

1991
ANNUAL REPORT
of the
WESTERN STATES
WATER COUNCIL

Twenty-sixth Annual Report

(This page has been intentionally left blank.)

1990 ANNUAL REPORT OF THE WESTERN STATES WATER COUNCIL

INTRODUCTION

The first official meeting of the Western States Water Council was held on August 3, 1965, at Stateline (Lake Tahoe), Nevada. The Western Governors' Conference approved the creation of the Western States Water Council during meetings on June 10-13, 1965, in Portland, Oregon. The Governors' resolution explicitly stated: "The future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality." Further, the governors felt that a fair appraisal of future water needs, and the most equitable means of meeting such needs, demanded a regional effort. Water availability and interbasin transfers of water were important issues. Western states found themselves in an era of rapid federal water resources development, and regional or basinwide planning, without a sufficient voice in the use of their water resources. The Western States Water Council has since provided a unified voice on behalf of western governors on water policy issues.

The emphasis and focus of the Western States Water Council has changed over the years as different water policy problems have evolved. However, the commitment towards reaching a regional consensus on issues of mutual concern has continued. The Council has proven to be a dynamic, flexible institution providing a forum for the free discussion and consideration of many water policies that are vital to the future welfare of the West. As envisioned by the Western Governors' Conference, it has succeeded as a continuing body, serving the governors in an expert advisory capacity. For over twenty-five years, the Western States Water Council has endeavored to develop a regional consensus on westwide water policy and planning initiatives, particularly federal initiatives. The Council strives to protect western states' water interests, while at the same time serving to coordinate and facilitate efforts to improve western water planning and management.

Originally, Council membership consisted of eleven western states: **ARIZONA, CALIFORNIA, COLORADO, IDAHO, MONTANA, NEVADA, NEW MEXICO, OREGON, UTAH, WASHINGTON** and **WYOMING**. In 1978, **TEXAS** was admitted to membership, after many years of participation in Council activities in an "observer" status. **ALASKA** requested and received membership in 1984. **NORTH DAKOTA** and **SOUTH DAKOTA** both received membership in 1988, after a long association with the Council. In 1987, **HAWAII** requested and received "associate" membership, which is a temporary status designed to allow new states an opportunity to participate in Council activities, while considering membership.

During 1989, **OKLAHOMA** became an associate membership. **MINNESOTA**, became a member of the Western Governors' Association and an associate member of the Western States Water Council in 1989, under Governor Rudy Perpich. However, in 1991, under Governor Arne Carlson, Minnesota withdrew its membership in both organizations.

During 1991, **HAWAII** joined as the sixteenth member of the Western States Water Council. In a letter, Governor John Waihee wrote: "I fully support the purposes of the Council..., to foster cooperation among western states, to provide a forum for the exchange of views and perspectives regarding the common challenges we face in dealing with our precious water resources, and to analyze and respond to proposed federal legislation and initiatives that would affect western states. I, therefore, look forward to Hawaii's being an active participant in Council activities." He added, "We look forward to a long and productive relationship...."

Council membership now stands at seventeen states. Membership is automatically open to all member states of the Western Governors' Association (WGA), the successor to the Western Governors' Conference, which would include the **State of Nebraska**.

Each member governor is an ex-officio member of the Western States Water Council. The governor appoints up to three representatives from his or her state, and as many alternates as deemed necessary, to serve on the Council at the governor's pleasure. Council officers, including a Chair, Vice-Chair, and Secretary-Treasurer, are elected annually from the membership. State representatives are appointed to the working committees, with one representative per state also appointed to the Executive Committee. The Executive Committee attends to internal Council matters with the assistance of the Management Subcommittee. The Council's working committees are the Legal Committee, the Water Quality Committee, and the Water Resources Committee. Each working committee is directed by a committee chair and vice-chair. Committee chairs, in turn, name special subcommittees and designate subcommittee chairs to study issues of particular concern.

The Western States Water Council offices are in Salt Lake City, Utah. The staff is headed by D. Craig Bell, Executive Director. Working with Mr. Bell are: Tony Willardson, Associate Director; Norman K. Johnson, Legal Counsel; and a secretarial staff including Pearl Pollick, Cheryl Redding, Carrie Curvin, Lynn Bench, and Jaymi Lloyd.

Positions and resolutions adopted at the quarterly meetings of the Council appear in this report. Meetings are held on a rotating basis among the member states, with state representatives acting as hosts to the other Council members and guests. In 1991, meetings were held in: Tucson, Arizona on January 23-25; Washington, D.C. on April 10-12; Anaconda, Montana on July 10-12; and Tulsa, Oklahoma on October 14-16. Guest speakers are scheduled according to the relevant subjects to be considered at each meeting. Information regarding future meeting locations and agenda items can be obtained by writing or calling the Council office.

Creekview Plaza, Suite A-201
942 East 7145 South, Midvale, Utah 84047
(801) 561-5300

TABLE OF CONTENTS

INTRODUCTION	i
MEMBERSHIP	
Alaska	1
Arizona	1
California	2
Colorado	2
Hawaii	3
Idaho	3
Montana	4
Nevada	4
New Mexico	5
North Dakota	5
Oregon	6
South Dakota	6
Texas	7
Utah	7
Washington	8
Wyoming	8
ASSOCIATE MEMBER STATE	
Oklahoma	9
COUNCIL MEMBERS	10
STAFF	11
PAST OFFICERS AND EXECUTIVE DIRECTORS	12
QUARTERLY MEETINGS	13
OTHER IMPORTANT ACTIVITIES	22
RESOLUTIONS AND POSITIONS	30
Arid Areas and Water Use Efficiency	30
Federal Hydrowpower Project Licensing and Western States Water Management	35
Reauthorization of the Clean Water Act	37
National Energy Policy	42
BUDGET AND FINANCE	45
COMMITTEE CHARTERS AND MEMBERS	56
RULES OF ORGANIZATION	66
PRINCIPLES - GUIDELINES	69
ADDRESSES AND TELEPHONE NUMBERS	72

**1991
WESTERN STATES WATER COUNCIL
MEMBERSHIP†**

ALASKA

**Ex-Officio Member
**Executive Committee Member*



***Governor Walter J. Hickel**
11-90

- **Ric Davidge**
7-91
- Margaret Tileston**
2-88
- Mike Menge**
10-91
- Mead Treadwell (Alt.)**
10-91
- Gary Gustafson**
7-88 to 7-91
- Priscilla Wohl**
6-91 to 10-91

ARIZONA



***Governor Fife Symington**
11-90

- **Betsy Rieke**
6-91
- Michael Brophy**
6-91
- C. Laurence Linser (Alt.)**
6-88
- Rita Pearson (Alt.)**
6-91
- N. William Plummer**
1-89 to 5-91
- Tom Choules**
4-70 to 7-83
- reappointed 1-87 to 7-91**
- Michael F. McNulty**
6-87 to 5-91
- Randolph Wood (Alt.)**
5-89 to 5-91

† The date under each name is the beginning date of tenure. A second date indicates the date that the appointment came to an end.

Alternate (Alt.) members are also listed.

CALIFORNIA



***Governor
Pete Wilson**
11-90

****David Kennedy**
10-83

Ruben Ayala
2-78 to 1-83
reappointed 7-84

David G. Kelley
1-83 to 7-83

reappointed 3-84
Edward Anton (Alt.)
2-91

Eliseo Samaniego (Alt.)

2-91 Roderick E. Walston (Alt.)
1-86

Robert W. Miller (Alt.)
5-79 to 1-83

reappointed 1-86 to 12-91

Darlene E. Ruiz (Alt.)
4-87 to 2-91

COLORADO



***Governor Roy Romer**
11-86

****David Walker**

Jeris A. Danielson

4-80

J. David Holm

1-90

Wendy C. Weiss (Alt.)

4-87

HAWAII



***Governor John Waihee**
1-86

****William W. Paty**
2-88
Manabu Tagomori
2-88

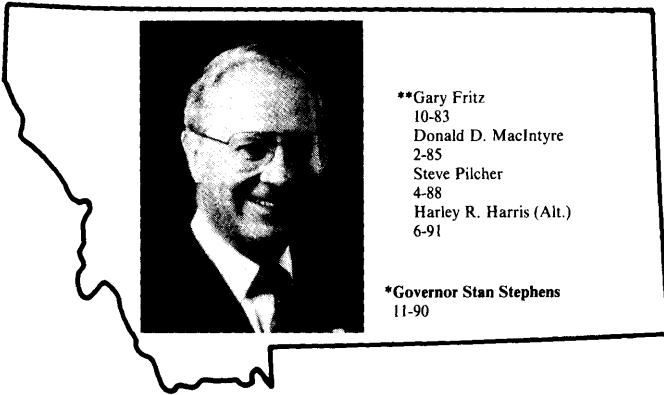
IDAHO



***Governor Cecil Andrus**
11-86

****R. Keith Higginson**
10-87
Gene Gray
10-83
Joe Nagel
3-91
Wayne T. Haas (Alt.)
10-83
J.D. Williams (Alt.)
5-91

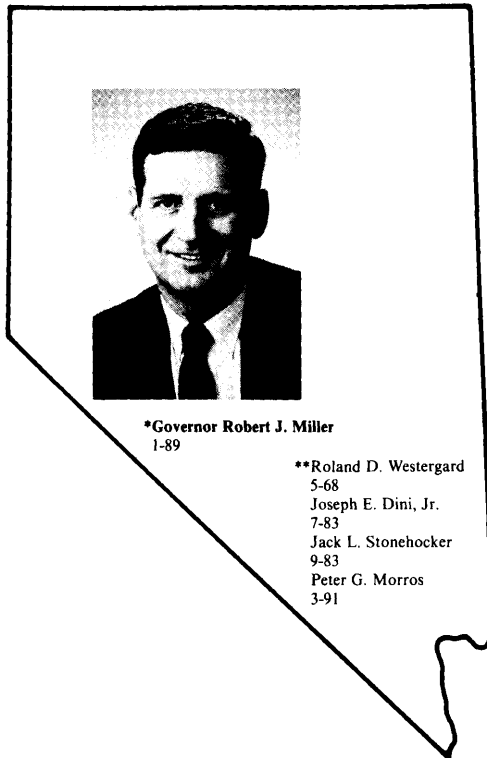
MONTANA



****Gary Fritz**
10-83
Donald D. MacIntyre
2-85
Steve Pilcher
4-88
Harley R. Harris (Alt.)
6-91

***Governor Stan Stephens**
11-90

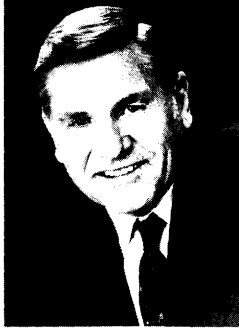
NEVADA



***Governor Robert J. Miller**
1-89

****Roland D. Westergard**
5-68
Joseph E. Dini, Jr.
7-83
Jack L. Stonehocker
9-83
Peter G. Morros
3-91

NEW MEXICO



***Governor Bruce King**
11-90

****Eluid Martinez**
4-91
Charles DuMars
2-84
Frank A. DuBois, III
4-87
Wayne P. Cunningham (Alt.)
7-88
Richard A. Simms (Alt.)
4-91

NORTH DAKOTA



***Governor George Sinner**
1-85

****Dave Sprynczynatyk**
9-89
Francis Schwandt
9-88
Julie Krenz
11-90
Michael A. Dwyer (Alt.)
11-90

OREGON



***Governor Barbara Roberts**
11-90

****William H. Young**
3-79
Steve Sanders
7-90
Lorna Stickel
7-90
George Proctor (Alt.)
3-79 to 1-88
reappointed 7-88 to 8-91

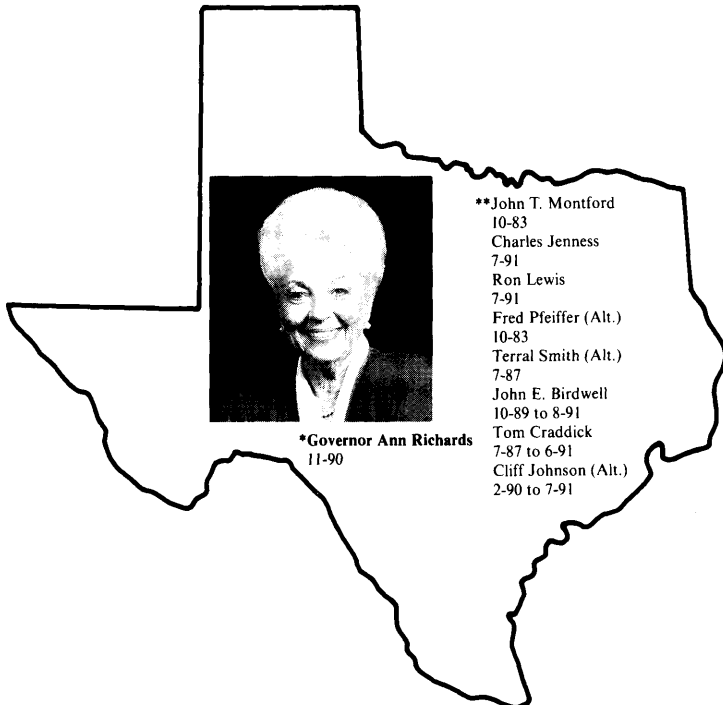
SOUTH DAKOTA



***Governor George Mickelson**
1-87

****Robert E. Roberts**
10-90
Steve Pirner
6-88
John Hatch
6-88
John Guhin (Alt.)
6-88
Marian Gunderson (Alt.)
6-88
Reese Peck (Alt.)
6-88

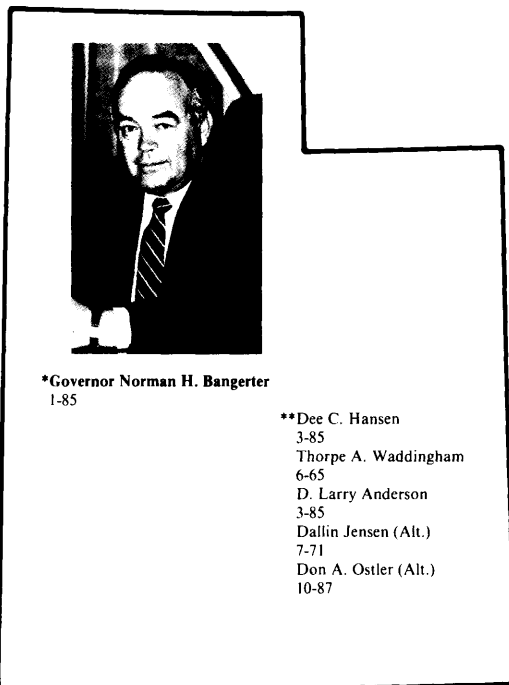
TEXAS



***Governor Ann Richards**
11-90

****John T. Montford**
10-83
Charles Jenness
7-91
Ron Lewis
7-91
Fred Pfeiffer (Alt.)
10-83
Terral Smith (Alt.)
7-87
John E. Birdwell
10-89 to 8-91
Tom Craddick
7-87 to 6-91
Cliff Johnson (Alt.)
2-90 to 7-91


UTAH



***Governor Norman H. Bangert**
1-85

****Dee C. Hansen**
3-85
Thorpe A. Waddingham
6-65
D. Larry Anderson
3-85
Dallin Jensen (Alt.)
7-71
Don A. Ostler (Alt.)
10-87


WASHINGTON



****Hedia Adelsman**
1-87
Michael Llewelyn
11-91
Tom McDonald
11-91
Carol Jolly
1-87 to 11-91

***Governor Booth Gardner**
1-85

WYOMING

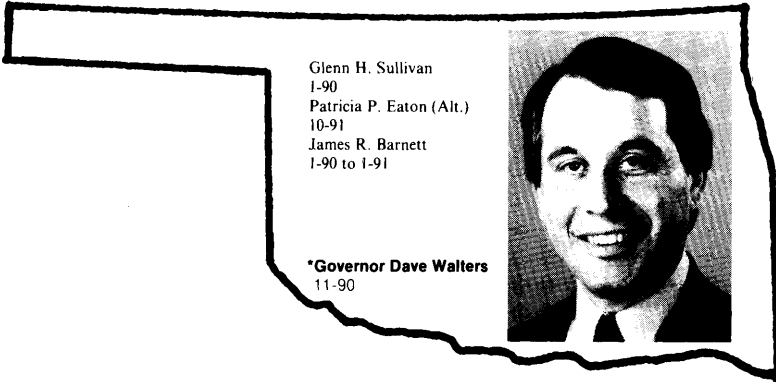


****Gordon W. Fassett**
3-87
Myron Goodson
6-65 to 3-83
reappointed 10-86
George L. Christopulos (Alt.)
4-75
William L. Garland (Alt.)
10-90
Jennifer Gimbel 3-87 to ~~3~~-91
7

***Governor Mike Sullivan**
1-75

ASSOCIATE MEMBER STATES

OKLAHOMA

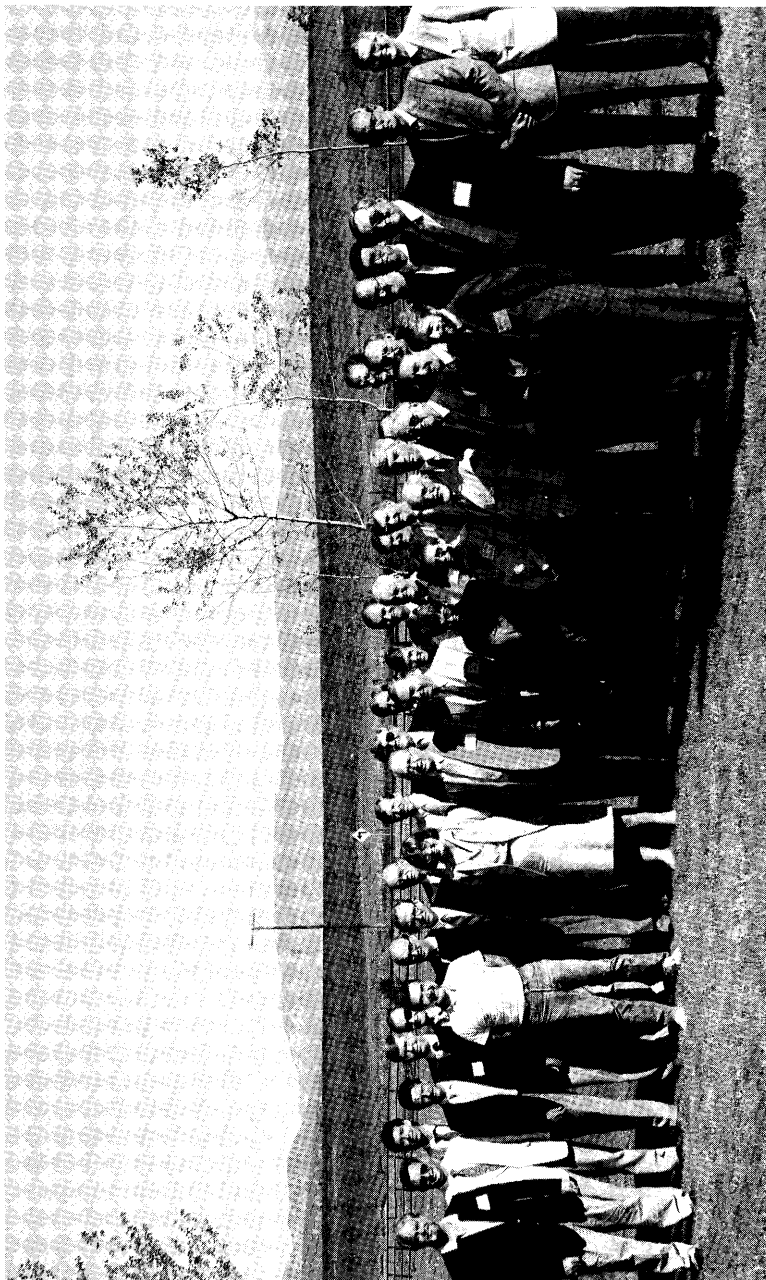


Glenn H. Sullivan
1-90
Patricia P. Eaton (Alt.)
10-91
James R. Barnett
1-90 to 1-91

***Governor Dave Walters**
11-90



**COUNCIL MEMBERS
AT FAIRMONT HOT SPRINGS, MONTANA MEETING — July 1991**



Front Row: Ric Davidge, Francis Schwindt, Steve Pilcher, Joe Nagel, Mike Brophy, Betsy Rieke, Myron Goodson, Dave Kennedy, Hedia Adelsman, Lorna Stichel, Dave Walker, Roland Westergard, Don Ostler, Steve Sanders

Row 2: Bill Wiley, Steve Pirner, Harley Harris, J.D. Williams, Keith Higginson, Mike Llewellyn, Bill Young, Gary Fritz, Jennifer Gimbel, Larry Anderson, Dee Hansen, Dave Sprynczynatyk, Don MacIntyre, Jeris Danielson, John Hatch, Wayne Cunningham, Visitor, Eluid Martinez, Wayne Haas, Richard Stimms, and Fred Pfeiffer

STAFF

D. Craig Bell Executive Director
Anthony G. Willardson Associate Director
Norman K. Johnson Legal Counsel
Pearl O. Pollick Secretary
Carrie Curvin Receptionist/Report Secretary
Cheryl Redding Office Manager
Lynn Bench Secretary
Jaymi Lloyd Secretary



Left to Right: Craig Bell, Lynn Bench, Carrie Curvin, Pearl Pollick, Jaymi Lloyd,
Norm Johnson, Cheryl Redding, and Tony Willardson.

