



Water Policy Interim Committee

63rd Montana Legislature

SENATE MEMBERS

JENNIFER FIELDER
BRADLEY MAXON HAMLETT
SHARON STEWART-PEREGOY
CHAS VINCENT

HOUSE MEMBERS

PAT CONNELL
STEVE FITZPATRICK
REILLY NEILL
KATHLEEN WILLIAMS

COMMITTEE STAFF

JASON MOHR, Lead Staff
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

MINUTES LOG

Approved September 9, 2013

Date: June 17, 2013

Room 172, State Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This 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://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. JENNIFER FIELDER
SEN. BRADLEY MAXON HAMLETT
SEN. SHARON STEWART-PEREGOY
SEN. CHAS VINCENT

REP. PAT CONNELL
REP. STEVE FITZPATRICK
REP. REILLY NEILL
REP. KATHLEEN WILLIAMS

STAFF PRESENT

JOE KOLMAN, Legislative Environmental Analyst
JASON MOHR, Lead Staff
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment 1](#).
Visitors' list, [Attachment 2](#).

COMMITTEE ACTION

- The WPIC approved the minutes from September 10-11, 2012.
- The WPIC elected Sen. Chas Vincent as Chairman and Rep. Kathleen Williams as Vice Chair.
- The WPIC approved the Rules as amended.

CALL TO ORDER AND ROLL CALL

AGENDA

00:00:01 Sen. Hamlett, senior senator, called the meeting to order at 1:00 p.m. The secretary called the roll, [Attachment 3](#). The WPIC members introduced themselves.

ADMINISTRATIVE MATTERS

00:07:14 Sen. Hamlett indicated that committee bills need a super majority or 3/4 of the committee member vote otherwise an individual senator or representative would have to carry the legislation. Short bills, one or two sentences long, are more problematic.

Adoption of WPIC Minutes

00:09:06 Sen. Vincent moved to accept the September 10 and 11, 2012 WPIC minutes. The motion carried unanimously by voice vote.

Staff introductions

00:09:41 Mr. Kolman, Legislative Environmental Analyst, introduced the WPIC staff.

Adoption of rules

00:11:12 Mr. Mohr, Research Analyst, discussed the rules, procedures and guidelines for the interim committee, [Exhibit 1](#). In the past, legislation recommended by the committee needed approval by six members. Mr. Mohr indicated that if the committee wanted to continue that procedure, a motion was needed to amend the rules.

00:12:16 Rep. Williams moved to continue the super majority or 3/4 vote. The motion carried unanimously by voice vote.

Public comment None

Committee questions and discussion

00:13:14 Sen. Vincent moved to pass the amended the rules. The motion carried unanimously by voice vote.

REVIEW OF 2013 WATER LEGISLATION

00:13:42 Mr. Mohr updated the committee on 2013 legislation regarding water policy, [Exhibit 2](#).

00:18:05 Sen. Hamlett asked if Mr. Mohr had any information on SB 18 (2013), clarify taxation and ownership of river channel following an avulsion. Mr. Mohr explained the bill.

00:19:05 Sen. Hamlett explained that SB 18 was a committee bill which was vetoed by Governor Schweitzer in 2011 and signed into law by Governor Bullock in 2013.

Public comment None

Committee questions and discussion None

AGENCY OVERVIEW PRESENTATIONS

Department of Natural Resources and Conservation - Director Tubbs

00:19:57 John Tubbs, Director, Department of Natural Resources and Conservation (DNRC), provided an overview of the DNRC and the Water Resources Division.

Committee questions and discussion

00:29:50 Sen. Fielder asked for an update on SB 355 regarding water court review and claims exempt from filing. Director Tubbs responded that they will need to provide notice to people who have exempt rights to file.

00:31:29 Sen. Fielder asked if the department had a system for contacting people that need to be notified about filing for exempt rights . Director Tubbs indicated that there was not a system currently in place, but they would try to come up with a strategy for contacting people.

00:32:22 Sen. Fielder said that she had been contacted by her constituents about an increase in the filing fee for exempt rights from \$25 to \$600. She asked if the DNRC was planning to make this increase. Director Tubbs responded that no fee increases are being proposed. He indicated that the \$25 charge was for a water right, but that fee was only implemented for two years and then it was eliminated.

