



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION/CONGRESS**

#### **Columbia and Snake Rivers/Dams**

On December 14, the White House announced an agreement to spend over \$1B over the next ten years to help recover salmon populations in the Pacific Northwest, working in partnership with Northwest Tribes and States. The agreement, filed as a Memorandum of Understanding (MOU) in *American Rivers v. National Marine Fisheries Service* (3:01-cv-00640, U.S. District Court of Oregon, Portland Division), sets commitments to help offset the existing benefits of Snake River dams should Congress agree to breach them.

The underlying case, part of a long series of legal battles over the management of salmon on the Snake and Columbia rivers, was filed in 2020 by conservation and fishing groups, the State of Oregon, and a number of Pacific Northwest Tribes. They sued the federal government over its plans and supporting documents (FEIS, ROD, and BiOp) for managing the basin, arguing that federal agencies (DOE, NOAA) were violating ESA, NEPA, and prior court decrees by continuing to reject a dam breach alternative and maintaining no-jeopardy findings. In 2021, the Biden administration and plaintiffs jointly moved to pause litigation, allowing parties to negotiate a long-term solution.

The agreement, based on the newly formed Tribal-State Columbia Basin Restoration Initiative (CBRI), commits the federally-owned Bonneville Power Administration to provide \$300M over the next 10 years for fish and wildlife. It commits the U.S. to support tribally-sponsored clean energy projects which could replace power generated by the Lower Snake River Dams, should Congress authorize their removal. The U.S. has also committed to adjusting operations in the hydrosystem to benefit fish populations, releasing more water during the spring, fall, and winter, and reducing spills during the summer to meet higher energy demands. The U.S. will conduct and fund studies on replacing the transportation, irrigation, and recreation benefits of the dams. Altogether, the agreement commits \$1B in federal dollars over the next decade on habitat restoration, hatchery improvements, and funding to the Washington, Oregon, and the Tribes.

On November 29, Rep. Cathy McMorris Rodgers (R-WA), Dan Newhouse (R-WA), Cliff Bentz (R-OR), and Russ Fulcher (R-ID) wrote a letter to President Biden, based on a draft of the mediation agreement, questioning the Administration on its commitments and voicing their concerns on potential circumvention of congressional authority. They said: "Due to the document's use of vague and imprecise language, it appears susceptible to misinterpretation.... It is imperative that our constituents, whose livelihoods depend on the Columbia River System, have a comprehensive understanding of this document's contents so they can anticipate and prepare for the wide-ranging impacts that will inevitably be felt across the region should the commitments detailed in this document be realized."

### **ADMINISTRATION/WATER RESOURCES**

#### **Landsat/Water Data**

On December 20, DOI announced the Landsat 2030 International Partnership Initiative, supporting the launch of the Landsat Next Earth observation mission. The Landsat Next mission is the next phase in earth observation by the U.S. Geological Survey (USGS) and the National Aeronautics and Space Administration (NASA). Since 1972, Landsat satellites have provided uninterrupted land surface data and imagery. Landsat products, such as the Dynamic Surface Water Extent (DSWE) product, are critically relied upon in water research and management. The Landsat Next mission will launch a constellation of three observatories on the same launch vehicle. These observatories will provide higher spatial resolution, double the number of spectral bands, and improve local revisit frequency.

David Applegate, USGS Director, said: "As the impacts of the climate crisis intensify in the United States and across the globe, Landsat satellites are crucial to providing data and imagery to help make science-based decisions on key issues including water use, wildfire impacts, coral reef degradation, glacier and ice-shelf retreat, and tropical deforestation. The [USGS] is proud to support the continued science and understanding of environmental and climate changes that are occurring...throughout the United States and across the world."

## **WATER RESOURCES** **Arizona/Groundwater**

On December 8, the Arizona Department of Water Resources (ADWR) announced the completion of its first annual water supply and demand assessment reports (SDR) for Arizona groundwater basins. This first wave of assessments includes 7 of Arizona's 51 groundwater basins: Butler Valley, Douglas Active Management Area (AMA), Harquahala Inactive Management Area (IMA), McMullen Valley, San Bernardino, Tiger Wash, and Willcox. The Arizona Legislature directed ADWR to issue at least the first six SDRs by December 2023, and ensure that an SDR is completed for all groundwater basins at least once every five years. A.R.S. § 45-105(B)(14).

