



## Water Policy Interim Committee

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### 63rd Montana Legislature

#### SENATE MEMBERS

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JENNIFER FIELDER  
BRADLEY MAXON HAMLETT  
SHARON STEWART-PEREGOY

#### HOUSE MEMBERS

KATHLEEN WILLIAMS--Vice Chair  
PAT CONNELL  
STEVE FITZPATRICK  
REILLY NEILL

#### COMMITTEE STAFF

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

# MINUTES LOG

## CSKT Compact Technical Working Group

June 25, 2014

Room 335, State Capitol Building  
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

### **COMMITTEE MEMBERS PRESENT**

MR. JOHN METESH, Chair  
MR. ANDREW BRUMMOND  
MR. RUSSELL LEVENS  
MR. KIRK WAREN  
MR. LARRY DOLAN  
MR. MIKE MCLANE

### **STAFF PRESENT**

JOE KOLMAN, Legislative Environmental Analyst  
NADINE SPENCER, Secretary

## **AGENDA & VISITORS' LIST**

Agenda, [Attachment 1](#).  
Visitors' list, [Attachment 2](#).

## **COMMITTEE ACTION**

None

## **CALL TO ORDER AND ROLL CALL**

00:00:03 John Metesh, State Geologist, Director, Montana Bureau of Mines and Geology (MBMG), called the meeting to order at 10:01 a.m. The secretary called the roll, [Attachment 3](#).

## **AGENDA**

### **INTRODUCTIONS**

00:00:41 Mary Stranahan, Montana Water Stewards  
00:00:48 Susan Lake, Lake Farms Inc.  
00:00:55 Mike Murphy, Executive Director, Montana Water Resources Association  
00:01:03 Cory Swanson, Office of the Attorney General, Montana Department of Justice  
00:01:12 Stan Jones, Hydrologist, Reserved Water Rights Compact Commission (RWRCC)  
00:01:26 Patricia Dowd, Montana Water Stewards  
00:01:47 Francoise Lou, Montana Water Stewards

### **DISCUSSION OF SCOPE OF WORK**

00:01:58 Mr. Metesh reviewed the scope of work and the technical working group schedule.  
00:05:52 Larry Dolan, Surface Water Hydrologist, Water Management Bureau, Montana Department of Natural Resources and Conservation (DNRC)  
00:06:18 Mr. Metesh  
00:07:48 Mike McLane, Water Resources Specialist, Montana Fish, Wildlife, and Parks (FWP)  
00:09:00 Mr. Metesh  
00:10:01 Russell Levens, Section Supervisor/Ground Water Hydrologist, Water Management Bureau, DNRC  
00:10:10 Mr. Metesh  
00:11:12 Mr. Dolan  
00:11:56 Mr. Metesh

**Public comment**      None

## REVIEW OF QUESTIONS FROM REP. BALLANCE AND REP. REGIER

00:13:17 Mr. Metesh opened the discussion on the preliminary set of questions from Rep. Ballance and Rep. Regier and the technical working group responses, [Exhibit 1](#).

### ENVIRONMENTAL ANALYSIS:

#### Water use agreement

**What are the physical and economic impacts of change of use from irrigation to in-stream flow on shallow ground water levels and water wells?**

00:14:53 Mr. Metesh  
00:16:59 Mr. Levens  
00:18:13 Mr. Metesh  
00:18:56 Mr. Dolan  
00:20:27 Mr. Metesh

**How are wetlands to be maintained?**

00:21:22 Mr. Metesh  
00:22:07 Mr. Dolan  
00:22:10 Mr. Metesh  
00:22:18 Mr. Dolan  
00:22:46 Mr. Metesh  
00:23:01 Mr. McLane  
00:24:52 Mr. Metesh  
00:25:12 Mr. McLane

**What is a "robust river" standard?**

00:25:47 Mr. Metesh  
00:26:24 Andrew Brummond, Water Rights/Streamflow Specialist, Region 4, FWP  
00:26:34 Mr. Metesh  
00:26:37 Mr. Brummond  
00:29:51 Mr. Metesh  
00:30:54 Mr. Brummond  
00:32:45 Mr. McLane  
00:34:09 Mr. Dolan  
00:34:43 Mr. Brummond  
00:35:24 Kate Vandemoer, Hydrologist, Concerned Citizens of Western Montana  
00:35:45 Mr. Brummond  
00:36:30 Mr. Dolan  
00:36:44 Mr. McLane  
00:37:17 Mr. Metesh  
00:37:37 Mr. McLane  
00:37:59 Mr. Brummond  
00:38:14 Mr. Metesh