00:34:01 Mr. Mohr indicated that he had talked to John Peterson of the Adjudication Bureau regarding the \$600 fee. He found out the there is a \$160 fee that the

bureau charges for examining a claim, but he did not know anything about a \$600 fee.

Department of Environmental Quality - Director Stone-Manning

00:35:11 Tracy Stone-Manning, Director, Department of Environmental Quality (DEQ) provided an overview of the DEQ.

Department of Fish, Wildlife and Parks - Director Hagener

00:38:54 Jeff Hagener, Director, Department of Fish, Wildlife and Parks (FWP) provided an overview of FWP.

Public comment None

Committee questions and discussion

00:44:07 Rep. Williams inquired about the method of water supply for the two large subdivisions Director Stone-Manning cited in eastern Montana and Ravalli county. Director Stone-Manning responded that she was not sure about eastern Montana, but in Ravalli county she thought it was a community water supply system.

(BREAK)

GUIDE TO NEW LEGISLATIVE DISTRICT MAPS

00:57:41 Mr. Kolman presented the guide to new legislative district maps, [Exhibit 3](#).

WATER INFORMATION SYSTEM UPDATE

01:06:37 Evan Hammer, digital information manager/CIO, Montana State Library, discussed recent developments with the water information system, [Exhibit 4](#).

Public Comment None

Committee questions and discussion None

STATUTORY ADMINISTRATIVE RULE REVIEW

01:11:43 Helen Thigpen, Staff Attorney, provided information on administrative rule making and what the committee can expect from her during the interim process, [Exhibit 5](#), [Exhibit 6](#).

Public comment None

Committee questions and discussion None

(BREAK)

ELECTION OF WPIC CHAIR AND VICE CHAIR

01:21:22 Sen. Hamlett provided information about the election for chair and vice chair.

(BREAK)

01:34:06 Sen. Fielder nominated Sen. Vincent as Chairman of the WPIC. The motion carried unanimously by roll call vote, [Exhibit 7](#).

01:35:16 Rep. Connell nominated Rep. Williams as Vice Chair of the WPIC. The motion carried unanimously by roll call vote, [Exhibit 8](#).

(BREAK)

01:38:45 Sen. Vincent called the meeting back to order and explained how the WPIC meetings will be conducted.

01:40:27 Rep. Williams thanked the committee for electing her as vice chair and explained her goals for the committee.

DISCUSSION OF STUDY PRIORITIES

01:41:26 Mr. Kolman gave an overview of the study priorities for the WPIC and how the draft work plan and matrix were developed, [Exhibit 9](#), [Exhibit 10](#).

01:52:44 Sen. Vincent offered his suggestions for the work plan.

Public comment

01:59:02 John Metropolis stated that as an attorney and lobbyist he represents the Flathead Joint Board of Control. He asked about the compact commission and wondered if he will be able to provide public comment during the WPIC meeting tomorrow. Sen. Vincent indicated that there would be time allowed for public comment.

Committee discussion

01:59:55 Sen. Vincent requested the WPIC to review the work plan overnight and be ready for the discussion tomorrow.

02:00:50 Rep. Williams commented that she would like to offer some suggestions/changes to the draft work plan at the meeting tomorrow.

02:01:28 Sen. Fielder asked if there was time now to discuss changes to the draft work plan before the committee adjourned for the day. Sen. Vincent indicated that there was time and opened the floor for discussion.

02:01:52 Rep. Williams offered her suggestions and changes to the draft work plan.

- 02:05:35 Sen. Fielder requested that enough time be allocated to discuss the Confederated Salish Kootenai Tribes (CSKT) compact and what alternatives are available if there is no resolution. Sen. Vincent responded that adequate time will be given to deal with these issues during the interim.
- 02:11:51 Rep. Williams disclosed that she is one of the legislative members of the Reserved Water Rights Compact Commission and encouraged people to submit questions and concerns to the commission by the July 1 deadline.
- 02:12:46 Rep. Connell asked if the Legislative Council could grant additional resources for issues involving the Reserved Water Rights Compact Commission and SB 265 (2013). Sen. Vincent indicated that money was available for contingency issues.
- 02:15:05 Rep Connell stated the committee will have an opportunity to listen to Judge Lobel during the WPIC meeting tomorrow.
- 02:15:54 Sen. Vincent recessed the meeting at 3:15 p.m.

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