



AGAI Ripple

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

"Protecting our Legacy - Building our Future"

When: Wednesday, December 6th
Doors open at 6:30pm, meeting begins at 7:00 pm

Where: Stockman Bank in Manhattan **note new location!*

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

Spotlight presentations:

- Video of Gabriel Ditch Art Event - Mountain Time Arts
- An Overview of Farmer's Canal - John Metesh, Montana Bureau of Mines Preliminary results of a study funded by Bureau of Reclamation in cooperation with Stanford University's Hoover Foundation.

Panel Discussion:

- Managing Ditch Infrastructure - Positive Changes & Persistent Challenges
 Featuring 4 AGAI members with audience participation

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

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



A Word from Mike
By Mike Gaffke AGAI President

The early settlers in our valley left us a truly remarkable legacy. They filed the water right claims we use today and defended them in court. They built 2000 miles of irrigation canals, by hand. The canals blanket the valley – on a landscape wide scale. The canals made our farms and ranches and cities and towns prosper. They used the water to build prosperity and community. We inherited that legacy: extensive old water rights, and miles of infrastructure to deliver water.

Change is everywhere. But our legacy remains the same: we are the ones who can deliver the water. It is a powerful legacy. What do we need to do to retain and use the power of our legacy – to support prosperity, to support community, across the valley – now and into the future?

All of our ditches are facing lots of challenges. It's easy to feel overwhelmed. But, we can meet those challenges if we commit to helping each other, finding outside help and resources, develop partners – inside and outside of agriculture. That's what the early settlers did. They worked together. When the task was beyond what they could do themselves, they found corporate backing (Manhattan Malting Company) and Dutch immigrant labor. They went to Helena and got a merchant to fund Kleinschmidt Canal. Why can't we do the same?

AGAI wants to identify the needs of our members, seek solutions, find resources to fit the need and continue to secure our place at the table in these changing times. AGAI is only as strong as its member ditches.

In 2017, a legislative year, AGAI went beyond our involvement in the legislature to engage in the community in new ways.

Mitigation Committee – attending Ditch meetings, preparation of a Mont Guide and two Green Drinks events. Funded by a grant from One Montana, the City of Bozeman, and Gallatin County.

Farmer's Canal – administrative restructuring with Collen Coyle, Bureau of Mines water gains and losses study

Watershed Council Public Meetings on Drought Planning – Participated both as presenter and several board members gave input.

Mountain Time Arts – Gabriel Ditch Art Event - extensive input by AGAI members in the development of the presentation and as tour guides. Video of tour at Annual Meeting. Lighted map of Lowline / Highline Canal and headgates used in the tour was purchased by AGAI for educational purposes.

Big Sky Sustainable Solutions Forum – AGAI represented as a stakeholder to provide input on Big Sky water issues.

Seat at the Table – Collaboration of non-profits providing citizen input to growth policy revision by Bozeman, Belgrade, and Gallatin County. AGAI is one nonprofit among many in this collaboration.

Please join us at our annual meeting to be a part of the conversation in protecting our legacy and building our future.

Governmental Affairs Update
by Krista Lee Evans

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

The founders of AGAI recognized the challenges that were coming for water users in the valley. They recognized the benefit of banding together to protect what is arguably their most valuable property right – their water rights.

In order to protect water users in the Gallatin, AGAI has taken an active role in the state legislative process. Gallatin Valley water users water rights have been under attack at every legislative session since AGAI was organized.

AGAI is well respected across the state for your activities and leadership in protecting water rights, protecting the prior appropriation doctrine, and advocating for policies that allow Montana's irrigators to protect their property rights. AGAI and your board is looked to as leaders in the State and in the Gallatin Valley to represent agriculture's view points on everything from land use planning to the challenges and opportunities that are coming with basin 41H moving into the next decree phase. It is a pleasure to work with a represent individuals who are passionate about agriculture and the critical relationship of water rights to your success.

Legislative Issues:

The 2017 Legislative session was a successful session for AGAI. The primary focus of our representation in Helena was around the fact that a water right is a property right and it is imperative that those property rights be protected – both in the adjudication process and the new appropriation and change of use process. Now that the Legislators have gone home the state policy issues surface in two arenas – interim legislative committees and executive branch agency rule making and policy statements.

