

AGAI Ripple

AGAIMT.com

AGAI's mission is to be the guardian and advocate of the Gallatin River system and its historically decreed water rights.

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Save the date!

AGAI's Annual Membership Meeting

Tuesday, December 2nd at Stockman Bank in Belgrade
 (6050 Jackrabbit Lane, Belgrade)

Enjoy the dessert potluck and get updated on current water issues.

Doors open at 6:30pm , meeting begins at 7:00 pm

- Committee Reports / Director Elections / Outlook for 2015 / Budget
- CSKT Compact Presentation by Melissa Hornbein - Special Assistant Attorney General Montana Department of Natural Resources and Conservation. Reserved Water Rights Compact Commission and Trustlands Management Division
- Krista Lee Evans with the Governmental Affairs Update
- Update on the Groundwater Investigation Program by Thomas Michalek, Research Hydrogeologist, MT Bureau of Mines & Geology

AGAI would like to thank Brent Poppe and everyone at Stockman Bank for hosting our annual meeting again this year.



Thank you
 Watson Irrigation for
 supporting AGAI

How much do your senior water rights mean to you?

Greater Numbers = Greater Legislative Impact

Help AGAI's voice to be heard!

Recruit your business acquaintances & your fellow irrigators to join AGAI. For membership information visit www.agaimt.org.

A Word from Al

By Al Lien, AGAI President

This is an open invitation to all of our members of the Association of Gallatin Agricultural Irrigators (aka AGAI) through your respective canal companies, pump sites or other diversions from a water source.

If you or your canal company or irrigation supply ditch are not a member of AGAI, you are still welcome and it is highly recommended that you attend the AGAI Annual Meeting scheduled for Tuesday December 2 at Stockman Bank in Belgrade.

A list of pertinent water-related issues that will be considered in the upcoming 2015 legislature session appears in this newsletter (below) from Governmental Affairs Director, Krista Lee Evans. Because of the potential importance and impacts to water rights, the Confederated Salish and Kootenai Tribes (CSKT) compact will be the main topic of discussion at the December 2 meeting. Our guest speaker is Melissa Hornbein - Special Assistant Attorney General of the Montana Department of Natural Resources and Conservation, Reserved Water Rights Compact Commission and Trustlands Management Division. This change of format is due to the importance of the issues surrounding the CSKT. If members request, we can select other important issues to feature in future meetings.

Please put December 2 with your important dates and plan to join us for potluck dessert, beverages and some time to visit with other members of the community and AGAI about water issues.

Governmental Affairs Update

by Krista Lee Evans

Pending 2015 Legislature Water Related Legislation

LC 0387 – Requested by Department of Environmental Quality – Revise process for misclassified water bodies. This bill is related to water quality classifications and proposes to change the mechanism for determining impaired streams and other water bodies.

LC 0398 – Requested by Department of Natural Resources and Conservation – Revise water adjudication account and benchmark laws. This bill provides for increased funding for DNRC and the Water Court. \$14.6 Million is needed to complete the adjudication of the remaining 7 decrees in the Water Court by 2020. The bill will ask for some portion of the \$14.6 Million or depending on general fund available it may ask for all \$14.6 M.

LC 399 – Department of Natural Resources and Conservation – Allow water permit reduction due to incomplete use – This will allow those water right holders who have perfected a portion of their water right but have not been able or chose not to perfect all of their water right to reduce their water permit to accurately reflect the amount of water put to use.

LC 400 – Department of Natural Resources and Conservation – Revise public notice provisions for water rights. This bill is to clarify noticing provisions under existing water law.

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Governmental Affairs Update

by Krista Lee Evans

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LC 0578 – Requested by Water Policy Interim Committee – Study future water rights administration. This is a study bill request to analyze the future and potentially expanded role of the water court in all water administration in the future.

LC 0579 – Requested by Water Policy Interim Committee – Increase funding for groundwater program. This will increase funding to the Ground Water Investigation Program (GWIP) that is housed in the Bureau of Mines and Geology. Projects that have been completed and ongoing include numerous projects in the Gallatin Valley – i.e. Four Corners Ground Water Investigation Program.

