



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION/WATER QUALITY** **EPA/Drinking Water/SRFs**

On May 1, the Environmental Protection Agency (EPA) Office of Water, Acting Assistant Administrator Bruno Pigott, issued a memorandum providing FY24 Drinking Water State Revolving Fund Lead Service Line Replacement funding allotments available through the Infrastructure Investment and Jobs Act (IIJA). All WSWC Member States received the need-based allotment (\$28.65M), except Colorado (\$32.8M).

Senator Michael Bennet (D-CO) said: “No parent in America should have to worry about the water their kids drink from the tap. This investment from the Bipartisan Infrastructure Law is an important step forward to help communities across Colorado replace harmful lead pipes without placing additional financial burdens on homeowners and small businesses. Communities in every corner of the country should have access to clean drinking water.”

Senator Maria Cantwell (D-WA) said: “Lead contaminated drinking water remains a serious health threat for thousands of households in the State of Washington. All children and families deserve safe drinking water, and this investment will help provide communities the resources they need to identify and remove dangerous lead water service lines.”

### **CONGRESS/WATER RIGHTS** **Texas/Rio Grande**

On May 10, a bipartisan group of Texas lawmakers sent a letter to the Chair and Ranking Member of both the House and Senate Appropriations Committees’ Subcommittees on State, Foreign Operations, and Related Programs urging them to withhold designated funds from Mexico until it meets its water deliveries obligations on the Rio Grande. Signatories include: Representatives Monica De La Cruz (R); Vicente Gonzalez (D); Tony Gonzales (R); Henry Cuellar (D); Nathaniel Moran (R); Ronny Jackson (R); Jodey Arrington (R); Keith Self (R); and Senators John Cornyn (R) and Ted Cruz (R). Cuellar and Gonzales are both on the House Appropriations Committee.

It reads: “The 1944 Water Treaty between the United States and Mexico obligates both countries to share water resources from the Colorado and Rio Grande rivers. Despite ongoing diplomatic efforts, Mexico still fails to provide minimum, consistent water deliveries to the United States from the Rio Grande, instead waiting until the end of a five-year cycle to deliver the water owed to America. While the United States provides consistent, annual water deliveries to Mexico, the Mexican practice poses a serious threat to the agricultural, industrial, and municipal sectors in border states.”

“Farmers and ranchers rely on this water for irrigation and sustaining their operations. In February 2024, the Rio Grande Valley Sugar Growers sugar mill closed due to the lack of water deliveries from Mexico. This was the last sugar mill in Texas which employed over 500 full and part-time employees. Farmers and ranchers across South Texas remain under continued financial strain and could suffer a similar fate as the sugar industry, should Mexico continue withholding water. Additionally, the lack of reliable water delivery affects municipalities and threatens the quality of life for many American citizens living along our border.”

“As efforts at negotiating a reasonable compromise between our countries have failed to produce an amenable solution for our constituents, we urge you and your colleagues on the Appropriations Committee to withhold designated funds from Mexico until Mexico has agreed to provide more reliable and consistent water deliveries to the United States.”

### **WATER RIGHTS** **Navajo Nation/Arizona**

On May 14, the Navajo Nation announced that it had reached a water rights settlement for all of its water rights claims in the State of Arizona. The settlement includes water rights claims to the Colorado River and Little Colorado River in both the Upper and Lower Basins. Navajo Nation Council Speaker Crystalne Curley introduced enabling legislation on May 12. There are numerous parties to the settlement including the United States, the Hopi Tribe, the San Juan Southern Paiute, the State of Arizona, Arizona State Land Department,

Salt River Project, Arizona Public Service, Central Arizona Water Conservation District, Bar T Bar Ranch, the Cities of Winslow, Flagstaff, Holbrook, Taylor, Snowflake, Show Low, Eager, Springerville, St. Johns and other parties to the larger Little Colorado River general stream adjudication.

