



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL WaDE/WestDAAT

On April 25, the WSWC kicked off the public release of its Western States Water Data Access and Analysis Tool (WestDAAT) via a webinar hosted by the Internet of Water Coalition and joined by 175 participants. The new tool is the latest phase of the WSWC's Water Data Exchange (WaDE) program, launched in 2011, which facilitates sharing member states' water-related data through a common platform. WestDAAT provides user-friendly access to data, where available in machine-readable format, for over 2.2 million water rights across the West. At present, WestDAAT includes a number of filters that can be used to visualize the data by owner, point of diversion, place of use, priority date, beneficial use (purpose), source of supply (surface water or groundwater), permitted flow or volume, and basin or watershed. WestDAAT is now available online at <https://westdaat.westernstateswater.org/>.

CONGRESS/WATER QUALITY CWA/State §401 Water Quality Certifications

On April 26, the House passed the Limit, Save, Grow Act (H.R. 2811) by a vote of 217-215, largely split along partisan lines, to raise the debt ceiling. Republican co-sponsors included Representatives from California, Oklahoma, Texas, Utah, and Washington. The U.S. debt reached the statutory ceiling of \$31.3T in January, requiring the Department of the Treasury to take extraordinary measures to manage cash flow to prevent the U.S. from defaulting on its obligations. Notably, the House incorporated the provisions of the Lower Energy Costs Act (H.R. 1), passed on March 30 into H.R. 2811.

Division D, Title III, addresses Water Quality Certification and Energy Project Management. Under §30002, the bill would amend the Clean Water Act (CWA) §401, limiting the authority and timing for States to issue required certifications for federally permitted and licensed projects. The bill would require each State to publish new certification requirements within 30 days of enactment. "A decision to grant or deny a request for certification shall be based only on the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for the decision shall be set forth in writing

and provided to the applicant. Not later than 90 days after receipt of a request for certification, the State...shall identify in writing all specific additional materials or information that are necessary to grant or deny the request." The bill would: (1) strike consideration of "activities" and limit certifications to only "discharges"; (2) require a direct discharge into navigable waters to trigger the §401 state certification requirement; (3) allow a "request for certification" to trigger several statutory requirements; and (4) replace broad consideration of "water quality requirements" in several places with the more specific provisions of CWA §301, §302, §303, §306, or §307. The same language is included in another stand-alone bill, the Water Quality Certification and Energy Project Improvement Act (H.R. 1152), introduced by Rep. David Rouzer (R-NC), with co-sponsors Rep. Garret Graves (R-LA) and Rep. Scott Perry (R-PA). (See WSW #2552)

Additionally, H.R. 2811 §10009 includes provisions to promote interagency coordination for review of natural gas pipelines. Subsection (e) explicitly exempts natural gas pipelines from the CWA §401 state certification process, and shifts any discretionary decisions about terms and conditions to mitigate any discharge of pollutants to FERC as the lead coordinating agency.

WATER RESOURCES/WATER RIGHTS Colorado River/Arizona/Gila River Indian Community

On April 6, the Department of the Interior announced \$233M in funding for water conservation and infrastructure agreements with the Gila River Indian Community. The DOI press release said: "The Gila River Indian Community will receive \$50M in funding from the Inflation Reduction Act via the Lower Colorado River Basin System Conservation and Efficiency Program, which will help finance a system conservation agreement to protect Colorado River reservoir storage volumes amid persistent climate change-driven drought conditions. This conservation initiative will result in nearly 2 feet of elevation in Lake Mead for the benefit of the Colorado River System. The agreement also includes the creation of up to 125,000 acre-feet of system conservation water in both 2024 and 2025, with an investment of an additional \$50 million for each additional year. This is among the first allocations for a system conservation

agreement from the [Program].... In addition, the Department announced \$83 million for the Gila River Indian Community's Reclaimed Water Pipeline Project to expand water reuse and increase Colorado River water conservation. The project will provide a physical connection of reclaimed water to Pima-Maricopa Irrigation Project facilities. When completed, the project will provide up to 20,000 acre-feet annually for system conservation with a minimum of 78,000 acre-feet committed to remain in Lake Mead." The funding comes from the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). www.doi.gov

