



## Water Policy Interim Committee

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### 65th Montana Legislature

#### SENATE MEMBERS

PAT CONNELL--Chair  
JILL COHENOUR  
JON SESSO  
JEFFREY WELBORN

#### HOUSE MEMBERS

ZACH BROWN--Vice Chair  
BOB BROWN  
JOHN FLEMING  
CARL GLIMM

#### COMMITTEE STAFF

JASON MOHR, Lead Staff  
NADINE SPENCER, Secretary  
ERIN BILLS, Legal Staff

# MINUTES LOG

July 17, 2018  
Room 152, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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### **COMMITTEE MEMBERS PRESENT**

SEN. PAT CONNELL, Chair  
REP. ZACH BROWN, Vice Chair

SEN. JILL COHENOUR  
SEN. JON SESSO  
SEN. JEFFREY WELBORN

REP. BOB BROWN  
REP. JOHN FLEMING  
REP. CARL GLIMM

## **STAFF PRESENT**

JASON MOHR, Lead Staff  
NADINE SPENCER, Secretary  
JAMESON WALKER, Staff Attorney

## **VISITORS' LIST (Attachment 1)**

## **AGENDA (Attachment 2)**

### **COMMITTEE ACTIONS**

The Water Policy Interim Committee (WPIC):

- Voted to put the draft report on the study of the process for changing a water right out for public comment;
- Voted to put the draft report on the study of groundwater wells exempt from permitting, as edited by staff, out for public comment;
- Voted to put LCw001 out for public comment;
- Voted to amend LCw002 and put it out for public comment;
- Voted to amend LCw003 and put it out for public comment;
- Voted to amend LCw004 based on comments from stakeholders and put it out for public comment;
- Voted to amend LCw005 and put it out for public comment;
- Voted to amend LCw006 and put it out for public comment;
- Voted to have stakeholders provide staff with content for a bill draft addressing the needs of data collection and stream gauge stations;
- Voted to table LCw007;
- Voted to draft legislation to revise 85-2-350, MCA, and put it out for public comment;
- Voted to draft legislation to allow distribution lists to pass between government agencies that share information;
- Voted to send the letter to the U.S. Department of the Interior and Montana's Congressional delegation advising better communication and collaboration between their offices and the Montana Water Court regarding tribal reserve water rights and the state's adjudication process.

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

00:00:01 Sen. Connell called the meeting to order at 9:01 a.m. The secretary noted the roll. **(Attachment 3)**

### **DEQ REPORTS ON WATER QUALITY: NPS, TMDLS, INTEGRATED REPORT**

00:00:53 Jason Mohr, research analyst, Legislative Services Division (LSD), said the Department of Environmental Quality (DEQ) will provide three water quality reports that relate to how the department follows the Clean Water Act.

00:02:17 Mr. Mohr provided information on the integrated water report. **(Exhibit 1)**

00:02:25 Mr. Mohr provided information on the total maximum daily load (TMDL) report.

00:03:09 Mr. Mohr provided information on the non-point solution management plan. **(Exhibit 2)**

### **Integrated Water Report**

00:03:54 Eric Urban, Water Quality Planning Bureau chief, DEQ, discussed the 2018 integrated water report.

### **TMDL List Update (75-5-703, MCA)**

00:10:05 Jon Kenning, Water Protection Bureau chief, DEQ, presented information on the TMDL program.

00:12:01 Mr. Kenning discussed the TMDL development map. ([Exhibit 3](#))

### **Five-year, non-point source pollution plan**

00:14:11 Mr. Kenning discussed the non-point source program.

00:16:02 Mr. Kenning said the committee received a copy of the 2017 non-point source management plan. ([see Exhibit 2](#))

Public comment None

### **Committee questions and discussion**

00:18:49 Rep. Z. Brown asked Mr. Urban about the status of federal funding for the Section 319 program.

00:19:59 Rep. Z. Brown asked Mr. Urban about federal funding after fiscal year 2018-19. Mr. Urban redirected the question to Mr. Kenning.