Council offices are located at:

**Creekview Plaza, Suite A-201
942 East 7145 South
Midvale, Utah 84047
(801) 561-5300**

PRESENT AND PAST OFFICERS AND EXECUTIVE DIRECTORS

The following served as officers during 1991:

CHAIR	VICE-CHAIR	SECRETARY/TREASURER
William H. Young 7/90 - present	David N. Kennedy 7/90 - present	Dee C. Hansen 7/86 - present

The following individuals have served as Council officers:

Chair:	Freeman Holmer	- Oregon	8/65 to 10/66
	Raphael J. Moses	- Colorado	12/66 to 7/69
	William S. Holden	- Idaho	7/69 to 3/71
	William R. Gianelli	- California	7/71 to 7/73
	William A. Groff	- Montana	7/73 to 7/75
	Wesley E. Steiner	- Arizona	7/75 to 7/77
	Chris L. Wheeler	- Oregon	7/77 to 7/78
	Donald L. Paff	- Nevada	7/78 to 7/79
	George Christopulos	- Wyoming	7/79 to 7/80
	Daniel F. Lawrence	- Utah	7/80 to 7/81
	Charles E. Nemir	- Texas	7/81 to 7/82
	Ray W. Rigby	- Idaho	7/82 to 7/83
	John Spencer	- Washington	7/83 to 7/84
	John E. Acord	- Montana	7/84 to 7/86
	J. William McDonald	- Colorado	7/86 to 7/88
	Roland D. Westergard	- Nevada	7/88 to 7/90
Vice-Chair:	Raphael J. Moses	- Colorado	8/65 to 12/66
	William S. Holden	- Idaho	12/66 to 10/68
	William R. Gianelli	- California	7/69 to 7/71
	William A. Groff	- Montana	7/71 to 7/73
	Wesley E. Steiner	- Arizona	7/73 to 7/75
	Chris L. Wheeler	- Oregon	7/75 to 7/77
	Donald L. Paff	- Nevada	7/77 to 7/78
	George Christopulos	- Wyoming	7/78 to 7/79
	Daniel F. Lawrence	- Utah	7/79 to 7/80
	Charles E. Nemir	- Texas	7/80 to 7/81
	Ray W. Rigby	- Idaho	7/81 to 7/82
	John Spencer	- Washington	7/82 to 7/83
	John E. Acord	- Montana	7/83 to 7/84
	J. William McDonald	- Colorado	7/84 to 7/86
	Roland D. Westergard	- Nevada	7/86 to 7/88
	William H. Young	- Oregon	7/88 to 7/90
Secretary-Treasurer:	Donel J. Lane	- Oregon	8/65 to 4/70
	Floyd A. Bishop	- Wyoming	4/70 to 7/73
	Daniel F. Lawrence	- Utah	7/73 to 7/79
	Charles E. Nemir	- Texas	7/79 to 7/80
	Roland D. Westergard	- Nevada	7/80 to 7/86

The following have served as Executive Director:

Wright Hiatt	2/66 to 7/67
Jay R. Bingham	3/68 to 12/69
Thomas Cahill	3/74 to 11/80
D. Craig Bell	11/80 to present

QUARTERLY MEETINGS

101st Quarterly Meetings

January 23-25, 1991

Tucson, Arizona

The 101st Western States Water Council (WSWC) quarterly meetings were held in Tucson, Arizona on January 23-25. The Council meeting included Committee reports and state reports on various issues. No external policy positions were adopted.

The Legal Committee meeting included reports by various members. Dave Walker, Director of the Colorado Water Conservation Board, reported on negotiations involving the Endangered Species Act and the Animas-La Plata Project. The U.S. Fish & Wildlife Service wants a recovery plan completed before discussing project alternatives. Dean Couch of the Oklahoma Water Resources Board reported on litigation involving Arkansas and EPA over interstate water quality issues.¹ Hedia Adelsman, Water Resources Program Manager, Washington Department of Ecology, spoke about the Aquavella case and the water rights of the Yakima Indians.² Jennifer Gimbel, Wyoming Senior Assistant Attorney General, talked about the administration of Wind River Indian water rights, and other members also reported on legal and water resource related developments in their states.

The Water Quality Committee carefully listened as Bill Matuszeski, EPA Associate Assistant Administrator for Water, discussed reauthorization of the Clean Water Act (CWA). He presented a January 23 draft issues paper entitled, "Dry Weather Flows: Water Quantity/Water Quality Related Issues," which was developed by one of several EPA work groups. While not an EPA position statement, the draft generated a lively debate that lasted through most of the meeting.³ While recognizing EPA has not traditionally been involved in water quantity issues, "except through Section 404 permit reviews and EIS reviews...", the draft stated a reassessment of the water quality/water quantity relationship could result in important "habitat protection achievements." The draft specifically referred to Colorado River salinity control problems, non-point source pollution, ground water contamination, wetlands, instream habitat protection, water use efficiency and water reuse.

The Water Resources Committee reviewed a proposed bill to amend the Clean Water Act to strengthen states' abilities to mandate minimum streamflows and protect designated uses through Section 401 certification. The amendments are in response to various state court decisions and the U.S. Supreme Court's California v. FERC ruling, which have eroded states' authority.⁴ The proposed changes would require state water quality certification for any stream alterations affecting designated uses, including any impoundments and diversions, in addition to traditional pollutant discharges. Some concern was raised regarding establishing a connection between federal water quality protection statutes and administration of state water quantity allocation laws.

The Committee also heard a report by Jo Clark on a planned WGA/WSWC water management and policy workshop. She discussed the purpose of the meeting, potential case studies for review, and various interest groups to be invited. The workshop will be

¹ *Western States Water*, Issue #884, April 26, 1991; and
Western States Water, Issue #918, December 20, 1991.

² *Western States Water*, Issue #863, November 30, 1990.

³ *Western States Water*, Issue #871, January 28, 1991.

⁴ *Western States Water*, Issue #865, December 14, 1990; and S. 3186.

directed towards improving the West's capacity to deal with conflicting water demands and improving intergovernmental coordination. Further, the Committee discussed the continuing drought, the Bureau of Reclamation's Ground Water Recharge Demonstration Program, Washington State's water planning activities, and the Comprehensive Wetlands Conservation and Management Act.⁵

Wetlands was also the topic of a panel discussion during the 101st Quarterly Meeting. June Whelan, Deputy Assistant Secretary of Interior and a member of the Domestic Policy Council's Wetlands Task Force, discussed recent public hearings. A report on the hearings and national wetlands policy will soon be published, but policy discussions are expected to continue.

Other panel members presented their views on wetlands. Jack Barnett, Executive Director of the Colorado River Salinity Control Forum, expressed concern regarding the lack of attention given the West and conflicts between preservation of artificially created wetlands and wetland losses due to increasing irrigation water use efficiency (in part to protect water quality). The President's no-net loss goal is being pursued at many levels of the bureaucracy, despite the lack of a comprehensive policy statement. Hedia Adelman also referred to inherent conflicts between water use efficiency and wetlands protection in the State of Washington, while expressing strong support for a no-net loss policy. Bill Plummer, Director of the Arizona Department of Water Resources, addressed protection of riparian areas.

Council members listened as Oren Thompson described the Salt River Project, one of the first reclamation projects in the West. The project now involves not only surface water storage, but ground water development and protection, flood control, and power and water service. What was once a predominantly agricultural region is now a rapidly expanding urban center. He discussed issues surrounding the present and future water needs of central Arizona.

102nd Quarterly Meetings and Water Policy Seminar

**April 10-12, 1991
Washington, D.C.**

Three members of Congress, 46 Congressional committee or personal staff, and ten representatives of federal agencies attended the Western States Water Council's Fourth Biennial "Water Policy Seminar," held in conjunction with the 102nd quarterly Council meetings on April 10-12, in Washington, D.C. Senator James Jeffords (R-VT) opened the seminar on Thursday by describing his proposed legislation to strengthen the states' role in regulating water use by hydropower projects under Section 401 of the Clean Water Act (CWA). The bill reaffirms that states have sole responsibility and broad discretion to certify whether or not a proposed hydropower project will meet state water quality requirements, which protect designated stream uses.

Following Senator Jeffords, the Water Resources Committee hosted a roundtable discussion on state and federal interests in the hydropower licensing process. There was a lively exchange between western state representatives and Fred Springer, Chief of the

⁵*Western States Water*, Issue #868, January 4, 1991; and
Western States Water, Issue #913, November 15, 1991; and H.R. 5968.

Federal Energy Regulatory Commission's (FERC) Office of Hydropower Licensing, as well as John Echeverria, representing environmental interests, and Senate committee staff. Specifically, the discussion covered whether FERC or the states are better able to prepare comprehensive plans for the development and protection of a waterway and balance competing water uses. The significance of new hydroelectric development to national energy security was discussed, as was the propriety of federal regulation of small projects (five megawatts or less). State representatives argued that it is impracticable for FERC to assert jurisdiction over all present and future water uses in any basin where there is a licensed project.

The Water Resources Committee also briefly addressed current drought conditions and related legislation, various bills regarding Bureau of Reclamation projects and programs, and H.R. 1330, the Wetlands Preservation and Management Act, introduced by Rep. James Hayes (D-LA).

The Legal Committee meeting was held with Myles Flint, Deputy Assistant Attorney General, Justice Department, Land and Natural Resources Division, as a featured speaker. He said the United States continues to support quantification of its water rights in state courts. The Justice Department currently refuses, however, to participate in Oregon's general adjudication because, it contends, the adjudication is not a "McCarran amendment" proceeding. Also, Mr. Flint said the United States will appeal to the U.S. Supreme Court, if necessary, Idaho's effort to collect general adjudication filing fees. In a decision handed down on the same day as Mr. Flint's remarks, an Idaho state district court ruled that such fees should be collected from all claimants, including the federal government. The Legal Committee also heard reports on other pending cases and discussed a symposium on the negotiation of Indian reserved water right claims, to be cosponsored by the Council and the Native American Rights Fund, which will be held September 19-21, in Albuquerque, New Mexico.

The Water Quality Committee began its meeting with remarks by Senator Alan Simpson (R-WY), Senate Minority Whip and a member of the Environment and Public Works Committee. He gave a far-reaching speech that commented not only on water quantity/quality issues, but also on the dynamics of the legislative process. He warned that western senators would not abide changes in the Clean Water Act that would threaten the states' prerogatives regarding water allocation. He said it behooves all parties interested in complex legislation to search early for common ground and points of agreement. This search, the Senator predicted, would lead to a more expeditious CWA reauthorization than the divisive, ten-year Clean Air Act battle. Still, he opined, the CWA amendments will likely not be approved until late next year.

Following Senator Simpson's remarks, the Water Quality Committee hosted a roundtable discussion on water quality/water quantity issues and the Clean Water Act reauthorization. The focus was an EPA document, "Arid Area and Water Efficiency Issues," a revised scoping paper containing options that would significantly impact western state water law. After EPA officials explained that the document does not reflect any agency position, Council members quizzed Congressional staff as to whether the issues would receive priority attention in the reauthorization process. The staff responded by sharing their perception of priorities in the reauthorization, which include funding, wetlands protection, mitigation of stormwater and combined sewer overflow pollution, and non-point source pollution control.

Congressman Jimmy Hayes (D-LA) explained for the Committee his proposed wetlands legislation,⁶ which he says would establish a responsible and reasonable wetlands

⁶*Western States Water, Issue #881, April 5 1991; H.R. 1330.*

protection program. He described a litany of regulatory problems that have arisen under the current Section 404 program, both in his district and other parts of the country.

Next, the Water Policy Seminar continued with Bureau of Reclamation Commissioner Dennis Underwood describing the Bureau's strategic plan, drought management and contingency planning activities, and reclamation reform issues. The concluding speaker was Rep. James Hansen (R-UT), Ranking Minority Member of the House Interior Committee's Subcommittee on Water and Power. He addressed issues expected to be before the Committee in this Congress. He reflected on his experience in water resources management and the frustration he feels regarding some federal laws and programs.

Senator Bill Bradley (D-NJ), a scheduled speaker, was unable to attend because of a memorial service for the late Senator John Heinz (R-PA), but conveyed a copy of the remarks he had planned to present. After praising the Council as "an important organization with a great deal of credibility on matters of water policy," he invited the Council to testify at hearings on S. 106, a bill introduced by Senator Larry Craig (R-ID) to amend the Federal Power Act and restore states' authority to regulate water use by licensed hydropower projects. Senator Bradley said he could not support the bill as it currently reads, because it does not provide sufficient protection for federal interests. However, he promised to work with Senator Craig and other parties to seek a balanced resolution of the important problems associated with federal hydropower licensing by the Federal Energy Regulatory Commission (FERC). The Council will testify in support of S. 106.

The Council approved two external policy positions reported by the working committees. The first deals with federal hydropower licensing and state water management. It calls for amendments to S. 341, the National Energy Security Act, to include S. 106 and eliminate Section 4201, which would grant FERC, rather than the states, final authority for determining 401 water quality certification conditions for hydropower projects.

The second position is a letter to EPA Administrator William Reilly regarding the "Arid Area and Water Efficiency Issues" document. It noted that the western states are experienced in dealing with the relationship between water use and water quality and should continue to have primary water management responsibilities in this regard. It further points out that imposing national standards with respect to water use efficiency or instream flows would be unworkable.

At a Water Policy Seminar Luncheon on Friday, Professor Charles DuMars, from the University of New Mexico, and Keith Higginson, Director of the Idaho Department of Water Resources, spoke on accommodating federal interests and statutory requirements within state water administration and regulation processes. Professor DuMars gave many examples of the evolution of western water law that pertain to protecting federal interests. Mr. Higginson cited several more specific examples from Idaho and other western states, and encouraged Congressional staff to contact state water officials regarding questions on water policy and management.

103rd Quarterly Meeting

**July 10-12, 1991
Anaconda, Montana**

The Western States Water Council's 103rd quarterly meetings were held on July 10-12, at the Fairmont Hot Springs Resort near Anaconda, Montana. Governor Stan Stephens opened the Council meeting praising Montana's representatives and Karen Barclay,

Director of the Department of Natural Resources and Conservation, for their work. He discussed a number of current issues, including a recent compact with the Northern Cheyenne Indians and rehabilitation of the Tongue River Dam in southeastern Montana.

Governor Stephens referred to the success of the state's ongoing planning process in assuring water users are involved in important decisions. A fifteen member water plan advisory council represents water users, as well as local, state and federal officials. The state water planning process has focused attention on the need to increase water storage capacity and rehabilitate existing projects. State construction monies are raised by issuing bonds backed by a coal severance tax trust fund. The governor also mentioned that the state's drought management team continues to work, though recent rains have improved water supplies.

Governor Stephens also discussed South Dakota v. Needham and the Upper Missouri River Basin states concerns with U.S. Army Corps of Engineers water use priorities.⁷ He emphasized the necessity of innovative and flexible management to successfully address future challenges created by changing water uses. The governor added it is important to build bridges between conflicting water users through education. He concluded by saying, "As water managers, you have a tremendous opportunity...in the front line of a major endeavor...handling the nation's water needs.... Good luck."

Richard Oppen, Executive Director of the Missouri Basin States Association (MBSA), spoke about the challenges and opportunities involved in managing the resources of the Missouri River Basin, a diverse region with many different water interests. While water supplies are normally abundant, several years of drought have magnified conflicts among water users. MBSA strives to bring water users together to cooperatively address basin needs. Public education and the present review of the Corps of Engineers' master manual and annual operating plan are major MBSA work items.⁸

The Council's working committees reported on their activities of the previous day, and the Council adopted an extensive position paper regarding the reauthorization of the Clean Water Act. The Council deferred action on another proposed position regarding national energy policy and related federal legislation preempting all state, tribal and local permits, licenses, rights-of-way, certifications, or other approvals necessary for a nuclear waste repository at Yucca Mountain in Nevada and related site characterization activities.

In addition to the specific policy positions, the Council addressed a number of other important issues. The Water Resources Committee discussed proposed amendments to the Federal Power Act and WSWC testimony presented before the Senate Energy Committee on June 5-6.⁹ The Committee also approved a favorable response to an offer by the Federal Energy Regulatory Commission to meet and continue "dialogue concerning how the Commission can best meet its hydroelectric licensing obligations under the Federal Power Act in the context of, and with sensitivity to, water management issues in the western states." The Council will also continue discussions with environmental groups on mutually acceptable changes in federal legislation to address state concerns.

Regarding national water policy, the Water Resources Committee briefly discussed the Western Water Policy Review Act (S. 1228), introduced by Senator Mark Hatfield (R-OR),

⁷*Western States Water*, Issue #873, February 8, 1991.

