



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR BRIAN SCHWEITZER**  
**DESIGNATED REPRESENTATIVE**  
MIKE VOLESKY

**HOUSE MEMBERS**  
DEBBY BARRETT  
NORMA BIXBY  
SUE DICKENSON  
CHRISTOPHER HARRIS  
WALTER MCNUTT  
JIM PETERSON

**SENATE MEMBERS**  
LANE LARSON  
GREG LIND  
DANIEL MCGEE  
JIM SHOCKLEY  
ROBERT STORY  
MICHAEL WHEAT

**PUBLIC MEMBERS**  
BRIAN CEBULL  
KRIS KOK  
BUZZ MATTELIN  
DOUGLAS MCRAE

**COUNCIL STAFF**  
KRISTA LEE EVANS, Research Analyst  
JOE KOLMAN, Research Analyst  
CYNTHIA PETERSON, Secretary  
TODD EVERTS, Legislative Environmental Analyst

## MINUTES

Date: May 23, 2005  
Part 1

Room 102, State Capitol Building  
Helena, Montana

**Please Note:** These are outlined minutes with audio recording. These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities.

### **COMMITTEE MEMBERS PRESENT**

SEN. LANE LARSON  
SEN. GREG LIND  
SEN. DANIEL MCGEE  
SEN. JIM SHOCKLEY  
SEN. ROBERT STORY  
SEN. MICHAEL WHEAT

REP. DEBBY BARRETT  
REP. NORMA BIXBY  
REP. SUE DICKENSON  
REP. CHRISTOPHER HARRIS  
REP. WALTER MCNUTT

MR. BRIAN CEBULL  
MR. KRIS KOK  
MR. BUZZ MATTELIN  
MR. DOUGLAS MCRAE

### **COMMITTEE MEMBERS ABSENT**

REP. JIM PETERSON

### **STAFF PRESENT**

KRISTA LEE EVANS, Research Analyst  
TODD EVERTS, Legislative Environmental Analyst  
JOE KOLMAN, Research Analyst  
CYNTHIA PETERSON, Secretary

## Agenda

### Attachment 3

#### Visitors

Visitors' list, Attachment 1

Roll Call, Attachment 2

#### COMMITTEE ACTION

- The EQC will write a letter to Governor Schweitzer requesting him to include addressing implementation of HB 22 during the Special Session, so the language can be amended.
- The EQC elected Rep. Debby Barrett and Rep. Chris Harris as Co-Chairmen and Rep. Walter McNutt and Sen. Lane Larson as Co-Vice Chairmen.
- The EQC appointed Sen. Mike Wheat (Chairman), Sen. Dan McGee (Vice Chairman), Rep. Norma Bixby, Rep. Jim Peterson, Mr. Douglas McRae, and Mr. Brian Cebull as the Environmental Quality Council members on the HB 790 Subcommittee.

#### CALL TO ORDER AND ROLL CALL

00:00:01                    Introductions by Chairman McNutt

#### AGENDA

##### **Administrative Matters:**

00:04:08                    Approval of Minutes from previous meeting.

00:04:29                    Welcome and introduction of staff by Todd Everts.

00:07:49                    Mr. Everts reviewed the Environmental Quality Council (EQC) and HB 790 Subcommittee budgets for the interim. Mr. Everts explained the minute-taking procedure to be utilized during the interim. Mr. Everts explained how the EQC website can be utilized as a resource for Council members.

00:11:00                    Sen. McGee asked about minutes on EQC website and the process for approval of minutes.

00:11:31                    Sen. Story commented about the procedure for approving audio minutes.

00:13:07                    Mr. Everts responded to Sen. Story's comments.

### **Council and Staff Responsibilities:**

- 00:14:12 Mr. Everts reviewed a Power Point presentation and overview of the EQC's statutory duties (**EXHIBIT 1**) and the EQC Administrative Rule Review process (**EXHIBIT 2**).
- 00:18:46 Questions from the EQC—None.
- 00:19:11 Joe Kolman, Research Analyst, reviewed the rules and procedures portion of the Power Point presentation.
- 00:25:31 Mr. Everts reviewed the EQC decision-making process.
- 00:28:04 Chairman McNutt commented on past EQC bipartisan efforts on water adjudication.
- 00:28:12 Krista Evans, Research Analyst, reviewed the subcommittee and work group formation criteria.
- 00:32:53 Questions from the EQC—None.
- 00:33:18 Rep. Dickenson arrived and introduced herself.
- 00:33:40 Mr. Everts reviewed staff/EQC mission, responsibilities, and roles. Mr. Everts commented on EQC publications.
- 00:37:55 Chairman McNutt commented on the use of white papers and requested EQC members to review white papers in advance of EQC meetings.