00:38:33 Joe Kolman, Legislative Environmental Analyst, Legislative Services Division (LSD)  
00:38:52 Ms. Vandemoer  
00:39:01 Mr. Metesh

**What is the standard for in-stream flow cited in the water abstracts? Is the standard focused on fish survival, habitat maintenance, or something else?**

00:39:22 Mr. Metesh  
00:41:23 Mr. Dolan  
00:41:52 Mr. McLane  
00:44:06 Mr. Brummond  
00:45:19 Mr. Metesh  
00:45:48 Mr. Dolan  
00:46:13 Ms. Vandemoer  
00:48:24 Mr. Metesh  
00:48:34 Ms. Vandemoer  
00:48:50 Mr. McLane  
00:49:32 Ms. Vandemoer  
00:50:16 Mr. Metesh  
00:50:36 Ms. Vandemoer  
00:51:00 Mr. Metesh  
00:51:09 Ms. Vandemoer  
00:51:18 Mr. McLane  
00:53:05 Mr. Metesh  
00:54:31 Mr. McLane  
00:54:35 Mr. Metesh  
00:54:39 Ms. Vandemoer  
00:54:45 Mr. Metesh  
00:54:49 Mr. Brummond  
00:56:03 Ms. Stranahan  
00:56:39 Mr. Metesh  
00:56:50 Mr. Jones  
00:57:13 Mr. Metesh

**What are the growth inducing or socioeconomic growth inhibiting impacts of the on-reservation "robust river" standard for in-stream flow?**

00:57:36 Mr. Metesh  
00:58:19 Mr. Dolan  
00:59:08 Mr. McLane  
00:59:44 Ms. Vandemoer  
01:01:13 Mr. Brummond  
01:02:12 Mr. Metesh  
01:02:57 Mr. Brummond  
01:03:06 Mr. Metesh  
01:03:32 Ms. Dowd  
01:03:54 Mr. Metesh

01:04:14 Ms. Dowd  
01:05:16 Mr. Metesh  
01:05:55 Ms. Dowd  
01:06:10 Mr. Metesh  
01:06:14 Ms. Vandemoer  
01:06:51 Mr. Brummond  
01:07:25 Mr. Metesh  
01:07:41 Mr. Brummond  
01:07:45 Mr. Metesh  
01:08:06 Mr. Levens  
01:08:18 Mr. Metesh  
01:08:53 Ms. Vandemoer  
01:09:22 Mr. Metesh

**Is there enough information available to definitively determine the "water savings" components of irrigation rehabilitation?**

01:10:09 Mr. Metesh  
01:10:36 Mr. Dolan  
01:12:22 Mr. Metesh  
01:13:27 Mr. Dolan  
01:13:41 Mr. Metesh  
01:13:58 Mr. Levens  
01:14:38 Mr. Metesh  
01:14:44 Mr. Jones  
01:15:22 Mr. Metesh  
01:15:36 Kirk Waren, Senior Research Hydrologist and Groundwater Modeler, Ground Water Investigation Program, MBMG  
01:16:27 Mr. Metesh

**Is there a process to ensure that extra duty water will be received by those who apply for it?**

01:18:36 Mr. Metesh  
01:19:16 Ms. Lake  
01:20:09 Ms. Vandemoer  
01:21:19 Mr. Metesh  
01:22:05 Jerry Laskody, Mission Irrigation District  
01:23:52 Mr. Metesh  
01:25:10 Mr. Laskody  
01:25:17 Mr. Metesh  
01:25:48 Mr. Laskody  
01:26:48 Mr. Dolan  
01:27:23 Mr. McLane  
01:30:39 Mr. Laskody  
01:31:47 Mr. McLane  
01:33:26 Mr. Laskody  
01:36:11 Mr. Metesh

