



# Water Policy Interim Committee

## 60th Montana Legislature

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### Memorandum

To: Panel Members for July 11 WPIC meeting

From: Krista Lee Evans, Research Analyst

RE: Outline for panel presentation

Date: June 7, 2007

Thank you very much for agreeing to serve on a panel during the upcoming Water Policy Interim Committee (WPIC) meeting. I've provided some background information for you below which will hopefully help set the state for the discussions. As you can see by the attached agenda the timeline is pretty short and the agenda is packed full. So, each of you will be limited in your time so that we can allow time for questions/ answers with the committee members and then public comment.

There are two panel discussions that will be held on July 11, 2007 during the Water Policy Interim Committee meeting.

### Panel Discussion # 1:

#### Agenda Item:

- 10:15 a.m. **Alternatives for Management of Water**
1. Other States Water Management Strategies (15 min max)
    - a. Idaho
    - b. Colorado
    - c. Washington
    - d. Arizona
  2. Water Management Alternatives in Montana including use of aquifer recharge -- Panel Discussion (15 min each with 15 min for questions)
    - a. Agency perspective -- DNRC -- Rich Moy
    - b. Subdivision perspective -- DEQ -- Steve Kilbreath
    - c. Consultant perspective -- PBS & J -- John Westenberg
    - d. Hydrogeologist perspective -- Michael Nicklin -- Nicklin Earth and Water
    - e. Legal perspective -- Mr. Bill Hritsco
  3. Public Comment (15 min)

#### Goal of Panel:

The purpose of the WPIC meetings is to help the legislative members gain a better understanding of how water is managed on the ground in Montana by the people actually putting the water to

beneficial use. With water issues, like other contentious issues it is difficult to keep the politics out of the discussions but as a member of the panel the most important thing is help the committee understand the basics so that they are well informed and are able to make policy choices later in the interim based on what they have learned. Some committee members know a great deal about water policy others have not had the same level of exposure. I am hoping to get everyone on the committee up to speed as quickly as possible to facilitate good discussions and decisions.

The purpose of this panel discussion is to talk “in general” about different water management alternatives in Montana. It does reference aquifer recharge because that is what was directed by HB 304. However, as you will see, Panel Discussion # 2 goes into more detail with regard to the alternatives for the use of aquifer recharge, mitigation, and augmentation. Remember that HB 831 defined the terms aquifer recharge and mitigation in 85-2-102, MCA.

You are welcome to contact the other people presenting on the panel to discuss who is going to talk about what issue or order of presentations, etc. This has happened in the past and has worked well and facilitated the ability to get through the agenda in a timely manner. I don't need to be in the middle of those discussions so if you feel it would be beneficial to discuss the panel presentations amongst yourselves prior to the meeting by all means do so.

Issues to consider for presentation:

- Federal/state projects and the challenges and opportunities provided for water availability
- Different types of uses (irrigation v. homes for example) and different alternatives for managing water associated with the different types of use are there different alternatives, etc.
- Are there lessons we can learn from other states – mistakes, successes, etc
- Surface water/ground water management – can they be conjunctively managed if so how, if not, why not? Why does conjunctive management matter or does it matter?
- Water balance considerations
- Other issues that you deem appropriate

Panel Discussion # 2:

Agenda Item:

1:15 p.m. **Alternatives for applying the use of mitigation, augmentation, and aquifer recharge in Montana**

1. Current law -- Ms. Evans
2. Panel Discussion
  - a. Agency perspective -- DNRC -- John Tubbs (Invited)
  - b. Consultant perspective -- Water Rights Solutions -- David Schmidt
  - c. Hydrogeologist perspective -- HKM Engineering -- Jim Potts
  - d. Legal perspective -- Moore, O'Connell & Reffling, Michael Cusick
3. Public Comment

Goal of Panel:

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beneficial use. With water issues, like other contentious issues it is difficult to keep the politics out of the discussions but as a member of the panel the most important thing is help the committee understand the basics so that they are well informed and are able to make policy choices later in the interim based on what they have learned. Some committee members know a great deal about water policy others have not had the same level of exposure. I am hoping to get everyone on the committee up to speed as quickly as possible to facilitate good discussions and decisions.

Now that the committee has received the "background" provided in the first panel discussion, the purpose of this panel discussion is to discuss more specifics with regard to mitigation, augmentation, and aquifer recharge in Montana. Remember that HB 831 defined the terms aquifer recharge and mitigation in 85-2-102, MCA. It is likely that the committee will track the implementation of HB 831 which will obviously include discussions of mitigation and aquifer recharge. This is an opportunity for the committee to better understand the potential uses of mitigation and aquifer recharge (augmentation is not recognized in statute) and potential challenges associated with the use of these newly defined activities.

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Issues to consider for presentation:

- How will the passage of HB 831 affect the use of mitigation and aquifer recharge in Montana?
- How do you envision a water user or potential water user using these tools?
- How will mitigation actually work on the ground?
- How will aquifer recharge work on the ground? Are there scientific limitations, are there knowledge limitations, have you used these tools yourself or for your clients?
- Other issues that you think are appropriate.

If you have any questions or comments please do not hesitate to contact me at 444-1640 or [kevans@mt.gov](mailto:kevans@mt.gov). The WPIC website for this interim is: [http://leg.mt.gov/css/lepo/2007\\_2008/water\\_policy/default.asp](http://leg.mt.gov/css/lepo/2007_2008/water_policy/default.asp)