of the land within the MID susceptible to irrigation. The Montana Supreme Court affirmed the district court’s rulings.

In 1909, the Montana legislature passed legislation (“Act”) authorizing the establishment of irrigation districts. Pursuant to the Act, groups of landowners within a district could petition the district court for exclusion from taxation if the district’s irrigation system could not successfully irrigate their lands. In 1997, the legislature temporarily amended the Act (the “Amendment”). The Amendment loosened those petition requirements, allowing individual landowners with smaller tracts to request exclusion. Although worded in general terms, the Montana legislature intended, as evidenced by the legislative history, for the Amendment to apply only to the MID. MID challenged the Amendment’s constitutionality because it believed granting the numerous petitions resulting from the Amendment would result in increased assessments for the remaining district members.

After ruling MID had standing to challenge the constitutionality of the Act, the court addressed whether the Act deprived MID of its right to equal protection under the law. In addressing the equal protection challenge, the court first identified the classes and determined whether they were similarly situated. MID argued the Act subjected MID to a law that did not apply to other similarly situated districts. The court agreed, finding the legislature intended the Amendment to apply only to the City of Missoula, and that other urban districts not covered by the Amendment were similarly situated.

Using rational basis review, the court then addressed whether the Act violated MID’s right to equal protection. Under rational basis review, the government must have shown the Amendment’s objective was legitimate and the objective bore a rational relationship to the classification used by the legislature. Citing the trial court’s finding that the legislature intended to ensure only those persons who used the irrigation works should pay for them, the court held that purpose to be legitimate.

The court then addressed whether the purpose bore a rational relationship to the legislature's classification. MID argued that the purpose—ensuring only those persons who used irrigation works should pay for them—was not rationally related to a provision that only applied to the City of Missoula. In resolving public welfare issues, a legislature is free to deal with one class at a time. Thus, the court affirmed the district court's holding that the legislative classification was rationally related to its objective.

MID also argued the Amendment deprived the district and its members of due process. First, MID argued the notice provision was deficient by only requiring a petitioner to mail a petition to the irrigation district and not to every landowner in the district. Second, MID argued the Amendment did not provide members an opportunity to be heard regarding the petition. Specifically, MID alleged the Amendment did not provide it the opportunity to show users could feasibly obtain water from the irrigation district.

"Notice sufficiently comports with due process if it is reasonably calculated, under all circumstances, to inform parties of proceedings which may directly affect their legally protected interests." MID argued sufficient notice required a petitioner mail notice to all district members. However, when arguing it had standing to bring suit, MID claimed it represented the interests of its members. The court found MID's notice argument disingenuous given its conflicting earlier position when arguing for standing.

The court also found MID had an opportunity to show users could obtain water from the district. Due process requires an opportunity to be heard "at a meaningful time and in a meaningful manner." Under the Amendment, a district could file an objection to a petition within 15 days. Further, the district court in the instant case held two hearings regarding MID's objections. For these reasons, the court held the Amendment afforded Geil due process.

Finally, MID argued *res judicata* prevented Geil from arguing his land was not susceptible to irrigation after the original 1922 decree found all land within the district susceptible to irrigation. *Res judicata* bars litigation if the following four criteria are met: "(1) the subject matter of each action must be the same; (2) the parties or their privies of each action must be the same; (3) the issues must be the same and relate to the same subject matter; and (4) the capacities of the persons must be the same in reference to the subject matter and to the issues between them." The court found the subject matter differed. In 1922, the subject involved establishment of the MID, whereas the instant case involved exclusion from the irrigation district.

Therefore, the Montana Supreme Court affirmed the district court's ruling.

Brian L. Martin