00:20:40 Sen. Connell asked Mr. Kenning about non-point source pollution and any anomalies in measurements as a result of the recent wildfires.

00:22:38 Sen. Connell asked Mr. Kenning about impacts to the watershed in eastern Montana as a result of wildfires last year.

00:23:41 Sen. Connell asked Mr. Kenning about impacts to community wastewater treatment systems as a result of using de-icer on roads.

### **COLUMBIA RIVER TREATY RENEGOTIATIONS**

00:26:47 Mr. Mohr provided an introduction.

00:27:34 Jennifer Anders, vice-chair, Northwest Power and Conservation Council (NWPPCC), presented information on the Columbia River Treaty renegotiations.

00:28:08 Ms. Anders gave an overview of the provisions of the Columbia River Treaty.

00:30:41 Ms. Anders discussed the current renegotiation process between the U.S. and Canada and their perspective positions.

00:35:41 Ms. Anders discussed Montana's interests in the renegotiation process.

Public comment None

### **Committee questions and discussion**

00:37:55 Rep. Glimm asked Ms. Anders if the NWPPCC is pushing for compensation for Libby Dam to equal the entitlements to Canada.

00:39:46 Sen Sesso entered the meeting at 9:41 a.m.

00:40:06 Sen. Connell asked Ms. Anders about discussions regarding Libby Dam and ecosystem functionality for the Kootenai River.

00:41:13 Sen. Connell asked Ms. Anders about the definition of ecosystem functionality.

00:43:17 Rep. Fleming asked Ms. Anders about the treaty and potential impact on the Confederated Salish and Kootenai Tribe (CSKT) water compact.  
00:45:45 Sen. Cohenour asked Ms. Anders about the interplay in ecosystem function between the U.S. and Canada.  
00:48:58 Rep. Z. Brown asked Ms. Anders about the impact of climate change on the treaty.  
00:50:08 Rep. Z. Brown asked Ms. Anders if ecosystem function considers the potential role of aquatic invasive species.  
00:51:49 Rep. B. Brown asked Ms. Anders about the benefit of sending a letter to strengthen Montana's position.  
00:53:19 Sen. Connell commented on the benefit of offering legislative support.  
00:54:13 Sen. Connell asked Ms. Anders if the negotiation is with the province of British Columbia or the federal Canadian government.

### **UPDATE ON SB 325 RULES**

00:56:13 Mr. Urban said that SB 325 (2015) rules have been adopted by the state and submitted to the EPA for review and approval.

Public comment None

### **Committee questions and discussion**

00:58:20 Sen. Sesso asked Mr. Urban about changes made to the draft rules as a result of public comment.  
00:59:49 Sen. Sesso asked Mr. Urban about changes made to the renewal process.  
01:03:30 Sen. Connell asked Sen. Sesso about the permit process and EPA.  
01:07:48 Sen. Sesso requested a copy of the public comments on the rules and what the department changed in response to the comments. Sen. Connell agreed and asked Mr. Urban to provide the information.  
01:09:21 Sen. Sesso said SB 325 was passed by the Legislature in 2015.  
01:09:42 Sen. Connell said he appreciates the cooperation from the DEQ.  
  
01:11:21 Recess  
01:31:05 Reconvene

### **UPDATE FROM WATER POLLUTION CONTROL ADVISORY COUNCIL**

01:31:19 Earl Salley, vice-chair, Water Pollution Control Advisory Council, provided a history and discussed the purpose of the advisory council.  
01:34:38 Mr. Salley provided information on recent issues.

Public comment None

Committee questions and discussion None

### **STUDY OF THE PROCESS OF CHANGING A WATER RIGHT**

#### **Draft Report**

01:37:51 Mr. Mohr discussed the draft report. **(Exhibit 4)**  
01:42:33 Mr. Mohr discussed LCw003. **(Exhibit 5)**

01:43:50 Mr. Mohr said the next two bill drafts are related to an idea that was presented in May that a determination of legal availability is insinuating itself into the adverse effect analysis.

