

**MINUTES  
of the  
WATER RESOURCES COMMITTEE  
The Oread Lawrence Hotel  
Lawrence, Kansas  
October 23, 2024**

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**MEMBERS AND ALTERNATES PRESENT** *(via zoom)*

<b>ALASKA</b>	Christina Carpenter Thomas Mooney-Myers
<b>ARIZONA</b>	<i>Trevor Baggione</i>
<b>CALIFORNIA</b>	Jeanine Jones <i>Joaquin Esquivel</i>
<b>COLORADO</b>	Jojo La <i>Lauren Ris</i> <i>Nate Pearson</i>
<b>IDAHO</b>	Mat Weaver John Simpson
<b>KANSAS</b>	Connie Owen Matt Unruh Tom Stiles Earl Lewis
<b>MONTANA</b>	Anna Pakenham Stevenson
<b>NEBRASKA</b>	Jesse Bradley Justine Lavene
<b>NEVADA</b>	Cathy Erskine Melissa Flatley
<b>NEW MEXICO</b>	<i>Tanya Trujillo</i>
<b>NORTH DAKOTA</b>	<i>Andrea Travnicek</i>
<b>OKLAHOMA</b>	Sara Gibson Julie Cunningham

**OREGON**

**SOUTH DAKOTA**

Nakaila Steen

**TEXAS**

Jon Niermann

**UTAH**

Todd Stonely  
*Teresa Wilhelmsen*

**WASHINGTON**

Ria Berns  
*Leslie Connelly*

**WYOMING**

Chris Brown  
Jennifer Zygmunt  
*Jeff Cowley*

**GUESTS**

Brian Clark, U.S. Geological Survey  
Jennifer Verleger, State of South Dakota  
*Chad Abel, U.S. Fish and Wildlife Service*  
*Tati Eldridge, Graduate Student - Colorado*  
Steve Emmen, Western Governors' Association  
*Ivan Gall, Oregon Water Resources Department*  
*Christopher Estes, Chalk Board Enterprises, LLC*  
*Hannah Singleton, Southern Nevada Water Authority*  
David Pope, State of Kansas (Former WSWC Member)  
Jim Rizk, Texas Commission on Environmental Quality  
*Trent Blomberg, Arizona Department of Water Resources*  
Jason Gerlich, National Integrated Drought Information System  
*Kathy Alexander, Texas Commission on Environmental Quality*  
*Mark Mayer, South Dakota of Agriculture & Natural Resources*  
Sharon Vasquez-Ray, National Aeronautics and Space Administration

**WESTFAST**

*Lauren Dempsey, U.S. Air Force*  
*Michael Eberle, U.S. Forest Service*  
*Travis Yonts, U.S. Bureau of Reclamation*  
*Paula Cutillo, U.S. Bureau of Land Management*  
Roger Gorke, U.S. Environmental Protection Agency  
*Heather Hoffman, Natural Resources Conservation Service*

## **STAFF**

Tony Willardson  
Michelle Bushman  
Elysse Campbell

## **WELCOME AND INTRODUCTIONS**

Sara Gibson conducted the Water Resources Committee, and called the meeting to order. Introductions were made around the room.

## **APPROVAL OF MINUTES**

Sara indicated that due to issues with the audio from the North Dakota meeting on July 25, she suggested that members take a closer look at the minutes to make sure they accurately capture what was said. Hearing no concerns, there was a motion to approve the minutes. There was a second and the minutes were unanimously approved.

## **SUNSETTING POSITIONS**

Tony reviewed sunseting Positions #473, #474, and #475, which are under Tab C. Position No. 473, regarding federal water and climate data collection and analysis programs, had an additional “Whereas” clause suggested that reads, “Whereas Western States have invested millions of dollars in monitoring programs, observing systems and networks, some of which are carried out in collaboration with federal agencies and programs.” There was also an additional “Be It Therefore Resolved” clause that reads, “that the Western States Water Council supports the creation of an authorization for a federal water data Council, a national water data framework and advisory committee and water data grants program as well as sufficient appropriations.” The latter specifically refers to legislation introduced by Representative Melanie Stansbury (D-NM) Senator Martin Heinrich (D-NM) which the WSWC has supported. In one of the past Administrations, the longstanding Advisory Committee on Water Information (ACWI) in the Department of Interior (DOI) was decommissioned. The bill would specifically re-authorize ACWI, as well as create a data council with senior secretary-level appointments, or at least their agencies, and ask them to create a data framework. It also authorizes grants to states to help with data development. The WSWC’s policy positions do not typically include bill numbers because they change from one Congress to the next. The bill has yet to be reintroduced in this Congress, but they have reached out to the WSWC for any suggestions with regard to the language. That is the purpose of the additional resolve clause to specifically refer to that legislation.

Sara asked if anyone had any thoughts or comments on the changes to position? Hearing none, she made a motion for approval to bring to the Full Council. Chris Brown seconded. The changes to Position 473 as amended were unanimously approved.

Position No. 474, regarding drought preparedness, prediction and early warning programs expresses the WSWC's support for a number of different programs. The third whereas clause updates information particularly with respect to the cost of some of these extreme events and makes note that we're talking about information from the National Oceanic and Atmospheric Administration (NOAA). In the last whereas clause, "NOAA" is inserted, taking out the full name of the administration.

Sara asked if anyone had any thoughts or comments on the changes to position? Hearing none, she made a motion for approval to bring to the Full Council. There was a second by Jon Niermann and changes to Position 474 as amended were unanimously approved.

