



"Local Common Sense Conservation"
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**BROADWATER CONSERVATION DISTRICT
REGULAR MEETING MINUTES**

November 17, 2020

7:00 PM

Teleconference Phone Line

SUPERVISORS PRESENT: Rick Van Dyken, Darrell Baum, Kelly Ingalls, Greg Field

SUPERVISORS ABSENT: Gary Flynn

ASSOCIATE SUPERVISORS PRESENT: Dallas Diehl, Jim Beck

ASSOCIATE SUPERVISORS ABSENT: Daniel Davis, Herb Argabright,

ADVISORS TO THE BOARD PRESENT: Ron Spoon (MT FWP), Justin Meissner (NRCS), Ruthie Heiying (USFS)

GUESTS: David Tullos, Pete Strazdas

I. Chairman Rick Van Dyken called to order the regular meeting of the Broadwater Conservation District at 7:00 p.m.

II. AGENCY REPORTS

- a) **Planning Board** (*Herb Argabright*) – Absent. The next planning meeting will take place on either the 2nd or 9th of December. There are no new subdivisions, the board is only working on the potential Horse Creek Subdivision. There are three new easements in the county. Two are for Round Grove and one in on the Folkvords. Herb foresees no problems with the easements. The board is also looking through the recommended regulation changes for the county and will be hosting a public hearing on this in the future.
- b) **MRCDC** (*Jim Beck*) – MRCDC had their in person quarterly Meeting in Winett but Jim was unable to attend due to the weather. Cascade county and the surrounding area is being considered for a Big Sky Natural Heritage Area. Cascade CD has expressed concerns about the control of development if designated and grant competition for partnering agencies. There is money remaining in the Ranching for Rivers Program. Laurie Zeller is planning to retire at the end of the year and they will not be filling her position right away. This raises concerns for CD's. The coal severance taxes and revenues are expected to decrease and may effect local CD's. There are invasive species concerns about invasive mussels moving further west and pushing closer to the MT border. There are currently no feral hogs in Montana but are in surrounding boundaries. FWP is suggesting to drain Lake Elmo to kill Asian clams. All of the gauges on Deep Creek and Confederate have been removed. Jim is working on the data and is about half done, he is hoping to have it available by the next meeting. There are some interesting trends at the lower end of Deep Creek.
- c) **FW&P** (*Ron Spoon*) – No report.
- d) **NRCS** (*Justin Meissner*) – Hand crews are still working out in Radersburg. The masticator will be working in the Rattlesnake/Butte Area. There are no new CSP applications that are eligible for renewal. The new CSP sign ups will occur in January. Justin has been planning EQuip projects for the TIPS in Elkhorn Co-op Management area and Beaver Creek areas. He currently has 5 applications. Justin asked the board to consider alternate option for Denise's access to the server.
- e) **Helena National Forest/Townsend Ranger District** (*Ruthie Heiying*) – No report.
- f) **MSU Extension Office** (*Allison Kosto*) – Absent. No report.
- g) **Weed Coordinator** (*Jessica Bushnell*) – Absent. No report.
- h) **Broadwater County Commissioner Representative** (*Darrel Folkvord*) – Absent. No report.
- i) **DES Coordinator/Floodplain Coordinator** (*Mike Koehnke/Shawn Higley*) – Absent. No report.
- j) **County Attorney** (*Cory Swanson*) – Absent. No report.
- k) **MACD/NACD/DNRC/SWCDM/MACDEO & Other State and Federal Agencies** – The MACD Convention will be held tomorrow and Thursday via Zoom.

III. PUBLIC COMMENT/GUESTS: None.

IV. 310 BUSINESS

- a) **Open Applications**
 - BW-6-15 – Tracy Fortner, Montana Gulch – reclaiming mine tailings – **The brief is now due on December 2nd. The court routinely grants extensions, so Cory did not object. He did advise Hertha that he would rather oppose any additional extensions.**
 - BW-22-18 – Chuck Hahn, Beaver Creek – irrigation – **No November Report.**
 - BW-23-18 – Chuck Hahn, Deep Creek – **No November Report.**
 - BW-27-18 – John Baker, Cabin Gulch – recreational mining – **No November Report.**

