

NOVEMBER 2018 NEWSLETTER

ASSOCIATION OF GALLATIN AGRICULTURAL IRRIGATORS

A WORD FROM THE PRESIDENT:

It is time to come together again at our AGAI annual meeting December 5th. This year's meeting will be held at The Commons on Baxter Lane in Bozeman. We hope this new location will provide a convenient central location for a conversation on our Valley's water resources. AGAI has a diverse group of committees working on a broad range of issues. This meeting will be a chance to hear about the work they have been doing. I hope you will discover how far reaching and engaging this work is.

We often talk about the importance and contribution of our water resources to the valley. But it cannot be overstated, that you, our members, are immeasurably more valuable. Your attendance at this year's meeting in support of the Board is critical and we want to hear from you.

-Mike Gaffke, President

REMINDER:

2018 Annual Meeting

December 5th, 6:30PM, Doors @ 6PM

The "Summit Room" @ The Commons

1794 E Baxter Ln, Bozeman, MT 59718

BAKER CREEK COLLABORATION:

We are proud to see our irrigation community come together with different constituents to find a solution to a problem that, left un-addressed, would have had many negative consequences. We all have a responsibility to be pro-active and take opportunities to collaborate.

Water users out of Baker Creek faced a difficult challenge this year. The present headgate was built in 1957 and needed to be replaced. The headgate is located in a dyke that was built by the Army Corps of Engineers in the early 1960's to prevent flooding. Buddy Drake, of Drake and Associates, determined the potential washout of this headgate would result in extensive property damage due to flooding, as well as redirecting of the Gallatin River down Baker Creek while leaving the main channel dry.

With the favorable river conditions it was decided to replace the headgate this fall. Rebuilding this headgate required a 310 permit (Conservation District), a 404 permit (Army Corps of Engineers) and a County Floodplain permit due to the location in the dyke. Buddy's knowledge of permitting, and his willingness to help secure the permits, enabled the users to get the project going before winter set in.

Buddy also saw the opportunity to foster the relationship between Baker Creek users and Trout Unlimited. Trout Unlimited's mandate is to protect and preserve cold water species and their habitat. As the washout would negatively impact the fisheries, Trout Unlimited has given a grant to help pay for a portion of the headgate re-build.

We would like to thank you all for working together as you protect the use and health of the Gallatin River.

AGAI MEMBER DITCH NEED

Because helping to provide what our member ditches need and want is a primary goal of AGAI, we will begin this year's annual meeting where we ended last year's. The panel discussion at last year's annual meeting began the dialogue of recognizing some of the existing needs of our member ditches. These included such topics as help with understanding the shifting membership of the ditch members from agricultural users to other users and the challenges associated with the change. Some of the concerns raised by this change include the work load of ditch maintenance and ditch leadership and expectations of both new water right holders and longtime ditch members. Members in attendance noted county road culverts being inadequate, storm water discharge issues, and ditch maintenance access worry. They indicated needs for ditch riders, help with electronic record keeping, and updating ditch organizational structure. We will begin this year's meeting with small group discussions to prioritize the needs our member ditches would like AGAI to begin addressing and to help create a plan of action for future years. Please be in attendance at this year's meeting to continue this important dialogue. Your input is valued. Be thinking about how you can lend your expertise as a volunteer for one of the AGAI committees you will be hearing from during the meeting. As Mick Seeburg likes to say, "If you are not at the table, you are on the menu."

NEW COMMITTEE NEWS:

STRATEGIC PLANNING COMMITTEE:

As our community faces the challenges of the fast pace of growth, the demands on our organization are increasing and changing. This past spring, we created a Strategic Planning Committee and worked with an outside consultant to lead us through a strategic planning process. Through that process, we identified and have worked on the following priorities: succession planning, board training, membership outreach and community engagement. We also created distinct committees to address specific areas including Future Water Use, Local Legal, Communications, Education and Legislative.

Many of you participated in the membership surveys we have sent out and we are grateful to know that you value the work that we do. In fact, 100% of our survey responses have said that AGAI is a valuable and important organization. As we push on, we look to our members to become more involved in AGAI as we also seek to do a better job serving you locally.

COMMUNICATIONS COMMITTEE:

The Communications committee formed to fill the needs for membership outreach and public awareness that were identified through the strategic planning process. Some of the DNRC Capacity Building Grant has been used to clean and build out our membership database and to survey and engage our membership. We have also explored our brand identity and look forward to revealing our new logo and new website at this year's annual meeting. In addition to continued outreach and communication with our membership, we are actively looking to build more partnerships with other local water NGO's and have a more active presence at the city and county planning boards.

FUTURE WATER USE COMMITTEE:

If the County Planning Board's growth projections follow the trendline, there could be 250,000 people in the Gallatin Valley by 2030. Given the increasing demands on water and development pressure, the Future Water Use Committee is in preliminary stages of exploring both water storage options and ways to use the Stream Depletion Zone law (2017 MCA 85-2-380) to make sure there is water for irrigators in the future. Since everyone will be in need of more water with that much growth, we as a farming community are working with the city of Bozeman, Gallatin County, Big Sky, and Yellowstone Club to discuss solutions.

LOCAL LEGAL COMMITTEE:

The AGAI Local Legal Committee reviews DNRC, Water Court, and District Court proceedings regarding water rights and conveyance issues for the purpose of making recommendations to the AGAI Board of Directors regarding AGAI's possible involvement in such proceedings. We spent considerable time reviewing the Norton change application, finding some major issues and recommending to the board that AGAI get involved, possibly filing an objection. Local legal will continue to monitor local water issues in order to be proactive about how they might affect irrigators.