Position No. 475, regarding the Bureau of Reclamation (USBR) Drought Response Programs, had some proposed changes. In the fourth Whereas clause, it's noted that USBR was provided with specific authority under the Reclamation States Emergency Drought Relief Act of 1991. One of the bills, which is listed on the Committee agenda, would actually reauthorize that program and extend the termination date. This is for Title I. There was a Title II when it was enacted that created authority for loan guarantees by USBR for some state programs or projects. That provision hit a snag with the Office of Management and Budget (OMB) and it was never actually effectuated. This position is just the renewal of Title I and specific authority for USBR related to drought.

Sara asked if anyone had any thoughts or comments on the changes to position? There was a motion made by Mat Weaver. A second was given by Jon Niermann, and the changes to Position 475 as amended were unanimously approved to move to the Full Council.

## **WATER PROJECTS NAVIGATORS ACT**

Tony filled in on behalf of Cameron Bradshaw, Office of Senator Jerry Moran (R-KS), who was unable to attend this morning. Under Tab G, you will find legislation regarding the Water Projects Navigators Act, that was introduced by Senator John Hickenlooper (D-CO), as well as Senator Moran. The intent of the Act is to help states navigate all of the nuances of the Inflation Reduction Act and all of the stimulus funding. Cameron mentioned to Tony that this would authorize the USBR to actually hire and assign a navigator to a specific project to help get through that process. Once a project is finished, they would then move on to another one. This would be a federal employee specifically assigned. If anyone has any questions, or would like to follow up with Cameron, Tony has his email.

## **NEW MEXICO INTEGRATED WATER FINANCING PLAN**

Tanya Trujillo, OSE, New Mexico provided an additional update on the Integrated Water Financing Plan project that they have been working on with WSWC, WestFAST and a number of partners in New Mexico. She thanked Michelle for her time and for the support. For a little over a year now, they've been trying to partner federal funding resources with New Mexico water project needs. There are three official goals of the project: (1) maximize federal funding and resources for investment in New Mexico's water resources; (2) strengthen the connections between the state and federal agencies so that there is an ongoing strong relationship; and (3) share the lessons that they've learned from this project within New Mexico, as well as the other western states.

Tanya looks forward to continuing to do outreach. In general, they've had very positive feedback from the participants and from groups like their legislative financing committees that she's been able to present to. New Mexico will be hosting an in-person final workshop on November 14 in Santa Fe. Leading up to this final workshop, they developed a series of portfolios and projects, and had online workshops to do that partnering process. They have funding support from philanthropy, and from some private foundations. They've had great participation from the federal participants that they've been engaged with. They've tried to focus on the three areas of demonstration projects that they think are good examples for other areas of funding needs, which are: (1) accelerating small community drinking water system regionalization, trying to do outreach in many of their rural communities to help them consolidate some of their water functions, and what funding can they find to help with that effort; (2) development of new water supplies, focused on continuing their aquifer mapping and monitoring programs to take care of their groundwater supplies; and (3) watershed and water quality protection, focused on a group of partners that have been working on the upper Rio Grande. They also have tribal partners and have important watershed areas to protect.

For the November 14 workshop, New Mexico will be presenting the results of the programs, the pilot programming that they've done on those three areas, and then will continue to brainstorm on how to build off of the information that they've gathered.

### **Questions/Comments:**

Ria asked if there was an opportunity to participate remotely in the November 14 workshop.

Michelle noted the in-person nature of it, because there's going to be breakout sessions.

Roger expressed the importance of what Tanya said about building relationships within the state, and between the state and the feds. It has been one of the biggest benefits that he has seen and he is hoping that this is just the beginning of a long-term collaborative effort.

Tanya emphasized that they've been trying to be really creative about thinking of new ideas for funding sources, or new areas of connection. She thinks it's been really beneficial to think about

some of those sources, beyond just the typical DOI or USBR funding, such as the Department of Energy. EPA's portfolio is very broad as is the USDA. FEMA resources are expanding.

Michelle noted that one thing that has been very enlightening is how much effort it has taken to develop these relationships. They didn't just come about with a few quick emails. It took a lot of outreach with both the state and the federal folks to bring them to the table. But once they connected with each other, it was interesting to see how many light bulbs were turning on as they were able to communicate about needs, policy issues, various obstacles, and opportunities that were available. Getting them all to the table was complicated, but once they got there, they caught the vision of what we were trying to do, and the synergy was amazing.

### **INSTREAM FLOW COUNCIL UPDATE**

Christopher Estes provided an update on some of the work he is doing. He said the Instream Flow Council has partnered with the American Fishery Society and others to assess the feasibility and need to develop a new instream flow and water level conservation training research and development center. They view it as a water management effort to integrate both ecological and anthropogenic needs. An assessment was completed in October 2023, which was based on a global survey of needs, desires, and gaps. This training research and development used to be provided to all water managers and users at Fort Collins between 1974 and 2000. This project is an attempt to integrate different interdisciplinary areas of scientific, legal, institutional and public involvement. As a result of that assessment, the Instream Flow Council and American Fishery Society are now seeking endorsements from organizations that either deal, manage, research or are impacted by water use decisions, support to develop the center. Most recently, the Association of Fish and Wildlife Agencies adopted a resolution that endorsed both the assessment and the need for the steering committee of the Instream Flow Council and American Fisheries Society to move forward to develop this center. The Instream Flow Council and American Fishery Society has endorsed similar resolutions. They are also seeking interest from other organizations, if the WSWC or ICWP would be interested.

#### **Questions/Comments:**

Ria Bearns: I'm interested in whether the center would include a water quality intersection?

