



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

Chair - Julie Cunningham; Executive Director - J.D. Strong; Editor - Elysse Ostlund Campbell

ADMINISTRATION/CONGRESS

FY2026 Appropriations

On October 1, the federal government shut down after the Senate rejected a seven-week stopgap funding bill in a 55–45 vote. Non-essential services were halted, with exceptions for those expressly authorized or required by law, or that are necessary for protection of life and property. The Bureau of Reclamation will continue essential work related to water supply, dam safety, power distribution, and research property protection. It will pause processing of special use permits, certain project management functions, and reimbursements for active grants or cooperative agreements. The Environmental Protection Agency (EPA) will retain 1,734 staff for emergency response, disaster aid, and activities necessary to protect research assets. The U.S. Department of Agriculture (USDA) will continue limited farm loan processing, select conservation programs, and wildfire response.

The National Oceanic and Atmospheric Administration (NOAA) has suspended fisheries monitoring and surveys but will continue satellite operations and National Weather Service activities. The National Aeronautics and Space Administration (NASA) will maintain International Space Station operations, weather satellites, and Artemis programs, while pausing most research and grants. The U.S. Geological Survey (USGS) will continue work funded by interagency and cooperative agreements. USGS activities that will cease include: (1) collecting, monitoring, analyzing, and providing scientific interpretation; (2) conducting large-scale investigations to provide impartial scientific analysis; (3) providing information to resource managers, planners, and other customers; (4) providing full online access to publications, maps, and data; (5) disseminating Landsat data; and (5) receiving, analyzing, or disseminating water quality data to the public.

Nominations

On September 18, the Senate confirmed a bloc of 48 nominees in a 51-47 vote, overturning existing rules to bypass the 60 vote threshold for confirming sub Cabinet, ambassador, and executive branch nominees en bloc.

The new rule does not apply to judicial nominees. The group included Andrea Travnicek – a WSWC alum and North Dakota native – who will serve as Assistant Secretary of the Interior. The confirmations also included Jessica Kramer to lead EPA's Water Office, and Katherine Scarlett to lead the White House Council on Environmental Quality.

On October 3, the Senate advanced a bloc of more than 100 nominees in a 51-46 vote. This second tranche included: (1) Neil Jacobs to lead NOAA; (2) Timothy Walsh to serve as Assistant Energy Secretary for Environmental Management; (3) Lanny Erdos for Director of the Office of Surface Mining Reclamation and Enforcement; (4) Catherine Jereza to be Assistant Energy Secretary for Electricity; (5) Ned Mamula to lead the U.S. Geological Survey; (6) William Kirkland to manage the Bureau of Indian Affairs; (7) Wayne Palmer to head the Mine Safety and Health Administration; (8) John Busterud to lead EPA's Waste Office; and (9) Usha Maria Turner to manage International and Tribal Issues at EPA.

ADMINISTRATION/WATER QUALITY

CEQ/NEPA

On September 29, the White House Council on Environmental Quality released guidance for agencies establishing or revising National Environmental Policy Act (NEPA) implementation policy. Executive Order 14154, "Unleashing American Energy," directed agencies to revise procedures to expedite NEPA permitting and tasked CEQ with issuing new guidance, released in February. See WSW #2649. The new guidance replaces the February guidance, and considers recent amendments to NEPA (under the 2023 Fiscal Responsibility Act, P.L. 118-5, and the 2025 One Big Beautiful Bill Act, P.L. 119-21) and the U.S. Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County* (WSW #2664). The White House clarified that the guidance is not binding. Rather, they are intended to provide clarity as to NEPA's requirements and promote consistency as to NEPA's implementation.

The guidance included an Agency Procedures template, encouraging agencies to refrain from

reiterating statute, and instead describe how they will meet statutory requirements while prioritizing efficiency and certainty over any other agency goals. Agencies should notify CEQ early when planning to develop or revise NEPA procedures. Proposed procedures should be submitted to CEQ before starting interagency or public rulemaking. CEQ will review submissions, aiming to finish within 30 days, and may request additional information or meetings. After issuing written notice that consultation is complete, agencies may proceed by publishing procedures online for non-rulemaking guidance or through notice-and-comment rulemaking in the Federal Register. The guidance also specifies the documentation CEQ requires to initiate consultation.

LEGAL

New Mexico/Water Courts

On October 1, a New Mexico Supreme Court order reorganizing state water courts took effect. Previously, each of the state's 13 judicial districts had a water judge. The new order established a regional structure more closely aligned with the boundaries of New Mexico's stream systems. Five judges with extensive legal and technical training were appointed to serve as water judges in three regions. A designated court clerk in each region will oversee the filing and administrative management of water cases filed in those regions.

The New Mexico Administrative Office of the Courts said: "The water courts will handle cases involving conflicts over water usage, special water districts such as irrigation districts, and appeals of decisions by the Office of the State Engineer, including transfers of water rights, change in the use of water rights and applications for new wells. The new water court structure does not affect the adjudication of water rights within a specific stream system or basin."

Justice C. Shannon Bacon said: "The new water court structure will help judges develop more specialized subject matter expertise in water issues covering large regions of the state." Water judges will be required to attend annual water law training, including water rights and tribal water law.

Chief Justice David K. Thomson said: "This plan helps the judiciary address complex, technical water disputes that occur regularly because of conflicts between water users and appeals from administrative decisions. Having regional water courts will be particularly important during periods of sustained severe drought when water disputes likely will become more frequent and can impact agricultural users, communities and businesses across many counties." <https://nmcourts.gov/news/latest-news/>

PEOPLE

Jojo La has resigned from the Colorado Department of Public Health and Environment (CDPHE). She said: "Serving on the Council and Water Quality Committee has been both a rewarding and enjoyable experience. I've had the privilege of working alongside some truly dedicated and talented individuals. I'm continually impressed by the work you do and the commitment you bring to it. Thank you for the support and collaboration over the years."

Governor Jared Polis (D-CO) has appointed **Nicole Rowan**, Director of the Water Quality Control Division at CDPHE, to the WSWC. Governor Polis said "Ms. Rowan has served in the Water Quality Control Division for over a decade, holding key roles such as Clean Water Program Manager and Watershed Section Manager. She also currently serves as Co-Chair of the Nutrients Policy Committee for the Association of Clean Water Administrators and received the Association of Clean Water Administrator's Presidents Award in 2022... She will bring a wealth of knowledge and experience to the Council."

MEETINGS

WestFAST/Idaho/Landsat

On **Monday, October 20, at 11:00 AM (MDT)** WestFAST and WSWC will host a webinar presentation from the Idaho Department of Water Resources (IDWR) on how Idaho uses Landsat data to manage water resources. Phil Blankenau, Evapotranspiration Analyst, Geospatial Technology Division, IDWR, will share a presentation. Idaho became one of the earliest users of Landsat 1 data in 1975. The Idaho Department of Water Resources (IDWR) is responsible for the administration and management of Idaho waters, and Landsat data is regularly used to support water administration decisions. IDWR began using Landsat for mapping evapotranspiration (ET) for individual agricultural fields in 2000. When NASA proposed removing the expensive Thermal Infrared Sensor (TIRS) from Landsat 8, Idaho made several presentations on their use of Landsat data at Western States Water Council meetings. They expressed their concerns about the loss of TIRS data, and galvanized the Western States along with their Governors and Congressional delegations, resulting in the inclusion of the TIRS in both Landsat 8 and 9.

For more information and to register in advance please visit <https://westernstateswater.org/events/landsat-data-for-water-resource-decision-making-in-idaho/>

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.