

**MINUTES
of the
LEGAL COMMITTEE**

**The Cliff Lodge
Snowbird, Utah
June 11, 2025**

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MEMBERS AND ALTERNATES PRESENT (**via zoom*)

ALASKA

ARIZONA

CALIFORNIA

Joaquin Esquivel
Jeanine Jones

COLORADO

Jason Ullman
Lauren Ris

IDAHO

Jerry Rigby
Mat Weaver

KANSAS

Connie Owen
Earl Lewis
Tom Stiles
Matt Unruh

MONTANA

Anna Pakenham Stevenson

NEBRASKA

Justin Lavene
Matt Manning

NEVADA

Jennifer Carr
Cathy Erskine

NEW MEXICO

Tanya Trujillo
John Rhoderick

NORTH DAKOTA

OKLAHOMA

Julie Cunningham
Sara Gibson

OREGON

SOUTH DAKOTA

Nakaila Steen

TEXAS

UTAH

Candice Hasenyager
Teresa Wilhelmsen
Mark Stratford
John Mackey
Todd Stonely

WASHINGTON

Ria Bearn
Leslie Connelly

WYOMING

Chris Brown
Jeff Cowley
Jennifer Zygmunt

GUESTS

Micheline Fairbank, Fennemore
Sue Lowry, Avocet Consult, LLC
Tom Riley, Riley Consulting LLC
Alf Brandt, National Judicial College
Jennifer Verleger, State of South Dakota
Christopher Estes, Instream Flow Council
John Dupnik, Texas Water Development Board
Erica Gaddis, SWCA Environnemental Consultants
Anne Cabrera, SWCA Environnemental Consultants
Hannah Singleton, Southern Nevada Water Authority
Andrew Hadsell, SWCA Environmental Consultants
Matt Manning, Nebraska Department of Natural Resources
Patrick Fridgen, North Dakota Department of Water Resources
Cori Hach, Montana Department of Natural Resources and Conservation

WESTFAST

Lauren Dempsey, U.S. Air Force
Chris Carlson, U.S. Forest Service
Chad Abel, U.S. Fish and Wildlife Service
Paula Cutillo, Bureau of Land Management
Roger Gorke, Environmental Protection Agency
Elizabeth Ossowski, National Oceanic and Atmospheric Administration

STAFF

Tony Willardson
Michelle Bushman
Elysse Campbell
Ryan James

WELCOME

Chris Brown, Committee Chair called the meeting to order.

APPROVAL OF MINUTES

Chris called for a motion to approve the minutes from the meeting held on April 24, in Lincoln, Nebraska. There was a motion, a second and the minutes were unanimously approved.

UTAH LEGAL ISSUES

Mark Stratford began by thanking those in attendance for coming and introduced his presentation, “Keeping up with the speed of nature: Applying historic laws in times of change.” He highlighted the relevance of temperature and precipitation shifts to Utah, noting the low levels of the Great Salt Lake, decreased soil moisture, and reduced runoff efficiency. Even with record snowfall in the mountains, less water reaches cities and other destinations like the Colorado River and Lake Powell than in the past.

He then focused on the Great Salt Lake for context. The Great Salt Lake Basin receives water primarily from four major sources. As discussed yesterday, the Bear River contributes the majority of water to the lake, with its large drainage area extending through Wyoming, Idaho, and Utah. Other sources include the Weber River, the Jordan River, and the Utah Lake drainage. The Jordan River, despite the significant snow in the surrounding mountains, contributes minimal volume. Mark emphasized that the reduction in water is a noticeable trend. He acknowledged that the past 20 years have been a historic drought period. However, he also suggested that the lake’s current low levels are exacerbated by other factors like declining soil moisture and higher temperatures, beyond just the lack of precipitation.