November 17, 2020 Minutes of the Broadwater Conservation District

- BW-28-18 – Ron Schock, North Fork – irrigation structure – **The board reviewed the photographs submitted by Justin Meissner. The board felt the project was adequately completed and unanimously agreed to close the permit. PERMIT CLOSED.**
- BW-2-19 – Tim Peterson, Beaver Creek – bank stabilization/alteration – **No November Report.**
- BW-4-19 – Robert Boswell, Duck Creek – irrigation structure – **No November Report.**
- BW-5-19 – Randy Robertson, Beaver Creek – bank stabilization/alteration – **No November Report.**
- BW-7-19 – Dennis Hayes, Johnny’s Gulch – recreational mining – **No November Report.**
- BW-11-19 – Brandon Flynn, Greyson Creek – bridge/culvert installation – **No November Report.**
- BW-12-19 – Tyson O’Connell, Un-named – pond – **No November Report.**
- BW-14-19 – Leisa McArthur, Deep Creek – bank stabilization/alteration – **The board discussed closing this permit. Ron and Justin have pictures from this project and will provide them at next month’s meeting.**
- BW-16-19 – James & Teresa Conner, Deep Creek – irrigation structure/debris removal – **No November Report.**
- BW-17-19 – Yellowstone Pipe Line Company (Eli Kliewer), Crow Creek – utilities – **The board reviewed post project photos of the project. The board felt the project was adequately completed and unanimously agreed to close the permit. PERMIT CLOSED.**
- BW-18-19 – Yellowstone Pipe Line Company (Eli Kliewer), Warm Springs Creek – utilities – **The board reviewed post project photos of the project. The board felt the project was adequately completed and unanimously agreed to close the permit. PERMIT CLOSED.**
- BW-20-19 – Herb Argabright, Missouri River – bank stabilization – **No November Report.**

b) **2020 Applications**

- BW-1-20 – Doug Bing, Jefferson River – bank stabilization/flood protection- **No November Report.**
- BW-2-20 – Leonard Lambott, Warm Springs Creek – Channel Alteration- **No November Report.**
- BW-4-20 – Steve Davis, White’s Gulch – recreational mining- **No November Report.**
- BW-7-20 – Graymont, Indian Creek – Improvement of existing structure/construction access/debris removal – **No November Report.**
- BW-8-20 – Broadwater Missouri Water Users Association, Deep Creek – Bank stabilization/alteration – **No November Report.**
- BW-10-20 – Gary P. Grover, Avalanche Creek – recreational mining – **No November Report.**
- BW-11-20 – Wyatt Gibbs, Jefferson River – bank stabilization – **No November Report.**
- BW-13-20 – Steven McCullough, Jefferson River – Boat Ramp – **Steve has finished his project and plans to submit post project photos this spring.**
- BW-14-20 – Rueben Gingerich, Missouri River – Irrigation structure/cleaning out existing headgate – **Rick and Ron conducted a site visit on November 5th. The board discussed the project. The board did not think that this project would have a significant effect on the stream. Darrell Baum made a motion to approve BW-14-20 as proposed. Greg Field seconded. Motion passed.**
- BW-15-20 – Six O Six Holding, Confederate Creek – placer mining – **A planning meeting was held on November 9th. Ron Spoon, Jim Beck, Darrell Baum, Kelly Ingalls, Katie Mumford, and Six O Six Holdings was present at the meeting. The purpose of the meeting was to discuss the complaint filed and discuss modifications to the current project. The board discussed a discrepancy on calculations in the permit. Six O Six recognized the discrepancy and agreed to make the correction. A list of modifications was created prior to the board meeting. See Attachment A. The board discussed the modifications. The board and applicant agreed that as the project moves forward the modifications may become more detailed. The board discussed holding a bond on this project. BCD will work with DEQ and DNRC to write up the paperwork and release language for the bond. Darrell Baum made a motion to approve BW-15-20 with the modifications discussed in Attachment A. Kelly Ingalls seconded. Motion passed.**
- BW-16-20 – Dylan Lancello, Ray Creek – debris removal on existing headgate – **Greg and Ron conducted a site visit on November 5th. The board discussed the project. The board did not think that this project would have a significant effect on the stream. Greg Field made a motion to approve BW-14-20 as proposed. Kelly Ingalls seconded. Motion passed.**
- BW-17-20 – Dan Spoon, Crow Creek – irrigation structure, crossing – **Dan Spoon signed and returned the team member report.**

November 17, 2020 Minutes of the Broadwater Conservation District

- BW-18-20 – Six O Six Holdings, Confederate Creek – Ford Crossing – **The work on this project was already completed prior to the meeting. The work was brought to the attention of the board through a complaint notice. BCD asked the violator to complete and submit a new permit for the work completed. Kelly, Darrell, and Ron were able to visit the site and did agree that it looked like work was completed on the upper ford crossing. The board discussed the permit process with Six O Six holdings at the November planning meeting. Darrell Baum made a motion to declare BW-18-20 a project. Kelly Ingalls seconded. Motion passed. Kelly Ingalls made a motion to approve BW-18-20 as proposed. Darrell Baum seconded that motion. Motion passed.**

c) **Other 310 Business:**

d) **Emergency Applications:**

- BW-E1-20 – Dallas Diehl, Dry Creek – Irrigation Structure – **No November Report.**

e) **Complaint Notices:**

- **BW-C1-20 – Six O six Holdings, Confederate Creek – Ford Crossing – See BW-18-20.**

