



WATER POLICY INTERIM COMMITTEE

68th Montana Legislature

SENATE MEMBERS

Willis Curdy
Bruce Gillespie
Walt Sales
Jacelyn Sterling
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

October 11, 2023

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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:

Rep. Kenneth Walsh, Chair (R)
Sen. Willis Curdy (D)
Sen. Bruce Gillespie (R)
Rep. Marty Malone (R)
Rep. Russel Miner (R)
Rep. Bob Phalen (R)
Sen. Walt Sales (R)

MEMBERS EXCUSED:

Rep. Bob Carter (D)
Rep. Jill Cohenour (D)
Sen. Jeffrey Welborn (R)

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

13:03:58 Kenneth Walsh called the meeting to order at 1:03 PM. The committee secretary took roll.

Meeting Overview

13:05:28 Jason Mohr

STUDY OF WATER STORAGE

13:17:39 Anna Pakenham Stevenson, Administrator, Water Division, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT1](#)

Committee Questions, Discussion

13:29:00 Sen. Curdy to Anna Pakenham Stevenson

13:30:23 Sen. Sales to Anna Pakenham Stevenson

13:31:03 Rep. Carter has arrived

13:32:58 Jason Mohr

WATER STORAGE REPORT DNRC

13:33:30 Brian Holling, Water Adjudication, DNRC

[EXHIBIT2](#)

Committee Questions, Discussion

13:56:16 Rep. Phalen to Brian Holling

13:57:16 Sen. Curdy to Brian Holling

13:59:03 Sen. Sales to Brian Holling

14:05:37 Rep. Malone to Brian Holling

14:07:05 Sen. Curdy to Brian Holling

14:07:32 Sen. Sales to Brian Holling

14:07:58 Presiding Officer Walsh to Brian Holling

14:08:57 Anna Pakenham Stevenson

14:09:44 Sen. Curdy to Anna Pakenham Stevenson

14:12:06 Sen. Sales to Anna Pakenham Stevenson

14:13:25 Rep. Carter to Brian Holling

14:14:39 Presiding Officer Walsh to Brian Holling

Public Comment

14:16:09 Clayton Elliot, Montana Trout Unlimited
14:20:00 Ann Schwend, Montana Environmental Information Center
14:23:48 Raylee Honeycutt, Montana Stockgrowers Association
14:25:04 Krista Lee Evans, Senior Water Rights Association, Association of Gallatin
Agriculture Irrigators (AGIA)
14:27:56 Jim Hagenbarth, Big Hole Watershed Committee
14:30:51 Mike Murphy, Montana Water Resources Association

Committee Questions, Discussion

14:33:24 Rep. Malone to Jim Hagenbarth
14:35:17 Sen. Gillespie to Jim Hagenbarth

WEATHER MODIFICATION FEASIBILITY STUDY (HB2)

14:39:36 Jason Mohr
[EXHIBIT3](#)
14:40:20 Michael Downey, Drought Program Coordinator, DNRC
[EXHIBIT4](#)
[EXHIBIT5](#)

Public Comment

14:53:32 Jim Hagenbarth
14:56:01 Raylee Honeycutt
14:56:53 Clayton Elliott
14:58:50 Krista Lee Evans
15:00:12 Mike Murphy

Committee Questions, Discussion

15:01:03 Rep. Phalen to Michael Downey
15:05:41 Rep. Miner to Michael Miner
15:06:40 Rep. Miner to Jim Hagenbarth
15:07:46 Sen. Sales to Michael Downey
15:10:33 Sen. Gillispee to Jim Hagenbarth
15:12:33 Sen. Curdy to Michael Downey
15:17:36 Rep. Carter to Michael Downey
15:25:32 Rep. Phalen to Jim Hagenbarth
15:26:33 Presiding Officer Walsh

BRITISH COLUMBIA WATER QUALITY IN THE ELK-KOOTENAY/IA WATERSHED

15:27:38 Chris Dorrington, Director, Department of Environmental Quality (DEQ)
15:32:09 Robert Sisson, US Commissioner, International Joint Commission (IJC)

Public Comment

15:38:35 Jason Gildea, EPA Region 8

Committee Questions, Discussion

15:39:57 Sen. Gillispie to Robert Sisson, IJC
15:41:46 Sen. Sales to Chris Dorrington, DEQ
15:46:07 Sen. Sales to Robert Sisson
15:53:38 Rep. Malone to Robert Sisson
15:54:41 Sen. Curdy to Jason Gildea
15:55:25 Sen. Curdy to Chris Dorrington
15:58:21 Sen. Curdy to Robert Sisson

Recessed

16:04:37

Reconvened

16:15:19

UPDATE FROM NUTRIENT WORK GROUP (SB 358 (REPEAL NUMERIC NUTRIENT STANDARDS FOR WATER QUALITY (2021))

16:15:40 Eric Sivers, Policy Analyst, Water Quality Division, DEQ
[EXHIBIT6](#)

Public Comment

16:25:47 Peggy Trenk, Treasure State Resource Association

Committee Questions, Discussion

16:28:22 Rep. Phalen to Eric Sivers
16:29:21 Sen. Sales
16:30:21 Presiding Officer Walsh to Eric Sivers
16:33:28 Presiding Officer Walsh
16:34:31 Sen. Curdy
16:35:23 Rep. Phalen
16:35:48 Sen. Gillispie
16:36:05 Jason Mohr
16:36:35 Rep. Miner
16:37:31 Jason Mohr

OCTOBER 11, 2023, RECESS

16:38:38

OCTOBER 12, 2023, RECONVENED

08:49:14 Kenneth Walsh called the meeting to order at 8:49 AM.

