



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / [www.westernstateswater.org](http://www.westernstateswater.org)

Chair - Jon Niermann; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

### **ADMINISTRATION/WATER QUALITY**

#### **EPA/CWA/Infrastructure**

On May 14, the Environmental Protection Agency (EPA) released the delayed 2022 Clean Watershed Needs Survey (CWNS 2022), which assessed existing clean water infrastructure and investment needs to meet Clean Water Act (CWA) objectives. Although the first four surveys were completed on a four-year cycle, this is the first report published since 2012.

The survey estimated a total 20-year (2022-2041) need of \$630.1B (a 73% increase from the 2012 CWNS), including Secondary Wastewater Treatment (\$66.6B), Advanced Wastewater Treatment (\$83.6B), Conveyance System Repair and New Conveyance Systems (\$151.1B), Combined Sewer Overflow Correction (\$36.5B), Stormwater Management (\$115.3B), Water Reuse (\$7.7B), Desalination (\$0.2B), and two new Congressionally-directed categories, Nonpoint Source Control (\$94.4B), and Decentralized Wastewater Treatment Systems (\$74.7B).

EPA attributed the sharp increase in CWNS 2022 needs to a new online data entry portal, updated cost estimation tools that were not used in previous assessments, and the two new categories. Without the new categories, the reported needs would have increased by only 37%. EPA noted that aging infrastructure and climate change “pose ongoing challenges to clean water infrastructure nationwide.”

### **CONGRESS/WATER RESOURCES**

#### **FY2025 Appropriations/USBR/Corps**

On May 15, the Senate Appropriations Subcommittee on Energy and Water Development held a hearing to review the FY25 budget request for the Army Corps of Engineers (Corps) and the Bureau of Reclamation (USBR). Senator Patty Murray (D-WA), Chair of the Appropriations Committee, emphasized the need for Congress to provide adequate non-defense funding to support the agencies' work. She said: “Today’s hearing offers a stark reminder of how important so many of those non-defense investments are. That’s because water resources managed by the

Bureau and the Corps alike irrigate crops, allow those crops – and other goods – to be transported to consumers here at home and all around the world. They help sustain keystone species like salmon in Washington state, provide water to over 31 million Americans, and even literally keep the lights on with hydroelectric power. So when it comes to our nation’s competitiveness, this is something we cannot take for granted.” Murray asked the witnesses about ongoing negotiations to update the Columbia River Treaty, noting that without an agreement the Corps and the USBR will have to change how they operate facilities in the Basin beginning in September. She asked whether the Corps and USBR are engaging with the Tribes, the Bonneville Power Administration, and public utilities about changes to operations as FY25 approaches. Michael Connor, Assistant Secretary of the Army (Civil Works) and Camille Calimlim Touton, Commissioner, USBR, both assured the Committee that their agencies were engaged with lawmakers, water users, irrigators, and sovereigns to discuss potential operation plans.

Senator John Hoeven (R-ND) asked Connor whether the Corps is working to expand the Corps Water Infrastructure Financing Program (CWIFP) to include non-federal levees. Connor provided an update on CWIFP for dam safety projects: “We’ve got the rule in place. We solicited proposals. We have those proposals and now we want to take the next step of inviting full applications. I’m trying to get that done as quickly as possible, within the next month. Because this is non-federal investment in key infrastructure across the country...we want to include the levees and make use of the resources provided. This is a good program and we will work on it expeditiously.”

Senator Kyrsten Sinema (I-AZ) questioned Commissioner Touton about the trajectory of post-2026 negotiations regarding the Colorado River. Touton explained that the negotiations are currently in the alternative development stage, and that USBR has received proposals from the Upper Basin States, the Lower Basin States, non-governmental organizations, and feedback from tribes. Sinema asked Touton about over-deliveries of Colorado River water to Mexico, noting the 170,000 acre-feet of water above treaty obligations

delivered to Mexico in 2023 due to a lack of salinity infrastructure and other issues. Touton said USBR was exploring building infrastructure downstream of Hoover Dam to create greater operational flexibility to capture flows in good hydrologic years. Touton thanked Senator Sinema for Arizona's leadership, noting that Lower Basin States had conserved 1.7 of the 3 million acre-feet they committed to, support with Inflation Reduction Act funds. Sinema said: "Arizona is very proud of the work it's done. Not only have we borne the brunt of the cuts so far, but we have also demonstrated leadership on an understanding that all seven states must work together to solve this crisis."

