



MAKING CHANGES TO SERVE YOU BETTER NOW AND INTO THE FUTURE

SAVE THE DATE: AGAI ANNUAL MEETING DECEMBER 1, 2021 STOCKMAN BANK – MANHATTAN, MONTANA 6:00 pm

Facing Our Challenges – Celebrating Our Successes News You Can Use

AGAI tries to keep you informed of available resources and opportunities with occasional email briefings.

Protect Your Mental Health – Covid 19 disrupted marketing channels for agriculture in 2020. Drought in 2021 has producers making tough choices about crop yields, livestock, and financial stability. Working harder, putting in more hours, cutting yourself off from the support of friends and family will leave you exhausted and at risk of mental health problems. Take the time to check out the Montana Farm and Ranch Stress Resource Clearinghouse on line. : https://msuextension.org/wellness/stress-management/mt_farm_stress_clearing_house/ It was put together by MSU Extension and a statewide advisory council to help people just like you manage stress. You are not alone. It's a risk nearly everyone faces right now.

Funding for Ditch Infrastructure Projects – The federal American Rescue Plan Act (ARPA) of 2021 provides state and local aid to make necessary investments in water and sewer infrastructure. The water/sewer section is the best match for irrigation entities to apply for funds. The Montana legislature created some structure for overseeing the distribution and use of the money. The process is still fairly fluid as the state works to continue the allocation rounds. See: <https://arpa-mtdnrc.hub.arcgis.com/pages/competitive-grant-program>.

AGAI Board members continue to track this as it evolves. The filing deadline for the second round of funding is January 14, 2022. There will be more opportunities later at the State and Gallatin County level for water user

associations. See ARPA website: <https://arpa.mt.gov/> and <https://gallatincountygrants.formstack.com/forms/arpaapplication> for the Gallatin County website. We have members planning to apply. AGAI will be following these as they develop.

Emergency Funds for Highline Canal

Blowout – The Gallatin Conservation District (Becky Clements 282- 4350 becky@gallatincd.org) applied on behalf of Highline Canal for emergency funding to fix the breach in a timely manner. Highline is seeking additional funds to do more substantial repairs. See the website at gallatincd.org District Resources – Grants and Loans for other funding possibilities.

319 Grants – The Montana Department of Environmental Quality announced that about \$500,000 is available for grants for projects that reduce non-point source pollution. Applicants must be a non-profit organization or a government entity. Individual landowners who want to do such work on their property need to pair with one of these organizations to apply for funding. The recommended range for the contracts is \$10,000 to \$250,000 per project and 40% of the total cost of the project cost must be matched with non-federal funds. All projects must address nonpoint source pollution on waterways that have already been identified in DEQ- accepted Watershed Restoration Plans. The Watershed Restoration Plan for the Gallatin Valley identifies the following streams that are of interest to irrigators: Camp Creek, Godfrey Creek, Dry Creek, Reese Creek, Smith Creek, Thompson Creek, Hyalite Creek, and Gibson and Story Creek. These grant cycles happen yearly so if you missed a deadline for this year, you could develop your project and be ready for the next funding cycle.

CHALLENGES: PROTECTING OUR DITCH INFRASTRUCTURE

Irrigation Infrastructure and Development Meeting:

AGAI sponsored a meeting of irrigators with Planning Directors for Bozeman, Belgrade, and Gallatin County and Kelly Lynch of the League of Cities and Towns. Five of the six major irrigation ditches in the Triangle attended the meeting. This effort has great potential.

The meeting explored options to protect our ditch infrastructure and access from rapid development and improve communications with developers. Ten years ago or more, AGAI worked with County Planning to require developers to contact ditches in the subdivision review process. Now, to be effective, we have to find ways to insert our input earlier in the process. We need to address long term relationships for ditch and access protection that are enforceable after the final plat stage. In the last session, the legislature heard proposals that limited the requirement for consideration of agricultural infrastructure in development proposals. AGAI doesn't agree.

Mammoth, Spain Ferris, Farmers Canal, and Beck and Border Ditches agreed to work with Krista (AGAI Government Affairs) and Kelly Lynch (League of Cities and Towns) to explore opportunities to safeguard ditch infrastructure that is enforceable after final plat approval: perhaps through the subdivision review process, zoning regulations, encroachment permits, or other means. Krista is working with the participating ditches to develop a proposal.

