



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

Colorado

On June 7, Governor Jared Polis (D-CO) concluded a tour signing 519 bills into law, the majority of which were bipartisan. Water-related bills included: (1) HB005, prohibiting State facilities and local governments from installing nonfunctional turf, artificial turf, or invasive plant species for any new project; (2) SB197, authorizing owners of a decreed storage water right to loan water to the Colorado Water Conservation Board (CWCB), requiring CWCB to establish an agricultural water protection program in each water division, and allowing reduced or waived cost-sharing requirements for grants to the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe; (3) SB148, authorizing storm water detention and infiltration facilities to use detained water for precipitation harvesting, if the facility is approved via a water supply or augmentation plan; (4) SB037, which commissioned state universities to work with the state to conduct a feasibility study on meeting water quality standards using green infrastructure; (5) HB1362, which allows graywater treatment throughout the state, unless otherwise prohibited by a local government; and (6) HB1379, clarifying that the "state waters" include wetlands and directing the Colorado Water Quality Control Commission to promulgate a state dredge-and-fill discharge authorization program.

Kansas/Drought/Conservation

On June 10, Governor Laura Kelley (D-KS) issued an updated drought declaration on the recommendation of Connie Owen, Director, Kansas Water Office. The declaration placed four counties into emergency status, 35 into warning status, and 66 into watch status.

Governor Kelly said: "While drought conditions have improved in some areas of the state, many counties continue to be negatively impacted by the decline in water supply or strains on water resources." The announcement noted that eastern Kansas has seen significant relief from drought since March, but central and western Kansas has declined rapidly into severe and, in a few counties, extreme drought conditions.

Owen said: "The counties in a watch status are experiencing conditions that indicate the probability of a water shortage is rising. It is important to monitor these conditions and be mindful of water usage in these counties." An interagency agreement between the Kansas Water Office, the Kansas Department of Wildlife and Parks, and the Kansas Division of Emergency Management enables counties in emergency status to access certain state fishing lakes and some federal reservoirs for emergency use. See www.kwo.ks.gov

Governor Kelly recently signed HB2634 to provide greater flexibility during dry years to agricultural producers enrolled in Intensive Groundwater Use Control Area (IGUCA) plans and Local Enhanced Management Area (LEMA) plans. The new law authorizes the plans to allow water users with multi-year allocations to use water in excess of a water right's annual authorized quantity in any given year, as long as the overall use of water is reduced during the term of the IGUCA or LEMA plan. Kansas already offers multi-year flex accounts for enrolled water rights holders to exceed the annual quantity of the right as long as the allocation is not exceeded over a five-year term. The new law expands the authority to IGUCA and LEMA plans. Earl Lewis, Chief Engineer, Kansas Department of Agriculture, said this change can help promote conservation. "What we have learned with the Water Conservation Areas (WCAs) is that when a producer knows they are not limited by an annual authorized quantity, they are more willing to agree to a reduced five-year allocation. As many come to find out, they often have water remaining at the end of five years. By granting water users this flexibility, it can delay water use, extending the life of the High Plains Aquifer. What is not pumped today is there for the future."

Oklahoma

On June 12, Governor Kevin Stitt (R-OK) signed a \$12.5B FY25 budget (SB1125) into law, including \$50M to the Department of Environmental Quality to upgrade levees along the Arkansas River, \$1M for conservation in the North Canadian Watershed Program, and \$12.7M for the Oklahoma Water Resources Board to leverage federal funding for community water supply.

Stitt also approved SB1914, which amended the Groundwater Irrigation District Act to require all water permit holders within a groundwater irrigation district to participate for conservation grant funding eligibility.

ADMINISTRATION/WATER RESOURCES

Bureau of Reclamation/Water Reuse

On June 13, the Bureau of Reclamation (USBR) announced \$142M in funding to advance drought resilience and boost water supplies across the country. Acting Deputy Secretary of the Interior, Laura Daniel-Davis announced the funding after visiting the Truckee Meadows Water Authority, which is receiving \$30M to enhance water reclamation infrastructure at the Advanced Purified Water Facility in Nevada. Approximately \$85M from the announcement will go to six water recycling projects in California, Hawaii, Kansas, Nevada, and Texas. Another \$57.5M will go to four desalination projects in southern California. The selected projects are expected to provide about 40,000 acre-feet of annually recycled water.

Daniel-Davis said: “The Biden-Harris administration is bringing every resource to bear to ensure that we both minimize the impacts of climate-fueled drought and develop a long-term plan to build resilience and facilitate water conservation. Access to clean and reliable water is essential for feeding families, growing crops, sustaining wildlife and the environment, and powering agricultural businesses. We also recognize the incredible potential for economic opportunity and job creation, as we work together to address the intensifying effects of climate change.”

Reclamation Commissioner Camille Calimlim Touton said: “We must use every tool that works to develop water sources that build resiliency throughout the West. This funding through Reclamation’s water recycling and desalination construction programs enables partners to develop new water supplies through treatment of water that can be a part of the water supply portfolio.”

U.S. Department of Agriculture

On June 11, Deputy Secretary of Agriculture Xochitl Torres Small announced that USDA is investing \$66M for projects to reduce wildfire risk, protect water quality and improve forest health across the nation. Funding through the USDA Forest Service’s Good Neighbor Authority (\$12M) will enable collaboration with state forestry agencies, tribes and counties to mitigate wildfire risk and enhance forest, rangeland and watershed health, supporting 22 projects across thirteen states. Nearly \$9M will be allocated to support projects in Arizona, California, Idaho, Montana, Oregon, Utah, Washington and Wyoming.

Another \$55M will support 41 projects across eleven states, including ten new projects, to reduce wildfire risk and improve water quality and forest health through the Joint Chiefs’ Landscape Restoration Partnership. This collaborative effort between USDA’s Natural Resources Conservation Service (NRCS) and Forest Service aims to work with private, state, and tribal landowners to conserve forests and agricultural lands alongside federally managed lands while safeguarding communities.

CONGRESS

House Natural Resources

On June 12, the House Natural Resources Committee held a markup to consider ten bills, including the Help Hoover Dam Act (H.R. 7776) and the Colorado River Salinity Control Fix Act (H.R. 7872). Both bills were reported favorably by unanimous consent. (See WSW #2610)

LITIGATION

EP/PAFAS

On June 7, the American Water Works Association (AWWA) and Association of Metropolitan Water Agencies (AMWA) filed a petition with the U.S. Court of Appeals for the District of Columbia Circuit (24-1188) to directly review the Environmental Protection Agency’s (EPA) final per- and polyfluoroalkyl substances (PFAS) National Primary Drinking Water Regulation (89 FR 32532) published on April 26. “Petitioners strongly support the protection of public health and the use of a sound scientific process in the development of regulations. EPA did not rely on the best available science and the most recent occurrence data, and used novel approaches as the basis for certain portions of the rule. EPA finalized this rule without following the process mandated by Congress, without allowing the public an adequate opportunity to provide comment, and without addressing the concerns raised by those who work to deliver safe and affordable drinking water to their communities. Petitioners are seriously concerned about the impact of this rule on water affordability, particularly for households that struggle to pay for essential needs. EPA has significantly underestimated the costs of this rule and the adverse impact that it will have on individual water users.”

On June 10, the U.S. Chamber of Commerce led a separate petition to the D.C. Circuit (24-1193) to review another EPA rule titled “Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances” (89 FR 39124), under the Administrative Procedures Act and Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

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.