



## Water Policy Interim Committee

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### 63rd Montana Legislature

#### SENATE MEMBERS

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JENNIFER FIELDER  
BRADLEY MAXON HAMLETT  
SHARON STEWART-PEREGOY

#### HOUSE MEMBERS

KATHLEEN WILLIAMS--Vice Chair  
PAT CONNELL  
STEVE FITZPATRICK  
REILLY NEILL

#### COMMITTEE STAFF

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

# MINUTES LOG

## CSKT Compact Technical Working Group

July 2, 2014

Room 335, 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.

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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**

MR. JOHN METESH, Chair  
MR. ANDREW BRUMMOND  
MR. RUSSELL LEVENS  
MR. KIRK WAREN  
MR. LARRY DOLAN  
MR. MIKE MCLANE

### **STAFF PRESENT**

JASON MOHR, Lead Staff  
NADINE SPENCER, Secretary

## **AGENDA & VISITORS' LIST**

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

## **COMMITTEE ACTION**

None

## **CALL TO ORDER AND ROLL CALL**

00:00:01 John Metesh, State Geologist, Director, Montana Bureau of Mines and Geology (MBMG), called the meeting to order at 10:00 a.m. The secretary called the roll, [Attachment 3](#).

## **AGENDA**

### **INTRODUCTIONS**

00:00:23 Mr. Metesh

### **DISCUSSION OF SCOPE OF WORK**

00:00:41 Mr. Metesh  
00:03:03 Russell Levens, Section Supervisor/Ground Water Hydrologist, Water Management Bureau, Department of Natural Resources and Conservation (DNRC)  
00:03:09 Mike McLane, Water Resources Specialist, Department of Fish, Wildlife, and Parks (FWP)  
00:04:08 Mr. Metesh  
00:04:14 Larry Dolan, Surface Water Hydrologist, Water Management Bureau, DNRC  
00:04:34 Kirk Waren, Senior Research Hydrologist and Groundwater Modeler, Ground Water Investigation Program, MBMG  
00:04:37 Mr. Metesh  
00:05:17 Mr. Levens  
00:05:40 Mr. Dolan  
00:05:55 Mr. Metesh  
00:06:04 Jason Mohr, Research Analyst, Legislative Services Division (LSD)  
00:06:21 Mr. Metesh

### **REVIEW OF QUESTIONS FROM REP. BALLANCE AND REP. REGIER**

### **ENVIRONMENTAL ANALYSIS:**

#### **Water Use Agreement**

00:08:42 Mr. Metesh, [Exhibit 1](#)  
00:09:48 Andrew Brummond, Water Rights/Streamflow Specialist, Region 4, FWP

**What are the physical and economic impacts of a change of use from irrigation to in-stream flow on shallow ground water levels and water wells?**

00:11:33 Mr. Metesh  
00:13:37 Mr. Waren  
00:14:11 Mr. Dolan  
00:15:01 Jerry Laskody, Mission Irrigation District  
00:16:33 Mr. Metesh  
00:17:44 Mr. Laskody  
00:18:15 Mr. Dolan  
00:19:44 Mr. Metesh  
00:19:48 Mr. Levens  
00:20:10 Mr. Waren  
00:21:12 Mr. Dolan  
00:22:23 Mr. Brummond  
00:23:11 Mr. Levens  
00:23:47 Mr. Metesh

**What is the standard for in-stream flow cited in the water abstracts? Is the standard focused on fish survival, habitat maintenance , or something else?**

00:26:08 Mr. Metesh  
00:28:14 Mr. Brummond  
00:29:36 Mr. Laskody  
00:30:22 Mr. Brummond  
00:31:14 Mr. Waren

**How are wetlands to be maintained?**

00:31:32 Mr. Metesh  
00:33:13 Mr. McLane  
00:34:00 Mr. Metesh  
00:34:08 Mr. McLane  
00:35:27 Mr. Metesh  
00:36:13 Mr. Dolan  
00:36:41 Mr. McLane  
00:36:58 Mr. Dolan  
00:37:13 Mr. McLane

**What is a "robust river" standard?**

00:37:39 Mr. Metesh  
00:38:00 Mr. Brummond  
00:39:08 Mr. Metesh  
00:39:15 Mr. Brummond, discussed the draft evaluation of the Confederated Salish and Kootenai Tribe (CSKT) in-stream flow levels, [Exhibit 2](#).  
00:45:38 Mr. Waren  
00:46:10 Mr. Brummond

