



WATER POLICY INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Jill Cohenour
Shane Morigeau
Walt Sales
Jeffrey Welborn

HOUSE MEMBERS

Willis Curdy
Robert Farris-Olsen
Tom France
Rhonda Knudsen
Marty Malone
Bob Phalen

COMMITTEE STAFF

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

MINUTES LOG

March 15, 2022
State Capitol Building Room 152 and Zoom
Helena, Montana

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.

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MEMBERS PRESENT:

Sen. Jeffrey Welborn, Presiding Officer (R)
Rep. Willis Curdy, Vice Presiding Officer (D)
Sen. Jill Cohenour (D)
Rep. Robert Farris-Olsen (D)
Rep. Rhonda Knudsen (R)
Rep. Marty Malone (R)
Sen. Shane Morigeau (D)
Rep. Bob Phalen (R)
Sen. Walt Sales (R)

MEMBERS EXCUSED:

Rep. Tom France (D)

STAFF PRESENT:

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

AGENDA [\(Attachment 1\)](#)

VISITORS' LIST [\(Attachment 2\)](#)

CALL TO ORDER/ROLL CALL

12:59:29 Sen. Jeffrey Welborn called the meeting to order at 12:59 PM. The committee secretary took roll.

Meeting Overview

13:00:32 Jason Mohr, research analyst, Legislative Services Division (LSD).

WATER RESEARCH (85-2-2105, MCA): WATER INFORMATION SYSTEM

13:02:11 Troy Blandford, GIS specialist and manager, Water Information System Program, Montana State Library, provided an overview of the Montana Water Information System. [\(Exhibit 1\)](#)

13:05:37 Mr. Blandford presented examples of work products highlighting the water information system. [\(Exhibit 2\)](#)

13:13:17 Mr. Blandford said the committee received a map depicting the status of LiDAR inventory for Montana. [\(Exhibit 3\)](#)

13:16:33 Mr. Blandford provided postcards with images of Montana landscapes using LiDAR. [\(Exhibit 4\)](#)

Public comment [\(Exhibit 5\)](#)

Committee questions and discussion

13:18:18 Rep. Malone thanked the Montana State Library for providing information to people involved in agriculture.

13:18:43 Sen. Cohenour asked Mr. Blandford about the need for legislation to ensure that information collected using LiDAR gets to the state library.

13:20:00 Sen. Sales asked Mr. Blandford about the refresh cycle for images captured by LiDAR.

13:21:05 Sen. Sales asked Mr. Blandford about mapping ditches and canals using LiDAR.

13:21:54 Sen. Sales asked Mr. Blandford about a mapping project in the Gallatin and using the existing field work with LiDAR.

REPORT FROM STREAM GAUGE OVERSIGHT WORK GROUP (2-15-3308, MCA)

13:25:44 Paul Azevedo, Water Management Bureau chief, Department of Natural Resources and Conservation (DNRC) and co-chair of the Stream Gauge Oversight Working Group, provided an update on the operation and funding for the U.S. Geological Survey (USGS) stream gauge network in Montana.
[\(Exhibit 6\)](#)

Public comment

13:39:57 Clayton Elliott, Montana Trout Unlimited

13:45:38 Abigail St. Lawrence, Fishing Outfitters Association of Montana

13:47:55 Nick Banish, district manager, Gallatin Local Water Quality District

13:49:12 Mr. Banish asked Mr. Azevedo about the USGS ranking system for sites most eligible to be removed from the stream gauge network and the state's role in providing feedback.

Additional public comment received online ([Exhibit 7](#))

Committee questions and discussion

13:53:14 Sen. Sales commented on the communication process and the notice regarding removal of the Hyalite stream gauge. He asked Mr. Azevedo about funding to keep the stream gauge.

13:57:53 Rep. Curdy asked Mr. Azevedo about the 2017 legislative special session and the impact on stream gauges. ([Exhibit 8](#))

14:00:40 Rep. Curdy asked Mr. Azevedo if the working group has considered asking dam users who depend on gauges to determine available water supply for power generation for financial help.

14:02:35 Rep. Curdy asked Mr. Azevedo if current USGS stream network gauges could be better utilized at other locations.

14:04:51 Rep. Malone asked Mr. Azevedo if the gauges around Yellowstone National Park are considered federal priority gauges.

14:05:52 Sen. Morigeau entered the meeting.

14:05:58 Sen. Cohenour asked Mr. Azevedo about the value in legislation to continue the work group. She asked Mr. Azevedo to provide information regarding interest from members of the working group and about their participation and the framework created.

