

STILLWATER VALLEY WATERSHED COUNCIL



Making a Difference in Stillwater County, MT

Our Mission

We will provide an open forum in which all interested parties may work in a collaborative effort to sustain our rural quality of life and protect and enhance our natural resources. We are committed to research and educating our Valley residents and the public about our Watershed and the steps we can take to preserve and maintain the integrity of the river, the land and the beauty of our Valley. We will endeavor to bring together public, private and government resources, funding and grants to achieve our goals.

Board of Directors

Mike Lorash, Chairman
Cindy Green, Vice Chair
Theo Yanzick, Secretary
Fay Espeland, Treasurer
JO Hash
Tom Kircher
Noel Keogh
Bill Mytton
Sandra Peck
Dough Robinette
Tim Schaff
Olaf Sherwood

Upcoming Events

January 31st - SVWC Annual Meeting, Fishtail

May 14 - Oil & Gas Forum, Absarokee

Message from the Chairman, Mike Lorash

I hope this year finds all of you staying warm and safe on the roads. With a summer that provided exceptional moisture, hay piles are plentiful and summer grasses helped fatten up calves that sold at amazing prices. The down side to all the moisture is that the weeds also flourished. We have some great weed control programs to get involved in, contact Lindsey for more information.

Last year at this time we were excited to have the Stillwater River Assessment complete, anxiously awaiting the final report. Warren Kellogg performed the assessment and found the Stillwater River is in pretty good health; however, many beneficial projects were recommended. If you have an interest in reading the Stillwater River Assessment, it is available on our website, at the libraries around the county or can be purchased through the SVWC.

Our annual Water Seminar, held last spring had a terrific lineup of speakers and continues to inform the community about water issues pertinent to the community. This spring, an oil and gas forum is planned.

Many landowners expressed interest in continuing an assessment on the East and West Rosebud drainages. Thus, a grant has been submitted with

the Stillwater Conservation District to fund this assessment. We will know more this spring

The Small Landowner Weed Control Program continues to be very successful and we are seeing great results from the cooperative efforts of landowners and the SVWC. We have been blessed with the availability of grants to offer cost-share for this program. Thank you to all who have been involved as a landowner or volunteer.

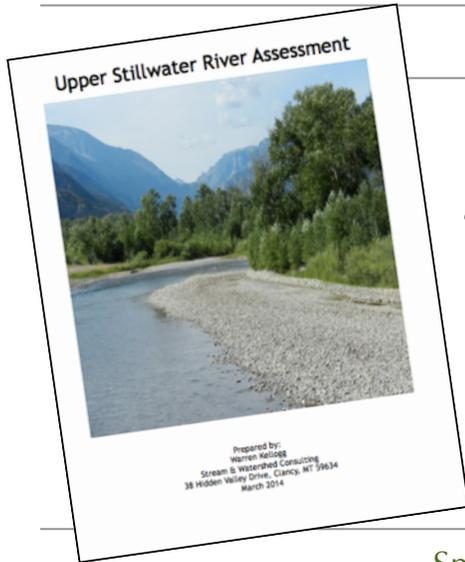
The BBQ and auction is a great summer time event and this year was no different. The donated auction item selection continues to grow. The dinner was incredible and a great crowd gathered to indulge in the festivities. Thank you to the Fishtail Basin Ranch (Abbott and Young families) and all who donated, attended and volunteered to make this our most successful event yet!

I am very pleased to see how the SVWC has grown from a weed fighting organization to include the land and river to follow our mission of bettering the Stillwater Valley as a whole. From our forums and seminars to obtaining grants and involving the community in our efforts; the SVWC is working hard to improve the Stillwater Valley for future generations.

Thank you to all who have been a part of such a successful year, we could not have done it without your involvement!

Mike

2014, SVWC's Year in Review



Upper Stillwater River Assessment Released

*“A river is water in its loveliest form;
rivers have life and sound
and movement and infinity of variation;
rivers are veins through which the
life blood returns to the heart.”*

-Roderick Haig-Brown

The SVWC is interested in getting projects, identified in this report, off the ground. Please contact Lindsey, or any board member, if you are interested. We can help obtain funding and contact experts to get the job done right!