Christopher: Water quality is integrated among the different disciplines that have to be taken into account when you manage water and so yes, water quality is included.

### **ROUNDTABLE DISCUSSION: CHALLENGES OF SMALL AND RURAL WATER SYSTEMS**

Tony noted that we ran out of time to discuss this at our meeting in North Dakota. Tab H includes the current WSWC position related to rural water infrastructure needs and projects that

will be up for renewal next spring. Many know that there is a USBR small projects program, but there are other resources as well.

Jeanine Jones stated that small water systems tend to be a big problem. While the majority of customers are served by large water systems, of the total water systems, about 90% of them are small systems that tend to struggle to comply with Safe Drinking Water Act (SDWA) requirements, or to survive the droughts. California statutes express a human right to water for drinking water purposes. They have some legislation administered by the State Water Resources Control Board (SWRCB) that provides \$130 million a year for a 10-year period specifically for remediating small systems. SWRCB also received enhanced consolidation authority for mandatory consolidations, which are typically a politically difficult subject. During California's last drought, they spent a ballpark of several \$100 million dollars in emergency grants to small systems that were running out of water or otherwise struggling. Knowing the limitations of the SDWA SRF program in dealing with small systems, Jeanine was wondering if the WSWC would be interested in exploring more active work on the legislative front in doing things like expanding the USBR's rural water program, which has been very successful in those areas covered by it. It would be expensive for the federal government, but from a state's perspective, it shouldn't be a problem, because it's already been so expensive for state government.

Sara: Does anyone else have any thoughts on the issue? I know Jeanine mentioned mandatory consolidation. In Oklahoma, we have offered incentives for consolidation, but those present hurdles that no one likes. For now we are just going to continue to pay excessive amounts of money to keep our small systems running instead of consolidating. We also have a lot of challenges with continuity and administration - not just does somebody know how to fix a pump, or where to get the money to do that, but also, does somebody know where our maps are? Are we properly accounting for our system? Any other thoughts?

Jeanne noted that one of the basic tenets of SDWA Administration is that systems have to demonstrate technical, managerial, and financial capability (TMF), and the problem is simply that most small systems can't even do that.

Jojo La: I think this is a great conversation, and agree that the only incentives that we have are grant funding, which may not always be accessible for those small communities. This is an important discussion to try to incentivize further.

Roger Gorke: Jeanine took my TMF comment which is where I was going to start. Consolidation doesn't necessarily mean connecting everybody together with pipes. It could be sharing that TMF among different communities or utilities. EPA did an effort in California focused on small to medium sized systems - kind of that direct technical assistance. EPA then did it in Colorado, and now they're doing it in Utah. Some systems are facing water quantity issues, with groundwater levels dropping and having to dig deeper wells, as well as water quality issues where groundwater wells or surface water basins are either being contaminated or they're having to go to a less pristine water source. Roger stated that he could talk about how EPA is trying to provide that direct technical assistance a little bit more in the Water Quality Committee. It could be an



overwhelming number of issues that these systems are facing. Any ideas that the WSWC could do, or come up with that WestFAST could help, it would be very welcomed.

Jon Niermann thought that this is a very worthwhile for the WSWC to be engaged on this topic. As Roger pointed out, there's myriad issues facing these small water systems operators. Lack of qualified operators is obviously a big one to the extent that we could encourage any grant program that get assembled to include funding for supporting continuity of good operators, which might be useful. He thought it was worth the time to pursue that conversation.

Tom Stiles was looking to Roger for confirmation, but they've heard that EPA is coming out with a Water System Restructuring Assessment Rule (WSRAR) in the beginning of 2025 that basically mandates all the systems to do an assessment. For Kansas to incentivize regionalization, through favored status under the SDWA SRF, or to provide very lenient compliance periods to bring systems back if they're pursuing a regional solution, and for the states to obtain primacy, to take over the administration of that rule. That's what they've heard is the next big thing coming out of EPA. In Kansas, 97% of the population is served compliant water. But 90% of the systems are out of compliance and are very small, sub-3,300-population-served systems. You'll hear later when Kansas gives its host state report that they've been on a big sweep across the state looking at all sorts of water supply issues. Regionalization has become a focal point of the governor's office. While it may look good on paper, overcoming some of the social hurdles to get communities to essentially to join forces can be a challenge to implement.

Roger didn't have any direct knowledge of the WSRAR, but would try to find out in the short term. He lived in Camarillo, California with a community of 30,000, which has five water systems in just that suburban area, and it's challenging. He added that they also have small urban water systems in California. The University of California, Los Angeles (UCLA) did a study on water systems in LA County. There are 250, and over half of those served populations under 10,000. Then over 120 or so serve small populations in the poorer urban areas, and some of those water boards can be like little fiefdoms. People get on the water boards and drive contracts in one way or another and there's been a lot of criminal penalties on some of these water boards. Both rural and urban are facing the same thing, which may be easier to do some of the connections and that kind of real consolidation, but it's hitting across the board.

Melissa Flatley noted that Nevada has counties that have populations that are probably similar to some of those small water systems, but it might be tangential to the system discussion, but the problem that she sees is the systems keeping their permits in good standing, or they'll lose their water rights, but in the meantime they still have to provide service to the residents. There's a tension there. One of the legislative efforts Nevada is working on to address it is a proposal that includes certification water based on dedication to service. So when they assign the water to be used for residential development, rather than file extensions of time to prove beneficial use, until the homes are built, or all the connections are made, as soon as it's dedicated and can't be moved, they could certificate [confirm water rights], and it would avoid all of those extensions of time, and hopefully avoid cancellation and keeping their water rights valid.