Utah’s original instream flow statute was adopted in 1986 with minor changes in 1989, that only allowed the Division of Wildlife Resources to file for instream flows. These had to be on a perfected right, and legislative approval was required if the division was acquiring title to a water right or a long-term interest for instream flow. It applied to point-to-point in a natural channel, and its sole purpose was the preservation or propagation of fish. You couldn’t appropriate a new water right, only make a change to an existing water right. Eminent domain couldn’t be used to acquire an existing water right, and supporting studies were required. In 1992, the instream flow statute

broadened slightly to include the Division of Parks and Recreation as another entity allowed to file. The original statute was silent on whether someone could donate a water right for instream flows, so legislative approval wasn't needed for donations. The “where” remained the same, but the “why” was modified to include public recreation or the reasonable preservation or enhancement of the natural stream environment, in addition to fish propagation. The supporting studies, originally only for fish, now needed to include public benefit due to the expanded scope. It also specifically recognized that no physical structure or diversion was required, meaning you don't need to divert the water or have a physical structure, only measure it. Despite these changes, we still didn't see much traction with instream flows.

In 2008, a significant change occurred. Fishing groups were added, alongside the two state divisions, but only if they secured approval from the Division of Wildlife Resources for their application. A guardrail was added that prevented moving the changed water right upstream from the original point of diversion; instream flows could only start at the historic point of diversion and couldn't extend downstream past the next physical diversion. This significantly limited where instream flows could work. Also, while it was likely intended to apply only to fishing group applications, it's not clear if it also applied to state divisions. For fishing groups, the “why” was clarified to only protect native fish (e.g., Bonneville, Colorado, or Yellowstone cutthroat, not carp). Another thing was that this water would be distributed according to the change priority date within the stream section. This means you don't get the benefit of the original water right's priority date; you only get the priority date of the change when you file it, making it the lowest priority. You'd only receive water if everyone else's senior water rights were satisfied. One positive development, however, was the specific recognition that an approved instream flow application was considered a beneficial use of water and would perpetuate your water right, addressing concerns about non-use. However, it did not create a right of public access.

Despite these changes, the first application from a fishing rights group wasn't approved until 2016, indicating continued slow adoption. In 2022, we saw record low levels of the Great Salt Lake. Historically, there wasn't really a beneficial use of water in the Great Salt Lake under water rights law. In 2022, we significantly revamped the statute, eliminating specific references to fishing groups and adding the Division of Forestry, Fire and State Lands (FFSL). FFSL manages Utah's sovereign lands, including the Great Salt Lake bed. This addition is crucial because any action concerning the Great Salt Lake requires FFSL to be able to file applications. We also broadened eligibility for filing applications to any person entitled to the use of water, meaning anyone with a water right can now file, not just special interest groups. However, approval from a division director (Wildlife Resources, State Parks, or FFSL) is still required. We also clarified that water can be used on sovereign lands, including navigable waterways like the Great Salt Lake. We removed language restricting points of diversion and downstream distances, as these rules hindered getting water to the Great Salt Lake. We expanded the purpose of water use beyond just propagation of fish to include propagation or maintenance of wildlife management of state parks and recognized the natural aquatic environment instead of just the natural stream environment. Specific restrictions on native trout were also removed, though approval is still needed from the Division of Wildlife. We eliminated language regarding administration and confirmed that the priority date of the original water right is retained for changes, which we believe is significant. As an example, we have a change application that allows 10,000 acre-feet of water from Utah Lake

to be delivered to the Great Salt Lake. The original orange area on the map represents historical places of use and points of diversion. The five A's are new points of diversion, all different ways to get water to the Great Salt Lake. If colored, the entire Great Salt Lake would be the new place of use, allowing water to go anywhere within the lake when permitted. In 2024, approximately 70,000 acre-feet of water is being directed to the lake through permanent, multi-year, and one-year changes. These are legally significant steps.

