

**MINUTES
of the
207th COUNCIL MEETING**

**The Cliff Lodge
Snowbird, Utah
June 12, 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

Tom Riley, Riley Consulting LLC
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
Edward Mueller, Utah Office of the State Water Agent
Andrew Hadsell, SWCA Environmental Consultants
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 AND INTRODUCTIONS

Julie Cunningham, Chair welcomed everyone.

APPROVAL OF MINUTES

Julie called for a motion to approve the minutes from the meeting held on April 25, in Lincoln, Nebraska. There was a motion, a second and the minutes were unanimously approved.

COMMITTEE REPORTS

a. Water Resources Committee

Anna Pakenham Stevenson reported that the Committee recommended three sunseting positions for renewal: #482 regarding Radio Frequencies Bandwidth; #483 on strengthening the Resiliency of Our Nation to the Impacts of Extreme Weather Events; and #485, which supports Water Research and Development Programs at the Department of Energy National Laboratories. Anna made a motion that they be passed by the Full Council. There was a second and the motions were unanimously approved.

b. Water Quality Committee

Jennifer Zygmunt reported that the Committee moved sunseting Position No. 484 regarding hydraulic fracturing to be forward to the Full Council for consideration. Jennfier made a motion that it be passed by the Full Council. There was a second and the motion was unanimously approved.

c. Legal Committee

The Committee did not have any sunseting positions.

d. Executive Committee

Julie Cunningham Julie reported that there was a great discussion with the Committee, and the extra time was certainly beneficial. We've decided to hold a follow-up virtual meeting to finalize some discussions, but some outcomes from our recent meeting include the Committee approved a motion for Tony's retirement, effective August 31, 2025. We had a comprehensive discussion about establishing an Executive Search Committee and a timeline for their work. We'll be finalizing the schedule and reaching out to members soon, asking those interested in serving to review the milestone dates and confirm their availability for tasks like reviewing announcements and applications. My office will be coordinating these efforts, with the goal of concluding the search by early September.

We reviewed the budget, as we do annually, and there were several questions. We've asked for a more detailed breakdown of expenses, especially concerning reserve accounts for pensions, medical, and operating expenses. We believe this will provide a clearer understanding of our

finances for the Full Council. We look forward to scheduling a virtual meeting soon to discuss this further, hopefully within this month.

Three motions were passed during the meeting, which include approval of the proposed budget drafted by Tony, a 2.5% COLA for all staff, consistent with the State of Utah's compensation adjustments; and then the acceptance of Tony's retirement.

Tony mentioned that by the September meeting, the Council will reconsider the budget after the hiring of the new Executive Director.

WESTFAST REPORT

Roger Gorke, EPA Office of Water, gave a report on WestFAST. Federal employee travel has been significantly cut under the new Administration, impacting WestFAST attendance at meetings. We need to build a strong case for federal participation and would appreciate your help in advocating for this, as it enables our members to attend. For example, I was able to attend a meeting in DC and then schedule a two-day layover in Salt Lake City on my way home to attend this meeting. We've lost almost a third of our members across federal agencies, which is a significant loss. However, we've been effective in backfilling these positions with new members from various agencies, which is positive news.

A difficulty for the WestFAST team is that participation is often considered "other duties as assigned," meaning it might not be a formal part of their performance evaluations. My supervisor, however, highly values the collaboration not just between EPA and the WSWC, but also broader federal collaboration. We currently don't have a WestFAST liaison. The selected individual withdrew due to concerns about funding stability (primarily from the Bipartisan Infrastructure Law and Inflation Reduction Act). We have a potential option from Fish and Wildlife. We plan to conduct an interview process involving Council staff, the Chair (Julie), and other Council and federal agency volunteers to ensure a fair and collaborative selection.

Our webinars are currently on hold due to the difficulty of getting external, recorded content approved. We do have some ideas for upcoming webinars, including one on the Good Samaritan Abandoned Mine Cleanup Program and its implementation. We also have a program that many might not be familiar with, which includes an administrative order on consent and model comfort status letters through CERCLA. We've been conducting outreach to NGOs and others interested in the implementation of this law. We've seen significant benefits in States like Oklahoma, Nevada, and New Mexico, which have strong federal collaboration within their programs. We aim to expand this to other states. This is a two-way street; we want to understand the issues states are facing, even if they don't perfectly align with our priorities. A key part of our role is to help federal colleagues on the ground in your state or watershed work together. For instance, getting EPA Region 10, the Reclamation office, and USDA offices in Washington to collaborate with state-level counterparts is an invaluable benefit of WestFAST.

Jennifer provided a great example from Nevada where a water agency needed a BLM permit, which was stuck on a desk. Her Office of Financial Assistance Director reached out to me,

expressing that he hadn't seen the benefit of WestFAST until this situation. I connected him with Paula, who then worked with her district office to locate the permit. It wasn't a case of unwillingness to work; it was a staffing shortage issue. While it still took several months to process, the applicant was kept informed, which is crucial. We want to facilitate more of these relationship-building efforts at the state, regional, or basin level.

We're happy to discuss any issues you're dealing with where we can engage our colleagues on the ground.

Questions/Comments:

Julie: Roger, thank you so much for your commitment. I know we spoke briefly last night, and I want to reiterate our appreciation. Your dedication to our Oklahoma project and other initiatives has been evident through your regular engagement and championship of our efforts. We especially value your support during this challenging time.

Roger: We called it the Eclipse Summit, Southwest Oklahoma. I was reflecting on Tony's career, and I started attending Council meetings in 2004. I believe Jerry, Tom, and Jeanine might be the only ones still here from when I first started. Seeing the turnover, I think a significant part of the WestFAST team's role is to maintain consistent faces, whether you like them or not. Those familiar faces help build relationships, ensuring we're not just a faceless bureaucracy. That aligns with the essence of the letter. So, if there's anything more we can do, we're here to help. I'll end on this point: if the Council and the states are only benefiting from WestFAST during committee meetings, that's a failure. Our true value lies in the day-to-day assistance we can provide. For example, we helped connect with the regional manager for the Park Service regarding groundwater quality issues in Grand Canyon National Park, hopefully leading to positive progress. We rarely say no to requests for assistance.

Julie: Thank you again for your leadership. We truly appreciate it.

NEW MEXICO INTEGRATED WATER FINANCING PLAN

Tanya Trujillo (New Mexico), Erica Gaddis (SWCA), Roger Gorke (WestFAST), and Michelle Bushman (WSWC) shared a presentation on recent work that they collaborated on in New Mexico. Tanya Trujillo opened by expressing gratitude to WestFAST, acknowledging Roger's leadership and how beneficial it has been for New Mexico, citing this project as a prime example.

