

Water Adjudication Advisory Committee
Meeting Minutes
September 21, 2015

Chief Water Judge Russ McElyea of the Montana Water Court held a meeting with the members of the Adjudication Advisory Committee by telephone conference call on September 21, 2015. Present were Committee members Michael Cusick, Bob Goffena, and John Bloomquist by telephone; Committee member Holly Franz attended the meeting in person. Also present by telephone were the following interested parties: John Chaffin of the Field Solicitors Office; Jay Weiner, Assistant Attorney General for the State of Montana; attorney Bradley Bridgewater for the United States of America, Department of Justice; and attorney Anne Yates for the Montana Department of Natural Resources and Conservation (DNRC).

The meeting covered two main topics: the procedural outline for adjudication of Turtle Mountain Allotment water right claims, and the University of Montana Law School study regarding future administration of water rights in Montana.

The parties first discussed adjudication of Turtle Mountain water rights. The parties discussed a basic outline, supplied by Judge McElyea, which described the proposed procedures that would be followed to issue a Preliminary Decree and examine the claims.

The parties also discussed the University of Montana Law School study. The study was a result of coordination between the Montana Water Court, the Montana Supreme Court, the DNRC, and the University of Montana Law School. The study addresses issues and proposes solutions relating to administration and adjudication of water rights in Montana. The parties were given an opportunity to comment on the study. Holly Franz and Bob Goffena offered their concerns and comments. The remainder of the parties felt that it would be beneficial for Advisory Committee members to offer comments in writing and then have a discussion once those comments were compiled. The comments may encompass the study and its proposed solutions, additional issues or solutions that were not addressed in the study, or any other piece of information that the Committee members wish to be presented to the Water Policy Interim Committee (WPIC).

Holly Franz volunteered to compile and distribute the parties' comments and suggestions. The parties agreed to provide their comments to Holly Franz via email (holly@franzdriscoll.com or hollyjo@franzdriscoll.com) by Monday, October 12, 2015. Ms. Franz will compile and circulate the comments by Thursday, October 15 or Friday, October 16. A follow-up telephone conference call will be held on October 19, 2015 at 10:00 AM.