

WESTERN

STATES



WATER

COUNCIL

1974

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WESTERN STATES WATER COUNCIL

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1974

ANNUAL REPORT

ORGANIZATION AND ACTIVITIES OF THE COUNCIL IN 1974

Introduction

The Western States Water Council is composed of thirty-three members appointed by the Governors of the following Western States: ARIZONA, CALIFORNIA, COLORADO, IDAHO, MONTANA, NEVADA, NEW MEXICO, OREGON, UTAH, WASHINGTON, and WYOMING. The Council was created in June 1965 at the Western Governors' Conference.. (Resolution B, page 26.)

Mr. William A. Groff, Montana, has served as Chairman of the Council during all of 1974 as he was elected by Council members in July of 1973 to serve a one-year term as Chairman and he was re-elected in July of 1974. Mr. Groff also served as Chairman of the Executive Committee of the Council. Also during all of 1974 Wesley E. Steiner, Arizona, served as Vice Chairman, being duly elected and Daniel F. Lawrence, Utah, was appointed by Chairman Groff to serve as Secretary-Treasurer. Chairman Groff also appointed Donald L. Paff, Nevada, as Chairman of the Water Resources Committee and Eugene E. Marsh, Oregon, as Chairman of the Water Policy and Legislative Committee.

The Council meets regularly on a quarterly schedule at various locations in the eleven Western States. Council offices are located in Salt Lake City and employs a staff of five, two professionals and three clerical. In March, 1974, Jack A. Barnett was employed as Executive Director and D. Craig Bell was hired as Assistant Executive Director and Attorney in June, 1974.

The Western States are able to bring together western water officials in this forum to talk about water issues of mutual concern and interest. Frequently the Council serves as a catalyst and an information

gathering point so that member states are better able to respond and represent their position on water matters independent of the Council. However, there are provisions that allow the Council to act as a body if there is a consensus of opinion among the member states as to positions that should be taken on external matters.

By unanimous resolution at the Western Governors' Conference, Albuquerque, New Mexico on July 31, 1974, and a subsequent resolution by the Western States Water Council on September 27, 1974, the voting rule of the Council was changed so that a 2/3 majority is sufficient *except* on matters concerning out-of-basin transfers. A unanimous vote of all member states is still required on matters concerning out-of-basin transfers. By the same resolution of the Council, it will be the ruling of the Chairman as to whether the matter under consideration concerns an out-of-basin transfer and that ruling to be effective, must be sustained by an affirmative vote of at least 2/3 of the member states. (Resolution 38.(9-74), page 29.)

During the period of this report, unanimous concurrence on several issues was formally obtained and the position of the eleven Western States through the Western States Water Council was expressed by resolution.

The federal Water Resources Planning Act of 1965 was passed to help meet the rapidly expanding demands for water by encouraging conservation, development and utilization of water and related land resources through coordinated and cooperative planning efforts. The states demonstrated their interest and needs for increased grants by consistently over-matching the grant funds made available by the federal government. The Act recognized the need for increased state participation in water and land related resource planning. In 1974 the Western States Water Council urged the President and the Congress to appropriate the full amount, \$5 million, that can be authorized within the Water Resources Planning Act under Title III for use by the states in proceeding with water resources planning. Since the Water Resources Planning Act was passed in 1965, full federal funding to the states had not been accomplished. Through the efforts of the Western States Water Council and other organizations, \$5 million was finally appropriated even though this amount of money was not in the initial budget request and the states are now utilizing their share of this appropriation in their water resources planning efforts. (Resolution 35.(4-74), page 26.)

With a real concern for the nation's agricultural community and water quality, a resolution was adopted pertaining to the irrigation discharge permits, legislation 92-500. The Western States Water Council felt there was not adequate information available to properly administer

the federal Water Quality Control Act for irrigation return flows and current research was being conducted by various governmental and non-governmental agencies for the purpose of obtaining the needed data. It was the consensus of the Council that Congress be urged to extend the deadlines on schedules, and EPA in association with states and agricultural interests, develop control techniques or alternative strategies for irrigation agriculture point discharges. (Resolution 39.(9-74), page 30.)

The Western States Water Council adopted a resolution requesting the Environmental Protection Agency to modify its position and release the allotted funds for sewage abatement facilities construction under Title II of the federal Water Pollution Control Act Amendment of 1972. The Executive Director was directed to transmit copies of this resolution to the chairman and members of Congressional committees and directors of involved agencies. Some funds were released by the President and later the courts determined that all the appropriated funds must be released as the President, the courts stated, did not have these broad powers of impoundment. (Resolution 37.(7-74), page 28.)

Both President Nixon and President Ford declared it a national goal to be energy self-sufficient. The Council took exception to the overwhelming number of duplicative and apparently uncoordinated reports and studies by federal agencies on the subjects of energy and water for energy that appeared to need state input and passed a resolution to that effect. (Resolution 41.(9-74), page 31.) The Western States Water Council felt a lead agency should be designated with respect to energy and related matters to coordinate state views and responses. The federal government responded and appointed Jack O. Horton, Assistant Secretary of Interior for Lands and Water, to this responsibility.

The U.S. Water Resources Council determined that there were a series of questions they would like the states to answer with respect to the states attitude and knowledge about the availability of water for energy resource development. Therefore, letters were sent to all fifty Governors and two meetings were held under the coordination efforts of the Interstate Conference on Water Problems. The meeting in the West was held in Denver, Colorado on June 3. The Western States Water Council helped to coordinate and encourage the states responses and did advise the Western Governors of the nature of the request in advance. It was to be sent to them through ICWP from the U.S. Water Resources Council. The states responded very positively at the June 3 meeting to some of the questions that related to whether or not the states should continue to have jurisdiction over the distribution and allocation of water resources and water rights within their respective state boundaries.

At the June 3 meeting it was learned that there was proposed federal water rights legislation that would require federal agencies to quantify federal reserved rights and other rights. The Western States Water Council deemed it appropriate that the states receive a copy of this legislation so that comments could be made. After some considerable effort, the proposed draft legislation was released and the Western States Water Council has, on two separate occasions, resolved its opposition to this proposed legislation. (Resolution 36.(7-74), page 27 and Resolution 40.(9-74), page 31.) The Western States Water Council and their attorney have since spent a considerable amount of time and effort working with the Interstate Conference on Water Problems to determine what is in the best interests of the states with respect to state-federal water rights.

Thirty-Third Quarterly Meeting

Portland, Oregon, January 11, 1974

The position of Executive Director was left vacant when Thomas E. Cahill accepted the position of General Counsel with the National Commission on Water Quality. Mr. Cahill left the Western States Water Council on September 1, 1973. There were many applicants for the position of Executive Director and after some deliberation it was determined that there were eight finalists that should be interviewed by the Executive Committee. The Executive Committee was given the authority to make the final choice of a new Executive Director. Council members gave the Executive Committee instructions that initially there should be two professional people hired, but the second person should be employed after the new Executive Director was selected so that he might be involved in hiring his new assistant.

At the Portland meeting the Council considered the format of Council meetings and determined that it would be best to retain the procedures of having a two-day session with the first day being the time when the working committees could meet and prepare subjects for the full Council consideration and the second day should be the meeting of the full Council.

The subject of the need for water for energy resource development in the West was discussed by the Council and the Water Resources Committee was authorized to spend up to \$2500 for temporary technical or consulting services to prepare a report for Council consideration as to the extent and nature of the possible energy resource development in the West with particular emphasis on the impact it might have on water resource development. The Council considered the need for a public awareness of Council activities. With this in mind, it was concluded that a modest public information program should be adopted within the Council.