Erica Gaddis then introduced the project, an experimental partnership between WestFAST, the State of New Mexico, and the WSWC, called the New Mexico Integrated Water Financing Plan. She outlined three primary purposes for the project: (1) the initial focus was on IJA and IRA funding, but the project expanded to identify other federal resources that could support New Mexico's water priorities; (2) the project aimed to build stronger relationships between federal and state agencies, including less obvious connections between all WestFAST federal agencies with a

water nexus and state water agencies; and (3) the ultimate goal of the presentation was to share insights from this experiment with other states. Erica explained their formula for success, which involved identifying state water priorities (needs, barriers, opportunities), pairing traditional and non-traditional federal funding, and addressing planning or policy needs to enable successful matches.

Roger then provided examples from other states that helped inform the process in New Mexico. He highlighted the challenge of utilizing FEMA's Hazard Mitigation Grant Program for drought mitigation, citing Nevada's difficulty due to insufficient detail in their Hazard Mitigation state plan. He explained how they helped Nevada's Division of Water Resources, particularly Micheline's staff, to develop a plan that could leverage these funds. A key discovery was that the State Revolving Fund (SRF) could serve as a 25% match for FEMA grants, unlocking significant funding for projects like septic-to-sewer conversions and Las Vegas Wash repaving. Roger also discussed a water project in southwest Oklahoma, where the Chamber of Commerce, rather than traditional "water geeks," led the effort to address drought issues, leading to economic development and improved water efficiency at Altus Air Force Base. This project fostered strong relationships between local federal and state entities.

Erica concluded this segment by noting that these examples set the stage for the work in New Mexico, transitioning back to Tanya for further details.

Tanya then elaborated on New Mexico's drought experience and its integration into their water planning. She discussed the state's 50 Year Water Action Plan, a comprehensive effort combining water quantity and quality aspects, developed in collaboration with John Roderick from the Environment Department. The state plan highlights 11 key actions across three main categories, emphasizing the need for funding to implement them: (1) Water Conservation - system-wide efforts, municipal and agricultural initiatives, and a water education campaign; (2) New Water Supplies - investigating brackish water desalination, aquifer characterization, and produced water development; and (3) Water Quality - protecting surface water and groundwater, and watershed care.

Erica explained how they selected three priority areas from New Mexico's extensive list of recommendations, also building on a state Water Task Force Report: (1) addressing challenges in regionalizing water systems for small communities (over 80% of the state's public water systems serve less than 3,000 people), where traditional loans are often unfeasible. The estimated need for drinking water in New Mexico is around \$3 billion; (2) aiming for a comprehensive, online, active monitoring and mapping program to inform groundwater management, which accounts for over half of New Mexico's water supply; and (3) large restoration and conservation program in the Upper Rio Grande Basin. She detailed the process, which involved over 51 one-on-one interviews with federal and state agencies, followed by virtual workshops for each priority area. The first workshop focused on brainstorming case studies, barriers, opportunities, and new resources. The second workshop developed "solution bundles," combining traditional financing with new ideas and policy needs. The final in-person workshop in Santa Fe involved about 70 partners from state, federal, and NGO organizations. This interactive event featured "ask me anything" discussion tables with agencies presenting their programs and breakout sessions to

finalize recommendations. Erica then passed it back to Tayna to discuss lessons learned from the state's perspective.

Tanya highlighted a key to their success was the support from Erica and her team, made possible by philanthropy funding from a private New Mexico foundation that partnered with them. The collaboration involving state and federal government entities and private funding, helped secure an additional \$400 million for New Mexico's water management agencies. This is a significant achievement, as New Mexico is a poor, rural, water-short state. This new funding is in addition to the recurring agency budget. The funding was allocated to three main areas: (1) infrastructure projects and big programs, which includes our Indian water rights settlements programs; (2) brackish water characterization efforts - we received \$40 million for the development of a brackish water treatment program; and (3) watershed and water quality protection - significant funding was secured for surface water, groundwater, and watershed protection areas. While this is a work in progress, we've had a strong start with this recent funding. It was very helpful for my partners and I to present this project to our legislative committees, where it was well received. We are all concerned about the future of federal funding and how we will maintain the partnerships we've developed, especially for New Mexico communities that lack other resources. It's a significant challenge. Our overall goal is to continue building on this momentum and develop a New Mexico-FAST to maintain the relationships we've built among state and federal partners.

Erica highlighted several key elements that contributed to the experiment's success: (1) strong foundation - New Mexico already had a robust water planning framework and a high level of trust within the state, which provided an excellent starting point; (2) team collaboration - the state employees in New Mexico were a delight to work with, demonstrating great teamwork; (3) tangible priorities - we focused on three specific, tangible priorities instead of trying to tackle everything at once; (4) space for innovation - we intentionally built time into our workshops, processes, and budget to foster innovation; (5) federal program expertise - the dedicated federal support and expertise were critical, as they brought real-time innovation to the project; (6) workshop approach - I learned that not recording workshops can encourage more candid discussions; and (7) sustained collaboration - is an ongoing process, not a one-time event.

Roger elaborated on the importance of sustained collaboration and other points: (1) relationship building - collaboration involves building relationships and trust, ensuring there are no hidden surprises; (2) targeted investments - it's not just about providing funding, but also ensuring that investments are technically sound and appropriate for specific communities and efforts. There's a growing need for on-the-ground expertise in this area; (3) workforce challenges - we are seeing significant workforce losses at all levels, particularly the institutional expertise of long-term employees and new hires who are leaving for other opportunities. This highlights the increasing need for strong federal-state collaboration to address various issues, including those beyond small systems and aquifers.

Michelle: We designed this slide primarily for external presentations, which we've delivered a couple of times. From the WSWC's perspective, what worked in New Mexico isn't necessarily transferable to every state. However, we've discussed examples in Oklahoma and

Nevada, and these efforts are building upon each other. This information sometimes proves useful beyond the initial scope of the project. For instance, our work in Nevada with FEMA allowed us to engage with the Western Governors' Association (WGA), who were advocating for the use of the Stafford Act to address drought. When we discussed our FEMA efforts with them, we shared a recorded webinar and minutes from our Reno meeting with the presentations on the outcomes of that effort. WGA then realized they could utilize FEMA resources directly instead of solely relying on the Stafford Act which they had not realized was an option. This demonstrates how the collaboration between WestFAST and our states isn't a one-off event and that we aim to foster long-term benefits and relationships.

