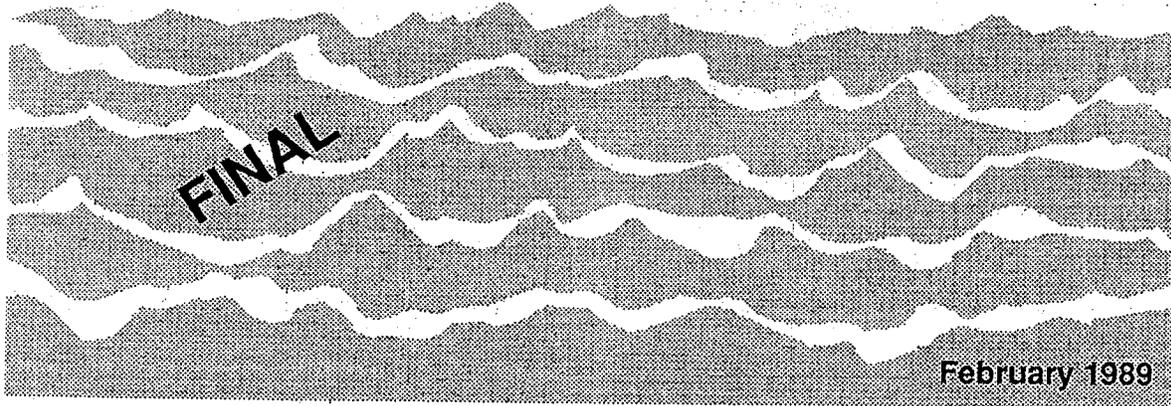


MONTANA WATER PLAN Management Section



Subsection: Agricultural Water Use Efficiency

Introduction	2
Background	2
Policy Statement	3
Issues and Recommendations	3
Issues	3
Recommendations	3
Plan Implementation	3
Legislative Action	3
Administrative Action	4
Financial Requirements and Funding Strategies	4
Time Schedule	4

WATER RESOURCES DIVISION • DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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WATER POLICY INTERIM
COMMITTEE
MARCH 10, 2010
EXHIBIT 9

INTRODUCTION

Agriculture is Montana's largest business, providing about one-third of the total state income from primary industries. Irrigation contributes roughly one-quarter of agricultural income and, importantly, stabilizes agricultural production during the all-too-frequent dry years. Satisfying agriculture's vital demand for irrigation water requires the development and extension of water supplies through a combination of management strategies, including water storage. Another method is to improve the efficiency with which water is used.

The benefits of improved agricultural water use efficiency are diverse and include:

1. Improved ability to withstand periods of drought.
2. Increased irrigated acreage through the use of saved water.
3. Improved performance of aging irrigation facilities.
4. Increased irrigators' profits when the benefits of more efficient water use (increased crop production and sometimes decreased operating costs) are greater than the investment cost.
5. Reduced soil erosion and improved water quality.
6. Help in meeting the needs of current water users once the prior reserved rights of Indian tribes and the federal government are quantified and put to use.

Along with these benefits, improving water use efficiency may be important in terms of interstate water allocation. The U.S. Supreme Court has indicated that state conservation efforts will be considered if it is called upon to divide the waters of interstate rivers. The Court could decide to award smaller shares to states making no effort to increase water use efficiency, reasoning that these states could meet their future needs by saving more water.

BACKGROUND

Any strategy to improve agricultural water use efficiency must reflect an appreciation of several difficulties. First, because each irrigation situation is different, improving water use efficiency requires a case-by-case consideration of a number of complex geologic, hydrologic, and economic factors. Second, irrigation efficiency improvements can be very expensive. Third, water uses within a basin can be extremely interdependent. One irrigator's

return flows or recharge to ground water can be another irrigator's water supply. Therefore, improving the efficiency of one water user could adversely affect the water supply of others. Fourth, while Montana law protects water users from adverse effects caused by other people's changes in water use, the law does not clearly establish who owns the right to water saved without adverse effects to others.

A number of options are already available to overcome some of these problems. The Montana Cooperative Extension Service, local conservation districts, and a number of other state and federal agencies provide technical assistance and information on water conservation measures. The Montana University System also supports research to improve our understanding of the complex factors that affect irrigation efficiency. Research may also help develop improved irrigation practices and technologies.

Funding assistance is available for irrigation efficiency improvements from a number of sources. These sources include the U. S. Agricultural Stabilization and Conservation Service, Farmers Home Administration, Soil Conservation Service, and the Montana Water Development Program administered by the Department of Natural Resources and Conservation (DNRC).

Given that one irrigator's water losses can be another irrigator's water supply, improvements in water use efficiency may adversely affect some water users. In light of this, the law provides potentially affected parties the right to object to certain changes in water use. Accordingly, the objective of increased water use efficiency is not to reduce the amount of water that is later reused. Rather, it is to decrease losses such as: (1) water used by weeds or other unwanted vegetation; (2) evaporation of standing water; (3) water that is not consumed but becomes inaccessible for reuse; or (4) water that becomes unusable because its quality has deteriorated.