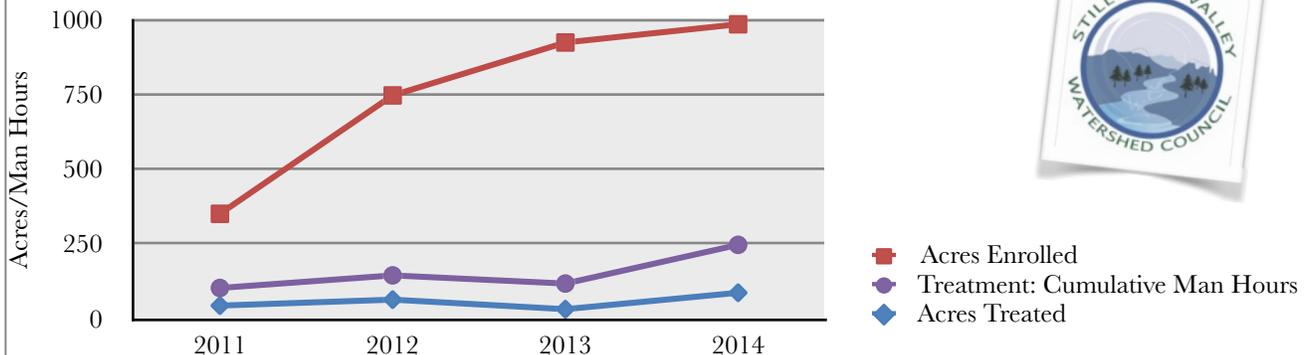
Reports can be purchased through the SVWC for \$55 and are also available on our website (www.stillwatervalleywatershed.com), at all county libraries, the Extension Office and the Stillwater Conservation District.

Small Acreage Weed Control Project~Another Successful Year!



In 2014, 89 landowners signed up to participate in the weed control program. The target area again began at the Forest Service boundary on the Upper Stillwater River and continued to Spring Creek Bridge and included other outlying areas. This program, intended for landowners with 20 acres or less, providing cost-share to target noxious weeds such as spotted knapweed, leafy spurge, houndstongue and Canada thistle. Within this region, approximately 88 acres were treated for weeds on nearly 1000 participating acres. In addition to the acres enrolled by landowners, the SVWC and its commercial applicators were diligent in treating known infestations on US Forest Service property as well as along roadsides throughout the numerous subdivisions.

SVWC Small Landowner Weed Control Program
2011-2014 Results





2014, SVWC's Year in Review

6th Annual BBQ & Auction



The 2014 BBQ and auction, hosted by the Abbott and Young families at the Fishtail Basin Ranch, was a huge success thanks to the numerous volunteers, and generous donors and buyers. The evening brought record turnout and phenomenal community support which was topped off only by the beautiful August weather. All funds raised at this event remain in the watershed to continue conservation education and cost-share programs.

Stillwater River Float & Weed Pull



"Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul alike." ~ John Muir

What's in store for 2015?

- ☑ **SVWC's Annual Meeting**, January 31 ~ Fishtail Community Center (agenda on page 5)
- ☑ **Oil and Gas Forum**, May 14 ~ The SVWC and Stillwater Protective Association are teaming up to host a forum on oil and gas exploration that is educational in nature, providing the audience with factual and balanced information and viewpoints. Stay tuned for more information!
- ☑ **Multi-Media Education Project**~The recent Upper Stillwater River Assessment uncovered the real need to inform residents (full-time, seasonal and absentee) and recreationalists of their unintentional impacts on the river. With the currently available and popular multi-media technology, new directions to reach constituents in a more efficient manner are being sought. These avenues include developing/sharing short videos targeting various audiences, optimizing internet presence through social media based campaigns, and marketing new media. **VISIT US ON FACEBOOK & STAY TUNED FOR OUR UPCOMING PHOTO CONTEST!!**
- ☑ **East & West Rosebud Rivers & Fishtail Creek River Assessment**~The SVWC, working in partnership with the Stillwater Conservation District, is seeking to fund a professional comprehensive stream corridor assessment of approximately 55 miles of the East Rosebud Creek, the West Rosebud Creek and Fishtail Creek. *Project dependent on obtaining grant funding*

Stillwater group makes dent in noxious weeds, seeks to expand mission

Story By LINDA HALSTEAD-ACHARYA, Courtesy of the Billings Gazette, October 2014

NYE — Foreign invaders have infiltrated the Stillwater River drainage. The invaders, of course, are noxious weeds that spawn thousands upon thousands of reinforcements each year. Despite the daunting scope of the task, the Stillwater Valley Watershed Council has made noticeable headway in eradicating the trespassers. Now, the group is looking for recruits to further its mission.

