



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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CONGRESS/WATER RIGHTS

Indian Water Rights Settlements/RWSF

On December 5, the WSWC, Native American Rights Fund (NARF), and National Congress of American Indians (NCAI), sent a letter to House and Senate leadership expressing strong support for an extension of the Reclamation Water Settlements Fund (RWSF), created by Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407).

The letter emphasized the importance of both authorizing and funding negotiated water rights settlements. “Unquantified and disputed water right claims by Tribal Nations impact tribes, states, and communities across the West. Negotiated settlements of Indian water rights are a means of ensuring the reliability of water supplies for both tribal and non-tribal communities, through well-defined water rights, and provide the certainty needed to promote economic development and create jobs on and off tribal lands. However, once authorized by Congress, these settlements often languish waiting for federal funding.”

Bills to extend the RWSF have been introduced in both the House and the Senate in the 116th Congress. “The RWSF provides a stable and dependable source of funding for the construction of critical infrastructure authorized by Congress as part of these settlements and sets priorities for spending. The 2009 Act authorizes transfers from the Reclamation Fund to the RWSF for fiscal years 2020 through 2029, and withdrawals from the RWSF for construction of infrastructure authorized by Congress as part of negotiated water rights settlements. A proposed extension would authorize the RWSF to continue receiving transfers from the Reclamation Fund after FY2029.”

The letter concluded: “We encourage you to support both authorization of and a strong fiscal commitment to settlements. We also urge you to support extending the current RWSF authorization. Many settlements include infrastructure commitments that are vital to bringing clean drinking water to tribal communities and ensuring tribes have access to water needed for agriculture and economic development.”

CONGRESS/WATER QUALITY

National Defense Authorization Act/PFAS

On December 3, a House-Senate conference committee released the 2021 National Defense Authorization Act conference report to accompany H.R. 6395, which includes several provisions on per- and polyfluoroalkyl substances (PFAS). These include: (1) establishing an interagency body to research PFAS with \$15M in additional funding for the Centers for Disease Control and Prevention (CDC) to conduct a health assessment; (2) prohibiting certain military uses of PFAS; (3) funding for additional research and development on protective firefighting equipment and firefighting foams; (4) a requirement that the Departments of Defense and Agriculture work together to warn farmers about any potential water contamination due to nearby military activities; and (5) \$1.4B for military site remediation and cleanup, which includes PFAS. The conference report was passed by the House (335-78) on December 8, and by the Senate (84-13) on December 11, a prerequisite before final passage of the bill. <https://docs.house.gov/billsthisweek/20201207/CRPT-116hrpt617.pdf>

CONGRESS/WATER RESOURCES

Ocean Observations and Research Act

On December 3, the House passed an amended Coordinated Ocean Observations and Research Act (S. 914). The bill, which now returns to the Senate, would reauthorize the 2009 Integrated Coastal and Ocean Observation System Act (Title I), amend requirements for the Named Storm Event Model and post-storm assessments (Title II), and dictate new policies related to water prediction and forecasting (Title III).

Title III directs the Undersecretary of Commerce for Oceans and Atmosphere to establish a National Water Center “to serve as the research and operational center of excellence for hydrologic analyses, forecasting, and related decision support services within the National Oceanic and Atmospheric Administration and the National Weather Service; and to facilitate collaboration across Federal and State departments and agencies, academia, and the private sector on matters relating to water resources.” The Undersecretary is to develop the

operational and services policy directive for the National Water Center within one year. The Title also requires the initiation of new research activities and collaborative efforts related to water resources prediction and decision support tools to improve total water prediction. To fund these efforts, Congress authorized \$44.5M in FY21, \$45M in FY22, \$45.5M in FY23 and \$46M in FY24 to be made available through the National Weather Service and National Ocean Service. <https://www.congress.gov/116/bills/s914/BILLS-116s914rfh.pdf>