Thirty-Fourth Quarterly Meeting

Boise, Idaho, April 12, 1974

It was announced that Jack A. Barnett was employed by the Executive Committee as the Executive Director of the Western States Water Council on March 15. Mr. Barnett was introduced to the Council and was given an opportunity to address the Council to describe his background and experiences. Barnett also gave a report on a proposed 'newsletter' that would be published on a weekly basis. The Council authorized the preparation of the newsletter with the expressed intention that the Council would watch the newsletter as the weeks progressed to determine its effectiveness and value to the Council. The Council expressed by resolution, its desire to have Title III funding under the Water Resources Planning Act fully authorized by the Congress in the forthcoming fiscal year. The Executive Director was instructed to communicate with Congressional delegations and other water organizations by personal contact and by letter to solicit full Title III funding. Council members were urged to contact their Congressional delegates and their Governors and solicit support for this needed appropriation.

It was announced that two new subcommittees of the Water Policy and Legislative Committee had been formed, the Water Quality Subcommittee and the re-activation of a once established subcommittee with respect to the Reservation Doctrine on water rights.

A proposed budget for fiscal year 1975 for the Council was reviewed. The Council unanimously supported the adoption of the budget in the amount of \$146,200 and further acknowledged the need for an increased assessment. The assessment for fiscal years '76 and '77 was set at \$13,000 per state.

Thirty-Fifth Quarterly Meeting

Casper, Wyoming, July 11, 1974

Chairman William A. Groff announced that he had been invited together with the Executive Director, Jack A. Barnett, to attend the Western Governors' Conference in Albuquerque, New Mexico on July 30 and make a formal presentation to the Western Governors. Mr. Groff solicited comment and input from Council members on appropriate subjects to be presented to the Governors.

D. Craig Bell was introduced to the Council as the newly employed Assistant Director and Attorney. Mr. Bell started his employment with the Council on June 10.

The second draft of the proposed energy report guided by the Water Resources Committee was presented. It had previously been mailed to all Council members for review with a request for comments no later than August 5.

The Council took a position as to responses the Governors might wish to make concerning the subject of the newly proposed federal water rights legislation. (Resolution 36.(7-74), page 27.)

A resolution with respect to the release of appropriated and impounded federal funds for water pollution abatement facilities was adopted by the Council. (Resolution 37.(7-74), page 28.)

Thirty-Sixth Quarterly Meeting

Spokane, Washington, September 27, 1974

At the Western Governors' Conference held in Albuquerque, New Mexico, July 30, 1974, Governor Stan Hathaway, Wyoming, made a motion to alter the voting rules of the Western States Water Council from unanimous rule to 2/3 majority vote. Governor McCall, Oregon, made an amendment to keep unanimous rule on all out-of-basin transfer considerations and the motion was passed unanimously as amended. This would alter Article X and Article XI of the Rules of Organization. The Articles of the Council were modified at the Spokane meeting to accomplish the changes that the Western Governors had initiated at the Western Governors' Conference. (Resolution 38.(9-74), page 29.)

The Water Resources Committee approved the water for energy study with corrections to be made by the staff and the Council adopted the report. The printing of 1,000 copies of the report was authorized. This report which is entitled "Western States Water Requirements for Energy Development to 1990" is not considered a final action on the subject as there are constantly changing requirements which would make it necessary to revise, up-date and modify to keep the material current.

"Western States Water," the newsletter published by the Council staff on a temporary basis, was praised and adopted as a permanent publication.

Resolution was made, seconded and passed unanimously regarding irrigation discharge permits. (Resolution 39.(9-74), page 30.)

The Federal-State Water Rights Legislation was opposed as drafted and the Council gathered and distributed state responses or criticisms. The Subcommittee on State-Federal Water Rights was asked to prepare a brief on recent court decisions in the Western States Water Council

area. The staff drafted a series of questions and sent them to member states for comments and positions on the proposed legislation drafted by the Justice Department.

A resolution was formed protesting the proliferation of federal questionnaires, hearings, reports, etc. regarding energy. (Resolution 41.(9-74), page 31.)

The Council's 1972 position on the safety inspection of dams was reaffirmed. The 30-day rule was waived as the Corps of Engineers allowed such a limited time for state responses. (Resolution 42.(9-74), page 33.)

Appearances

Chairman Groff, Executive Director Barnett and Assistant Director Bell were involved in an extensive amount of travel in addition to attendance at Council and committee meetings. Chairman Groff was invited to present the on-going activities of the Western States Water Council before the Western Governors at the Western Governors' Conference in Albuquerque, New Mexico on July 30, 1974. Mr. Groff advised the Governors that the Council continues to be concerned about several issues. He discussed in some detail, the Indian Trust Counsel Authority, the requirement for irrigation discharge permits under federal statutes administered by the Environmental Protection Agency, the need for water resource planning funds under Title III of the Water Resources Planning Act, and the desire of the states to secure the full \$5 million appropriation. He discussed the potential need for water in the Western United States in the near future to help facilitate the growing energy industry in response to both western and national demands. He pointed out some of the facts that were determined by the study that was undertaken by staff and consultants. The study better defines the need for water for energy resource development to the year 1990 in the Western United States.

Chairman Groff alerted the Governors as to the many faceted issues that are arising from the proposed federal water rights legislation that would require federal administrators to declare federal water rights in the form of claims filed with the Department of Interior. He advised the Governors that the Western States Water Council had considered the proposed federal water rights legislation in some detail and felt that there were many dangers to states' rights involved in the enactment of such legislation.

Chairman Groff, Executive Director Barnett and Assistant Director Bell attended the annual meeting of the National Water Resources Association in Fresno, California, on November 12-14. Mr. Groff

made a formal presentation to the convention delegates. He described many of the same issues that were presented to the Western Governors at the Albuquerque meeting and noted that the states interests and the water users interests throughout the West often are very similar. Also that every opportunity for coordination between the Western States Water Council and the National Water Resources Association should be explored so that when the interests of the two organizations are parallel, a united effort might be undertaken to afford a maximum accomplishment of common goals.

By special invitation, Assistant Executive Director Craig Bell attended a school on Principles and Standards sponsored by the U.S. Water Resources Council in mid-August at Ft. Collins, Colorado. He also attended meetings of the Interstate Conference on Water Problems task force on the proposed Federal Water Rights Legislation as meetings were held in Boise, Idaho and St. Paul, Minnesota.

To further the positions of the Western States Water Council and gain information to be disseminated to Council members, the staff attended and in some cases, participated in various meetings of interest. This travel included going to Washington, D.C. in April to attend a meeting of the U.S. Water Resources Council to learn more of federal efforts to determine the necessary energy resource development that would have to be accomplished for the nation to become energy self-sufficient and the associated requirements placed on the water resources of the nation. The Summer Board of Directors of the National Water Resources Association met in Denver and was attended by staff as was the meeting of the Interstate Conference on Water Problems held in Cincinnati, Ohio. The annual meeting of the Western State Engineers held at Big Sky, Montana, was attended by Mr. Barnett. Mr. Barnett also observed a meeting held in Park City, Utah on the use of oil shale. He participated, by invitation, in the Western Interstate Nuclear Board semi-annual meeting held in Colorado Springs, Colorado. Also observed was the Colorado River Water Users Association, the Pacific Northwest River Basins Commission and the Pacific Southwest Inter-Agency Commission meetings.

COUNCIL AND STAFF MEMBERSHIP AND ORGANIZATION

General

The membership of the Western States Water Council remained very stable throughout all of 1974 as none of the thirty-three designated members of the Council were modified or changed. Only one alternate was changed. Mr. Grant Buswell, Montana, was released as an alternate member with Mr. Orrin Ferris appointed to replace Mr. Buswell.