⁸*Western States Water*, Issue #837, June 1, 1991, and *Western States Water*, Issue #834, May 11, 1991.

⁹*Western States Water*, Issue #890, June 7, 1991, and *Western States Water*, Issue #891, June 14, 1991.

the Abundant Water Act (H.R. 2687), introduced by Rep. William Dannemeyer (R-CA), and a proposed national charter for river protection and water use proposed by American Rivers and the Wilderness Society.¹⁰ The Committee also reviewed continuing cooperative efforts with the Western Governors' Association, and an inquiry from the Interstate Council on Water Policy about cosponsoring a spring 1992 workshop.

In addition, the Committee reviewed federal drought legislation and WSWC testimony presented before the Senate Energy Committee, the status of various reclamation bills, and renewal of a contract with the U.S. Bureau of Reclamation to undertake site specific evaluations of projects constructed under the High Plains States Ground Water Recharge Demonstration Program. Lastly, the Committee approved updating a 1983 WSWC report on state water conservation programs.

The Water Quality Committee meeting included a panel presentation on a non-point source pollution control demonstration project along Otter Creek, a tributary of the Yellowstone River, in southcentral Montana. Jack Thomas, Environmental Programs Supervisor with the Montana Water Quality Bureau, began the discussion by describing Montana's non-point source pollution control program. Representatives of the U.S. Soil Conservation Service and the local Sweet Grass Conservation District also spoke. Important lessons from the demonstration project include the high rate of voluntary participation by landowners, the unusual funding arrangement (mixing Clean Water Act Section 319 funds, Agricultural Stabilization and Conservation Service funds, and state funding), and the actual monitored improvement in water quality.

Next, the Committee addressed a proposed Clean Water Act (CWA) reauthorization position, later adopted by the Council, which discusses federal/western state issues, clean water program funding, water quality standards, non-point source pollution control, effluent dominated waters, water reuse, wetlands, ground water, stormwater, anti-backsliding permit requirements, clean lakes and water conservation.

The Committee also discussed a letter from LaJuana Wilcher, EPA Assistant Administrator for Water, in response to the January WSWC letter to EPA Administrator William Reilly concerning the draft document entitled, "Arid Areas and Water Efficiency Issues." Several other EPA scoping documents were scheduled for release in June, but have not yet been made public.¹¹

The Executive Committee reviewed and approved the Council's budget and future dues. It also discussed ongoing cooperative efforts with the Western Governors' Association, including the next in a series of workshops on challenges and opportunities for western water management. The meeting will be held in early October on issues associated with the public interest and western water decisionmaking.

The Legal Committee began its meeting with a panel discussion on protection of the public interest through western state water resources management. Panelists included Eluid Martinez, New Mexico State Engineer, Lorna Stickel, Chair of the Oregon Water Resources Commission, and Keith Higginson, Director of the Idaho Department of Water Resources. Each panelist described public interest protection under the laws of their states, after which a number of Council members participated in a lively discussion.

Dave Walker, Director of the Colorado Water Conservation Board, described negotiations on the Animas-La Plata project and Jennifer Gimbel of the Wyoming Attorney

¹⁰ *Western States Water*, Issue #893, July 5, 1991, and
Western States Water, Issue #894, July 12, 1991.

¹¹ *Western States Water*, Issue #882, April 16, 1991.

General's Office, described developments related to the Big Horn adjudication in Wyoming.¹² Norman Johnson described preparations for the Western States Water Council/Native American Rights Fund symposium on the settlement of Indian reserved water rights claims, to be held in Albuquerque, New Mexico on September 19-21.

Of note, the Council unanimously reelected William Young (OR) as Chairman, David Kennedy (CA) as Vice-Chairman, and Dee Hansen (UT) as Secretary/Treasurer.

104th Quarterly Meetings

October 14-16, 1991

Tulsa, Oklahoma

The Western States Water Council's (WSWC) 104th quarterly meetings were held on October 16-18, in Tulsa, Oklahoma. Patty Eaton, Executive Director of the Oklahoma Water Resources Board, and her staff ensured the Council's first visit to the state was pleasant and productive. One highlight was a barbecue and barge ride hosted by the U.S. Army Corps of Engineers through Chouteau Lock and Dam on the Verdigris River near its confluence with the Neosho and Arkansas Rivers. Later that evening on October 16th, subcommittees met to discuss national water policy, federal hydropower licensing, and reauthorization of the Clean Water Act.

The next day, the Legal Committee met and Dean Couch, Counsel to the Oklahoma Water Resources Board, discussed Oklahoma's litigation with the state of Arkansas over downstream water quality standards, and with Texas and New Mexico over issues related to storage limitations under the Canadian River Compact. The Committee also addressed general adjudication issues in Idaho, Wyoming, Arizona, and Oregon.¹³ The Committee then discussed continuing negotiations under the Endangered Species Act over the Animas-La Plata Project in Colorado.

The Executive Committee met to review the auditor's report and current status of the budget. Executive Director Craig Bell reported that with a new governor, the State of Minnesota had withdrawn from participation in the Western Governors' Association (WGA) and the Western States Water Council. He reported Hawaii and Oklahoma are considering full WSWC membership. Staff also discussed the symposium cosponsored with the Native American Rights Fund on Indian water right settlements, and completion of a computer catalogue of the WSWC library.

The Water Quality Committee met to review issues surrounding reauthorization of the Clean Water Act, including cosponsoring a spring workshop with the Western Governors' Association and EPA on western water quality issues. The committee meeting also featured a special panel on water quality/water quantity relationships, which included Larry MacDonnell, co-author of the book Controlling Water Use: The Unfinished Business of Water Quality Protection and Director of the University of Colorado's Natural Resources Law Center; Ed Anton, with the California State Water Resources Control Board; David Pope, Kansas State Engineer; and Dee Hansen, Executive Director of the Utah Department of Natural Resources. Denise Fort, with the University of New Mexico, also described a current study of ground water quality/quantity issues.

¹²*Western States Water, Issue #878, March 15, 1991.*

¹³*Western States Water, Issue #908, October 11, 1991.*

The Water Resources Committee meeting began with a discussion of national energy policy. At present, no further action is anticipated on S. 106, to amend the Federal Power Act and strengthen state authority in the federal hydropower licensing process. However, on October 10, a subcommittee met with Fred Springer, Director of the Office of Hydropower Licensing, Federal Energy Regulatory Commission (FERC), to discuss state problems and potential solutions. A number of suggestions to improve federal/state relations were produced. The Committee discussed the continuing WGA/WSWC series of workshops and recommended cosponsoring, with the Interstate Council on Water Policy, a roundtable discussion on national water policy next spring in Washington, D.C. Lastly, the Committee reviewed federal drought legislation, state water conservation programs, the Bureau of Reclamation's ground water recharge demonstration program, and the Western Water Policy Review Act.

Each of the Council's working Committees also discussed, revised and approved their 1992 WSWC work plans. The Executive Committee spent some time discussing the Council's weekly newsletter, Western States Water. By far, it requires the most staff time and other resources. Still, members unanimously agreed the substantive and timely information provided justifies such a commitment. The Committee also acted to raise the current fee for outside subscriptions from \$50 to \$75 per year. Further, the Committee decided to continue the annual WSWC Water Management Symposia series and biennial WSWC Water Policy Seminars.

The Legal Committee's approved work plan includes a review of water transfers and the public interest, cosponsoring a February Water Law Conference with the American Bar Association and Conference of Western Attorneys General, and continuing work on federal reserved water rights, including follow-up activities regarding the symposium on Indian reserved water rights settlements. The Committee directed staff to add an item on reauthorization of the Endangered Species Act and drop a proposal for another workshop on general adjudication procedures. The Committee also asked staff to prepare a state-by-state summary of the procedures used in each western state to obtain a water right for hydropower development. Of note, the Committee will continue to authorize drafting of amicus briefs in support of western state interests in appropriate court cases.

The Water Quality Committee will focus on reauthorization of the Clean Water Act, wetland protection initiatives, state non-point source pollution control programs, water quality/quantity concerns, and federal ground water policy.

The Water Resources Committee supported continuing work with the Western Governors' Association on its series of water policy and management workshops and agreed to cosponsor a meeting on federal/state coordination with the Interstate Council on Water Policy to review national water policy. The Committee also directed staff to prepare a work plan item on national water policy. The Committee will continue work on FERC hydropower licensing and national energy policy, and expand and refine its suggestions. The Committee will monitor drought conditions and state and federal response activities, while preparing a report on state water conservation programs.

A new work plan item involves collecting information on state water use fees. Staff will also consider a new alternate proposal to address state planning initiatives in conjunction with one of the regular quarterly meetings. Lastly, the Committee recommended executing a contract with the Bureau of Reclamation to complete part two of a study analyzing economic, financial and institutional considerations related to ground water recharge and case studies in the West.

During the quarterly Council meeting, Patty Eaton, Dean Couch and Duane Smith of the Oklahoma Water Resources Board made informative presentations on the hydrology of

the state and major water management issues and programs. Following committee reports, Bureau of Reclamation Commissioner Dennis Underwood discussed the Bureau's strategic plan and his desire for state review once it is released for public comment. He also discussed the status of omnibus federal water resources legislation and current Bureau activities. He emphasized the fact that the amount of money available for water resources management in the federal budget is shrinking and encouraged states to join in creating partnerships to foster creative solutions to mutual problems.

The Council adopted one external position regarding national energy policy and federal preemption of state, tribal and local water management decisions and environmental protection policies, particularly as they relate to federally licensed hydropower projects and any nuclear waste management repository site characterization activities. The Council also heard reports from each state regarding other important water related events.

Given a number of changes in membership, the Council adopted several resolutions of appreciation. George Proctor ably represented the state of Oregon on the Council for over twelve years, until his death on August 24, after a lengthy and courageous battle with cancer. George was Chairman of the Legal Committee, as well as a member of many subcommittees. A distinguished leader, in 1982 he was also president of the National Water Resources Association. Always cheerful and pleasant, he will be missed.

John Birdwell also passed away of cancer. A member of the Texas Water Commission, he was appointed to the Council in 1989 and took an active interest in Council affairs until replaced due to his ill health.

Two other long-time members left the Council. Tom Choules represented Arizona for almost twenty years from 1970-83 and 1987-91. He served with distinction as Chairman of the Legal Committee and chaired subcommittees on various issues. Bob Miller served over ten years, from 1979-83 and 1986-91, representing California. He served on the Water Resources Committee and many important subcommittees. The Council will miss them both and their many contributions.

Other past members were recognized for their service to the Council. Jennifer Gimbel ably represented Wyoming since her appointment in 1987. She served as Chair of the Legal Committee. Mike McNulty was a member of the Legal Committee, appointed to represent Arizona in 1987. In 1989, William Plummer was named Director of the Arizona Department of Water Resources and soon thereafter was appointed as a member of the Council. Bill served Arizona and the Council well after many years as a regional director for the Bureau of Reclamation. The Council also lost the services of Gary Gustafson of Alaska, having been appointed in 1988. Each made many important contributions to the work of the Council during their tenure.

OTHER IMPORTANT ACTIVITIES AND EVENTS

In addition to the Council's regular quarterly meetings, and its formal resolutions and position statements, which are described hereafter, several other important activities, events and issues are described below.

Western States Water

Since 1974, the Council has published a weekly newsletter, Western States Water. The primary purpose of this resource intensive activity is to provide governors, members, and others with accurate and timely information, with respect to events and trends, as well as the historical context necessary to facilitate decisionmaking and problemsolving. The newsletter is a tool to promote better water management, improve intergovernmental relations, influence federal, state, and local decisionmaking, share successful approaches to problemsolving, highlight possible precedents and trends, promote western states' rights and interests, and point out policy trade-offs. In addition, it covers changes in Council membership, and other Council notices. Of note, during 1991 the Council published the 900th issue of the newsletter.

Western States Water is provided as a free service to members, governors and their staff, member state water resource agencies, state water users associations, selected multi-state organizations, key congressmen and their staffs, and top federal water officials. Others may subscribe for a fee. In October 1991, the Council's Executive Committee raised the subscription price for the first time in several years, from \$50.00 to \$75.00 per year. For more information contact the Council office.

Water Law Workshop

The Ninth Annual Water Law Conference on Recent Trends and Developments, cosponsored by the American Bar Association, Western States Water Council, and the Conference of Western Attorneys General, was held February 7-8 in San Diego, California. Over 200 individuals attended. Council member Rod Walston chaired and was instrumental in planning the program. Included among the speakers were Interior Secretary Manuel Lujan, Interior Solicitor Tom Sansonetti, Federal District Court Judge Lawrence Karlton, and law professors Robert Abrams, Charles DuMars, Joseph Sax, and Richard Lazarus. In addition to Council members Rod Walston and Charles DuMars, Jeff Fassett also participated. The issues discussed included federal/state relations, conflicts between instream and consumptive water uses, various interstate water management issues, and administration of Indian water rights.

Water Policy Seminar

The Council's Fourth Biennial Water Policy Seminar was held in conjunction with the WSWC 102nd quarterly meetings in Washington, D.C. on April 10-12, described earlier in this report. Special guest speakers included Senator Alan Simpson (R-WY), Senator James Jeffords (D-VT), Rep. James Hansen (R-UT), and Rep. Jimmy Hayes (D-LA). Senator Bill Bradley was scheduled to speak, but was unable to attend because of the memorial service for Senator John Heinz (R-PA). Other featured speakers included Dennis Underwood, Commissioner of the Bureau of Reclamation, Fred Springer, Chief of Hydropower Licensing for the Federal Energy Regulatory Commission, and EPA Associate Assistant

Administrator for Water, Bill Matuszeski. Some 46 staff members of Congressional committees or individual Congressmen's offices attended, including Senate Energy and Natural Resources Committee staff Gary Ellsworth, Bill Conway, and Jim Beirne, Senate Environment and Public Works Committee staff Steve Shimberg, and House Public Works and Transportation Committee staff Errol Tyler and Gabe Rozsa.

Water Policy and Management Workshops

On May 16-18, the Western Governors' Association and Western States Water Council cosponsored a workshop entitled, "Challenges and Opportunities for Western Water Management in an Era of Change: Addressing Offstream and Instream Values." The workshop, the first in a series, was held in Park City, Utah and brought together a diverse group to discuss a number of case studies and highlight lessons learned from attempts to resolve conflicts between multiple water users and uses. Those invited to attend included state and local water officials, interstate agencies, tribal representatives, federal officials, environmental groups, and power interests.

Governor George Sinner of North Dakota, WGA's co-lead governor for water, was the keynote speaker. He emphasized the necessity of addressing long-term issues from a human perspective. "Every issue is a human issue, or it isn't an issue at all." He stressed the needs of people, stating that we have lost a sense of unity and vision in addressing national problems. He focused on the lack of holistic planning and interagency coordination, then suggested we need to develop a new model for water governance.

Meeting together and in small groups, the participants outlined goals for the workshop and discussed the strengths and weaknesses of the present western water management system, as well as future challenges. The group discussed a number of case studies, including: (1) the Upper Colorado River Endangered Species Agreement; (2) the Northwest Power Planning Council and its operations; (3) Colorado's Two Forks dam and EPA's related veto of a required Corps 404 permit, which has stopped the project; (4) the Truckee-Carson-Pyramid Lake water rights settlement; and (5) California's drought and water bank. The group focused on lessons learned and recommendations for future action. Given many individual comments, a statement of purpose was drafted and a summary of the workshop recommendations was also prepared.

A second Park City workshop cosponsored by the WGA and Council was held on October 10-12. It focused on incorporating the public interest in western water management decisions. A keynote address was delivered by Governor Fife Symington of Arizona, WGA's co-lead governor for water. Next, Dave Getches, the workshop facilitator, set the stage for the work of the participants by describing an historical backdrop for considering the public interest in water management decisions, and the challenges that are associated with applying this concept.

The workshop featured a federal panel discussing how various federal agencies define and consider the public interest in carrying out their responsibilities. This was followed by five western case studies of various approaches to defining and incorporating the public interest in water management decisions: (1) Washington State's new planning effort and Chelan Agreement; (2) the proposed Bear River Narrows power project and local public interest protection in Idaho; (3) the Mono Lake case and the public trust doctrine; (4) Colorado water law and addressing third party impacts in the Rocky Ford Ditch case; and (5) Montana's state water plan, and policy and management dispute resolution system.

Following presentation of the case studies, Professor Getches led a discussion of the lessons learned from each. The next day, breakout groups discussed possible recommendations. Finally, the broad array of interests participating in the workshop gathered in a

plenary session to consider and discuss these recommendations, lessons learned, and a course for future action.

A third workshop was scheduled for 1992, in the spring, after which a full report of the workshops will be prepared and distributed.

Western Governors' Association

The Western Governors' Association (WGA) held its annual meeting in Rapid City, South Dakota on July 21-23. The theme was "The West on Our Terms." Both WSWC Chairman Bill Young and Executive Director Craig Bell participated and briefed the governors regarding Council activities.

EPA Administrator William Reilly was a special guest speaker. He discussed the Clean Water Act (CWA) and stated that he had instructed EPA regional administrators in the West to develop issue documents on several areas of interest related to the CWA reauthorization, including instream flows for water quality, protection of riparian habitat, wetlands, and water conservation. He said the documents had been sent to governors' offices and heads of state environmental protection agencies, inviting their comments on how to improve the documents. Energy Secretary Admiral James Watkins also addressed the governors on national energy policy and the West's waste disposal concerns. Public land management issues were addressed by both Mike Hayden, former Governor of Kansas and now Interior Assistant Secretary for Fish and Wildlife, and Forest Service Chief Dayle Robertson.

The Governors adopted several resolutions, including one dealing with water quality on public lands. Introduced by Idaho Governor Cecil Andrus, it asks that federal agencies work with states to correct water pollution problems and assure compliance with state water quality standards. The resolution also encourages the Bureau of Land Management and Forest Service to work with states to conduct water quality monitoring and develop or acknowledge state plans that specifically seek to achieve water quality improvements on public lands.

The governors also approved a work plan, part of which is devoted to water, with WGA and WSWC cosponsorship of workshops on water policy and management in the West. Under the direction of North Dakota Governor George Sinner and Montana Governor Stan Stephens, WGA also co-staffs with the Advisory Commission on Intergovernmental Relations, an initiative to improve water governance through greater intergovernmental coordination. WGA and WSWC will also cosponsor, with EPA, a workshop on western concerns regarding the CWA reauthorization. As members of the Ad Hoc Group on Indian Water Rights, WGA and WSWC staff also plan to cosponsor a workshop to support negotiation, funding, and implementation of Indian water right settlements with New Mexico Governor Bruce King taking the lead.

The governors elected Wyoming Governor Mike Sullivan as WGA Chairman and Arizona Governor Fife Symington as Vice-Chairman.