Lower Gallatin Collaborative Project

AGAI is one of many stakeholders in the Lower Gallatin Collaborative Project sponsored by the Gallatin Watershed Council and funded by the Bureau of Reclamation. It is a planning process representing well drillers, fisheries biologists, water consultants, Trout Unlimited, Nature Conservancy, realtors, DEQ and DNRC, and AGAI. The Gallatin watershed is due to become a Focus Watershed in 2022 with a million dollars of funding available for projects. This project is advanced planning for that. But it also holds out hope for across the board planning to answer the question of how do all the interested parties share the water we have into the future. We are all in this together. If there are winners and losers, none of us win in the long run. This forum is our best chance to start this process. Walt Sales is our representative. Andrea Wass is alternate. Susan Duncan sits in.

Gallatin County Growth Plan

The Gallatin County Growth Plan is out for public review. It recognizes the value of agriculture in our valley and prioritizes protecting ditch infrastructure but short on specific ways to support that. See what you think. <http://envisiongallatin.com>. After Belgrade and the County approve their growth plans, they intend to start zoning their respective jurisdictions. Keep up with next steps by watching for notices in the newspaper and on their websites. Get involved. Speak up.

AGAI has tried to keep track of opportunities for public involvement. We have called and corralled specific AGAI members to attend and participate to get irrigator's voices heard.

Tracking of Area DNRC Change Applications

AGAI's Legislative/Legal Committee is notified of all New Appropriation and Change Applications that come through our local DNRC. The Committee reviews each one monthly to determine if AGAI should file an objection. The committee works with impacted water users as necessary to help make this determination. The applications are coming thick and fast. Irrigators need to know about changes that may set long term precedents that are damaging to water right holders.

END OF SESSION LEGISLATIVE UPDATE FROM KRISTA EVANS

The AGAI Legal/Legislative Committee tracked over 75 bills directly related to senior water rights. Krista Evans, AGAI's government affairs representative appeared in person. Several other AGAI members testified as well.

LEGISLATION OF NOTE:

- Subdivision approval related bills. There were multiple bills that made amendments to the subdivision review process that eliminated the requirement to consider agriculture conveyance facilities in the subdivision approval process. AGAI was able to work with interested parties to amend these bills to remove these amendments.
- Revise Water Right Ownership Update Process. This bill was the result of the interim WPIC study on ownership updates. WPIC had heard from numerous constituents about the timeliness and accuracy challenges associated with the ownership update process. AGAI worked with WPIC during the interim and supported the bill during the session. SB 20 was signed by the Governor.
- Conveyance Owner Liability. The MT Legislature passed two bills this session that clarify the limits on liability for conveyance owners and operators. SB 307 provided that the protection from liability in current law was not limited to only “ditches” but to all irrigation infrastructure. SB 338 provided that landowners and conveyance owners are not liable when someone is trespassing on their property unless there is willful or wanton misconduct. AGAI supported both bills and they were both signed by the Governor.
- Weather Modification. AGAI was actively involved during the interim in the WPIC analysis of weather modification and the subsequent bill. AGAI supported the proposed legislation. SB 29 did not pass the house.
- Navigable River Beds. This bill extended the deadline for water users that have a structure below the high-water mark of a river that has been deemed navigable for title by a court to file for a lease, license or easement. Based on information obtained from DNRC Trust Lands, the Gallatin has not been deemed navigable for title by a court. SB 302 was signed by the Governor.
- Exempt Wells. There were multiple exempt well bills proposed in the 2021 session. AGAI as well as other agriculture and development groups met with Governor Gianforte and agreed to work towards a solution that is agreeable to all parties. These discussions are ongoing during the interim.
- 18th Judicial District Judge Confirmation. AGAI supported the confirmation of Judge Peter Ohman as the 18th Judicial District Judge. Judge Ohman oversees the Gallatin River Enforcement Action. Judge Ohman was confirmed by the Senate.