01:45:20 Mr. Mohr discussed LCw004. **(Exhibit 6)**

01:45:48 Sen. Sesso asked Mr. Mohr about LCw004 and if legal availability analysis may determine adverse effects.

01:47:50 Sen. Connell said the committee will discuss the bill drafts in more detail this afternoon.

01:48:19 Mr. Mohr discussed LCw005. **(Exhibit 7)**

01:50:01 Mr. Mohr said a motion is required to put the draft report out for public comment.

01:50:36 Sen. Connell said he will not accept a motion to move the bill drafts forward until the September meeting. He said he will consider a motion to table a bill if a majority of members agree.

01:51:26 Rep. Z. Brown asked if the committee can make a motion to amend a bill draft. Sen. Connell said yes.

01:51:47 Sen. Cohenour asked about public comment. Sen. Connell said it will be taken on the draft report.

#### Public comment

01:52:30 Krista Lee Evans, Senior Water Rights Coalition, Association of Gallatin Agricultural Irrigators (AGAI)

01:53:41 Jan Langel, administrator, Water Resources Division, Department of Natural Resources and Conservation (DNRC)

#### Committee questions and discussion

01:54:40 Sen. Cohenour said she recommends that the report include a statement indicating that applicants want the change process to be easy, but objectors to a change application want it to be difficult. Sen. Connell said it can be added and reviewed by the WPIC.

01:57:27 Rep. Z. Brown said he recommends providing information on the Colorado law that allows a Water Court judge to reconsider a change in water right to ensure no injury occurs to other existing rights and why it may or may not be applicable to Montana. Mr. Mohr said he will include it.

01:58:41 Sen. Connell asked Holly Franz, attorney, about the provisions in the Colorado law.

02:00:43 Rep. Z. Brown asked Sen. Connell about whether the committee should consider a bill draft to allow the concept in Colorado law. Mr. Mohr said he will provide more information.

02:04:18 Rep. Glimm asked Ms. Franz about the provision.

02:06:31 Sen. Sesso asked Ms. Franz about the risk of someone losing a change in a subsequent review.

02:08:39 Sen. Connell commented on the difference when a change is determined strictly by a court rather than by the department.

02:11:05 Sen. Sesso asked Jameson Walker, staff attorney, LSD, about adding language similar to the Colorado law and for a legal perspective on whether it would hold up in court. Mr. Walker said he will provide the information.

02:12:25 Sen. Connell said the overall mission is to protect the waters of the state of Montana for the beneficial use for its citizens.

02:12:55 Sen. Connell said the report is a fundamental purpose of the WPIC and thanked staff and the participants who helped develop it.  
02:13:49 Rep. Z. Brown said he recommends including the suggestions that were made during the panel discussion in May on improvement potential for the change process. Mr. Mohr said he needs further direction on what to include.  
02:15:29 Sen. Connell commented on the original intent of the report.  
02:17:23 Recess for lunch at 11:19 a.m.  
03:45:54 Reconvened at 12:47 p.m.

#### Committee consideration of draft report for public comment

03:46:00 Sen. Connell said there needs to be a motion to accept the draft report on the study of the process for changing a water right and to put it out for public comment.

#### **Motion/Vote**

03:46:31 Rep. Z. Brown moved to put the draft report out for public comment. The motion carried unanimously by voice vote of those present and voting.

### **STUDY OF EXEMPT GROUNDWATER WELLS**

#### **Draft Report**

03:46:53 Mr. Mohr discussed the draft report on the study of groundwater wells exempt from permitting. **(Exhibit 8)**  
03:49:40 Mr. Mohr discussed LCw001. **(Exhibit 9)**  
03:50:45 Mr. Mohr said an edit was suggested at the May meeting for the last conclusion.  
03:51:20 Sen. Connell asked Mr. Mohr to restate the change. Mr. Mohr said it will be changed from "the development community appear to be adapting to the 2016 Supreme Court ruling by various strategies" to "the 2016 Supreme Court ruling may alter development patterns".

#### Public comment

03:52:09 Abigail St. Lawrence, Montana Building Industry Association

#### Committee questions and discussion

03:54:02 Sen. Cohenour said the change addresses the concerns and improves the report.  
03:54:16 Sen. Connell agreed, and without objection, directed staff to make the change.