EDUCATION COMMITTEE:

The Education committee fosters relationships with other local NGO's and does outreach explaining the agriculture and irrigation culture to various constituents. This fall, AGAI hosted one of the Seat at the Table events that have been happening throughout Gallatin County. The purpose of Seat at the Table is to gather information and priorities from local residents and share the results with the cooperative efforts of Belgrade, Bozeman and Gallatin County in updating their growth policies.

LEGISLATIVE UPDATE:

The 2017-2018 Legislative Interim wound to a close with 10 bill drafts being requested by the Water Policy Interim Committee. AGAI was involved in discussions on each of these bills throughout the interim. AGAI's actions at the final WPIC meeting of the interim and AGAI's positions on the bills once they are introduced in the legislature are outlined below. If any AGAI members have concerns, questions, or suggestions about any of these pieces of legislation please reach out to Walt Sales, Chairman of the AGAI Legislative Committee, Krista Lee Evans who represents AGAI in front of the legislature or any AGAI board member.

LC432 – “An act revising the motion to amend a water right statement of claim to restrict publication requirements; revising final decree requirements for reserved water rights; providing deadlines to appeal decision of the water court.”

AGAI expressed concern about the inability to file a motion to amend to address inaccuracies in claims. While we recognize that there needs to be an end point the new language in the bill is not clear.

ACTION: Support as amended.

LC433 – “An Act modifying a deadline to correct and complete an application for permit or change in appropriation right.”

ACTION: Support – 120 days is adequate for completion of correct and complete while retaining the priority date of the date of application.

LC434 – “An Act clarifying that legal availability analysis does not determine adverse effects as a criteria for a water rights change application.”

ACTION: Support as amended. AGAI worked with Trout Unlimited (who proposed the initial language), NWE, SrWRC, and others to propose amendments the further clarify the language. AGAI supports the bill with the amendments

LCW004(b) “An Act clarifying adverse effect under the water right change in use application process”.

ACTION: Oppose. AGAI expressed concern about defining the term adverse effect in statute. AGAI has always stated that adverse effect is a very fact specific and site specific determination and should not be defined in statute. Additionally, AGAI raised concerns with the term “unreasonable interference” as it is undefined and ambiguous and will simply create new litigation on a new term.

This bill was not requested for introduction by WPIC. Unless requested and introduced by an individual legislator this proposal is dead.

LCW004(c) – “An Act clarifying historically diverted volumes of water for certain water rights.

ACTION: Oppose. AGAI opposed due to the fact that this bill shifts the burden of proof of adverse effect from the applicant to other water users as it allowed the applicant to make assertions about water rights that are not subject to the change process. Additionally, the bill provided that historic diverted volume is used in the change analysis rather than the historic consumed volume. The concern is that this language would allow a water right to be expanded which is in direct conflict with the purpose of the change process.

This bill was not requested for introduction by WPIC. Unless requested and introduced by an individual legislator this proposal is dead.

LC435 – “An Act clarifying criteria for a water rights permit or change relying on a waiver of adverse effects.”

ACTION: Support. AGAI Supported this legislation with the inclusion of the Whereas clauses. The Whereas clauses were added at our request after the July meeting.

LC436 – “An Act creating a stream gauge oversight work group”

ACTION: Support as amended. AGAI requested that “Irrigators” be added to the list of individuals who are part of the oversight work group. AGAI supported this proposed legislation with the inclusion of the amendment.

LC438 – “An Act clarifying the use of river basin councils for development and implementation of the state water plan”.

ACTION: No Position

Please don't hesitate to contact the AGAI Board or Krista if you have thoughts about proposed legislation throughout the 2019 Session. Updates on AGAI activities will be posted to the AGAI website at www.agaimt.com.

DITCH MAPPING UPDATE:

IN PARTNERSHIP WITH MONTANA STATE UNIVERSITY & GALLATIN COUNTY GIS

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. This cooperative working partnership with Frank Dougher of the Gallatin County GIS office, and (new this year) Professor Nicholas Fox at Montana State University is one example of AGAI's efforts to provide tangible benefits to our members.

Ditches mapped for this project to date are: Allsop Ditch, Baxter-Border Ditch, Baxter Creek, Bell Dunlap Canal, Bergstrom Ditch, Cockrill Ditch, DN Hoffman Canal, Durham Canal, Farmers Canal, Figgins Creek, Highline Canal, Hyalite or Middle Creek, Lewis Ditch, Low Line Canal, Mammoth Ditch, Mandeville Creek, Middle Creek Ditch, Moreland Ditch, Noble Ditch, Perks Canal, Shadoan Ditch, Story Ditch, Upper Creamery Ditch, West Fork Ease Catron Creek and West Gallatin Canal.

Currently, students are mapping Beck and Border Canal with the aid of the ditch representatives. The effort begins with ditch representatives meeting with students in the classroom, and then moving to the field for on-site instruction. Students then map the ditches following protocol established by AGAI, Gallatin County GIS and Montana State University, with a final report presented at the end of the semester. Data collected is then transferred to the county and has been very useful to many AGAI members over the years. AGAI greatly appreciates the long-term commitment to this effort by both Gallatin County GIS and Montana State University, as it represents a significant benefit to our members.

THANKS TO OUR SPONSORS:

