



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Chair - Jennifer Verleger; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

WESTERN STATES WATER COUNCIL

Summer Meetings

The WSWC Spring Meetings (196th) were hosted by the State of Wyoming on June 23-25, in Cody. Participants joined both virtually and in person. The WSWC revised and re-adopted three sunseting positions that: (1) support rural water supply projects and infrastructure needs; (2) support water transfers without a need for National Pollutant Discharge Elimination System (NPDES) Discharge Permits; and (3) regarding endangered species and state water rights.

Governor Mark Gordon virtually welcomed everyone to Wyoming. He noted the critical drought and wildfire concerns Wyoming and other western states are experiencing, as well as long-term infrastructure needs. In Wyoming, the 2019 collapse of the Goshen Irrigation District canal shut off water to more than 100 irrigators and 100,000 acres for most of the growing season. "The collapse has had long-standing effects on the Wyoming and Nebraska farmers whose livelihoods depend on the delivery of this water." The problems of aging infrastructure and need for new projects can't be ignored, and Wyoming is evaluating options to leverage state and federal resources. He expressed appreciation for the work of the Council on enhancing water data, advocating for state primacy, bolstering state and federal relationships, encouraging collaboration, and tackling Clean Water Act and Endangered Species Act issues. He said he looked forward to hearing more about the progress the Council makes.

During the Water Resources Committee, Elizabeth Ossowski, National Oceanic and Atmospheric Administration (NOAA), National Integrated Drought Information System (NIDIS) gave an overview of the U.S. Drought Monitor and their work to communicate and inform the public and decisionmakers on drought conditions, forecasts and impacts. They have been holding regular webinars, including one on the Western Drought Crisis, on July 20 (see drought.gov). Additionally, on Sept 13-15, NIDIS plans to host a Southwest Drought Virtual Forum on the longer-term perspective on drought. Kelsey Satalino, also with NIDIS, gave a demo of the new drought.gov website, which launched in late 2020. New features include: (1)

data at the city and zip code level; (2) data that is overlaid with different sector information, such as agricultural information and stream gages; and (3) maps of the impacts of drought on public health, including a layer with a social vulnerability index.

Cara McCarthy, National Water and Climate Center, Snow Survey and Water Supply Forecasting Program, also provided an update on drought conditions westwide. Overall, the outlook was described colloquially as a "bummer." Forecasts indicate below to well below average streamflow for April-July in at least eight western states and drying conditions will continue. Total reservoir storage is above average only in Montana and Wyoming.

Tom Buschatzke, Arizona Department of Water Resources, gave a presentation on Arizona's efforts to prepare for the 512,000 acre-feet Colorado River shortage expected for the 2022 water year. They have developed a water delivery priority system that includes some mitigation for agricultural and other water loss through 2026; however, post-2026, there are currently no plans to mitigate the lost water. Collaboration and political will have been key factors in developing this plan.

Jeanine Jones, California Department of Water Resources, gave an overview of the Council's efforts to secure a Congressional appropriation for a subseasonal to seasonal (S2S) pilot program within NOAA's U.S. Weather Research program. NOAA recommended the development of four pilot projects in its 2020 report to Congress per the U.S. Weather Research Act (P.L. 115-75), with the winter and summer precipitation forecasting pilots of most relevant interest to WSWC member states. While the pilot is not expected to be funded in this budget cycle, discussions with Senators and Representatives have laid the groundwork for additional support going forward. (See WSW #2437).

Julie Gondzar, Wyoming Water Development Office, discussed Wyoming's Weather Modification/Cloud Seeding Program to enhance snowpack in the headwaters of the Colorado and Missouri Rivers. The program represents a collaboration between the state of Wyoming and partners that rely on Colorado River water, including the Central Arizona Project, the Southern

Nevada Water Authority, the Colorado River Board of California, as well as mining interests that use a lot of water locally.

Vern Tharp, Western States Water Partnership, discussed their efforts to create public-private partnerships that address more complex issues surrounding water and water infrastructure development. He highlighted a current project that identified areas with radar gaps, such as in remote regions of the Rocky Mountains, and secured funding to install and maintain radar stations to improve forecasting and water supply estimation.

