



## WATER POLICY INTERIM COMMITTEE 68th Montana Legislature

### SENATE MEMBERS

Willis Curdy  
Bruce Gillespie  
Walt Sales  
Jeffrey Welborn

### HOUSE MEMBERS

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

### COMMITTEE STAFF

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

# MINUTES LOG

March 19, 2024  
317  
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.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.

### MEMBERS PRESENT:

Rep. Kenneth Walsh, Chair (R)  
Rep. Jill Cohenour, Vice Chair (D)  
Rep. Bob Carter (D)  
Sen. Willis Curdy (D)  
Sen. Bruce Gillespie (R)  
Rep. Marty Malone (R)  
Rep. Russel Miner (R)  
Rep. Bob Phalen (R)  
Sen. Walt Sales (R)  
Sen. Jeffrey Welborn (R)

### MEMBERS EXCUSED:

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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

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

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

08:10:53 Presiding Officer Kenneth Walsh called the meeting to order at 8:10 AM.

**UPDATE ON COMPREHENSIVE WATER REVIEW**

08:11:35 Anna Pakenham Stevenson, Administrator, Water Resources Division, DNRC

[EXHIBIT1](#)

**Public Comment**

08:38:13 Clayton Elliott, Montana Trout Unlimited (MTU)

08:41:55 Jon Metropoulos, Senior Ag Water Rights Alliance (SAWRA)

08:47:38 Julie Merritt

**Committee Questions, Discussion**

08:50:35 Vice Presiding Officer Jill Cohenour

08:51:58 Jon Metropoulos, SAWRA

08:52:34 Sen. Walt Sales

08:53:15 Jon Metropoulos

08:54:33 Sen. Walt Sales

08:55:38 Anna Pakenham Stevenson, DNRC

08:56:07 Sen. Walt Sales

09:03:04 Clayton Elliott, MTU

09:04:09 Sen. Willis Curdy

09:08:21 Anna Pakenham Stevenson

09:10:21 Rep. Bob Carter

09:11:09 Jon Metropoulos

09:12:08 Rep. Bob Carter

09:12:29 Jon Metropoulos

09:13:23 Rep. Bob Carter

09:14:07 Anan Pakenham Stevenson

**UPDATE FROM SUBCOMMITTEE ON WATER RIGHTS INFORMATION SYSTEM**

09:16:36 Presiding Officer Kenneth Walsh

09:20:33 Jason Mohr

09:20:47 Anna Pakenham Stevenson, Administrator, Water Resources Division, DNRC

[EXHIBIT2](#)

[EXHIBIT3](#)

09:37:44 Russ McElyea, Chief Water Judge, Montana Water Court  
[EXHIBIT4](#)  
[EXHIBIT5](#)

**Public Comment**

10:02:41 Krista Lee Evans, Blake Creek Project Management  
10:14:01 Julie Merritt

**Committee Questions, Discussion**

10:17:37 Rep. Bob Phalen  
10:19:04 Judge, Russ McElyea  
10:20:21 Rep. Bob Carter  
10:24:56 Judge, Russ McElyea  
10:25:59 Rep. Bob Carter  
10:34:34 Anna Pakenham Stevenson, DNRC  
10:36:16 Rep. Russel Miner  
10:36:25 Anna Pakenham Stevenson  
10:38:46 Rep. Russel Miner  
10:39:25 Judge, Russ McElyea  
10:42:10 Sen. Willis Curdy  
10:43:12 Krista Lee Evans  
10:46:25 Sen. Willis Curdy  
10:53:19 Anna Pakenham Stevenson  
10:55:03 Presiding Officer Kenneth Walsh

**Recessed**

10:55:33

**Reconvened**

11:05:41

**WATER COMMISSIONERS: APPOINTMENTS, DUTIES, POWERS**

11:06:05 Jason Mohr  
[EXHIBIT6](#)  
11:08:49 Presiding Officer Kenneth Walsh  
11:10:55 George Alberda, Water Commissioner, Gallatin Valley  
11:13:27 Lesley Kenny, Water Commissioner, Willow Creek Water Storage Project  
11:16:20 Peter Fritsch, Water Commissioner, Teton and Chouteau Counties  
11:19:44 Pete Bertolino, Water Commissioner, Rock Creek

