



WATER POLICY INTERIM COMMITTEE

68th Montana Legislature

SENATE MEMBERS

Willis Curdy
Bruce Gillespie
Walt Sales
Jacelyn Sterling
Jeffrey Welborn

HOUSE MEMBERS

Jill Cohenour
Marty Malone
Russel Miner
Bob Phalen
Kenneth Walsh
Bob Carter

COMMITTEE STAFF

Jason Mohr - Research Analyst
Alexis Sandru - Attorney
Jacelyn Sterling - Secretary

MINUTES LOG

July 24, 2023

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. Willis Curdy
Rep. Jill Cohenour
Sen. Bruce Gillespie
Rep. Marty Malone
Rep. Russel Miner
Rep. Bob Phalen
Sen. Walt Sales
Rep. Kenneth Walsh
Sen. Jeffrey Welborn

MEMBERS EXCUSED:

MEMBERS ABSENT:

Rep. Carter

STAFF PRESENT:

Jason Mohr, Research Analyst

Alexis Sandru, Attorney

Jacelyn Sterling, Secretary

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

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

CALL TO ORDER/ROLL CALL

09:02:04 Rep. Jill Cohenour called the meeting to order at 9:02 AM. The committee secretary took roll.

COMMITTEE INTRODUCTIONS

09:03:18 Rep. Phalen
09:03:54 Sen. Gillespie
09:04:29 Sen. Curdy
09:05:04 Sen. Welborn
09:05:52 Rep. Walsh
09:07:11 Rep. Cohenour
09:09:46 Sen. Sales
09:11:40 Rep. Malone
09:13:17 Rep. Miner
09:14:43 Rep. Cohenour
09:15:00 Jason Mohr, Lead Staff, Legislative Services Division (LSD)
09:16:06 Alexis Sandru, Staff Attorney, LSD
09:16:48 Jacelyn Sterling, Secretary, LSD
09:17:57 Alex Colafrancesco, Remote Meeting Coordinator, LSD

COMMITTEE OVERVIEW

19:18:21 Jason Mohr
09:31:22 Rep. Cohenour

ADOPTION OF COMMITTEE RULES

09:32:13 Jason Mohr
[EXHIBIT 1](#)
09:35:01 Rep. Cohenour
09:35:12 Rep. Malone
09:35:18 Jason Mohr
09:35:49 Rep. Cohenour
09:36:21 Sen. Sales
09:37:23 Sen. Gillespie
09:37:53 Jason Mohr
09:38:35 Rep. Phalen

09:38:46 Rep. Cohenour
09:38:54 Sen. Welborn
09:39:27 Rep. Cohenour

Public Comment

None

Motion

09:39:56 Rep. Miner moved to adopt the committee rules.

Vote

09:40:14 Carried unanimously by voice vote.

Presiding Officer Nominations and Election

09:40:21 Rep. Cohenour
09:40:36 Sen. Welborn Nominated Rep. Walsh as Presiding Officer.
09:41:12 Rep. Phalen Nominated Rep. Malone as Presiding Officer.
09:41:22 Rep. Malone Declined the Nomination of Presiding Officer.

Vote:

09:42:38 Carried unanimously by voice vote of those present and voting.

Vice Presiding Officer Nominations and Election

09:43:11 Sen. Curdy moved to elect Rep. Cohenour as Vice Presiding Officer.