Christina Carpenter noted that she doesn't have any solutions and so was a little reluctant to pile on, but wanted to share some of the challenges that Alaska has seen with their small systems consolidating. Perhaps a small HOA doesn't want to consolidate with the larger municipal system, because the municipality will require that system or community to then pay for all of the public services like fire and police protection and all that. So there are strings attached with that consolidation. The question she had is, have we engaged with the Association of State Drinking Water Administrators (ASDWA) on this issue? Because they are probably more informed on the challenges and potential solutions.

Jeanine: In California, our SWRCB is the one with the SDWA compliance responsibility, and not the CDWR. However, because of CWDR's construction and management ability, they are the ones that get called in to respond when the system physically doesn't have wet water. In a state law that was enacted a few years ago, the SWRCB is required to take some special actions with respect to small systems for planning and preparation for shortages. Then it directs the CDWR, as the other state water agency to deal with counties, small systems and private well owners that privately serve folks. The state has an emergency fund of \$130 million a year for 10-years to deal with things such as drought, but they still have lots of problems. The SDWA funding process has limitations. Jeanine mentioned that the USDA Rural Development (USDA RD) has been very helpful, but she keeps looking at the USBR and the fact that they have sufficient resources to help, but it doesn't have the statutory authority to expand the rural water supply program to other states. As she previously stated, CDWR isn't the SDWA Administrators, but if they were, she would be looking really hard at bringing more federal hands to the table.

Tanya Trujillo: We've had some of these discussions in New Mexico. We passed the Regional Water System Resiliency Act in 2023 that gives us some additional authority to help some of these small communities with regionalization efforts. She wanted to echo some of the prior comments about how difficult it is to bring them together. They have begun to implement this new law, and they have seen some successes in trying to build, not just the piping, but build resources among communities with respect to things like bookkeeping and some of the business functions that can be beneficial in those small communities that don't have the resources to hire their own auditors, or bookkeepers, for example. It's been a good experience for us so far and we're looking forward to continuing to build on it. She knows they had assistance from the Rural Community Assistance Corporation (RCAC), which was a big lobbying effort and a pretty positive experience from our legislative approval process.

Jeanine: Since Tanya mentioned RCAC, both the CWDR and SWRCB have provided funding and contracts to RCAC and to the California Rural Water Association to provide training resources and to actually go out and do the technical assistance and deliver emergency bulk and bottled water, etc. It's great to have the boots on the ground, as it increases the staffing capability for emergency response. But you know, we've still got a huge number of systems that are struggling from a wet water standpoint and so the need out there is huge.

Sara: In Oklahoma, we're hopefully nearing the end of our water planning, but we're discussing how we can help develop new wet water resources, and how to gather the smallest

communities that can't go out and do aquifer storage or direct potable reuse on their own. Are there ways we can help float those ideas, and how do we pay for that? Our legislature was very generous with their American Rescue Plan Act (ARPA) money – they gave us \$468 million, but we still need billions and billions of dollars. Some of our larger tribes have been doing excellent work with communities within their boundaries by going in and working with those systems. Not just giving them the infrastructure needs, but also meeting the administrative needs to help them get where they need to go for funding. We've also talked about circuit rider operators under technical assistance programs that can meet the needs of multiple communities.

Jeanine: Back when California had emergency drought funding, we provided a couple hundred million dollars of leak detection services to small systems with the idea that was a way to get them in the queue for some of our infrastructure emergency monies to drill new wells, connect to a system. The CDWR, as well as the SWRCB also provided training in coordination with the California Rural Water Association and circuit riders. But again, the need out there is just so huge.

Tony: We did look at the possibility of getting someone here from USDA-RD to talk to us and that's something we could do at a future meeting, as well as maybe some other opportunities from NRCS. I know at USDA, they have state technical committees, and we've discussed in the past about the possibility of some of our members getting involved. It's one more thing on your plate, but I'm just curious how many of you are involved with USDA RD?

Sara: I know all of our funding entities across the state get together quarterly or when necessary, and a community can request to be put on the funding action agenda. Each of those entities will get to review the community's needs and monetary conditions. The USDA RD participates in that.

Jon had a couple additional thoughts. One is that he saw at a recent ECOS meeting is that New Mexico is doing some fascinating work with Google to identify leaks in community water systems. It's satellite-based technology, where they can just deploy the utility crews straight out to suspected leak sites, which looks pretty amazing. It could shorten the timeframe on repairing leaking pipes and really become a model for systems across the country. Another thing he mentioned, TCEQ has a contract with a third party to do all of the drinking water sampling that's required. They have a collection rate approaching 100% that includes all of the quality control requirements and provides visibility of what's going on the water systems, which of course is very important to public health. For decades they did that with an EPA grant, but EPA decided that was not the best use of their grant dollars, so now we're doing that with state dollars. Because of the visibility into the quality of drinking water, Jon recommended it – and if federal dollars will pay for it, all the better.

Tanya thanked Jon for bringing up the Google project in New Mexico. For folks who aren't aware, that relies in part on Landsat data and so it's a good project that they've been supporting for a while.

Sara: Are there any action items we need to take up at this point on this issue, besides encouraging our federal partners?

Michelle mentioned that the Council's position on rural water is coming up next spring for review. With all of this discussion in mind, we may want to modify that position as an action item for the spring meeting to incorporate additional information in whereas clauses or actions that we want to take with Congress and with the administration.