00:46:25	Mr. Dolan
00:46:54	Mr. Brummond
00:47:37	Mr. Waren
00:47:45	Mr. Brummond
00:48:02	Mr. Laskody
00:48:35	Mr. Waren
00:48:40	Mr. Brummond
00:57:20	Mr. Metesh
00:57:54	Mr. Brummond
00:58:32	Mr. Metesh
00:59:00	Mr. Brummond
01:00:29	Mr. Dolan
01:00:57	Mr. Brummond
01:02:16	Mr. Dolan
01:02:29	Mr. Brummond
01:03:10	Mr. Dolan
01:03:21	Mr. Brummond
01:04:22	Mr. Dolan
01:04:30	Mr. Metesh
01:05:13	Mr. Brummond
01:06:45	Mr. Metesh
01:06:57	Mr. Brummond
01:07:16	Mr. Metesh
01:07:57	Mr. Brummond
01:08:01	Mr. Metesh
01:08:35	Mr. Brummond
01:08:52	Mr. Metesh
01:09:15	Mr. Brummond
01:09:29	Mr. Metesh
01:10:27	Mr. Brummond
01:11:29	Mr. Metesh
01:12:37	Mr. Brummond
01:12:59	Mr. Metesh
01:13:10	Mr. McLane
01:15:36	Mr. Metesh
01:16:32	Mr. Waren
01:16:41	Mr. Brummond
01:17:10	Mr. Laskody
01:17:28	Mr. Brummond
01:18:16	Mr. Laskody
01:18:49	Mr. Brummond
01:19:07	Mr. Laskody
01:19:23	Mr. Brummond
01:20:16	Mr. McLane
01:23:45	Mr. Metesh
01:23:50	Mr. McLane

**What are the growth inducing or socioeconomic growth inhibiting impacts of the on-reservation "robust river" standard for in-stream flow?**

01:26:28 Mr. Metesh  
01:30:28 Mr. Dolan  
01:30:51 Mr. Metesh

**Is there enough information available to definitively determine the "water savings" components of irrigation rehabilitation?**

01:32:39 Mr. Metesh  
01:35:04 Mr. Dolan  
01:37:04 Mr. Brummond  
01:37:39 Mr. Dolan  
01:38:40 Mr. Waren  
01:39:12 Mr. Dolan  
01:39:47 Mr. Metesh  
01:40:05 Mr. Dolan  
01:40:39 Mr. Metesh  
01:40:52 Mr. Dolan  
01:41:15 Mr. Waren  
01:41:41 Mr. Laskody  
01:42:14 Mr. Metesh  
01:42:17 Mr. Laskody  
01:43:44 Mr. Metesh  
01:43:57 Mr. Dolan  
01:44:49 Mr. Laskody  
01:45:03 Mr. Metesh  
01:45:13 Mr. Laskody  
01:45:21 Mr. Metesh  
01:45:36 Mr. Dolan  
01:46:23 Mr. Laskody  
01:46:30 Mr. Waren  
01:46:32 Mr. Laskody  
01:46:42 Mr. Metesh  
01:47:01 Mr. Dolan  
01:48:41 Mr. McLane  
01:48:45 Mr. Laskody  
01:48:53 Mr. Dolan  
01:49:19 Mr. Laskody  
01:50:03 Mr. Dolan  
01:50:13 Mr. Laskody  
01:50:34 Mr. Dolan  
01:51:28 Mr. Laskody  
01:51:37 Mr. Dolan  
01:51:43 Mr. Laskody  
01:52:02 Mr. Metesh  
01:52:35 Mr. Laskody

01:52:50	Mr. Metesh
01:53:16	Mr. Dolan
01:53:25	Mr. Waren
01:54:51	Mr. Dolan
01:56:48	Mr. Laskody
01:57:50	Mr. Waren
01:58:40	Mr. Dolan
01:59:34	Mr. Waren
01:59:45	Mr. Levens
02:00:22	Mr. Brummond
02:00:36	Mr. Dolan
02:00:53	Mr. Brummond
02:00:58	Mr. Dolan
02:01:17	Mr. Brummond
02:02:07	Mr. Dolan
02:02:27	Mr. Brummond
02:02:35	Mr. Dolan
02:02:53	Mr. Metesh
02:04:39	Mr. Dolan
02:04:46	Mr. Metesh
02:07:51	Recess
03:12:02	Reconvene
03:12:16	Mr. Metesh
03:12:23	Mr. McLane
03:12:42	Mr. Metesh

