



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS/WATER RESOURCES **Arizona/Water Conservation**

On February 18, Governor Doug Ducey (R-AZ) signed H.B. 2056/S.B. 1368, which amends surface water laws to allow water conservation as a sufficient cause for nonuse, provided the person entitled to the water rights files a water conservation plan with the Arizona Department of Water Resources. The bill specifies that “water included in a water conservation plan does not constitute abandonment or forfeiture of the water conserved.” The bill also prohibits a person from accruing long-term storage credits for conserved water within a water conservation plan.

The plan must include: (1) the identity and contact information of the person entitled to the use of water specified in the conservation plan; (2) description of all water rights and claims included in the plan; (3) the place and purpose of the use of the identified water rights and claims and the historical and current water use; (4) a description of the water conservation measures to be implemented; (5) a statement that the conservation plan is temporary and voluntary in nature; (6) a statement that the plan is intended to result in the temporary reduction of use or diversion of water; (7) a statement that the activities described in the plan will contribute to the practical and economical management, conservation, and use of Arizona surface water; and (8) a statement that the water right holder does not intend to abandon the water right during the term of the plan.

The plan can designate a duration of up to 10 years and allows subsequent notice, if filed prior to the expiration date, for additional one or more periods of up to 10 years. Finally, the bill declares the legislature’s intent that it only applies prospectively and that water conservation contributes to Arizona’s water management goals without affecting associated water rights or claims. https://www.azleg.gov/legtext/55leg/1R/summary/S.2056-1368NREW_ASENACTED.pdf.

ADMINISTRATION/CONGRESS **USDA/Senate Confirmation**

On February 23, Tom Vilsack was confirmed by the Senate as the Secretary of Agriculture by a vote of 92-7.

In his confirmation hearing on February 2, Vilsack said, “If confirmed, USDA will lead the federal government in building and maintaining new markets in America that diversify rural economies; producing healthy, local and regional foods; investing in renewable energy; creating a thriving biobased manufacturing sector; embracing sustainable and regenerative practices that enhance soil health; and delivering science-based solutions to help mitigate and reduce climate change. We must stop the farm debt cycle and create transparency in pricing throughout the supply chain; expand overseas markets and give U.S. agriculture a level playing field; and harness USDA’s expertise in science and conservation to work with farmers, ranchers and forest owners to create new sources of income tied to their good climate practices. This includes recognizing the important role our National Forests and all forested lands play as the best natural carbon capture that exists. To respond to the challenge climate change presents to conserving, preserving and growing healthier forests, we need a strong commitment to forest management and restoration.”

During questioning, Vilsack highlighted the importance of healthy forests for the many benefits they provide for water quality, timber, and watershed health, among others. He suggested forests should be considered “major infrastructure” for the country and hopes Congress will take them into account as they determine how to fund infrastructure going forward. He also mentioned that many of the solutions that ensure good water quality also contribute to climate change goals, and that he is interested in working to develop the necessary quantitative and qualitative tools to support market-based approaches that shepherd these goals.

Additionally, Vilsack discussed the importance of providing technical assistance to rural communities so that they can better access federal resources that can help to boost their local and regional economies. See <https://www.agriculture.senate.gov>.

Interior Nomination

On February 23-24, the Senate Committee on Energy and Natural Resources held confirmation hearings for Representative Debra Haaland (D-NM) as

Secretary of the Interior for the Biden Administration. The first day of questioning primarily focused on issues related to public lands, including the fate of oil and gas leases and concern from many senators, including from western states, over the future of energy development and potential decisions Haaland could make that may have economic consequences to local communities.

On the second day, several senators from western states focused some of their questioning on water issues. Senator Mark Kelly (D-AZ) asked Haaland about her openness to increasing resources to Colorado River states to put towards expanding reservoir capacity, water recycling and groundwater management in order to deal with current and ongoing drought. Haaland said, "Living in the Southwest, I realize and understand how important water is and sometimes how little there is of it. We know that water is the lifeblood of the West and the Southwest and I know that we are experiencing severe droughts currently. It's important for us to pay attention to this issue. It's important for us to conserve and think about ways we can conserve water. Water recycling is a great way to do that. I know that its best if we seek consensus-based solutions to these issues. [As I] said many times yesterday, I will consult with you and with all the members of this committee. I think it's important – Congress is a co-equal branch of government and if we work together we can find ways to find solutions to some of these issues."

Kelly also questioned Haaland on Native American water settlements, and if she would be willing to prioritize the completion and full funding of existing and future water settlements. Haaland said, "I know [tribal water settlements are] also extremely important. I so look forward to working with you on these issues. I know there are several water settlements currently in New Mexico as well, and it would be nice to get those done."

Senator Roger Marshall (R-KS) also raised concerns about Haaland's potential decisions on water issues regarding tradeoffs between local economies and the environment, specifically in reference to water rights conflicts between farmers and the Quivira National Wildlife Refuge. Haaland responded, "Water law is complicated and important. And I know there are water attorneys at the department, and you can bet that I will seek their advice and look at this issue. I will rely on you to bring us your ideas about how we can make things better. Coming from a traditional farming family that has been farming for centuries and centuries, farming is absolutely important. It's an American tradition. I support farmers and would love to find solutions to these issues."

Finally, Senator Ron Wyden applauded Haaland for her commitment to collaboration and to work in a bipartisan fashion. He asked her how she would approach the issue of tribal water infrastructure, something that most senators on the Committee deal

with in their state. Haaland said, "I think in 2021, every single American should have the opportunity to have safe and healthy drinking water. This is a human right in my opinion.... Not one drop of water has come into or left our planet in 4.6 B years. It's just that climate change has caused our water to move in different areas, so we need to protect the water that we have. I am all for ensuring that we can come to solutions [on] tribal water infrastructure, that we can look at water through a new lens in 2021 when we know that climate change is a drastic issue, especially in the West with the droughts that we have. And I hope that we can find ways to conserve, recycle, and move all of those issues forward so that nobody is stuck in the desert without any water to drink."

Haaland also faced several questions related to the Endangered Species Act (ESA). She consistently responded that science is central to implementing the ESA and that she would carefully consider issues related to listing and delisting species. She also voiced her support for the Land and Water Conservation Fund (LWCF), and promised to seek full funding for the program.

On March 4, the Committee favorably reported her nomination to the Full Senate by a vote of 11-9. Senator Lisa Murkowski (R-AK) joined the Democrats on the committee in recommending her nomination, "...despite some very real misgivings." "[K]now that I intend to work with you because I want you to be successful. And quite honestly, we need you to be successful," Murkowski said. See energy.senate.gov.

MEETINGS

Washington DC Roundtable

On April 15-16, the Interstate Council on Water Policy, the Western States Water Council, and the National Water Supply Alliance will co-host a virtual 2021 Washington DC Roundtable. There is no registration fee, but you must register to receive the Zoom log-in link. For further information, including how to register see: <https://icwp.org/washington-dc-roundtable/>.

PEOPLE

Kansas Governor Laura Kelly appointed **Earl Lewis**, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA), and **Connie Owen**, Director, Kansas Water Office (KWO) to the WSWC. Governor Kelly also appointed **Cara Hendricks**, Assistant Director, KWO, to serve as an alternate member. **Kenneth Titus**, Chief Counsel, KDA; and alternate members, **Chris Beightel**, Water Management Services Program Manager, Division of Water Resources, KDA; and **Tom Stiles**, Chief, Office of Watershed Planning, Kansas Department of Health and Environment, will continue to serve on the WSWC.

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