A more detailed discussion of all the bills that AGAI focused on is available on the AGAI website at [www.http://agaimt.org](http://agaimt.org)

WHERE DOES AGAI STAND ON THE ISSUES? POLICY OBJECTIVES AND PRIORITIES 2021 LEGISLATIVE SESSION

The objectives provided by the Legal/Legislative Committee for engagement and public comment in front of the Legislature are outlined below:

1. AGAI supports the prior appropriation doctrine, including:
 - a) Notice of appropriation and change of use to prior appropriators;
 - b) No prioritization of the type of beneficial use
 - c) No new exemptions to the permitting and change process;
 - d) Water must be put to beneficial use;
 - e) A junior appropriation may not cause an adverse effect to a senior appropriator; and
 - f) A change in appropriation right may not cause an adverse effect to an existing appropriator.
2. AGAI supports limitation of exempt wells in closed basins. AGAI would likely be in support of:
 - a) Reducing the flow rate or volume associated with an exempt well to accurately reflect typical use amounts
 - b) Limiting the concentration of exempt wells through well spacing or other mechanisms; and
 - c) Limiting the use of an exempt well to no more than ½ acre of lawn and garden.
 - d) The concept of requiring metering on all new exempt from permitting wells.
3. AGAI believes that government entities should be required to meet the same standards as private citizens when appropriating water or applying to appropriate water.
4. AGAI supports the use of no adverse effect as primary criteria for determining whether or not a new appropriation or change in appropriation application can be approved. AGAI also believes:

- a) Whether or not there is an adverse effect is a site, and situation, specific determination.
 - b) The determination of whether or not adverse effect has or will occur must not be limited to measurable impacts. The existing water right holder must be able to defend its right through a showing of calculable adverse effect; and
 - c) Legal availability must also be analyzed by DNRC in determining whether or not to issue a permit or change.
 - d) The burden of proof of no adverse effect lies with the applicant.
5. AGAI recognizes that the DNRC has established consumptive use requirements for change applications. AGAI provides the following guidance:
- a) If the DNRC is going to hold change applicants to this standard it must be contained in a rule so that appropriate public comment may be provided;
 - b) The right to exercise private property rights is critically important to AGAI's membership.
 - c) The right to protect private property rights is critically important to AGAI's membership
 - d) If a consumptive use requirement is assigned to change in appropriation right applications, it is critical that a process be provided that ensures that the water user will not "lose" their other non-consumed water in the event a water right is changed again in the future. (i.e. carriage water, sprinkler back to flood, etc.)
6. AGAI believes that the ability to create and improve water storage is important. AGAI also holds that:
- a) Additional or new storage opportunities cannot come at the expense of existing rights and existing water rights may not be adversely affected as a result of new or improved storage.
 - b) There are significant opportunities for conveyance systems to extend their period of use or retain their period of use during drought years through the use of storage.
 - c) There is an opportunity for increasing storage through weather modification/snow modification and high elevation snow pack retention.
 - d) It is in the state's best interest to keep as much water in Montana for as long as possible.
7. AGAI supports the adjudication program and believes that a timely and accurate adjudication is essential to the protection of member's water rights.
8. AGAI supports the continuation of ground water investigation conducted by public research and educational institutions that are non-biased and non-partisan entities to determine the amount of Montana's groundwater resource as well as the interaction, if any, between ground water and surface water. AGAI further believes that the ground water information should be made available to the public in a useful format.
9. AGAI supports the measurement and analysis of diverted surface water provided that:
- a) the measurement is instigated by the water right holder
 - b) the measurement data is not used for enforcement purposes and
 - c) the measurement and analysis is conducted by non-biased and non-partisan entities.
10. AGAI is opposed to the prioritization of the types of beneficial uses associated with water rights.
11. AGAI will participate in the final process and outcome of the Confederated Salish & Kootenai Tribes Water Compact, fully supporting the negotiated water compact with the CSKT. AGAI opposes the Compact opponents attempt to repeal the Compact through the "People's Compact".

STRENGTHENING OUR ORGANIZATION - COMMUNICATION AND FUNDING

Communication:

- AGAI worked very hard this year to expand and update our contact list for all of the members of our member ditches.
- We started sending out email invitations to our members to attend our monthly Board meetings – in person, or by zoom.
- We appointed board members to be ambassadors to all our member ditches. They are primary contact points for updating our members and getting vital feedback.
- We sent out email alerts to everyone we had an email address for: on AGAI's activities, mental health support, and funding opportunities through ARPA.

