



## 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

Aug. 15, 2016

To: Water Policy Interim Committee  
From: Jason Mohr, committee staff  
Re: Aug. 29-30 meeting

Committee members,

The Aug. 29-30 meeting begins at 9 a.m. in room 152 of the Capitol building. Enclosed are your meeting materials, which are also posted at [www.leg.mt.gov/water](http://www.leg.mt.gov/water). This is the committee's final scheduled meeting for the 2016-17 interim. Your packet materials include:

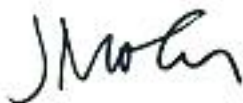
- Tab 1 – A **program review** of the Water Resources Division of the Department of Natural Resources and Conservation.
- Tab 2 – The regular **water rights adjudication update** from the DNRC and the Water Court.
- Tab 3 – Senate Bill No. 330 (2015) requires the DNRC to **review state water reservations** “to ensure that the objectives of the reservations are being met.” The bill includes the attached report to the WPIC. A state water reservation allows a city, county, or other political subdivision to reserve a water right for existing or future uses.
- Tab 4 – The attached report on Senate Joint Resolution No. 2 (**Study of Federal Section 404 Permitting**) contains changes requested by the WPIC at the July meeting. Also attached are the six public comments that were received by 5 p.m. Aug. 15. (All public comments received after that time will either be forwarded to you via email or in your meeting day folders.)
- Tab 5 – The attached report on the **Study of Water Availability and Supply** also contains committee-requested edits. The study now includes two bills drafts related to the definition of a “combined appropriation,” which are also at Tab 5. In addition, 33 comments were submitted and are attached.
- Tab 6 – The **Study of the Future of the Water Court** also includes some suggested edits and staff corrections. This study also includes seven associated bills drafts, which are attached. In particular, LCwp04 and LCwp44 represent two different approaches to the committee's idea of limiting DNRC adverse effects analysis for water rights permits or changes. Nine people or organizations submitted comments on this report.
- Tab 7 – The WPIC also requested **four additional bill drafts** at its July meeting. Three of the drafts are attached; the fourth draft regarding combined Clark Fork River watershed groups will be forwarded by email when completed.

- Tab 8 – Staff will explain the recent Montana Supreme Court ruling on the city of Missoula’s eminent domain effort over the privately owned water system (*City of Missoula v. Mountain Water*). The opinion (and a synopsis) are attached.

The August agenda also includes a discussion of the Black Butte mining project near White Sulphur Springs, and the safety of two southwestern Montana dams.

Please let me know if you have any questions, comments, or concerns.

Sincerely,



Jason Mohr  
Research Analyst  
Montana Legislative Environmental Policy Office  
Capitol Building, room 171  
jasonmohr@mt.gov; (406)444-1640