Vote:

09:43:13 Carried unanimously by voice vote of those present and voting.
09:43:56 Presiding Officer Walsh
09:44:41 Rep. Malone
09:45:28 Presiding Officer Walsh

REVIEW OF 2023 LEGISLATION

09:45:58 Jason Mohr
[EXHIBIT2](#)

Committee Questions/Discussion

09:58:30 Presiding Officer Walsh
09:58:45 Rep. Phalen

AGENCY OVERVIEW OF WATER-RELATED PROGRAMS

Department of Environmental Quality (DEQ)

10:01:17 Presiding Officer Walsh
10:01:57 James Fehr, Deputy Director, Department of Environmental Quality (DEQ)
[EXHIBIT3](#)

Committee Questions/Discussion

10:14:46 Rep. Cohenour
10:15:44 Sen. Gillespie
10:17:14 Presiding Officer Walsh
10:17:34 Rep. Cohenour

Agency Overview of Water-Related Programs - DEQ

10:18:12 Lyndsey Krywaruchka, Water Quality Division Administrator, DEQ

Committee Questions/Discussion

10:22:28 Sen. Welborn
10:24:40 Sen. Curdy
10:29:28 Rep. Cohenour
10:32:46 Sen. Welborn
10:33:01 Sen. Sales
10:34:24 Rep. Malone
10:40:14 Presiding Officer Walsh
10:42:12 Rep. Miner

Agency Overview of Water-Related Programs – Montana Department of Fish, Wildlife, and Parks (FWP)

10:43:39 Stephen Begley, Water Conservation Specialist, FWP

Committee Discussion/Questions

10:56:02 Sen. Curdy
10:59:02 Sen. Gillespie
11:03:59 Rep. Phalen
11:11:10 Sen. Sales

Agency Overview of Water-Related Programs – Department of Natural Resources and Conservation (DNRC)

11:13:40 Anna Pakenham Stevenson, Water Division Administrator, DNRC
[EXHIBIT4](#)
[EXHIBIT5](#)

Public Comment on Agency Overview of Water-Related Programs

11:28:00 None

PUBLIC INTRODUCTIONS – Requested by Presiding Officer

11:28:53 Presiding Officer Walsh
11:29:50 Krista Lee-Evans, Senior Water Rights Coalition, Association of Gallatin Agricultural Irrigators (AGAI)

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| 11:31:00 | Clayton Elliott, Montana Trout Unlimited |
| 11:32:53 | Marcus Strange, Montana Association of Land Trusts |
| 11:33:37 | Matt Vincent, Montana Mining Association |
| 11:34:47 | Colin Cooney, National Trout Unlimited |
| 11:35:18 | Karli Jonson, Montana Farmer Bureau Federation |
| 11:36:11 | Mike Murphy, Montana Water Resource Association |
| 11:37:25 | Judge Stephen Brown, Montana Water Court |
| 11:38:20 | Caroline Canarios, Northern Plains Resources Council |
| 11:39:27 | Ronda Wiggers, Montana Water Well Drillers Association |
| 11:40:52 | Vicky Baker, Comprehensive Water Review Stakeholder Working Group member |
| 11:42:44 | Trevor Watson, Deputy Division Administrator, Water Resources Division, DNRC |
| 11:43:16 | Rep. Ross Fitzgerald, HD 17 |
| 11:44:00 | Amanda Kaster, Director, DNRC |

WORK PLAN OVERVIEW

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|----------|---------------|
| 11:44:39 | Jason Mohr |
| 11:59:51 | Rep. Cohenour |
| 12:02:04 | Sen. Sales |
| 12:04:24 | Alexis Sandru |

Administrative Rulemaking Overview

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| 12:05:11 | Alexis Sandru |
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[EXHIBIT6](#)

Committee Discussion/Questions

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|----------|---------------|
| 12:10:07 | Rep. Cohenour |
| 12:16:48 | Sen. Curdy |
| 12:17:47 | Sen. Sales |
| 12:19:44 | Rep. Cohenour |

Public Comment on the Work Plan and Administrative Rulemaking Overview

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| 12:20:37 | Krista Lee Evans, Senior Water Rights Coalition, AGAI |
| 12:22:48 | Clayton Elliot, Montana Trout Unlimited |

Committee Discussion/Questions

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|----------|---------------|
| 12:25:59 | Rep. Malone |
| 12:28:43 | Sen. Welborn |
| 12:29:32 | Sen. Sales |
| 12:30:05 | Rep. Walsh |
| 12:30:40 | Rep. Malone |
| 12:31:04 | Rep. Cohenour |
| 12:32:35 | Sen. Curdy |

Recess for Lunch

12:34:37 Reconvened at 13:27:19.