During the first half of 1973 Mr. William Gianelli served as Chairman of the Western States Water Council. Upon completing his term as chairman of the Council, Mr. Gianelli retired from state service and at that time was replaced by Mr. John Teerink as California's member to the Executive Committee. Because of his long and diligent service to the Council, the Council formally adopted a resolution on January 11, 1974, expressing their appreciation to Mr. Gianelli for his outstanding contribution. The resolution is as follows:

WHEREAS, William R. Gianelli, distinguished engineer and former Director of Water Resources from the State of California, has served diligently as a member of the Western States Water Council and its Executive Committee since 1967; and

WHEREAS, he was Vice Chairman of the Council for two years and has served as Chairman of the Council during the last two years; and

WHEREAS, his leadership, his understanding of the varied views of the members of the Council, his broad knowledge of the West and its water problems, and water leaders, and the high esteem in which he is held by state and national leaders contributed greatly to the progress that has been made by the Council.

NOW, THEREFORE BE IT RESOLVED THAT the Western States Water Council through its members assembled in Portland, Oregon this eleventh day of January, 1974, expresses its sincere appreciation to him for his many contributions toward achievement of the Council's purposes.

The Council continued to function throughout the year with the same officers and committee chairmen that were functioning in the previous year, being re-elected and re-appointed. The Council's thirty-three members are divided into three committees. The first being the Executive Committee which was chaired by Chairman William E. Groff of Montana. This committee is concerned with general Council policies, the overseeing of Council budget and administrative procedures and the employment and direction of the staff. The Water Policy and Legislative Committee was chaired during 1974 by Eugene E. Marsh, Oregon. This committee has the responsibility of studying in detail, all of the issues that may be of concern to the Western States Water Council that have legal and legislative implications or requirements. The Water Resources Committee was chaired throughout 1974 by Donald L. Paff, Nevada. This committee concerns itself with the ongoing physical considerations of water availability, water use and the water resource planning.

The Council did not have a full functioning staff until March when the Executive Director, Jack A. Barnett, was employed. Shortly thereafter, the Assistant Director, D. Craig Bell, was employed. During the year the Administrative Assistant, Jean Pierce, accepted a position in Washington, D.C. with the National Commission on Water Quality and the clerical staff of the office was reorganized. Pearl Pollick was assigned the responsibilities of the office manager and Fae Drake was assigned the position of report specialist. Virginia Jensen was employed as a secretary, bringing the staff total to five.

The Rules of Organization of the Western States Water Council and the adopted Principles, Standards and Guidelines as well as the announced activities program have been little changed since they were adopted several years ago. The only change in 1974 was the change in the voting rules as previously described in this report. These organizational documents of the Western States Water Council are included in this report as Appendix A. A list of the officers, membership of the Council by states and the Council staff for 1974 is as follows:

Membership List

As of December 31, 1974

Chairman
Mr. William A. Groff—Montana

Vice Chairman
Mr. Wesley E. Steiner—Arizona

Secretary-Treasurer
Mr. Daniel F. Lawrence—Utah

Executive Director
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D. Craig Bell
(6-10-74 to)

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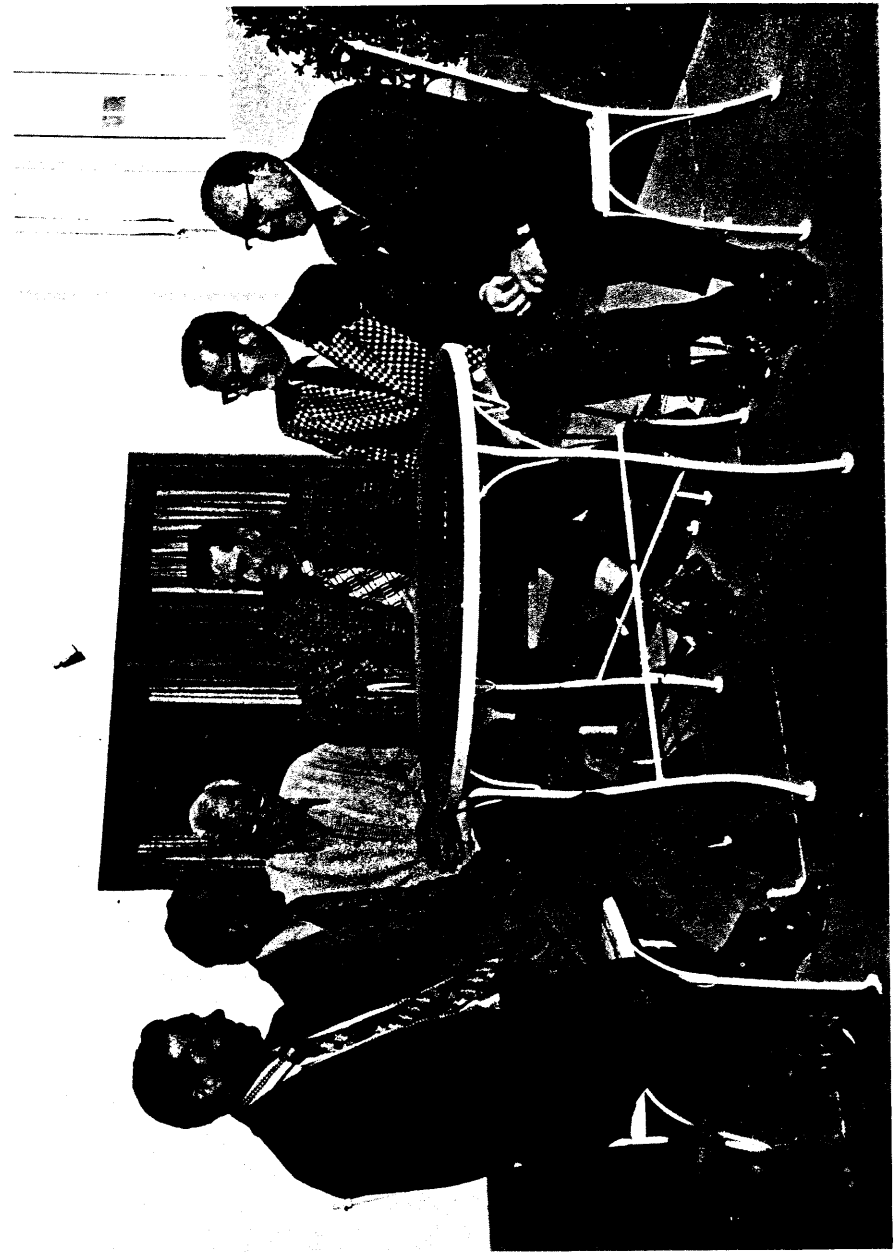
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 **Member of Executive Committee

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 D. Craig Bell, Asst. Executive Director..... 6-74 to
 Pearl O. Pollick, Office Manager..... 5-72 to
 Fae O. Drake, Report Specialist..... 1-71 to
 Virginia Jensen, Secretary.....10-74 to
 Jean R. Pierce, Administrative Assistant..... 5-72 to 9-74

OFFICERS OF THE WESTERN STATES WATER COUNCIL



Left to Right: Jack A. Barnett, Executive Director; Donald L. Paff, Chairman, Water Resources Committee, Nevada; Eugene E. Marsh, Chairman, Water Policy & Legislative Committee, Oregon; William A. Groff, Chairman, Montana; Wesley E. Steiner, Vice-Chairman, Arizona; Daniel F. Lawrence, Secretary-Treasurer, Utah.



First Row, left to right: Norman Krey, Washington; J. R. Barkley, Colorado; Daniel F. Lawrence, Utah; Gerald Sjaastad, Colorado; William A. Groff, Montana; Fae O. Drake, Staff; Pearl O. Pollick, Staff; Roland D. Westergard, Nevada; Donald L. Paff, Nevada; Jack A. Barnett, Staff; Matthew Mullaney, Idaho; Ray Rigby, Idaho; Wayne T. Haas, Idaho; Chris L. Wheeler, Oregon; Eugene E. Marsh, Oregon; Charles E. Nemir, Texas; D. Craig Bell, Staff.
Second Row, left to right: Joe Lord, Wyoming; John E. Acord, Montana; Harry D. Pugsley, Utah; Myron Goodson, Wyoming; Ted J. George, California; George Hannett, New Mexico; Raphael J. Moses, Colorado; Myron B. Holburt, California; Homer C. Berry, New Mexico; Wayne MacRostie, California; Wesley E. Steiner, Arizona; Tom Choules, Arizona; C. J. Kuiper, Colorado.

