



Water Policy Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

64th Montana Legislature

SENATE MEMBERS

BRADLEY MAXON HAMLETT, CHAIR
JENNIFER FIELDER
SHARON STEWART-PEREGOY
CHAS VINCENT

HOUSE MEMBERS

CARL GLIMM, VICE-CHAIR
BOB BROWN
ZACH BROWN
KATHLEEN WILLIAMS

COMMITTEE STAFF

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

(as of Feb. 12, 2016)

WATER POLICY INTERIM COMMITTEE

State Capitol, Room 172

March 7-8, 2016

AGENDA ITEM TIMES ARE APPROXIMATE

Monday, March 7

9 a.m. **Call to Order** – Sen. Hamlett

- Roll Call
- Approval of minutes from January 2016

9:10 a.m. **SJ2 study: State assumption of federal Section 404 permitting program**

- Estimated cost of assumption – Mr. Mohr
- Perspectives on assumption:
 - George Mathieus, deputy director, Department of Environmental Quality
 - Montana Association of Conservation Districts
 - Tom Martin, Environmental Services Bureau chief, Montana Department of Transportation
 - Rich McEldowney, riparian ecologist and wetland group manager, Confluence, Inc.
 - David Patrick, principal, EcoAsset Management, Inc.
 - tbd
- Update on WOTUS lawsuit(s) – Montana Attorney General's office
- Public comment
- Committee discussion, questions
- Direction to staff

Noon **Lunch**

1 p.m. **Study of water availability and supply**

- Use of gray water – DEQ
- How the city of Bozeman is planning for future water supply – Brian Heaston, project engineer, City of Bozeman Public Works Department
- Examining Montana’s aging water supply and storage infrastructure
 - American Society of Civil Engineers
 - DEQ
 - Tim Davis, Water Resources Division administrator, Department of Natural Resources and Conservation
- Public comment
- Committee discussion, questions
- Direction to staff

4 p.m. **Renewable Resource Grant and Loan Program update (85-1-621, MCA)**

- Alice Stanley, Resource Development Bureau chief, DNRC
- Public comment
- Committee discussion, questions
- Review of statutorily required reports: Recommendation to 2017 Legislature (5-5-215, MCA)

5 p.m. **Recess**

Tuesday, March 8

8 a.m. **Reconvene**

8:05 a.m. **Future of the Water Court study**

- Water right ownership updates
 - Krista Lee Evans, Association of Gallatin Agricultural Irrigators
 - Mr. Davis
- Water commissioners
 - Duties of a water commissioner – Lezlie Kinne, water commissioner, Cataract Water Users Association and Willow Creek Storage Project
 - DNRC distribution of Tongue River – Mr. Davis
- Distribution instructions for judges – Chief Water Judge Russ McElyea
- The need for living decrees – John Bloomquist, attorney, Bloomquist Law Firm PC
- Jurisdictional scope of the Water Court
 - Holly Franz, attorney, Franz Driscoll
 - Mike Cusick, attorney, Moore, O’Connell & Rifling (*invited*)
 - Judge McElyea
- Working group recommendations – Judge McElyea
- Public comment
- Committee discussion, questions
- Direction to staff

11:30 a.m. **Agency administrative rule update** – Ms. Thigpen

11:45 a.m. **Administrative matters**

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

Noon **Public Comment on any issue within the jurisdiction of the WPIC**

12:10 p.m. **Other business**

- Review of statutorily required reports: Recommendation on Instream leasing report (85-2-436, MCA) to 2017 Legislature (5-5-215, MCA)
- Public comment
- Committee discussion and action

12:20 p.m. **Instructions to staff**

12:30 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.