### **BREAK**

- 01:00:47 Chairman McNutt reconvened the meeting

### **Agency Presentations:**

- **Department of Environmental Quality**

- 01:01:11 Richard Opper, Director of the Department of Environmental Quality (DEQ), provided an update on legislation passed during the 2005 Legislative Session. Director Opper spoke about DEQ staffing and funding difficulties.
- 01:11:48 Sen. McGee inquired about the lawsuit in the Flathead where the DEQ is suing the Department of Natural Resources and Conservation (DNRC) and whether the legislation addressed the issue of two agencies suing each other.
- 01:12:18 Director Opper responded to Sen. McGee's question and stated the legislation will help the agencies work together.

01:13:42 Rep. Barrett asked Director Opper to identify DEQ's top four or five priorities for the biennium.

01:14:42 Director Opper responded to Rep. Barrett's question and identified DEQ's top priority as being improving the efficiency of DEQ's permitting process. In addition, Director Opper would like to do a better job of promoting DEQ to the public. Director Opper identified the Golden Sunlight Mine, coal bed methane, and coal development as the issues that will utilize a substantial amount of DEQ's resources.

01:17:04 Rep. Barrett requested a list of DEQ programs and the appropriation for each program.

01:17:31 Rep. Harris asked about the State's reliance on federal funds, the tracking of those federal funds, and how those funds are being adjusted as the federal government experiences budget cuts. Rep. Harris asked for information about how those trends will affect DEQ.

01:18:20 Director Opper responded that DEQ gets approximately 40 percent of its budget from federal agencies. Director Opper's concerns mostly focus on funding received from the Environmental Protection Agency and meeting the court-imposed deadline of 2012 to complete Total Maximum Daily Loads (TMDLs). In addition, Director Opper expressed concern about possibly losing funding for the Abandoned Mines Program.

01:20:39 Sen. Story asked about the working relationship between DEQ and the Conservation Districts with regard to TMDLs.

01:21:19 Director Opper responded to Sen. Story's question and identified the relationship as very complicated. Director Opper believed tension resulted when funds previously used for on-the-ground projects were used to meet the court-imposed deadline. Director Opper suggested it would be preferable to work on the ground with the Conservation Districts, but that DEQ is precluded from doing so because of time restraints.

01:23:47 Sen. Story asked about the proposed TMDL schedule and the status of the schedule.

01:24:24 Director Opper responded that while they are fairly close to being on schedule, they are a little behind, but the new FTEs will help them get back on schedule.

01:25:40 Sen. Story asked about the petition regarding reinjection of coal bed methane water.

01:26:08 Director Opper explained the petition before the Board of Environmental Review (BER) requires either reinjection of coal bed methane produced water or that the water be treated until it is of ambient water quality. Director Opper could not predict how the BOR would act.

01:27:04 Sen, Story asked who filed the petition, and Director Opper could only identify Northern Plains Resource Council as one of the 17 plaintiffs. Sen. Story asked about the process and when the BER will make its decision.

01:27:19 Director Opper explained the BER will gather more information, question DEQ staff, and solicit comments from other individuals. Director Opper suggested the BER would need more time to make its decision. Director Opper explained that DEQ's role would be that of an informational witness.

01:28:45 Sen. McGee asked whether the result of the BER's review will become the effective law of the land and how the decision would affect coal bed methane development in Montana.

01:29:24 Director Opper explained the decision will become rule rather than law. Unless the rule is overturned by a court, DEQ would enforce the rule in coal bed methane country. Director Opper predicted coal bed methane development in Montana would become more expensive.

01:30:49 Mr. McRae commented about the TMDL process and requested Director Opper to consider information regarding TMDLs which was gathered by the Rosebud Conservation District.

01:31:24 Director Opper clarified that DEQ will not ignore the good work done in the past by Conservation Districts.

- **Department of Natural Resources and Conservation**

01:32:03 Mary Sexton, Director, Department of Natural Resources and Conservation, provided an update on legislation passed during the 2005 Legislative Session. Director Sexton addressed water issues, including the Missouri River Basin and the reduced water levels at Fort Peck Reservoir. Director Sexton also addressed land banking, trust lands, weed control, wind projects, clean up of the tire pit in Billings, and the fire program.