BUDGET AND FINANCE

A special subcommittee to prepare the budget for fiscal year 1975 reported to the Council at the meeting in Boise, Idaho, April 12, 1974. The Budget Committee chaired by John Teerink, California, consisted of Herman McDevitt, Idaho; Chris Wheeler, Oregon and Roland Westergard of Nevada. The committee reported that they were recommending a budget of \$146,200 for fiscal year 1975 with an assessment to member states of \$5,000. Mr. Teerink explained that with the proposed budget, much of the surplus that had accumulated in the Council funds would be exhausted and it was determined that the Council should be prepared to increase individual state assessments to \$13,000 for fiscal years '76 and '77. This increase is based on a projection that the activities of the Council would remain near the same level with some increase in limited areas in the two years following the 1975 fiscal year. Costs were projected to increase, with inflation considered, about 10% per year. The budget and the associated assessments were unanimously approved by the Council.

The firm of Hansen, Barnett & Maxwell, Certified Public Accountants, 345 East Broadway, Salt Lake City, Utah 84111 served as auditors of the Council finances and accounting. Council funds have been invested through the treasurer of the State of Utah. These funds are in a position where they can be audited and accounted for at any point. The collection of revenues and the disbursement of funds through the first six months of the 1974 calendar year are identified by a page of the auditor's report that has been reproduced as part of this annual report and is as follows:

WESTERN STATES WATER COUNCIL

Statement of Revenues Collected and Expenses Disbursed

For the Year Ended June 30, 1974

| | <u>Actual</u> | <u>Budget</u> | <u>Actual Over- (Under) Budget</u> |
|--|--------------------------|-------------------------|--|
| Revenues Collected | | | |
| Member States' assessments | \$ 55,000 | \$ 55,000 | \$ |
| Interest income | 11,708 | | 11,708 |
| Other income | 1,217 | | 1,217 |
| Total Revenues Collected | <u>67,925</u> | <u>55,000</u> | <u>12,925</u> |
| Expenses Disbursed | | | |
| Salaries | 35,799 | 48,000 | (12,201) |
| Printing and reproduction..... | 9,340 | 12,000 | (2,660) |
| Travel | 7,564 | 18,000 | (10,436) |
| Rent | 7,044 | 7,500 | (456) |
| Telephone | 4,482 | 5,400 | (918) |
| Payroll taxes and employee benefits | 3,186 | 6,000 | (2,814) |
| Unforeseen contingencies | 3,116 | 3,400 | (284) |
| Postage | 2,225 | 3,000 | (775) |
| Contract services | 1,624 | 15,000 | (13,376) |
| Auditing | 600 | 700 | (100) |
| Furniture and fixtures | 565 | 1,000 | (435) |
| Meetings and arrangements | 501 | 1,000 | (499) |
| Insurance | 281 | 500 | (219) |
| Finance charges | 6 | | 6 |
| Total Expenses Disbursed | <u>78,867</u> | <u>125,000</u> | <u>(46,133)</u> |
| Net Expenses Disbursed in Excess of | | | |
| Office supplies | 1,497 | 2,000 | (503) |
| Reports and publications | 1,037 | 1,500 | (463) |
| Revenues Collected | <u>\$(10,942)</u> | <u>\$ 70,000</u> | <u>\$(59,058)</u> |

COMMITTEES

General

The Western States Water Council has been organized into three separate committees. Each of the three committees have an officially designated representative from each of the eleven Western States. The Executive Committee is composed of designees of the eleven Western Governors that are concerned about general policy matters of the Council. The chairman of the Executive Committee is also the chairman of the Council. In addition to the Executive Committee, each state has a representative on the Water Resources Committee and on the Water Policy and Legislative Committee. The two latter committees frequently hold meetings as issues arise in areas of their particular responsibility. It is through these two committees, often referred to as working committees, that many of the issues are fully discussed and tentative resolutions are drafted for consideration by the Executive Committee and the full Council for formal adoption or action by the Council. The committee approach during 1974 was a very effective way in allowing smaller efficient working groups to focus on specialized problems with west-wide representation so that solutions could be identified and brought to the attention of the entire Council. Much of the success of the Council can be attributed to hard-working committee members whose work is accomplished prior to Council meetings and whose efforts are not always readily visible as the Council formally takes action.

Executive Committee

Executive Committee Members
As of December 31, 1974

| | |
|----------------------------------|----------------------|
| Arizona | Nevada |
| Wayne M. Akin | Roland D. Westergard |
| California | New Mexico |
| John R. Teerink | Steve E. Reynolds |
| Colorado | Oregon |
| T. W. TenEyck | Chris L. Wheeler |
| Idaho | Utah |
| Herman J. McDevitt | Thorpe A. Waddingham |
| Montana | Washington |
| William A. Groff—Chairman | John A. Biggs |
| Orrin Ferris (Alt. 6-74 to) | Wyoming |
| | Floyd A. Bishop |

1974 Meetings

| | |
|--------------------|----------------------|
| January 11 | Portland, Oregon |
| February 9 | Salt Lake City, Utah |
| April 11 | Boise, Idaho |
| July 10 | Casper, Wyoming |
| September 26 | Spokane, Washington |

The Executive Committee is the administrative and steering committee of the Council on matters outlined in its Charter and such other matters as may be related thereto. The Executive Committee has the authority to act upon internal and administrative matters between meetings of the Council, to create working groups and ad hoc groups, to make assignments to committees, to receive committee reports and implement actions and programs approved by the Council.

The Executive Committee consists of one representative from each member state and each member has one vote in conducting business. A quorum of six (6) members, and a simple majority of those voting prevail. If an external matter comes before the Executive Committee between the regular quarterly meetings of the Council, and the Executive Committee finds an emergency exists, it may take final action by unanimous vote of all members. The chairman of the Council presides as chairman of the Executive Committee and it is his responsibility to report to the full Council at each Council meeting as to any actions taken by the Executive Committee between regular meetings. The committee has the obligation to give suggestions concerning the Council meeting agenda and correlate the Council's efforts to keep abreast of broad-scale developments by those agencies as they relate

to Council programs. The Executive Committee is to make assignments to other committees and give directions as to the scope and nature of their activities.

During 1974 the Executive Committee had the responsibility of taking the lead in determining the staff that was needed for the Council. The resignation of the Executive Director, Tom Cahill, during the previous year left the staff without professional leadership. After a decision was made as to the needs of the Council for continuing staff support, the Executive Committee was responsible for making the ultimate decisions on the selection of the new Executive Director and the Assistant Executive Director. Other important actions of the Executive Committee of the year included the formulation of a budget for the 1975 fiscal year to be presented to the Council for its adoption and nominations of officers to be elected for the period from July 1974 to July 1975. Those serving on the Budget Committee were John Teerink, Chairman; Herman McDevitt, Chris Wheeler and Roland Westergard. Those serving on the Nominating Committee were Wayne Akin, Herman McDevitt and Roland Westergard.

The Executive Committee was also responsible for preparing a resolution for the implementation of the voting rule change in Spokane, Washington, September 26, 1975 as prescribed by the Western Governors' Conference. The Executive Committee agreed upon the language necessary to accomplish the voting rule change in the Rules of Organization and presented this language to the full Council for endorsement. The organization and activities of the Executive Committee is governed by a Charter that was adopted on January 29, 1970. (For a copy of the Executive Committee Charter refer to the 1973 Annual Report of the Western States Water Council — p. 40-41.)

