

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

**Submitted to the
Senate Committee on Appropriations
Subcommittee on Energy and Water Development, and Related Agencies**

**Regarding the U.S. Bureau of Reclamation FY2022 Appropriations
June 24, 2021**

Chair Feinstein, Ranking Member Kennedy, 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. The WSWC appreciates the opportunity to provide written testimony on activities and appropriations for the U.S. Bureau of Reclamation (USBR).

Reclamation Fund

Recognizing the critical importance of water in the development of the West, the Congress passed the Reclamation Act on June 17, 1902 and provided monies "reserved, set aside, and appropriated as a special fund in the Treasury to be known as the 'reclamation fund,' to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of water for the reclamation of arid and semiarid land..." in seventeen western states, to be continually invested and reinvested.

The Council requests that the Subcommittee recommend fully appropriating the receipts and collections accruing to the Reclamation Fund, pursuant to the Reclamation Act and other acts, for their intended purpose in the continuing conservation, development and wise use of western resources to meet western water-related needs. "Needs" may include Reclamation project dam safety costs, financing extraordinary maintenance and rehabilitation of aging infrastructure (including transferred works), funding authorized rural water supply projects, and the construction of Reclamation facilities incorporated as part of a Congressionally approved Indian water right settlements. We also support an investigation of converting the Reclamation Fund to a true revolving trust fund.

The Reclamation Fund was envisioned as the principal means to finance federal western water and power projects with revenues from western resources. Its receipts are derived from water and power sales, project repayments, certain receipts from public land sales, leases and rentals in the seventeen western states, as well as certain oil and mineral related royalties – but these receipts are only available for expenditure pursuant to annual appropriation acts. With receipts outpacing expenditures for authorized Reclamation purposes, the unobligated figure gets larger and larger, while the money is spent elsewhere for other federal purposes, contrary to the Congress' original intent. The actual unobligated balance at the start of FY2020 was \$17.668

billion, and was estimated to have been \$17.689 billion at the beginning of FY2021 and \$17.794 billion at the beginning of FY2022.

Rural Water Supply Projects

The Council strongly supports funding to expedite construction of long-authorized Reclamation rural water supply projects in a timely manner, including projects that meet tribal trust and other federal responsibilities, while recognizing and continuing to defer to the primacy of western water laws and tribal settlements in allocating water among users. There are six authorized and active rural water projects located in Montana, New Mexico, North Dakota, and South Dakota, of which five have yet to be completed at an estimated federal cost of around \$898 million. Construction costs continue to increase due to delays, inflation and the rising costs of materials and labor. At current levels of funding, completion of some projects could be delayed by decades. There is a Federal responsibility to complete authorized rural water projects, particularly those intended to fulfill in part a solemn Federal promise and trust responsibility to compensate States and Tribes for lost resources as a result of the construction of federal flood control projects and other actions.

Project Maintenance, Repair, and Rehabilitation

The average age of Bureau of Reclamation dams is 70 years, with most requiring maintenance, repair, and rehabilitation (MR&R) estimated at \$2.9 billion. We support federal investments and collaborative efforts in water-related infrastructure projects and programs that deliver adequate supplies of suitable quality water, and provide jobs and economic security, while protecting the environment. We also support dedicated federal water infrastructure funding. Reclamation operates hundreds of dams, reservoirs, and related infrastructure in the West, supplying water and power to millions of people, irrigating millions of acres for food and fiber, providing flood control and recreation, and supporting wildlife and habitat. The importance of these projects cannot be overstated.

Many of Reclamation's facilities are nearing, or have already exceeded, their original design lives and are in need of MR&R, in order to minimize risk to public safety and continue to serve their authorized purposes. MR&R needs refer to both maintenance that has been deferred and future projections or anticipated maintenance, repair and rehabilitation work. Reclamation's existing funding, and the funding from non-federal partners, which operates two-thirds of Reclamation's infrastructure under contract, are not sufficient to address all MR&R needs. We support stable and continuous funding streams for maintenance, rehabilitation and repair of Reclamation dams and related infrastructure, as well as updated evaluations of priority needs

Dam Safety

The Reclamation Safety of Dams Act of 1978 provides Reclamation with authority to preserve and maintain the structural safety of dams under its stewardship. The WSWC supports ongoing coordination of state and federal efforts to strengthen dam safety programs. We support actions that provide stable and continuous federal funding streams for Reclamation dam safety work and related infrastructure.

Forecast Informed Reservoir Operations

The WSWC supports the use of innovative and forecast informed reservoir operations by Reclamation and other public and private entities at all levels. This would help to maximize the effective and efficient use of our existing and future infrastructure to benefit our myriad and growing economic uses of water, while at the same time balancing and protecting our need for public health and safety, as well as a resilient and healthy environment.

OpenET

In the West, the predominant consumptive use of water is evapotranspiration (ET) from irrigation. The WSWC supports a \$5M request under Reclamation's WaterSMART program for development of an Open Evapotranspiration (OpenET) software system and data platform through an operational use partnership (<https://openetdata.org/>). OpenET involves scientists from federal agencies and academic institutions using satellite and weather data to map evapotranspiration at the individual field scale. With these funds, Reclamation would be able to partner with the OpenET consortium and with a broad network of collaborators to refine, develop applications, and operationalize the use of OpenET, providing credible, transparent, automated, and easily accessible consumptive water use data across the West. No such system exists today. There is a need for developing new monitoring technologies that provide more timely data availability and more refined spatial coverage.

Currently, access to satellite and ET data is limited and expensive, keeping it out of the hands of many water users and decision-makers. OpenET will allow water managers to assess how much water is being used via a cost-effective and easy-to-use web-based platform, filling a critical water data management gap.

Agrimet

We also support \$1million in funding for Reclamation's Agrimet network of weather stations that provide data that serves as an important and efficient ground-truthing, calibration, and model validation tool for analysis of information products derived from satellite platforms such as OpenET. Agrimet provides basic data on precipitation, temperature, solar radiance, wind speed and humidity required to calculate reference ET and inform remote-sensing platforms. The Agrimet weather observing network suffers from the challenges of aging instrumentation infrastructure, deferred maintenance, need for technology upgrades, and funding that fails to keep up with these needs, making it difficult to maintain data continuity and coverage for users.

Drought

As the Subcommittee members are aware, much of the West is again in the grip of severe to exceptional drought. We support Reclamation's Drought Response Program, authorized under the Water Sustain and Manage America's Resources for Tomorrow (WaterSMART) program and the Science and Engineering to Comprehensively Understand and Responsibly Enhance (SECURE) Water Act, and urge the Subcommittee to provide funding for a comprehensive and

coordinated national drought preparedness and response program on par with federal efforts to address other natural disasters.

Hydropower

We support reasonable hydropower projects and programs that enhance our electric generation capacity and promote economic development through streamlined permitting processes, while appropriately protecting environmental resources, consistent with States' law and certification authority under the Clean Water Act Section 401.

Energy and Water Planning

Finally, we support integrating water and energy program and project planning, including improved data on water and energy supply and demand, that promotes conservation and use efficiency while seeking to minimize economic, environmental, and other costs.

Thank you for the opportunity to provide written testimony.