Sara: My real thought was, give us more money! I know all states are different. So how can we be good partners and interact better with those we work with.

Jeanine: As I said, the only thing we really haven't done is aggressively go after the USBR as a partner. There have been quite a few introductions over the last 10 years of federal legislation that would expand the rural water program, modify it, etc., but nothing has really come of that. I guess the question I would pose for the WSWC is, do we want to be more active and do something? One of the things we could do is play more in the legislative front and try to support some version of more active direction to the USBR, even if it's only a feasibility study. In the USBR states, the areas where the Feds could help small systems, there was actual legislation which had the authorization, but is now expired. I believe that directed USBR to start on a feasibility study path for a few defined areas.

Sara: Okay. I think we can probably take a look at that and our position statement as it comes up.

### **WADE/WESTDAAT/WESTCAT UPDATE**

Tony noted that Tab I includes a progress report on the Water Data Exchange (WaDE) Program. The Executive Committee held lengthy discussions about WestCAT. USBR has signed another financial assistance agreement providing the WSWC with a \$400,000 grant for the development of the WestCAT tool that would help conservation programs using our water right database and available OpenET data. It is not intended to match water use with all of the water rights in our database. In WaDE, we have something like two and a half million water rights records.

Page two in the progress summary outlines some things that were required by our philanthropic contractors. We previously included integrated water use information from the Great Lakes Commission. Our architecture provides that we can ingest this, and our philanthropic sponsor was interested in how this might be used in other regions of the nation. We have also included specific water supply and use data for American Samoa. I've noted in the past that our architecture has been recommended by USGS for reporting water use under their water use data research program, and we have worked closely with them.

In Colorado, we had some discussions about how they characterize their water use and water rights. We removed some of the water use records at their request. In their database, it's a structure which may serve many different water rights, and the water use is not disaggregated, nor can it be disaggregated. In order to not confuse things, we've removed that water use.

Again, with the interest of our funders, we did include some water permit data from the State of Minnesota. However, as we looked at their permitting system and discussed it with Minnesota, we ultimately removed their information. They don't have a priority system - there are no priority dates, and we weren't willing to incur the cost to change our architecture from describing western water rights to their form of water allocations. Some of you may be aware that we actually had Minnesota as an associate member of the Council for a while at the request of the Minnesota Governor.

We continue to include regulatory overlay data in WaDE to the extent that we can. If you look on page three at table two, there is a summary of all of our data that we have in WaDE, which includes: water rights; water supply; and water use.

We are working with the Lincoln Land Institute, under a sub agreement with the USBR, to help them develop a water supply hub where USBR can go to get all of the information that they use in making some of their projections and doing some of their modeling. Obviously, USBR uses USGS gages, NRCS snow survey information. We will be providing them information that we have from states as far as state gages and state reservoir levels and reservoir releases.

There is a lot of data in WaDE. When this initially begun, I think the vision was a bit of "if you build it, they will come." I think in working with the Internet of Water, we've found that unless you can see what's in the database, you can't really see the possibilities for how to use it. That's been behind the process of developing our WestDAAT, which provides a dashboard for viewing the water rights data. It does not include access to water supply, water use, or any of the overlay data at this point. I should have emphasized that the overlay data is both administrative and regulatory boundaries and would allow you to actually look at a specific area. You could call up the water rights that were in that specific area that may be restricted because of the regulation. It would also have administrative boundaries. For example, I'm sure you all have areas that are administered by water masters.

The discussions we've had with the Executive Committee since our last meeting have been helpful, particularly as it relates to who is using WestDAAT information. We put that together in a number of pie charts included in this report. I would emphasize that as part of our last WaterSMART Grant that we've concluded, we're writing the final report, which will look much like this. The USBR has particularly complimentary of the benefits to them and to the WSWC of the work we completed under that grant. They are developing a water rights information management system for USBR water rights and have taken our architecture and are using it, as well as the information that we were able to provide them on state-recognized rights for federal agencies. As you can imagine, there are obviously challenges with getting to some of the data and describing it consistently across state boundaries.



Working with the Executive Committee, it was determined that we will segregate the funding. The WSWC has made a commitment to help update WestDAAT and continue to update the information. We will use USBR's \$400,000 funding to build a tool that would allow connection with an API with to show ET data as a surrogate for consumptive water use on a local scale, if and when there is an entity with a voluntary conservation program that's interested in using WestDAAT to get to some of that information for their program. We also discussed that we would register that use so we know who is using the information. While the code is open, they can't change our code, but they can take the code and modify it for their own purposes.

Some of the Executive Committee in particular had requested more information about who is using this data. We had some outreach with Carolyn Nash at CK Blueshift. She's been working with us on the stream restoration series of webinars that WestFAST has been doing. She has been using WestDAAT for decisionmaking for stream restoration projects - to either relocate those in places where it looked like it would be too difficult to handle the water rights issues or use them to reach out to those who had water rights on the stream in order to facilitate that process and not disrupt the water rights that are there. She's going to do a presentation for us, but we had to reschedule it. Then Vibrant Planet also reached out to us. They've been doing some work on the Pike-San Isabel National Forests and Cimarron and Comanche National Grasslands in Colorado. They're also using WestDAAT to facilitate their work. That presentation is on the 30th and will be a recorded webinar that we'll be doing. If anyone is interested in joining that live, let me know, and we'll invite you so you can see that while it's happening and you can ask questions. We also will post those to our website and make sure that you or your staff can watch them as you have time and interest. Obviously, all this information is public information, so they could go directly to the state and get that information, but it can be cumbersome to get to and it's much easier to get to the data through WestDAAT.

