



**Water Policy Interim Committee**  
**63rd Montana Legislature**

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HELEN THIGPEN, Staff Attorney  
NADINE SPENCER, Secretary

DRAFT AGENDA  
**WATER POLICY INTERIM COMMITTEE**

State Capitol, Room 303  
May 12-13, 2014

AGENDA ITEM TIMES ARE APPROXIMATE

Monday, May 12

- 1 p.m. Call to Order - Sen. Vincent
- Roll Call
  - Approval of minutes from June 2013 WPIC
- 1:05 p.m. State Water Plan update (85-1-203, MCA)
- Tim Davis, administrator, Water Resources Division, DNRC
  - Public comment
  - Committee questions, discussion, and action, if any
- 1:30 p.m. Adjudication update (85-2-281, MCA) (*Tab 1*)
- Tim Davis, administrator, Water Resources Division, DNRC
  - Russ McElyea, chief water judge, Montana Water Court
  - Public comment
  - Committee questions, discussion, and action, if any
- 2 p.m. Future role of the Water Court
- Beth McLaughlin, court administrator, Office of Court Administrator
  - Russ McElyea, chief water judge, Montana Water Court
  - Michelle Bryan-Mudd, director of Land Use Clinic, University of Montana Law School (*Presentation of study of Montana's legal system for water rights*)
  - Tim Davis, administrator, Water Resources Division, DNRC
  - Lezlie Kinne, water commissioner, Cataract Water Users
  - Public comment
  - Committee questions, discussion, and action, if any
- 4:30 p.m. Recess for the day. Reconvene at 8 a.m.

Tuesday, May 13

- 8:30 a.m. Reconvene
- 8:35 a.m. Agency rulemaking update (*Tab 2*)
- Ms. Thigpen
  - Public comment
  - Committee questions, discussion, and action, if any
- 8:45 a.m. HJ26 ditch easement study: Montana perspective on landowner-ditch owner disputes
- Abigail St. Lawrence, water rights attorney
  - Hertha Lund, water rights attorney
  - Public comment
  - Committee questions, discussion, and action, if any
- 9:30 a.m. Metal Mines License Tax: Sources, distribution, and potential uses for water cleanup (*Tab 3*)
- Nick Brown, fiscal analyst, Legislative Fiscal Division
  - Public comment
  - Committee questions, discussion, and action, if any
- 10 a.m. Break
- 10:15 a.m. Update on governor's request to reopen CSKT compact negotiations (*Tab 4*)
- John Tubbs, director, DNRC
  - Public comment
  - Committee questions, discussion, and action, if any
- 10:30 a.m. Proposed CSKT reserved water rights compact: Legal perspectives of proposed tribal off-reservation water rights
- Ms. Thigpen (*Summary of Nez Perce instream flow claims case*)
  - Melissa Hornbein, attorney, Reserved Water Rights Compact Commission
  - Rhonda Swaney, attorney, Confederated Salish and Kootenai Tribes
  - Public comment
  - Committee questions, discussion, and action, if any
- Noon Lunch
- 1 p.m. Review of data modeling used in Water Use Agreement (of the CSKT compact)
- Public comment
  - Committee questions, discussion, and action, if any

- 2 p.m. Request from Environmental Quality Council: Analysis of proposed CSKT water rights compact (*Tab 5*)
- Rep. Nancy Ballance
  - Rep. Keith Regier
  - Public comment
  - Committee questions, discussion, and action, if any
- 3 p.m. Follow-up on proposed administrative rule: Base numeric nutrient standards, variances
- Eric Urban, science program manager, Planning, Prevention and Assistance Division, Department of Environmental Quality
  - Public comment
  - Committee questions, discussion, and action, if any
- 3:30 p.m. Public Comment on any issue within the jurisdiction of the WPIC
- 3:45 p.m. Other business
- 4 p.m. Administrative matters
- Revisions to work plan, if necessary
  - Budget update
  - Identification of areas where more information is needed
  - Instructions to staff
- 4:30 p.m. Adjourn

NOTE: Meeting materials available online: <http://leg.mt.gov/water>

*Meeting attendees who may need services or accommodations should contact Jason Mohr (406-444-1640 or [jasonmohr@mt.gov](mailto:jasonmohr@mt.gov)) at least five working days before the meeting.*