#### Committee consideration of draft report for public comment

03:54:49 Sen. Connell said the committee needs to make a motion to put the draft report out for public comment.

#### **Motion/Vote**

03:55:00 Sen. Cohenour moved to put the draft report, as edited, out for public comment. The motion carried unanimously by voice vote.

## **DRAFT LEGISLATION**

03:55:50 Rep. Z. Brown asked about the order for taking public comment. Sen. Connell said it will be taken on each individual bill.

## **Bills requested at May Meeting**

### **Define a "supplemental notice" within the Montana Administrative Procedures Act (LCw001)**

03:56:24 Mr. Mohr discussed LCw001.

Public comment None

### Committee questions and discussion

03:57:39 Sen. Cohenour asked about the motion. Mr. Mohr said the draft bills will be put out for public comment and the committee will decide whether to pre-introduce the bills at the September meeting.

03:58:55 Sen. Cohenour asked about committee action. Sen. Connell said it formalizes the effort and intent to encourage participation. Mr. Mohr said he recommends that the committee make a motion to put each bill out for public comment.

### **Motion/Vote**

03:59:42 Sen. Cohenour moved to put LCw001 out for public comment. The motion carried unanimously by voice vote.

### **Revise certain water right adjudication processes (LCw002)**

04:00:03 Mr. Mohr discussed LCw002.

### Public comment

04:01:45 Ms. Evans, Senior Water Rights Coalition, AGAI, Montana Farm Bureau Federation, said they recommend changes to the title of the bill and changing the date to file an appeal to a later date.

04:03:16 Ms. Franz, Water Court Advisory Committee, provided a copy of suggested amendments to the bill draft. **(Exhibit 10)**

04:05:37 Mr. Langel said the DNRC agrees with the changes.

### Committee questions and discussion

04:06:24 Sen. Cohenour asked Mr. Mohr about the deadline date and said she is concerned about the title language of the bill.

04:07:59 Sen. Connell asked Judge Russ McElyea, chief water judge, Montana Water Court, about changing the title of the bill and changing the deadline date to October 1, 2020.

04:10:42 Sen. Cohenour asked Mr. McElyea about the deadline dates. Sen. Cohenour redirected the question to Ms. Franz.

04:14:27 Sen. Connell asked Mr. Walker to clarify the deadline dates.

04:15:01 Sen. Connell asked Ms. Franz about the error made in the deadline date and if she still recommends changing the date for an appeal to 2020.

04:16:19 Sen. Cohenour asked Mr. McElyea about his opinion regarding the amount of time allowed for an appeal.

04:18:41 Sen. Connell requested a motion to have staff correct the date to file an appeal from 2018 to 2019 and change October 1, 2018, to October 1, 2020, in Section 3 (3).

**Motion/Vote**

04:19:17 Sen. Cohenour moved to have staff make the changes to LCw002 and put it out for public comment. The motion carried unanimously by voice vote.

**Allow an extended response deadline for a water right permit of change application (LCw003)**

04:19:44 Mr. Mohr discussed LCw003.

**Public comment**

04:20:56 Ms. Evans said she agrees with the concept of the bill draft, but is concerned that there is not an absolute end date.

04:22:07 Ms. Franz said the bill draft is a result of one of her recommendations and agreed it is open-ended. She suggested putting 120 days from the initial deficiency notice.

04:24:37 Millie Heffner, Water Rights Bureau chief, DNRC, said that the department shares the concerns regarding an end date and agrees with the concept proposed by Ms. Franz.

**Committee questions and discussion**

04:25:58 Sen. Cohenour asked Ms. Franz about the concerns from the DNRC.

04:26:56 Rep. Glimm discussed his concerns about extending the dates.

04:29:21 Sen. Cohenour said she supports the draft legislation with the changes discussed.

04:31:00 Rep. Z. Brown said he recommends allowing staff to work with Ms. Franz on changes to the bill draft and putting it out for public comment.