- **Questions from the EQC**

01:46:04 Rep. Dickenson asked how the intake would help the Pallid Sturgeon on the Yellowstone River. Director Sexton explained the intake is a diversion dam between Sidney and Glendive and will not allow fish to go upriver. The Pallid Sturgeon is an endangered species and the intake would allow for a larger amount of habitat available to the Pallid Sturgeon.

01:47:52 Mr. Cebull asked about the land banking program and the appraisal process for tracts of land being sold.

01:48:10 Director Sexton responded to Mr. Cebull's question and explained the appraisal process is done both as if the land had access and as if the

land did not have access. The Land Board then determines the minimum bid price and the land goes to public auction.

- 01:49:20 Mr. Cebull continued with questions regarding grazing rights on state lands and asked where Director Sexton sees that process going.
- 01:49:37 Director Sexton explained the competitive bidding process. Director Sexton explained lessees are responsible for development, stockwater development, fencing, and weed control. There is no longer an automatic preference right for current leaseholders.
- 01:51:00 Mr. Cebull asked about the Board of Oil and Gas and DEQ interactions and the overlap of responsibilities and the permitting process for coal bed methane and water discharge.
- 01:51:28 Director Sexton responded the Board of Oil and Gas is administratively attached to DNRC, but has its own administrator. Director Sexton offered to obtain the requested information.
- 01:51:52 Rep. Barrett asked about DNRC's priorities for the next biennium.
- 01:52:19 Director Sexton responded that DNRC's priorities would be the implementation of HB 22 and the related activities to water right adjudication, land banking and real estate management, and working the varied interest groups. In addition, fire issues, including funding, will be a priority.
- 01:53:50 Rep. Barrett requested a list of programs and the dollar amount appropriated for each program. Rep. Barrett asked about the tire pit cleanup in Billings.
- 01:54:23 Director Sexton explained the tire pit clean up project and stated funding was appropriated in HB 2 and the tires will be moved off site. Director Sexton offered to obtain more details of the cleanup for Rep. Barrett.
- 01:54:44 Sen. Story inquired about the tire pile and wondered whether the pit was actually located in Columbus. Director Sexton clarified the pit is located closer to Columbus.
- 01:55:22 Sen. Story commented about the pallid sturgeon in the Yellowstone River and asked whether the intake would change the management of the Lower Yellowstone River.
- 01:55:53 Director Sexton responded she did not believe it would change the management of the lower Yellowstone, but agreed to obtain the requested information for Sen. Story.

01:56:31 Sen. Story asked how the Land Board would weigh the competing interests of providing good access and generating greater revenue for the Trust.

01:57:26 Director Sexton explained rules were put together in the rulemaking process and that an information sheet will be created. Director Sexton stated greater revenue will be an absolute necessity and a mandate of the Trust.

01:58:46 Sen. Story recalled utilization of access fees to generate revenue. Sen. Story asked whether a portion of the Fish, Wildlife and Parks (FWP) money that comes from conservation licenses would be counted.

01:59:30 Director Sexton explained the \$2 fee has resulted in a substantial increase. Director Sexton stated they would look at secondary leasing and licensing and that they would attempt to get more agricultural land since the return on agricultural land is higher than grazing lands.

02:00:19 Sen. Story asked if mineral rights were being withheld on lands being sold.

02:00:34 Director Sexton responded that the mineral rights were being retained, unless there was an exchange involved. Director Sexton stated there would never be a net loss on a land exchange.

02:00:58 Sen. Story asked questions regarding the Compact with Crow Tribe and asked whether the money was still in a Trust Fund.

02:02:09 Director Sexton responded the money was put into escrow until the Compact is signed. Sen. Story recalled that the federal government only had a year to sign off on the Compact and wondered why that issue had not been addressed.

02:02:17 Sen. Story inquired about status of DNRC's computer system. Director Sexton replied she would address the issue when she provided the HB 22 update.

- **Department of Fish, Wildlife & Parks**

02:03:16 Chris Smith provided the FWP update ([EXHIBIT 3](#)).

- **Questions from the EQC**

02:18:09 Rep. Dickenson asked about brucellosis in the elk in the Upper Madison Valley and how that discovery could impact Montana's cattle industry.