The Navajo Nation is set to receive 44,700 acre-feet/year (AFY), 90% of Arizona's Upper Basin allocation, 3,500 AFY of fourth priority Lower Basin Colorado River Water, and 100 AFY of Hopi Cibola Lower Basin Water. The Hopi Tribe would receive 2300 AFY from Arizona's allocation of Upper Basin water, and 5,928 AFY from the Lower Basin of varied priority. The Navajo Nation and Hopi Tribe will also receive all groundwater underlying their respective reservations in the Coconino Aquifer, with some limits at specific locations. Per agreement between the Navajo Nation and the Hopi Tribe, the Nation is limited to 8400 AFY from the Navajo Aquifer. The Navajo Nation would receive all surface water that reaches the Navajo reservation from the Little Colorado River (LCR), which mainstream flows are estimated to be 122,000 AFY. For the Hopi Tribe, LCR water would include existing uses, limited new uses, and rights to participate with the Navajo Nation in new and enlarged storage projects. The Navajo and Hopi Tribes have also entered an inter-Tribal agreement for uses of the managed washes (intermittent streambeds) and Navajo Aquifer waters within each Tribe's reservation boundaries. Each Tribe has the right to use water flowing in washes on each Reservation upstream of the other Tribe's Reservation. This does not apply to any water use downstream of the southern boundary of the Hopi Reservation

The proposed settlement would authorize the Navajo Nation to divert water in Utah and New Mexico for delivery to Navajo communities in Arizona. It also allows the Nation to move water across the Upper and Lower Basins. If approved by the Council, federal legislation will be introduced in Congress where federal funding for water delivery infrastructure may be authorized. The agreement would also establish the Navajo Operation, Maintenance & Replacement (OM&R) Trust Fund (\$230M), the Navajo Agricultural Conservation Trust Fund (\$80M), and the Navajo Nation Lower Basin Colorado River Water Acquisition Trust Fund (\$28.8M).

Speaker Curley said: "The lack of accessible water sources has unfortunately led to the displacement of many Navajo community members, compelling them to relocate themselves closer to these vital resources and related opportunities. With the introduction of this settlement, we anticipate a profound impact on Navajo investments in essential infrastructure projects, such as roads, housing, education, and healthcare, all of which require water. This will not only foster growth, health, and

prosperity within our nation but also ensure a sustainable future for generations to come."

On May 10, Speaker Curley also introduced legislation that would approve a settlement addressing claims in the Rio San José Stream System and the Rio Puerco in New Mexico. The Navajo Nation's water claims quantified in the settlement include 2,444 AFY of groundwater for the two basins, 417 AFY for livestock use, 493 AFY additional storage rights for stock ponds in the Rio San José Basin, and undetermined livestock water rights for the Rio Puerco Basin. The settlement is proposed to cost \$243M for wastewater development, chlorination stations, a water hauling station, an OM&R trust fund, a regional water system to import water, and a water acquisition fund.

## **PEOPLE**

### **Oregon**

Oregon Governor Tina Kotek has appointed **Ivan Gall** to serve as the new Director of the Oregon Water Resources Department (OWRD). Gall has been serving as the Interim Deputy Director of Water Management for OWRD, and has been with OWRD for nearly 30 years.

## **MEETINGS**

### **Western States Water Council - Summer Meetings**

The WSWC Summer Meetings will be held in West Fargo, North Dakota on July 24-26 at the DoubleTree by Hilton West Fargo Sanford Medical Center. A room block is being held in the name of the WSWC. The guest room rate for single/double occupancy is \$169.00 per night, plus tax. **Our room block deadline is June 23.** There is no registration fee to attend the meetings, but we are asking all individuals participating in person, or virtually to register. For further information, please see: <https://westernstateswater.org/events/2024-wswc-summer-2024th-meetings-in-west-fargo-north-dakota/>

### **Schedule of Meetings**

#### **Wednesday, July 24**

9:00 am Field Trip

#### **Thursday, July 25**

8:00 am Host State Presentation  
8:45 am Water Resources Committee Meeting  
12:00 pm Executive Committee (over lunch)  
1:30 pm Water Quality Committee Meeting  
3:40 pm Legal Committee Meeting  
6:00 pm Social Hour

#### **Friday, July 26**

8:00 am WSWC Full Council (204th) Meeting

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**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.**