V. DISTRICT BUSINESS

- a) **Minutes Approval: The October 20, 2020 regular meeting minutes were approved as corrected, following a motion by Kelly Ingalls and a second by Darrell Baum. Motion passed.**

b) **Financial Business**

1. **Financial Report Approval:** Katie explained the discrepancies that have been found between our reporting and the PERS reporting. These discrepancies explain the four cents difference that have been found in the last two reports. This will be fixed in the November Financial Report. Katie also explained that there has been an overage with the Hebgen Lake Monitoring mileage of \$182.70. This overage will be corrected in a future financial report. **The October financial report stands approved.** The board also discussed using the CD fire monies to help with Juniper removal in coordination with NRCS. The board asked that Justin provide more information on guidelines and figures.
2. **Bills Pending Approval: The Board approved the November bills pending following a motion by Darrell Baum and a second by Kelly Ingalls. Motion passed.**
3. **Payroll Approval:** October payroll stands approved.
4. **Other Financial Business:**
 - **Employees/Budget** – Katie asked the board if they would be willing to keep Denise Thompson on as a part time employee until June. She would help with preparation for the audit, Fortner business, filing, and organizing. She would receive her current pay without the health insurance stipend and would never exceed 20 hours a month. The board asked Katie to provide a detailed budget in the next meeting.
 - **Permissive Mill Levy** – No November Report.

c) **On-Going Business:**

1. **Misc. Projects/Grants Updates**

- **2020 NACD Technical Assistance Grant** – Katie shared the 2020 monitoring report with the board. See Attachment B.

- **RMEF Grant (Forest Service)** – No November report.

➤ **223 Grants**

- **Crow Creek District Development 223 Grant** – Katie requested and was granted an extension until the end 2021 to complete this grant.
- **Deep Creek 223 Grant** – No November report.
- **Beaver Creek Riparian Health Improvement 223 Grant** – BCD was awarded the \$20,000 request.

2. **Project Coordinator Updates** - No November report.

3. **Deep Creek Updates**

➤ **Deep Creek Watershed Restoration Project/Grant Update:**

- **Monitoring:** No November report.
- **FEMA:** No November report.

- **Reach 8:** No November report..

- **319 Grant:** No November report.

➤ **Deep Creek General Updates:**

4. **Personnel Policy** – No November report.

5. **Coronavirus effects and updates on BCD operations-** No November report.

November 17, 2020 Minutes of the Broadwater Conservation District

6. **Pollinator initiative** – No November report.
7. **CARES act** – Working with the county on reimbursements. Considering applying for full reimbursement amount in January, will investigate this.
8. **MACD Convention**– The board reviewed the resolutions and decided to support all the presented resolutions except for 20-07 which they chose to vote against. See Attachment C for a list of resolutions. Katie will be attending the conference virtually and encouraged the board to do the same.

d) **Event Reports:**

- a. **MACD EO Annual Meeting** – Katie attended this meeting and was elected vice chairman of the EO. She is looking forward to being more involved with the EO.

e) **New Business:**

1. **Newsletter** – Katie asked if the board would be open to paying for a subscription for a newsletter to help increase successful delivery and engagement. She thinks the subscription would qualify for reimbursement under the CARES act funding. The board agreed.
2. **Grasshoppers and potential control opportunities** – USDA AHPIS has a program available to help landowners with hopper control. Katie will attend the upcoming webinar to learn more.
3. **December Meeting** – The board agreed that BCD should hold a December meeting.

VI. **OTHER BUSINESS**

- a) Miscellaneous Reading Material Folder and Correspondences: None
- b) **On-Going Business: None**
- c) **Other New Business: None**
- d) **Natural Resource and Legislative News: None**

VII. **UPCOMING EVENTS:** (noted on the agenda)

VIII. **ADJOURNMENT:** *The meeting was adjourned at 9:06 p.m., following a motion by Greg Field and a second by Kelly Ingalls. Motion Passed. The next meeting is tentatively scheduled for 7:00 p.m. on December 15, 2020.*

Minutes submitted by: _____ Administrator

Minutes approved by: _____ Chairman

The following modifications were discussed during the November 9, 2020 meeting of the applicant, BCD and FWP. The following modifications were approved during the November 17, 2020 regular board meeting.