One key factor in New Mexico's success was their existing state water plan and prioritized projects. While the process was complex behind the scenes, their preparedness with "shovel-ready" projects and identified critical needs was crucial. Although narrowing down their long list of projects took us a longer time than we anticipated and taught us valuable lessons, having that foundational work in place allowed us to focus quickly once we identified our three primary areas. We completed this intensive work in about a year, which is a relatively short timeframe. This highlights the importance of states having pre-existing information and our ability to narrowly focus on specific problems. I'd suggest focusing on one problem at a time, as it's easier to connect with all relevant people. Initially, we reached out to various employees of federal agencies who weren't as familiar with the WestFAST-WSWC relationship, so we couldn't take that knowledge for granted. We had to engage in individual conversations, but once they understood the initiative, they were eager to participate, bringing information and contributing to an amazing energy in the room. It required significant upfront effort, but the experience became very positive.

We also learned that it's crucial not to approach WestFAST simply asking for money. Instead, the focus should be on building relationships, seeking funding, and understanding obscure programs that might be accessible with state-level adjustments, as happened in Nevada. They are also interested in continuing these relationships for future assistance. Much of the available funding often requires state contributions or involvement from NGOs, which proved very helpful.

The last point, again, primarily for external audiences, emphasizes the need for a long-term, durable federal funding mechanism for water infrastructure. This includes aging infrastructure, new infrastructure for intense water events, post-disaster repairs, and infrastructure replacement. We need steady, constant funding over a decade, not large, potentially retractable dumps of money, to allow time for project readiness, applications, agreements, and utilization. This funding is needed not only for hard infrastructure but also for water data infrastructure, conservation, and watershed restoration.

A quote from Stephen Covey that I first heard from a tribal leader at CRWUA last December, "Change happens at the speed of trust." This project in New Mexico was deeply rooted in relationships and mutual trust. Rebecca Roose, Erica, and I, had all connected previously through the WSWC, and were already on the same page. When Thornburg, the Water Foundation, and Walton Family Foundation offered funding, WSWC could receive these funds as a legal government entity. While we lacked the internal staff capacity, we could contract with Erica at SWCA, whom we already knew. Despite a messy and iterative contract process, our trust in each

other and the commitment from New Mexico and WestFAST ensured our ability to meet grant requirements and move forward. The State of New Mexico primarily led this effort, with us providing guidance, ensuring we stayed within scope and taught them “how to fish” rather than just “providing fish.” WestFAST was incredibly involved, and our federal colleagues contributed significant time. The Thornburg Foundation, Walton Family Foundation, and Water Foundation provided the funding, and SWCA Consultants, primarily Erica and her team, executed the work.

Roger: I have a couple of final points. Christopher, the WestFAST logo includes Alaska. Also, something Michelle mentioned that I, as part of the WestFAST team, need to improve on within EPA is informing my colleagues in regions 6-10 about WestFAST. While some close colleagues are aware, it’s not common knowledge. I’ll encourage my colleagues to do the same, as we need participation from all western regions and district offices.

Questions/Comments:

Tony: The Walton Foundation and Water Foundation have been key funders for our WaDE database and its improvements. Did this history impact the Thornburg Foundation’s decision, given our track record with foundation work?

Tanya: The primary funding came from a local New Mexico foundation dedicated to New Mexico water projects, with whom we have strong relationships.

Q: could you elaborate on the types of federal funding available for these activities?

Erica: The primary funding we utilized was FEMA. While FEMA’s funding is currently in question right now, states still have access to past FEMA funds through the Hazard Mitigation Grant Program. States sometimes have to return these funds if they’re not used, so it’s important to be aware of what’s available in your state. We’ve applied for this funding in collaboration with state and FEMA officials. Another potential source is the new Department of Energy program, though I’m unsure of its current status. They had ideas for future funding related to Sentinel landscapes, Ogallala Aquifer characterization, and getting new initiatives started. USGS, BLM, NASA, and NIDIS also offered in-kind data and held discussions.

Roger: From a FEMA perspective, it’s crucial to emphasize that intense water events, not just drought, are a benefit. Capturing water to recharge aquifers during flood or high precipitation events can also reduce flooding. Highlighting these multiple benefits - reducing flooding, increasing drought resilience, and improving water supply can positively impact FEMA and other funding opportunities.

Comment: In Texas, after Hurricane Harvey, the Flood Commission received significant funding, and more recently we pushed for legislative funding for projects with both water supply and flood mitigation benefits. We’ve struggled to find projects that strongly demonstrate both. My comment is on the importance of finding that sweet spot. Regarding mapping funding, we successfully advocated for the concept of aquifers as infrastructure.

Comment: Viewing aquifers as conveyance systems, not just underground water, but as part of a state's infrastructure, helped us gain legislative support for funding.

Roger: To find more projects, consider looking at stormwater permits. Many areas in Southern California have used them for water quality and quantity benefits, as capturing and slowing stormwater can prevent contaminant capture, serving as a best management practice (BMP) for stormwater permits.

Chris: Considering the agencies in Wyoming that this might involve, I can think of at least five that my office represents, and none currently have the bandwidth for a project like this. How would you suggest finding a spark to build momentum, especially since we don't have someone like Tanya Trujillo in Wyoming?

Tanya: Unfortunately, having someone dedicated to being that spark is often key. You do have creative entities with infrastructure development. Perhaps we could collaborate. New Mexico is a small, rural state with limited state employment, so it does take some magic to pull things together. I apologize for not having a better answer.

Erica: New Mexico specifically asked us not to over use their staff. So we designed the project to shift most of the work to contractors, involving state staff only for key moments.

Tanya: We relied heavily on that approach. Now we have a product, but sustaining momentum will require effort. As I'm nearing retirement, we need new people to continue this work.

Roger: Following up on Chris's question, I believe this would be a great opportunity to gather staff for a one-hour discussion. If we tallied the New Mexico staff's time commitment, it was likely less than a dozen, maybe 20 hours, of meetings and follow-ups. The heavy lifting came from contractor support for setting meetings, compiling notes, and charting a course. The biggest challenge is getting staff to attend and engage their expertise. I wouldn't have secured the Region 6 staff's participation if it involved 40 hours of work. Demonstrating how a small effort can lead to significant outcomes, like a \$400 million impact, is crucial.

Erica: Having supporters like Rebecca Roose and Tanya helped ensure staff attendance when requested.

Comment: This project seemed to be led by the Governor's office. Could you discuss the relationship between the Governor's office and water agencies and how this collaboration unfolded?