LEGISLATIVE AUDIT: DATA QUALITY IN THE MONTANA WATER RIGHTS INFORMATION SYSTEM

13:27:44 Austin Powell, Legislative Audit Division (LAD)
[EXHIBIT7](#)

13:42:37 Anna Pakenham Stevenson, DNRC

Committee Discussion/Questions

13:59:49 Rep. Malone

14:02:34 Sen. Curdy

14:08:05 Presiding Officer Walsh

Public Comment

14:10:48 Krista Lee Evans, AGAI

WATER RIGHT ADJUDICATION UPDATE

14:15:35 Nate Ward, Water Rights Bureau Chief, DNRC
[EXHIBIT8](#)

14:42:09 Judge Russ McElyea, Montana Water Court
[EXHIBIT9](#)

Committee Discussion/Questions

14:56:37 Rep. Phalen

14:58:13 Sen. Gillespie

15:03:49 Sen. Sales

15:07:05 Rep. Malone

COMPREHENSIVE WATER REVIEW - DNRC

15:08:06 Anna Pakenham-Stevenson
[EXHIBIT10](#)

Committee Discussion/Questions

15:21:52 Rep. Cohenour

15:23:06 Sen. Gillespie

15:23:39 Sen. Welborn

15:25:01 Sen. Sales

15:27:34 Sen. Curdy

15:30:31 Presiding Officer Walsh

STATE DROUGHT PLAN - DNRC

15:30:57 Cori Hach, Water Planning, Implementation and Communications Bureau Chief
[EXHIBIT11](#)

15:41:58 Michael Downey, Drought Program Coordinator
[EXHIBIT12](#)

Committee Discussion/Questions

15:50:17 Rep. Malone
15:54:39 Sen. Gillespie
15:56:47 Sen. Sales

FLATHEAD LAKE LEVELS

16:00:22 Jason Mohr
16:02:43 Brian Lipscomb, CEO, Energy Keepers Inc.
[EXHIBIT13](#)

RECESS

16:19:16 Reconvened at 16:27:19.

UPDATE FROM NUTRIENT WORK GROUP

16:27:21 Lyndsey Krywaruchka
16:28:34 Eric Sievers, Water Quality Policy Analyst, DEQ

Committee Discussion/Questions

16:29:58 Rep. Cohenour
16:32:07 Sen. Curdy
16:38:11 Rep. Cohenour

WATER RESEARCH – MONTANA BUREAU OF MINES AND GEOLOGY (MBMG)

16:40:23 John Metesh, Director, MBMG
[EXHIBIT14](#)

Committee Discussion/Questions

16:58:07 Rep. Phalen
16:59:33 Sen. Gillespie
17:03:26 Presiding Officer Walsh
17:05:03 Rep. Malone

ADMINISTRATIVE MATTERS

17:06:52 Jason Mohr
17:09:59 Rep. Cohenour
17:10:22 Rep. Miner
17:10:52 Jason Mohr
17:12:24 Rep. Malone
17:12:55 Rep. Cohenour
17:13:12 Sen. Sales
17:13:57 Rep. Cohenour, FTE Break Down
17:18:32 Rep. Malone
17:19:36 Sen. Gillespie

Motion

17:19:54 Rep. Cohenour moved to accept the proposed work plan.

Vote:

17:19:54 Carried unanimously by voice vote of those present and voting.

CLOSING REMARKS

17:20:15 Jason Mohr, LSD

17:21:06 Presiding Officer Walsh

17:21:29 Jason Mohr, LSD

17:22:02 Rep. Cohenour

17:22:56 Sen. Sales

ADJOURNMENT

17:25:48 Presiding Officer Walsh adjourned the meeting at 17:25:48 (5:25pm).