



Water Policy Interim Committee

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64th Montana Legislature

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JASON MOHR, Lead Staff
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

DRAFT AGENDA (as of Jan. 5, 2016)

WATER POLICY INTERIM COMMITTEE

State Capitol, Room 172

Jan. 11, 2016

AGENDA ITEM TIMES ARE APPROXIMATE

Monday, Jan. 11

9 a.m. Call to Order – Sen. Hamlett

- Roll Call
- Approval of minutes from September 2015

9:05 a.m. Update on CSKT compact implementation and related issues

- Tim Davis, administrator, Water Resources Division, DNRC
- John Carter, legal counsel, CSKT
- Public comment
- Committee discussion and questions

10 a.m. Instream leasing report (85-2-436, MCA)

- Mike McLane, water conservation specialist, FWP
- Public comment
- Committee discussion and questions

10:15 a.m. U.S. Forest Service water reservations (85-20-1401, MCA)

- Mr. Davis, DNRC
- John Hagengruber, liaison to the State of Montana, USFS
- Public comment
- Committee discussion and questions

10:30 a.m. Review of Water Information System (85-2-105 and 90-15-205, MCA)

- Troy Blandford, manager, Water Information System, State Library
- Public comment
- Committee discussion and questions

10:45 a.m. Break

11 a.m. **Program evaluation: Water Quality Planning Bureau**

- Mr. Mohr
- Eric Urban, bureau chief, Water Quality Planning Bureau, DEQ
- Public comment
- Committee discussion and questions

11:45 a.m. **Lunch**

12:45 p.m. **Study of water availability and supply**

- Water marketing, water banking
 - How DNRC processes mitigation change requests – Mr. Davis, DNRC
 - Tim Fister, president, and Carl Saunders, vice president, Grass Valley French Ditch Company
 - Gallatin Valley Water Mitigation Bank
- Exempt wells
 - Reducing an exempt water right – Mr. Davis, DNRC
 - Observed trends since Sherlock ruling – Mr. Davis, DNRC
- Case studies on water availability
 - Mr. Mohr
 - Rep. Kathleen Williams
- Public comment
- Committee discussion and questions
- Direction to staff

3:15 p.m. **Break**

3:30 p.m. **SJ2 study: State assumption of federal Section 404 permitting program**

- How states assume permitting program
 - Kathy Hurd, Wetlands Division, EPA
- Experiences in other states
 - Eric Metz, planning and policy manager, Aquatic Resources, Oregon Department of State Lands (*via phone*)
 - Michelle Hale, director, Division of Water, Alaska Department of Environmental Conservation (*via phone*)
- Public comment
- Committee discussion and questions
- Direction to staff

5 p.m. **Recess**

Tuesday, Jan. 12

8 a.m. **Reconvene**

8:05 a.m. **DEQ comprehensive hydrological impact assessment and Signal Peak Energy mine expansion**

- Tim Livers, director, DEQ
- Public comment
- Committee discussion and questions

8:45 a.m. **Water-related research (85-2-105, MCA)**

- Update from Montana Water Center – Wyatt Cross, director
- Examination of canal seepage rates – Ginette Abdo, program manager, Ground Water Investigation Program
- Public comment
- Committee discussion and action

10 a.m. **Adjudication update (85-2-281, MCA)**

- Mr. Davis, DNRC
- Russ McElyea, chief water judge, Montana Water Court
- Public comment
- Committee discussion and action

10:30 a.m. **Update on process for adjudicating Turtle Mountain Band allotment water rights**

- Mr. Davis, DNRC
- Jay Weiner, assistant attorney general, Attorney General's Office
- Public comment
- Committee discussion and action

11:30 a.m. Lunch

12:30 p.m. **Future of the Water Court study**

- Input from Adjudication Advisory Committee
 - Summary – Mr. Mohr
 - Advisory committee members
 - Judge McElyea
- Review of DNRC permitting and change decisions
 - Current process – DNRC
 - Lookback period determinations – DNRC
 - Venue for appeals – DNRC, Judge McElyea
- Final decrees

- Accuracy of final decrees – Stephen Brown, attorney, Garlington, Lohn & Robinson, PLLP
- Enforceability and timing – Abigail St. Lawrence, attorney, Bloomquist Law Firm, PC
- District Courts and enforcement
 - How a district court handles distribution disputes – Judge Loren Tucker, 5th Judicial District
 - Administration of decrees – Ms. St. Lawrence
- Public comment
- Committee discussion, questions
- Direction to staff

4:30 p.m. **Agency administrative rule update** – Ms. Thigpen

4:40p.m. **Administrative matters**

- Budget overview -- Mr. Mohr
- Public comment
- Committee discussion and action

4:45 p.m. **Public Comment on any issue within the jurisdiction of the WPIC**

4:50 p.m. **Other business**

4:55p.m. **Instructions to staff**

5 p.m. **Adjourn**

Meeting attendees who may need services or accommodations should contact Jason Mohr (406-444-1640 or jasonmohr@mt.gov) at least 5 working days before the meeting.