Tanya: One key aspect I wanted to emphasize was breaking down silos. We had leadership from the Governor's office, specifically Rebecca Roose, who previously worked at the Environment Department and EPA. I'm a strong proponent of varied experience. Having Rebecca as an infrastructure advisor to the Governor's office, and myself as a Governor's water policy advisor, allowed us to quickly connect to this effort after my return from federal service. We had excellent coordination between the Environment Department, the Office of the State Engineer, and the

Interstate Stream Commission, as well as significant involvement from our Energy Minerals Department and Forestry Division. We aimed to work across agency lines as much as possible. This document, which has been on the back page of our Governor's webpage for over a year and a half, is a great tool for bringing us together. It's the landing page people see when searching for the Governor. I hope I don't jinx it by saying this, but it truly is a bit of magic, aligning purposefully with the water matters theme. Water impacts every aspect of our lives, encompassing both quantity and quality. We focused on building upon existing relationships. Thankfully, we have a supportive Governor and great partners.

Candice: What was the project's budget?

Erica: The budget was \$180,000, with the WSWC retaining about \$28,000. SWCA also donated significant time, as this was an experiment for us. I should also acknowledge Wendy Blackwell at SWCA, who was a former New Mexico employee and was instrumental in tapping into the New Mexico network.

Julie: I think this is fantastic! Most of us here are responsible for State Water Plans, which we're required to update every 10 years. Finalizing ours is part of my state report, and our statewide policy recommendations really mirror what you've presented. We're consistently hearing about the importance of data, information, storytelling, outreach, and infrastructure. It feels like you've discovered a winning formula for communicating effectively and engaging the public and state agencies. The benefits of our membership in the Western States Water Council are clear. I could spend much more time discussing this, but kudos to everyone! Once you simplify these concepts into a few focused initiatives, which can be challenging for our engineering minds, you've found the formula. We've actually found your 50 Year Action Plan online and are adapting it - changing the colors, but keeping the content. So, kudos on that as well!

Tony: I just wanted to highlight the contrast here, as Tanya will recognize. The former state engineer resigned with a very critical letter about the legislature's lack of support for the 50-Year Water Plan. This project represents a significant turnaround in legislative support.

Julie: We could certainly dedicate an entire day to discussing all these examples.

FUTURE COUNCIL MEETINGS

Julie noted the Fall 2025 meetings will be held in San Pedro, California on September 23-26, and asked Jeanine if she wanted to say anything on that.

Jeanine Jones: For travel, there are three airports you can use. The closest and most convenient is Long Beach Airport (LGB), due to its smaller size and fewer flights, allowing for quick in-and-out access. The other two options are John Wayne Airport (SNA) in Orange County and Los Angeles International Airport (LAX). LAX is a very large and congested airport, which can lead to significant delays. Therefore, I highly recommend Orange County Airport if it aligns with your flight schedule.

The field trip will include a boat tour of the Long Beach Harbor. We will at least cruise by the water treatment plant that provides recycled water for groundwater recharge through the seawater injection barrier that we will visit. We'll also see the Orange County Water District's large conventional recharge facilities. These facilities, associated with the Groundwater Replenishment Facility, are the world's largest recycled water treatment project. For those who saw the slide yesterday from Utah showing the large desalter in San Diego with all its membranes, the inside of this facility looks quite similar, featuring a significant membrane treatment component. Time permitting, we may also include a visit to a brackish groundwater desalter.

Michelle noted that we have an extra day prior to the field trip where we can hold a second groundwater workshop, or if you wanted to do more strategic direction work we could use it for that, but I would need some input

Julie: When do you need that direction from members by?

Michelle: I need direction right away so we can plan on what we are doing - a workshop, strategic planning, or something else.

Julie: We've talked about having a different format for the meeting and so I think we can continue those discussions and get that feedback to you. Then we've got a potential Indian Reserve Water Rights Symposium?

Michelle: Yes, 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. We've had to make sure that our federal speakers are available, because they're kind of the core of that discussion. Once we get that feedback, we'll send that out to everyone.

Julie: Great. Then Michelle, if you will, please go ahead and talk about our Spring DC Meeting.

Michelle: For those of you who aren't familiar, we meet every other year in Washington, DC, along with the Interstate Council on Water Policy (ICWP) as part of a roundtable. We typically try to meet during March or April. ICWP met last in January and seemed to like that timing. I think meeting a little earlier might be beneficial for our group, as I know many of you have legislative sessions, and our spring meeting often falls in the middle of those, which can be stressful. So, we could consider an earlier date.

We do need to finalize hotel and meeting space plans now. However, decisions regarding who we visit or bring in for the roundtable can be discussed at our next meeting. We won't send out those invitations until about a month beforehand. The main questions are: Do we want to proceed with our typical DC meeting? And do we want to do the roundtable with ICWP? When I refer to the roundtable, I mean our usual format where federal representatives come to speak to us. This includes congressional staffers on a panel and various regulatory agencies speaking to our group in a moderated session.

ICWP recently tried a different approach with small group visits, where they went to the agencies and staff instead of having them come to the meeting. I believe the WSWC has done this in the past, though not during my time here.

Tony: We typically set aside an afternoon or a full day for these meetings. In previous off-years when we weren't meeting in DC, we've taken WSWC leadership to make small visits with key congressional offices adjacent to our main meetings. This might be something to consider again.

Julie: From my personal experience, the DC meetings have always been very productive. I was on the board of ICWP until last week for several years, and I believe visiting those offices is very beneficial. We have private meetings with the highest-ranking officials we can get from each agency. I'm unsure about the logistics for our entire group to do this, but I think bringing congressional staff from different committees or federal agencies to our meeting is highly productive. It gives us a great opportunity to discuss anything we want, and I believe we gain valuable insights into budgets and other important matters. Has ICWP set their dates yet?

Michelle: No, they will coordinate their dates with us. That's why we need to decide now so we can secure the hotel and meeting space to accommodate our needs.

Julie: Should we conduct a poll to gauge interest in a DC meeting?

After further discussion, an April timeframe seemed better.

Michelle: So, do we want a full day roundtable where federal officials come to us? Regarding hotel rooms at a block rate, we will have at least one day covered for the roundtable. Do we want to cover three or four nights?

There was some discussion about the typical pattern – a one day joint Roundtable with ICWP where all the federal folks, Congress, and included senior officials from the Interior, Corps, USGS, EPA, and other agencies come to us; one day of Council meetings with a compressed schedule; a morning of visiting with our WestFAST principals; and then potentially some additional time for groups or individuals to meet with members of Congress on the Hill.