“We’re doing a pretty good job on the ground,” said Tim Schaff, one of the founding members of a weed management area that evolved into the SVWC. “Now we need to educate fishermen, hunters and ATV owners.”

Since 2007, the initial handful of participating landowners have grown to nearly 200 dues-paying members. Their \$25 annual dues allows cost-share for weed control.

Mike Lorash, current board chair for the SVWC, said the organization has been awarded more than \$250,000 in grants over the years and has made great strides in combating noxious weed infestations. “I don’t think any of us ever imagined it would become as big as it is,” he said. “It’s been neat to see how far we’ve come.”

Expanding its mission: On the heels of that success, the SVWC has expanded its efforts in both scope and area, taking on water quality and timber issues. Likewise, the council’s reach has grown beyond the upper Stillwater River to include the entire watershed, said Lindsey Clark, coordinator for the SVWC. Lorash stresses that the *SVWC is not a governmental organization but a collaborative effort of multiple parties*. Financial backing and boots on the ground have come from the Stillwater Mining Co., the Rocky Mountain Elk Foundation and the

Absarokee and Nye Community Foundations, among others. Stillwater County, Montana’s Fish, Wildlife and Parks and the U.S. Forest Service have also played key roles.

“Now, we’re looking at collaborating with other groups with common interests,” Schaff said. “If a group comes to us, we’re here to provide the resources and to try to find funding to assist them with their projects.”



Photo courtesy of Larry Mayer, Gazette Staff

Working top-down: Landowner Noel Keogh (above photo), also a founding member of the group, describes how the council attacked the weeds via a top-down approach, working its way down the river and ensuring weeds weren’t reinfesting. “We achieved our goal all the way down to the Nye School,” Keogh said. “We’re now working incrementally downriver.”

The council hopes to keep the momentum going by enlisting youth groups, sports organizations and absentee landowners. ATV users, hunters and hikers often transplant seeds inadvertently. Likewise, a hiker or hunter can easily infest an unspoiled area simply by picking houndstongue off their jeans in the back country. “These are the problems,” Schaff said. “How can the rest of you out there be part of the solution?”

Hitchhiking seeds: Keogh knows firsthand how quickly the weeds

invade and take hold. He was a young boy in the 1960s when an old-timer pointed to a purple flower growing near a chrome mine, not far from the current Stillwater Mine. “I remember him telling me, ‘I don’t know what that purple stuff is (spotted knapweed), but it’s not good’,” Keogh recalled.

Battling biology: Knapweed is particularly opportunistic and quick to infest disturbed soils. Once it puts roots down, those roots send out toxins that kill native grasses, Keogh said. If left to flourish, knapweed will choke out desirable bunchgrasses to create a monoculture, depleting soil organic matter and increase erosion potential. “Nothing does well in a monoculture,” Keogh said.

Landowner buy-in: As the council broadens its attack, it recently published a report on the Stillwater River. The baseline study identifies potential problems, such as irrigation ditches, septic systems and livestock corrals, and prioritizes actions to address the health of the river. “I think it will be just as big an issue (as weeds),” Schaff said. Already, Keogh said, dozens of landowners have modified their operations to improve water quality. “This template we’ve designed can be transferred down the river,” he added. ***Everybody needs to be involved to make this successful.***



SVWC's Annual Meeting & Potluck

January 31st, 2014

WHEN: 3:00 pm

WHERE: Fishtail Community Center

AGENDA:

3:00 pm~ Welcome

3:15 pm~ *Water Rights, the Adjudication Process & Legislative Updates*, Russ McElyea, MT Water Court Judge

4:30 pm~ *Farm Bill Updates*, Ted Nelson, NRCS

5:00 pm~ *SVWC Board Elections & Misc. Business*

5:30 pm~ Socializing & Potluck Supper

"Water is the driving force of all nature." - Leonardo De Vinci

MT Court Orders State To Close Loophole To Protect Water Rights

Press Release Courtesy of Western Environmental Law Center, Oct. '14

Developers abused the state's loophole to appropriate water for new subdivisions, threatening the availability of water for existing users.

Helena, Mont. – In mid-October, the Montana District Court for Lewis and Clark County ordered Montana Department of Natural Resources and Conservation (DNRC) to close a loophole in the state's water right permit rules that developers and other large water users were using to avoid the permitting process when drilling thousands of water wells for new subdivisions.