The Gila River Indian Community press release said: "The Infrastructure agreement announced today is for a shovel-ready project that the Community developed over the course of the past year. The project will allow the Community to more flexibly use its water resources and conserve even more water to Lake Mead. The Reclaimed Water Pipeline Project, or RWPP, will construct a 19.4-mile pipeline to move A+ reclaimed water supplies the Community has through its CAP exchange agreements with Mesa and Chandler, which were part of its 2004 settlement. This will allow the Community to use this A+ effluent in a more flexible way and free up the remaining amounts of Colorado River water currently delivered to the Community through the CAP system.... The Community estimates that the RWPP will reduce the Community's on-Reservation use of Colorado River water on a long-term basis by up to 20,000 AF each year. The Community has committed to make up to 200,000 AF available to Reclamation over a 10-year period, with a minimum of at least 78,000 AF to be left in Lake Mead as system efficiency water over that period." The Community is also working with the Bureau of Reclamation and the Corps of Engineers on a project to cover a canal with solar panels to reduce evaporative losses and produce green energy.

Gila River Governor Stephen Roe Lewis said: "Today is another historic day, not only for the Community, but for our State and for the entire Colorado River basin. These three agreements, taken together, represent a future of how we can work together to confront the urgency of this moment. They are a true model of how this Administration is working with all parties, especially tribes, to find, foster and fund innovative solutions that will have a long-term impact for the Colorado River. The agreements will provide significant benefits for the Community, but we have all worked hard to ensure that they serve a broader purpose as well. By focusing on local suppliers for our RWPP, we are ensuring that the benefits of this impressive investment will create jobs for the benefit of us all here in the State... But I want to emphasize that today is not about just the Community, but about all those in our State and region who are stepping up to confront our common urgent problem. I am so proud that our neighbors in Phoenix and Tucson

are also very close to finishing their agreements. This demonstrates that Arizona as a whole takes the issue of conservation and efficiency very seriously and that we are prepared to share the burden of fixing this problem together." <https://www.gricnews.org/>

Idaho/Snake River Curtailment

On April 21, the Idaho Department of Water Resources (IDWR) issued a revised Methodology Order that may result in the curtailment of 900 groundwater rights junior to December 30, 1953. IDWR is obligated to update the Methodology Order, a court-approved process to determine how the current hydrology and irrigation demand will impact the Eastern Snake Plain Aquifer (ESPA). It enables conjunctive management of the river and aquifer, determines the curtailment dates, and ensures protection of the senior water users. Using joint forecast information from the Bureau of Reclamation and the Army Corps of Engineers, IDWR determined that the Snake River would have 3.7 million acre-feet of water flow between April 1 to July 31. The flow volume equates to 112% of average, but still a 75,200 acre-foot shortfall.

IDWR Deputy Director Mathew Weaver said: "Even though this has been a remarkable winter and water year for many basins in Idaho, it has not been uniformly great everywhere. The Upper Snake Basin is the basin that supplies water to the reservoir system and the Snake River in the geographic region that's the focus of the [Surface Water Coalition] Delivery Call. Because of the past two years of drought, very low reservoir storage carryover from last year, uncertainty as to whether the reservoirs will fill, very low soil moisture conditions from last fall, and near-normal snowpack in Upper Snake basins, water supply conditions are still resulting in an injury determination at this time."

The IDWR press release further noted that the ESPA is "approaching record low conditions in response to past ground water pumping and severe drought," which impacts typical aquifer flows into the Snake River. In 2022, IDWR issued a moratorium on new water rights "from King Hill upstream to the headwaters of the Snake River, finding that that surface water and the ESPA are fully appropriated, if not over-appropriated...." <https://idwr.idaho.gov/news-releases/>

PEOPLE

On April 20, Governor Stitt appointed **Sara Gibson**, General Counsel, Oklahoma Water Resources Board, and **Shellie Chard**, Water Quality Division Director, Oklahoma Department of Environmental Quality, to serve on the WSWC. We congratulate Sara and Shellie on their appointments and look forward to working with them.

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.