Water Policy and Legislative Committee

Water Policy and Legislative Committee Members
As of December 31, 1974

| | |
|----------------------------------|---------------------------|
| Arizona | Nevada |
| Tom Choules | Hal Smith |
| California | New Mexico |
| Senator Howard Way | George Hannett |
| Colorado | Oregon |
| Raphael J. Moses | Eugene E. Marsh, Chairman |
| Idaho | Utah |
| George L. Yost | Harry D. Pugsley |
| Montana | Washington |
| Ted J. Doney | Charles B. Roe, Jr. |
| Orrin Ferris (Alt. 6-74 to) | Wyoming |
| | Willard C. Roads |

1974 Meetings

| | |
|--------------------|---------------------|
| January 11 | Portland, Oregon |
| April 11 | Boise, Idaho |
| July 10 | Casper, Wyoming |
| September 26 | Spokane, Washington |

Water Policy and Legislative Committee membership is by appointment by the member states of the Council. One member shall be from each state but need not be one of the state's delegates to the Council. Any Water Policy and Legislative Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for committee action. Each state has one vote.

A committee chairman is appointed by the Council chairman from the committee membership and serves at his pleasure. The committee chairman may appoint task groups as needed. The Council staff furnishes assistance as requested. The committee meets at the pleasure of the committee chairman. The Water Policy and Legislative Committee submits reports for recommendations to the Council and is not authorized to issue any public statements or reports. The Water Policy and Legislative Committee handles the legal aspects of the Council including assistance to develop and recommend basic assumptions, objectives, principles and criteria for guidance of the Council in the policy and legislative field.

The Water Policy and Legislative Committee found it expedient to establish several subcommittees during 1974 to resolve details of concern and problems that needed full committee and full Council action. The subcommittee on land use planning was chaired by Tom Choules. Members were Hal Smith, Ted Doney and George Hannett. This subcommittee concerned itself with the many federal legislative proposals that would establish national land use planning. Through the subcommittee the Council was advised as to the deliberations in Washington, D.C., on the subject and the Council was alerted as to the potential effects on western water resources and western water resource administration of various proposed federal bills. The Council took formal position on the subject of federal land use planning on July 8, 1971, and the Council continues to be keenly interested and concerned. After much deliberation in the U.S. Congress there was no federal act enacted by the 93rd Congress.

A subcommittee was created to analyze the legal implications of PL 92-500. This law is the prime governing document concerning EPA's regulations of efforts to improve the quality of the waters of the nation. A National Commission on Water Quality has been created

to review the effectiveness of this law. The subcommittee of the Western States Water Council was created to allow exchange of ideas with the National Commission on Water Quality on far reaching legal implications of the Act. The Chairman of the subcommittee is Tom Choules with Ray Rigby, Ray Moses, Gene Marsh and Paul Bloom serving as committee members.

The subcommittee on State-Federal Water Rights was activated to examine the potential impacts of draft legislation that had been prepared by the Justice Department and submitted to the U.S. Water Resources Council that would require federal agencies to quantify in federal courts, claims to the use of waters in the United States under the Doctrine of Reserved Rights and other water rights that might be owned and controlled by the federal government. The attention to the subject by the Subcommittee resulted in the Council twice resolving its strong opposition to the proposed legislation. The chairman of the subcommittee is Ted Doney and committee members are Ray Moses, Tom Choules, George Hannett and Harry Pugsley. In addition, three advisors to the subcommittee have been designated. They are Chris Wheeler, Floyd Bishop and Roland Westergard.

A subcommittee on Water Quality was created to look at the general water quality problems across the West and examine federal and state policies and procedures that are now being adopted and utilized in the on-going efforts to improve the water qualities of the nation. Of particular concern to the Subcommittee were the rules, regulations and procedures that had been adopted by the Environmental Protection Agency. The efforts of the Subcommittee did result in a resolution adopted by the entire Council. (Resolution 39.(9-74), page 30.) Charles B. Roe is chairman of the Subcommittee with committee members being George Yost, Hal Smith, Lynn Thatcher and Howard Way.

The authority and procedures under which the Water Policy and Legislative Committee operate were established on April 23, 1970 by the adoption of a Charter. (For a copy of the Water Policy and Legislative Committee Charter refer to the 1973 Annual Report of the Western

Water Resources Committee

Water Resources Committee Members as of December 31, 1974

| | |
|----------------------------------|-------------------------|
| Arizona | Nevada |
| Wesley E. Steiner | Donald L. Paff—Chairman |
| California | New Mexico |
| Theodore J. George | Homer C. Berry |
| Colorado | Oregon |
| C. J. Kuiper | Tucson Myers |
| Idaho | Utah |
| Ray Rigby | Daniel F. Lawrence |
| Montana | Washington |
| John E. Acord | Norman L. Krey |
| Orrin Ferris (Alt. 6-74 to) | Wyoming |
| | Myron Goodson |

1974 Meetings

| | |
|--------------------|----------------------|
| January 11 | Portland, Oregon |
| April 11 | Boise, Idaho |
| June 3 | Denver, Colorado |
| July 10 | Casper, Wyoming |
| August 12 | Salt Lake City, Utah |
| September 26 | Spokane, Washington |

The Water Resources Committee membership is by appointment by the member states of the Council, one member from each state, but not necessarily one of the state's delegates to the Council. A quorum shall consist of six (6) members. A majority of those members present and voting is required for committee action. Each state has one vote. The committee chairman is appointed by the chairman of the Council from the committee membership. The committee chairman can appoint task groups as needed. The Council staff furnishes necessary assistance as desired and requested by the committee. The Water Resources Committee meets at the pleasure of the committee chairman. The committee chairman submits reports and/or recommendations to the Council at each meeting of the Council and interim reports as directed by the Council. The Water Resources Committee is to issue no public statement or report except as directed by the Council.

The Water Resources Committee was concerned that the Water Resources Planning Act under Title III was not being fully funded. The Act authorizes an appropriation of up to \$5 million for funds to be distributed to the states for their use. Through the efforts of the Water Resources Committee the Council adopted a position re-

questing the full appropriation of the \$5 million by the Congress. The Western States Water Council then acted as a lead organization and successfully secured the appropriation of these necessary funds. The water resource planning efforts of the eleven western states have been greatly facilitated as a result of the appropriation.

Much of the time and effort of the Water Resources Committee in 1974 was centered around the potential need for water to assist energy resource development in the West. The Water Resources Committee had been aware for some period of time that this subject should be of significant concern to the Western States. However, the goal that the nation was to become energy self-sufficient and the establishing of Project Independence by the federal government, brought this subject to the immediate attention of all western water resource administrators. The Water Resources Committee met and determined that a report would be appropriate and meaningful identifying the potential demands on water in the eleven Western States to the year 1990. Staff and consultants were charged with the responsibilities of preparing material for the Water Resources Committee to consider. The Water Resources Committee, after analyzing all of the information available, did adopt a report which has now been accepted by the Western States Water Council and has been published. This report is entitled "Western States Water Requirements for Energy Development to 1990." It was released in November 1974 and has received wide spread recognition throughout the West and throughout the nation as a lead document in analyzing the impact of the rapidly growing energy industry on the water resources of the West. It has been acknowledged by the Water Resources Committee that this report can only be an interim or status report. It is anticipated that the Water Resources Committee will, in the future, give additional attention to this subject and perhaps update, with a new publication, the information in the report as federal policies are better delineated and as potential development begins to occur.

Many other subjects were considered by the Water Resources Committee during the year including the U.S. Army Corps of Engineers proposed dam safety criteria on which the Western States Water Council took a firm position. (Resolution 42.(9-74), page 33.)

RESOLUTIONS—POSITIONS—MOTIONS

Resolution B

Resolution
by
Western Governors' Conference
concerning the creation of the
Western States Water Council
June 13, 1965

WHEREAS, the future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality; and

WHEREAS, the need for accurate and unbiased appraisal of present and future requirements of each area of the West and for the most equitable means of providing for the meeting of such requirements demands a regional effort.

