

115TH CONGRESS  
1ST SESSION

# H. R. 519

To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2017

Mr. BUCK (for himself, Mr. GOSAR, Mr. TIPTON, Mrs. LOVE, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water and Agriculture  
5 Tax Reform Act of 2017”.

1 **SEC. 2. FACILITATE WATER LEASING AND WATER TRANS-**  
2 **FERS TO PROMOTE CONSERVATION AND EF-**  
3 **FICIENCY.**

4 (a) IN GENERAL.—Paragraph (12) of section 501(c)  
5 of the Internal Revenue Code of 1986 is amended by add-  
6 ing at the end the following new subparagraph:

7 “(I) TREATMENT OF MUTUAL DITCH IRRI-  
8 GATION COMPANIES.—

9 “(i) IN GENERAL.—In the case of a  
10 mutual ditch or irrigation company or of a  
11 like organization to a mutual ditch or irri-  
12 gation company, subparagraph (A) shall be  
13 applied without taking into account any in-  
14 come received or accrued—

15 “(I) from the sale, lease, or ex-  
16 change of fee or other interests in real  
17 and personal property, including inter-  
18 ests in water,

19 “(II) from the sale or exchange  
20 of stock in a mutual ditch or irriga-  
21 tion company (or in a like organiza-  
22 tion to a mutual ditch or irrigation  
23 company) or contract rights for the  
24 delivery or use of water, or

1                   “(III) from the investment of  
2                   proceeds from sales, leases, or ex-  
3                   changes under subclauses (I) and (II),  
4                   except that any income received under sub-  
5                   clause (I), (II), or (III) which is distrib-  
6                   uted or expended for expenses (other than  
7                   for operations, maintenance, and capital  
8                   improvements) of the mutual ditch or irri-  
9                   gation company or of the like organization  
10                  to a mutual ditch or irrigation company  
11                  (as the case may be) shall be treated as  
12                  nonmember income in the year in which it  
13                  is distributed or expended. For purposes of  
14                  the preceding sentence, expenses (other  
15                  than for operations, maintenance, and cap-  
16                  ital improvements) include expenses for the  
17                  construction of conveyances designed to de-  
18                  liver water outside of the system of the  
19                  mutual ditch or irrigation company or of  
20                  the like organization.

21                  “(ii) TREATMENT OF ORGANIZA-  
22                  TIONAL GOVERNANCE.—In the case of a  
23                  mutual ditch or irrigation company or of a  
24                  like organization to a mutual ditch or irri-  
25                  gation company, where State law provides

1           that such a company or organization may  
2           be organized in a manner that permits vot-  
3           ing on a basis which is pro rata to share  
4           ownership on corporate governance mat-  
5           ters, subparagraph (A) shall be applied  
6           without taking into account whether its  
7           member shareholders have one vote on cor-  
8           porate governance matters per share held  
9           in the corporation. Nothing in this clause  
10          shall be construed to create any inference  
11          about the requirements of this subsection  
12          for companies or organizations not in-  
13          cluded in this clause.”.

14          (b) EFFECTIVE DATE.—The amendment made by  
15          subsection (a) shall apply to taxable years beginning after  
16          the date of the enactment of this Act.

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