The SDRs estimate supply and demand volumes in each basin and then project changes based on multiple scenarios over the next 53 years. To meet the intention of Arizona State legislature, and distinguish the reports from the Department's typical hydrological assessments, ADWR needed to address the complexities and dynamics in each basin. SDR's new analysis methods include creating a data baseline for the period between 1990-2022 for each individual basin, rather than the standard depth used for typical hydrological assessments. SDRs are reported as total inflows and outflows, allowing them to function as a loose water budget. The SDR assesses changes in supply and demand assuming potential scenarios such as status quo, growth, conservation, technological advancements, and climate change. ADWR has developed an interactive dashboard to allow users to explore findings as well as a landing page to host reports and related materials. <https://www.azwater.gov/supply-demand>

### **Colorado River/In-Stream Flows**

On December 19, a coalition of Western Slope organizations led by the Colorado River Water Conservation District (CRWCD) finalized a \$98.5M agreement with Xcel Energy for the water rights tied to hydroelectric power production at the Shoshone Power Plant in Glenwood Springs, CO. Xcel Energy will lease the water rights back from CRWCD and continue operation of the plant, protecting downstream flows critical to local habitat, water quality, outdoor recreation, and agriculture.

The plant is a small power provider, but their water right has ensured flows that support downstream communities. Western Slope water managers and users have worried that damages, repairs, or halt in operation at the Shoshone plant could jeopardize the water rights that benefit users downstream. CRWCD board members approved the agreement and the expense of \$20M

toward the deal. CRWCD and other partners will purchase two water rights; a 1902 right for 1250 cfs and another 1929 right for 158 cfs.

The announcement was made at a kickoff event for the Shoshone Water Right Preservation Coalition, beginning efforts to secure funding for the purchase by 2027. Commissioners from Grand, Summit, Eagle, Garfield, and Mesa counties each spoke. Grand County Commissioner Merrit Linke said: "Grand County is the most heavily diverted...in the state and this is a big deal for us. From tourism to ag and everything in between, Grand County relies on the Colorado and its tributaries.... For all of those tributaries of the Colorado that flow west, thank you."

Senator Dylan Roberts (D-CO) said: "I applaud you on your excellent work and express my solemn and steadfast commitment to make sure that the state of Colorado does its part in making sure that we can preserve the Shoshone water rights forever." CRWCD General Manager Andy Mueller said: "You hear everyone from (former Republican U.S. Rep. and River District Board Member) Scott McInnis, who some would say is on the right flank of the world, to left-flankers from environmental NGOs coming together to agree on this." Mueller also said the river district has future plans to ask a Colorado court to approve the water rights for "instream flow," allowing the district to call for its water, independent of plant operations.

### **PEOPLE**

On December 31, former U.S. House Representative Eddie Bernice Johnson (D-TX) died at the age of 88. Rep. Jasmine Crockett (D-TX), who now represents the same district, said: "Today, the world has lost a trailblazer, and Texas has lost one of its most dedicated public servants and iconic leaders. Congresswoman Eddie Bernice Johnson was a woman of many firsts; the first Black head nurse at the Dallas VA Hospital, one of two first Black women elected to the Texas House, the first nurse to be elected to Congress, and the first woman and African American to chair the Science, Space, & Technology Committee in the U.S. House. But while these accomplishments will be etched into our minds, hearts, and history books, they weren't the things that Chairwoman Johnson prided herself in. Chairwoman Johnson was, as I liked to refer to her, a quiet storm. She prided herself in getting things done to better the lives of the people that she served...."

"As I conclude this statement, fighting back tears, I say rest easy to the Gentle Lady from Texas and just know that I will always fight to preserve the foundation that you laid over your 50 years of service to Texas and the United States."