01:36:48	Mr. Laskody
01:36:54	Mr. Metesh
01:37:22	Mr. Laskody
01:38:01	Mr. Metesh
01:38:39	Mr. Laskody
01:39:21	Mr. Metesh
01:39:47	Mr. Jones
01:41:03	Mr. McLane
01:42:02	Mr. Laskody
01:47:27	Mr. Metesh
01:47:33	Mr. Laskody
01:50:32	Mr. Waren
01:50:54	Mr. Laskody
01:54:14	Mr. McLane
01:55:11	Mr. Laskody
01:55:22	Mr. McLane
01:56:56	Mr. Laskody
01:57:16	Mr. McLane
01:58:34	Mr. Laskody
02:01:00	Mr. McLane
02:01:25	Mr. Dolan
02:01:45	Mr. Metesh

**Off-reservation in-stream flow claims**

02:02:47	Mr. Metesh
02:03:50	Mr. Jones
02:03:58	Mr. Metesh
02:04:03	Mr. Jones
02:04:22	Mr. McLane
02:07:16	Mr. Dolan
02:08:08	Mr. McLane
02:09:28	Mr. Dolan
02:09:46	Mr. McLane
02:09:54	Mr. Metesh
02:10:09	Mr. McLane
02:10:30	Ms. Vandemoer
02:11:55	Mr. McLane
02:13:10	Mr. Dolan
02:13:55	Mr. Metesh
02:15:29	Mr. Brummond
02:16:19	Mr. Metesh
02:16:47	Recess
03:23:36	Reconvene

## REVIEW OF QUESTIONS FROM REP. BALLANCE AND REP. REGIER CONTINUED

### Compact

03:23:44 Mr. Metesh  
03:26:28 Mr. McLane  
03:29:05 Mr. Metesh  
03:30:00 Mr. McLane  
03:32:27 Mr. Dolan  
03:33:32 Mr. Metesh  
03:33:38 Ms. Vandemoer  
03:33:50 Mr. Metesh  
03:34:23 Mr. Dolan  
03:34:39 Mr. McLane  
03:36:14 Mr. Jones  
03:37:40 Mr. Laskody  
03:39:41 Mr. Metesh  
03:41:09 Mr. Jones  
03:42:01 Ms. Vandemoer  
03:43:10 Mr. Metesh  
03:43:44 Mr. Laskody  
03:44:42 Mr. Metesh

### ANALYSIS OF CSKT COMPACT TECHNICAL ELEMENTS

03:46:34 Mr. Laskody gave a presentation on his study comparing irrigation water delivery to the proposed CSKT Compact, [Exhibit 2](#).

03:49:09 Mr. Waren  
03:49:15 Mr. Laskody  
03:51:42 Mr. Metesh  
03:52:06 Mr. Laskody  
03:53:38 Mr. Metesh  
03:53:40 Mr. Laskody  
03:53:46 Mr. Dolan  
03:54:25 Mr. Laskody  
03:54:47 Mr. Dolan  
03:54:56 Mr. Laskody  
04:04:21 Mr. Metesh

04:04:32 Mr. Laskody continued his presentation.

### Questions and discussion

04:11:20 Mr. Dolan  
04:12:00 Mr. Laskody  
04:14:21 Mr. Metesh  
04:15:49 Mr. Laskody