Michelle took a count of raised hands for those preferring three nights and those preferring four nights at a hotel in DC. We will proceed with these plans and finalize details later, but we need to secure the hotels and meeting space soon.

Tony: For those unfamiliar, please note that when we meet in DC, there is a registration fee for the roundtable portion. This fee covers additional expenses specific to DC meetings and does not apply to our regular committee meetings.

A question was raised about avoiding ECOS, as they will also be meeting in the spring. Michelle confirmed that we will avoid ECOS and Easter and to please email her any other dates in March or April that we should avoid.

A question was asked about whether we would still have a regular WSWC meeting if we held a meeting in April. Michelle clarified that the DC meeting would serve as our usual spring meeting. We would then hold a summer and a fall meeting, resulting in three meetings per year. Someone mentioned the possibility of only two in-person meetings with a virtual option, which was discussed during strategic planning. Michelle asked members if they would be interested in a virtual meeting, noting that it would impact Oregon's turn to host. Earl suggested adding the topic of meeting frequency and virtual options to the September meeting agenda for further discussion.

Christopher Estes highlighted a past benefit of meeting in DC - the opportunity to convene sessions and meet with the Association of Fish and Wildlife Agencies (AFWA). AFWA leads state fish and wildlife agencies that lobby Congress and share water issues. Christopher suggested considering this benefit to develop joint state positions on common issues and facilitate mutual learning. He also expressed hope that the Water Subcabinet would participate.

Julie: Before we started our state reports, I'd like to acknowledge what a fantastic meeting we've had, a great anniversary, and a wonderful tribute to Tony. Congratulations again to Tony, we truly appreciate all your work and influence. You have genuinely changed and influenced Western water law in countless ways, and we certainly appreciate you. We will miss you.

STATE REPORTS

All members who provided a state report expressed their appreciation to the State of Utah and the WSWC Staff for hosting such a productive meeting. The field trip was a particular highlight. Additionally, members extended their well wishes to Tony and thanked him for his incredible leadership and years of service.

Kansas: Earl mentioned that Kansas has been engaged in water planning and strategic efforts, noting that the legislature recently passed a bill to establish a two-year legislative water task force. This task force will include 13 voting members (seven legislators and six representatives from various water interests) and three ex-officio members (Connie, Tom, and Earl). An interim report is due to the legislature next session, with a final report expected in 2027. Earl expressed cautious optimism about this initiative.

Earl announced the retirement of Tom Stiles from state service, effective July 11. Tom began his career with the Kansas Water Office in 1982 and has served the state continuously since then. He highlighted some of Tom's significant achievements, including: leading the effort to establish minimum desirable stream flows, which serve as Kansas's equivalent to in-stream flow rights, protecting essential flows for various purposes; helping implement the Water Assurance Program, which utilizes Corps of Engineers reservoir storage to supplement municipal and industrial water supplies, proving invaluable during droughts; and initiating the state's TMDL program at KDHE in the 1990s, developing it into a respected model. Earl praised Tom's ability to maintain positive relationships with stakeholders, even in a regulatory role, and his skill in delivering difficult messages while also being a good listener. He concluded by thanking Tom for his dedicated service to Kansas and for being a valued colleague, mentor, and friend.

Tom thanked Earl for his remarks, stating that WSWC has been very important to him in his work on water management policy. He expressed gratitude to Karl Dreher for creating the Water Quality Committee, acknowledging the initial challenges of integrating water quality discussions into an organization built on consensus among state engineers and water rights. Tom emphasized the unique strength of the West and encouraged the Council members to embrace this identity as their superpower. He noted the strong Eastern U.S. influence in other organizations he's been involved with but highlighted that this Council has always maintained a clear vision. He urged them to preserve that focus and pride in their Western identity as the Council and its leadership evolve. Tom concluded by saying he would miss everyone, with the humorous exception of WOTUS, which he noted was a big plus in his decision to retire. He reiterated his appreciation for everyone and assured them he would still be around.

Oklahoma: Julie - Our main highlight is the comprehensive water plan. We're required to update our water plan every 10 years, and this latest iteration involved a multi-year process that included 82 meetings in smaller sub-basins. This year, we focused on five recommendations, similar to last time: (1) water infrastructure - we conducted a water survey that identified a \$23-24 billion need. We've received significant ARPA funding, and our legislature is now aware of the widespread water needs, as evidenced by the high volume of water-related project requests for ARPA funds. We're also incorporating workforce needs into this, recognizing the importance of engineers, system managers, well drillers, and other roles. I encourage you to start with your legislature on this; (2) water management includes topics like instream flow and ongoing management of water rights; (3) regional water planning - this policy recommendation from the 2012 plan didn't gain traction with the legislature, so we're reintroducing it, acknowledging the unique needs and challenges of Western regional systems; (4) water supply storage - we're focusing on our aging dams and the need for new storage. We're also incorporating our system evaluation program and yield studies into our foundational water data; and (5) water data information - we're currently working on making water data usable and accessible for the legislature, not just a pile of data. We sought additional funding for water data this year but did not receive it, though we did receive half a million dollars last year. We're looking for insights from others on how to effectively communicate and market our water data goals to the public. In addition to these five statewide goals, we're also developing regional goals based on our outreach and conversations within different regions. This is important because our state has diverse water availability, drought, and flooding conditions. For example, our Western legislators often dismiss instream flow bills due to concerns about drought, so we're developing regional recommendations that could lead to regional policy. We're using New Mexico's 50 Year Water Plan format as a template, which highlights past successful legislation. This will help us show the legislature the progress we've made since the last plan, including successful legislation for ASR and reuse. Thank you, New Mexico, for saving us a lot of work! We'll be coming back to you during the implementation phase.

Sara Gibson: Our metering bill was introduced again this year but did not pass. It is eligible for reintroduction next session. Regarding legal updates, the legislature amended our judicial review provisions in response to the change in *Chevron* deference. All of our permits are now eligible for judicial review. Previously, this was more of an administrative review to ensure we followed the law. The new wording is a bit unclear, but it seems to allow district courts to take up

water law issues in a *de novo* review, meaning they could review our decisions based on their own understanding, similar to a new district court action rather than just an appeal. It will be interesting to see how judges apply this.