**Is there a process to ensure that extra duty water will be received by those who apply for it?**

03:12:49	Mr. Metesh
03:14:20	Mr. Dolan
03:16:22	Mr. Metesh
03:16:58	Mr. Laskody
03:17:55	Mr. McLane
03:21:12	Mr. Brummond
03:22:18	Mr. Dolan
03:23:17	Mr. McLane
03:23:55	Mr. Laskody
03:24:19	Mr. McLane
03:24:38	Mr. Metesh

**Off-reservation in-stream flow claims**

03:25:34	Mr. Metesh
03:26:31	Mr. McLane
03:28:11	Mr. Brummond

03:28:40 Stan Jones, Hydrologist, Reserved Water Rights Compact Commission (RWRCC)  
03:28:44 Mr. Brummond  
03:28:52 Mr. Jones  
03:28:57 Mr. Brummond, discussed draft changes in legal water demand due to the CSKT Compact, [Exhibit 3](#).  
03:34:23 Mr. Dolan  
03:34:31 Mr. Brummond  
03:39:57 Mr. Dolan  
03:40:19 Mr. Brummond  
03:40:25 Mr. Dolan  
03:40:33 Mr. McLane  
03:41:12 Mr. Dolan  
03:41:19 Mr. McLane  
03:41:54 Mr. Brummond  
03:43:32 Mr. McLane  
03:44:16 Mr. Dolan  
03:44:26 Mr. McLane  
03:44:46 Mr. Brummond  
03:46:23 Mr. Waren  
03:46:50 Mr. McLane  
03:49:46 Mr. Dolan  
03:50:12 Mr. Metesh

### **Compact**

03:52:23 Mr. Metesh  
03:54:43 Mr. Dolan  
03:54:46 Mr. Metesh  
03:54:58 Mr. McLane  
03:55:10 Mr. Metesh  
03:55:40 Mr. McLane

### **THE STATE OF MONTANA'S PROPOSAL FOR LIMITED REOPENING OF NEGOTIATIONS TO THE WATER RIGHTS COMPACT**

03:56:30 Mr. Metesh opened discussion on the agreement between Governor Bullock and the CSKT Tribal Chairman, Ronald Trahan, to engage in a limited reopening of negotiations to resolve issues pertaining to the proposed water rights compact, [Exhibit 4](#).  
03:56:54 Mr. Waren  
03:57:06 Mr. Levens  
03:57:15 Mr. Dolan  
03:57:25 Mr. McLane  
04:00:30 Mr. Dolan  
04:00:54 Mr. McLane  
04:01:29 Mr. Dolan  
04:01:55 Mr. Jones

04:02:43 Mr. Waren  
04:03:04 Mr. Jones  
04:04:08 Mr. Waren  
04:04:17 Mr. Jones  
04:04:29 Mr. Dolan  
04:04:57 Mr. Jones  
04:07:10 Mr. Dolan  
04:07:41 Mr. Metesh  
04:07:56 Mr. Jones  
04:09:05 Mr. McLane  
04:09:22 Mr. Jones  
04:09:40 Mr. McLane  
04:09:50 Mr. Jones  
04:10:12 Mr. Brummond  
04:10:30 Mr. Jones  
04:10:49 Mr. Dolan  
04:11:12 Mr. Jones  
04:11:29 Mr. Dolan  
04:11:35 Mr. Jones

#### **ADMINISTRATIVE MATTERS**

04:11:56 Mr. Metesh  
04:12:39 Mr. Jones  
04:12:58 Mr. Metesh

#### **Public comment**

04:13:53 Mr. Laskody

#### **Questions and discussion**

04:17:21 Mr. Dolan  
04:17:47 Mr. Laskody  
04:19:29 Mr. Waren  
04:19:57 Mr. Laskody

04:22:42 Mr. Metesh adjourned the meeting at 2:24 p.m.

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