Michelle: They noted that it's difficult to access some of the data directly from the states in the ways that they need it. You can't just click on a map and get all the information in one place. WestDAAT makes those queries possible, to see the geography and water rights data in the same place, especially for regional level work. It's very user friendly for those who are using it, whereas some of the states data is less accessible, and it take a lot longer for them to get the same information.

Jon: When we approved the WSWC's budget to include WestCAT, part of that conversation was to go back and have a broader conversation among Council members about our intentions for the future of WaDE, WestDAAT and WestCAT and so forth. I wanted to check in with staff on what the status of that is, and maybe also check in with the membership on what the level of interest is in that conversation.

Tony: We talked about an Executive Committee Subcommittee to oversee some of that work. If any of the states if you're interested, or already involved in using OpenET data to provide some assistance that would be helpful. Jon, you are correct. I think, with this grant and with the commitment that WSWC has made, we are funded at least for the next two years, but yes, the WSWC is going to have to look at how do we maintain that? I believe the total number of data sets

that we have in WaDE is something like 118, but not all of those are available through WestDAAT, primarily just the water rights data at this point.

Ria: I think there would be a lot of value in having a deeper discussion around WestDAAT and ensuring that we're all on the same page about the mission, vision, and long-term plans. Then we need to pursue the offshoot discussion around the conservation tool element. I think specifically, the State of Washington is concerned with, and I think I heard from other Executive Members, is a misunderstanding and misinterpretation of the data. I think ensuring that the Executive Committee is engaged in that discussion is important, because the IT folks that I would send from our state aren't going to have that policy lens that I think is really important in terms of that translation of data to users. I hope that we can have that discussion at the next meeting.

### **ROUNDTABLE: WATER SUPPLY AS A PRIMARY PURPOSE OF CORPS PROJECTS**

Tony: Under Tab J there is a letter we sent to Congress regarding proposed legislation elevating consideration of water supply as a co-equal mission for the Corps at reservoirs where water supply is an authorized project purpose. As we heard yesterday from Ryan Seager, this would not be a blanket authorization, but rather where the Corps already has a water supply component as an authorized purpose of the project. That water supply mission would be equal to flood control, navigation, hydropower. With the USBR, they have to have a water right to store water, or for their projects. That's not the case with the Corps. The Corps primary missions are not consumptive uses and so to the extent that they get involved in consumptive uses, that may raise some questions. I had the experience once of being in a Senate staffer's office, and he said, "What do you think about getting the Corps out of the water supply business?" I said, well there are a number of areas in California that have water supply from Corps reservoirs, and Kansas in particular - I pointed to the example of Kansas. Maybe Earl can talk about how Kansas deals with water supply from Corps reservoirs.

Earl: Connie can certainly jump in here as well, because all this is managed through the Kansas Water Office (KWO). I spent 20 years in the KWO and so Kansas has a long history on water supply with Corps going clear back into the end of the 70s, or even further back. The state made a decision it was going to take on the role of being the water supply provider from the Corps. Think back to the 1958 Water Supply Act that basically said when the Corps was going to build flood control projects that they would make them larger and include water supply as purpose, if a local sponsor agreed to pay the cost of that. The State of Kansas took on that responsibility kind of as a wholesale raw water utility, which is pretty unique. There's not a lot of cases where a state took that on. Most of that is handled by the local city or industry. I've always thought that has put us in not only a unique position, but in a stronger position, because we have both the water management, and the water rights allocation portion of it. Then of course we have the contracts with the Corps, which I think has given us more leverage. We had a memorandum agreement in 1985 that actually Tom Stiles, I think was pretty key in developing and bringing to fruition that reallocated a lot of storage. It was also driven by some droughts in the early 80s in which the state wasn't protecting water quality releases and it didn't have a mechanism as Tony points out,

because the Corps has no water right in the State of Kansas. We had an agreement that basically we would hold the water rights for the storage and then protect those releases for their intended purposes in exchange for some reallocation. That has put us in a little bit of a different spot than a lot of places, because we have that agreement and co-manage the storage.

We're referenced in a number of places and agreements in their water control manuals when it comes down to water supply, or low flow releases. When we get into drought situations, there's folks in Connie's office that the Corps often calls and says, here's what we need and they respond. The other thing that I think is key is 10 or 15 years ago, we took on the responsibility of accounting of storage for each of the different purposes because they weren't. We just provided that through the KWO website, provided it to the Corps, and they essentially just accepted it. We just dealt with that from a policy standpoint and had meetings with the Corps and kind of laid that out that we're in charge of the water rights, we're in charge of the water management, and here's how we're going to manage it. There was a little push back here and there, but overall, they were more than happy that we were handling it. Over time, it just kind of became the normal. I think in general, we support raising water supply as a purpose for the Corps, but we've always said be careful what you ask for with the Corps, or federal government when you invite them in. Make sure you know what you're getting, so that they don't come in and take over even more than they already are. I think we'd want to make sure that we see the language and make sure that we are maintaining that state primacy on water rights, water management, allocation, all those things, and that they're still in an appropriate role. I think what we really want is more attention and funding on the water supply side, but not more direction on the water management side.

Connie: Earl did a really great job with all that context and background and so I will just add that the water supply purpose that Kansas is pushing and trying to expand is tied into the reservoir sedimentation issue that we're experiencing in pretty severe ways. We have to deal with these issues together, because we can't deal with reservoir sedimentation without the Corps being a partner, which is a delicate dance. But we also, as Earl said, need to make sure we protect our primacy, but we've absolutely got to get them into the public water supply space. It can't be secondary in Kansas anymore. It needs to be elevated so that we can move forward and have their cooperation, which, even in the best of times, takes a long time.

