



AGAI Ripple

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

Save the date!

AGAI's Annual Membership Meeting

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

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

Enjoy the dessert potluck & get updated on current water issues.
Committee Reports / Director Elections / Outlook for 2016 / Budget

Water Mitigation & Marketing in the Gallatin Valley Panel Presentation

Goal of Panel: To help ditch companies and canal companies understand and prepare for existing challenges and opportunities that exist for water right owners and water conveyance owners.

Introduction: Krista Lee Evans, AGAI Government Affairs -- Closed basins & water availability - how we got to where we are.

City of Bozeman (invited) - Brief update and explanation of the city's need for mitigation water and Bozeman's growth planning process as it relates to water.

Montana Aquatic Resources Service (MARS) (invited) – Introduction to the concept of water mitigation bank in the Gallatin.

Dave Weaver, AGAI Legal Counsel -- Legal issues that canal companies, ditch companies and all water right owners should take into consideration when considering operational changes.

Closing by Mike Gaffke, AGAI President -- Important take away messages for AGAI membership, role that membership sees AGAI playing as opportunities/challenges arise.

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

AGAI Directors

Mike Gaffke, Pres.
Al Lien, V.P.
Dan Triemstra, Sec.
Jennifer Mohler, Tres.
Craig Bos
Ilene Casey
Susan Duncan
John Hunziker
Martin Kimm
Walt Sales

**Thank you Watson Irrigation &
Montana Land Reliance for supporting AGAI!**



A Word from Mike
By Mike Gaffke AGAI President

Thank you for allowing me to serve as your president this past year. It is truly a privilege to serve a group with the reputation and voice on water issues that AGAI has. It has been a very busy, but productive year and our upcoming annual meeting is an opportunity to share some of our accomplishments and thank all the hard working people who make it happen.

AGIA continues to be a leader on water issues locally and state wide. Being out front is a difficult and lonely place sometimes, and it is only together and with your support can we continue to lead and be the voice in protecting and preserving your water.

One issue we would like to highlight at this year's meeting is water mitigation & marketing in the Gallatin Valley. We'll host a panel discussion with multiple experts to help ditch companies and canal companies understand and prepare for existing challenges and opportunities that exist for water right owners and water conveyance owners.

This is not a thing of the future, because it's happening now! A couple of the canals in the Gallatin are already facing this issue, and it won't be long before all companies are dealing with this. We've said many times, either you're at the table, or you're what's for dinner.

Are you positioning your farms and ranches and their water for the future? Do you want to have voice in its outcome? Are you ready to be proactive vs. reactive?

Please join us at our annual membership meeting to get informed and prepared for the future.

Governmental Affairs Update
by Krista Lee Evans

CSKT Reserved Water Rights Compact – What's the Next Step?

The Association of Gallatin Agricultural Irrigators and other water users from the Gallatin Valley were very active in supporting the CSKT Compact as it made its way through the 2015 legislative session. As you are all aware, as a Stevens Treaty Tribe, the CSKT can claim off reservation water rights for instream flow. The Tribe, as was required by State law, filed those claims prior to the July 1, 2015 statutory deadline. AGAI's primary reasons for supporting the Compact in the Legislature and today in Congress include increased certainty with regard to off reservation water right claims and protection for AGAI's members to prevent them from having to go back to the Water Court and bear the associated costs of years of litigation. Without the Compact, AGAI members would have to fight off-reservation claims made by the CSKT in the Gallatin area. By passing the Compact, all of the off reservation claims of the CSKT will be stayed in the Water Court and the Tribes will relinquish thousands of water rights claims throughout roughly two-thirds of the State of Montana including the Gallatin.

The Compact was ratified by the Montana Legislature, and subsequently signed into state law by Montana's Governor on April 24, 2015. The Compact must now be ratified by Congress, then the Tribes, and finally decreed by the Montana Water Court. The Compact becomes effective upon ratification by all three parties and entry of the Water Court's decree.

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Governmental Affairs Update
by Krista Lee Evans

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What happens next?

- Through Congressional ratification, the Compact will resolve all of the Tribes' water-related claims, including the value of the compromised or relinquished water rights claims. As a result the United States Department of Interior and Justice must assess and evaluate those claims, negotiate a monetary settlement of those claims, and make a recommendation to Congress.
- The Interior Department has committed to completing its initial evaluation by the end of 2015.
- Once initial review is complete, the Tribes and Interior will engage in interactive negotiation of monetary settlement, which must also be ratified.
- After an agreement is reached, the Administration will make a recommendation on which Congressional committees will address the Compact in both the House and Senate.

How long will this take?

- It is difficult to determine the speed at which federal agencies and Congress will complete this process, but negotiations could be completed as soon as within the next 12 months. Once Legislation is introduced, the parties will work with Congressional and Administration staff to determine the source of funding for any authorizations or appropriations.
- The Montana delegation will be asked to seek a hearing on the legislation to allow for the Administration to address any remaining questions raised by Congress.

Interior and Justice must review and evaluate the Tribes' damages claims to facilitate Congress in considering the Compact and the settlement. Timing is critical:

- Under the terms of the Compact, the Tribes may withdraw from the settlement if Congress fails to ratify within four years of State ratification.
- Due to an unfunded backlog of maintenance the Flathead Indian Irrigation Project infrastructure is deteriorating. Absent state and federal contributions to settlement, deterioration will continue, stifling the Reservation's agricultural producers and economy.

References:

Criteria & Procedures for Participation of Federal Government in Negotiating for Settlement of Indian Water Rights Claims, 55 Fed. Reg. 9223-9225, Mar. 12, 1990, available online at: http://www.usbr.gov/native/policy/12mar1990_fedreg_indianwaterrights.pdf

The Secretary's Indian Water Rights Office (SIWRO) website is: <https://www.doi.gov/siwro>

SIWRO released a power point describing its activities at: <https://www.doi.gov/sites/doi.gov/files/migrated/siwro/upload/Settlements-Background-Info.pdf>

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.

See you at the Annual Membership Meeting on December 2!

Ditch Mapping Update

In partnership with Montana State University & Gallatin County GIS

AGAI appreciates the cooperative working partnership with Frank Dougher 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 many thousands of dollars saved for AGAI canal and ditch companies.

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, Bell Dunlap Ditch and the Lower Middle Creek Supply Ditch.

This fall Diana Cooksey's class, with organizational help from AGAI board Member Susan Duncan, is mapping the Upper Creamery Ditch.

The final class presentation for the mapping teams are at MSU For the AGAI student mapping final presentations and debriefing meeting. **Presentation: Wednesday, December 2nd, 11-11:50 AM, 143 Gaines Hall. AGAI members are always welcome and the presentations of the students are interesting and informative. Please attend if you can, the students would love to meet you.**