Water Management Symposium

The Native American Rights Fund (NARF) and Western States Water Council held a symposium on the "Settlement of Indian Reserved Water Rights Claims" in Albuquerque, New Mexico on September 19-21. This marked the first time the two organizations had jointly sponsored a meeting. Further, New Mexico Attorney General Tom Udall and New Mexico State Engineer Eluid Martinez participated as luncheon speakers, addressing Indian water rights issues in their state. About 220 individuals attended, and many participants enjoyed the St. Joseph's Day Fiesta, with traditional dances and food, at the Laguna Pueblo. Some ate at the late Mary Abeita's home. Mary was the mother of Ethel Abeita, NARF Deputy Director.

Panel presentations involved individuals who have been part of successful negotiations, and covered a number of topics and questions including: "Preparing to Negotiate," "When is a Situation Ripe for Negotiation?" "Preparing Background Information on Legal and Technical Issues," "Identifying Parties and Issues," and "How do Negotiators Bind Larger Groups?" Also, a lengthy and generally well received panel addressed, "Improving Communication in a Negotiation Setting." Other panels concentrated on "Settlement Implementation," including "Administrative Issues," and "Getting Bills Through Congress." This provocative presentation included key congressional staff members.

Both formal and informal comments on the symposium were very positive, and the Council and NARF plan to hold a second symposium in September of 1992. Arizona General Stream Adjudication Special Master John Thorson provided the meeting wrap-up. His paper noted that "the symposium...was an important and perhaps historic effort by Indian and non-Indian people to engage each other in addressing a very contentious issue in the West: the quantification of Indian water rights. Two of the leading western organizations...came together to sponsor this undertaking...to explore how this quantification can proceed in a way that minimizes litigation and builds relationships for long-term water management. Their leadership in sponsoring the symposium will undoubtedly accelerate the fragile trust and good feeling that is developing between state and tribal governments and among western people." The Northwestern School of Law plans to publish Mr. Thorson's summary in its journal, Environmental Law, in July of 1992.

Drought

During 1991, the Council actively reviewed proposed federal drought relief and planning legislation. Both the House and Senate passed comparable versions of the Reclamation States Drought Relief Act (H.R. 355), but Congress adjourned for the year before clearing the measure for the President. The bill provides the Secretary of the Interior with both temporary authority to deal with the current drought and permanent authority to plan and prepare for future droughts. Staff summarized the provisions of this and similar bills, and prepared testimony approved by the Executive Committee.

On May 15, WSWC Associate Director Tony Willardson testified before the Senate Energy and Natural Resources Committee in support of federal legislation to better define federal agency roles and responsibilities and authorize new federal drought contingency planning.¹⁴ The Council's testimony raised concern over "the impact of any federal initiatives on established state water rights, their administration, and existing state drought response and planning activities." The Council supported provisions triggering new federal drought response authorities only upon the request of the governor of the affected state or states. The Council also supported making funds readily available to undertake timely response actions, and provisions providing for technical assistance and the transfer of precipitation management technology.

As the drought continued, WSWC staff monitored and regularly reported on conditions in member states.

Endangered Species Act

The growing number of listed fish and other species under the Endangered Species Act is leading to an increasing number of conflicts over water management. In 1990, the U.S. Fish and Wildlife Service issued a draft jeopardy biological opinion halting the impending construction of the Animas-La Plata project by the Bureau of Reclamation in Colorado and

¹⁴Western States Water, Issue #888, May 24, 1991.

construction of the Animas-La Plata project by the Bureau of Reclamation in Colorado and New Mexico. The Bureau proposed a smaller project as part of a reasonable and prudent alternative on March 4, 1991.¹⁵

Also during 1991, the National Marine Fisheries Service proposed listing as endangered or threatened five northwest salmon species.¹⁶ According to Oregon Senator Mark Hatfield, this "could send an economic and social tidal wave throughout this region." He organized a "salmon summit," which met several times and produced a draft management plan that was the result of the efforts of many federal, state and local agencies and interest groups. Proposals to acquire or require hundreds of thousands of acre-feet of water in Idaho to augment streamflows in the Columbia River and in California in the Sacramento River for endangered salmon brought cries of concern from hundreds of water users and state water managers.¹⁷

WSWC staff followed the proposed listing of endangered fish in major western river basins including the Colorado, Columbia, Missouri and Sacramento. Of some eighty listed fish species in the United States, about 75 percent are found in the West.¹⁸

Federal Energy Regulatory Commission/Federal Power Act

The Council continued to work to improve the federal hydropower project licensing process and relations between the states and the Federal Energy Regulatory Commission (FERC). On February 5, as an alternative to the Administration's National Energy Strategy, Senate Energy Committee Chairman J. Bennett Johnston introduced the National Energy Security Act of 1991 (S. 341).¹⁹ A subtitle on hydropower proposed amending both the Clean Water Act and the Federal Power Act to extend and strengthen FERC's licensing authority. One section would have prohibited any state from including as a condition of state certification, required for any project's approval under Section 401 of the Clean Water Act, any requirement not directly related to water quality — as determined by (FERC). Another section would have exempted certain small projects from FERC's licensing jurisdiction. In a letter to Chairman Johnston, dated March 11, the Council provided written testimony opposing the former and supporting the latter. Both sections were later dropped from the legislation.

Senator Larry Craig proposed an amendment to S. 341 to include S. 106, which assures applicants for federal hydropower licenses must comply with substantive and procedural state water laws. However, given substantial opposition, Senator Craig later withdrew the amendment in return for a promise that the Senate Energy Committee would hold a hearing on the issue. On June 5, WSWC Executive Director Craig Bell testified in support of S. 106. The day before, he testified in support of a companion bill (H.R. 649) introduced by Idaho Congressmen Richard Stallings and Larry LaRocco, during a hearing before the House Commerce Committee's Energy and Power Subcommittee. Mr. Bell presented a WSWC resolution in support of these bills along with a broad policy statement and background

¹⁵*Western States Water*, Issue #878, March 15, 1991; and *Western States Water*, Issue #915, November 27, 1991.

¹⁶*Western States Water*, Issue #884, April 26, 1991; and *Western States Water*, Issue #916, December 6, 1991.

¹⁷*Western States Water*, Issue #907, October 4, 1991; and *Western States Water*, Issue #908, October 11, 1991.

¹⁸*Western States Water*, Issue #917, December 13, 1991.

¹⁹*Western States Water*, Issue #875, February 22, 1991; and *Western States Water*, Issue #879, March 22, 1991.

²⁰*Western States Water*, Issue #881, April 5, 1991; and *Western States Water*, Issue #883, April 19, 1991.

paper. He pointed out that the intent was to require federal license applicants to comply with both FERC and state requirements pertaining to the operation of hydropower projects. He also expressed WSWC's support for exempting small hydropower projects from FERC jurisdiction.²¹

Others testifying in support of the House and Senate bills were Larry Echohawk, Idaho's Attorney General, on behalf of the National Association of Attorneys General and the Conference of Western Attorneys General, and Herbert Sachs and John McSparren for the Interstate Council on Water Policy. They cited examples of the "federal disregard of state water law" in Pennsylvania, Oklahoma, and Arkansas. While expressing support for state concerns, neither the House or Senate committee took any further action in 1991 on these proposed bills.

Interestingly, on May 31, just prior to both hearings, FERC Chairman Martin Allday wrote a joint letter to WGA Chairman Governor George Mickelson of South Dakota and WSWC Chairman Bill Young offering to take a "fresh look" at the problems of western water users and "start a constructive dialogue concerning how the Commission can best meet its hydroelectric licensing obligations...in the context of, and with sensitivity to, water management issues in the western states." The conciliatory tone of the letter was in sharp contrast to past FERC orders.

Both the WSWC and WGA responded favorably, and on October 10 Fred Springer, Director of FERC's Office of Hydropower Licensing, met with western representatives in Park City to explain FERC's licensing processes, discuss state concerns, and review alternative solutions. Both sides came away with a better understanding of each other's needs, and determined to continue meeting. Participants outlined a number of steps to cooperatively address mutual problems. Eventually, discussions may lead to a possible memorandum of agreement addressing FERC's licensing process and state water management and water rights administration.

Federal Environmental Statutes and State Water Law

During 1991, "State Water Laws and Federal Water Uses: The History of Conflict, the Prospects for Accommodation," by Executive Director Craig Bell and Legal Counsel Norman Johnson was published in Environmental Law (21 ENV'T L. 1 (1991)). The article concludes, "Neither federal nor state domination of water to the exclusion of the other should be necessary. Abundant opportunities exist whereby the interests of both can be protected and enhanced. This should be the goal of both federal representatives and state water managers. To do otherwise would ignore important lessons from the history of federal-state relationships in water resources."

Interregional Transfer Report

In 1989, the Nevada legislature adopted a concurrent resolution requesting that the Western States Water Council study the "orderly and optimum development and interregional transfer of water resources in the western states to meet the needs of the wildlife and the people who live in the arid Southwest." In response, the Council included in its 1990 work plan a study of legal and institutional issues related to interregional transfer proposals, together with key considerations to be used in evaluating such transfers. WSWC staff reviewed available literature on international and interregional water transfers. The latter were defined as transfers that are both interstate and interbasin. In October 1990, as part of the Council's continuing water management symposia, issues regarding western water

²¹*Western States Water*, Issue #890, June 7, 1991, and
Western States Water, Issue #891, June 14, 1991.

management and use and interregional water transfers were discussed by representatives from a number of western states. Current western water problems were identified and alternative solutions were evaluated, but interregional water transfers are not now considered to be a viable option.

Using information from member states, staff prepared and the Council published a report entitled, Interregional Water Transfers, dated May 1991. This preliminary report addresses water transfers, including past and present interbasin, interstate and interregional transfer proposals. It explains the legal and institutional issues and constraints related to such proposals, and briefly discusses other significant factors to be considered in evaluating any future development plans.

Briefly, it is apparent that changing public values are bringing about more and more water transfers between uses within basins, and within states. Transfers between basins within the same state have long been an important feature of western water allocation. Now their numbers are growing. Existing supplies within regions are being reallocated from old to new uses. Economic, social and political changes are moving water geographically. However, the demand necessary to justify major interregional water transfers has yet to materialize.

Western states need to continue to document current and anticipated water supply needs, and make the most efficient use of existing supplies. The current drought has focused attention on the West's dependence on limited water supplies. Continuing population growth in many areas, together with a growing number of instream uses, as well as traditional water demands, will increase pressure to use water more efficiently, eventually increasing stress on the natural hydrologic system and increasing our vulnerability to periodic shortages. Moreover, future global climatic change is a factor of unknown importance which, coupled with other variables, makes balancing future water supplies and demands even more difficult and uncertain. Yesterday's visions of major interregional water transfers could be realized someday. Past and present proposals cannot be summarily dismissed, but should be considered as potential water supply options that future circumstances may or may not make feasible.

Omnibus Reclamation Legislation

On June 10, the House approved the Reclamation Projects Authorization and Adjustment Act of 1991.²² The omnibus package included over thirty titles authorizing dozens of projects and project changes, as well as policy changes addressing amendments to the 1982 Reclamation Reform Act, operational changes at Glen Canyon Dam to protect the Grand Canyon, the double subsidy issue (requiring farmers to pay the full cost of federal irrigation water used to grow surplus crops), and authorization of additional funds for the Bureau of Reclamation's groundwater recharge demonstration program, which the Council has agreed to review under a cooperative agreement. WSWC staff summarized the bill for members, and followed its progress through Congress. Several controversial amendments slowed Senate action. On September 11, the Energy and Natural Resources Committee's Water and Power Subcommittee, chaired by Senator Bill Bradley (D-NJ), held its first hearing on H.R. 429. Hearings continued on October 22-24, and staff began drafting Senate revisions.

Western Water Policy

On June 6, Senator Mark Hatfield (R-OR) reintroduced the Western Water Policy Review Act (S. 1228) that he first introduced in 1989. He stated, "Drought conditions in the

²²Western States Water, Issue #893, June 28, 1991.

western United States, particularly California, again served to underscore the desperate need for a coordinated and comprehensive water policy....” The bill directs the Secretary of Interior and an advisory commission to study the institutional framework surrounding federal water policy in western states and recommend changes for a more coherent decisionmaking process.²³

On September 20, the Senate Energy Committee held a hearing on S. 1228. Richard Bechtel, Director of the Western Governors’ Association’s (WGA) Washington office presented a joint statement on behalf of North Dakota Governor George Sinner and WSWC Chairman Bill Young. He described ongoing WGA/WSWC efforts to address western water problems, including a water policy and management workshop series. He observed, “The federal budget crisis has resulted in reduced financial support from the federal government for western water development and protection. These changes have resulted in a shift of greater responsibility to the states. However...the federal government has [also] expanded the exercise of its regulatory muscle.... This command and control approach threatens to handicap the states...and to stifle the initiative and innovation that states are uniquely suited to apply to current problems.” He added, “Given its role in the federal system, the state emerges as the pivotal level for leadership, authority and accountability for facilitating problem solving.... We believe that the level of state involvement in the study proposed by S. 1228 must be significantly enhanced.”²⁴

On June 19, Rep. William Dannemeyer (R-CA) introduced the Abundant Water Act (H.R. 2687), alleging that the United States has employed a “Soviet-style centralized bureaucracy” to distribute water, and should encourage the development of more efficient water markets. Particularly disturbing to western states was a provision requiring the Secretary of Interior to establish a new system of federal water rights with certificates that would be freely transferable as private property rights, subject to “reasonable restrictions under state law” to protect third parties. No action was taken on Mr. Dannemeyer’s bill.²⁵

²³*Western States Water*, Issue #893, June 28, 1991.

²⁴*Western States Water*, Issue #906, September 27, 1991.

²⁵*Western States Water*, Issue #894, July 5, 1991.

RESOLUTIONS AND POSITIONS

Under the Council's rules of organization, its functions include the investigation and review of water-related matters of interest to the western states. Moreover, from time to time, the Council adopts express policy positions regarding proposed federal laws, rules and regulations and other matters affecting the planning, conservation, development, management and protection of western water resources. The following are positions taken and resolutions passed by the Western States Water Council during 1991.

ARID AREAS AND WATER USE EFFICIENCY

With reauthorization of the federal Clean Water Act (CWA) pending in this Congress, many groups and government agencies, including the U.S. Environmental Protection Agency, have been considering and evaluating a number of water quality protection and management issues. In this regard, EPA prepared a draft document on water quality/water quantity relationships entitled "Arid Areas and Water Use Efficiency." It explained the issues from EPA's perspective and outlined options to deal with them, being careful to note that it did not recommend an agency position, but attempted to "display the full range of options available for resolving these issues."

Although the document did not mention that its focus was strictly the West, a thoughtful reading indicated that this was the case. Two of the document's principal concerns were augmenting streamflows and dealing with pollution related to agricultural irrigation, the major water use in western states.

Among other issues, the draft paper stated that the "regulation, timing and withdrawal of water flows are the most important factors in determining the condition of aquatic habitats. This is particularly critical in low flow regions.... There is a lack of clarity and consistency in treatment of water quality and water quantity issues.... Water quality and water allocation systems may be going in different directions. It may be impossible to meet CWA goals without first resolving these competing demands. For example, water quality standards are explicitly or implicitly predicated on a base flow. Yet, water quality is often not specifically considered in allocating water. EPA is under increasing pressure to use its existing authority to remediate significant pollution problems."

Regarding future options, the paper outlined possible CWA amendments to "clarify the intent of presently ambiguous provisions," including Section 101(g), which states "...that the authority of each state to allocate quantities of water within its jurisdiction shall not be superceded, abrogated, or otherwise impaired by this Act." Other options include changes in reclamation law regarding subsidies and environmental considerations, changes strengthening EPA's authority relative to water efficiency, and an affirmative policy statement that water quality standards must protect designated uses, including fish and wildlife habitat, as well as physical and biological ecosystem integrity. Other specific issues likely to be considered in the CWA reauthorization debate include streamflow depletions, remediation of irrigation returnflows (including their possible regulation as point source discharges), water quality standards related to ephemeral and intermittent streams, and water reuse.

The following letter was the Council's response to the "Arid Areas" document. Unlike most positions of the Council, which are widely distributed, this letter was sent only to EPA Administrator William Reilly.



April 12, 1991

Mr. William Reilly, Administrator
Environmental Protection Agency
Waterside West Building, Room 1200
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Reilly:

In January representatives of your agency provided members of the Western States Water Council a draft EPA issue document entitled "Dry Weather Flows - Water Quantity/Water Quality Related Issues." We subsequently received a later draft of this document with the title "Arid Area and Water Efficiency Issues." We appreciated the opportunity to review these draft documents. Some of our member states have and will express their own views in response to the issues the documents raise. This letter is to express the collective views of the member states of the Council. In so doing, we are responding primarily to the latest draft. We realize, of course, that the Clean Water Act reauthorization will raise important issues not addressed, or only briefly mentioned, in the "Arid Areas..." document. We understand EPA is outlining these issues in a series of scoping documents. As the reauthorization debate proceeds, we look forward to a summer workshop, coordinated through the Western Governor's Association, to discuss reauthorization issues. As we formulate policy positions on other reauthorization issues, we will share those with you. This letter responds only to the "Arid Areas..." document.

The document correctly concludes that the Clean Water Act recognizes the primary state role in the allocation of water. Section 510(2) is very similar to language expressed in many other federal statutes affecting water in the West. However, notwithstanding the history of such federal deference to state water quantity laws, several attempts have been made to utilize federal water quality laws to effectuate a quantity-related purpose. For example, in July 1977 the United States Water Resources Council suggested that federal regulation might be used to establish minimum stream flows in prior appropriation states. Among other things, the WRC wished to address the problems created from a diversion which causes a "quality impact by reducing the assimilative capacity of the stream or further concentrating existing pollutants."

Congress quickly responded to this administrative policy initiative by adopting Section 101(g) as part of the 1977 Clean Water Act. Senator Malcolm Wallop of Wyoming testified on the Senate floor that Section 101(g) was meant to reiterate the longstanding federal deference to state water allocation and management systems and the water rights obtained under those systems. He further explained that Section 101(g) was not meant to prohibit the use of "legitimate" water quality measures which could have "incidental" affects on water use. Instead, the purpose was to respect the states' historic role in allocating quantities of water for uses recognized by state law.

Subsequently, following release of a draft EPA report which said that "minimum flows...may be necessary to meet the objectives of the Clean Water Act," EPA Region VIII circulated a draft policy advocating that one of EPA's responsibilities was to "maintain instream flows to protect aquatic life and recreation." Region VIII argued in the draft policy

that "attaining the Act's fishable and swimmable goal by 1983 will require that certain minimum flows be kept in the streams."

None of these draft documents proceeded beyond the draft stage. Senator Gary Hart of Colorado, a cosponsor of Section 101(g), demanded and obtained a withdrawal of the Region VIII proposed policy. In a letter to EPA Administrator Douglas Costle, Hart called the policy a "blatant overreaching of the agency's actual authority which threatens the fundamental principles under which Congress has given executive agencies authority to exist and act."

We think that Section 510(2) and Section 101(g) are clear expressions of Congressional intent regarding deference to the states' role to allocate quantities of water and that this fundamental principle must not be changed in the context of reauthorization of the Clean Water Act.