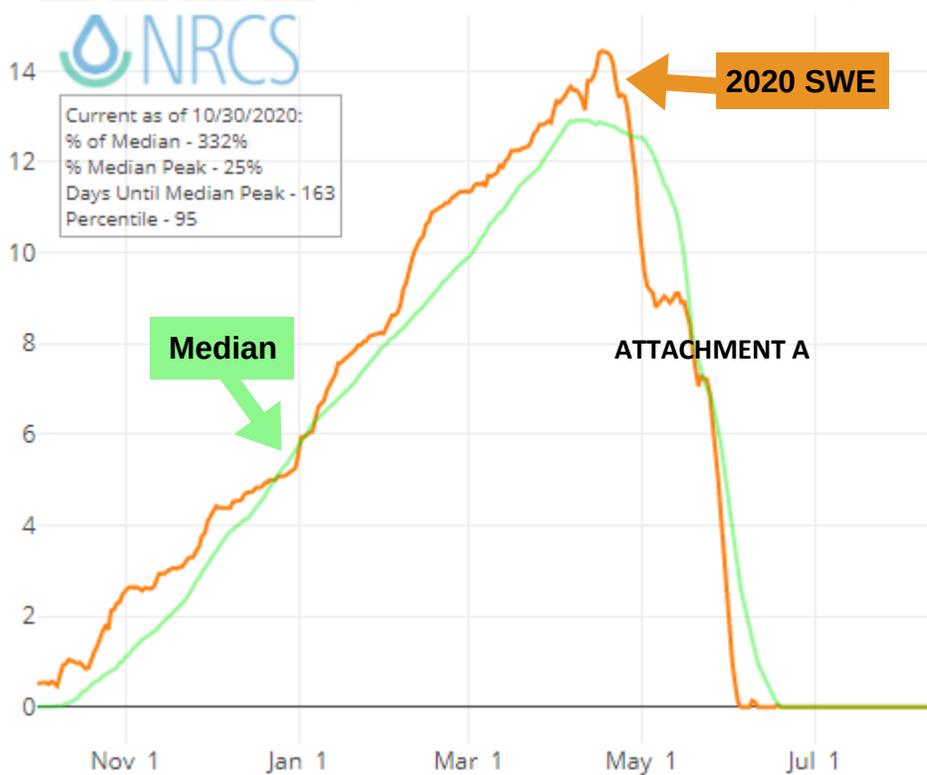
Modifications/Comments:

- **Diversion Dam Details:** The applicant should verify the dimensions of the spillway opening (design sheet 4) will pass the 100 flood event (254 cfs) as designed.
- **Topography of Project Area:** The applicant will provide a detailed GPS-based map to BCD before the project is started. A post project topography of the project area will be provided at completion of the project.
- **Exploration to determine bedrock elevation:** The applicant will conduct coring to determine distance to bedrock. This information improves planning and design of the project. Coring may require additional ford crossings, and these potential crossings are permitted under the 10/9/20 permit application.
- **Reclamation (floodplain):** The approximate 1400 ft mining reach will be phased in 3 or 4 subsections (panels). Best management practices will be implemented to prevent sediment deliver to downstream reaches.
- **Reclamation (vegetation):** In addition to the species list of plants provided in the application, a more detailed plan to restore cottonwood, willow and dogwood should be provided to BCD. If the existing cottonwood seed source can not be maintained, additional nursery stock of cottonwood will be required.
- **Reclamation (stream channel):** The outside bends of the reconstructed stream channel will be secured with natural coconut fabric. Mulch and seed under the fabric will improve revegetation success.
- **Weed Control:** Annual weed control will be implemented.
- **Surface Flow Restoration:** The application describes use of clay or imported bentonite to construct groundwater dams at 500 ft intervals to restore surface water after mining. A detailed design of the groundwater dams and locations in the project reach will be provided to BCD to monitor effectiveness of this technique.
- **Bond:** It is routine for DEQ to hold a \$10,000 bond on small placer projects. In coordination with DEQ, BCD intends to request a Bond of an additional \$10,000 to reduce potential for a large ground disturbance to be left un-reclaimed.

Broadwater County had an usually wet fall, a dry winter - early spring, and an extremely dry fall. Monitoring data throughout the county shows average-above average conditions during the spring, and below average conditions throughout the summer and into fall. The timing of the precipitation that was received in the early fall saved the county from more intense drought conditions throughout the summer.