**Motion/Vote**

04:31:51 Rep. Z. Brown moved to amend LCw003 and put it out for public comment. The motion carried unanimously by voice vote.

**Clarify that legal availability analysis does not determine adverse effects as criteria in a water rights change application (LCw004)**

04:32:33 Mr. Mohr discussed LCw004.

**Public comment**

04:34:22 Ms. Franz said the language in the bill is confusing.

04:35:37 Ms. St. Lawrence agreed that the language in the bill is confusing and said she can work with staff on re-drafting the bill.

04:37:39 Brian Ohs, Montana Trout Unlimited, speaking on behalf of Patrick Byorth, commented on the intention of the bill.

04:38:41 Ms. Heffner said the department agrees with the comments and that legal availability is not a criterion under the change statutes.

#### Committee questions and discussion

- 04:39:45 Rep. Z. Brown said he can work with staff on the intent of the bill draft.
- 04:40:11 Sen. Connell commented on timing for committee bills and said any committee member can sponsor individual bills. He said he supports a motion to direct staff to move forward on the bill draft.

#### **Motion/Vote**

- 04:42:33 Sen. Cohenour moved to have staff work with stakeholders and the DNRC to address their concerns in LCw004 and put it out for public comment. The motion carried unanimously by voice vote.

#### **Clarify that a water right permit or a water right change application relying on a waiver of adverse effect does not require a legal availability determination (LCw005)**

- 04:43:25 Mr. Mohr discussed LCw005.

#### Public comment

- 04:44:57 Ms. Evans said that the title of the bill needs to be clarified and provided proposed language for legislative findings. **(Exhibit 11)**
- 04:47:08 Ms. Heffner said the DNRC shares the same concerns as Ms. Evans.
- 04:47:55 Mr. Ohs said TU supports moving the bill forward for public comment and agreed with the changes.
- 04:48:39 Ms. Franz, speaking on behalf of NorthWestern Energy, agreed with moving the bill forward and adding the legislative findings.
- 04:49:10 Ms. St. Lawrence said she is concerned with the second legislative finding.
- 04:50:07 Sen. Connell asked Ms. St. Lawrence about her concerns.

#### **Motion**

- 04:51:18 Sen. Cohenour moved to add the changes proposed by Ms. Evans to Section 1 and put LCw005 out for public comment.

#### **Discussion on the Motion**

- 04:51:54 Sen. Connell

#### **Vote**

- 04:52:18 The motion carried unanimously by voice vote.

#### **Study Montana's stream gauge network (LCw006)**

- 04:52:43 Mr. Mohr discussed LCw006.

#### Public comment

- 04:53:48 Mr. Langel said the DNRC recommends adding additional support for increased SNOTEL sites and soil moisture monitors in the eastern part of the state and commented on funding.
- 04:55:55 Jennifer Downing, executive director, Big Hole Watershed Committee, thanked the committee for putting the bill draft together and commented on funding and agreed with the DNRC's recommendations.
- 04:58:48 Mr. Ohs said TU agrees and recommends moving the bill forward for public comment.

04:59:08 Erin Farris-Olsen, executive director, Montana Watershed Coordination Council, said they support the study bill and commented on funding mechanisms and coordination of gauge management in the future.

Committee questions and discussion

05:02:29 Sen. Connell commented on the importance and ability to analyze data.

**Motion**

05:04:47 Sen. Cohenour moved to add language to the bill draft regarding data from stream gauges and to utilize a group to work together on a funding source and put LCw006 out for public comment.

**Discussion on the Motion**

05:06:34 Sen. Connell  
05:07:25 Sen. Cohenour  
05:08:15 Sen. Sesso  
05:11:06 Sen. Connell  
05:13:11 Rep. Z. Brown  
05:13:43 Ms. Downing  
05:16:04 Sen. Cohenour  
05:18:09 Sen. Connell  
05:18:43 Rep. Z. Brown  
05:19:46 Sen. Sesso  
05:20:25 Mr. Langel  
05:22:35 Sen. Sesso  
05:27:30 Sen. Connell  
05:28:48 Sen. Sesso  
05:30:44 Sen. Welborn  
05:31:48 Sen. Connell  
05:32:06 Mr. Mohr repeated the motion.