South Dakota: Nakaila Steen - At our last meeting, we were experiencing drought conditions due to a mild winter, but welcome springtime rains have led to minor improvements across the state. On May 1, our South Dakota Board of Water and Natural Resources approved \$5 million in ARPA funding for drinking water improvements statewide. They also approved a resolution authorizing the issuance of \$210 million in SRF program bonds to provide leverage funds for drinking water and clean water SRF funds. Lastly, we have a small update on our 10-year NPDES permit extension. Senator Rounds from South Dakota drafted legislation, and Senator Alyssa Slotkin of Michigan has agreed to co-sponsor the bill, making it a bipartisan effort to allow for the extension.

New Mexico: Tanya Trujillo reported on the successful reconfirmation of the *Texas v. New Mexico* settlement. This agreement, supported by Colorado, New Mexico, Texas, and the United States, is now being prepared for final decree implementation and dismissal by the Supreme Court. The focus continues to be on managing groundwater and surface water interactions in New Mexico, particularly in the Lower Rio Grande basin, to uphold commitments to sister states. New Mexico is actively pursuing the implementation of Indian water rights settlements, with six bills currently pending in Congress. They are also negotiating new settlements in the Rio Grande basin and look forward to collaborating with the WSWC on a symposium later this year to advocate for this important issue. Lastly, a new round of regional water planning efforts is launching across the state. This initiative aims to develop individualized plans that address specific regional needs, considering varied dependencies on groundwater and surface water resources.

John Rhoderick shared details about a pilot project focused on conservation and groundwater protection. This program utilizes satellite imagery and AI to identify potential leaks in small community water systems, which often lose up to 50% of their finished water. The program boasts an 80% effectiveness rate in identifying leaks, with communities then verifying and repairing them. One community reduced leakage by 70% in the initial phase, saving millions of gallons of treated water. The goal is to expand this cost-free service to communities, helping them resolve water loss issues. This innovative approach originated from a need to quickly address water shortages during fires, leading to the use of AI as a more cost and time-effective solution than conventional aerial surveys.

North Dakota: Patrick Fridgen - Tony mentioned a resolution of appreciation for Travnicek, our former DWR director, who is now being considered for a high-level position at the Department of Interior. Our new director, as of January, is Reese Haas. Although Reese couldn't attend the meeting, I truly valued the opportunity to participate and represent North Dakota. Our legislative assembly concluded in May. A significant development for our agency is related to our cost-share program, which is a primary funding mechanism for locally sponsored water projects in North Dakota. This program is robust, funded by 20.5% of the state's oil extraction tax. We're observing a decline in revenue from the oil extraction tax due to wells maturing and their production dropping. Wells producing less than 35 barrels per day on average over a year are

designated stripper wells and are exempt from the extraction tax. This is projected to result in a revenue decrease of \$150 to \$100 million per biennium. In response to these declining revenues, our legislature has directed us to review our cost-share program and policies to ensure its long-term sustainability. This will be a significant undertaking for our agency and our local stakeholders who depend on state funding for their projects. I will be presenting a path forward study to our commissioners later today, and we aim to complete this review by next summer. Again, it was a pleasure to meet with you all, and I appreciate the opportunity.

Idaho: Jerry began by noting his appreciation for the phenomenal tunneling system that he didn't know existed during all the times he skied here in Utah during college. He then discussed Idaho's extensive litigation concerning groundwater and surface water. They've entered into a settlement agreement, providing a four-year framework, with one year already passed and three remaining. This framework will then extend for another four years, with hopes for continued success if natural conditions persist. As a result of these agreements, there's a new requirement to identify who impacts groundwater. Previously, an artificial line called the Eastern Snake Plain Aquifer (ESPA) defined the impacted areas, but this didn't reflect reality. Now, pursuant to the settlement, they have timetables in place for all tributaries, from "hilltop to hilltop." This means anyone impacting groundwater will be required to join a groundwater district, leading to more districts and increased involvement. He also mentioned the years of effort to address the homeowner's exemption. He represents many irrigation districts that must mitigate impacts, while homeowners can freely pump large amounts of water (13,000 gallons/day), which he described as "death by a thousand cuts." Legislation has now passed to set limitations and mitigation requirements for dual systems. This new concept in their area involves using surface water to irrigate subdivisions built on formerly irrigated land. This approach has worked well in the Boise area, and they hope for continued success. While many issues remain, Jerry believes this is a positive step forward, with everyone involved in addressing the impacts.

Idaho is currently facing challenges due to the significant influx of newcomers from the West Coast, specifically California, Oregon, and Washington. Another major issue we're involved with is the renegotiation of the Snake River and Nez Perce settlement agreements on the Columbia River. I was deeply involved in the initial agreement 25 years ago, which we felt was a groundbreaking achievement with its 30-year biological opinion. Now, we are revisiting this agreement. Unfortunately, due to recent early retirements, two of the chief federal negotiators have left, creating uncertainty about the path forward. We are also addressing issues with Wyoming regarding in-stream flows from Jackson Lake. While we appreciate their water contributions, we will need to work through some specific concerns with them soon. Chris will be speaking next and can provide more details on this matter. Jerry heard this morning that President Trump is going to sign an executive order on the Snake River dams. He presumed this order will be favorable to keeping the dams, which his group strongly supports. We'll see how that develops.

Finally, Jerry expressed his sincere appreciation, and Idaho's appreciation, for Tony. Jerry has had a long history with him. In 1979, after taking the bar exam, which he was convinced he had failed and needed to find a new career, flew to Juneau, Alaska, where he met Tony, his father (who was a Council member at the time), and his brother, as they arrived on a ferry from a Council meeting in Sitka. His involvement with Tony and the Council, following in his father's footsteps,

has been a long one. He truly values working with him and appreciates everything he has done for the Council, his family, and for the State of Idaho.

Wyoming: Chris Brown shared a couple of updates. First, regarding the Colorado River, he emphasized that it continues to be a primary focus, and all seven states remain engaged in finding a consensus solution. He noted that negotiations are intentionally kept out of the press to facilitate progress, with regular meetings taking place. Chris also mentioned a unique situation concerning aging infrastructure in Wyoming. The state engineer issued a breach order for a 135-foot concrete dam, requiring its removal within five months. This process, while politically challenging, was successfully completed. Legislation was enacted to protect water rights affected by the dam's removal, and he was impressed by the rapid permitting and environmental approvals.

Jeff Cowley thanked Tony for his service and leadership. He then discussed Wyoming's current efforts, including 10 to 15 studies, funded by both state and federal sources through the UCRC. These studies aim to precisely track water resources within the Green and Little Snake River Basins, which are tributaries to the Colorado River. He also touched on the recent legislative session, noting Wyoming's shifting political landscape and the impact of the Freedom Caucus on the state budget. Interim topics include Wyoming's development of a voluntary conservation program, which presents challenges in water management, but the state is committed to being part of the Colorado River solution. Lastly, he mentioned an upcoming study on cloud seeding to assess its potential impact on bighorn sheep and glaciers, as cloud seeding has recently become a controversial topic.

