



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/ENERGY

Federal Energy Regulatory Commission

On January 3, Senator Joe Manchin (D-WV), Chairman of the Senate Energy and Natural Resources Committee, remarked on Federal Energy Regulatory Commission (FERC) Commissioner Willie Phillips being named Acting FERC Chairman. “Willie Phillips is a supremely qualified and reasonable person and he understands the need to balance affordability and reliability. I am pleased to see the Administration elevate him to lead the Federal Energy Regulatory Commission. Mr. Phillips was unanimously confirmed in an evenly divided Senate two years ago — a testament to his qualifications, experience and ability to bridge divides. As implementation of the Bipartisan Infrastructure Law and the Inflation Reduction Act continues, I look forward to working with Acting Chairman Phillips in his new position as we pursue an all-of-the-above energy policy that will enhance our national and economic security.”

CONGRESS

Arizona/Hualapai Water Rights Settlement

On December 19, the Senate passed an amended Hualapai Tribe Water Rights Settlement Act (S. 4104) by unanimous consent. December 22, the House passed S. 4104 by a vote of 360-55. The bill ratified the 2019 Hualapai Tribe water rights settlement agreement, which quantified Indian reserved water rights in the amount of approximately 4,000 acre-feet per year (afy).

The bill authorized the Department of the Interior to establish the Hualapai Water Trust Fund Account (\$312M) and the Hualapai Water Settlement Implementation Fund Account (\$5M), but prohibited the transfer of funds from the Reclamation Water Settlements Fund. The funds are for the construction and maintenance of the Hualapai Water Project “designed to divert, treat, and convey up to 3,414 [afy] of water from the Colorado River in the lower basin in [Arizona], including locations on or directly adjacent to the Hualapai Reservation, for municipal, commercial, and industrial uses on the Hualapai Reservation; to perform OM&R on the Hualapai Water Project; to

construct facilities to transport electrical power to pump water for the Hualapai Water Project; to construct, repair, and replace such infrastructure as may be necessary for groundwater wells on the Hualapai Reservation and to construct infrastructure for delivery and use of such groundwater on the Hualapai Reservation; to acquire land, interests in land, and water rights outside the exterior boundaries of the Hualapai Reservation that are located in the Truxton Basin...” and for other purposes.

The bill directed DOI, through the U.S. Geological Survey Water Use Program, to provide annual estimates of groundwater withdrawals in the Truxton Basin outside the boundaries of the Hualapai Reservation, and provide notice to the State of Arizona if the amount exceeds the estimate in the agreement by more than 3,000 afy (exclusive of any diversions or withdrawals by the Hualapai Tribe.)

The bill authorized cost adjustments to address unforeseen construction market volatility. The bill also included the addition of new trust lands for the benefit of the Hualapai Tribe, but specified that the land does not include any federally reserved water rights, and includes water rights only under state law. The bill directed DOI to firm the Tribe’s Central Arizona Project (CAP) water (1,115 afy) to the equivalent of CAP M&I priority water. It also authorized the Hualapai Tribe, at their own expense, to “take additional actions to firm or supplement the Hualapai Tribe CAP water, including by entering into agreements for that purpose with the Central Arizona Water Conservation District, the Arizona Water Banking Authority, or any other lawful authority, in accordance with State law.” The bill authorized the Tribe to lease water within the lower basin of Arizona (exclusive of several northern Arizona tribes) with DOI approval.

Arizona/Colorado River Indian Tribes

On December 19, the Senate passed an amended Colorado River Indian Tribes Water Resiliency Act (S. 3308) by unanimous consent, and the House passed the bill on December 21 by a vote of 397-12. The bill authorized the Colorado River Indian Tribes (CRIT), a federally-recognized Indian Tribe, to enter into water

rights lease or exchange agreements and storage agreements relating to Colorado River water allocated to CRIT, only in the lower basin of Arizona (exclusive of several northern Arizona tribes), and with DOI approval. The bill also authorized CRIT to enter into water conservation agreements to store water in Lake Mead with fair market value for reduced consumptive use.