04:15:57	Mr. Metesh
04:16:04	Mr. Laskody
04:18:08	Mr. Metesh
04:18:29	Mr. Laskody
04:19:49	Mr. Metesh
04:20:20	Mr. Laskody
04:20:27	Mr. Dolan
04:20:57	Mr. Laskody
04:22:14	Ms. Lake
04:24:58	Mr. Laskody
04:25:25	Ms. Lake
04:25:29	Mr. Brummond
04:25:42	Mr. Laskody
04:28:28	Mr. Metesh
04:28:44	Mr. Laskody
04:29:20	Mr. Metesh
04:29:38	Mr. Laskody
04:31:02	Mr. Dolan
04:31:19	Mr. Laskody
04:35:15	Mr. Metesh
04:35:21	Ms. Lake
04:36:54	Mr. Laskody
04:37:30	Mr. Metesh
04:37:42	Mr. Laskody
04:38:10	Mr. Dolan
04:38:24	Mr. Laskody
04:39:17	Mr. Metesh
04:39:33	Mr. Laskody
04:41:19	Ms. Lake
04:41:48	Mr. Dolan
04:41:53	Ms. Lake
04:42:16	Mr. McLane
04:43:01	Ms. Lake
04:45:27	Mr. McLane
04:45:53	Ms. Lake
04:47:33	Ms. Vandemoer gave a PowerPoint presentation on case studies in the quantification of federal reserved water rights on the Indian reservations and the relevance to the proposed CSKT Compact, <a href="#">Exhibit 3</a> .
04:51:57	Mr. Metesh
04:52:02	Ms. Vandemoer
04:52:20	Ms. Vandemoer continued her presentation.
04:56:44	Mr. Metesh
04:57:07	Ms. Vandemoer
04:57:11	Mr. Metesh
04:57:38	Ms. Vandemoer
04:57:42	Mr. Levens

04:57:53 Ms. Vandemoer

04:58:07 Ms. Vandemoer continued her presentation.

05:11:32 Mr. Dolan

05:11:43 Ms. Vandemoer

05:11:57 Ms. Vandemoer continued her presentation.

05:20:10 Mr. Metesh

05:20:26 Mr. McLane

05:20:53 Ms. Vandemoer

05:21:26 Ms. Vandemoer continued her presentation.

05:30:36 Mr. Metesh

05:31:00 Ms. Vandemoer

05:32:00 Ms. Vandemoer continued her presentation.

05:34:18 Mr. Dolan

05:34:23 Ms. Vandemoer

05:34:53 Mr. Dolan

05:34:59 Ms. Vandemoer

05:35:21 Ms. Vandemoer continued her presentation.

05:37:12 Mr. Dolan

05:37:16 Ms. Vandemoer

05:37:20 Mr. McLane

05:37:28 Ms. Vandemoer

05:37:38 Mr. McLane

05:37:44 Ms. Vandemoer

05:38:00 Ms. Vandemoer continued her presentation.

05:43:24 Mr. Jones

05:44:20 Ms. Vandemoer

05:44:25 Mr. Jones

05:44:53 Ms. Vandemoer

05:45:28 Mr. Dolan

05:46:08 Ms. Vandemoer

05:46:52 Mr. Metesh

05:47:22 Ms. Vandemoer

05:47:43 Mr. Metesh

05:47:51 Ms. Vandemoer

05:48:19 Mr. Metesh

05:48:30 Ms. Vandemoer

05:48:51 Mr. Brummond

05:48:59 Ms. Vandemoer

05:49:10 Mr. Brummond

05:49:18 Ms. Vandemoer

05:49:22 Mr. McLane

05:49:30 Mr. Brummond

05:49:46 Ms. Vandemoer  
05:50:32 Mr. Brummond  
05:51:01 Ms. Vandemoer  
05:51:26 Mr. Brummond  
05:51:41 Ms. Vandemoer  
05:52:08 Mr. McLane  
05:54:53 Ms. Vandemoer  
05:55:11 Mr. McLane  
05:55:18 Ms. Vandemoer  
05:55:21 Mr. McLane  
05:55:37 Ms. Vandemoer  
05:55:45 Mr. McLane  
05:56:25 Ms. Vandemoer  
05:58:47 Mr. Jones  
05:59:38 Mr. Metesh  
06:01:24 Mr. Dolan  
06:03:35 Ms. Vandemoer  
06:06:30 Mr. Brummond  
06:06:44 Mr. Jones  
06:06:47 Mr. Metesh  
06:06:54 Mr. Jones  
06:07:16 Mr. Metesh  
06:07:38 Mr. Dolan  
06:08:31 Mr. Brummond  
06:08:56 Mr. Jones  
06:09:44 Mr. Metesh

#### **ADMINISTRATIVE MATTERS**

06:10:21 Mr. Metesh said the next meeting for the work group is scheduled for July 2.

#### **Public comment**

06:10:58 Ms. Stranahan  
06:11:25 Ms. Lake  
06:13:18 Mr. Metesh

06:13:26 Mr. Metesh adjourned the meeting at 4:12 p.m.

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