During the Water Quality Committee, David Waterstreet, Wyoming Department of Environmental Quality gave a presentation on managing sediment and turbidity at Willwood Dam to protect fisheries downstream. In 2016, three stakeholder workgroups convened to tackle (1) controlled releases of sediment and debris clean-up, (2) long-term strategies for sediment dynamics and management, and (3) addressing sediment contributions to the Shoshone River.

Roger Gorke, Office of Water, Environmental Protection Agency (EPA), provided updates on work regarding environmental justice, per- and poly-fluoroalkyl substances (PFAS), and the development of factsheets on ways to use state revolving funds (SRFs) for infrastructure projects. Additionally, Lauren Kasparek, EPA, gave a brief overview of the timeline regarding the redevelopment of the 2020 Clean Water Act §401 Certification Rule, and Whitney Beck, EPA, provided a timeline for upcoming action and outreach on the Navigable Waters Protection Rule (NWPR). EPA is planning to rescind the NWPR, and in conjunction with the Army Corps of Engineers, will work to develop a durable definition of “waters of the United States.”

The Committee then heard presentations from Trevor Baggione, Arizona Department of Environmental Quality, and Jennifer Carr, Nevada Department of Environmental Protection, on abandoned mine mitigation to ensure water quality. The Committee discussed a potential new position on abandon mines.

Chris Carlson, U.S. Forest Service and Sheila Murphy, U.S. Geological Survey, gave a presentation on the federal response to wildfires and their impacts on water quality. They noted that many available resources address preparation and response efforts before and during fires rather than the post-fire aftermath, when water quality is most at risk from sedimentation and other contaminants. Jeremy Neustifter, Colorado Department of Public Health and Environment, shared the collaborative stakeholder work being done at the state level. Colorado experienced the three largest wildfires on record in 2020, with expected long-term impacts of erosion, sedimentation, organic carbon, low

dissolved oxygen, harmful algal blooms, and increased pathogens, bacteria, contaminants, and turbidity.

During the Legal Committee, retired Bureau of Reclamation engineer Bill McCormick, together with Gary Boring, Keo Civil, LLC, gave a special historical presentation on repairing cavitation damage in the spillway tunnels at Glen Canyon Dam during the floods of 1983-84. Kenneth Titus, Kansas Department of Agriculture, talked about *Audubon of Kansas v. Department of the Interior, et al.*, as well as the historic background of water rights administration and impairment of Quivira National Wildlife Refuge water rights. Stephen Bartell, Natural Resources Section, U.S. Department of Justice, provided a western water litigation update on cases with federal involvement. He noted that the water rights docket does not change much with changing Administrations.

The Legal Committee held a roundtable discussion on the administration of water rights during drought. Members raised concerns with conjunctive management of groundwater and surface water, using models to evaluate the connectedness of resources, data uncertainties, statutory or discretionary assessments of water resource impacts, making determinations of futile calls, post-curtailment recovery of aquifers and surface streams, water banking, and managing tributaries to adjudicated streams.

During the Full Council meeting, Erin White, National Park Service, Yellowstone National Park, presented several of the water resource management challenges that affect not only the park, but the surrounding states and downstream users. Created in 1872, the park predates statehood for Idaho, Montana and Wyoming. While mostly managed as wilderness, she noted that later additions to the park included some active irrigation diversions that are allowed and maintained. She noted that under the CWA there are some impaired waters in the park. In 2018, the State of Montana removed Soda Butte Creek, which arises in the park, from the CWA §303(d) impaired water listing, marking the first Montana delisting of an impaired waterway following mine waste remediation efforts. Lastly, she mentioned Wild and Scenic River designations along the Snake River.

Peter Colohan, Internet of Water, provided updates on the collaborative water data project, building new technologies for modern water data management. He described work with the WSWC Water Data Exchange (WaDE) as critical to IOW, together with federal agencies, and other organizations and data hubs, to make existing water data more findable, assessable, interoperable and reuseable (FAIR).

The WSWC Fall Meetings (197th) are scheduled to be held in Deadwood, South Dakota on September 14-16, at the Gold Dust Casino and Hotel.

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.