NOW, THEREFORE BE IT RESOLVED by the Western Governors' Conference that it approves the creation of a Western States Water Council to be established in general conformity with the organizational pattern of the attached SUGGESTED RULES OF ORGANIZATION developed by the Western Water Resources Task Force appointed by the members of this Conference; and

BE IT FURTHER RESOLVED that the members of this Conference will take all feasible steps to provide the support to give effective meaning to the creation of such a Council including the establishment, upon recommendation of the Council, of a staff and central office to be financed in an amount not to exceed the sum of \$150,000 for the first year from appropriations by each of the member states equally.

Resolution 35.(4-74)

Resolution
Regarding
The Water Resources Planning Act of 1965
April 12, 1974

WHEREAS, the Water Resources Planning Act of 1965 was passed to help meet the rapidly expanding demands for water by encouraging the conservation, development and utilization of water and related land resources through coordinated and cooperative planning efforts; and

WHEREAS, the Act recognized the need for increased state participation in water and land related resources planning and authorized appropriations of \$5 million dollars annually for grants to assist the states in their planning efforts; and

WHEREAS, the states have demonstrated their interests and needs for increased grants by consistently over-matching the funds available; and

WHEREAS, the Executive Budget has been prepared; and

WHEREAS, Congress is considering the budget.

NOW, THEREFORE BE IT RESOLVED that the Western States Water Council urges the President to include a full \$5 million for Title III of the Water Resources Planning Act of 1965 in the Executive Budget for fiscal year 1976; and

BE IT FURTHER RESOLVED that the Western States Water Council urges Congress to appropriate \$5 million out-right for fiscal year 1975.

BE IT FURTHER RESOLVED that the Western States Water Council urges Congress to extend provisions of Title III funding at a rate of not less than \$5 million per year for an additional ten year period.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Governors of the eleven Western States, to Congressional Delegates of the eleven Western States and to any other parties of interest and concern as deemed appropriate by the Executive Director.

Resolution 36.(7-74)

Resolution
Regarding
Proposed Federal Water Rights Bill
July 11, 1974

In anticipation of a letter from Mr. Clifford McConnell of Interstate Conference on Water Problems, containing a request of the Water Resources Council for comments on a proposed federal water rights bill sponsored by the Justice Department, such comments to be submitted by August 9, 1974 to ICWP for review and compilation, we request our Governors to respond as follows:

1. The August 9 deadline is unrealistic in terms of time for response.

2. The Western Governors should be directly contacted by interested Federal representatives on this issue. The Western States Water Council, as an arm of the Western Governors' Conference, is an appropriate forum for receipt of information and carrying out direct contact with various interests, federal or otherwise and is also an appropriate body to represent the position of the Western States on the issue if a unanimous position can be reached.

Resolution 37.(7-74)

**Resolution
Regarding
The Release of Appropriated Federal Funds
for Water Pollution Abatement Facilities
July 11, 1974**

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972 establishes a comprehensive program of water pollution abatement for our nation; and

WHEREAS, this legislation requires municipalities and other units of state and local government to carry out very substantial and expensive sewage abatement facilities construction activities; and

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972 authorized \$18 billion to be allotted among the states for use in financing construction of such governmental sewage abatement facilities; and

WHEREAS, the United States Environmental Protection Agency has refused to allot said monies in accordance with the direction of the act and has further refused to provide the full funding of \$18 billion to the states as contemplated by the Congress; and

WHEREAS, the failure of the Environmental Protection Agency to provide full funding places the goals and objectives of the act in severe jeopardy and otherwise impairs the public health and welfare.

NOW THEREFORE, it is resolved by the Western States Water Council that the United States Environmental Protection Agency immediately modify its position regarding the impoundment of funds provided for sewage abatement facilities construction under Title II of the Federal Water Pollution Control Act Amendments of 1972, by (1) allotting said funds in accordance with the directions of Congress stated in said act, and (2) releasing to the states that full amounts of monies provided in the act.

The Executive Director is directed to transmit copies of this resolution to the chairman and members of Committees on Public Works of the United States Senate and House of Representatives, the Administrator of the United States Environmental Protection Agency, and the Director of the Office of Management and Budget.

Resolution 38.(9-74)

**Resolution
Regarding
Changes in the Western States Water Council
Articles X and XI of Rules of Organization
relating to voting and conduct of meetings as amended
September 27, 1974**

Article X—Voting

Each state represented at a meeting of the Council shall have one vote. A quorum shall consist of a majority of the member states. No matter may be brought before the Council for a vote unless advance notice of such matter has been mailed to each member of the Council at least 30 days prior to the meeting at which such matter is to be considered; provided, that matters may be added to the agenda at any meeting by unanimous consent of those states represented at the meeting. In any matter put before the Council for a vote, other than election of officers, any member state may upon request obtain one automatic delay in the voting until the next meeting of the Council. Further delays in voting on such matters may be obtained only by majority vote. No recommendations may be issued or external position taken by the Council except by *an affirmative vote of at least two-thirds* of all member states; *provided that on matters concerning out-of-basin transfers no recommendation may be issued or external position taken by the Council except by a unanimous vote of all member states.* On all internal matters, however, action may be *taken by a majority vote of all member states.*

Article XI—Conduct of Meetings

Except as otherwise provided herein, meetings shall be conducted under Roberts Rules of Order, revised. *A ruling by the Chair to the effect that the matter under consideration does not concern an out-of-basin transfer as an appealable ruling, and in the event an appeal is made, such ruling to be effective, must be sustained by an affirmative vote of at least 2/3 of the member states.*

Resolution 39.(9-74)

**Resolution
Regarding
Irrigation Discharge Permits
September 27, 1974**

WHEREAS, it is essential to the nation's well being that its waters be maintained in high quality; and

WHEREAS, it is essential that the nation's agricultural community have water suitable to the maintenance of a healthy and viable society; and

WHEREAS, the water quality control program set forth in section 301(b)(1)(A) of the Federal Water Pollution Control Act Amendments of 1972 requires application of the best practicable control technology currently available for all point sources including those pertaining to agricultural irrigation return flows; the same to be accomplished by July 1, 1977; and

WHEREAS, some irrigation return flows are not pollutants; and

WHEREAS, there is not presently adequate data and information to properly administer a program of water quality control for irrigation return flows; and

WHEREAS, research is presently being conducted by various governmental and non-governmental entities for the purpose of obtaining the needed data and information to properly administer, as necessary, a water quality control program for irrigation return flows; and

WHEREAS, it is the sense of the Western States Water Council that the agricultural irrigating community will shoulder a fair share of its responsibilities arising from a water quality control program; and

WHEREAS, it is further the sense of the Council that a coordinated effort by the federal government, the states and the various public agricultural water distribution entities is essential to the development of a program of water quality control pertaining to agricultural irrigation return flows.

NOW, THEREFORE BE IT RESOLVED by the Western States Water Council that:

- (1) Congress is urged to extend for a reasonable time, water quality control completion deadlines pertaining for agricultural irrigation point sources set forth in section 301 to insure that agricultural interests are not faced with unreasonable implementation schedules, and

- (2) EPA acting in close association with the states and affected agricultural interests, develop in an expeditious manner best practicable control techniques or appropriate alternate strategies for agricultural irrigation point discharges operating under NPDES,

BE IT FURTHER RESOLVED that the Executive Director of the Western States Water Council be directed to transmit this resolution to:

- (1) The Administrator of the Environmental Protection Agency.
- (2) Members of the Public Works Committees of the United States Congress.
- (3) Administrators of state water pollution control agencies.
- (4) The National Commission on Water Quality.
- (5) Each state's irrigation district association or its equivalent.