14:09:23 Sen. Sales asked Mr. Azevedo if costs can be lowered using telemetry.

14:10:51 Sen. Welborn thanked Mr. Azevedo and commented on funding.

WATER RIGHTS ON BLM LANDS

14:13:15 Ron Stoneberg, supervisor, Valley County Conservation District, provided a copy of his comments ([Exhibit 9](#)). He discussed the Taylor Grazing Act and federal grazing district allotments.

14:30:17 Mr. Stoneberg requested the WPIC draft a bill to prevent losing water rights on summer range. ([Exhibit 10](#))

14:30:57 Cori Hach, staff attorney, provided a review of the bill draft. ([Exhibit 11](#))

Public comment

14:41:20 Krista Lee Evans, Senior Water Rights Coalition and Association of Gallatin Agricultural Irrigators

Additional public comment ([Exhibit 12](#))

Committee questions and discussion

14:46:31 Rep. Malone commented on an objection by the federal justice department regarding a water right on private land.

14:47:45 Recess

15:01:38 Reconvene

ADJUDICATION ADVISORY COMMITTEE: PROPOSED LEGISLATION

15:02:05 John Bloomquist, chairman, Water Adjudication Advisory Committee (WAAC), provided information about the WAAC. He discussed draft legislation regarding water division judges. [\(Exhibit 13\)](#)

Public comment

15:23:52 Krista Lee Evans, Senior Water Rights Coalition and Association of Gallatin Agricultural Irrigators
15:26:18 Lt. Gov. Kristen Juras
15:28:14 Hon. Russ McElyea, chief judge, Montana Water Court

Committee questions and discussion

15:33:25 Sen. Cohenour asked Mr. Bloomquist about the status of decrees.
15:37:50 Sen. Cohenour asked Mr. Bloomquist about the WAAC and if the tribes were involved in any of the discussions.
15:39:00 Sen. Cohenour asked Lt. Gov. Juras about the vision for the comprehensive look at water in the state and the process the Governor's office has been working through with the DNRC and stakeholders.
15:41:43 Sen. Cohenour encouraged the Governor's office to continue its work.
15:43:18 Lt. Gov. Juras thanked Sen. Cohenour and Sen. Sales for their participation.
15:43:32 Sen. Sales commented on the process.
15:45:02 Rep. Curdy asked Mr. Bloomquist about pre-1973 final decrees.
15:48:29 Rep. Phalen entered the meeting.
15:49:21 Sen. Welborn thanked the participants.

NARRATIVE NUTRIENT STANDARDS: UPDATE AND EXPLANATION OF AN ADAPTIVE MANAGEMENT PROGRAM

15:50:12 Amy Steinmetz, Water Quality Division administrator, Department of Environmental Quality (DEQ), provided information on the status of DEQ's efforts on rulemaking and explained what is entailed in an adaptive management program. [\(Exhibit 14\)](#)

Public comment

16:07:06 Kelly Lynch, designated executive director, Montana League of Cities and Towns
16:08:58 Peggy Trenk, Treasure State Resources Association

Committee questions and discussion

16:10:03 Sen. Sales asked Ms. Steinmetz about concerns regarding the incremental approach.
16:11:33 Sen. Welborn commented on the complexity of the issue. He thanked the DEQ and the stakeholders for their work.

AGENCY RULEMAKING AND BALLOT INITIATIVE UPDATE

16:13:52 Joe Carroll, attorney, LSD, said there are no administrative rule proposals to discuss.
16:14:02 Mr. Carroll provided an update on the ballot initiative process declaring portions of the Gallatin and the Madison rivers as outstanding resource waters.

Public comment

None

Committee questions and discussion

16:15:52 Sen. Cohenour asked Mr. Carroll about the initiative process.

16:16:55 Sen. Welborn asked Mr. Mohr about the agenda for the meeting tomorrow.

16:17:13 Mr. Mohr said the committee changed its rules at the January meeting and is only required to give a three-day notice for the meeting on the ballot initiative.

16:17:43 Sen. Welborn asked staff about scheduling the meeting.

16:18:31 Sen. Cohenour asked Mr. Mohr to provide the link for the January meeting discussion on the ballot initiative.

16:19:18 Sen. Welborn commented on the discussion.

16:20:09 Sen. Welborn asked Ms. Hach to share information about her plans.

ADJOURNMENT

16:21:25 Sen. Welborn adjourned the meeting at 4:21 p.m.