Those who urge federally imposed minimum streamflow requirements assert that state laws are inadequate for this purpose. This error is repeated in the draft document which states that "not all states provide for instream flow as a beneficial use," and that "in some cases, water must be diverted to be put to use." These statements are misleading. Virtually every western state has a mechanism for establishing and maintaining instream flows. This is the essential point; not which states have chosen to adopt a particular method for protecting instream flows.

There are other common misconceptions about the prior appropriation doctrine as it has evolved in the West. Since the early development of the doctrine, western states have significantly enhanced the protection of public interest values in water. Both state legislatures and state courts have established and defined public interest criteria that must be met when an application to appropriate water or a transfer of a vested water right is considered. These criteria vary from state to state. Most of the member states of the Western States Water Council have some statutory public interest review provisions in their laws concerning the appropriation of water. Further, several states require consideration of the public interest in determining whether to approve a proposed water right transfer.

Clearly, these provisions provide the opportunity for states to review the impact of any proposed water use on water quality and the environment. Indeed, where the public interest has been defined, it invariably requires consideration of such impacts. Furthermore, in some states the same agency administers both water quantity and water quality programs. In other states, less formal arrangements have been established whereby water quantity/water quality issues can be and are addressed. Given the lack of any federal experience in the field of water allocation, moreover, states are clearly in the best position to address such issues.

That states should continue in this role can be amply demonstrated by reference to some of the "specific issues" raised in the draft document. For example, the document lists as an option an amendment to the CWA that instream flows may be established or alternatively that regulatory and programmatic changes be made to "induce states to apply antidegradation requirements to proposed changes in stream flows." Clearly such new authority within EPA would place the agency in the business of water allocation, contrary to the explicit intent of Congress. The ability to set flows to meet water quality criteria would not only determine the level of any future diversions, but could also affect existing water rights, which are constitutionally protected property rights. It would also put the agency in a position of making decisions in which it has virtually no experience.

Decisions regarding water use in the West often involve a complex array of interests which must be considered and balanced. Decisions regarding offstream versus instream requirements are particularly important and sensitive in the arid West. Water quality

impacts are clearly important in this process, but do not override all other considerations. States have the capacity to protect water quality and the environment, not only through instream flow mechanisms and public interest criteria, but also through conditions imposed on the exercise of water rights pertaining to prohibitions on waste and restrictions to the duty of water. Moreover, they have the capacity and the experience to weigh other important interests which must be considered in water allocation decisions. EPA does not.

Similar comments are applicable with regard to some of the suggested options relating to water efficiency. Placing limits on use has historically been the province of the states. In an era when many stream systems are fully allocated, and when federal budgetary and environmental constraints limit new water development, states fully recognize the need to improve efficiency in water use, and they are acting in response to this need. But again, improvements in efficiency must be evaluated on a site specific basis. Such improvements may have significantly adverse consequences for other interests, including environmental interests such as wetlands supported by return flows or seepage from irrigated agriculture. Imposing national standards would be unnecessary and undesirable.

Likewise, EPA has no appropriate role in removing barriers to water transfer and water marketing which exist under state law. Such "barriers" exist not only to protect other water right holders, but also to protect public values in water, such as water quality and the environment. States should decide which barriers can be removed to enhance efficiency and which must be kept and even enhanced to protect such public values.

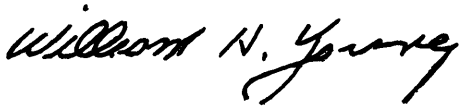
With regard to nonpoint source pollution from irrigated agriculture, an EPA report to Congress, which provided the basis for CWA Section 319, contained the following observation: "the localized nature of nonpoint source pollution makes a national strategy ineffective by not providing enough flexibility and specificity to solve local problems. State management of nonpoint source control programs is the key to achieving water quality objectives." The Council believes EPA should continue to be guided by this advice. States recognize that serious pollution problems can result from irrigation return flows. But subjecting irrigators to the NPDES program would be unworkable and unnecessary, especially because indirect sanctions already exist for failure to address nonpoint pollution sources. Moreover, States and the regulated community are generally making concerted efforts to develop effective and reasonable controls of nonpoint source pollution. This process should be encouraged within the current framework of the law.

The section of the draft on water reuse also raises fundamental concerns regarding state prerogatives. As with other aspects of water efficiency discussed previously, reuse of water must generally be sanctioned under state law, which considers both quality and quantity implications. Fostering reuse may be advisable in one area, but detrimental in another. Rather than relying on federal inducements and national standards to encourage reuse, market forces can be expected to work to this end. Thus, experience throughout the country has demonstrated that when treatment costs to reuse water become lower than costs to provide water from other sources, then more extensive reuse will occur. These market forces, combined with appropriate standards which already exist in many states, are sufficient.

We have not attempted to respond to each of the options outlined in the issues document, nor do we intend to imply that all of the options should be rejected. But we hope the foregoing may convey a sense of western state perspectives regarding these issues. Important parts of the background in the document and many of the options are based on misconceptions regarding the status of state water quantity laws, and what the states are currently doing with regard to the issues which are raised. We have directed our staff to provide your staff with reports and other materials regarding these matters.

Clearly, these issues are important to the West and we have appreciated the opportunity to review the document. We hope that you will keep us advised of any further efforts relative to these issues.

Sincerely,

A handwritten signature in black ink that reads "William H. Young". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

William H. Young, Chairman

**FEDERAL HYDROPOWER PROJECT LICENSING
AND
WESTERN STATES WATER MANAGEMENT**

On February 5, Senate Energy Committee Chairman J. Bennett Johnston introduced the National Energy Security Act of 1991 (S. 341). A subtitle on hydropower proposed amending both the Clean Water Act and the Federal Power Act to extend and strengthen the Federal Energy Regulatory Commission's (FERC) licensing authority. One section would have prohibited any state from including as a condition of state water quality certification, required for any project's approval under Section 401 of the Clean Water Act, any requirement not directly related to water quality (as determined by FERC). Another section would have exempted certain small projects from FERC's licensing jurisdiction. In a letter to Chairman Johnston, dated March 11, the Council provided written testimony opposing the former and supporting the latter. Both sections were later dropped from the legislation. The following position was adopted later and further addressed these and other issues.

*POSITION
of the
WESTERN STATES WATER COUNCIL
concerning
FEDERAL HYDROPOWER PROJECT LICENSING
and
WESTERN STATES WATER MANAGEMENT
Washington, D.C.
April 12, 1991*

WHEREAS, western states support and encourage the enactment of a balanced national energy policy, which recognizes legitimate state water management and planning authority to balance competing water uses; and

WHEREAS, differing legislation has been introduced in the Congress which would significantly affect state interests in the federal hydropower licensing process of the Federal Energy Regulatory Commission (FERC) by amending both the Federal Power Act and the Clean Water Act; and

WHEREAS, state water law and management responsibilities must be recognized and fully integrated with federal energy policy and FERC's hydropower licensing process in order to achieve the optimal development, management and protection of western water resources; and

WHEREAS, states have authority to plan, manage, balance, regulate and protect various water uses, including hydropower, while FERC, by its own admission, has no authority "...to 'plan' a waterway in the sense of issuing a 'plan' that determines what all the various uses of the waterway should be...;" and

WHEREAS, the Electric Consumers Protection Act recognizes the importance of state plans in balancing hydropower development with other uses of a waterway and environmental protection; and

WHEREAS, FERC cannot effectively make what are appropriately state and local water use decisions, nor develop comprehensive plans to balance present and future uses, nor protect hydropower development from conflicting future uses; and

WHEREAS, Congress' clear intent in the Federal Power Act regarding the appropriate relationship between federally licensed hydropower development and state water law has been muddled by narrow judicial decisions, including California v. FERC; and

WHEREAS, proposed legislation to streamline the federal hydropower licensing process would grant FERC additional powers which would further threaten legitimate state and federal interests and appropriate checks on hydropower development; and

WHEREAS, other legislation has been introduced to reaffirm Congress' deference to state authority in the administration of water rights and the regulation of water use under the Federal Power Act, and to strengthen the state role under the Clean Water Act in protecting water quality and related designated uses, as it pertains to hydropower development; and

WHEREAS, many important questions remain unanswered and the states continue to have many concerns related to the federal hydropower licensing process;

NOW THEREFORE BE IT RESOLVED that the Western States Water Council urge the Congress and the Administration to join the states and other interests in a comprehensive review of the federal hydropower licensing process in order to forge a more cooperative state and federal working relationship and optimize the beneficial use of water and power resources and protect water quality.

BE IT FURTHER RESOLVED that the Western States Water Council suggest and endorse the following:

(1) The National Energy Security Act (S. 341) should be revised to delete Section 4201, which threatens state water quality certification authority under Section 401 of the Clean Water Act, while legislation to be introduced by Senator James Jeffords to reaffirm and strengthen the states' role should be enacted;

(2) Congress should adopt amendments to the Federal Power Act that restore to the states authority over all water uses, including those related to hydropower development, while preserving the provisions of the Electric Consumer's Protection Act of 1986; S. 341 should be amended to include the amendments to the Federal Power Act embodied in S. 106/H.R. 649 in a manner which requires compliance with state law;

(3) The Federal Energy Regulatory Commission should, prior to licensing or relicensing a project, ensure that the project is consistent with state plans for the development, management and protection of a waterway; and

(4) The Federal Power Act should also allow the states, if they choose, to have exclusive authority to license or permit any project or plant with a total combined generating capacity of five megawatts or less.

REAUTHORIZATION OF THE CLEAN WATER ACT

During the first session of the 102nd Congress, increasing attention was focused on the Clean Water Act reauthorization. A number of hearings were held, and legislation to reauthorize the Clean Water Act was introduced in the Senate (S. 1081). The Council adopted the following position statement.

POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
REAUTHORIZATION OF THE CLEAN WATER ACT
July 12, 1991

BACKGROUND

Clean water is essential to the quality of life and health of the citizens of the nation. This is particularly true in the arid West, where water is a scarce and precious resource that must be managed considering all social, environmental, and economic values and needs. Because of their unique understanding of these needs, states are best able to manage the water within their borders. Much progress has been made toward the goal of controlling water pollution under the Clean Water Act (CWA). Western states have made great strides in integrating water quality and water quantity decision-making and have developed legislative and planning strategies for promoting these goals as well as promoting water conservation and water reuse.

This Act is now being considered in Congress for reauthorization. The outcome of the current debate will affect the ability of state, federal, local, and tribal governments to protect water quality, and could affect the ability of state governments to administer water quantity uses. The Western States Water Council encourages the reauthorization of this important Act based upon the following principles. As the issues become more clearly defined, the Council will provide further comments in future position statements.

FUNDING

1. The minimum funding at the national level of the state revolving fund (SRF) should be \$2.4 billion annually for at least five additional years to meet the original funding commitment of the 1987 CWA and to provide adequate assistance for new needs created by the 1987 reauthorization, such as controls on non-point source pollution, stormwater, and toxics. Also, funding should be provided to meet the water quality needs of small communities and rural areas. A grant program or combination loan/grant program with loan terms greater than 20 years should be implemented through new funding and/or in a manner that does not deplete SRF assets.

2. Section 106 funding should be increased to a level that enables states to maintain effective water quality planning, ambient monitoring, permitting, and compliance. Funds available to states under Sections 104 and 319 should be combined into Section 106, and a single grant should be awarded to each state. States should then have flexibility in targeting

the expenditure of funds. For any new federally mandated programs, new federal funds should be provided. The Council opposes any increased matching requirements for federal funds.

3. In providing state revolving fund financial assistance to municipalities, federal requirements other than those specified by Title VI should not be imposed. Once federal capitalization of the program ceases, EPA oversight should be limited to insuring that the SRF fund is maintained. Federal cross cutting laws associated with the SRF program should be eliminated. Costs associated with the purchase of land, easements, and rights of way should be eligible for SRF funding.

4. The 4% limitation on SRF administrative costs should be based upon the authorized level rather than the appropriated capitalization grant amount and provisions should be made for a minimum amount of federal assistance per state for administrative costs. To enhance SRF financing, states should be allowed to characterize administrative surcharges on SRF loans as interest that need not be deposited in the SRF.

NON-POINT SOURCE POLLUTION CONTROL

1. Maximum flexibility should be provided to states to effectively implement non-point source pollution control programs. Non-point source funding should enable states to balance program elements and focus, as needed, on technology development and transfer, monitoring, assessment, demonstrations, local community technical assistance, and institutionalizing non-traditional water quality management programs.

2. Non-point source plans, demonstration projects, and program development as envisioned in the 1987 CWA amendments are not yet complete. To produce needed results, states must have the ability to use a significant portion of their Section 319 funds to establish and maintain long term, consistent programs as envisioned by the 1987 amendments.

3. A provision should be added to the CWA to ensure that Section 319(k), requiring federal agency activities to comply with state non-point source management plans, is implemented.

4. EPA should not define national, mandatory management practices to control agricultural runoff and other forms of non-point source pollution. States, however, should be required to control such pollution where it causes water quality standards violations. Both the management practices and the specific waters affected should be defined by the states. A voluntary approach should be acceptable if the states have authority to enforce mandatory requirements where water quality standards violations occur. The irrigation return flow exemption from the National Pollution Discharge Elimination System should not be rescinded.

5. Not all waters should be classified as fishable/swimmable. For example, the CWA should be amended to recognize the unique nature of constructed drains and allow water quality standards to be set that recognize the benefits provided by these waterways (many of which would not exist without the agricultural activity) and the nature of agricultural operations and their ability to reduce pollutants from non-point sources. In such cases, protection of receiving waters for designated beneficial uses should be assured. In addition, there are waters which historically, for natural reasons and causes, cannot meet fishable/swimmable criteria.

WATER QUALITY STANDARDS

1. The states must have the primary role in establishing and interpreting water quality standards that meet the intent of the CWA. EPA should be required to provide necessary

criteria development guidance to states in a clear and timely manner.

2. The CWA should clearly acknowledge that municipal stormwater systems are to implement best management practices to the maximum extent practicable with the goal of meeting water quality standards.

3. The various water quality assessment requirements should be integrated into a single, streamlined assessment under Section 305(b). The assessment requirements should not be overly burdensome and the 305(b) assessment should be prepared every three to five years rather than every two years.

4. The states should continue to review and revise water quality standards on a triennial basis. EPA should continue to be responsible for approving adopted state water quality standards to assure interstate compatibility and compliance. However, regulation of water quality must continue to be the prerogative of the states.

5. States must be allowed to establish water quality standards flexible enough to account for natural variations in water quality and background levels.

EFFLUENT DOMINATED WATERS/WATER REUSE

1. The use of natural channels is often needed to transport reclaimed water to its area of reuse. Reuse of waste water is an increasingly important source of water in the West. Effluent dominated waters also support riparian habitat. In the CWA reauthorization, Congress should recognize the interrelationship of such waters and water quality standards, riparian habitat, and water rights issues, and should develop policies that support the objectives of both federal and state law.

2. A policy statement should be added to the CWA such as: It is the policy of Congress to allow states to encourage the reuse of treated wastewater, as a component of water quality control as well as comprehensive water management.

3. The CWA reauthorization should allow the permitting authority maximum flexibility in establishing requirements pertaining to effluent dominated waters and ephemeral and intermittent streams based upon net environmental benefit under applicable law. States should be encouraged to adopt water quality standards for reclamation projects to control toxicity, nutrients, and other water quality parameters to provide for reasonable protection of designated water uses. EPA should assist with research to establish safe effluent discharge parameter levels for human contact water uses.

FEDERAL/WESTERN STATE ISSUES

1. To maintain an appropriate federal/state partnership, it is essential that state officials have a meaningful voice in EPA policy development, particularly in the early stages of such development before irreversible momentum towards a decision has been built.

2. Sections 510(2) and 101(g) are clear expressions of Congressional intent regarding deference to the state's role to allocate quantities of water. This fundamental principle of deference, which is manifest in many other federal environmental statutes, must not be weakened in the context of the CWA reauthorization.

3. Section 401 should be broadly construed, based upon the multiple elements that comprise aquatic ecosystems, to effectuate its intent to include consideration of all beneficial water uses, not simply biochemical parameters.

4. Virtually every western state has a mechanism for establishing and maintaining instream flows. Addition of statutory requirements to the CWA for maintenance of such flows would affect water rights and impact water management in the West. No such requirements should be added to the CWA.

5. Water pollution control programs are administered most efficiently and effectively at the state level. Delegated state programs should be approved if they meet the goals, objectives, and intent of federal statutes. They shall not be less stringent than but need not be identical to EPA regulations, policies, or procedures.

6. Additional federal research and technical assistance are needed on the following topics important to western states: turbidity, suspended solids, physical integrity of the water body, biotic methods applicable to ephemeral and intermittent waters, definition and regulation of ephemeral and intermittent waters, federal land and facility compliance with state water quality standards, mining activities as they relate to storm water and turbidity.

WETLANDS

1. The existing Section 404 regulatory program must be improved. Sole authority for administration of the program should be vested in one agency. The program should encourage and enable states to assume full or partial permitting authority. Financial support should be provided to states that assume the federal program. The program should include research into and development of techniques to assess wetlands functions and values.

2. The continuing loss and degradation of the nation's wetland base is unacceptable. The Administration's proposed no-net-loss policy is an important step toward reversing that trend. That policy, however, must provide flexibility and be implemented at different rates and in different ways in various regions of the country to reflect regional wetland needs, conditions, and types.

3. National wetland policy should lend itself to implementation through state, regional, and local plans and programs, and recognize individual state and local planning and regulatory efforts to preserve and protect wetlands.

4. The diverse needs and types of wetlands nationwide, and concern for human and economic impacts, will make it difficult to achieve a no-net-loss goal. To achieve a no-net-loss goal, a broad range of non-regulatory programs (such as subsidies and tax incentives, public acquisition, conservation easements and leases, and other non-punitive approaches) and regulatory programs will be required.

GROUND WATER

1. A national regulatory program for ground water would be inappropriate and should not be part of the CWA reauthorization. Ground water protection and management are primarily the responsibilities of state and local governments. Such governments must have the flexibility to develop and continue existing programs appropriate for their own circumstances, including strategies and mechanisms appropriate to assure ground water quality protection and preserve their ability to manage and protect rights to use ground water.

2. The federal role in ground water management should be to provide technical assistance, data gathering, and research to support state programs. Also, any federal funds that are provided for ground water protection should be made available to support all phases of program development and implementation of state ground water quality programs, not just program development.

3. Federal agencies should be required to conduct their activities in accordance with, and without duplication of, state and local ground water protection programs.

STORMWATER

1. The statutory deadlines for permit issuance and the moratorium from permit requirements should be revised to establish realistic deadlines for permit issuance and to accommodate phased implementation of stormwater regulatory programs.

2. Recognition should be made of the tremendous responsibility placed upon states with the most recent federal stormwater regulations. Significant additional federal resources should be made available to avoid major cuts in other programs.

3. Regulatory requirements for controlling stormwater pollution will significantly affect ground water and may create a system of small ephemeral ponds and injection wells as part of on-site retention requirements. Impact of these requirements may adversely affect the over-all water management process. States need the flexibility to design optimum water quality/water quantity interfaces.

