



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION**

#### **EPA/Guidance Database**

On August 15, the Environmental Protection Agency (EPA) relaunched its Guidance Portal, a website that navigates guidance documents managed across EPA's environmental programs. The website was previously launched in the first Trump Administration but was shuttered under the Biden-Harris Administration.

Deputy Administrator David Fotouhi said: "We have endeavored to compile all of those in one searchable, publicly accessible database, so that if you're a small business owner, if you're a farmer or rancher, if you're in any way subject to one of our regulatory requirements or statutory obligations, you can go on there and conduct a search and see very clearly...the agency's interpretation of that requirement and how it applies to your situation..." <https://www.epa.gov/newsreleases/icymi-exclusive-epa-relaunches-guidance-document-database-continuing-trump-tradition>

#### **Corps/Western Water Cooperative Committee**

On August 19, the Army Corps of Engineers published a Notice of the First Meeting of the Federal Advisory Committee Known as the Western Water Cooperative Committee (90 FR 40341). The first meeting will be held virtually on September 4, and will be open to the public. The committee is chartered to ensure that operation of Corps projects in Western States avoid conflict with water rights and laws in those States.

This first meeting will focus on administrative details. "At this meeting the agenda will include the introductions of the approved committee members, explanation of what a Federal Advisory Committee is, the committee charge, election of the Chair and Vice-Chair for the committee, discuss the meeting date and location for the next meeting, and the process for determining agenda items." Comments or requests to speak at the meeting should be submitted in writing to the Designated Federal Officer (DFO) for the committee, Mr. Sean L. Smith, ATTN: CEEC, 441 G St. NW, Washington, DC 20314-1000; or by email at [WWCC@usace.army.mil](mailto:WWCC@usace.army.mil).

### **ADMINISTRATION/WATER QUALITY**

#### **Abandoned Mines/Good Samaritan Permits**

On August 13, the EPA released guidance (90 FR 38975) for implementing the financial assurance (FA) requirements for its Good Samaritan Program. The 13-page guidance outlines how to fulfill the FA components of permit applications, defines relevant terms, explains cost estimation and available FA mechanisms. Permit applications must include a detailed budget covering project costs, long-term monitoring, operations, maintenance, and contingencies, supported by a business plan and proof of financial capacity throughout the length of the project. EPA may request bank records, audited statements, or other evidence, and can require annual updates. Comments on the guidance are due September 12.

The Good Samaritan Program was established under the Good Samaritan Remediation of Abandoned Hardrock Mines Act (P.L. 118-155), for permitting eligible entities to remediate abandoned mines without taking on Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Clean Water Act (CWA) liability. A Good Samaritan permit holder is exempt from obtaining certain authorizations, permits, and licenses for the project while operating within the terms of their permit. The Act allows up to 15 Good Samaritan permits and 15 investigative sampling permits. EPA is still standing up the program and working on the applicant process, but recently updated its program website with a permit flow chart and eligibility information. <https://www.epa.gov/cleanups/good-samaritan-remediation-abandoned-hardrock-mines-program>

### **ADMINISTRATION/WATER RESOURCES**

#### **South Dakota/Groundwater**

On July 30, the U.S. Geological Survey released a study titled, "Hydrologic budgets and water availability of six bedrock aquifers in the Black Hills area, South Dakota and Wyoming, 1931-2022." The study established detailed hydrologic budgets for the Deadwood, Madison, Minnelusa, Minnekahta, Sundance, and Inyan Kara aquifers by analyzing key components

such as streamflow recharge, precipitation recharge, and well withdrawals. Modern well withdrawals (mean and maximum for 2003–22) exceeded mean annual recharge for the Deadwood and Inyan Kara aquifers in certain subareas. Total annual appropriations did not exceed mean annual recharge in most subareas, except some parts of the Inyan Kara aquifer and other aquifer portions in the Rapid City area.