LC 0581 – Revise filing of exempt water right claim laws. This proposal amends the process for filing instream stock and domestic claims that were previously not required to file in the adjudication. This bill proposes a deadline for filing these claims of February 28, 2018.

LC 0582 – Expand water policy interim committee duties. Under this bill the Water Policy Interim Committee would assume, from EQC, the agency oversight responsibilities, rule review, and reporting from agencies that are related to water issues.

Other Bill Draft Requests – there are a total of 19 other water bills requested that have not been drafted yet.

Other issues likely to appear at the Legislature - Combined Appropriation Definition.

Judge Sherlock, Montana First Judicial District Court, Lewis and Clark County issued an order on the petition for judicial review regarding the definition of “combined appropriation” in DNRC rules. The Court invalidated the 1993 rule and reinstated the DNRC’s prior rule (1987 rule) and directed DNRC to adopt a new rule.

AGAI receives grant for Community Co-op to build interactive website

This year through the Community Co-Op's 4% Friday program, AGAI was pleased to receive \$2,190.48 to put towards our educational website project. On Friday May 23, various AGAI board members staffed an information table at the co-op and were able to introduce AGAI to more members of the community. Working with MSU students, AGAI will create an interactive on-line page that chronicles the irrigation and farming history of the Gallatin Valley. Combining video clips of interviews with farmers as they recount their farming history in the valley with historical photos and descriptions of the canals and ditches when they were being constructed, it will be a resource for anyone interested in learning more about the rich agricultural history of the Gallatin Valley.

Water Conveyance Facility Mapping

AGAI appreciates the cooperative working partnership with Allen Armstrong of the Gallatin County GIS office, Professor Diana Cooksey at MSU and her students, and our members as they continue to map the canals and ditches that run throughout the Gallatin Valley. Started in 2007, the AGAI Water Conveyance Facilities Mapping Project (canals and ditches) is a successful private, public and academic collaboration to gather needed irrigation data for the Gallatin Valley at no charge to AGAI members. **It all adds up to thousands of dollars saved for AGAI canal and ditch companies.**

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Water Conveyance Facility Mapping

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Ditches mapped so far include Low Line Canal, High Line Canal, West Gallatin Canal, Farmer's Canal, Mammoth Ditch, Spain-Ferris Ditch, Middle Creek Ditch, Perks Canal, Lower Creamery Ditch, Lewis Ditch, Hoffman Ditch, Durham Ditch and the Bell Dunlap Ditch.

This fall Diana Cooksey's class, with organizational help from Mike Gaffke, is mapping the Lower Middle Creek Supply Ditch.

AGAI is looking for a canal or ditch that the students can map for Fall Term 2015. If you would like to volunteer your canal or ditch, please contact pamela@littleappletech.com. Someone from the ditch company is asked to attend the GPS class at MSU to explain the need for the mapping. Once the team is assembled then Diana, the students and Allen Armstrong from the county schedule a meeting at the start of the ditch or canal with the ditch rider/tender or someone very familiar with the waterway. There is no charge to your ditch or canal company.

The final class presentation for the mapping teams are at MSU on Wednesday, December 3rd, 143 Gaines Hall, 11:00-11:50 AM and the Debriefing Meeting, Wednesday, December 3rd, 109A Linfield Hall, 4:10-5:00 PM. It would be great to have as many guests as possible from AGAI.

GGWC Fall Tour: A Living History of Irrigated Agriculture in the Gallatin Valley By Susan Duncan

The Greater Gallatin Watershed Council Annual Fall Tour showcased the living history of agricultural irrigation in the Gallatin Valley. Fifty people met at the Zoot parking lot on October 4th to explore the ecological, historic, and economic significance of irrigation ditches and canals.

As early as 1863, when John Bozeman entered the valley, Bozeman was planned as an agricultural community based on irrigation, rather than mining. Water rights date from 1864-1865. Today, the result is a system of 2000 miles of ditches and canals with service areas that essentially blanket the valley floor.