Regarding water reuse, Utah's approach differs from other states. We aim for maximum water utilization. If farmers can capture and reuse water on their land to improve production without expanding irrigated acreage beyond their permit, it's permissible. However, once water leaves their land, they cannot follow it downstream for reuse. For cities, historically, water treated at municipal wastewater plants could be reused within the city's place of use (the entire city) without extensive approvals. This has changed, and now state approvals are required for cities to reuse water from municipal wastewater plants. The impact of reuse on the Great Salt Lake is a critical consideration. While reuse stretches water supply, it often increases water depletion from the system as more land is irrigated or more opportunities for homes and businesses to use water are created. In 2023, the legislature added rules to the reuse statute, specifically for applications where water would have otherwise been discharged into a Great Salt Lake tributary. These applications now require an adequate replacement plan, meaning an equivalent amount of water must be returned to the tributary to reach the Great Salt Lake. This is a significant burden and might explain why Utah has only 2% water reuse, compared to New Mexico's 40%. The challenge for Utah is ensuring that reuse does not lead to increased depletion, especially concerning the Great Salt Lake.

Finally, regarding the petition to list the Wilson's Phalarope as an endangered species, this has broad implications, not just for Utah. The red areas on the map show the breeding range, covering many states. The yellow areas indicate migration routes. Saline lakes, including the Great Salt Lake, are crucial stopovers for phalaropes during migration. The petition suggests the species is likely to become threatened throughout its range, not just in migration areas. Major threats include habitat loss, crop conversion of breeding grounds, water diversion, and climate change. Utah is concerned about how this could affect our operations and believes other states should also be concerned. We are engaging with the U.S. Fish and Wildlife Service (USFWS) as part of a core project team to explore options for avoiding a listing, including a potential conservation agreement. We are currently the only state involved in these discussions and would welcome participation from other states. Saline lake states (Oregon, Utah, Nevada, California) are particularly encouraged to reach out to us to collaborate on a joint conversation with federal partners about a conservation agreement. Breeding states may also be interested in these discussions, and we can facilitate connections with the USFWS. These are just three examples of how Utah is addressing the changing environment and adapting our laws.

Questions/Comments:

Connie Owen: What involvement are you having, if any, regarding the proposed change to the Interior's rules on protection for the Endangered Species Act to eliminate habitat as a reason to take action or prevent development?

Mark: This refers to potential changes in the definition of take, which would limit and potentially make less expansive the definition of harm. We're involved in those discussions and support changes to the definition of harm. However, even with changes, it may not alter the need for a conservation agreement. We remain engaged in this ongoing conversation.

Chris: I don't know if you've had many applications yet, but with regard to the replacement water aspect of that, what are you seeing as far as replacement water type plans?

Mark: There haven't been many applications yet, with only one or a few more currently in progress. Often reuse water is easier to produce than treating other available water sources. For example, treating Utah Lake water for drinking is currently challenging. We have a current application where the applicant plans to send Utah Lake water to the Great Salt Lake instead of running it through their secondary system. They are willing to invest in improving the reuse of water and will release storage water in its place. While buy-and-dry is not encouraged, some entities might need to acquire water rights from elsewhere and then use those for the Great Salt Lake. Hopefully, there's lots of other ways of doing that.

Tony: I know there was a significant donation by the [Church of Jesus Christ of Latter-Day Saints] to the Great Salt Lake. I've always been curious, where did that water come from?

Mark: The church's donation was significant because it was a permanent change application, unlike most other donations which are not yet permanent. The church's donation is a 20,000 acre-foot annual permanent change. The water came from historic irrigation areas where the church decided to give up those rights, making them unavailable for irrigation in the future.

JUDICIAL WATER EDUCATION

Alf Brandt, Associate Director for Justice Solutions and Innovation at The National Judicial College (NJC), provided an update on the Dividing the Waters Program.