Funding:

We reached out to Local Businesses to become AGAI Sponsors

Watson Irrigation and Door Tech responded at the Partner level.

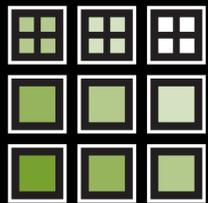
Stockman Bank responded at the Patron Level.

Northwestern Energy, AquaTech, Montana Land Reliance, and Northwestern Mutual Wealth Management Company responded at the Supporter Level.

To see what the support levels mean, see the AGAI website [www.http://agaimt.org](http://agaimt.org)



Gail Watson of Watson Irrigation holds her Thank You Plaque presented by AGAI for Watson's continued Sponsorship of AGAI at the Partner Level.



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CELEBRATING OUR SUCCESSES

Water Walk

The Judge's Water Walk took place on July 8 from 9AM to 2 PM. The participants were: Judge Peter Ohman, former Judge Holly Brown, Jim Stordahl (Court Administrator), State Rep. Jane Gillette, Walt Sales, Conner Parish (Trout Unlimited), Diane Bristol (Simms), Andrea Wass, Susan Duncan, Kathryn Kelly, George Alberda (Water Commissioner), Bill Lee, Dave Weaver, and Krista Evans. We went to the USGS gauging station at the mouth of Gallatin Canyon, to the blowout on Highline Canal, to the regulator on Lowline Canal, to the headgate for Upper Creamery Ditch, ate our picnic lunch by the riverside, got a quick history tour of Central Park, and ended at the USGS gauging station in Logan. We received positive feedback about the tour from the judges and guests.

Al Lien Memorial Scholarship

AGAI awarded \$1000 scholarships for this school year to Olivia Garner and Garrett Bromeshenk. These are the first two scholarships awarded from the Al Lien Memorial Scholarship Fund. The fund was established last year to honor former AGAI Vice President Al Lien for his tireless efforts to advocate for agriculture in the Gallatin Valley.

Olivia is a junior at Montana State University majoring in Animal Science with a minor in Ag Business. She is a full time student and also works a full time and a part time job to pay for school. Olivia was awarded a Gallatin Beef Producers scholarship for Fall 2020 and Spring 2021. She wants to get a Master's degree in animal nutrition specializing in large animals and also be a certified AI Technician. She was a volunteer at Serenity Ranch in 2017-18 and a volunteer at the John Deere Expo in 2019. She is from Bozeman.

Garrett Bromeshenk graduated from high school in Laurel, Montana. His family has an irrigated row crop farm growing corn, malt barley, and alfalfa and a cow/calf operation there. Garret started his cattle career early. He began in 4H and FFA showing cattle and judging livestock through Montana Junior Angus Association and the Junior Charolais Association. He won awards at the local, state, and national level. Garrett parlayed his contacts into scholarships from Montana FFA, Montana Fair, Yellowstone Valley Electric Cooperative, Montana Angus and National Junior Angus Show, Midland Empire Angus Scholarship, and Montana Farm Bureau. He attended Northeastern Junior College in Sterling, Colorado for two years on a scholarship in livestock judging. He graduated with a two- year Associates Degree. He is now a senior at Montana State University majoring in Animal Science. He wants to develop his own registered Angus herd and set up an independent career as a breed representative to gain industry knowledge. For now, he is an intern with Select Sires as an AI Technician. He plans to be prepared to be the sixth generation managing his family's enterprise when his parents are ready to retire.

AGAI is proud to support such dedicated, hardworking students. Donations to the Scholarship Fund can be made through Bill Lee at Stockman Bank in Manhattan, Montana.



Olivia Garner (left) received her Al Lien Memorial Scholarship Check for \$1000 from Bill Lee (right) of Stockman Bank, and Scholarship Committee Chairman for the Association of Gallatin Agricultural Irrigators.



Garrett Bromenshenk received his Al Lien Memorial Scholarship Check for \$1000 from Bill Lee (right) of Stockman Bank, Scholarship Committee Chairman for the Association of Gallatin Agricultural Irrigators.



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