The interim committees are working on policy issues that are likely to surface in the 2019 session. In general, interim committees use the time in between legislative sessions to take an in depth look at contentious or complicated policy issues. The two primary interim committees that undertake water and water right related issues are the Environmental Quality Council (EQC) and the Water Policy Interim Committee (WPIC).

WPIC has chosen to focus their time this interim on two primary issues: exempt wells and the change in appropriation process. Both issues could impact irrigated agriculture and it is critical that AGAI continue to participate. AGAI has always stated that the group is not opposed to the use of exempt wells – AGAI is opposed to the concentrated use of exempt wells to avoid the permitting process. AGAI has continued to advocate for this position through the initial meetings of WPIC. The “change process” is the administrative process that a water user must go through if they plan to “change” the way they use their water right – such as a change in a point of diversion, a change in type of beneficial use, or a change in place of use. AGAI will continue to be involved in these discussions to ensure that the process protects existing water rights but is not so onerous that it takes away new opportunities for water users.

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Governmental Affairs Update
by Krista Lee Evans

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The primary issue that EQC will be focusing on that impacts AGAI is the issue of aquatic invasive species (AIS). If mussels do spread throughout Montana the impact to irrigated agriculture could be substantial due to the damage they can cause to irrigation infrastructure such as pumps, etc. It is in agriculture's best interest to protect against the spread of AIS in Montana. As I am sure all of you are aware, funding for the AIS program is a substantial point of discussion. The current funding mechanism combines an increase to in state and out of state fishing licenses and a fee against hydroelectric energy production. This funding formula terminates right after the 2019 legislative session. In the 2017 session there were attempts to assess a fee against irrigated agriculture. While this was unsuccessful in the 2017 session it is very likely that the fee or tax will be considered again in the 2019 session. It is critical that AGAI continue to participate in these discussions so that irrigated agriculture is not unfairly assessed a fee.

Executive Branch Activities:

The Department of Natural Resources and Conservation (DNRC) proposed rules defining the term combined appropriation (which ties in to when a permit is needed when exempt wells are being used). The definition of combined appropriation has been the subject of multiple pieces of legislation over many years, multiple proposed rules, and multiple court cases. With the Supreme Court's decision in 2016 on the former definition there is a bit more clarity. WPIC has oversight responsibilities on rulemaking during the interim. WPIC has chosen to delay the DNRC's proposed rule. The result of this rulemaking will be very important to existing water users and when a permit (and associated adverse effect analysis) will be required. AGAI did provide public comment on the proposed rule and will continue to be engaged in the process.

Judicial Branch Activities:

The Montana Supreme Court issued a significant decision in early November regarding the CSKT Water Rights Compact. The Court stated that both the Compact and the legislative process to adopt the compact were constitutional. Passage of the CSKT Compact and any associated federal settlement will move Montana water users much closer to finalization of the statewide adjudication and protection of our water rights in the Gallatin. The Gallatin (Basin 41H) will be moving into the Preliminary Decree. The Water Court is estimating that this should happen within the next 6 months to 1 year. It is critical that you as water users be engaged in the decree process. At a minimum evaluate your own water rights and how they are reflected in the decree. It would also be advisable to analyze other claims that might impact your water right to ensure that those claims accurately reflect the water's use.

Conclusion:

Water and the availability of water continues to be a divisive and extremely important issue in the Gallatin and Montana. AGAI should be commended for your foresight in recognizing how important it is to be involved and have input into decisions that will impact your ability to continue your agricultural operations.

AGAI Mitigation Committee*by - Mick Seeburg, Mike Gaffke, Walt Sales, Susan Duncan*

Mick and Mike attended 17 ditch meetings to present the concept of mitigation as a means to address the changing water demands in our valley. AGAI enjoyed the meetings and was clearly informed that the "broker" model for water exchange held little to no appeal to our membership.