Colorado: Lauren Ris shared that this was her first in-person meeting, and she found the experience vastly different and very insightful compared to online participation. She noted that everyone attended all committee meetings, which were helpful for understanding the broader context. She also expressed appreciation for everyone's patience with her and Jason's questions as they get more accustomed to things. Lauren then discussed Colorado's challenging budget year. The legislature, which wrapped up in May, faced a billion-dollar deficit. While her agency doesn't rely on the general fund (it's funded by severance tax and sports betting revenue), it often sees funds swept to balance the state budget. Last session, they lost \$50 million. This year, after a period of uncertainty, they managed to keep the water project funding intact, which is a positive outcome, though they anticipate a similar struggle next year due to the volatile nature of severance tax revenue. To address this, they are participating in a Severance Tax Task Force to evaluate funding streams for water projects and develop new recommendations. They are open to hearing any lessons learned from others on this topic. Another significant piece of legislation passed this year grants her agency the authority to develop a water supply measurement and forecasting program. This program will bring airborne snow observation (ASO) technologies, utilizing LiDAR for better snowpack measurement, in-house and include a full-time employee to manage it. Although there isn't dedicated ongoing funding, they can secure funding through annual appropriations bills. This initiative, previously handled by contractors, will improve transparency, streamline contracting, and enhance data management. In other news, for the first time ever, their governing board, appointed by the governor from major river basins, has a board chair who is a tribal member from the Southern Ute Tribe in Colorado, Lorelei Cloud, formerly the vice chair of her tribal council. This is a positive development as they continue to strengthen relationships with Colorado tribes.

They are also awaiting IRA and IJA funding, and thanks to Tanya, they recently received approval for a couple of projects from the Bureau of Reclamation for Bucket 2 and environment projects in Colorado. Lastly, they are closely monitoring FEMA and their funding for floodplain mapping, as their agency receives substantial support from FEMA and is currently assessing their options going forward.

Jason Ullman began by discussing legislative updates, echoing Lauren's points about budget issues. Their department was directed to reduce its budget by 1.5% for the next year, which, thankfully, did not involve staff reductions but did impact funding for consultants working on projects like aquifer studies. On a positive note, the Division of Water Resources efficiency bill was well received by the legislature. It extends the period for well permit expiration to two years instead of one, reducing the need for costly certified mail notifications for expiring well permits. Now, permits will auto-expire after two years, with a provision for reinstatement if well construction information is submitted afterward. The bill also modified their water rights abandonment process. Previously, Colorado required a water rights abandonment process every 10 years, where their office would list unused or partially used water rights. This led to hundreds of new protest cases for the Attorney General's Office when all seven divisions conducted this process simultaneously. To alleviate this burden, the legislature agreed to split the process: half of their divisions will go through it every five years, starting with Divisions One, Two, and Three (South Platte, Arkansas, and Rio Grande) in 2030, and the Colorado River divisions in 2035. This change to the abandonment statutes is very helpful. Another significant bill, House Bill 1165 on geothermal, was recently signed by the governor. Two years ago, Governor Polis initiated "The Heat Beneath Our Feet" at WGA, pushing to reduce regulatory burdens on geothermal projects for both energy and heat. A previous bill had bifurcated geothermal regulation, giving deep geothermal operations (below 2500 feet) to the Energy and Carbon Management Commission and keeping shallow projects with the Division of Water Resources. However, this didn't eliminate the need for dual permitting for truly consumptive water uses. This year's bill rectifies that by exempting non-tributary water uses for heat extraction only from needing a permit from the Division of Water Resources. There are some limitations, such as if the water is from a formation also used for municipal purposes. This exemption is similar to how produced water for oil and gas operations was exempted over a decade ago. The bill also shifts the regulation of geothermal heat exchange contractors from DWR to the Board of Examiners for Water Well Construction (now renamed to include geothermal heat exchangers), adding a geothermal heat exchanger contractor to the board. This change aims to establish clear rules for licensing contractors and constructing geothermal heat exchangers, which will be implemented soon. Regarding Gross Reservoir, Denver Water's expansion project, which will result in Colorado's tallest dam, faced a temporary injunction in April that halted construction. Given the dam's partial completion, they were ordered to either continue construction or propose a new safety plan. Last week, a judge ruled that construction can resume, but filling the reservoir is prohibited until the NEPA process issues are resolved. This thankfully addresses dam safety concerns, leaving Denver Water to manage the filling issue.

Nebraska: Matt Manning shared three key updates. The Nebraska Legislature, at the Governor's request, passed a bill merging the Department of Natural Resources and the Department of Environment and Energy into the Department of Water, Energy, and Environment.

Jesse Bradley has been appointed as the director of this new agency, and a Chief Water Officer position was created to oversee the former Department of Natural Resources' duties. This change, effective July 1, aims to improve water resource management, encompassing both quality and quantity. The Governor has also established a Water Quality and Quantity Task Force. This group of about 20 stakeholders will spend the next 12 to 18 months reviewing practices, technologies, and funding opportunities to propose actionable ideas for education, conservation, incentives, funding, and potential legislation. Finally, we're continuing to make progress on the Perkins County Canal project, which is designed to secure water rights under the South Platte River Compact. We're moving forward with design, permitting, and land acquisition, and we're also in discussions with Colorado to find mutually beneficial solutions.

