



## Water Policy Interim Committee

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### 66th Montana Legislature

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#### COMMITTEE STAFF

JASON MOHR, Lead staff  
CORINA HACH, Staff attorney  
NADINE SPENCER, Secretary

DRAFT AGENDA (as of Dec. 20, 2019)

# WATER POLICY INTERIM COMMITTEE

Room 172, State Capitol Building

Jan. 6-7, 2020

AGENDA TIMES ARE APPROXIMATE

## Monday, Jan. 6

### 9 a.m. Call to order

- Roll call
- Public comment
- Committee discussion

### 9:05 p.m. Instream leasing report (85-2-436, MCA) – Tab 1

- Stephen Begley, water conservation specialist (FWP)
- Public comment
- Committee discussion

### 9:20 p.m. U.S. Forest Service water reservations (85-20-1401, MCA)

- Ethan Mace, hydrologist (Department of Natural Resources and Conservation (DNRC))
- Public comment
- Committee discussion

### 9:40 p.m. Update from stream gauge oversight work group (2-15-3308, MCA)

- Paul Azevedo, Water Management Bureau chief and Governor's Drought and Water Supply Advisory Committee
- Public comment
- Committee discussion

### 10 a.m. Follow up on HB286 lawsuit

- Mr. Mohr
- Public comment
- Committee discussion

**10:15 p.m. HJ40: Study of weather modification – Tab 2**

- Review of HJ40 study progress—Mr. Mohr
- Legislative history of SB72 (1993)—Mr. Mohr
- Water planner perspective on weather modification technology
  - Paul Azevedo, Water Management Bureau chief
- Perspective on \$10 million financial responsibility requirement for weather modification permit
  - Mr. Azevedo
- Review of input from stakeholders—Mr. Mohr
- Public comment
- Committee discussion and determination of next steps

**11:30 a.m. Adjudication update (85-2-281, MCA) – Tab 3**

- Matt Murphy, water conservation specialist (DNRC)
- Water Court
- Public comment
- Committee discussion

**Noon Lunch**

**1 p.m. Geocoding and the water rights database – Tab 4**

- Review of documents requested at Dec. 11 conference call—Mr. Mohr
- Review of public input—Mr. Mohr
- Discussion of formation of subcommittee/working group
- Public comment
- Committee discussion and determination of next steps

**3 p.m. Break**

**3:15 p.m. Examination of HB110 claims – Tab 5**

- Mr. Murphy
- Public comment
- Committee discussion

**5 p.m. Recess**

**Tuesday, Jan. 7**

**8:30 a.m. Reconvene**

**8:35 a.m. HJ14: Study of the future of the Water Court**

- Review of HJ14 study progress—Mr. Mohr
- Review of other states' water courts—Mr. Mohr
- Constitutionality of making Water Court permanent—Ms. Hach
- Summary of Water Court decisions pursuant to SB28—Ms. Hach
- Supreme Court survey of district courts on water jurisdiction—Mr. Mohr
- Input from Montana Water Bar
  - Ryan McLane, attorney
- Review of public input received—Mr. Mohr
- Public comment
- Committee discussion and determination of next steps

**Noon Lunch**

**1 p.m. Study of climate and water rights**

- Review of study progress—Mr. Mohr
- Flexible periods of use for water rights holders
  - Summary—Mr. Mohr
  - DNRC
- Use of canals and ditches for water management
  - Study of Farmer's Canal
    - John Metesh, state geologist, Montana Bureau of Mines and Geology
  - Efficiency, recharge requirements for irrigation districts, canal companies, and state projects
    - TBD
  - Ditch company liability for flooded property
    - TBD
- Increasing water storage: policy barriers
  - Chris Gomer, civil engineer, U.S. Bureau of Reclamation
  - DNRC
- Public comment
- Committee discussion and determination of next steps

**3 p.m. Administrative Rule Review**

- Ms. Hach

**3:15 p.m. Public comment on any issue within the jurisdiction of the WPIC**

**3:30 p.m. Adjourn**

*Meeting attendees who may need services or special accommodations should contact Jason Mohr (406-444-1640 or jasonmohr@mt.gov) at least 5 working days before the meeting.*