The Western Dakota Regional Water System (WDRWS), which engaged with USGS on the study, has highlighted the report to support a proposed 161-mile pipeline project to bring Missouri River water to western South Dakota that could supply water to 47 municipalities. During the 2025 legislative session, the South Dakota legislature approved SJR 501, which granted WDRWS approval for its future use water permit application, allowing the system to reserve 20,765 acre-feet of water annually from the Missouri River.

### **Reclamation/Colorado River**

On August 15, the Bureau of Reclamation released the August 2025 24-Month Study, setting the 2026 operating conditions for Lake Powell and Lake Mead, and projecting operating conditions for the next two years. Reclamation projects Lake Powell's elevation on January 1, 2026 to be 3,538.47 feet (162 below full pool, 48 feet above minimum power pool.) This places Lake Powell in the Mid-Elevation Release Tier, with a planned release of 7.48 million acre-feet (AF) of water for water year 2026. The water year release volume may be reduced under worsened conditions.

Lake Mead is projected to begin 2026 in a Level 1 Shortage Condition, with an expected elevation of 1,055.88 feet, 20 feet below the Lower Basin shortage determination trigger. This condition necessitates significant water reductions as indicated by the 2007 Interim Guidelines and the Lower Basin Drought Contingency Plan in the United States and Minute 323 and the Binational Water Scarcity Contingency Plan in Mexico. It calls on Arizona to contribute 512,000 AF, about 18% of its annual apportionment, Nevada to contribute 21,000 AF or 7% of its annual apportionment, and Mexico to contribute 80,000 AF or 5% of its annual allotment. Reclamation's most recent hydrologic models predict Lake Mead's elevation would likely drop to below 1,050 feet by July 2026, triggering a more severe Level 2 shortage.

Department of the Interior Acting Assistant Secretary for Water and Science Scott Cameron said: "As the basin prepares for the transition to post-2026 operating guidelines, the urgency for the seven Colorado River Basin states to reach a consensus agreement has never been clearer. We cannot afford to delay. The health of

the Colorado River system and the livelihoods that depend on it are relying on our ability to collaborate effectively and craft forward-thinking solutions that prioritize conservation, efficiency, and resilience." <https://www.usbr.gov/newsroom/news-release/5211>

On August 3, Reclamation initiated the release of cold water from Lake Powell through the Glen Canyon Dam hydropower penstocks and river outlet works. Declining water elevation at Lake Powell has led to warmer water and the expansion of invasive fish, threatening protected fish species. Although the releases do not affect the total volume of monthly and yearly releases, they do impact hydropower production. Lessons learned from 2024 operations have led to a more adaptive process that seeks to minimize those impacts. The trigger for releasing cooler water is three consecutive days of average river temperatures exceeding 60°F at river mile 30 below the dam. Reclamation Acting Commissioner David Palumbo said: "The Colorado River Basin states have expressed their support for implementing the flows this year, emphasizing the necessity of science-based early intervention to mitigate costly impacts in the future."

### **MEETINGS**

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

The WSWC Fall Meetings will be held in San Pedro, California, at the DoubleTree San Pedro Port of Los Angeles. A room block is being held through **August 23**. In-person attendees should register by **September 5** at <https://westernstateswater.org/events/2024-wswc-summer-204th-meetings-in-west-fargo-north-dakota/>.

#### **Schedule of Meetings**

##### **Tuesday, September 23**

8:00 am Full Day Groundwater Workshop

##### **Wednesday, September 24**

8:00 am Full Day Field Trip

##### **Thursday, September 25**

8:00 am Strategic Directions Report and Wrap-Up  
9:30 am WaDE – Members' Discussion  
10:30 am Special Topic: Water Data-State Priorities & Funding  
12:00 pm Executive Committee (over lunch – invitation only)  
1:30 pm Water Resources Committee Meeting  
2:45 pm Water Quality Committee Meeting  
4:00 pm Legal Committee Meeting  
6:00 pm Reception

##### **Friday, September 26**

8:00 am WSWC Full Council (208th) 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.**