

On July 29, Senator Catherine Cortez Masto (D-NV) introduced the Open Access Evapotranspiration (OpenET) Data Act (S. 2568) to authorize \$14M/year through FY2026 for the Secretary of the Interior, acting through the U.S. Geological Survey, to establish a program to advance the quantification of evaporation and consumptive water use data. OpenET involves the delivery of satellite-based evapotranspiration data, as well as providing users with field-scale estimates of ET across large landscapes over time. Cosponsors include Senators Kirsten Gillibrand (D- NY); Ben Ray Lujan (D-NM), Richard Blumenthal (D-CN), Alex Padilla (D-CA), Bernie Sanders (I-VT), Edward Markey (D-MA), Amy Klobuchar (D-MN), Elizabeth Warren (D-MA), Jeff Merkley (D-OR), Cory Booker (D-NJ), Tammy Baldwin (D-WI) and Richard Durbin (D-IL).

In introducing the bill, Senator Masto said: “With Nevada and states across the West facing drought, we need to make it as easy as possible for our communities to conserve water and for farmers and ranchers to effectively manage their water use. My legislation will help accomplish that goal by equipping Nevadans with this critical water data. This data will help us protect our water resources and ensure our crops, livestock, and wildlife have water access, and passing this bill would mark a significant step in our plan for a more sustainable future.”

The Secretary of the Interior is directed to coordinate and consult with the heads of other relevant Federal agencies, including: (i) the Commissioner of Reclamation; (ii) the Administrator of the National Aeronautics and Space Administration; (iii) the Administrator of the National Oceanic and Atmospheric Administration; (iv) the Administrator of the Agricultural Research Service; and (v) the Chief of the Natural Resources Conservation Service; as well as program partners such as a State (or state agency), institution of higher education, non-governmental organization, private sector entity, or any other entity determined to be appropriate.

The proposed bill states that the Congress finds: (1) evapotranspiration is the second largest component of the water budget, which is an accounting of the allocation of water resources to various water uses; (2) evapotranspiration is a measure of the water that is consumed and lost from a water system, removed from available supplies, and unavailable for other uses within a watershed; (3) accurate information on evapotranspiration is required to balance water supply and water demand in a watershed and ensure that adequate water supplies for beneficial uses are available over time; (4) water users and managers lack access to consistent, affordable and comprehensive water use data for effective and efficient decisionmaking; and (5) evapotranspiration data may be applied to: (a) assist users and decisionmakers to better manage resources and protect financial viability of farm operations during drought; (b) develop more accurate water budgets and innovative management programs to better promote conservation and sustainability efforts; and (c) employ greater groundwater management practices and understand impacts of consumptive water use.

The Secretary of the Interior is directed to carry out activities that: (1) support the development and maintenance of evapotranspiration data and software systems and associated research and development in a manner that ensures that program data are reflective of the best available science, as well as provide support to program partners and coordinate with other programs within the Department of the Interior, that have developed and are maintaining evapotranspiration software systems and datasets; (2) demonstrate or test new and existing evapotranspiration measurement technology; (3) improve evapotranspiration measurement science and technology; and (4) develop or refine the application of satellite-based evapotranspiration data available to federal agencies, States, and Indian Tribes, including the integration of program data into (a) the Water Availability and Use Science Program, the National Water Census, and Integrated Water Availability Assessments by the United States Geological Survey; and (b) activities under the WaterSMART program authorized by subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.).

The bill specifically calls for the Secretary to coordinate on data analyses, use, and collection efforts with other Federal agencies, States, and Tribal governments through existing coordinating organizations, such as (1) the Western States Water Council; and (2) the Western States Federal Agency Support Team. The Secretary may provide information collected and analyzed (under the program) to program partners through appropriate mechanisms, including through interagency agreements with federal agencies, States (including state agencies), or Indian Tribes, or leases, contracts, cooperative agreements, grants, loans, and memoranda of understanding. The Secretary shall also enter into cooperative agreements with program partners to provide for the efficient and cost-effective administration of the program, including through cost-sharing or by providing additional in-kind resources necessary to carry out the program; and provide non-reimbursable matching funding for programmatic and operational activities, in consultation with program partners.

Bipartisan companion legislation is expected to be introduced in the House sponsored by Representatives Susie Lee (D-NV), Chris Stewart (R-UT), and Jared Huffman (D-CA). “The West faces a historic drought that demands action and innovation,” said Rep. Lee. “All of Nevada is currently in drought, and the entirety of my district, Nevada’s Third District, is in exceptional drought, the highest classification. In order to solve our water crisis, we need to better understand how much water is available and how much water is being used. With this program, we will have credible, transparent and easily accessible data on our consumptive water use so that we can make better water management decisions in Nevada and across the West.”

“Water is the lifeblood of the American West, and the ongoing drought is taking a toll on everyone,” declared Rep. Stewart. “It’s absolutely necessary that we get the most use out of the water we already have. That starts with giving states more consistent, accessible, and accurate data. This legislation will allow us to be more prudent with our current resources and plan for the future of our communities.”

“Extreme drought fueled by climate change has become a dire challenge in the western United States, and it’s critical for us to operate with the best information and data possible as we manage this increasingly limited resource,” declared Rep. Huffman, Chair of the House Natural Resources Committee’s Subcommittee on Water, Oceans and Wildlife. “Knowing key water metrics like evaporation rates is incredibly valuable for folks across all sectors, and I’m glad to join Representatives Lee and Stewart and Senator Cortez Masto in this bill to help farmers, water utilities, regulators, and governments alike all make well-informed water management decisions.”

“The Nevada Division of Water Resources strongly supports the continued development and public accessibility of OpenET,” said Adam Sullivan, State Engineer, Nevada Division of Water Resources. “This outstanding program directly benefits water users throughout Nevada and the West who strive to improve efficiency and conserve water. Public access to these data will be increasingly vital to support water users and responsible water management needs into the future.”