Prepared by Katie Mumford, 406-521-3016, katie.mumford@usda.gov

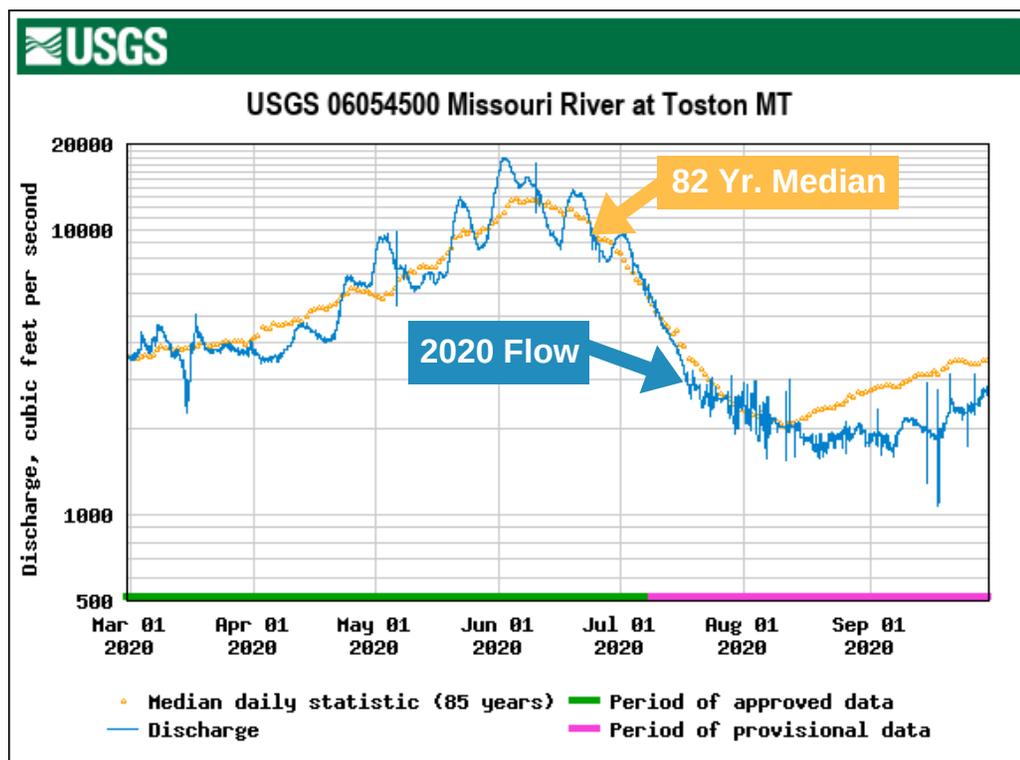
Snowpack/Snow Water Equivalent (SWE)



- The Headwaters Mainstem Basin (HMB) experienced an unusual wet fall and a drier winter. Due to the abundance of snow in the fall, snowpack remained near to above normal November - May.
- Spring precipitation in the HMB plunged to well below average, with Tizer basin showing its second lowest May on record and continued to remain below normal throughout July.

Missouri River Flow @ Toston

- Missouri River flow at Toston Reservoir showed relatively average flow March through April. Low precipitation records brought on below normal flows in the early spring. Flow then evened back out to normal until July 1st.
- Below average flows remained throughout late August through September



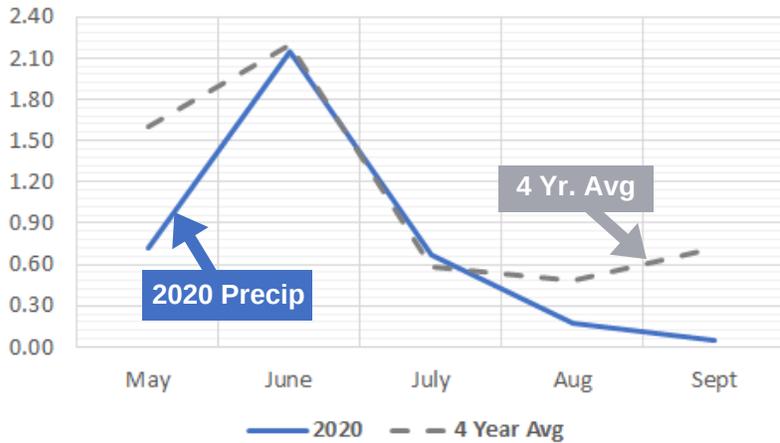


2020 Monitoring Report Cont.

Precipitation

- Precipitation data is collected from 15 gauges throughout the county.
- Broadwater County recorded below average precipitation with an exception of June showing average precipitation.
- Well below average precipitation was recorded this Fall

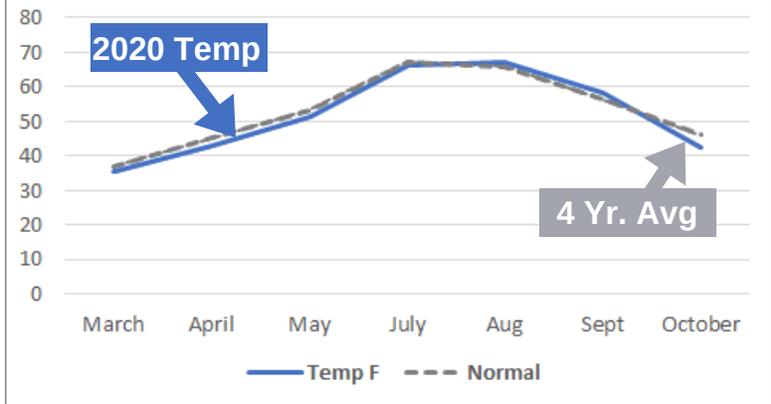
Precipitation for Broadwater County



Temperature

- Temperature data is based off of the Townsend ACIS station operated by the NOAA Regional Climate Centers.
- Townsend temperature remained normal from March - October. No data was collected in June.