02:18:40 Mr. Smith responded to Rep. Dickenson's inquiry and stated the brucellosis discovered in elk is the same disease as the disease in bison. In feed grounds in Wyoming, brucellosis is at 15 to 30 percent. While Mr.

Smith is not aware of any documented cases of transmission of brucellosis from elk to cattle, there have been instances in Wyoming and one case in Idaho. In the Upper Madison, the prevalence rate of infected elk has increased from one percent to five percent. Mr. Smith explained that FWP does not view this level as a significant threat.

- 02:20:38 Rep. Dickenson asked whether FWP views the issue with bison becoming an issue with elk as well.
- 02:21:19 Mr. Smith continued by stating he does not believe the issue would play out the same as it has with bison, and that it would not be practical to attempt to prevent the disbursal of elk out of Yellowstone park. Efforts have been undertaken to reduce elk population numbers since those number are above established management objectives.
- 02:21:46 Sen. Story expressed concern about survey results becoming the basis for listings and management plans.
- 02:22:40 Mr. Smith responded to Sen. Story's concern and stated that Montana has received approximately \$1 to \$1.5 million to use for conservation of species for which Montana does not have a designated funding source.
- 02:23:48 Sen. Story expressed concern that states and agencies, in an effort to gain access to federal money, will layout scenarios that are not well researched. Sen. Story was concerned about projects becoming out of control.
- 02:25:04 Sen. Shockley asked about the number of birds shot on the Russell Ranch.
- 02:25:32 Mr. Smith provided an update on upland game bird habitat and stated FWP does not track its harvest on the Russell Ranch. The focus of funding has been on securing leases of sagebrush habitat as part of the strategy to preclude the listing of sage grouse as an endangered species. In addition, during the current biennium, FWP will be working with Pheasants Forever to increase pheasant habitat.
- 02:27:28 Rep. Barrett asked how much of \$63 million was spent for management of the populations.
- 02:28:20 Mr. Smith could not give an exact figure and offered to obtain a copy of a report which would provide a breakdown.
- 02:28:39 Rep. Barrett requested a list of the programs and their appropriations and asked for a list of FWP's priorities.
- 02:29:16 Mr. Smith prioritized FWP's programs and stated cleaning up the PCB's, and bringing the Fort Peck hatchery on line and operational by September and removing barriers to fish passage in the Yellowstone as

some of FWP's priorities. Mr. Smith stated FWP has day-to-day priorities such as maintaining quality fisheries and providing access. On the wildlife side, FWP is moving to implement its elk management plan, wolf management plan, and sage grouse conservation strategy. In addition, cash limitations have resulted in FWP neglecting its parks program. Vehicle license funding has resulted in the ability to address a backlog of maintenance programs for parks.

**(Tape 2; Side B)**

- 02:31:19 Sen. McGee requested documentation regarding when and where and the amount of land FWP acquired or leased and the amount of fees involved.
- 02:32:34 Mr. Smith informed Sen. McGee that FWP maintains a database of all FWP lands and agreed to provide the information. Mr. Smith admitted he was uncertain whether the fees paid were included in the database.

**Water Adjudication Process Oversight**

• **Explanation of HB 22 Contingent Voidness and Alternatives**

- 02:33:59 Ms. Evans provided an explanation of HB 22's voidness and referred the EQC to the letter from Governor Schweitzer (**EXHIBIT 4**). An Attorney General's Opinion regarding the voidness issue has been requested. Ms. Evans emphasized the money is in HB 2; however, it is not a line item. Ms. Evans suggested the issue could be addressed in Special Session if the Governor included the issue in the call or if the Legislature petitioned to have the issue included.
- 02:37:12 Chairman McNutt commented on HB 22's voidness and recalled that while working on water adjudication the public wanted guarantees that existing funding would not go away and that the process would be concluded. Chairman McNutt stated the contingent voidness error was unfortunate and needs to be corrected. Chairman McNutt would like to see the issue corrected during Special Session.
- 02:40:05 Sen. McGee commented on his prior experience with voidness.
- 02:40:33 Sen. Wheat commented on HB 22's voidness and stated while working on the matrix, it was his understanding that failure to meet benchmarks would result in a death sentence for the bill. In addition, the current level of appropriation would remain the same.
- 02:41:30 Sen. McGee addressed Mr. Greg Petesch, Code Commissioner, and asked Mr. Petesch to comment on the letter received from Mr. Lane, Montana Department of Fish, Wildlife & Parks.
- 02:42:01 Mr. Petesch replied that Mr. Lane's opinion did not change his opinion.