**Vote**

05:32:31 The motion carried 7-1 by voice vote. Rep. Glimm voted no.

05:32:59 Sen. Sesso asked about the procedure for having stakeholders work on draft legislation for the WPIC to consider in September. Sen. Connell said it is up for the committee to decide.

**Motion**

05:34:48 Sen. Sesso moved to have stakeholders provide staff with content for a bill draft addressing the needs of data collection and stream gauge stations in the best interest of water resources in the state of Montana.

**Discussion on the Motion**

05:35:28 Rep. Glimm  
05:35:40 Mr. Mohr  
05:37:28 Sen. Connell  
05:37:39 Sen. Sesso

### **Vote**

05:39:04 The motion carried unanimously by voice vote.

### **Allow the DNRC to compile a distribution list of water right holders from FWP (LCw007)**

05:39:25 Mr. Mohr discussed LCw007.

05:40:48 Mr. Mohr said the committee received a copy of a memo from the DNRC regarding its policy to provide water rights mailing lists to the Department of Fish, Wildlife, and Parks (FWP). **(Exhibit 12)**

### **Public comment**

05:41:43 Mr. Langel said that the DNRC has agreed to provide mailing lists of water right holders to FWP and that the legislation may be unnecessary. He said that if the committee moves forward with the legislation it should not be limited to FWP.

05:44:10 Bill Schenk, FWP, said the department supports the edits recommended by Mr. Langel.

### **Motion**

05:45:46 Rep. Glimm moved to table LCw007.

### **Discussion on the Motion**

05:46:15 Sen. Cohenour

05:47:37 Sen. Connell

### **Vote**

05:49:04 The motion carried unanimously by voice vote.

05:49:25 Sen. Cohenour asked staff about legislation in other interim committees regarding distribution lists.

05:51:17 Recess

06:02:25 Reconvene

### **Other Proposals**

06:02:45 Mr. Mohr said the WPIC asked for and agreed to a discussion on additional bill drafts and asked the chief water judge to expand on the topic of Walton Rights. He said the committee received a copy of the Montana Water Court decision and the Montana Supreme Court decision on how to handle 47 claims on the Crow Reservation. **(Exhibit 13)**

06:03:16 Mr. Mohr said the WPIC received a request from the Flathead Basin Commission for a committee study of septic leachate. **(Exhibit 14)**

### **Montana Water Court**

06:03:35 Mr. McElyea discussed the potential for legislation following the decision in Scott Ranch, LLC, regarding existing tribal compacts and the potential for other rights.

06:09:05 Mr. McElyea discussed extending the deadline for exempt from filing rights from June 30, 2019.

Committee questions and discussion

06:10:11 Rep. Z. Brown commented on the conclusion in the Supreme Court decision regarding a possible jurisdictional gap that may warrant the Legislature's examination.

Public comment None

**Flathead Basin Commission**

06:11:05 Ed Lieser, vice-chair, Flathead Basin Commission, provided background information on the commission and its request for a study to investigate methods to address septic waste systems that impact the Flathead Basin lakes.

06:18:05 Sen. Connell asked about draft language for the study and said it is included in the member packets.

06:18:24 Mike Koopal, executive director, Whitefish Lake Institute, member, Flathead Basin Commission. [\(Exhibit 15\)](#)

Public comment

06:27:30 Kelly Lynch, deputy director, legal counsel, Montana League of Cities and Towns

**Clark Fork and Kootenai River Basins Council**

06:28:22 Dave Shively, member, executive committee, Clark Fork and Kootenai River Basins Council, requested that WPIC sponsor legislation to revise or repeal 85-2-350, MCA, to replace the Clark Fork River Basin Task Force with basin councils. [\(Exhibit 16\)](#)

Public comment None

Committee questions and discussion

06:33:52 Sen. Cohenour commented on the request.