A lot has changed since I first spoke with you in Helena, Montana, over a decade ago. For those unfamiliar with Dividing the Waters, it began over 30 years ago with judges involved in large state water adjudications. It serves as a forum for sharing best practices and addressing challenges in general stream adjudications. The program has evolved significantly, particularly in the last couple of years. Traditionally, we hold a conference every 18 to 24 months, focusing on a specific watershed. In 2008, Dividing the Waters became an affiliate of the NJC. A notable recent change is the increasing number of western states (such as Utah, Nevada, and New Mexico) that have established water judge programs due to a rise in water-related cases. To address this, Dividing the Waters is now a full-time program, fully integrated into the NJC. This means we now offer a wider range of educational resources for judges beyond occasional conferences. We still hold conferences and provide resources like our Adjudicating Groundwater Bench Book. The network also remains valuable for judges to connect and discuss issues.

In Spring 2024, our conference was in Utah, where we studied the Great Salt Lake and learned about Utah's recent changes to beneficial use statutes. This year, we are in Missoula, Montana, near the Columbia River Watershed. Our workshops will cover topics like managing science and parties in general stream adjudications, with the theme Water Law: At the Quarter Century, reflecting the significant changes in water law over the past 25 years. We will revisit traditional issues like prior appropriation while also addressing new developments.

I also wanted to share information about a new program that emerged from our 2022 Santa Fe Colorado River Program. During that program, state supreme court justices discussed the increasing number of water cases and how NJC and Dividing the Waters could support them. One justice shared her experience of being assigned to write a water opinion with no prior water law background and needing immediate resources beyond waiting for the next conference. This led to the creation of online courses for judges. These courses are designed to provide foundational knowledge for judges in the initial weeks of handling a water case, especially since many judges may not have a water background. We've created a series of online courses, with more in development, supported by various states. We appreciate the judiciary of Washington, New Mexico, Colorado, California, and soon Nevada, for contributing to these programs. This state support has also shifted our funding model from relying primarily on foundations to relying on states, reflecting the ongoing need for these resources.

We have already released courses on water science and surface water rights (including the prior appropriation doctrine) to judges in the states that have funded the program. We are currently developing a course on groundwater law, which presents a challenge due to varying state approaches. We've also secured funding from the Water Foundation for a course on water quality and the Clean Water Act. This particular course will expand beyond our traditional Western focus to include the Great Lakes and Chesapeake Bay watersheds, while still being relevant to the West.

I'd like to invite you to consider how the WSWC might be able to support this program further. We deeply appreciate your long-standing support for Dividing the Waters. As part of the executive branch, you might consider discussing this with your state supreme court justices to understand their participation and potential support. In some cases, executive branches have directly funded judicial branch contributions to these programs. While access to these online courses is currently limited to states that fund their creation, there may be future interest in making them available to legislators or others new to water law. These courses cost approximately \$100,000 each to develop. I welcome any questions you may have.

Questions/Comments

Michelle: One of the things Alf and I discussed is the Network Notes newsletter the DTW sends out each month. I handed out a sample so you can see what they look like. You can register on the website to receive these monthly updates, which provide information on what the NJC and Dividing the Waters are working on. I also shared a confidential agenda for their upcoming conference, so you can see some of the topics they'll be covering. Alf and I also talked about how there might be emerging issues in your state that are either already before judges or are likely to be soon, and judges may not be fully prepared to grapple with those issues. We'd like to discuss

the challenges your courts and judges are facing regarding educational needs. This could involve topics that are currently or imminently before them, for which you'd like them to receive training. While we can't dictate what the judicial branch learns, if these issues are arising, we could provide that information to Dividing the Waters so they can address it proactively. This might help reduce the burden on you to educate judges when new cases come before them.

Alf: I'd like to add something to that for your consideration - the conveners (judges and justices) have made the Network Note available to everyone, and we invite you all to subscribe. Also, live webinars are accessible to anyone who signs up. This is part of our effort to build connections with the executive and legislative branches, as we're having more contact with them. If you have ideas, we conduct a quarterly program-wide webinar. For states that contribute significant funds, they also get one webinar per year dedicated to a state issue. For example, we did the 10th anniversary of SGMA for California last year. While the decision is ultimately theirs, you might have thoughts on what your state needs if it's a contributing state, and what judges need to understand. This conversation could start with me, and I can help connect you with the lead judge from your state. There are opportunities for us to collaborate between the branches.