**Public Comment**

11:25:46 Ross Salmond  
11:27:20 Julie Merritt

### **Committee Questions, Discussion**

11:29:10 Peter Bertolino  
11:30:24 Lesley Kenny  
11:33:04 Rep. Bob Carter  
11:35:48 Peter Bertolino  
11:36:57 Rep. Bob Carter  
11:37:17 Rep. Marty Malone  
11:38:54 George Alberda  
11:39:32 Sen. Jeffrey Welborn  
11:40:24 Lesley Kenny  
11:41:40 Sen. Walt Sales  
11:46:46 Pete Fritsch  
11:48:24 Pete Bertolino  
11:49:59 Sen. Walt Sales  
11:50:27 Pete Bertolino  
11:51:19 Lesley Kenny  
11:52:07 Peter Fritsch  
11:53:35 Peter Bertolino  
11:55:15 Sen. Willis Curdy  
11:55:56 Peter Fritsch  
12:02:28 Lesley Kenny  
12:03:41 Pete Bertolino

### **AGENCY AND COURT ROLES ON WATER DISTRIBUTION PROCESS**

12:06:53 Nate Ward, Bureau Chief, Water Rights, DNRC  
[EXHIBIT7](#)  
12:18:38 Russ McElyea, Chief Water Judge, Montana Water Court,  
[EXHIBIT8](#)

### **Public Comment**

12:24:07 Krista Lee Evans  
12:25:03 Ross Salmond

### **Committee Questions, Discussion**

12:26:53 Rep. Marty Malone  
12:28:08 George Alberda  
12:28:31 Presiding Officer Kenneth Walsh

12:28:41 Rep. Marty Malone  
12:29:30 Krista Lee Evans

**EXEMPT GROUNDWATER WELLS: SUMMARY OF RULING IN UPPER MISSOURI  
WATERKEEPER V. BROADWATER CO.**

12:31:06 Alexis Sandru  
[EXHIBIT9](#)  
[EXHIBIT10](#)

**Committee Questions, Discussion**

12:32:01 Sen. Willis Curdy  
12:32:41 Alexis Sandru  
12:34:10 Presiding Officer Kenneth Walsh  
12:34:32 Sen. Willis Curdy  
12:35:37 Alexis Sandru  
12:38:37 Sen. Willis Curdy

**Public Comment**

12:40:00 Denise Thompson, Broadwater Conservation District  
[EXHIBIT11](#)  
[EXHIBIT12](#)  
[EXHIBIT13](#)  
12:48:35 Krista Lee Evans, Senior Water Rights Coalition, AGAI

**Committee Discussion**

12:51:19 Presiding Officer Kenneth Walsh  
12:53:08 Rep. Marty Malone  
12:55:12 Jason Mohr  
12:58:09 Presiding Officer Kenneth Walsh  
12:59:09 Sen. Willis Curdy

**PUBLIC COMMENT ON ANYTHING WITHIN THE JURISDICTION OF WPIC**

12:59:38 Kristen Corbin, Manhattan

**Committee Questions, Discussion**

13:09:19 Sen. Walt Sales  
13:09:50 Kristen Corban  
13:10:18 Rep. Bob Carter  
13:10:56 Kristen Corban

**ADMINISTRATIVE MATTERS**

13:11:40 Vice Presiding Officer Jill Cohenour  
13:19:30 Sen. Walt Sales  
13:23:51 Sen. Bruce Gillespie  
13:24:36 Sen. Willis Curdy  
13:26:41 Rep. Russel Miner  
13:27:43 Vice Presiding Officer Jill Cohenour  
13:29:30 Rep. Bob Carter  
13:31:14 Presiding Officer Kenneth Walsh  
13:35:12 Rep. Marty Malone  
13:35:40 Rep. Bob Phalen  
13:36:06 Sen. Walt Sales  
13:36:52 Sen. Willis Curdy

**ADJOURNMENT**

Adjournment: 13:37:14