Jen Verleger: I'll caveat this with I'm kind of speaking as a National Water Supply Alliance member here. The controversy as I understand it over this proposal is that it's saying water supply is the primary purpose, and that wording is actually from the Corps, because that's what we always hear from the Corps. It actually is an attempt, at least as I've understood it all along, to deal with the staffing and the funding at the Corps. Specifically, they only have one person who has a staff of like two people who work on water supply issues and that's just not sustainable. This isn't even a western states issue, this is an all-states issue and so the wording of it is specifically from the Corps, because that's how they refer to it, not because it's a term we came up with, nor is it because we think water supply is more important than all the other primary purposes that they do. We're basically just asking for it to be on equal footing, which is probably also not the best phrase to use in this context, but an equal footing with all the other purposes of the dams and so I guess if people have concerns, I hope that would alleviate the concerns.



Michelle: I might have brought this up last time, but I think one thing I didn't realize when this first came up was that this is not to create water supply as a primary purpose for all dams. It's where it already is a purpose at a dam. It elevates that to a co-equal primary purpose with the other primary purposes. If you have a dam that does not have water supply as its primary purpose, you have to go back to Congress to get that authorization. I think Ryan Seager probably brought this up yesterday as well when he was speaking. It doesn't create a primary purpose where there is no water supply as a purpose - you would still have to go through those steps. I think Congress intentionally kept it that way, so that you would have to on a case-by-case basis have to add that as a purpose, but where it already is a purpose, it would just elevate that so that they can maybe, hopefully proactively respond to the requests from the states and the stakeholders. I think one of the concerns has also been that if the Corps is given this additional primary purpose that they may choose on their own to do something with this, and Congress feels that they would not. Our concern is we've never given this kind of authority to the Corps before, so we don't know what they will do with it. I just wanted to bring that up because I've heard from different states what the current pros and the cons are.

Tony: We've had a number of issues over the years with the Corps. I remember back in the 80s that the State of Idaho was in some discussions with the Corps on Dworshak Dam, and they actually have a pipeline that runs through a small community of Orofino to supply a federal fish hatchery. The community was looking for a water supply and asked the Corps if it was possible for them to tap that pipeline for a water supply? The Corps response was they could have the water if they paid for the foregone hydropower. The state's response was you don't own the right to the hydropower if you do not have a water right. It's the state's water supply. Similarly, on Dworshak Dam, there was a leak on the dam, which is a granite dam, and the state ordered the Corps to draw it down. They said they'll think about it. They actually ended up grouting it from the upstream side. But there have been issues with the Corps, and it's a question of whether or not this will create further issues, and what should states do? I can tell you that I have pushed before, maybe we need something in WRDA that requires the Corps, particularly if it's water supply, to get a right to store that water from the state. It sounds like Connie, maybe you have an alternative. Maybe the alternative is the state's contract for that water and the state holds the water right. In federal operations, particularly on streams that have both Corps and USBR reservoirs, my understanding is that in a flood control situation, the Corps takes control of the system, and they mandate releases from USBR reservoirs. The USBR has a lot more experience in managing water supply contracts than the Corps. If it's a water supply situation on the system, should, or could USBR actually manage the water supply contracts at Corps reservoirs? I don't think that would be too far out of the normal. Roger can confirm this, but the Corps manages cleanups at hazardous waste sites for EPA, and so I think there is precedent for different agencies cooperating in project operations. I can say that I actually raised with Mike Connor the idea of inserting Section Eight of the Reclamation Act into WRDA, which he didn't have any objections. Of course, he used to work for USBR.

Sara: Any other questions? Okay. Again, I guess we can talk about legislative advocacy on certain issues at a future time.

## **FEDERAL WATER RESOURCES LEGISLATION**

Tony: Under Tab K there is a brief summary of pending legislation, which I will go through briefly. I've already discussed the Water Data Act, introduced by Representative Melanie Stansbury (D-NM). However, there is a summary of what is in that draft bill for your information. We do have the unnumbered bill that we could provide as well.

The Open Access Evapotranspiration Data Act, introduced by Representative Susie Lee (D-NV), directs the U.S. Geological Survey (USGS) to establish an Open Access Evapotranspiration (OpenET) Data Program and fund it. Currently, it is being operated basically as a nonprofit.

WaterSMART Access for Tribes, introduced by Representative Stansbury, which we actually have supported, given our positions on tribal and tribal water rights that would make tribes eligible for WaterSMART grants, and in some cases, would allow the Secretary to waive some of the cost sharing requirements and hardship cases.

We've already addressed some of our positions related to drought preparedness, and there is a bill that would again reauthorize the USBR States Emergency Drought Relief Act. We're in a position to support that legislation.

There is some new legislation called the Water Monitoring and Tracking Essential Resources Data Improvement Act. This bill reauthorizes through FY2028 the USGS's Federal Priority Streamgauge network (previously known as the National Streamflow Information Program) that tracks the amount of water in streams and rivers; the groundwater monitoring program, including the National Groundwater Monitoring Network; and grants for water estimation, measurement, and monitoring technologies and methodologies.

We talked about the Rural Water Supply Program Reauthorization Act introduced by Senator Mike Rounds (R-SD), with Senators Amy Klobuchar (D-MN) and Tina Smith (D-MN). The bill extends the authority of the Reclamation Rural Water Supply Act of 2006 through 2032 and has been referred to the ENR Committee. We will be considering our position for renewal at our Spring meeting.