On the West Gallatin alone there are 37 recognized ditch entities – on both the east and west side of the river. Each ditch has a unique history and developed in its own way, based on the needs of one irrigator or a collection of neighboring irrigators. Some are incorporated. Some are just an association of neighbors. All exist to maintain their ditch system and deliver water to their members.

Tour participants went to the Kelly Ranch, two miles south of Four Corners on River Road to see Gabriel, Kughen, Highline and Lowline Ditches. Gabriel Ditch is a one member ditch serving only Kelly Ranch. Katherine Kelly showed us the headgate, Parshall flume measuring device, and blow-off, essential parts of an operating ditch.

While Kelly Ranch borders the Gallatin River and is crossed by 4 ditches, it only has a water right to use water from Gabriel Ditch. A Water Right is a Usufructuary Right. While it may seem contradictory at first, the State of Montana owns all the water in the state - the owners of water rights possess only the right to use the water. A water right prescribes exactly what the user can and cannot do with the water.

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GGWC Fall Tour: A Living History of Irrigated Agriculture in the Gallatin Valley

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Kelly Ranch has a water right for 60 miner's inches of West Gallatin water (1.5cfs) to irrigate a 60 acre hayfield, with an 1866 priority date. To change the purpose, place of use, point of diversion, season of use, or flow rate requires approval from the Montana Department of Natural Resources and Conservation.

Highline and Lowline Canals have a written easement for access and maintenance across Kelly Ranch property. We visited the point where Lowline takes water from the river (point of diversion) on Kelly Ranch. (The Highline starts about one half mile south of Williams Bridge south of Gallatin Gateway.) Both canals are 35- 38 miles long and water most of the land west of the river in the Churchill-Amsterdam-Manhattan area. Both canals were built by the Manhattan Malting Company in 1891 and 1898 respectively for barley malt production. They carry about 7500 miners inches of water (188cfs), each, with priority dates of 1890-1910 or later. These are late priority dates. Therefore, the ditches may be subject to being cut off from using water sometime in early July.

History matters. In Montana law, the Doctrine of Prior Appropriation states that water use is by first in time, first in right. Older water rights are filled at the expense of more junior rights, based on priority date. It is a way of rationing water, common in the West.

Dave Pruitt, former Water Commissioner, showed how he measured the water at Gabriel headgate (via the Parshall flume). The West Gallatin Water Commissioner is appointed by the District Court of Judge Holly Brown. Irrigators pay his salary. The Water Commissioner decides how the water will be shared among ditches based on priority date. In doing that, he can send water from the upper river to irrigators farther downstream, while maintaining instream flow for a longer stretch of the river. Sharing within a ditch, beyond the headgate, is decided by the ditch owners or their ditch rider.

Kughen Ditch also has its point of diversion on Kelly Ranch. In 1874 David Kughen plowed a furrow from the river to his field. Neighbors deepened the furrow and extended it to their farms. Kughen Ditch waters about 5300 acres in the area west of River Road to Churchill Road and north to Cameron Bridge Road. It has 26-27 members and carries 3600 miner's inches of water (90cfs) with priority dates of 1874-1894. The right of way and ditch maintenance easement is protected by Montana law. But, it has no documentation of easement in county records that would show up on a title insurance policy. A new landowner may not recognize the rights irrigator's have to maintain the ditch

A bus ride from Kelly Ranch through Churchill, Amsterdam to Manhattan highlighted the area watered by these ditches. Key crops are grain (wheat and barley), feed corn, alfalfa hay and seed potatoes. These crops are rotated to maintain fertility. We passed several dairies and registered breeding stock and commercial beef cow operations. Lowline Canal ends at Kuipers Road and Gravel Pit Road where it drops into Moreland Canal west of Manhattan. We went there.

Please visit our website **www.agaimt.com** for more information on activity regarding respective subjects.

AGAI monthly meetings are held on the last Thursday of the month at the Garden Café at 11am.

Visit with us if you have any remarks or concerns - we WANT your feedback.

Don't forget to save the date!

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