Arizona/White Mountain Apache Settlement

Congress also passed a technical amendment to the White Mountain Apache Tribe water rights settlement (S. 3168), authorizing additional funding for a rural water system and dam and extending the deadline to complete the projects. The Senate passed the amended bill on December 19, by unanimous consent, and the House passed the bill on December 21, by a vote of 378-33.

FLOODS Act/Water Data

On December 27, President Biden signed the Flood Level Observation, Operations, and Decision Support (FLOODS) Act (S. 558) into law (P.L. 117-316). The bill directed the National Oceanic and Atmospheric Administration (NOAA) to establish a National Integrated Flood Information System to provide timely forecasts, streamflow, reservoir releases, soil moisture, snow water equivalent, evaporative demand, and other information for national, regional, state, tribal, and local decisions relating to floods.

The bill directed NOAA to make improvements in seasonal and subseasonal precipitation and temperature forecasts; to improve interoperability between hydrologic models and coastal ocean models to advance geographic coverage, resolution, skill, and efficiency; and to assess the effectiveness of National Weather Service (NWS) flash flood watches and warnings.

The NWS was directed to designate at least one coordination hydrologist at each of its thirteen regional river forecast centers to: (1) engage in federal, state, tribal, and local interagency partnerships to explore the use of forecast-informed reservoir operations (FIRO) to reduce flood risk; and (2) work closely with federal, state, tribal, and local floodplain and emergency management agencies on disaster management and preparedness.

Section 12 directed NOAA to establish a program called the NOAA Precipitation Frequency Atlas of the United States to serve as the official federal source of decadal estimates of precipitation frequency. The program would provide public information on (1) temporal and spatial distribution of heavy precipitation; (2) analyses of seasonality in precipitation; and (3) trends in annual maximum series data.

Section 13 established an Interagency Committee on Water Management and Infrastructure, referred to as the Water Policy Committee (WPC), co-chaired by the Secretary of the Interior and the Administrator of the Environmental Protection Agency. The WPC members also include the NOAA Administrator, and the Secretaries of Agriculture, Army, Commerce, and Energy. The WPC was directed to meet at least six times a year, with the responsibility to “ensure that agencies and departments across the Federal Government that engage in water-related matters, including water storage and supplies, water quality and restoration activities, water infrastructure, transportation on United States rivers and inland waterways, and water forecasting, work together where such agencies and departments have overlapping responsibilities...” in order to improve coordination and prioritize water resource management, infrastructure resilience, integrated planning for investments in water infrastructure, data management, and workforce development.

WPC priorities included: (1) increasing water storage, water supply reliability, and drought resiliency; (2) improving water quality, source water protection, and nutrient management; (3) promoting restoration activities; (4) improving water systems for drinking water, desalination, water reuse, wastewater, and flood control; and (5) improving data management, research, modeling, and forecasting.

Section 16 directed NOAA, in consultation with the Departments of Agriculture and the Interior and the Army Corps of Engineers, to conduct an analysis of gaps in snow-related data for flood predictions, including snow water equivalent, snow depth, snowpack temperature, snow and mixed-phase precipitation, snow melt, and the rain-snow line.

PEOPLE

The Western Governors’ Association (WGA) has announced the hiring of **Jack Waldorf** as its new Executive Director, starting work on January 23. Jack currently serves as the Senior Associate Vice President of Federal Relations and Outreach for the University of Colorado (CU) System. Prior to joining CU in early 2013, Jack worked in both the U.S. House of Representatives and the Senate in Washington, D.C., serving as a policy advisor on several issues, including education, health care, and transportation, and developing a deep understanding of public policy and the federal legislative process. “Jack is ideally situated to protect and build upon the Governors’ proud legacy of accomplishment,” said **Jim Ogsbury**, the outgoing Executive Director, who will continue to serve as President of the Western Governors’ Foundation, WGA’s philanthropic arm.

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.