



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **WESTERN GOVERNORS/WATER QUALITY** **WGA/Abandoned Mine Cleanup**

On March 22, the Western Governors' Association (WGA) sent a letter to Senate Leaders Charles Schumer and Mitch McConnell supporting the consideration of the Good Samaritan Remediation of Abandoned Hardrock Mines Act (S. 2781) "to provide a legal pathway for Good Samaritans, such as state agencies, local governments, and nonprofit organizations, to clean up abandoned mine sites." They noted that Western Governors have supported the creation of legal protections for Good Samaritans since at least 1995, and included a copy of their policy resolution 2021-09, Cleaning Up Abandoned Hardrock Mines in the West.

The letter said: "Western Governors support the general design of the proposed program, but believe improvements are necessary in one area. The legislation would authorize the Environmental Protection Agency to lead the permit application process and determine which entities are eligible for Good Samaritan status. However, Western Governors believe that individual states are best suited to determine Good Samaritan eligibility. Many states have agencies that administer the Clean Water Act, regulate and require financial assurance for reclamation of hardrock mines, remediate affected waters, and implement abandoned mine programs. These functions demonstrate that states are qualified to review and determine the adequacy of Good Samaritan reclamation plans and should be allowed to do so as outlined in Policy Resolution 2021-09. We appreciate this bipartisan effort to address liability concerns for Good Samaritans and accelerate the pace of mine reclamation. Please consider Western Governors as a resource as you consider moving the Good Samaritan Remediation of Abandoned Hardrock Mines Act to the full Senate for further legislative action." See <https://westgov.org/letters/>.

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

On March 14, the Arizona State University Kyl Center for Water Policy announced the publication of its report, Groundwater Protection in the Valley of the Sun.

The 32-page report provided an overview of water supply sources (surface water, groundwater, reclaimed water) and associated infrastructure in the Phoenix area.

The report noted that while groundwater supplies are not currently in steep decline, the effort to protect those supplies is facing challenges due to population growth increasingly dependent on groundwater, the high costs of alternative sources of water, and the complexity of recharging the aquifers in the same areas where pumping is occurring. "'Hydrologic disconnect' occurs when water is stored or replenished (recharged) in one area and pumped from an area that did not benefit hydrologically. When aquifer recharge does not occur in the same 'area of impact' as the point of withdrawal, the aquifer may be depleted risking potentially irreversible impacts of subsidence and aquifer compaction. In 2021, the Governor's Water Augmentation, Innovation and Conservation Council outlined the concern for the areas in which groundwater pumping occurs, writing, 'there is little question that a large and persistent disconnect between recharge and recovery could lead to localized issues.'" The report argued that the only solution to this problem is to construct the infrastructure necessary to deliver alternative, renewable water supplies to the communities currently relying on groundwater.

The report also acknowledged the diminishing flows of the Colorado River as contributing to the problem, impairing aquifer recharge plans. "The Colorado River is in decline.... The first-ever shortage on the Colorado River was declared in 2022 and central Arizona's access to the Colorado River has been cut by between 30 to 37 percent since that time. Cuts will likely continue and may increase.... Looking forward it is reasonable to assume that significantly less Colorado River water will be available for aquifer recharge in the Valley." It also noted a net loss of groundwater as agricultural well irrigation, which includes incidental recharge to the aquifer, is converted to permanent municipal wells.

The report looked at various proposals, including the use of Arizona's Water Infrastructure and Finance Authority (WIFA) to finance water supply acquisition and infrastructure projects "to bring alternative water supplies into areas of groundwater decline for either direct use or

aquifer recharge and replenishment. Developers of subdivisions and industries...could contract with WIFA and pay into a fund designed for repayment..." Additional proposals included increasing groundwater withdrawal fees and using those to pay municipal water providers, requiring artificial recharge and replenishment to occur within the hydrogeologic area impacted by pumping, and prohibiting well permits for industrial users that could rely on a municipal provider.