"The exempt well loophole has amounted to a giveaway our limited water resources," said Polly Rex of the Horse Creek Water Users, a plaintiff in the case. "Judge Sherlock really sent DNRC back to the drawing board with his order. [Plaintiffs] Katrin Chandler, Betty Lannen and I finally feel like someone in a position to do something actually did, issuing such a thoughtful and decisive order. We are very pleased."

Rural homeowners, ranchers, and farmers in Montana have long relied on the "exempt well" provision of the law that affords them the opportunity to drill a small well without obtaining a permit. It's an approach that was intended for small, dispersed uses of water with little potential to impact existing rights.

But during Montana's residential housing boom of the last two decades, developers seized on the "exempt-well" loophole to avoid obtaining

permits for drilling water wells when converting agricultural lands into subdivisions. The effect on a groundwater aquifer is immense; just one subdivision can drill hundreds of new water wells.

"We are thrilled with the Court's decision," said Matthew Bishop, an attorney with WELC who represented the plaintiffs. "The Montana legislature never intended to allow large consumptive water users to by-pass the water permitting requirements simply by drilling multiple, unconnected wells. The Court recognized that today," Bishop added.

The Montana Water Use Act provides a specific exception from water right permitting for small groundwater wells, but the Act includes a recapture provision requiring that "combined appropriations" from the same source from two or more wells for the same project or development obtain a water right permit if the total amount appropriated exceeds 10 acre feet a year. But in 1993, DNRC negated this limitation by adopting a rule that a "combined appropriation" requiring a permit only exists if the wells are physically manifold or plumbed together. However, very few subdivision developments, if any, are ever connected in that manner.

"Over the last two decades – a period of record low streamflows – the exempt well loophole created by DNRC's rule has encouraged developers to drill tens of thousands of individual wells in the Clark Fork Basin to avoid the permit system," said Karen Knudsen, Executive Director of the Clark Fork Coalition, a plaintiff in the case. "The Coalition has long-argued that the rule violates the Act, and we are pleased that the Court agreed with us," said Knudsen.

Concerned about security of senior water rights and the availability of water for family ranches, wildlife and in-stream flow, landowners and conservationists petitioned the state in 2009 to close the loophole. After being denied, plaintiffs took DNRC to court. The case was settled in November 2010 but DNRC pulled out of its commitment and plaintiffs re-opened the case, which resulted in this 2014 win. The Court's ruling invalidated DNRC's current rule defining "combined appropriation" and reinstated the agency's previous rule, as urged by the plaintiffs.

Joint Resolution Update

MT SENATE AND STATE REQUESTING INTERIM STUDY EXAMINING MONTANA'S LEGAL PROCESSES FOR WATER RIGHTS

WHEREAS, Article IX, section 3(3), of the Montana Constitution declares that "all surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law"; and

WHEREAS, Article IX, section 3(4), of the Montana Constitution declares that "the legislature shall provide for the administration, control, and regulation of water rights"; and

WHEREAS, the Department of Natural Resources and Conservation, the Montana Water Court, and state district courts each endeavor to meet the standards contained in the Montana Constitution through various legal processes; and

WHEREAS, the Legislature must ensure that the legal processes for water rights remain relevant, professional, fair, effective, and efficient in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the legal processes related to water rights administration, examine changing the role of the Water Court to that of a district court, and suggest improvements for the future.

BE IT FURTHER RESOLVED, that the study consider:

- (1) reports and analyses of Montana's legal processes related to water rights;
- (2) input from all agencies and courts involved in Montana's legal processes related to water rights; and
- (3) legal processes related to water rights in other states.

64th Legislature SJ0005.01

Stillwater Mining Company's Hertzler Stage III Tailings Impoundment and LAD Pond Expansion

Stillwater Mining Company began its Hertzler Tailings Impoundment Stage III expansion and Land Application Disposal (LAD) Pond expansion project in spring 2014. The contractor selected to complete the project was Delhur Industries from Port Angeles, Washington. Delhur is familiar with the site as they constructed the Stage II

Expansion in 2004. The project consists of two specific activities: (1) enlarging the volume of the existing, lined LAD pond, and (2) expanding the capacity of the existing, lined Hertzler Tailings Impoundment by raising the perimeter elevation. Construction activities commenced in May of 2014 and were temporarily suspended in November for the winter months. Construction is scheduled to resume this spring, with completion in fall of 2015.