Chris: Wyoming has a unique process for water rights that typically bypasses the courts, going through our Board of Control for adjudication. It's been 15 years since our last court case here. While I don't see an immediate need for court involvement, that might change as conflicts increase due to shifts in water ownership and usage perspectives. I believe groundwater use and conjunctive management are growing areas of conflict. This is something I've seen escalating, though not to the same extent as in Idaho.

Alf: We can provide you with our bench book on adjudicating groundwater. Eric Wildman of Idaho even authored a chapter from a judge's perspective, which is a testament to what a huge and challenging issue groundwater adjudication is. We've dedicated entire conferences to groundwater in the past, though not this year.

Chris: I recall using a technical bench book Dividing the Waters published on groundwater from at least 15 years ago, possibly longer. It was incredibly helpful to me as a lawyer, new to water law at the time, for understanding the issues, how to approach them, and the available technical tools, particularly regarding modeling.

Alf: We want to encourage engagement and collaboration from the WSWC on how we can assist you, provided it aligns with our terms. We also welcome funding and your support for securing funding for the program within your state.

Chris: I'd appreciate some funding too, but I know that's a difficult subject.

Alf: That's a challenge we're also facing. However, by working together, we might be able to get the legislature to recognize this need, much like the State of Washington did last year.

ROUNDTABLE: STATE CHALLENGES AND OPPORTUNITIES

Michelle: As part of our strategic directions exercise, members mentioned they would like more time to communicate with each other during the meetings, and so this Roundtable is a test run. We'll see what works and how we might want to adjust it for future meetings. The idea for this Roundtable is similar to our state reports during the Full Council Meeting, but it's specifically for Legal Committee members to share issues in your respective states. We're doing this with the understanding that we won't repeat the same information during the Full Council state reports.

Nevada: Cathy Erskine - I'm not a lawyer, and mine isn't with me, but I want to mention the Judicial College - Nevada recently launched a pilot program because we don't have water judges, and we were experiencing issues with inconsistent decisions in district courts that affected things statewide. We began this initiative with the Chief Justice of the Supreme Court, opening a docket after a couple of years of work with stakeholders to change the rules for how judges become water certified. There's a series of educational courses that accompany this. It went into effect at the end of 2024, so we're just now seeing some cases being assigned to certified water judges who have completed this training. I don't have an update yet on whether we've been more successful, so stay tuned.

Kansas: Earl Lewis - I'm currently debating with the Kansas attorney about whether the State Engineer or the attorney should provide our report. We have a couple of things happening. First, we have ongoing litigation where we are being sued over consumptive use calculations and whether we've performed them correctly. This has been going on for several years. Second, Kansas has a Water Transfer Act, which any proposal to move more than 2,000 acre-feet over more than 35 miles must go through a permitting process, whether it's a new permit or a change to existing water rights. This then goes to a water transfer panel, on which Connie and I both sit, along with Tom Stile's supervisor. The procedure there is quasi-judicial. We assign a hearing officer who conducts most of the hearing among the parties and then in essence, we act as an appellate court, which is probably the best explanation of how it works. We're currently in the middle of that process. Since the consumptive use lawsuit is still ongoing, and these matters are interrelated, we want to ensure the lawsuit is resolved first. It's now back at the Kansas Supreme Court, and we hope they decide on it sometime within the next year, after which we'll move forward with our portion of it. We could discuss all the legal aspects at length, but these are probably the biggest ones we're currently dealing with.

Idaho: Jerry Rigby - Idaho consistently deals with ongoing or impending litigation related to water rights. I'll provide an update tomorrow on our progress on our groundwater and surface water litigation that has been ongoing. For now, we have a new and interesting topic that has emerged regarding Idaho's ability to rent its water. Individuals can rent their water based on rental pool rules established by the Idaho Water Resource Board (IWRB). The IWRB then allows basins to create procedures that align with these rules. Essentially, there's a rule, and then there are procedures outlining how that rule is implemented.