### Colorado River - Post-2026 Operations

On March 5-6, the Lower and Upper Colorado River Basin States submitted different proposals to the Bureau of Reclamation (USBR) for post-2026 Colorado River operations. The Lower Basin alternative would address the impacts of drought and achieve a more sustainable volume of system water storage by: (1) addressing the structural deficit [unallocated evaporative, seepage, and system losses] in the Lower Basin by a static reduction of 1.5 maf under most system conditions (between 58% to 38% of total system contents); (2) operating the reservoirs based on the actual basin hydrology (including the reservoir storage at Flaming Gorge, Blue Mesa, Navajo, Powell, Mead, Mohave, and Havasu) rather than elevations at Lakes Powell and Mead; (3) sharing water use reductions broadly among the Lower and Upper Basins and Mexico under the most critical system conditions (below 38% of total system contents); (4) supporting opportunities for innovation and investment in storage and augmentation; and (5) establishing releases from Lake Powell that are more adaptable to a broad range of hydrologies. "The Lower Basin Alternative includes a Glen Canyon Dam release regime designed to minimize risk of noncompliance with the 1922 Compact while providing benefits to power generation, instream resources at the Grand Canyon and habitat below Lake Powell, and the recreational attributes of Lakes Powell and Mead.... In most years, Glen Canyon Dam releases will be determined by a combination of Total [Upper Basin] System Contents and Upper Basin depletions in the previous three years. When Upper Basin depletions decrease due to aridification and/or 'hydrologic shortage,' releases from Lake Powell decrease as well."

The Upper Basin alternative includes a set of modeling assumptions and operating parameters. Reductions would be based on a combined storage trigger, calculated for Lake Powell and Lake Mead reservoir storage volumes below flood control elevations "by subtracting a threshold volume from the total live storage [and expressed as a percentage]. The threshold volume for Lake Powell is 4.2 MAF. The threshold volume for Lake Mead is 4.5 MAF. The [combined threshold volume] is 8.7 MAF. The [Upper Basin] Alternative does not explicitly protect any reservoir

elevations and is agnostic as to how modeled reductions are attributed below Lee Ferry." Releases from Lake Powell would operate on a linear curve based on the reservoir's content between 20-100% full (3,510'-3,700') ranging from 6.0 – 9.0 maf per year. Below 20% there would be a static release from Lake Powell of 6.0 maf/year. Lake Mead operating year reductions would be based on the combined Powell-Mead reservoir storage trigger as of October 1. The reductions would linearly increase up to a maximum of 1.5 maf/year (between a trigger of 70-90%), would remain static at 1.5 maf/year (20-70%), and would again linearly increase from 1.5 maf/year to a maximum of 3.9 maf/year when the trigger drops below 20%.

The Upper Basin States noted that their "Alternative meets Reclamation's preliminary assessment of the purpose and need described in the Scoping Summary Report and broadly aims to describe the coordinated operation of Lake Powell and Lake Mead in a manner that: (1) Is consistent with the Law of the River; (2) Reduces the risks caused by depleted storage in Lake Powell and Lake Mead; (3) Reflects the best available science and information including impacts caused by climate change; (4) Addresses the existing imbalance between water supply and demands in the Basin which depend on storage in Lake Powell and Lake Mead; (5) Operates Lake Powell and Lake Mead based on observed conditions instead of projected conditions; (6) Accounts for hydrologic shortages in the Upper Basin." (See WSW #2580, #2571, #2559, and #2552.)

### MEETINGS

#### Western States Water Council - Summer

The WSWC Summer (204th) Meetings will be held in West Fargo, North Dakota on July 24-26, at the DoubleTree by Hilton West Fargo Sanford Medical Center located at 825 E Beaton Drive, West Fargo, ND 58078 at the rate of \$169 per night. A block of rooms has been reserved. The cut off date is June 23. After this, reservations will be accepted on availability and at the prevailing rates. For further information as it becomes available please see: <https://westernstateswater.org/events/2024-wswc-summer-204th-meetings-in-west-fargo-north-dakota/>.

### PEOPLE

Governor Jim Pillen announced the retirement of WSWC Member **Jim Macy**, Director, Nebraska Department of Environment and Energy (NDEE) effective April 19. Jim was appointed to the WSWC in May 2015, by former Governor Pete Ricketts and has served as a member of the Water Quality Committee. We congratulate Jim on his retirement and wish him all the best in his future endeavors.

**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.**