The project consisted of excavating materials to enlarge the LAD pond, installing a 100 mil. High Density Polyethylene (HDPE) liner within the excavated area, and tying the new liner into the existing liner to seal the pond. The LAD pond expansion was completed in October 2014. The expansion increased the LAD pond capacity from 114 million gallons to 198 million gallons. The LAD pond is used to store denitrified mine water from the underground mine workings. The water is stored in the LAD pond throughout the winter months and land applied in the spring and summer months through the seven center pivots adjacent to the LAD pond.



The second part of the project involves the expansion of the current Hertzler Tailings Impoundment. These activities consist of excavating and hauling soil materials from designated borrow areas adjacent to the impoundment and placing the material in compacted lifts around the perimeter of the impoundment. The expansion will raise the impoundment approximately 40 feet in elevation. Once the lifts are complete, a 100 mil. HDPE liner will be installed and tied into the existing liner to seal the impoundment. The overall project will move and place approximately 2,300,000 cubic yards of material during construction and increase the capacity of the tailings impoundment by 6.4 million cubic yards.

Local Happenings

THE STILLWATER RIVER FISHERY, Article courtesy of Jason Rhoten, MT FWP Fisheries Biologist

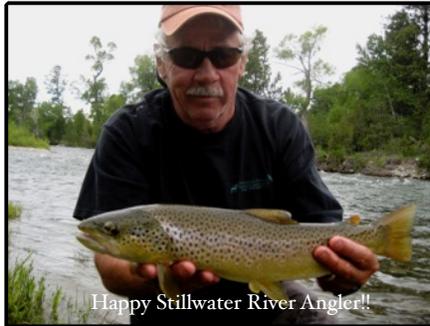
"A trout is a moment of beauty known only to those who seek it." –Arnold Gingrich

ABSAROKEE — Anglers come from near and far to the Stillwater River in hopes of catching some of the trout that call this water home. The health, abundance, and size of the fish residing within the Stillwater River are monitored by Montana Fish, Wildlife & Parks fisheries biologists. To better understand the fish populations, biologists conduct surveys at multiple locations but sample the same sites every few years to allow comparison between years which allows them to detect population fluctuations.

Conducting any survey has its challenges and fish are no exception as biologists must somehow obtain samples for their survey. Fisheries biologists use electrofishing to catch an adequate number of fish for their Stillwater River fish surveys.

Electrofishing is a method used by fisheries personnel across the country that allows biologist to catch a large number of fish in a short amount of time. Electrofishing may sound dangerous but it is a safe non-lethal sampling method. After weighing and

measuring a fish, the biologist makes a mark (very small clip on one fin) and then release the unharmed fish. About one week later the crew returns and samples the same stretch of river and by analyzing the ratio of marked (captured one week prior) vs. unmarked (no fin clip) fish the biologist can obtain a population estimate which is used to monitor the population over time and make management decisions.



Happy Stillwater River Angler!!

Biologists sampled the Stillwater River just downstream of Absarokee this autumn and captured 827 trout during their survey. The average size of sampled brown trout was 11.5 inches. The biggest brown trout measured 18.6 inches. Rainbow trout

averaged 10 inches with a 16.1 inch rainbow trout captured during the sampling. Overall the trout population within the Stillwater River at the Absarokee section looks very healthy which should make for happy anglers.

For more information on this article, contact Jason Rhoten at jason.rhoten@gmail.com

OPERATION SECOND CHANCE, Article courtesy of Hank Tuell, OSC Volunteer

Operation Second Chance's (OSC) Mission Statement states that they are an organization representing patriotic citizens committed to serving wounded, injured and ill combat veterans. They support veterans and their families during recovery by building relationships and supporting immediate needs and interests. OSC has a deep dedication to promoting public awareness of the many sacrifices made by the nation's Armed Forces.

OSC recently finished a great year of support for our Country's wounded warriors and OSC veterans. An amputee ski trip took place in February, then a King Salmon fishing trip to Alaska in June, followed by two couples retreats in July and August. In November, with partnership and support from the Absarokee Community Foundation, OSC



A Wounded Warrior's hunting success on the Switchback Ranch, 2014

hosted four young wounded warriors for a deer and elk hunt. Many of the SVWC members supported the hunt by allowing access to their land as well as hosting and guiding the veterans. Veterans included two young Air Force Combat Air Controllers who were both injured while embedded with Army Special Forces units in Afghanistan. We also hosted two great Marines who were also injured in Afghanistan. One Marine, Christian, lost both legs above the knees and hunted from a wheel chair.