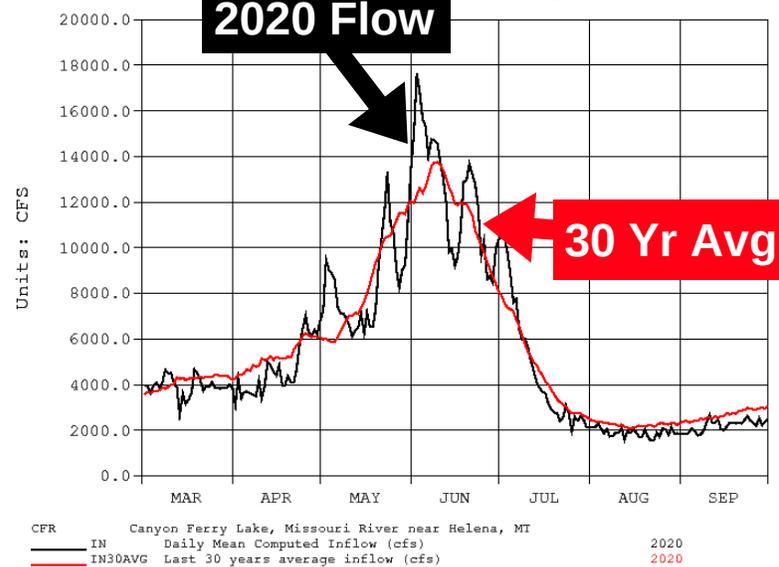
Townsend Temperature



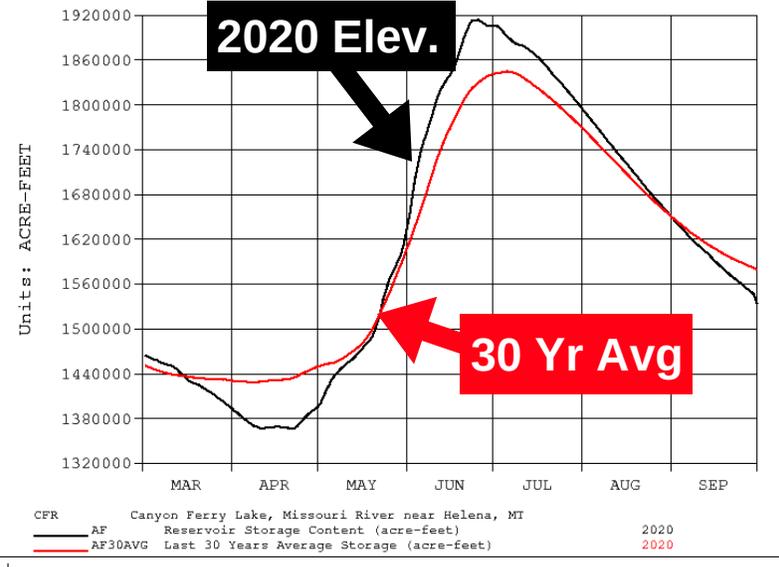
Canyon Ferry Reservoir (CFR)

- LEFT: Daily mean inflow to CFR shows avg inflow March-June, below average July - September
- RIGHT: CFR Elevation (Acre-Feet) was below average March - May, above average June - July

Archive Data From 1-MAR Through 30-SEP
Plotted 10/30/2020 (Provisional Data Subject to Revision)



Archive Data From 1-MAR Through 30-SEP
Plotted 10/30/2020 09:22 (Provisional Data Subject to Revision)



CFR Canyon Ferry Lake, Missouri River near Helena, MT
 IN Daily Mean Computed Inflow (cfs)
 IN30AVG Last 30 years average inflow (cfs)
 2020
 2020

CFR Canyon Ferry Lake, Missouri River near Helena, MT
 AF Reservoir Storage Content (acre-feet)
 AF30AVG Last 30 Years Average Storage (acre-feet)
 2020
 2020

Resolution 20-01
Submitted by Cascade CD

A resolution to combine the Montana Association of Conservation Districts, a 501(c)(4) and the Soil and Water Conservation Districts of Montana, a (501(c)(3).

WHEREAS: The 58 Conservation Districts formed a State Association in the 1940's as a 501(c)(4) and formed a second association to hold property and manage programs in the 1970's as a 501(c)(3); and

WHEREAS: The existence of two entities creates confusion regarding each entities purpose; and

WHEREAS: The cost of operating two entities is more expensive than a single entity; and

WHEREAS: The 501(c)(4) operates solely on dues from Conservation Districts and the 501(c)(3) operates solely on program income; and

WHEREAS: The 501(c)(4)'s ability to seek other sources of operating funds is limited because entities that could donate operating funds will not contribute money to an organization that is organized to lobby.

NOW THEREFORE BE IT RESOLVED: That the 501(c)(4) be dissolved, its assets be transferred to the 501(c)(3) and that the name of the 501(c)(3) be changed to "The Montana Association of Conservation Districts (MACD), all to become effective on January 1, 2021; and be it resolved, that MACD will continue to provide member defined services as well as hold property and manage programs.

Submitted by Cascade Conservation District. Contact Tenlee Atchison at 406-770-4308.