02:43:00 Rep. Harris questioned Mr. Petesch and asked if anyone in Legislative Services Division alerted any legislator that the term "line item" does not mean "line items" and provided warning that an "s" needed to be added. .

02:44:15 Mr. Petesch responded that he was unaware of any such alert.

02:45:20 Rep. Harris continued questioning Mr. Petesch about the Attorney General's opinion and asked whether the Attorney General's Opinion could settle the matter.

02:45:40 Mr. Petesch explained the Attorney General's Opinion is binding on governmental entities until challenged in the court. Mr. Petesch emphasized there is no legislative solution absent amending the legislation in Special Session.

02:46:19 Sen. Story recalled the intent of the language was to apply the funding throughout the life of the HB 22 program and that the \$2 million should be appropriated throughout the life of the bill. Sen. Story believed removing the contingent voidness language would solve the problem, while creating another problem. Sen. Story wondered if there was a way the contingent voidness language could begin being applied in the next biennium.

02:48:07 Mr. Petesch responded if the Legislature can articulate exactly what it would like to achieve, the legislation could be drafted to meet the Legislature's intent.

02:48:47 Chairman McNutt suggested it would be detrimental if the statute was challenged in court and declared void. Mr. Petesch agreed.

02:49:49 Sen. Wheat commented regarding implementation of HB 22 and moved the EQC request Governor Schweitzer to include the issue in the Special Session, so the language can be amended.

02:51:56 Story suggested it would be proper to amend HB 2, but that it would be difficult.

02:52:38 Sen. Wheat's motion carried unanimously.

02:53:24 Chairman McNutt asked how the EQC should proceed

02:53:32 Sen. Wheat suggested not completely eliminating the contingent voidness and amending the language so it applies not to a single line item, but to all of the line item appropriations related to the water adjudication process and water issues. Sen. Wheat recalled discussions during the last interim and suggested the contingent voidness clause should be left in.

02:54:48 Sen. McGee agreed with Sen. Wheat and suggested the language could say "line items, for purposes of the water adjudication, an aggregate of which must be a minimum of \$2 million." Sen. Story suggested doing a

maintenance of effort so the state contribution does not diminish over the life of the program. Rep. Harris agreed with Sen. McGee and reviewed the original language of HB 22 and believed the legislative intent had not changed. Sen. McGee suggested an opinion from the Attorney General will be received before Special Session and that the letter suggested by Sen. Wheat should be written. Sen. McNutt commented that if the language is put back to the way it was originally, it would not be challengeable. Sen. Story added the final solution should be one that will carry on.

- 02:59:16 Mr. Petesch explained the codification and his intent to use a compiler's comment.
- 03:00:48 Chairman McNutt commented on the appropriation process and the complexity of the process.
- 03:01:06 Sen. Story asked about DNRC's billing process.
- 03:01:30 Ms. Evans commented that if the legislation is fixed in Special Session, it should not affect the established time line.

- **Department of Natural Resources and Conservation Update**

- 03:02:18 Mary Sexton, Director, Department of Natural Resources and Conservation, provided a presentation on the water adjudication process. Director Sexton depicted water adjudication as the number one focus of the DNRC. Director Sexton reported a summary report and a decree can be issued from the database. A second contract has been signed with Northrup Grummond to provide training for staff and for efficiency in processing ownership of updates as those updates come in. DNRC has solicited bids from other vendors to complete the remaining phases of the database.
- 03:04:49 Sen. Wheat requested a summary on the other phases of the database and the estimated time for completion of those phases.
- 03:05:14 Director Sexton responded the deadline for the completion of Phase 2 is October 1. DNRC will begin working with the Department of Revenue on the billing process in June. Phase 3 will begin in January and should be completed in the spring of 2006.
- 03:06:15 Sen. Story asked about summary reports and decrees and whether those reports went out without any glitches.
- 03:06:48 Director Sexton agreed they did and continued DNRC's update on water adjudication. Director Sexton explained the Teton adjudication is in final review and issuance of the final report to the water court should occur in mid-August. The Big Hole adjudications will be next, followed by the Smith River, the Blackfoot, and the Missouri between Holter and Sun

River. In total, there are 56,324 claims left to be examined. Director Sexton reported DNRC has received 135 applicants for 33 water rights examiner positions. DNRC has leased office space in the old Morrison-Maierle Building. The office will be up and running by July 5.