The final difficulty stems from the fact that our water law is not clear on the question of who holds the right to salvaged water. In Montana, water rights are based on the amount of water historically put to beneficial use. If an irrigator decreases his use over time because of improved efficiencies, the legal status of the water no longer needed can be called into question. By one interpretation, this part of the water right would be considered abandoned and the water would go to the next junior user. Obviously, this would not encourage increased efficiency. Under a second interpretation, an irrigator who increases his efficiency retains the right to the salvaged water, so long as other water users would not be adversely affected by the change in water use. The irrigator may then have the option to expand

his irrigated acreage, sell, or otherwise benefit from the right to the salvaged water. Using this interpretation, an irrigator may be rewarded, rather than penalized, for becoming more efficient.

STATE WATER PLAN POLICY STATEMENT

Voluntary improvements in agricultural water use efficiency that expand water supplies for agriculture and other uses should be encouraged. Where improvements in water use would adversely affect other existing beneficial uses, such improvements should not be allowed.

ISSUES AND RECOMMENDATIONS

Issues

To encourage voluntary improvements in agricultural water use efficiency, three groups of issues must be successfully addressed.

1. Adequate information and educational opportunities must be readily available to irrigators, and research must be continued. How difficult is it for irrigators to obtain this information? Is it presented in a manner that is clear and persuasive? Are there adequate data for evaluating applications for water right changes in terms of adverse effects upon other water users? Is improving irrigation technologies and practices receiving adequate priority in the competition for agricultural research dollars?
2. Funding assistance may be necessary for those wishing to improve irrigation efficiency. Are existing programs capable of meeting future demands for funding? Are the kinds and levels of support adequate? Should the state Water Development Program give special consideration to irrigation efficiency-improving proposals? Are other sources of funding available, particularly for the rehabilitation and betterment of aging irrigation projects?
3. Laws clarifying who owns the right to salvaged water must be enacted to provide clear incentives for more efficient use. But when an irrigator increases efficiency, how will the amount of water salvaged be determined? Will it include water that otherwise would have been return flows? How will other water users be protected from adverse effects? Should restrictions be placed on how the saved water can be used?

Recommendations

In response to these issues, the following recommendations have been adopted:

1. The adequacy and effectiveness of existing information and research programs should be evaluated. Information should be provided to the state's irrigation districts and other organized irrigation associations on the availability of technical and financial assistance for improving irrigation efficiency. Further, these entities should be informed of their option under state law for the use of salvaged water.
2. Support for federal programs providing financial and other local level assistance to irrigators should be maintained. Special consideration should be given in the state Water Development Program for projects that would improve the efficiency of existing irrigation systems. Funds from the federal Pick-Sloan Missouri Basin Program should be allocated for use in the rehabilitation and betterment of irrigation projects.
3. The law should clearly provide that if an irrigator salvages water, he maintains the right to use the water. However, salvaged water must be defined to include only water that has not been available for reuse by other water users.

PLAN IMPLEMENTATION

Legislative Action

To provide effective financial support, the legislature should adopt a resolution urging Congress to authorize and appropriate funds from the Pick-Sloan Missouri Basin Program for the rehabilitation of irrigation projects. Such funding can be justified as compensation for water development projects promised to Montana under the 1944 Flood Control Act, but never received.

Legislation also should be passed that clarifies the rights of water users to salvaged water. Such legislation should carefully define "salvaged water" to include only the saved water that otherwise would have become consumed or unusable for other existing appropriators. The use of salvaged water for a different purpose, in a different place, from a different point of diversion, or from a different source of storage would require a change in water right in accordance with Montana law.

Administrative Action

To improve education and research on irrigation efficiency, the DNRC, in cooperation with the Montana Cooperative Extension Service and the U.S. Soil Conservation Service, should evaluate the effectiveness of existing research and public education programs. A report should be prepared to the State Water Plan Advisory Council that sets forth recommendations for any improvements in these programs.

The state's irrigation districts and other organized agricultural water user groups should be informed of available technical and financial assistance for improving irrigation efficiency. They should also be informed of the opportunity to use salvaged water if the legislation recommended above is enacted.

To assure continued federal government support for improving agricultural water use efficiency, the DNRC should continue to monitor and support federal funding for programs or projects that improve agricultural water use. In addition, the Water Development Program should give special consideration to project proposals that improve the efficiency of existing irrigation projects. The Governor's Office and the DNRC should also pursue all administrative and intergovernmental channels available to obtain Pick-Sloan funding for irrigation project rehabilitation.

Financial Requirements and Funding Strategies

It is anticipated that the administrative actions can be accomplished with current levels of funding.

Time Schedule		
Activity	Responsibility	Deadline
A. Development and Implementation Tasks		
1. Draft Legislation	DNRC	January 1989
2. Enact Legislation	Legislature	April 1989
3. Contact irrigation districts and water users' associations	DNRC	May 1989
4. Complete evaluation report on irrigation efficiency information and research	DNRC	September 1989
B. Ongoing Tasks		
1. Rank irrigation efficiency project proposals to the Water Development Program	DNRC	
2. Monitor and support federal funding, including Pick-Sloan Program Funding	DNRC/Governor's Office	