Resolution 40.(9-74)

**Resolution
Regarding
Proposed Federal Water Rights Legislation
September 27, 1974**

1. That the Western States Water Council through its subcommittee on Federal-State Water Rights draft a series of questions to send to member states to determine the individual state's particular comments and positions on the proposed Federal Water Rights Legislation drafted by the Department of Justice, this to be done after the subcommittee has received an updating legal memorandum on the recent court decisions, reported and unreported, including dissenting opinions, concerning the reservation doctrine and reserved water rights.
2. That the Western States Water Council go on record opposing the federal water rights bill as drafted by the Justice Department.

Resolution 41.(9-74)

**Resolution
Regarding
Water for Energy
September 27, 1974**

WHEREAS, President Ford has announced continuing support of the effort to reach national energy self-sufficiency; and

WHEREAS, resources of the western states are an important source of energy for the nation and development of these resources will have an important impact on the economic and social welfare of this region; and

WHEREAS, the development of energy resources requires the commitment of substantial amounts of the individual state's water supply; and

WHEREAS, the states are in the best position to consider the various parameters involved in energy resource development within their respective states; and

WHEREAS, the states are frustrated by the uncoordinated proliferation of an overwhelming number of duplicative reports and studies by federal agencies and find it impossible to adequately review and comment on this mass of material; and

WHEREAS, the states cannot make meaningful input into Federal decisions on energy matters without a designated federal lead agency with which to communicate and express state capabilities in contributing to plans and development of energy projects within state law and with a minimum disruption of existing economies and the environment.

NOW, THEREFORE BE IT RESOLVED by the Western States Water Council that there should be an immediate public designation of a federal lead agency with respect to energy and related matters and that this lead agency singularly exercise coordination with the states and provide federal leadership and assignment of federal activities.

BE IT FURTHER RESOLVED that the Western States Water Council deems it necessary that the states and the lead federal agency, in concert, develop guidelines for an assessment of the present and future energy needs and related water matters to the United States and subsequent development of a coordinated national program, including specific plans to meet future energy needs.

Resolution 42.(9-74)

**Resolution
By Letter
Regarding
Safety Inspection of Dams**

September 27, 1974

General John W. Morris
Director of Civil Works
DAEN-CWZ
Office, Chief Engineers
Washington, D.C. 20314
Dear General Morris:

The Western States Water Council appreciates the opportunity of commenting on the proposed guidelines for the safety inspection of dams. We also appreciate the assurance given to Council staff that our comments will be considered if submitted within the first two weeks of October. The Western States Water Council met this day in Spokane, Washington and all eleven western states were represented. The short review period allowed after receipt of the proposal did not give every state the time that they deemed necessary for review, however, the Council had previously considered the subject.

The Western States Water Council adopted a resolution on October 13, 1972, urging the Corps of Engineers to recognize and maximize the use of existing state programs and criteria in carrying out the program of safety inspection for non-federal dams.

In the November 1, 1972 preliminary draft, the Corps recognized the validity of this request in paragraph 1.2 "in cases where the hydrologic, hydraulic, or stability criteria outlined herein conflict with criteria established by the state in which the dam is located, the state requirements shall prevail in safety evaluations of non-federal dams unless directed otherwise by the Governor." In the July 1974 proposed guidelines this sentence has been omitted and it is strongly urged that you reinstate it in paragraph 1.2 in order to comply with the directions of President Nixon when he signed the Act.

The Council has not been able to review the guidelines in detail and believes the individual states will comment directly. We are very much concerned on the limited time for the review. It appears that deferring adoption of the guidelines as they relate to Phase II could be done without delaying the overall program. Such deferment would

permit Phase I inspections to proceed and concurrently the States would have a more reasonable time in which to test or evaluate the remaining guidelines with the application of probable maximum flood to spillway design flows per section 3.5.1 to existing structures.

We therefore urge that you defer adopting the guidelines beyond Phase I until such time as Phase I has been completed or proceeded to the point that Phase II becomes applicable.

Thank you for your consideration.

(signed)

William A. Groff
Chairman, Western States Water Council

APPENDIX A RULES OF ORGANIZATION

APPENDIX A RULES OF ORGANIZATION

Article I—Name

The name of this organization shall be "THE WESTERN STATES WATER COUNCIL."

Article II—Purpose

The purpose of the Western States Water Council shall be to accomplish effective cooperation among western states in planning for programs leading to integrated development by state, federal, and other agencies of their water resources.

Article III—Principles

Except as otherwise provided by existing compacts, the planning of western water resources development on a regional basis will be predicated upon the following principles for protection of states of origin:

- (1) All water-related needs of the states of origin, including but not limited to irrigation, municipal and industrial water, flood control, power, navigation, recreation, water quality control, and fish and wildlife preservation and enhancement shall be considered in formulating the plan.
- (2) The rights of states to water derived from the interbasin transfers shall be subordinate to needs within the states of origin.
- (3) The cost of water development to the states of origin shall not be greater, but may be less, than would have been the case had there never been an export from those states under any such plan.

Article IV—Functions

The functions of the Western States Water Council shall be to:

- (1) Prepare criteria in the formulation of plans for regional development of water resources to protect and further state and local interests.
- (2) Undertake continuing review of all large-scale interstate and interbasin plans and projects for development, control or utilization of water resources in the Western States, and submit recommendations to the Governors regarding the compatibility of such projects and plans with an orderly and optimum development of water resources in the Western States.
- (3) Investigate and review water related matters of interest to the Western States.

Article V—Membership

- (1) The membership of the Council shall consist of not more than three representatives of each of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming appointed by and serving at the pleasure of the respective Governors. The states of Alaska and Hawaii shall be added to membership if their respective Governors so request.
- (2) Member states may name alternate representatives for any meeting.
- (3) Any state may withdraw from membership upon written notice by its Governor.

Article VI—Ex-Officio Members

The Governors of the member states shall be ex-officio members and shall be in addition to the regularly appointed members from each state.

Article VII—Officers

The officers of the Council shall be the Chairman, Vice Chairman, and Secretary-Treasurer. They shall be selected in the manner provided in Article VIII.

Article VIII—Selection of Officers

The Chairman and Vice Chairman, who shall be from different states, shall be elected from the Council by a majority vote at a regular meeting to be held in July of each year. The Secretary-Treasurer shall be appointed by and serve at the pleasure of the Chairman and need not be a member of the Council. The Chairman and Vice Chairman shall serve one-year terms but may not be elected to serve more than two terms consecutively in any one office.

Article IX—Executive Committee

Representatives of each state shall designate one of their members to serve on an Executive Committee which shall have such authority as may be conferred on it by these Rules of Organization, or by action of the Council. Any Executive Committee member may designate an alternate to serve in his absence. All standing, working, special or other committees of the Council may report to the Council through the Executive Committee.

Article X—Voting

Each state represented at a meeting of the Council shall have one vote. A quorum shall consist of a majority of the member states. No matter may be brought before the Council for a vote unless advance notice of such matter has been mailed to each member of the

Council at least 30 days prior to the meeting at which such matter is to be considered; provided, that matters may be added to the agenda at any meeting by unanimous consent of those states represented at the meeting. In any matter put before the Council for a vote, other than election of officers, any member state may upon request obtain one automatic delay in the voting until the next meeting of the Council. Further delays in voting on such matters may be obtained only by majority vote. No recommendation may be issued or external position taken by the Council except by an affirmative vote of at least two-thirds of all member states; provided that on matters concerning out-of-basin transfers no recommendation may be issued or external position taken by the Council except by a unanimous vote of all member states. On all internal matters, however, action may be taken by a majority vote of all member states.

Article XI—Conduct of Meetings

Except as otherwise provided herein, meetings shall be conducted under Roberts Rules of Order, revised. A ruling by the Chair to the effect that the matter under consideration does not concern an out-of-basin transfer as an appealable ruling, and in the event an appeal is made, such ruling to be effective, must be sustained by an affirmative vote of at least 2/3 of the member states.