**Motion**

06:34:42 Sen. Cohenour moved to draft legislation to revise 85-2-350, MCA, and put it out for public comment.

Public comment None

**Discussion on the Motion**

06:35:11 Sen. Sesso

06:35:51 Mr. Langel

06:36:09 Sen. Sesso

06:36:39 Sen. Connell

**Vote**

06:37:05 The motion carried 6-2 by voice vote. Rep. B. Brown and Rep. Glimm voted no.

## **Motion**

06:37:54 Sen. Cohenour moved to draft legislation to allow distribution lists to pass between government agencies that share information.

Public comment None

## **Discussion on the Motion**

06:39:51 Sen. Connell  
06:40:29 Rep. B. Brown  
06:41:23 Rep. Z. Brown

## **Vote**

06:41:47 The motion carried 5-3 by roll call vote. Rep. B. Brown, Rep. Glimm, and Sen. Connell voted no. [\(Attachment 4\)](#)

06:42:33 Sen. Connell opened discussion on other motions to consider.  
06:42:46 Rep. Z. Brown said he would be interested in pursuing a bill draft similar to Colorado law if it is determined that the process of a change application was not being compromised with the subsequent review by a Water Court judge. Sen. Connell said he recommends making a determination at the September meeting.  
06:45:19 Sen. Sesso asked Rep. Z. Brown about his bill draft.  
06:47:40 Sen. Connell commented on the difference between the change process in Montana and Colorado.  
06:48:28 Rep. B. Brown asked about a proposal to restore funding to conservation districts for administering 310 permits.  
06:49:49 Mark Bostrom, administrator, Conservation Resource Development Division, DNRC, commented on reductions to funding for conservation districts.  
06:54:07 Rep. Glimm asked Mr. Bostrom about the amount of money needed to restore 310 funding. Mr. Bostrom said he will provide the information.

## **ADMINISTRATIVE MATTERS**

### **Administrative Rule Review**

06:55:40 Mr. Walker presented the administrative rule review. [\(Exhibit 17\)](#)  
06:56:42 Mr. Walker provided information on the rule establishing the Lockwood solvent groundwater plume site controlled groundwater area. [\(Exhibit 18\)](#)  
06:58:06 Mr. Walker said that FWP has adopted emergency rules closing certain river fishing and access sites due to flooding.

Committee questions and discussion None

### **Letter to Interior, Congress Regarding Water Right Process**

06:59:29 Mr. Mohr said the committee received a copy of the draft letter that was approved at the May meeting urging the U.S. Department of the Interior and Montana's Congressional delegation to communicate and collaborate between their office and the Montana Water Court regarding tribal reserve water rights and the state's adjudication process. [\(Exhibit 19\)](#)

Committee questions and discussion                      None

**Motion/Vote**

07:01:20        Sen. Cohenour moved to send the letter to the U.S. Department of the Interior and Montana's Congressional delegation. The motion carried 6-2 by voice vote. Rep. B. Brown and Rep. Glimm voted no.

**September Meeting Preview**

07:02:03        Mr. Mohr provided information for the September meeting agenda.  
07:04:41        Sen. Connell said it is possible that the meeting may be a one-day meeting.  
07:04:56        Rep. Z. Brown said he would like staff to request information from the Bureau of Land Management regarding the exempt from filing claims under HB 110 (2017) and include an agenda item for additional discussion with the DNRC on the change process and the recommendations that were made from the WGM Group. Sen. Connell agreed.  
07:08:13        Sen. Connell discussed his letter to the U.S. Forest Service (USFS) regarding the discussion the WPIC had in March with John Bloomquist, attorney, Bloomquist Law Firm. P.C., regarding water availability to the state of Montana off of USFS land. [\(Exhibit 20\)](#)  
07:12:18        Sen. Cohenour asked about the September meeting dates. Mr. Mohr said the meeting is scheduled for September 10-11.

**PUBLIC COMMENT ON ANY ISSUE WITHIN THE JURISDICTION OF THE WPIC**

None

**ADJOURN**

07:13:13        Sen. Connell adjourned the meeting at 4:14 p.m.

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