Water District 1, which is the largest water district, extends from Wyoming down to the Twin Falls area. This district has a procedure that allows for the annual rental of water. The

challenge arises when a senior water right holder rents their water. Initially, a senior right holder might rent every year, knowing they'll be filled first, especially when reservoir levels are low (referring to rental of storage water). However, junior water right holders argue that if the senior right holder hadn't rented their water for personal use, there would be more stored and carried-over water in the reservoirs. This would lead to earlier filling for both senior and junior rights. To address this debate, our procedures now stipulate that if you rent water, you become the last to fill. This means your storage priority date, instead of being an early date, drops to the last priority among rented water. The City of Pocatello, which is trying to mitigate the impacts on cities throughout Eastern Idaho, has challenged this "last to fill" provision. They claim they are not obligated to adhere to it. We have already filed our position, and responses have been submitted by all parties. We'll see how this case unfolds, but it's an interesting issue. Their argument is based on a contract with BOR for water storage that allows for rental, but the contract also states it's pursuant to Idaho's rules and procedures. Our argument is that the procedure permits rental, but requires being the last to fill.

Wyoming: Chris Brown - I'm kind of rooting for Pocatello in that particular case, because Wyoming's got water we can lease in that program. I'll have to look into that. Right now, we're grappling with the tension between the doctrine of prior appropriation, which provides certainty to senior water rights, and the need for flexibility to accommodate new uses and dwindling supplies. This challenge is evident in several of our basins, particularly the Colorado River Basin.

We're exploring voluntary water conservation to address issues in the basin, but this raises significant technical, political, and legal questions. As one advisory committee member put it, "You're undermining the basic principles of the doctrine of appropriation." To address this, the State Engineer has asked our select water committee and an interim legislative committee to develop a statutory framework for a voluntary water conservation program in the Wyoming portion of the Colorado River Basin. A challenge we face is that other areas of the state also want to implement similar programs, despite having different compacts, decrees, and rules. Our current focus is on the Colorado River Basin's specific issues. Another complicating factor is the need to align with Colorado, New Mexico, and Utah on technical and legal questions, and involve the lower division states. This is a massive undertaking, and we anticipate significant political pushback. Our goal is to make enough progress to avoid being overwhelmed by the political weight of this initiative. From a legal and political standpoint, before even addressing the immense technical questions, we are striving to keep this moving forward and be part of the solution. Voluntary conservation is a crucial piece of the puzzle for the upper division states. If we cannot implement voluntary solutions, litigation becomes a strong possibility, and we are working hard to avoid that outcome.

Colorado: Jason Ullman - I'd like to echo Chris's comments regarding conservation programs. We're facing similar challenges in Colorado where we have some unique intrastate administration issues not directly related to the compact. In the Rio Grande, we operate a distinct, locally driven system with seven sub-districts within the San Luis Valley. These sub-districts are tasked with two main goals: (1) maintaining aquifer sustainability, which the legislature mandated the sustainability of both confined and unconfined aquifer systems in the San Luis Valley in 2004; and (2) preventing injury to senior surface water rights. This is primarily achieved through a

model-driven solution that quantifies the impact or depletions to the stream resulting from groundwater pumping in each sub-district. Currently, we're addressing a couple of key issues. Our sub-district No. 1, which is the largest within the San Luis Valley and located in what we call the closed basin north of the Rio Grande River, has promulgated a new groundwater management plan. This plan, which received the prior state engineer's approval, is scheduled for a six-week trial next January. The plan mandates a one-to-one replacement of surface water credits to groundwater pumping. This is a crucial step because the unconfined aquifer in sub-district 1 is approximately 1.2 million acre-feet below sustainable levels. This requirement is not popular, especially among groundwater-only pumpers. I anticipate spending a significant amount of time in court next January.