Working with MSU Extension, the mitigation committee played a major role in creating a new Montguide for the State: Water Rights 101. Each member of the committee weighed in with full rewrites or numerous proposed edits during the Montguide's creation. Using grant funds from both the city of Bozeman and Gallatin County, the mitigation committee was able to provide the seed money that has resulted in an Bureau of Reclamation grant to the Farmers Canal Company to continue their investigation into ditch loss/ aquifer infiltration adjacent to the canal.

This grant will enable Montana Bureau of Mines to both continue and further their existing study in cooperation with Farmers Canal. Work is underway to get a full picture of how the valley wide canal system is used, and to hypothesize a transportation system, using the existing canal structure, to help with the changing water needs of our valley.

This project is in cooperation with Stanford University's Hoover Foundation. Working with One Montana, AGAI sponsored two social gatherings during late summer/early fall: One for our membership and one for the various "green " groups in Bozeman. If you would like to have AGAI speak at your annual ditch meeting, please contact Mick Seeburg at agaimt.org or call 763-4598.

Education / Outreach*by Susan Duncan*

Drought Meetings: The Greater Gallatin Watershed Council held 4 public meetings in August to assess how citizens in the Gallatin Valley viewed drought. Mike Gaffke was a presenter at the Belgrade and Manhattan meetings. I attended all four meetings and Walt and other AGAI members also provided input. Agricultural use of water emerged as an important buffer to drought in the Gallatin Valley.

Big Sky Sustainable Solutions Water Forum: For a year and a half, I have been the AGAI representative to the Forum. Thirty- three stakeholders including developers and business people from Big Sky; state, federal, and county government officials; non-profit organizations, and various types of water consultants meet regularly to discuss Big Sky water issues. The Forum addresses three areas of concern: Ecological health of the river, Water supply, and Wastewater treatment and disposal. Big Sky is well aware that its prosperity is tied to the health of the river. Water supply is limited and they are looking for ways to stretch that supply without harming the river. Disposal of larger quantities of wastewater seems to be a serious challenge. They are looking at treating sewage to very high standards to protect quality, snowmaking, outdoor irrigation, and re-use. Discharge of wastewater into the Gallatin River is viewed as the last or only a short- term option.

Seat at the Table: Future West is gathering a large group of Gallatin Valley non-profits to weigh in as a group on the revision of the growth plan by the Cities of Belgrade and Bozeman and Gallatin County. Together, each non-profit's members and contacts can offer input for the future for the Valley. No paid consultant can provide that kind of grassroots input. Walt Sales and Susan Duncan will represent AGAI.

Gabriel Canal Art Event

Jim Madden, Dede Taylor, Mary Ellen Strom of Mountain Time Arts

Come see a short video presentation of the tour at the Annual Meeting!

We are grateful for the partnership of AGAI's members, who guided us, educated us and shared our public art event - Gabriel Canal - at Kathryn Kelly's Ranch (an AGAI member). Over three nights in August 385 people attended and 83 community members participated in the production.

The Gabriel Canal Event revealed how the irrigation system functions and the various environmental perspectives of the ag community. Audience groups were led by guides from the ag, conservation and Native American communities to experience the remarkable engineering of the Low-Line Canal. Drummers played the head gate and river and scythers moved to percussion. At the barnyard, we heard songs and ranchers' voices describe water use practices during a dance performance. At dark, we viewed an animation about water rights and a re-creation of a late 19th century harvest scene. Finally, all gathered above a large-scale illumination of the ditches in the pasture.

The project was a true collaboration with members of the ag community. Our sincerest thanks to Kathryn Kelly, Mike Gaffke, Walt and LaRae Sales, Mick Seeburg, Ilene Casey, Al Lein, Susan Duncan, Zach Brown, Lavonne Stucky, Jen Boyer, Doug Braaksma, Chris Mahoney, Travis Stuber, Carl Vandermolen, Dave Pruitt, and George Alberda.

Mountain Time Arts' 2017 series, WaterWorks, was four public art events highlighting the beauty, science, history and future of water as the Valley grows. We wanted to share perspectives about water use between city people, conservationists, and the agriculture community, believing that we need to all work together to solve water issues.

The enthusiastic response to our art events proved to us the value of sharing perspectives across the Gallatin Valley. We're excited to continue our relationship with AGAI to educate the public on crucial water issues.



Photo: Jennifer Flanigan