WATER RESOURCES

California/State Water Project

On December 1, the California Department of Water Resources (CDWR) announced an initial allocation of 10% of requested supplies, equating to 422,848 acre-feet, for the 2021 water year. These supplies are distributed to 29 state water contractors who serve more than 27 million Californians and 750,000 acres of farmland. In a press release, CDWR stated: "Initial allocations are based on conservative assumptions regarding hydrology and factors such as reservoir storage. Allocations are reviewed monthly and may change based on snowpack and runoff information. They are typically finalized by May." The press release cited eight precipitation stations in Northern California that recorded zero percent of average rainfall in October, a record low, and 53% of average in November. Additionally, most of the state's major reservoirs are lower than their historical averages, including Lake Shasta at 75%, Lake Oroville at 61%, and the San Luis Reservoir at 76%. Lake Shasta is part of the Bureau of Reclamation's Central Valley Project, Lake Oroville is the largest reservoir in the State Water Project, and the San Luis Reservoir is a jointly owned used facility. CDWR Director Karla Nemeth said: "As communities throughout California prepare to support their environment and economies through times of extended dry periods, state agencies plan together to support those communities." <https://water.ca.gov/News/News-Releases/2020/Dec-20/DWR-Releases-Initial-State-Water-Project-Allocation>

Atmospheric Rivers/Drought/Water Supply Outlook

On December 1-2, southeast Alaska received record rainfall, causing flooding, landslides, and mudslides. The atmospheric river that brought moisture from the Pacific Ocean encountered a ridge of high pressure along the U.S. West Coast, forcing it northward. Most of the western states experienced below normal precipitation and varying degrees of drought the first week of December, with some pockets of precipitation alleviating drought in small areas.

The National Oceanic and Atmospheric Administration's (NOAA) Climate Prediction Center anticipates a La Nina climate pattern to exacerbate the

drought, with warmer, drier weather across the southern parts of the U.S. this winter, with wetter, cooler weather to the north.

On December 3, the U.S. Department of Agriculture's Natural Resources Conservation Service's (NRCS) Water Supply Outlook reported that the U.S. Geological Survey (USGS) streamflow measurements consistently show below normal streamflow from northern California, Nevada, and southern Idaho to the Four Corners states and across southwest Nebraska to western Texas. The National Aeronautics and Space Administration's (NASA) Gravity Recovery and Climate Experiment (GRACE) satellite-based groundwater estimates show low groundwater across most of the West to the central and southern High Plains, much of Texas, and parts of North Dakota. Soil moisture is dry across the West from California to the southern and central Rockies, in the southern and central High Plains (especially southwest Nebraska and northwest Kansas), and North Dakota. SNOTEL snowpack (and the snow water equivalent percentile) is above normal in Washington, Oregon, the Sierra Nevada, and parts of the other western states, but it is below normal across much of Utah and other parts of Idaho, Montana, Wyoming, Nevada, Colorado, and New Mexico.

MEETINGS

WGA/Invasive Species

On December 16, Bill Whitacre, WGA Senior Policy Advisor, will present a webinar on the launch of an Invasive Species Data Mobilization Campaign to encourage national, state, local land managers and conservation groups to enter previously unavailable data into new or existing invasive species data management platforms using recommendations developed by WGA. High-quality information is an essential weapon in the fight against invasive species in the West. Land managers, conservation groups, industry, and private landowners need accurate, up-to-date regional invasive species occurrence data. Technological barriers and standardization issues, however, often prevent wide sharing of useful invasive species occurrence data. Sponsored by the North American Invasive Species Management Association, the webinar begins at 1:00 pm (Central). To register and learn more about the WGA campaign, go to: https://us02web.zoom.us/webinar/register/WN_KpnAklAVROyLMzCfpYHy_w.

PEOPLE

Nebraska Governor Pete Ricketts has appointed **Tom Riley**, Director, Nebraska Department of Natural Resources (NE DNR) to the WSWC. Governor Ricketts also appointed **Jesse Bradley**, Deputy Director, NE DNR, to serve as an alternate member. **James Macy**, Director, Nebraska Department of Environmental Quality will continue to serve as member.

The WESTERN STATES WATER COUNCIL is an organization of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.