

WATER ADJUDICATION ADVISORY COMMITTEE
JULY 10, 2012 MINUTES
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On July 10, 2012, the Water Adjudication Advisory Committee held a telephone conference to discuss draft proposals concerning the exempt from filing claims which were not voluntarily filed during the general adjudication filing period (“exempt claims”). At least fourteen people attended the telephone conference. The following Committee members were present: Ex officio members Jay Weiner and Anne Yates; attorney members Holly Franz, John Bloomquist, and Mike Cusick; and water user member Robert Goffena.

Using the January 11, 2012 Advisory Committee handout presented to the Water Policy Interim Committee and the six options contained therein, a discussion was held to determine if the Advisory Committee was ready to recommend one or more of the options to the Legislature. Before beginning the discussion, John Peterson, the DNRC Adjudication Bureau Chief, explained that the DNRC prepared table on page one of the WPIC handout represented a range of claims, from 25,000 to 150,000, which might be filed under a mandatory filing requirement. The DNRC thought the most likely scenario was a range between 27,000 to 50,000 claims being filed.

The Committee discussion focused mostly on the mandatory filings represented by options 4 and 5, the Voluntary Petition Filing Option 2, and to a lesser degree, the Voluntary Claim Filing Option 3. After about 45 minutes, the Committee members voted on options 2, 3, 4, and 5. The ex officio members abstained from the voting. With respect to recommending options 4 and 5 to the Legislature, four Committee members voted no. With respect to recommending option 2, four members voted yes. With respect to recommending option 3, one member voted yes and three members voted no. There also seemed to be a consensus to remind the Legislature of the status quo option.

A draft of the Voluntary Petition Filing Option 2 is on the Water Court website at <http://courts.mt.gov/water/WAAcommittee/default.mcpx> and identified as *Revised Certification Option - Cusick, Bloomquist, Franz 12-7-2011*. The Committee recognized the proposal may need some refinement and established a July 31, 2012 deadline to file comments on the proposal with the Water Court. The comments will be posted on the Court website. The Committee set an **August 10, 2012** telephone conference call date for **2:00 PM** to discuss the filed comments. The telephone conference number is **1-877-526-1243**. At the prompt, enter participant code **51610471#**.

During the upcoming July 13 WPIC meeting and the July 18 EQC meeting, the chief water judge will update the committees on the Advisory Committee’s progress.