



AGAI

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Association of Gallatin Agricultural Irrigators

Policy Objectives and Priorities 2009 Legislative Session

1. AGAI supports the prior appropriation doctrine including:
 - a. Notice of appropriation and change of use to prior appropriators
 - b. Water must be put to beneficial use
 - c. A junior appropriation may not cause an adverse affect to a senior appropriator

2. AGAI supports limitation of exempt wells in closed basins. AGAI would 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 exemption to certain types of uses
 - c. Limiting exempt well usage to a single well for a single home outside of subdivision;
 - d. Limiting the use of an exempt well to no more than ½ acre of lawn and garden

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 affect 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 affect is a site and situation specific determination
 - b. The determination of whether or not adverse affect 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 affect.

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. It is in the state's best interest to keep as much water in Montana for as long as possible.
7. AGAI is opposed to the prioritization of types of beneficial uses associated with water rights.