ANTI-BACKSLIDING

1. The CWA should be revised to clarify the application of anti-backsliding. EPA's inaction on guidance or regulations regarding anti-backsliding has been detrimental to the permitting process, resulting in delaying permits or causing less restrictive permits to be written.

2. The CWA should be amended to allow removal or modification of effluent limits in cases where the limit is determined to be unnecessary because of errors in calculation, publication of new scientifically valid information, or determination that the substance being limited is not present in the discharge.

CLEAN LAKES

1. Section 314 funding should be increased to a level that recognizes the key role the Clean Lake Program plays in managing the nation's lakes for maximum beneficial use and enjoyment.

2. Appropriations should be sufficient to support meaningful efforts to continue assessment and identification/implementation of methods and procedures to restore lake quality.

WATER CONSERVATION

The CWA should recognize any beneficial effect of appropriate state water conservation programs in meeting water quality goals.

NATIONAL ENERGY POLICY

As Congress continued consideration of comprehensive legislation on national energy policy, the State of Nevada raised concern over a proposal to exempt nuclear waste management repository site characterization study activities from state and local regulatory requirements (including water use permits). The Council has continually opposed federal preemption of state water use decisions, and determined it would reiterate this position with respect to the repository site studies and federally licensed hydropower projects.

The following position was first discussed at the Council's July meetings, and soon thereafter the Western Governors' Association adopted a similar position. The position was transmitted to western Congressmen, and the following letters were sent to the chairmen of the House and Senate Energy Committees.

POLICY STATEMENT
of the
WESTERN STATES WATER COUNCIL
concerning
NATIONAL ENERGY POLICY
October 18, 1991

WHEREAS, the Administration and the Congress are considering legislation to establish a new federal energy policy; and

WHEREAS, the optimal development and management of our water and energy resources requires close cooperation between federal, state, tribal and local agencies; and

WHEREAS, some provisions of proposed bills would abrogate state, tribal and local governments' ability to effectively manage their limited water, land and other resources; and

WHEREAS, western state water law has for more than a century provided an effective means of allocating water for all uses, including energy resource development needs; and

WHEREAS, states are actively involved in environmental protection and enhancement programs, particularly water quality protection; and

WHEREAS, any federal effort to preempt state water laws and state, tribal and local environmental protection requirements threatens the cooperative intergovernmental relationship necessary for optimal resource development, management and protection;

NOW THEREFORE BE IT RESOLVED that any changes in federal energy policy carefully consider the impact on state, tribal and local water and environmental protection and management policies and programs.

BE IT FURTHER RESOLVED, that the Western States Water Council opposes efforts to preempt state and local water resources management decisions in the siting of energy projects, particularly as it relates to federally licensed hydropower projects and nuclear waste management repository site characterization activities.



October 23, 1991

The Honorable J. Bennett Johnston, Chairman
Senate Committee on Energy and Natural Resources
Dirksen Senate Office Building, Room 364
Washington, D.C. 20510

Dear Chairman Johnston:

The Congress has undertaken the difficult task of drafting a new federal energy policy. The Western States Water Council, consisting of representatives appointed by the western governors, appreciates your attention to our concerns as they relate to the federal hydropower licensing process and other provisions in various proposed statutes. We appreciate the fact that proposals to preempt state water quality certification decisions under Section 401 of the Clean Water Act were dropped from S. 341. We still hope the Congress will approve S. 106 or adopt amendments to S. 1220 to return to the states primary authority for regulating and balancing all water uses, including water for federally licensed non-federal hydropower projects.

We oppose S. 1138 and provisions in S. 1220 and S. 570 that would allow the Secretary of the Department of Energy (DOE) to move forward with nuclear waste management repository site characterization activities without regard to any state or local or tribal laws requiring a permit, license, right-of-way, certification, approval or other authorization. While opposed to the project, the state is processing the necessary permits for DOE activities. Such important decisions cannot be made unilaterally at the federal level. State, local, and tribal governments have legitimate concerns and responsibilities regarding the management and protection of their land and water resources. Efforts to preempt state, tribal and local decisions as they relate to siting energy facilities can only lead to ill will and to unnecessary conflict in the development and management of our water and energy resources. Only a cooperative effort can produce a lasting solution to our national energy problems without an adverse effect on intergovernmental relations and effective long-term resource management.

Again, we appreciate your continuing efforts to address national energy and natural resource policy issues and hope our continuing dialogue will serve to assure our national energy needs are met in concert with the conservation and wise use of all our natural resources, especially water.

Sincerely,

D. Craig Bell
Executive Director

October 23, 1991

The Honorable John Dingell, Chairman
House Committee on Energy and Commerce
2328 Rayburn House Office Building
Washington, D.C. 20515-2216



Dear Chairman Dingell:

The Congress has undertaken the difficult task of drafting a new federal energy policy. The Western States Water Council, consisting of representatives appointed by the western governors, appreciates your past attention to our concerns related to the federal hydropower licensing process and other provisions in various proposed statutes. We oppose proposals to preempt state water quality certification decisions under Section 401 of the Clean Water Act, and still hope the Congress will adopt H.R. 649/S. 106 or other amendments to return to the states primary authority for regulating and balancing all water uses, including water for federally licensed non-federal hydropower projects.

We oppose Section 511 of H.R. 1301 and any other legislative provisions that would allow the Secretary of the Department of Energy (DOE) to move forward with nuclear waste management repository site characterization activities without regard to any state or local or tribal laws requiring a permit, license, right-of-way, certification, approval or other authorization. While opposed to the project, the state is processing the necessary permits for DOE activities. Such important decisions cannot be made unilaterally at the federal level. State, local, and tribal governments have legitimate concerns and responsibilities regarding the management and protection of their land and water resources. Efforts to preempt state, tribal and local decisions as they relate to siting energy facilities can only lead to ill will and to unnecessary conflict in the development and management of our water and energy resources. Only a cooperative effort can produce a lasting solution to our national energy problems without an adverse effect on intergovernmental relations and effective long-term resource management.

Again, we appreciate your continuing efforts to address national energy and natural resource policy issues and hope our continuing dialogue will serve to assure our national energy needs are met in concert with the conservation and wise use of all our natural resources, especially water.

Sincerely,

D. Craig Bell

D. Craig Bell
Executive Director

BUDGET AND FINANCE

At the quarterly meetings, on April 10, in Washington, D.C., the Executive Committee approved a budget for FY91/92 of \$367,900.00. An approved dues schedule calls for a FY91/92 assessment of \$21,000 per state, unchanged from last year.

The audit report for FY91/92, prepared by the firm of Hansen, Barnett and Maxwell, was presented to the Executive Committee by the Executive Director at the annual meetings in Anaconda, Montana on July 10-12. The report was accepted unanimously as written.

The accounting policies of the Western States Water Council conform to generally accepted accounting principles as applicable to governmental units. The Council utilizes the modified accrual basis of accounting.

The auditor's report and the financial statement are reflected on the following pages.

HANSEN, BARNETT & MAXWELL

A Professional Corporation
CERTIFIED PUBLIC ACCOUNTANTS

Member of AICPA Division of Firms
Member of SECPS
Member of Summit International Associates

(801) 532-2200
Fax (801) 532-7944
345 East Broadway, Suite 200
Salt Lake City, Utah 84111-2693

REPORT OF INDEPENDENT ACCOUNTANTS

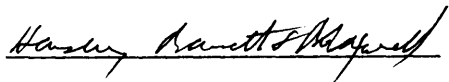
To the Executive Committee
Western States Water Council

We have audited the accompanying combined balance sheet of general fund and account groups of Western States Water Council as of June 30, 1991, and the related general fund statement of revenues and expenditures and changes in fund balance - budget and actual for the year then ended. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Western States Water Council as of June 30, 1991, and the results of its operations for the year then ended in conformity with generally accepted accounting principles.

Our examination was made for the purpose of forming an opinion on the financial statements taken as a whole. The schedule of changes in the general fixed assets is presented for the purpose of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the examination of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.



August 29, 1991

WESTERN STATES WATER COUNCIL

**Combined Balance Sheet
General Fund and Account Groups
June 30, 1991**

ASSETS

	<u>Account Groups</u>			<u>Totals</u>	
	<u>General</u>	<u>General</u>	<u>General</u>	<u>(Memorandum only)</u>	
	<u>Fund</u>	<u>Fixed</u>	<u>Long-</u>	<u>June 30,</u>	<u>June 30,</u>
		<u>Assets</u>	<u>Term</u>	<u>1991</u>	<u>1990</u>
			<u>Debt</u>		
ASSETS					
CASH - NOTE 2	\$234,456	\$ —	\$ —	\$232,456	\$234,361
INTEREST RECEIVABLE	—	—	—	—	1,407
PREPAID EXPENSES	1,733	—	—	1,733	1,046
DEPOSITS	1,649	—	—	1,649	150
GENERAL FIXED ASSETS	—	67,359	—	67,359	62,695
OTHER DEBITS					
AMOUNT TO BE PROVIDED FOR PAYMENT OF LONG- TERM DEBT	—	—	3,209	3,209	5,844
AMOUNT FOR PAYMENT OF COMPENSATED ABSENCES	—	—	24,762	24,762	22,772
TOTAL ASSETS	<u>\$235,838</u>	<u>\$67,359</u>	<u>\$27,971</u>	<u>\$331,168</u>	<u>\$328,275</u>

LIABILITIES AND EQUITY

LIABILITIES					
ACCOUNTS PAYABLE	\$6,348	\$ —	\$ —	\$ 6,348	\$ 1,220
PAYROLL TAXES PAYABLE	227	—	—	287	228
PREPAID ASSESSMENTS	—	—	—	—	47,000
OBLIGATIONS UNDER CAPITAL LEASE - NOTE 3	—	—	3,209	3,209	5,844
OBLIGATIONS FOR COMPENSATED ABSENCES - NOTE 5	—	—	24,762	24,762	22,772
EQUITY					
INVESTMENT IN FIXED ASSETS	—	67,359	—	67,359	62,695
DESIGNATED FUND BALANCE - EQUIPMENT REPLACEMENT	6,678	—	—	6,678	—
UNDESIGNATED FUND BALANCE	222,525	—	—	222,525	188,516
TOTAL LIABILITIES AND EQUITY	<u>\$235,838</u>	<u>\$ 67,359</u>	<u>\$27,971</u>	<u>\$331,168</u>	<u>\$328,275</u>

The accompanying notes are an integral part of these financial statements.

WESTERN STATES WATER COUNCIL

General Fund

**Statement of Revenues and Expenditures and
Changes in Fund Balance - Budget and Actual
For The Year Ended June 30, 1991**

	Budget 1991	Actual June 30, 1991	Variance Favorable (Un- Favorable) 1991	Actual June 30, 1990 (For Comparison Only)
REVENUES				
Member States' assessments	\$345,000	\$340,000	\$ (5,000)	\$334,000
Bureau of Reclamation's contract	—	22,972	22,972	18,292
Newsletter payments	—	4,600	4,600	5,350
Interest income	—	24,509	24,509	22,723
Total Revenues	345,000	392,081	47,081	380,365
EXPENDITURES				
Current				
Salaries	175,000	174,623	377	166,052
Travel	41,000	33,185	7,815	44,856
Payroll taxes and employee benefits	49,000	55,169	(6,169)	46,906
Printing and reproduction	11,000	14,927	(3,927)	12,828
Rent	19,000	18,624	376	17,991
Freight and postage	11,000	11,768	(768)	9,891
Telephone	5,000	5,289	(289)	4,240
Utilities	2,500	2,912	(412)	2,117
Maintenance contracts	2,000	1,582	418	728
Office supplies	5,500	8,913	(3,413)	4,868
Reports and publications	4,000	3,553	447	4,319
Meetings and arrangements	2,500	5,348	(2,848)	255
Accounting	1,800	2,000	(200)	1,750
Insurance	1,500	802	698	759
Contingencies	4,500	4,225	275	4,141
Interest	—	781	(781)	728
Contract services	—	—	—	49
Bank charges	—	139	(139)	4
Capital Outlay	1,500	919	581	904
Debt Service - Note 3	6,100	6,635	(535)	6,536
Total Expenditures	342,900	351,394	(8,494)	329,922
EXCESS OF REVENUES OVER EXPENDITURES	2,100	40,687	38,587	50,443
FUND BALANCE - BEGINNING OF YEAR	188,516	188,516	—	138,073
FUND BALANCE - END OF YEAR	\$190,616	\$229,203	\$38,587	\$188,516

The accompanying notes are an integral part of these financial statements.

WESTERN STATES WATER COUNCIL

Notes to Financial Statements

June 10, 1991

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Western States Water Council was formed in 1965 as a cooperative endeavor among States in the Western United States. Its purpose is to coordinate programs which will lead to integrated development of water resources by state, federal and other agencies in the region. The Council receives funding through assessments of member states. Each member state is represented on the Council's Executive Committee which comprises the administrative body.

The accounting policies of the Western States Water Council conform to generally accepted accounting principles as applicable to governmental units. The following is a summary of the significant policies:

The Reporting Entity

The Western State Water Council is an independent reporting entity and is not a component unit of any other government. The Council's Executive Committee is the governing authority. This determination has been made using the following criteria; The Executive Committee establishes Council policy, approves the annual budget, and appoints those responsible for administrative and fiscal activities.

Fund Accounting

The accounts of the Council are organized on the basis of funds and account groups, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures. Resources are allocated to and accounted for in the fund based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Governmental Fund

The General Fund is used to account for all financial resources of the Council not accounted for by a separate, specialized fund.

Account Groups

Account Groups (not "funds") are concerned only with the measurement of financial position. They are not involved with measurement of results of operations. There are two account groups, as follows:

The General Fixed Assets Account Group is used to record the cost of the capital assets owned, or acquired through capital lease obligations, by the Council, and to aid in maintaining physical control over these assets. Cost of assets acquired through a capital lease is the fair market value at the lease inception date. General fixed assets are recorded as expenditures in the governmental fund at the time of purchase or at the time the lease payment is made. These assets are then concurrently recorded, at cost, in the General Fixed Assets Account Group.

The General Long-Term Debt Account Group is used to record long-term liabilities expected to be financed from the governmental fund.

Basis of Accounting

The modified accrual basis of accounting, under which expenditures, other than interest on long-term debt, are recorded when the liability is incurred and revenues are recorded when received in cash unless susceptible to accrual, (i.e. measurable and available to finance the Council's operations, or of a material amount and not received at the normal time of receipt), is followed for the General Fund.

Total Column on Combined Balance Sheet

The totals column on the Combined Balance Sheet is captioned "Memorandum Only" to indicate that it is presented only to facilitate financial analysis. Data in this column does not present financial position, results of operation, or changes in financial position in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation.

NOTE 2 — CASH

The Council's major cash funds were held in the Utah Public Treasurer's Investment Fund during the years ended June 30, 1991 and 1990. Deposits and withdrawals may be made at any time and interest payments are added to the investment balance monthly. The balance in the Investment Fund at June 30, 1991 and 1990, was \$201, 923 and \$201,183, respectively.

During the fiscal year ended June 30, 1991, the Council established an office equipment replacement fund. This fund will be used to purchase new equipment as it is needed. Deposits into this fund are made monthly in the amount of \$544. The fund is also held by the Utah Public Treasurer's Office and will accrue interest at the same rate as the Investment Fund. The balance in the Equipment Replacement Fund at June 30, 1991 was \$6,678.

NOTE 3 — LEASE COMMITMENTS

The Council entered into a new lease agreement for its new office location on February 12, 1991. The term of the lease is 3 years. Effective monthly payments are \$1,500.58 beginning in April of 1991. The lease contains an escalation clause based on the consumer price index beginning the second year. The previous office lease, with monthly payments of \$1,594.42 from April 1989 through March of 1990 and \$1,690.09 from April 1990 to March 1991, expired in March of 1991.

The Council entered into a capital lease for a printer on October 2, 1990. The lease term is three years with monthly payments of \$148.32. On March 31, 1988, the Council entered into a capital lease for a photocopying machine. This lease had a term of three years with monthly base payments of \$605.28 and expired during the month of April 1991. Interest expense on the capital leases for the years ended June 30, 1991 and 1990 was \$781.47 and \$727.82, respectively.

The following is a schedule by years of future minimum lease payments at June 30, 1991:

	<u>Capital Leases</u>	<u>Office Lease</u>
1992	\$1,780	\$18,007
1993	1,780	18,007
1994	445	13,505
	<u>4,005</u>	<u>49,519</u>
Less: Amount representing interest	<u>(796)</u>	<u>—</u>
Present value of minimum lease payments	<u>\$3,209</u>	<u>\$49,519</u>

NOTE 4 — RETIREMENT PLAN

The Council has a defined contribution retirement plan that covers substantially all of its employees. To be a member of the plan the employee must have completed 12 months or 1,000 hours of service in a 12 month period. Vesting accumulates at a rate of 10% a year, until the member is fully vested after 10 years of service.

The Council contributes to the Plan an amount equal to 12% of each plan member's gross wages plus an additional 3% of each member's gross wages in excess of the maximum social security taxable wage base, less the total of all amounts to be reallocated during the taxable year by reason of recoveries attributable to contributions arising out of termination of employment of members of the Plan prior to full vesting.

The total contribution for the years ended June 30, 1991 and 1990, was \$21,409 and \$16,001, respectively.

NOTE 5 — COMPENSATED ABSENCES

Employees of the Western States Water Council are entitled to compensated absences in the form of paid vacation and paid sick leave. According to policy, the vacation pay accrues at a rate of 1.25 days per full month of service rendered. The number of unused vacation days, up to 40, carries forward to the beginning of the next calendar year. Employees also accumulate sick days at a rate of 1.25 days per month. The unused sick days accumulate without limit, but ordinarily do not vest. However, if an employee meets the retirement requirements of State of Utah employees, the employee's accumulated sick days vest at 25 percent. Currently one employee of the Water Council meets the requirements for this 25 percent vesting.

The Obligation for Compensated Absences has been classified as part of the General Long-Term Debt Account Group because presently the obligation is not expected to be paid in the current year.

WESTERN STATES WATER COUNCIL
Schedule of Changes in General Fixed Assets
For The Year Ended June 30, 1991

	<u>1991</u>
Investment in General Fixes Assets - June 30, 1990	\$62,695
Office equipment additions	4,919
Office equipment retirements	<u>(255)</u>
Investment in General Fixed Assets - June 30, 1991	<u>\$67,359</u>

**REPORT OF INDEPENDENT ACCOUNTANTS ON INTERNAL CONTROL
STRUCTURE RELATED MATTERS NOTED IN A FINANCIAL
STATEMENT AUDIT CONDUCTED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

HANSEN, BARNETT & MAXWELL

A Professional Corporation
CERTIFIED PUBLIC ACCOUNTANTS

Member of AICPA Division of Firms
Member of SECPS
Member of Summit International Associates

(801) 532-2200
Fax (801) 532-7944
345 East Broadway, Suite 200
Salt Lake City, Utah 84111-2693

To the Executive Committee
Western States Water Council

We have audited the financial statements of Western States Water Council for the year ended June 30, 1991, and have issued our report thereon dated August 29, 1991.