**Resolution 20-02
Submitted by Flathead CD**

A resolution for the study of erosion on the Flathead River

WHEREAS: The lower Flathead River in Flathead County is bordered by a substantial privately-owned lands of agricultural, ecological, and economic importance; and

WHEREAS: Recreational use of the Flathead River has increased; and

WHEREAS: Many landowners and agricultural producers have recently reported substantial increases in streambank damage from erosion; and

WHEREAS: Excessive erosion to Flathead River streambanks endangers important agricultural lands, water resources, riparian vegetation, and aquatic systems.

THEREFORE BE IT RESOLVED: MACD work with local Legislators to introduce a resolution at the 2021 Session of the Montana State Legislature for the study of erosion on the Flathead River from the confluence of the North Fork and Middle Fork of the Flathead River to Flathead Lake; and

THEREFORE BE IT FURTHER RESOLVED: The study be conducted by a taskforce chaired by the Flathead Conservation District and including these members: Flathead River Commission, Flathead Basin Commission, Montana Fish Wildlife and Parks, and including at least two members of the public representing recreation and agriculture groups; and

THEREFORE BE IT FURTHER RESOLVED: The Taskforce will compile existing data on the causes and impacts of erosion on Flathead River. Further, the Taskforce will determine information gaps and collect additional data, as necessary; and

THEREFORE BE IT FURTHER RESOLVED: The Taskforce will produce a report for presentation to the 2023 legislature including conclusions and recommended measures to prevent erosion to Flathead River streambanks within Flathead County.

**Resolution 20-03
Submitted by Lake County CD**

A resolution to combine the Montana Association of Conservation Districts, a 501(c)(4) and the Soil and Water Conservation Districts of Montana, a (501(c)(3).

WHEREAS the 58 Conservation Districts formed a State Association in the 1940's as a 501(c)(4) and formed a second association to hold property and manage programs in the 1970's as a 501(c)(3): and

WHEREAS the existence of two entities creates confusion regarding each entities purpose; and

WHEREAS the cost of operating two entities is more expensive than a single entity; and

WHEREAS the 501(c)(4) operates solely on dues from Conservation Districts and the 501(c)(3) operates solely on program income; and

WHEREAS the 501(c)(4)'s ability to seek other sources of operating funds is limited because entities that could donate operating funds will not contribute money to an organization that is organized to lobby;

NOW THEREFORE BE IT RESOLVED that the 501(c)(4) be dissolved, its assets be transferred to the 501(c)(3) and that the name of the 501(c)(3) be changed to "The Montana Association of Conservation Districts (MACD), all to become effective on January 1, 2021; and

BE IT FURTHER RESOLVED that MACD will continue to provide member defined services as well as hold property and manage programs.

Submitted by the Lake County Conservation District. Contact Heidi Fleury at 406-676-2841.

**Resolution 20-04
Submitted by Lake CD**

A resolution to approve a set of bylaws for the new MACD

WHEREAS The Montana Association of Conservation Districts will be dissolved on January 1, 2021 and its assets conveyed to the Soil and Water Conservation Districts of Montana; and

WHEREAS the name of the Soil and Water Conservation Districts of Montana will be changed to the “The Montana Association of Conservation Districts; and

WHEREAS a new set of bylaws is needed to reflect the combination of the two entities;

THEREFORE, LET IT BE RESOLVED that the attached set of bylaws be voted upon by the membership of MACD.

Submitted by the Lake County Conservation District. Contact Heidi Fleury at 406-676-2841.

**Resolution 20-05
Submitted by McCone CD**

A resolution to have MACD and NACD talk with North and South Dakota CDs about a coordinated program for AIS prevention.

WHEREAS the Zebra and Quagga Mussels are progressing westward into waterways in North Dakota and South Dakota; and

WHEREAS an aquatic invasive species introduction into Montana would have a significant impact on Montana waters; and

WHEREAS a coordinated regional approach would benefit all participating States;

THEREFORE, BE IT RESOLVED That MACD and NACD talk to the North Dakota Association of Soil Conservation Districts and South Dakota Association of Conservation Districts about participating in a coordinated program for Aquatic Invasive Species prevention.

Submitted by the McCone Conservation District. Contact Diane Black at

406-485-2744 X 100

Resolution 20-06**Submitted by Valley CD****VCCD resolution Providing Critical habitat thru the Milk River system for Pallid Sturgeon**

WHEREAS the Pallid Sturgeon is one of the rarest fishes in North America ([Kallemeyn, 1983](#)) and was federally listed as endangered in 1990 decline by isolating pallid sturgeon populations, altering flow regimes, and reducing habitat; The Pallid Sturgeon is known only to occur in the Missouri River, the Mississippi River downstream of the Missouri River, and the lower Yellowstone River;

WHEREAS the Milk River is ecologically important to the Missouri River downstream of Fort Peck Dam as it contributes flows, sediment, and warmer water temperatures necessary for the recovery of the Pallid Sturgeon ([USFWS, 2013](#));