Article XII—Meetings

The Council shall have one regular meeting each year in the month of July at a time and place to be decided by the Chairman. Special meetings may be called by the Chairman or by a majority of the member states, upon 30 days written notice.

Article XIII—Limitations

The work of the Council shall in no way defer or delay authorization or construction of any projects now before

Congress for either authorization or appropriation.

Article XIV—Amendment

These articles may be amended at

any meeting of the Council by unanimous vote of the member states represented at the meeting. The substance of the proposed amendment shall be included in the call of such meetings.

PRINCIPLES—STANDARDS—GUIDELINES

PREAMBLE

The Constitution of the United States and the Constitutions of the individual States shall be adhered to in Western regional water planning and development.

This statement of principle reaffirms, expands and clarifies principles set forth in Article III, "Rules of Organization" of the Western States Water Council.

1.0 PRINCIPLES

1.1 Comprehensive regional planning, transcending political boundaries, is a major consideration in the maximum proper utilization of the water and related resources of the West. Development of those resources to meet all reasonable needs as they may arise is essential to the continuing prosperity of the region and each of its economically interdependent parts.

1.1.1 The planning process should include or supplement rather than supersede existing water resource developments; it should complement and strengthen local and state planning activities rather than displace them; it should result from cooperative effort of all agencies concerned.

1.1.2 The planning program should be aimed to achieve a reasonably equitable balance among all existing and potential uses of water, insofar as the supply available or to be developed will permit, consistent with established rights.

1.1.3 Water resources of the region should be put to beneficial use to the

fullest practicable extent in an efficient manner in accord with the needs and types of use in the particular area.

1.1.4 It is imperative that all States, as expeditiously as possible, make thorough studies of their water resources and predicted water needs in accordance with Guidelines and Standards similar to those adopted by the Council.

1.1.5 Long-range water plans should be expeditiously developed which are flexible enough to permit modifications to meet changing long-term needs and advances in technology, yet specific enough to provide solutions for immediate water supply problems.

1.1.6 Water exportation studies shall include a thorough examination of efficiency of water use and cost-price relationships and a comprehensive economic evaluation that considers all costs and benefits accruing to the area of origin and costs and benefits accruing to the area of import. The economic analysis must include similar studies for alternative sources of supply. Aesthetic values shall be considered in over-all project evaluation.

1.1.7 Close cooperation and free interchange of ideas and reporting of data on a uniform basis among all affected local, State and Federal interests, shall be sought.

1.1.8 Water resource planning shall consider water quality, as well as quantity.

1.2 Regional water planning should be designed to avoid interference with existing rights to the use of water. Any taking of land or water rights shall be

governed by the law of eminent domain. Interstate compact allocations shall be honored.

1.2.1 Any entity studying transfer of surplus water shall recognize the economic, social, legal, political and ethical implications of the transfer on both the exporting and importing areas. Such entity must plan so as to assure social and economic growth and development, by either:

- (a) The return or replacement of the water exported to the area of origin; or
- (b) Providing equivalent beneficial programs acceptable to the area.

1.2.2 The rights to water of regions; states or individuals must be recognized and guaranteed through due process of law.

1.3 Except as otherwise provided by existing law, the planning of water resources development in the Western states shall be predicated upon the following principles for protection of and assistance to states of origin.

1.3.1 Inter-basin or inter-regional transfer of water shall contemplate only the transfer from the area of origin of those quantities of water deemed to be surplus. The States shall endeavor to agree upon determination or quantities of water that are surplus.

1.3.2 In making determinations of possible surplus water, all water-related needs of the States and areas of origin, including but not limited to: irrigation, domestic, stock, municipal, industrial, flood control, power, navigation, recreation, water quality control, fish and wildlife preservation and enhancement, and aesthetic enjoyment shall be recognized.

1.3.3 All water requirements, present or future, for uses within the drainage area of any river basin, shall have priority and right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of

water delivered by means of such exportation works, unless otherwise provided by treaty, interstate agreement or compact.

1.3.4 The cost of water development to the States of origin shall not be greater, but may be less, than would have been the case had there never been an export from those States under any such plan.

1.3.5 In the study of interstate diversion, any interstate diversion project shall neither impede nor minimize the development of water resources in the state of origin, and shall result in substantive net advantage to such State over the advantage it could have obtained, by itself or otherwise, without such diversion project.

1.3.6 All plans for inter-basin diversion of water shall provide for such financial arrangements with the states of origin as may be necessary to comply with Sections 1.3.4 and 1.3.5 above.

1.3.7 The exportation of water shall not change an area of origin from a water-rich to a water-deficient economy and shall not adversely affect the competitive position of the area of origin.

1.3.8 State or area of origin priority shall be explicitly set forth in all contracts for the use of imported water. Should such priority ever be denied, through subsequent action of the Congress, or otherwise, areas of origin will be entitled to just compensation.

1.3.9 Federal statutes designed to protect areas and states of origin, in any regional interstate plan of origin in any regional interstate plan of water development, should include the consent by the United States for any such state of origin to sue in the Federal Courts, to compel Federal officials to comply with such statutes and for such other relief as deemed equitable.

1.4 This statement of principles shall not be considered as any support or advocacy for the diversion of water from one river basin to another.

2.0 STANDARDS FOR GUIDANCE IN THE FORMULATION OF CONCEPTS AND PLANS FOR STAGED REGIONAL DEVELOPMENT OF WATER RESOURCES

2.1 A Western States water resource program shall be developed and maintained by the Western States Water Council through compilation and analysis of available state-wide plans and Federal inter-basin and interstate plans, to provide a broad and flexible pattern into which future definite projects may be integrated in an orderly fashion.

2.2 A basic objective of the program is to provide a framework within which projects may be developed to meet the requirements for water to the extent feasible as and where they arise.

2.3 A determination of the advantages and disadvantages of alternate methods of meeting water needs should be included in the Western States water resource program.

2.4 In order to provide the uniformity necessary to facilitate compilation and analysis of the various state-wide water plans, it is recommended that such plans contain projects of usable water resources and an inventory of need for the years: 1980, 2000, 2020, 2040.

2.5 Each Member State should strive to complete, no later than June 30, 1977, a preliminary water plan, including estimates of water resources and estimates of current and long-range water needs.

3.0 GUIDELINES AND PROCEDURES FOR CORRELATION OF PLANS AND SCHEDULES AMONG WESTERN STATES

3.1 Interstate Exchange of Information and Data.

3.1.1 When a state publishes reports or takes any action which may affect the plans or objectives of other States, the affected States and the Western

States Water Council staff should be furnished copies thereof. Request for basic data and supporting information should be initiated by the State needing the data or information.

3.1.2 The request for the exchange of basic data and supporting information should be coordinated through one state agency.

3.1.3 The name, official position, address and telephone number of the designated state office will be forwarded to the Western States Water Council staff. The staff will prepare a consolidated list of designated offices and distribute copies to all States through the State's member of the Executive Committee, Western States Water Council.

3.1.4 The type of reports and actions which should be sent to other States and the Western States Water Council staff includes, but is not limited to, copies of the following:

3.1.4.1 Summaries of current and long-range estimates of various types of water needs and usable water resources.

3.1.4.2 Planning schedules for developments of all large scale interstate and interbasin plans and projects.

3.1.4.3 State evaluation of programs such as weather modification, watershed management, groundwater recharge, desalination, and waste water reclamation.

3.1.4.4 Major legal and administrative decisions pertaining to water resources.

3.1.4.5 State or Federal legislation is proposed by any state materially affecting Western States water planning.

3.2 Correlation of Plans and Schedules.

3.2.1 A master list shall be prepared and maintained at the headquarters of the Western States Water Council of items furnished pursuant to Section 3.1 with copies to be furnished to member States at appropriate intervals.