



## WESTERN STATES WATER COUNCIL

682 East Vine Street, Suite 7 | Murray, Utah 84107-5501 | (801) 685-2555 | FAX (801) 685-2559

Web Page: [www.westernstateswater.org](http://www.westernstateswater.org)

January 23, 2020

Via Email: [rickey.d.james.civ@mail.mil](mailto:rickey.d.james.civ@mail.mil)

Mr. R.D. James  
Assistant Secretary of the Army for Civil Works  
U.S. Army Corps of Engineers

Dear Assistant Secretary James:

The Western States Water Council welcomes the Administration's decision to withdraw the Proposed Rule on Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply (81 FR 91556). The Council has long raised serious concerns with the proposed rule. Under the proposal, the Corps asserted that its contracting authority over surplus waters was intended by Congress to include "withdrawals that could potentially have been accommodated from the natural flow of the river had the reservoir never been constructed" (at 91565).

The Flood Control Act of 1944 specifically declared the policy of Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water use and control, and to preserve and to protect, to the fullest extent, established and potential uses of the rivers' natural flows -- those being the flows that would naturally pass unimpeded in the absence of U.S. Army Corps of Engineers dams. States have exclusive authority over the allocation and administration of rights to the use of surface and ground waters located within their borders and are primarily responsible for protecting, managing and otherwise controlling water resources.

The Council appreciates the Administration's decision to step back and reconsider the need for the rule and we look forward to further engagement towards protecting and preserving the States' inherent right to develop, use, control, and distribute water. States are in the best position to protect and allow for the orderly and rational allocation and administration of the resource through state laws and regulations that are specific to their individual circumstances.

Sincerely,

Tony Willardson  
Executive Director

cc: Major General Spellmon, Deputy Commanding General for Civil and Emergency Operations  
Northwestern Division, [Scott.A.Spellmon@usace.army.mil](mailto:Scott.A.Spellmon@usace.army.mil)  
William F. Crozer, Special Assistant to the President/Deputy Director, White House Office of  
Intergovernmental Affairs, [William.F.Crozer@who.eop.gov](mailto:William.F.Crozer@who.eop.gov)