All four Wounded Warriors were successful in harvesting an elk and deer. Thanks to many great landowners, ranchers, guides and volunteers, we were able to make this a trip of a lifetime for four brave Americans.

2015 Memberships To Date

Terry & Charlene Adams * David & Kayce Arthun *
 Andrea Brainard * Ken & Jan Britton * Dan & Theresa
 Burkhart * Jim & Bev Coverley * Richard & Virginia
 Cross * Pat & Linda Cunningham * Ed & Rozzie Davis
 * Pieter & Michele DeGroat * Kyle & Anna Donohoe *
 Jess & Cindy Donohoe * Susan Elliot * Nate & Fay
 Espeland * Fishtail Basin Ranch * Diane Signoracci &
 Jamie Garvin * Buck & Deb Griffin * Ryan & Kaitlyn
 Haidle * JO & Erica Hash * Tom Heyneman * Brian &
 NormaKay Irish * Pat & Charlotte Karnos * Joel &
 Maryann Kemp * Noel & Penny Keogh * Nels & Gail
 Larsen * Lazy Y Diamond Bar Ranch * Hank & Barb
 Lischer * Mike & Bobbi Lorash * Stephen & Sharon
 Martiak * Jon & Nancy Molin * Dave & Marge Molin *
 Bill & Janice Mytton * Betty Oleson * Terry Robinson *
 Janet Sanchez * Tim & Deb Schaff * Cleve Schuster *
 Thelma Senrud-Lukkes * Jack & Paula Shemer * John &
 Rita Somers-Flanagan * Clint & Marty Teegardin *
 Tim Thompson * James and Johnna Lee Williams * Van
 & Kitzy Wood * Bruce & Theo Yanzick * Rick & Peggy
 Young * Vincent & Leslie Ziegler

Donations

David & Kayce Arthun * Andrea Brainard * Bruce &
 Theo Yanzick * Buck & Deb Griffin * Van & Kitzy
 Wood * Sidney E Frank Foundation** James &
 JohnnaLee Williams**

SVWC, Statement of Financial Position

January through December 2014

<u>Income</u>	
Donations	6,315.00
Fundraiser	9,398.65
Grants	49,351.07
Interest	55.74
Membership	5,775.00
Spray Week	<u>6,765.75</u>
Total Income	77,661.21
<u>Expenses</u>	
Administration	8,201.80
Contract Labor	14,225.00
Food/Drink	3,077.82
Liability Ins.	800.00
Reports Copies/Misc Office	4,067.48
Postage	1,047.91
Professional Fees	533.64
Public Education	1,589.00
Spray Week (chemical, services)	22,445.51
Training	513.48
Misc. Operating	<u>2,123.98</u>
Total Expenses	58,625.62
Net Income	19,035.59

**Denotes donations greater than \$1000

Please, help us keep our mailing list efficient!

Return this card with your preferences to: SVWC, PO Box 112, Absarokee, MT 59001

Please continue sending me SVWC mailings and information

Preferred method of correspondence

mail

e-mail

Please correct my name/address

Please add to the SVWC's records my

phone (____) _____ - _____

e-mail _____

I would like to become an SVWC member (\$25 per family; we are a non-profit, tax deductible organization).

Please remove me from your mailing list





SVWC Board of Director Position Openings

Due to term expirations, four positions are open for the SVWC's Board of Directors. If you are interested in applying for a three-year board member position, please return this form to the address on the application below by January 28th. The final vote on board appointments will take place at our Annual Meeting on January 31st, 2015.

Board Member Application Form Stillwater Valley Watershed Council

Name: _____ Home Phone: _____

Address: _____ State: _____

City: _____ Zip: _____

Email Address: _____

Business/Occupation: _____



Why do you wish to serve on this Board?

Signature _____ Date _____

Return application to: Stillwater Valley Watershed Council
PO Box 112
Absarokee, MT 59001

STILLWATER VALLEY WATERSHED COUNCIL

SVWC
PO Box 112
Absarokee, MT 59001

406.780.1249
svwc2010@hotmail.com
www.stillwatervalleywatershed.com

"Coming together is a beginning, staying together is progress, and working together is success."

- Henry Ford

We are a volunteer group of local residents and interested representatives working together to enhance the quality of our rural Montana lifestyle by protecting, restoring and conserving our abundant natural resources through good stewardship and community involvement for this and future generations.

STILLWATER VALLEY WATERSHED COUNCIL



ABSAROKEE

FISHTAIL

DEAN

NYE