The Colorado River Basin System Conservation Extension Act. We've talked about the system conservation pilot program. This would actually authorize an extension of that program. Some of the states are not so sure they want to extend the program, but that will be a discussion among the upper basin states. Chris may correct me, but there have been some challenges with that program.

Finally, I will mention that under Tab R there is a more extensive listing of litigation and legislation.

Jeanine: I'd like to add that there's a bill that's in Michelle's summary of legislation in your binders that isn't included on the agenda, and that's our effort on S2S Forecasting for NOAA. Some of you know that I've been funding a lobbying effort on that behalf for a while. We now have our language in a House bill that has passed the floor. We are waiting for the Senate to introduce companion legislation to the Weather Act Reauthorization. Meanwhile, we have just our S2S language as a stand-alone bill introduced by Senator Rosen of Nevada. The intent, or the concept, is that when the Senate takes up the Weather Act Reauthorization, they would incorporate the Senator's bill with our language in it, which would provide \$45 million a year for 5-years for NOAA to improve its absolutely useless S2S forecasting that it now does. Should the Act pass with that language in it, NOAA has proved to be remarkably uninterested in working on this subject. In fact, for three years now in a row, we've worked on the appropriations process to get some token funding for it. NOAA has refused to use the funding for the purpose Congress directed for S2S forecasting so should the Act pass, my intent is to work with my lobbying team to seek an oversight hearing on NOAA, but also to form a couple of ad hoc stakeholder committees to hold NOAA's feet to the fire. I intend to lead the one for western water supply forecasting, for winter precipitation. The other pilot project in the legislation is for summer precipitation, for agriculture in the plain states, which is not a California issue and so I don't intend to do anything with that one. I thought I would just point it out for this group that NOAA isn't going to do anything unless someone beats on them, frankly. If anyone is interested in taking up the charge on the other pilot project, I would suggest that is something to be thinking about.

Chris: Jeanine, what's your impression of why NOAA has not taken up the effort?

Jeanine: If you're familiar with NOAA's organizational chart at all, there is the National Weather Service (NWS), which is the operating entity, kind of similar to the USBR being an operating entity for the DOI. Just like the DOI having a science agency, which is USGS, NOAA also has a science agency called the Office of Atmospheric Research (OAR), which is a different line office than the NWS. Both of those NOAA offices are extremely underfunded. Historically, the NWS has believed that its mission is short-term weather forecasting for what they call life safety purposes. In other words, a seven-day weather forecast, hurricanes, tornadoes, floods, etc. They do not do water supply. They have 13 river forecast centers across the country, but only three of those, which are in the west, do water supply a little bit. They just do stream flow and nothing on the weather side. For an example, in the Colorado River Basin, we know that half of the error in the river forecast centers for stream flow is because they can't get the precipitation right. It's a huge issue, and one that NOAA's leadership is very entrenched on not moving out of their comfort zone of life safety forecasting. Now at the working level in NOAA, we have lots of interest and cooperation among the staff. It's just the upper leadership we have not been able to move.

Clint Carney with the Colorado Water Conservation Board (CWCB) wanted to just bring up something regarding Senate Bill 4576 - Colorado River Basin System Conservation Extension Act. One thing the CWCB did this fall was some outreach with stakeholders on the western slope to get their perceptions on how the System Conservation Pilot Program (SCPP) worked or didn't work for them. We weren't advocating for it to continue, or not to continue, but if it were to move forward, what could we convey to the Upper Colorado River Commission (UCRC) and to the

states. Perhaps some tips on small tweaks to the program that could just help producers. One thing that is a bit confusing, what may be coming out, which also promotes some longer-term conservation programs, and how that would overlap with kind of the short-term pulses of SCPP is a little confusing to some producers. If there could be some kind of transition from that quick insertion of money into something more sustainable with longer term conservation, that's one thing we've been hearing. I just wanted to share that we did some outreach. It's not going to result in a formal publication or anything, it was just to inform our folks at CWCB, and then convey that information on to UCRC down the road, if it is moved on.

Michelle: I would just like to add that on the Water Data Act, we were talking to Melanie Stansbury's staff on that, and it would set up an interagency Water Data Council, and NOAA is on that Council, and it would include precipitation. I raised the issue of S2S and asked if that is something that they could talk about as far as improving that data, which might elevate the importance of it to NOAA if that can be actually explicitly stated in the Act, so we'll see. I don't know if that will help a whole lot, or if the Act will pass.

Jeanine: I should say that in the interests of our broad efforts, in what I describe as nagging NOAA, we did have some conversations with committee staff on Energy and Water, about putting in a provision in WRDA. We were basically moving money to the Corps to move to NOAA to assist with precipitation forecasting and putting in some, shall we say, enforceable language in WRDA that would give us another way to poke at NOAA. We weren't successful in terms of timing, in terms of getting it in the current version of WRDA, and who knows if Congress will ultimately resolve where they're going with WRDA in this Congress or not, but if they do not, we'll probably take a run at it in the next session.

Sara: Any other questions? Please take a look at the full list. If you have anything that you would like added on to that please contact Michelle.

## **OTHER MATTERS**

Tony noted that there is a letter under Tab L that the WSWC sent to Michael Brain at Interior, and Pam Melroy with NASA, expressing our support and the urgency of keeping the Landsat Next program on schedule, related to yesterday's presentation on that from Tim Newman.

There being no other matters, the meeting was adjourned.