### **Senate/Drought/Water Supply**

On May 22, the Senate Budget Committee held a hearing on "Droughts, Dollars, and Decisions: Water Scarcity in a Changing Climate." In his opening remarks, Chairman Sheldon Whitehouse (D-RI) highlighted the impact of climate change on weather predictability, water demand, evapotranspiration, and wildfire. He also highlighted the impacts of drought on the economy by slowing the agricultural industry, damaging infrastructure, and reducing fossil fuel production.

Tanya Trujillo, New Mexico Deputy State Engineer, outlined the challenges New Mexico is facing after record lows in major reservoirs in 2020-2022. Although emergency drought conditions have decreased, New Mexico and other States are still impacted by average runoff, aging infrastructure, and inflexible management rules. She highlighted Governor Michelle Lujan Grisham's (D-NM) 50 Year Water Action Plan and its priorities, including the completion of Indian water rights settlements, regional water planning, strengthening access to water data, and training the next generation of water managers.

Senator Ben Ray Lujan (D-NM) asked Trujillo how New Mexico plans to deal with rising temperatures, stronger drought, and less predictable precipitation. Trujillo responded that the ability to manage interconnected surface and groundwater supplies, investments in conservation, seeking new water supplies, and maintaining water quality will all be critical to ensuring water supplies into future dry years.

Adel Hagekhalil, Metropolitan Water District of Southern California, discussed challenges in delivering water to its eleven municipal water districts and businesses, serving 19M people. He outlined water conservation strategies including a multimedia campaign, conservation rebates, and adjustments to their distribution system. He emphasized the importance of infrastructure to recycle, capture, move, and store water to ensure the continued reliability of water supplies.

Kevin Richards, Oregon farmer and Managing Partner for RB Ag, discussed how drought impacts farms and communities. He said many farms cannot adapt fast enough. Less water means fewer crops and impacts to the local environment. He explained that when previously arable irrigated farmland dries up it becomes vulnerable to erosion, noxious and invasive weeds, and soil degradation. He said Farm Bill safety net programs are helpful, but they are not well-suited for specialty crops that are commonly grown in the West. He likewise expressed appreciation for the Natural Resource Conservation Service, but said there is a need for greater emergency assistance so farmers can adapt quickly to preserve the soil in drought conditions.

### **House/OpenET**

On May 22, the House Natural Resources Subcommittee on Energy and Mineral Resources held an oversight hearing on FY25 budget requests for the U.S. Geological Survey (USGS) and the Office of Surface Mining Reclamation and Enforcement. Representative Susie Lee (D-NV) asked David Applegate, USGS Director, about the agency's small request of \$0.5M (85% less than FY23 levels) for the OpenET program. She expressed her interest in the program's development, emphasized bipartisan support from Congress, and noted the support of the WSWC's eighteen member states. She said: "The OpenET community includes stakeholders ranging from individual farmers making irrigation decisions at the field scale, to agencies across all levels of government who are making decisions about drought and water budget assessments at larger scales. I can't stress [enough], living in Nevada in the drought that we're experiencing, just how important this tool is for water management." Applegate acknowledged the value of the program, explained that "the budget request includes a number of hard choices," and emphasized that the success of the program's implementation would require an "all hands on deck approach."

### **LITIGATION/WATER RESOURCES**

#### ***Save the Colorado v. U.S. Department of Interior***

On April 28, the Ninth Circuit Court ruled in favor of the Department of the Interior (DOI) in *Save the Colorado v. DOI* (23-15247), upholding DOI's 2016 plan for managing Glen Canyon Dam. Conservationists filed suit in 2019, arguing that DOI had failed to consider the effects of climate change. The U.S District Court for Arizona held in 2002 that the range of alternatives considered in the Environmental Impact Statement (EIS) was consistent with National Environmental Policy Act (NEPA) goals. On appeal, the Ninth Circuit Court agreed with the District Court, finding that the DOI selected a management plan that adequately juggled its obligations under the applicable laws. See WSW #2378, 2373.

---

**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.**