WHEREAS the Fort Peck Adaptive Management Framework ([U.S. ACE, 2018](#)) lists temperature enhancement using Milk River and spillway flows as an adaptive management strategy to manage flows from Fort Beck Dam in order to address pallid sturgeon;

WHEREAS Environmental groups have filed suit against U.S. Army Corps of Engineers, the Bureau of Reclamation and the Fish and Wildlife Service for operating dams on the Yellowstone and Missouri Rivers in such a way that endangers the pallid sturgeon. Lawsuits that impact the operation of the Missouri River Mainstem Reservoir System will have a direct impact on irrigation operations, municipal water systems and citizens that rely on managed water flow in the entire Missouri River Mainstem;

WHEREAS the St. Mary Canal was constructed in 1917 and is used to divert water through a series of syphons from the St. Mary River to the Milk River which can contribute up to 80 percent of the flows in an average year;

WHEREAS the St. Mary Canal is over 100 years old and in need of over hall to continue to provide a reliable source of water for the Milk River which supports municipal water supplies, irrigation, habitat and recreation along Montana's Hi-Line;

WHEREAS in May 2020 Drop 5 of the St. Mary Canal suffered a catastrophic failure and as a result no water is being diverted into the Milk River resulting in water shortages for Canada and Montana's Hi Line;

WHEREAS the current cost share agreement between project beneficiaries (irrigators) and the federal government is cost prohibitive for the irrigators to afford

the \$200,000,000 estimated cost of design and replacement of the St. Mary Canal now, therefore, be it

RESOLVED, that the Montana Association of Conservation Districts (MACD), on behalf of its members:

1. urges the National Association of Conservation Districts to advocate on behalf of the water users in the Milk River and Missouri River Mainstem for rapid response from the Administration to allocate funds and resources to rehabilitate the St. Mary Canal; and
 2. urges the National Association of Conservation Districts to lobby the Administration and Congress to adjust the cost allocation formula that currently assess irrigations 74% of all maintenance, repairs and rehabilitation.
- Submitted by: Valley Conservation District, Gene Granada Chairman, 54059 US Hwy 2 W, Suite 2, Glasgow, MT 59230, (406) 228-4321 Ext. 101

The U.S. Fish & Wildlife Service identified actions to restore habitat connectivity as part of the Pallid Sturgeon Recovery Plan ([USFWS, 2013](#)) including “Evaluate need for passage of Pallid Sturgeon at Vandalia Diversion Dam, Milk River. Restore passage at Vandalia Diversion if deemed necessary for Pallid Sturgeon recovery.”

The current design and management of the St. Mary Diversion for the Milk River Project is the primary factor affecting bull trout in the St. Mary Recovery Unit (Mogen and Kaeding 2005b, Mogen et al. 2011). The St. Mary Diversion is operated by BOR and recovery actions identified as necessary to conserve bull trout include: (1) constructing a screen at the St. Mary Diversion to eliminate entrainment of up to 600 bull trout per year (Mogen et al. 2011); and (2) development of fish passage facilities to facilitate upstream migration, especially to access Boulder Creek, the single most abundant local population.

https://www.fws.gov/pacific/bulltrout/pdf/Final_Saint_Mary_RUIP_092915.pdf

Resolution 20-07
Submitted by Valley CD

Resolution 20-01: Requesting the Montana Legislature stop basin adjudications by the Montana Water Court until the vested surface stockwater rights are adequately addressed in the Montana Water Use Act.

WHEREAS The Montana Conservation Districts are mandated by statute (75-15-102 MCA) to protect the soils, water, citizens, and economic base of Montana; and

WHEREAS the Montana Legislature passed the Montana Water Use Act (Act) in 1973 which changed established historic Montana water law, extinguished vested property rights, and did not adequately address surface stockwater rights; and

WHEREAS the new agency (Department of Natural Resources and Conservation) charged with cataloging and storing existing water rights misinterpreted the new law to divest ranchers of their vested historic water rights on their Bureau of Land Management (BLM) administered allotments, and

WHEREAS the Montana Water Court recently upheld this misinterpretation of the Act to illegally give ranchers' vested water rights to the BLM (Montana water law requires the applicator to divert the water and put it to beneficial use before a water right is issued - the BLM does neither);

NOW, THEREFORE BE IT RESOLVED the Montana Association of Conservation Districts (MACD) recommends the basin adjudications currently in progress by the Montana Water Court be stopped until the surface stockwater problems can be addressed; and

BE IT FURTHER RESOLVED the MACD requests legislation be drafted that recognizes the pre-1973 historic vested water rights and ensures these property rights are protected and upheld by all applications and interpretations of the Montana Water Use Act; and

BE IT FURTHER RESOLVED the MACD requests an amendment be made to the Act that addresses surface stockwater rights on BLM administered allotments.