- 03:10:16 Chairman McNutt asked about the ownership record and the percentage of error contained in the record.
- 03:10:43 Jim Gilman, Water Resource Division, Department of Natural Resources and Conservation, reported an 87 percent match in the Musselshell River Basin, but only a 20 percent match in the Bitterroot.
- 03:11:57 Chairman McNutt asked how much mismatch is anticipated because land was sold or transferred without the water right.
- 03:12:17 Mr. Gilman suggested the average would fall between the 87 percent in the Musselshell and the 20 percent in the Bitterroot.
- 03:12:52 Sen. Wheat inquired about fee collection.
- 03:13:13 Mr. Gilman explained they anticipated sending out 113,000 bills. DNRC is expecting to collect 30-40 percent return mail.

**(Tape 3; Side A)**

- 03:15:01 Sen. Wheat requested Director Sexton to prepare a written outline of DNRC's time line, what DNRC anticipates to complete between now and the first of the year, and what DNRC's estimated rate of recovery is on the fees. Sen. Wheat expressed concern about not be able to recover the anticipated amount of fees.
- 03:16:11 Director Sexton asked whether Sen. Wheat would like to know about water rights examiner's activities, as well as the financial information.
- 03:16:32 Sen. Wheat agreed the information would be helpful and also to know what is expected once the examinations are completed and information begins flowing to the water court.
- 03:16:47 Sen. Shockley expressed uncertainty regarding the water adjudication process.
- 03:17:32 Director Sexton responded to Sen. Shockley's concern and assured Sen. Shockley that DNRC would do its best to adhere to the requirements of HB 22 and to work with the water court and the EQC to get the process up and running and completed within the time frame indicated.

• **Montana Water Court Update**

- 03:18:43 Bruce Loble, Chief Water Judge, provided an update on the water court's involvement in the water adjudication process. Judge Loble was confident

the problems with HB 22 would be corrected. Judge Loble expressed concern about having a shortfall of funds once the fees begin coming in. Judge Loble suggested it may be necessary to proceed slowly until it is determined how much money comes in.

- 03:22:02 Chairman McNutt asked whether a delay would hurt the water court.
- 03:22:44 Judge Loble responded there is a three- or four-year buffer between the DNRC and the water court, and he would like the water court to be ready to proceed when new decrees are issued.
- 03:23:02 Chairman McNutt commented about executive budget placing money in the water adjudication account and only earmarked money for the database.
- 03:23:36 Barbara Smith, Legislative Fiscal Analyst, Legislative Services Division, provided an explanation, and explained there is \$400,000 line-itemed for database work, and the remaining \$1.6 is a biennial appropriation that is slated as a transfer into the water adjudication account. Ms. Smith explained DNRC can begin hiring to meet the benchmarks, and the \$1.6 will come through a budget change document that would convert the purpose of the funds to operating expenses.
- 03:25:25 Sen. Wheat asked if the water court could proceed to ramp up.
- 03:25:43 Ms. Smith responded the water court is funded with renewable resource money and does not have a flexible general fund appropriation.
- 03:26:09 Sen. Story commented about the anticipated flow of money and stated the first billing cycle may not work as smoothly.
- 03:26:59 Judge Loble commented that if there is going to be a shortfall, DNRC could dip into the \$1.6 million.
- 03:27:26 Sen. Wheat asked Judge Loble for his plan regarding working with DNRC to develop a funding strategy. Judge Loble stated he would be sitting down with DNRC to develop a funding strategy.
- 03:28:18 Sen. Wheat asked Judge Loble if he was reassured that HB 22 would go forward. Judge Loble responded that he was feeling reassured.
- 03:28:41 Judge Loble provided a status of the adjudication rules. Judge Loble requested the Supreme Court to extend the deadline for the rules because of difficulties with HB 22. In addition, Judge Loble did not know whether the Governor had signed HB 782.
- 03:30:18 Sen. McGee asked about a new deadline.

03:30:35 Judge Loble identified the new deadline as May 31, and added there have been very few comments to the proposed rules.

03:30:50 Sen. Story noted the new DNRC database and asked Judge Loble if the database would work for the water court.

03:31:10 Judge Loble responded there does not seem to be any computer problems, but rather data input problems.

**LUNCH BREAK**

Continued on Part 2