



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

**WATER POLICY INTERIM COMMITTEE**  
**67th Montana Legislature**

**SENATE MEMBERS**

Jill Cohenour  
Bruce Gillespie  
Jon Sesso  
Jeffrey Welborn

**HOUSE MEMBERS**

Bob Brown  
Zach Brown  
Carl Glimm  
Bradley Hamlett  
Shane Morigeau  
Walt Sales

**COMMITTEE STAFF**

Corina Hach - Attorney  
Jason Mohr - Research Analyst  
Nadine Spencer - Secretary

## MINUTES LOG

September 14, 2020

1:01 PM

Zoom Videoconference

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://legmt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

### ROLL CALL

**Members Present Remotely:**

Sen. Jeffrey Welborn, Vice Chair (R)  
Sen. Jill Cohenour (D)  
Sen. Bruce Gillespie (R)  
Rep. Carl Glimm (R)  
Rep. Bradley Hamlett (D)  
Rep. Shane Morigeau (D)  
Rep. Walt Sales (R)

**Members Excused:**

Rep. Zach Brown (D)  
Rep. Bob Brown (R)  
Sen. Jon Sesso (D)

**Staff Present Remotely:**

Corina Hach, Attorney  
Jason Mohr, Research Analyst  
Nadine Spencer, Secretary

**Agenda (Attachment 1)****CALL TO ORDER/ROLL CALL**

13:01:29 The secretary called the roll. **(Attachment 2)** Sen. Welborn said Rep. Z. Brown is unable to attend the meeting today.

13:02:45 Jason Mohr, research analyst, Legislative Services Division (LSD) provided a review of the agenda items for the meeting today and tomorrow.

**CLARK FORK BASIN TASK FORCE UPDATE (85-2-350, MCA)**

13:04:57 David Shively, Clark Fork and Kootenai River Basins Council, provided the report on water planning activities in the Clark Fork and Kootenai River Basins. **(Exhibit 1)**

**Public comment**

None

**Committee questions and discussion**

13:10:32 Sen. Cohenour asked about committee action to pre-introduce SB47 (2019) as a committee bill.

13:11:34 Sen. Welborn asked Mr. Mohr about committee action.

13:12:49 Sen. Welborn asked Sen. Cohenour about waiting to have the discussion at the meeting tomorrow.

13:13:40 Rep. Hamlett asked Sen. Cohenour about SB47 and why she thought the bill failed to pass in the House. He asked Mr. Shively to provide his opinion on what the state water policy lacks and what the council could get done if it was fully funded.

13:14:38 Sen. Cohenour

13:16:03 Mr. Shively

13:22:30 Rep. Sales asked Sen. Cohenour if SB47 had a fiscal note.

13:23:18 Sen. Cohenour asked Mr. Shively about resources that were available from the Clark Fork Basin Task Force for funding.

## **UPPER CLARK FORK RIVER BASIN STEERING COMMITTEE UPDATE (85-2-338, MCA)**

13:26:06 Maureen Connor, steering committee member, provided an update from the Upper Clark Fork River Basin Steering Committee.

### **Public comment**

None

### **Committee questions and discussion**

13:34:36 Rep. Hamlett asked Ms. Connor about the Milltown Dam water right.

13:38:12 Rep. Sales asked Ms. Connor about funding for the steering committee.

13:40:30 Rep. Sales asked Ms. Connor about combining the task force and the steering committee.

13:42:25 Rep. Glimm joined the meeting.

13:44:14 Rep. Hamlett said John Tubbs, director, Department of Natural Resources and Conservation (DNRC) can probably provide more information tomorrow on the history of the funding.

## **HJ40: INSURANCE INDUSTRY PERSPECTIVE ON WEATHER MODIFICATION**

13:45:34 Matthew Nielson, Government and Regulatory Affairs senior director, Risk Management Solutions Inc., discussed his work with the insurance industry and research on cloud seeding and hail modification.

### **Committee questions and discussion**

13:49:42 Sen. Cohenour asked Mr. Nielson about interest from the insurance industry in working with the agricultural community, if the proposed bill draft made the projects more feasible.

13:51:16 Rep. Sales asked Mr. Nielson about insurance studies done on hail and the effect from cloud seeding.