ADMINISTRATIVE RULE REVIEW

08:49:35 Alexis Sandru
[EXHIBIT7](#)

[EXHIBIT8](#)

08:55:51 Presiding Officer Walsh to Alexis Sandru
08:58:16 Sen. Welborn has arrived

Public Comment

None

Committee Questions, Discussion

08:58:52 Rep. Phalen to Alexis Sandru
08:59:54 Anna Pakenham Stevenson, responding to Rep. Phalen
09:01:18 Sen. Curdy to Anna Pakenham Stevenson
09:04:37 Nate Ward, DNRC, responding to Sen. Curdy
09:06:48 Sen. Curdy to Nate Ward
09:09:57 Rep. Malone to Nate Ward
09:11:14 Alexis Sandru
09:11:47 Nate Ward
09:12:51 Anna Pakenham Stevenson
09:13:24 Rep. Malone to Nate Ward
09:16:12 Rep. Carter
09:16:41 Rep. Phalen to Nate Ward
09:17:27 Rep. Miner
09:18:06 Sen. Sales

COMPREHENSIVE WATER REVIEW

09:19:15 Anna Pakenham Stevenson

Public Comment

09:35:40 Krista Lee Evans
09:39:53 Raylee Honeycutt
09:43:27 Clayton Elliott

Committee Discussion, Questions

09:49:11 Sen. Gillespie to Anna Pakenham Stevenson
09:50:51 Sen. Sales to Anna Pakenham Stevenson

WATER RIGHTS ADJUDICATION UPDATE (85-2-281, MCA)

09:56:30 Nate Ward
10:00:05 Russ McIyea, Chief Judge, Water Court
[EXHIBIT9](#)
10:01:05 Sara Calkins, Administrator, Water Court
10:07:45 Steve Brown, Associated Judge, Water Court

Public Comment

None

Committee Discussion, Questions

10:17:15 Senator Curdy to Judge Steve Brown
10:25:52 Sen. Welborn
10:29:18 Sen. Curdy to Sen. Welborn
10:29:47 Sen. Sales
10:30:43 Presiding Officer Walsh
10:35:45 Sen. Welborn made a motion to create a subcommittee to review the water rights database.
10:36:58 Rep. Malone
10:37:25 Sen. Sales
10:38:16 Rep. Carter volunteered to serve on the committee
10:38:41 Chair Walsh
10:39:40 Sen. Welborn
10:41:03 Rep. Malone
10:41:42 Chair Walsh

Vote:

10: Carried unanimously by voice vote.
41:50

Recessed

10:42:45

Reconvened

10:54:14

BACKGROUND PRESENTATIONS FOR HB520 (STUDY OF PRIVATE PONDS)

10:54:33 Eileen Ryce, Fisheries Division Administrator, Fish Wildlife and Parks (FWP)
[EXHIBIT10](#)
11:01:59 Nate Ward
[EXHIBIT11](#)

Public Comment

11:12:05 Clayton Elliott

Committee Discussion, Questions

11:22:43 Rep. Malone to Clayton Elliott
11:25:37 Sen. Gillespie
11:26:38 Rep. Phalen to Clayton Elliot
11:28:19 Sen. Curdy to Eileen Ryce
11:31:08 Presiding Officer Walsh
11:31:26 Sen. Sales to Eileen Ryce
11:33:10 Rep. Carter to Eileen Ryce
11:36:30 Rep. Malone to Eileen Ryce

11:38:49 Rep. Phalen to Eileen Ryce
11:42:42 Presiding Officer Walsh

POLICIES RELATED TO WATER COMMISSIONERS

11:43:31 Jason Mohr

[EXHIBIT12](#)

Public Comment

11:54:23 Krista Lee Evans
12:00:43 Amy Nerison, Senior Ag Water Rights Alliance
12:02:15 Clayton Elliott
12:04:06 Raylee Honeycutt
12:04:51 Vickie Baker
12:07:09 Ross Salmond

Committee Discussion, Questions

12:09:00 Rep. Malone
12:12:37 Sen. Gillespie
12:13:38 Sen. Sales to Amy Nerison
12:17:43 Rep. Malone to Krista Lee Evans

PUBLIC COMMENT ON ANYTHING WITHIN THE JURISDICTION OF WPIC

None

ADMINISTRATIVE MATTERS

12:21:06 Jason Mohr
12:24:09 Sen. Sales to Jason Mohr
12:25:29 Rep. Malone
12:26:16 Jason Mohr
12:27:07 Presiding Officer Walsh

ADJOURNMENT

Adjournment: 12:27:48 October 12, 2023