We conducted our audit in accordance with generally accepted auditing standards and Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

In planning and performing our audit of the financial statements of Western States Water Council for the the year ended June 30, 1991, we considered its internal control structure in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control structure.

The management of Western States Water Council is responsible for establishing and maintaining an internal control structure. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of internal control structure policies and procedures. The objectives of an internal control structure are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected. Also, projection of any evaluation of the structure to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the effectiveness of the design and operation of policies and procedures may deteriorate.

For the purpose of this report, we have classified the significant internal control structure policies and procedures in the following categories.

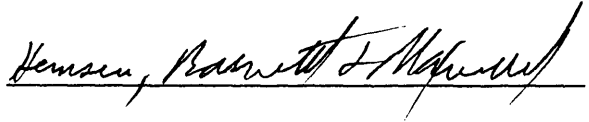
- Cash
- Prepaid Expenses
- General Fixed Assets
- Liabilities
- Equity
- Revenue
- Expenditures

For all of the control categories listed above, we obtained an understanding of the design of relevant policies and procedures and whether they have been placed in operation, and we assessed control risk.

Our consideration of the internal control structure would not necessarily disclose all matters in the internal control structure that might be material weaknesses under standards established by the American Institute of Certified Public Accountants. A material weakness is a reportable condition in which the design or operation of one or more of the specific internal control structure elements does not reduce to a relatively low level the risk that errors or irregularities in amounts that would be material in relation to

the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control structure and its operation that we consider to be material weaknesses as defined above.

This report is intended for the information of the executive committee and management. This restriction is not intended to limit the distribution of this report, which is a matter of public record.


Hensen, Barnett & McQuinn

August 29, 1991

**REPORT OF INDEPENDENT ACCOUNTANTS ON COMPLIANCE WITH
LAWS AND REGULATIONS BASES ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS ISSUED BY THE GAO**

HANSEN, BARNETT & MAXWELL

A Professional Corporation
CERTIFIED PUBLIC ACCOUNTANTS

Member of AICPA Division of Firms
Member of SECPS
Member of Summit International Associates

(801) 532-2200
Fax (801) 532-7944
345 East Broadway, Suite 200
Salt Lake City, Utah 84111-2693

To the Executive Committee
Western States Water Council

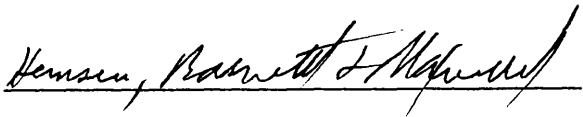
We have audited the financial statements of Western States Water Council as of and for the year ended June 30, 1991.

We conducted our audit in accordance with generally accepted auditing standards and Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

Compliance with laws, regulations, contracts, and grants applicable to Western States Water Council is the responsibility of the Council's management. As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Council's compliance with certain provisions of laws, regulations, contracts, and grants. However, it should be noted that our objective was not to provide an opinion on overall compliance with such provisions.

The results of our tests indicate that, with respect to the items tested, Western States Water Council complied, in all material respects, with the provisions referred to in the preceding paragraph. With respect to items not tested, nothing came to our attention that caused us to believe that Western States Water Council had not complied, in all material respects, with those provisions.

This report is intended for the information of the executive committee and management. This restriction is not intended to limit the distribution of this report, which is a matter of public record.



Hansen, Barnett & Maxwell

August 29, 1991

COMMITTEE CHARTERS AND MEMBERS

The committee charters, committee membership and subcommittee assignments follow:

EXECUTIVE COMMITTEE CHARTER²⁶

The Executive Committee is the administrative and steering committee of the Council on matters outlined in this Charter and such other matters as may be related thereto.

Objective

The Committee shall assist the Council in carrying out effective cooperation among western states in planning for programs leading to integrated development of water resources by state, federal, and other agencies: by acting as a steering committee; by making sure there is consistency and no overlap of Council liaison with national organizations, including the United States Congress, and federal departments and agencies; and by maintaining liaison with the Western Governors' Association and other western organizations.

Authority

The authority of the Executive Committee derives from the Council itself and includes the following powers: (1) to act upon internal and administrative matters between meetings of the Council; (2) to call special meetings of the Council on external matters when prompt action by the Council before the next regular meeting is deemed necessary by a majority of the Executive Committee members; (3) to create working groups and ad hoc groups; (4) to make assignments to committees; (5) to receive committee reports; and (6) to implement actions and programs approved by the Council.

Program

The Committee shall correlate the Council's liaison with national and regional agencies, and correlate the Council's efforts to keep abreast of broad-scaled developments as they relate to Council programs. The Committee shall be authorized to initiate recommendations for Council actions at conferences, hearings, and special meetings with national water leaders. The Committee may make assignments to other committees and may give direction as to the scope and nature of their activities, and may delegate authority it deems appropriate to the Management Subcommittee of the Executive Committee. The Management Subcommittee is composed of the immediate past chair, the chair, the vice-chair, the secretary-treasurer, and the executive director. In the event that one of these positions is vacant, the position on the Management Subcommittee can be filled by a member of the Executive Committee at the discretion of a majority vote of the Management Subcommittee.

²⁶This Charter of the Executive Committee of the Western States Water Council was adopted by resolution on January 29, 1970, at the meeting in Seattle, Washington and amended on July 26, 1979 at the meeting in Sitka, Alaska, on October 16, 1981 at the meeting in Jackson, Wyoming, and further amended at the Council meeting in Boise, Idaho on April 14, 1988.

Organization and Voting

The Executive Committee of the Western States Water Council consists of one representative from each member state in accordance with Article IX-Executive Committee of the "Rules of Organization." The Chair and Vice Chair of the Council shall serve as officers of the Executive Committee, but do not necessarily have to be voting members of the Executive Committee. The Council staff furnishes necessary assistance as desired and requested by the Executive Committee.

Each member of the Executive Committee shall have one vote in conducting business. A quorum shall consist of a majority of members. A majority of those voting shall prevail on internal matters. If an external matter comes before the Executive Committee between Council meetings, and the Executive Committee finds an emergency exists, it may take final action by unanimous vote of all members. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

Meetings

Regular meetings of the Executive Committee may be held in conjunction with meetings of the Council. Special meetings of the Executive Committee may be called by the Chair, or by the Vice-Chair in the event the Chair is incapacitated, or by any six (6) members, upon five-days notice to all members stating the time and place of the meeting. When all members are present, no notice is required. All meetings may be adjourned to a time certain by majority vote of those present.

Reporting

The Committee shall report to the Council at each Council meeting as to any actions it may have taken between meetings.

EXECUTIVE COMMITTEE MEMBERS

William H. Young - Oregon - Chair

Ric Davidge - Alaska

Betsy Rieke - Arizona

Larry Linser (Alt.) - Arizona

David Kennedy - California
Vice-Chair

David W. Walker - Colorado

William W. Paty - Hawaii

R. Keith Higginson - Idaho

Gary Fritz - Montana

Roland Westergard - Nevada

Eluid Martinez - New Mexico

Dave Sprynczynatyk - No. Dakota

Robert E. Roberts - South Dakota

Reese Peck (Alt.) - South Dakota

John T. Montford - Texas

Dee C. Hansen - Utah

Hedia Adelman - Washington

Gordon W. Fassett - Wyoming



Left to Right: Bill Young, Keith Higginson, Dee Hansen, Ric Davidge, Dave Sprynczynatyk, Dave Walker, Betsy Rieke, Dave Kennedy, Hedia Adelman, Roland Westergard

Management Subcommittee

William H. Young - Oregon - Chair

David N. Kennedy - California

Vice-Chair

Roland D. Westergard - Nevada

Past Chair

Dee C. Hansen - Utah

Secretary/Treasurer

D. Craig Bell

Executive Director



**D. Craig Bell, Dee C. Hansen, William H. Young,
David N. Kennedy, and Roland D. Westergard**

Water Policy Seminar Subcommittee

David Kennedy - California - Chairman

Ric Davidge - Alaska

David W. Walker - Colorado

William H. Young - Oregon

Dee C. Hansen - Utah

Hedia Adelsman - Washington

LEGAL COMMITTEE CHARTER²⁷

Objective

The Committee shall assist in initiating, establishing and carrying out the objectives of the Council by providing guidance on the social, ethical, legal and political aspects of programs relating to water resources and water quality.

Program

To review and develop recommended Council positions on current legislation, laws, administrative rules and activities relating to water resources, water rights, related land use and Indian issues and to examine and keep the Council current on all ongoing pertinent court cases.

Organization and Voting

Committee membership is by appointment by the 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 Legal Committee member may designate an alternate to serve in his absence. A quorum shall consist of a majority of members. A majority of those members present and voting is required for Committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

A Committee chair shall be appointed by the Chair of the Council from the Committee membership and serve at his pleasure. The Committee chair will appoint a vice-chair and subcommittees as needed. The staff of the Council shall furnish such assistance to the Committee as is requested. A member of the staff will serve as secretary.

Meetings

The Committee shall meet at the call of the Committee chair.

Reports

The Committee shall submit reports and/or recommendations to the Council and to the Executive Committee as requested. The Committee shall not issue any public statements or reports except as may be directed by the Council or Executive Committee.

²⁷ This Charter of the Legal Committee of the Western States Water Council was adopted by resolution on January 16, 1976, at the meeting of the Council in San Diego, California, and amended on October 16, 1981, in Jackson, Wyoming.

LEGAL COMMITTEE MEMBERS

R. Keith Higginson - Idaho - Chair

Ric Davidge - Alaska
Michael Brophy - Arizona
David N. Kennedy - California
Rod Walston (Alt.) - California
David W. Walker - Colorado
Donald MacIntyre - Montana
Harley Harris - Montana
Roland D. Westergard - Nevada
Charles DuMars - New Mexico

Richard Simms (Alt.) - New Mexico
Julie Krenz - North Dakota
Steve Sanders - Oregon
John Hatch - South Dakota
John Guhin (Alt.) - South Dakota
Terral Smith - Texas
Thorpe A. Waddingham - Utah
Tom McDonald - Washington
Myron Goodson - Wyoming



Front Row: Harley Harris, Mike Brophy, Ric Davidge, David Walker, Steve Sanders, and Roland Westergard

Back Row: Keith Higginson, J.D. Williams, Don MacIntyre, John Hatch, Jennifer Gimbel, Richard Simms, and Myron Goodson

Amicus Brief Subcommittee

Roderick E. Walston - California
Donald MacIntyre - Montana

Richard Simms - New Mexico
John Guhin - South Dakota

Legal Education Subcommittee

Roderick E. Walston - California - Chair

Ric Davidge - Alaska
Michael Brophy - Arizona

Richard Simms - New Mexico

Federal Reserved Water Rights Subcommittee

Steve Sanders - Oregon - Chair

Ric Davidge - Alaska
Mike Brophy - Arizona
Harley Harris - Montana
Charles DuMars - New Mexico

Eluid Martinez - New Mexico
Richard Simms - New Mexico
John Hatch - South Dakota
Gordon W. (Jeff) Fassett - Wyoming

WATER RESOURCES COMMITTEE CHARTER²⁸

Objective

The Committee shall assist in initiating, establishing and carrying out objectives of the Council by providing guidance on water resources planning, conservation, and developments that are of common interest to the Council.

Program

To review and develop recommended Council positions on current legislation, regulations, criteria, plans and problems relating to water planning, management and conservation development for all purposes, and utilization.

Organization and Voting

Committee membership is by appointment by the states of the Council, one member from each state, but not necessarily one of the state's delegates to the Council. Any Water Resource Committee member may designate an alternate to serve in his absence. A quorum shall consist of a majority of members. A majority of those members present and voting is required for Committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

The Committee chair shall be appointed by the Chair of the Council from Committee membership. The Committee chair will appoint a vice-chair, and subcommittees as needed. The Council staff will furnish necessary assistance as desired and requested by the Committee. A member of the staff will serve as secretary.

Meetings

The Committee will meet at the call of the Committee chair.

Reporting

The Committee shall submit its reports and/or recommendations to the Council and to the Executive Committee if so requested. The Committee shall not issue any public statements or reports except as may be directed by the Council and the Executive Committee.

²⁸ This Charter of the Water Resources Committee of the Western States Water Council was adopted by resolution on January 16, 1976, at the meeting of the Council in San Diego, California, and amended on October 16, 1981, in Jackson, Wyoming

WATER RESOURCES COMMITTEE MEMBERS

Gary Fritz - Montana - Chair

Peg Tileston - Alaska
Betsy Rieke - Arizona
Larry Linser (Alt.) - Arizona
Ruben Ayala - California
Jeris Danielson - Colorado
Manabu Tagamori - Hawaii
Gene Gray - Idaho
Peter G. Morros - Nevada
Eluid Martinez - New Mexico

Dave Sprynczynatyk - North Dakota
William H. Young - Oregon
Marian Gunderson (Alt.) - South Dakota
Charles W. Jenness - Texas
D. Larry Anderson - Utah
Hedia Adelsman - Washington
Gordon W. Fassett - Wyoming - Vice Chair
George Christopoulos (Alt.) - Wyoming



Left to Right: Betsy Rieke, Wayne Haas, Bill Young, Gary Fritz, Larry Anderson, Hedia Adelsman, Dave Sprynczynatyk, Eluid Martinez, Jeris Danielson

National Water Policy Subcommittee

Betsy Rieke - Arizona
David N. Kennedy - California
J. David Holm - Colorado
R. Keith Higginson - Idaho
Gary Fritz - Montana

Dave Sprynczynatyk - No. Dakota
William H. Young - Oregon
Dee C. Hansen - Utah
Hedia Adelsman - Washington
Gordon W. Fassett - Wyoming

Ground Water Recharge Study Subcommittee

D. Larry Anderson - Utah - Chair

C. Laurence Linser - Arizona
R. Keith Higginson - Idaho
Joseph E. Dini - Nevada

John Hatch - South Dakota
Hedia Adelsman - Washington

WGA/WSWC Steering Group

David N. Sprynczynatyk - North Dakota - Chair

R. Keith Higginson - Idaho
Gary Fritz - Montana
Pete Morros - Nevada

William H. Young - Oregon
D. Larry Anderson - Utah
Hedia Adelsman - Washington

FERC Subcommittee

Gary Fritz - Montana - Chair

R. Keith Higginson - Idaho
William H. Young - Oregon

Hedia Adelsman - Washington

WATER QUALITY COMMITTEE CHARTER²⁹

Objective

The Committee shall assist in initiating, establishing and carrying out objectives of the Council by providing guidance on the water quality and environmental aspects of all programs of interest to the Council.

Program

To review and develop recommended Council positions on water quality and environmental standards and problems relating to the water resources of the western United States.

Organization and Voting

Committee membership is by appointment by the 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 Quality Committee member may designate an alternate to serve in his absence. A quorum shall consist of a majority of members. A majority of those members present and voting is required for Committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

A Committee chair shall be appointed by the Chair of the Council from the Committee membership and serve at his pleasure. The Committee chair will appoint a vice-chair and subcommittees as needed. The staff of the Council shall furnish such assistance to the Committee as is requested. A member of the staff will serve as secretary.

Meetings

The Committee shall meet at the call of the Committee chair.

Reports

The Committee shall submit reports and/or recommendations to the Council and to the Executive Committee as requested. The Committee shall not issue any public statements or reports except as may be directed by the Council or the Executive Committee.

²⁹ This Charter of the Water Quality Committee of the Western States Water Council was adopted by resolution on January 16, 1976, at the meeting of the Council in San Diego, California, and amended on October 16, 1981, in Jackson, Wyoming.

WATER QUALITY COMMITTEE MEMBERS

Don A. Ostler - Utah - Chair

Mike Menge - Alaska

Mead Treadwell (Alt.) - Alaska

Edward Z. Fox - Arizona

David G. Kelley - California

J. David Holm - Colorado

Joe Nagel - Idaho

Steve Pilcher - Montana - Vice Chair

Joseph E. Dini, Jr. - Nevada

Frank DuBois - New Mexico

Wayne Cunningham (Alt.) - N. Mexico

Francis Schwindt - North Dakota

Lorna Stickel - Oregon

Steve Pirner - South Dakota

Fred Pfeiffer - Texas

Mike Llewelyn (Alt.) - Washington

William L. Garland (Alt.) - Wyoming



Front Row: Joe Nagel, Francis Schwindt, Steve Pirner, Steve Pilcher, Don Ostler, Lorna Stickel

Back Row: Mike Llewelyn, Bill Wiley, Wayne Cunningham, Fred Pfeiffer, Joe Dini

Federal Ground Water Legislation Subcommittee

Steve Pilcher - Montana - Chair

David G. Kelley - California

Don A. Ostler - Utah

Terral Smith - Texas

Non-point Source Pollution Control Subcommittee

Frank DuBois - New Mexico

Steve Pirner - South Dakota

Wayne Cunningham - New Mexico

Don A. Ostler - Utah

Francis Schwindt - North Dakota

Clean Water Act Reauthorization Subcommittee

Edward Z. Fox - Arizona - Chair

Ric Davidge - Alaska

Charles DuMars - New Mexico

Gary Fritz - Montana

Fred Pfeiffer - Texas

Joseph E. Dini, Jr. - Nevada

Don A. Ostler - Utah

RULES OF ORGANIZATION³⁰

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 matters relating to the planning, conservation, development, management, and protection 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) 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.
- (2) Investigate and review water related matters of interest to the Western States.
- (3) Express policy positions regarding proposed federal laws, rules and regulations and other matters affecting the planning, conservation, development, management, and protection of water resources in Western States.
- (4) Sponsor and encourage activities to enhance exchange of ideas and information and to promote dialogue regarding optimum management of western water resources.
- (5) Authorize preparation of amicus briefs to assist western states in presenting positions on issues of common interest in cases before federal and state courts.

Article V - Membership

- (1) The membership of the Council consists of not more than three representatives of each of the states of Alaska, Arizona, California, Colorado, Idaho, Montana,

³⁰ The rules incorporate changes that were adopted in January of 1989 at the Council's 93rd quarterly meetings in Las Vegas, Nevada.

Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming appointed by and serving at the pleasure of the respective Governors. Member states of the Western Governors' Association, which are not members of the Council, shall be added to membership if their respective Governors so request. The Executive Committee may, upon unanimous vote, confer membership upon other western states, which are not members of the Western Governors' Association, if their respective Governor so requests.

- (2) Member states may name alternate representatives.
- (3) Any state may withdraw from membership upon written notice by its Governor.
- (4) The Executive Committee of the Council may, by unanimous vote, confer the status of Associate Member of the Council upon states it deems eligible. Associate Membership may be granted for a period of up to three years, during which time the state may appoint two official observers to participate in Council activities and receive all printed material disbursed by the Council. Associate Member states shall have no vote in Council matters. The Executive Committee shall, through regular Council voting procedures, establish the appropriate level of dues for Associate Member states. In addition to determinations concerning Associate Member states, the Executive Committee may, when appropriate, establish fees for participation in Council activities by non-members.