13:52:11 Rep. Sales asked Mr. Nielson to provide a copy of the reports.

13:53:44 Sen. Gillespie asked Mr. Nielson if there is any hard data or conclusions on whether cloud seeding helps to provide additional snow or rain.

13:56:21 Rep. Sales asked Mr. Nielson about the study on the downstream effects of cloud seeding.

### **Public comment**

None

## **ADJUDICATION UPDATE**

### **Water Court**

13:58:38 Hon. Russ McElyea, chief water judge, Montana Water Court, discussed work being done on a database platform to provide access electronically.

14:02:23 Mr. McElyea provided a summary of the Water Court adjudication update. [\(Exhibit 2\)](#)

## **DNRC**

14:06:38 Matt Murphy, Adjudication Bureau chief, DNRC, discussed the DNRC adjudication progress report. [\(Exhibit 3\)](#)

## **Public comment**

None

## **Committee questions and discussion**

14:11:12 Sen. Gillespie asked Mr. McElyea about the compact status and timeline for completion.

14:14:26 Rep. Sales asked Mr. McElyea about timing for completion of the second phase of the database platform.

14:15:58 Rep. Hamlett asked Mr. McElyea about making progress toward the end of adjudication and the expectation that there may be problems.

## **UPDATE ON WATER RIGHTS INFORMATION SYSTEM UPGRADE**

14:18:39 Millie Hefner, Water Rights Bureau chief, DNRC, provided an update and discussed the graphic showing the phases for the database project. [\(Exhibit 4\)](#)

## **Public comment**

None

## **Committee questions and discussion**

14:21:25 Sen. Cohenour asked Ms. Heffner about the timeline for completion of the next phase of the project.

14:22:25 Rep. Hamlett asked Ms. Heffner about the expected lifespan for the technology and the new program.

14:23:52 Rep. Hamlett said he is concerned about the amount of money that is budgeted for technology. He said technology companies should be held accountable and provide a guarantee that they will fully support a program for 10-20 years.

14:25:11 Rep. Sales asked Ms. Heffner about the phase of the project that will be implemented by next September.

## **GEOCODES AND WATER RIGHT OWNERSHIP UPDATES: UPDATES TO DNRC MANUAL**

14:26:42 Ms. Heffner provided information on updates to the DNRC manual as part of the administrative recommendations for the ownership updates and geocodes. Ms. Heffner said the DNRC has also modified the language on the fee letters.

## **Public comment**

None

### **Committee questions and discussion**

- 14:31:07 Rep. Sales asked Ms. Heffner if she can provide a link showing the changes that were made.
- 14:33:01 Rep. Sales asked Ms. Heffner about the feedback the department received on the changes.
- 14:35:14 Sen. Welborn thanked Ms. Heffner.

### **ADMINISTRATIVE RULE REVIEW**

- 14:36:23 Cori Hach, staff attorney, LSD, said the only action since the last WPIC meeting is that nonanthropogenic water quality standards proposed by the Board of Environmental Review were adopted. [\(Exhibit 5\)](#)

### **Public comment**

None

### **Committee questions and discussion**

None

### **LEGISLATIVE SERVICES DIVISION UPDATE**

- 14:40:23 Joe Kolman, Environmental Policy director, LSD, provided information on the results of the second part of a survey sent to all legislators regarding the interim. [\(Exhibit 6\)](#)
- 14:46:48 Mr. Kolman discussed the survey conducted in July on the 2021 legislative session and COVID-19 restrictions. [\(Exhibit 7\)](#)
- 14:55:26 Mr. Kolman discussed how western states managed COVID-19 restrictions. [\(Exhibit 8\)](#)

### **Public comment**

None

### **Committee questions and discussion**

- 14:58:00 Sen. Gillespie asked about information on the budget. Mr. Kolman provided a demonstration of the information available on the LSD website.
- 15:04:00 Sen. Welborn thanked Mr. Kolman.
- 15:05:49 Mr. Mohr provided information on the WPIC meeting agenda for tomorrow.
- 15:06:35 Sen. Welborn thanked staff.

### **ADJOURNMENT**

- 15:07:10 Sen. Welborn adjourned the meeting at 3:07 p.m.