

**Written Testimony of the
WESTERN STATES WATER COUNCIL**

**Submitted to the
Senate Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies**

**Regarding the Department of the Interior Fiscal Year 2022 Appropriations
June 24, 2021**

Chair Merkley, Ranking Member Murkowski, and Members of the Subcommittee, on behalf of the Western States Water Council (WSWC) we welcome the opportunity to provide written testimony on federal agency activities and appropriations under the subcommittee's jurisdiction. The WSWC is a government entity an instrumentality of each and every participating state advising western governors of water policies and programs. Members are appointed and serve at the pleasure of their respective governors.

Department of the Interior

Indian Water Rights Settlements

The Council reiterates its support for encouraging negotiated settlements of disputed Indian water rights claims as the best solution to the critical problem of limited resources to fulfill tribal and non-tribal water needs that affects almost all of the Western States. We urge the Subcommittee to support Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions that recognizes the trust obligations of the United States government. Indian water rights settlements are not and should not be defined as Congressional earmarks. Indian water rights settlements, once authorized by the Congress and approved by the President, should be funded without a corresponding offset, including cuts to some other tribal or essential Interior Department programs.

General State Stream Adjudications

The States are primarily responsible for the allocation, administration, management and protection of the water resources and rights to the use of water within their borders. The western states use general stream adjudications to determine and document the quantity and priority dates of water rights within basins, including rights to waters claimed by the United States under either state or federal law. General stream adjudications give certainty to water rights, provide the basis for water right administration, reduce conflict over water allocation and water usage, and incidentally facilitate important market transactions for western water rights. As a matter of policy, federal agencies should pay a fair share of the administrative costs associated with adjudicating their often-numerous claims in state court adjudications. Further, federal agencies should be given policy direction to ensure that federal claims filed in state court adjudications have a sound basis in fact and law. States continue to encounter questionable claims that can be very costly to evaluate, thus diverting limited state resources from completing general stream adjudications.

WaterSMART

Maintaining and delivering sufficient water supplies of suitable quality is key to the West's economic prosperity, environmental needs, and our quality of life, both now and in the future. As recognized in the Science and Engineering to Comprehensively Understand and Responsibly Enhance (SECURE) Water Act, "...States bear the primary responsibility and authority for managing the water resources of the United States." Western water law and policy are based on the reality of scarcity and the need to use water wisely. Western states have made great strides in increasing efficiency and reducing water use, but continued investments and sacrifices are needed to maintain our quality of life and to protect our environment. The SECURE Water Act also recognizes that "the Federal Government should support the States, as well as regional, local and tribal governments..." and authorizes a number of important programs to provide this much-needed support. The Council supports technical and financial assistance to states, local watershed groups and water districts as an appropriate federal role, consistent with authorized federal programs. Section 9504 of the SECURE Water Act authorizes the Secretary of the Interior to provide grants or enter into cooperative agreements to assist states and other non-federal entities in carrying out a range of water use efficiency improvements to address crucial water supply issues, stretch limited water supplies, and improve water management.

U.S. Geological Survey

Real-time water resources data are critical for timely actions in response to droughts, flooding, and other extreme weather events. The lack of federal capital investments in water data programs has led to the discontinuance, disrepair, or obsolescence of vital equipment needed to maintain existing water data gathering activities. The lack of timely and accurate streamflow information threatens to put human life, health, welfare, property, and environmental and natural resources at a considerably greater risk of loss. The data is integral to water supply management decisions of states, utilities, reservoir operators and farmers. It is also essential for risk management, disaster mitigation, and drought and flood forecasting throughout the West.

Many WaterSMART programs have largely been underfunded or remain dependent on year-to-year appropriations. Section 9507 of the SECURE Water Act authorizes enhancements to the U.S. Geological Survey's (USGS) National Streamflow Information Program (NSIP) in order to provide an improved national backbone focused on national needs and interests. The Groundwater and Streamflow Information Program (GWSIP) and USGS' cooperative matching funds within the Water Availability and Use Science Program (WAUSP), together provide vital water data that States and other public and private entities and individuals rely on in making day-to-day planning and management decisions. Section 9508(c) authorizes the USGS to "provide grants to State water resource agencies to assist in developing water use and availability datasets" and has led to initiation of the Water-Use Data and Research (WUDR) program, in support of the Water Use Data for the Nation publication and the National Water Census. USGS' GWSIP, WAUSP, and WUDR together will provide vital water data that States and other public and private entities may rely on to make day-to-day planning and management decisions.

The Council expresses our strong support for implementation of the SECURE Water Act, and encourages the Subcommittee to ensure that the Act's authorized activities receive support and appropriations that are adequate to fulfill their stated purposes as a dedicated line item.

Water Resources Research Institutes

The USGS Water Resources Research Act program promotes, facilitates, and conducts research that helps resolve state and regional water problems, promotes technology transfer, facilitates dissemination and application of research, trains scientists through participation in research, and awards competitive grants. Water resources research, the dissemination and application of research results or research to operations (R2O) and technology transfer are increasingly important to meeting our present and future water needs. The Water Resources Research Act of 1964 authorizes a program that includes the establishment of state water resources research institutes (WRRIs) or centers in each state to address our water resources challenges. Today's institutes and centers provide a research infrastructure that uses the capabilities of universities to greatly assist and provide important support to western state water agencies in long-term planning, policy development, and management of the increasingly complex water challenges. These challenges are exacerbated by the uncertainty surrounding population growth, climate, and economic and environmental water demands.

The Council and its member states continue to work with the institutes/centers and the academic community to ensure research investments are relevant to our most pressing water problems and allow each state to use methods most appropriate for its own situation. The institutes/centers' outreach and information transfer services and activities are very valuable to the water communities in the various western states. This is a very worthwhile federal-state partnership that promotes collaboration, cooperation and the conservation of limited physical, financial and personnel resources. We urge the Subcommittee to maintain appropriate financial support for the state WRRIs.

We appreciate the opportunity to provide written testimony.