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 Chair, Vice-Chair and Secretary-Treasurer. They shall be selected in the manner provided in Article VIII.

Article VIII - Selection of Officers

The Chair, Vice-Chair and Secretary-Treasurer, 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. These officers shall serve one-year terms. However, the Chair and Vice-Chair may not be elected to serve more than two terms consecutively in any one office. In the event that a vacancy occurs in any of these offices, it shall be filled by an election to be held at the next quarterly Council meeting.

Article IX - Executive Committee

- (1) Each Governor may designate one representative 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. In the absence of such a designation by the Governor, representatives of each state shall designate one of their members to serve on the Executive Committee. Any Executive Committee member may designate an alternate to serve in his/her absence.
- (2) The Council may establish other committees which shall have such authority as may be conferred upon them by action of the Council.

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 external policy 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 a regular meeting and 10 days prior to a special meeting at which such matter is to be considered; provided, that such 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 Robert's 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 is 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 two-thirds of the member states.

Article XII - Meetings

The Council shall hold regular quarterly meetings at times and places to be decided by the Chair, upon 30 days written notice. Special meetings may be called by a majority vote of the Executive Committee, upon 10 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 - 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 and wasteful and inefficient practices or those that unnecessarily degrade water quality should be eliminated.

1.1.4 New uses of western water resources should make the most practical and efficient use of water resources and should minimize any necessary reductions in the quality of western water resources.

1.1.5 Water resource developments should be implemented when they are well planned, endorsed by local and state governments and provide for maximum social and economic benefits from the use of western water resources and integrate maximum use concepts with conservation, environmental enhancement and the preservation of natural resources.

1.1.6 The States should be the lead governmental body in the administration of water rights and in the preparation of statewide water plans so that wise use and best conservation practices can be assured.

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

1.1.8 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.

1.1.9 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.

1.1.10 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.

1.1.11 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 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 Interbasin or interregional 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 of quantities of water that are surplus.

1.3.2 In making determination of possible surplus water, all water-related needs of the States and areas of origin bearing on environmental protection, economic prosperity and social well being 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 on 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 interbasin 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 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.

1.5 The public should be educated concerning the varied and many uses of water and the wise and prudent management thereof. Sound water resource and related land management concepts and the needs and issues confronting the region and the nation should be disseminated. All means and possibilities of financing, development of, and implementing an education program should be explored.

2.0 Guidelines and Procedures for Correlation of Plans and Schedules Among Western States

2.1 Interstate Exchange of Information and Data.

2.1.1 When a state publishes reports or takes any action which may affect 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.

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

2.1.3 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.

2.1.4 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:

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

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

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

2.1.4.4 Major legal and administrative decisions pertaining to water resources.

2.1.4.5 State or Federal legislation as proposed by any state materially affecting Western States water planning.

2.2 Correlation of Plans and Schedules.

2.2.1 A master list shall be prepared and maintained at the headquarters of the Western States Water Council of items furnished pursuant to Section 2.1 with copies to be furnished to member States at appropriate intervals.

ADDRESSES AND TELEPHONE NUMBERS
of WSWC Members and Staff

- ADELSMAN, Hedia (206) 459-6056
 Water Resources Program Manager FAX (206) 438-7537
 Department of Ecology
 St. Martins College Campus
 Mail Stop PV-11
 Olympia, Washington 98504-8711
- ANDERSON, D. Larry (801) 538-7230
 Director FAX (801) 538-7315
 Division of Water Resources
 1636 West North Temple
 Salt Lake City, Utah 84116
- ANDRUS, Cecil (208) 334-2100
 Governor of Idaho
 State Capitol
 Boise, Idaho 83720
- ANTON, Edward C. (Alt.) (916) 657-1359
 Chief FAX (916) 657-2388
 Division of Water Rights
 State Water Resources Control Board
 901 P Street
 Sacramento, California 95814
- AYALA, Ruben (916) 445-6868
 Senator FAX (916) 445-0128
 California Legislature
 State Capitol, Room 2082
 Sacramento, California 95814
- BANGERTER, Norman H. (801) 538-1000
 Governor of Utah
 State Capitol
 Salt Lake City, Utah 84114
- BELL, D. Craig (801) 561-5300
 Executive Director FAX (801) 255-9642
 Western States Water Council
 Creekview Plaza, Suite A-201
 942 East 7145 South
 Midvale, Utah 84047
- BROPHY, Michael (602) 258-7701
 Attorney at Law
 Ryley, Carlock & Applewhite
 101 North First Avenue
 Phoenix, Arizona 85003
- CHRISTOPULOS, George L. (Alt.) (307) 632-7871
 3600 Bent Avenue
 Cheyenne, Wyoming 82001

- CUNNINGHAM, Wayne P. (Alt.) (505) 646-2642
 New Mexico Department of Agriculture FAX (505) 646-3303
 Division of Agriculture Programs and Resources
 Box 30005, Department 5702
 Las Cruces, New Mexico 88003-0005
- DANIELSON, Jeris (303) 866-3581
 Colorado State Engineer FAX (303) 866-3589
 1313 Sherman Street, Room 818
 Denver, Colorado 80203
- DAVIDGE, Ric (907) 762-2575
 Director FAX (907) 563-1853
 Division of Water Resources
 3601 C. Street
 P.O. Box 107005
 Anchorage, Alaska 99510-7005
- DINI, Joseph E., Jr. (702) 463-2868
 Speaker, Nevada State Assembly
 104 North Mountain View
 Yerington, Nevada 89447
- DuBOIS, Frank A., III (505) 646-3008
 Director/Secretary
 New Mexico Department of Agriculture
 Box 30005, Department 3189
 Las Cruces, New Mexico 88003-0005
- DuMARS, Charles (505) 277-3130
 Professor of Law FAX (505) 277-0068
 University of New Mexico
 2021 Lakeview, S.W.
 Albuquerque, New Mexico 87105
- DWYER, Michael A. (Alt.) (701) 223-4615
 North Dakota Water Users Association
 P. O. Box 2599
 Bismarck, North Dakota 58502
- EATON, Patricia P. (405) 231-2500
 Executive Director FAX (405) 231-2600
 Oklahoma Water Resources Board
 P.O. Box 150
 600 N. Harvey
 Oklahoma City, Oklahoma 73101-0150
- FASSETT, Gordon W. (307) 777-7354
 Wyoming State Engineer FAX (307) 777-6869
 Herschler Building
 Cheyenne, Wyoming 82002
- FOX, Edward Z. (602) 257-6917
 Director
 Department of Environmental Quality
 2005 N. Central
 Phoenix, Arizona 85004

- FRITZ, Gary (406) 444-6605
 Administrator FAX (406) 444-0533
 Water Resources Division
 Department of Natural Resources & Conservation
 1520 East 6th Avenue
 Helena, Montana 59620-2301
- GARDNER, Booth (206) 753-6780
 Governor of Washington
 State Capitol
 Olympia, Washington 98504
- GARLAND, William L. (Alt.) (307) 777-7072
 Administrator
 Water Quality Division
 Herschler Building, 4th Floor
 122 West 25th
 Cheyenne, Wyoming 82002
- GOODSON, Myron (307) 283-2407
 Chair
 Wyoming Water Development Commission
 % P.O. Box 429
 Sundance, Wyoming 82729
- GRAY, Gene (208) 642-3388
 Route #1, Box 46-A FAX (208) 642-2017
 Payette, Idaho 83661
- GUHIN, John (Alt.) (605) 773-3215
 Assistant Attorney General
 South Dakota Attorney General's Office
 500 East Capitol
 Pierre, South Dakota 57501
- GUNDERSON, Marian (Alt.) (605) 352-4950
 Chairwoman
 Board of Water Management
 811 West Third
 Yankton, South Dakota 57078
- HAAS, Wayne T. (Alt.) (208) 327-7910
 Administrator FAX (208) 327-7866
 Department of Water Resources
 Statehouse
 Boise, Idaho 83720
- HANSEN, Dee C. (801) 538-7200
 Executive Director
 Department of Natural Resources
 1636 West North Temple
 Salt Lake City, Utah 84116

- HARRIS, Harley R. (Alt.) (406) 444-2026
 Office of the Attorney General
 Legal Services Division
 Justice Building
 215 N. Sanders
 Helena, Montana 59620
- HATCH, John (605) 773-3352
 Director FAX (605) 773-4840
 Division of Water Rights
 Department of Water & Natural Resources
 523 East Capitol
 Pierre, South Dakota 57501
- HICKEL, Walter, J. (907) 465-3500
 Governor of Alaska
 Pouch A
 Juneau, Alaska 99811
- HIGGINSON, R. Keith (208) 327-7910
 Director FAX (208) 327-7866
 Idaho Department of Water Resources
 Statehouse
 Boise, Idaho 83720-9000
- HOLM, J. David (303) 331-4534
 Director
 Water Quality Control Division
 Colorado Department of Health
 4210 East 11th Avenue
 Denver, Colorado 80220
- JENNESS, Charles W. (512) 463-7847
 Chairman
 Texas Water Development Board
 P.O. Box 13231
 Capitol Station
 Austin, Texas 78711-3231
- JENSEN, Dallin (Alt.) (801) 532-1234
 Parsons Behle & Latimer FAX (801) 539-1346
 185 South State Street
 Salt Lake City, Utah 84147
- JOHNSON, Norman K. (801) 561-5300
 Legal Counsel FAX (801) 255-9642
 Western States Water Council
 Creekview Plaza, Suite A-201
 942 East 7145 South
 Midvale, Utah 84047
- KELLEY, David G. (916) 445-7852
 Member of the Assembly FAX (916) 324-1393
 State Capitol, Room 5164
 Sacramento, California 95814

- KENNEDY, David N. (916) 653-7007
 Director FAX (916) 653-5028
 Department of Water Resources
 State of California
 P.O. Box 388
 Sacramento, California 95802
- KING, Bruce (505) 827-3000
 Governor of New Mexico
 State Capitol
 Santa Fe, New Mexico 87501
- KRENZ, Julie (701) 224-4944
 Assistant Attorney General
 State Water Commission
 900 East Boulevard
 Bismarck, ND 58505
- LEWIS, Ron (512) 463-0612
 Representative, Texas Legislature
 P.O. Box 2910
 Austin, Texas 78769
- LINSER, C. Laurence (Alt.) (602) 542-1557
 Deputy Director
 Office of Planning and Adjudications
 Department of Water Resources
 15 South 15th Avenue
 Phoenix, Arizona 85007
- LLEWELYN, Michael (Alt.) (206) 438-7090
 Water Quality Program Manager
 Department of Ecology
 St. Martins College Campus
 Mail Stop PV-11
 Olympia, Washington 98504-8711
- MacINTYRE, Donald D. (406) 444-6699
 Chief Legal Counsel FAX (406) 444-6721
 Department of Natural Resources & Conservation
 1520 East 6th Avenue
 Helena, Montana 59620-2301
- MARTINEZ, Eluid L. (505) 827-6175
 New Mexico State Engineer FAX (702) 827-6188
 101 Bataan Memorial Building
 Santa Fe, New Mexico 87504-5102
- McDONALD, Tom (206) 459-6162
 Assistant Attorney General
 Attorney General's Office
 Ecology Division
 P.O. Box 40117
 Lacey, Washington 98504-0117

- MENGE, Mike (907) 465-5260
 Director FAX (907) 465-5274
 Division of Environmental Quality
 Department of Environmental Conservation
 410 Willoughby Avenue
 P. O. Box O
 Juneau, Alaska 99811-1800
- MICKELSON, George S. (605) 773-3212
 Governor of South Dakota
 State Capitol
 Pierre, South Dakota 57501
- MILLER, Robert J. (702) 885-5670
 Governor of Nevada
 State Capitol
 Carson City, Nevada 89701
- MONTFORD, John T. (512) 463-0128
 Texas Senate FAX (512) 463-0326
 P.O. Box 12068
 Austin, Texas 78711
- MORROS, Peter G. (Alt.) (702) 687-4360
 Director FAX (702) 687-6972
 Department of Conservation and Natural Resources
 123 West Nye Lane, Room 230
 Carson City, NV 89710
- NAGEL, Joe (208) 334-5840
 Administrator
 Division of Environmental Quality
 Department of Health and Welfare
 Statehouse Mail
 Boise, Idaho 83720
- OSTLER, Don A. (Alt.) (801) 538-6146
 Director FAX (801) 538-6018
 Bureau of Water Pollution Control
 Utah Department of Health
 Division of Environmental Health
 288 North 1460 West
 P. O. Box 16690
 Salt Lake City, Utah 84116-0690
- PATY, William W. (808) 548-6550
 Chairperson
 Commission on Water Resources Management
 Department of Land and Natural Resources
 P. O. Box 621
 Honolulu, Hawaii 96809

- PEARSON, Rita (Alt.) (602) 542-1306
 Executive Assistant
 Office of the Governor
 1700 West Washington
 Phoenix, Arizona 85007
- PECK, Reese (Alt.) (605) 773-3151
 Deputy Secretary
 Department of Water and Natural Resources
 523 East Capitol
 Pierre, South Dakota 57501-3181
- PFEIFFER, Fred (Alt.) (512) 227-1373
 General Manager
 San Antonio River Authority
 P.O. Box 830027
 San Antonio, Texas 78283-0027
- PILCHER, Steve (406) 444-5264
 Administrator of the Environmental Sciences Division
 Department of Health and Environmental Sciences
 Room A206, Cogswell Building
 Helena, Montana 59620
 FAX (406) 444-2606
- PIRNER, Steve (605) 773-3351
 Director
 Division of Environmental Quality
 Department of Water and Natural Resources
 523 East Capitol
 Pierre, South Dakota 57501-3181
 FAX (605) 773-4840
- REED, Pam (Alt.) (512) 463-7830
 Commissioner
 Texas Water Commission
 P.O. Box 13087
 Austin, Texas 78711-3087
- RICHARDS, Ann (512) 463-2000
 Governor of Texas
 State Capitol
 Austin, Texas 78711
- RIEKE, Elizabeth Ann (602) 542-1540
 Director
 Department of Water Resources
 15 South 15th Avenue
 Phoenix, Arizona 85007
 FAX (602) 256-0506
- ROBERTS, Barbara (503) 378-3100
 Governor of Oregon
 State Capitol
 Salem, Oregon 97310

- ROBERTS, Robert E. (605) 773-3151
 Secretary FAX (605) 773-4840
 Department of Water and Natural Resources
 523 East Capitol
 Pierre, South Dakota 57501
- ROMER, Roy (303) 866-2471
 Governor of Colorado
 State Capitol
 Denver, Colorado 80203
- SAMANIEGO, Eliseo M. (Alt.) (916) 657-0993
 Board Member FAX (916) 327-2765
 State Water Resources Control Board
 901 P Street
 Sacramento, California 95814
- SANDERS, Steve (503) 378-6986
 Assistant Attorney General FAX (503) 378-3784
 Oregon Department of Justice
 100 Justice Building
 Salem, Oregon 97310
- SCHWINDT, Francis (701) 224-2374
 Chief
 Environmental Health Section
 Missouri Office Building
 1200 Missouri Avenue
 P. O. Box 5520
 Bismarck, North Dakota 58502-5520
- SIMMS, Richard A. (Alt.) (505) 983-3880
 Simms & Stein
 446 West San Francisco Street
 P.O. Box 280
 Santa Fe, New Mexico 87504-0280
- SINNER, George (701) 224-2200
 Governor of North Dakota
 State Capitol
 Bismarck, North Dakota 58505
- SMITH, Terral (Alt.) (512) 463-0700
 Representative, Texas Legislature FAX (512) 463-0695
 P. O. Box 2910
 Austin, Texas 78769
- SPRYNCZYNATYK, David N. (701) 663-8255
 State Engineer FAX (701) 663-8459
 State Water Commission
 900 East Boulevard
 Bismarck, North Dakota 58505-0187
- STEPHENS, Stan (406) 444-3111
 Governor of Montana State Capitol
 Helena, Montana 59620

- STICKEL, Lorna (503) 796-7502
 Chair FAX (503) 796-6133
 Water Resources Commission
 % 14439 S.E. Tenino
 Portland, OR 97236
- STONEHOCKER, Jack L. (702) 486-7060
 Director
 Colorado River Commission
 Mailroom Complex
 Las Vegas, Nevada 89158
- SULLIVAN, Glenn H. (405) 521-2413
 P.E., Secretary
 Department of Natural Resources
 500 Will Rogers Building
 Oklahoma City, Oklahoma 73105
- SULLIVAN, Mike (307) 777-7434
 Governor of Wyoming
 State Capitol
 Cheyenne, Wyoming 82001
- SYMINGTON, Fife (602) 542-4331
 Governor of Arizona
 Statehouse
 Phoenix, Arizona 85007
- TAGOMORI, Manabu (808) 587-0222
 Deputy to the Chairperson FAX (808) 548-6052
 Commission on Water Resources Management
 Department of Land and Natural Resources
 P. O. Box 373
 Honolulu, Hawaii 96809
- TILESTON, Peg (907) 561-0540
 Chairman
 Alaska Water Resources Board
 4780 Cambridge Way
 Anchorage, Alaska 99503
- TREADWELL, Mead (Alt.) (907) 465-5050
 Deputy Commissioner
 Office of the Commissioner
 Department of Environmental Conservation
 P.O. Box O
 Juneau, Alaska 99811-1800
- WADDINGHAM, Thorpe A. (801) 864-5231
 Attorney
 P.O. Box 177
 Delta, Utah 84642

- WAIHEE, John (808) 548-5420
 Governor of Hawaii
 State Capitol
 Honolulu, Hawaii 96809
- WALKER, David W. (303) 866-3441
 Director FAX (303) 866-2115
 Colorado Water Conservation Board
 1313 Sherman Street, Room 721
 Denver, Colorado 80203
- WALSTON, Roderick E. (Alt.) (415) 703-2425
 Deputy Attorney General FAX (415) 557-2200
 455 Golden Gate Avenue, Room 6000
 San Francisco, California 94102
- WALTERS, Dave (405) 521-2345
 Governor of Oklahoma
 State Capitol
 Oklahoma City, Oklahoma 73152
- WEISS, Wendy C. (Alt.) (303) 866-3611
 Colorado Department of Law
 1525 Sherman Street
 Denver, Colorado 80203
- WESTERGARD, Roland D. (702) 882-3506
 207 Carville Circle
 Carson City, Nevada 89701
- WILLARDSON, Anthony G. (801) 561-5300
 Associate Director FAX (801) 255-9642
 Western States Water Council
 Creekview Plaza, Suite A-201
 942 East 7145 South
 Midvale, Utah 84047
- WILLIAMS, J. D. (Alt.) (208) 334-3100
 Office of the State Auditor FAX (208) 334-2606
 700 West State
 Boise, Idaho 83720
- WILSON, Pete (916) 445-2841
 Governor of California
 State Capitol
 Sacramento, California 95814
- YOUNG, William H. (503) 378-2982
 Director FAX (503) 378-8130
 Water Resources Department
 3850 Portland Road, N.E.
 Salem, Oregon 97310