We just posted notice that we are updating the model that determines those depletions. This update is pursuant to rules promulgated by the state engineer in 2019, which define the process for updating the model. The model requires review at least every five years to assess whether new data, inputs, and methods improve depletion calculations. We've determined that they do, and we are consequently changing the response functions. We have a request for a hearing in front of the state engineer, which is likely to be held later this year. From a legal standpoint, it's interesting because I announced the decision to use these new response functions based on the updated model, and now I'll be listening to arguments against that decision. However, that's part of the process.

Lastly, we are engaged in discussions with Nebraska regarding Article Six of the South Platte Compact, specifically concerning the Perkins County Canal.

Nebraska: Justin Levine - We're actively discussing issues related to the South Platte Compact and Nebraska's interest in constructing the Perkins County Canal with our Colorado counterparts. Opening a compact always presents potential disagreements, but it's positive that we can discuss these matters and work toward resolutions.

The merger of Nebraska Department of Natural Resources and Department of Environment and Energy, as Matt Manning mentioned earlier, is still presenting challenges. The 722-page bill that facilitated this merger likely contained many unseen complexities. We've been working with DNR to ensure a smooth transition, especially since both agencies deal with overlapping water quality issues. We anticipate that further clarification on proper authority and signatures will be needed for decisions involving Matt (Chief Water Officer) and Jesse Bradley (new agency director).

We're currently dealing with a transbasin diversion application from a couple of natural resource districts. They are seeking to move water from the Platte River Basin to the Republican Basin to aid our compliance with the Republican River Compact. This has been a lengthy process. The initial application was returned and refiled. We had numerous objectors, which were dismissed by the department. The Nebraska Supreme Court ruled that the objectors lacked standing because they would not be harmed. The application is now back in front of the department. We anticipate appeals regardless of the department's decision, as some parties will likely be unhappy. These ongoing compact and internal agency issues sometimes lead to litigation as states work to ensure compliance.

Chris: Michelle, regarding timing, should the Executive Committee meeting start now, or should we first wrap up the remaining housekeeping items on our agenda?

Michelle: We didn't give you enough time for this and so lesson learned, but we weren't sure how this was going to go. For those who didn't get a chance to speak, you'll have an opportunity to share during the state reports.

FY2025-2026 COMMITTEE WORK PLAN

Chris: With regard to the Committee's work plan, we're going to do like the other committees, and entertain a motion to approve that plan on an interim basis, pending the completion of our strategic planning. There was a motion, a second and it was unanimously approved.

STAFF UPDATES

Michelle provided an update on the following:

a. Legislation and Litigation Update

We're handling things a bit differently now. Legislative updates are continuously available on our website and will be updated as new information comes in. We've also prioritized certain pieces of legislation for closer monitoring. Please let us know if there are any other federal bills you'd like us to follow more closely. Moving forward, we aim to be more proactive in tracking hearing dates and similar information.

b. WSWC-NARF Symposium

The symposium will only be a one-day virtual event this year due to current circumstances. We've tentatively narrowed down the dates to August 5th through 7th. A key challenge has been securing a federal speaker who can outline this Administration's policy, which is a significant part of the symposium. We are close to confirming that speaker and the exact date. I will reach out to the states that typically participate in this symposium, especially those currently involved in Indian water rights settlements, as I'll need your input on specific questions. We will likely need a separate conference call to discuss this further.

c. Western Water Cooperative Committee

I'm still awaiting a response from the U.S. Army Corps of Engineers. They have submitted their information on the FACA Committee to DOD, and I've been in regular contact, but the update keeps getting postponed. There isn't much to report at this moment, but we will inform you immediately as soon as we receive substantive news.

SUNSETTING POSITIONS FOR FALL 2025 MEETINGS

Position #489 - supporting legislation requiring the federal government to pay state filing fees in state general stream adjudications.

OTHER MATTERS

Jennifer Verleger asked the six to eight of those who have not responded to her previous requests, to review the report that was sent out about the state engineer structure, because she can't finish the report until they sign off.

There being no other matters, the meeting was adjourned.