Montana: Anna provided an update on Montana's water initiatives. Similar to many states, Montana has a state water plan that has been refined into a comprehensive water review based on stakeholder feedback. Over the past four years, monthly stakeholder working groups have been instrumental in achieving significant legislative success. Last session, House Bill 114 was passed, overhauling the permit and change process. This collaborative effort reduced permitting times from 360 days to 205 days, secured 13 additional full-time equivalent positions, eliminated statutory loopholes that had delayed permits for over 20 years, and cleared a backlog of 150 unprocessed water rights claims. During this session, we've continued our monthly stakeholder meetings, focusing on policy outcomes. We're working on streamlining our water change processes, creating drought resiliency measures (including temporary leases and abandonment protection through drought plans), and coordinating our Planning, Water Use, and Sanitation Acts to allow concurrent processing for development projects. There's also been a substantial investment in data. We've expanded our state-owned, real-time stream gage network to 100 sites and are now taking over some USGS gages that are being discontinued. Our strategy is to fund these if the federal government doesn't. We're also upgrading our water rights database with complete geospatial functionality and transitioning it to the cloud with recent legislative funding. Infrastructure and storage remain critical needs. The state owns and operates 22 dams and reservoirs for Water Users Associations, many of which require rehabilitation. Through collaborative stakeholder support, we've established a storage trust, similar to Wyoming, with a \$100 million buildup for long-term funding and annual contributions from other agencies. We also had several cloud seeding debates this legislative session, fortunately none of which passed. One area where we didn't succeed was addressing the issue of exempt well use, which is an exception to the permitting process. Unlike many other states, large-scale subdivisions in Montana utilize this exemption to bypass basin closures and avoid mitigation requirements in over-appropriated areas. This has led to the department being sued multiple times, most recently in February. Our goal to find a legislative compromise to move out of this litigation environment was not passed, which means we will continue to grapple with this conjunctive management problem. In terms of adjudication, we're nearing the completion of the statewide adjudication process, which has been ongoing for 50 years. We anticipate completing the examination and re-examination of all 300,000 claims by the end of the month, meeting the legislative benchmark for submission to the water court. The water court has already issued final decrees in 14 basins, with a few more to go, which is significantly moving the statewide adjudication forward. Coupled with this, over the last two legislative sessions, we've worked with stakeholders to pass a water court bill to maintain the

water division courts. This continues to be a contentious topic, and while that legislation didn't pass, we are re-evaluating how to proceed.

Washington: Ria Berns began by discussing Washington's budget situation. The state is currently facing a \$12 billion budget deficit over four years, leading to a statewide hiring and travel freeze that has been in effect for about eight months. Despite these challenges, the legislative session concluded on time with a balanced budget, which relies on new revenue sources that may face litigation. The Department of Ecology's Water Resources program, which is fully reliant on the state general fund, is facing a 5% budget reduction. While this is less than the anticipated 20%, it's still a significant shift given the optimistic budget outlook from last year. This has resulted in the need for layoffs, with a focus on protecting essential permitting, compliance, and regulatory staff. The department is also exploring operational efficiencies. This year has also brought significant leadership changes, with the new governor and a new director for the Department of Ecology, Casey Sixkiller, who previously directed EPA Region 10. Both are new to the intricacies of western water law, requiring a substantial educational effort. This became evident in January when the governor issued a housing executive order aiming to build 1.2 million housing units over the next decade, without initial discussion of water supply or location. We are now working with the governor to address these critical water education gaps. Many municipalities are at their water rights portfolio limits with few new sources, and we face legal and policy barriers to new water rights. We are also considering climate change impacts on water supply, focusing on both physical and legal water availability. Additionally, Washington has entered its third consecutive year of statewide snowpack drought, declared last week, affecting approximately a third of the state. The Cascade Mountains are experiencing significantly less than historical snowpack, and it's melting out much earlier. Lastly, as a plug for other states who have worked on similar initiatives, we are beginning an integrated water data platform investment. We have initial funding to explore how to better integrate our existing water resources databases (e.g., metering, water levels, water rights) for both staff and external users. We are hiring an IT architect to assist with this long-term effort and are very interested in learning from other states' experiences and lessons learned.

Leslie Connelly, who attended virtually, provided an update on the Washington State Department of Ecology's water quality issues. As her counterpart, Ria, mentioned, Washington State is facing budget challenges, which prevented me from attending in person, so thank you for the virtual option. A few updates from our recently concluded state legislative session. The legislature has assigned us the task of creating a website for near real-time public notification of sewage spills across the state. We dedicated significant effort to negotiating this bill and its implementation with the bill sponsors. The original proposal was for real-time (within four hours) map-based notifications with phone opt-ins. We successfully negotiated it down to a simpler website that will be updated daily for all spills statewide. With approximately 300 sewage spills annually, this will be a new undertaking, increasing public awareness. Our hope is that this initiative will foster greater public support for essential wastewater infrastructure investments. Despite the difficult budget, we secured funding support. The legislature has special toxics funds that can be appropriated, and our agency received funding for PFAS response. This includes investigating and monitoring PFAS sources and their impacts, increasing cleanup of PFAS-contaminated sites, and for our water quality program, a dedicated engineer will now assist us with wastewater and stormwater infrastructure to address PFAS. This was positive news on the budget

front. This week marks a significant milestone in water quality. We began rulemaking for what we are calling the State Water Alteration Permit. This permit will replace the federal wetlands and streams/waters of the state permitting that is no longer in effect, allowing us to fill that gap at the state level. This new permitting process is already permitted within our state Water Pollution Control Act, so no legislative changes were required. We are now focused on implementing the state version of a permitting system for wetland and stream fills. Also, today, we launched a public comment period for an advanced restoration plan for dissolved oxygen and nitrogen pollution in the Puget Sound Basin, our main estuary that Seattle sits on. This plan, which has been in development for about 20 years and is based on extensive modeling and data, utilizes an advanced restoration approach instead of a traditional Total Maximum Daily Load (TMDL). Our aim is to achieve greater flexibility in implementing nitrogen reduction plans within watersheds and direct discharges to our marine environment. Launching this for public comment is a major achievement for us today. While we recognize the challenges ahead, this is a significant step. If anyone is interested, this could be a valuable presentation for the council at some point.

Nevada: Cathy Erskine provided an update on a significant court ruling in their district court. The judge affirmed the State Engineer's Order 1309, which addresses conjunctive management in southern Nevada. This order combines several administrative basins into a single, larger basin known as the Lower Right River Flow System, based on a shared water supply. It establishes a maximum pumping limit of 8,000 acre-feet annually to protect senior surface water rights from impairment. For background, in 2023, the Nevada Supreme Court, in *Sullivan v. Lincoln County Water District*, upheld the State Engineer's authority to conjunctively manage surface and groundwater, redefine boundaries, and set pumping limits. However, the Supreme Court remanded the case to the district court to determine whether substantial evidence supported the new basin boundaries and pumping limit. The district court has now found substantial evidence supporting both the revised basin boundaries (forming the Lower Right River Flow System) and the 8,000 acre-feet pumping limit. This decision affirms the State Engineer's scientific and technical basis for the decision, which our State Engineer believes is a victory for science given recent challenges in Nevada. Parties have about two weeks to decide whether to appeal, but we are confident the decision will stand. On the legal front, the Division of Water Resources has approximately 10 pending cases in our Supreme Court, which could set precedents in the coming years. Two key cases involve an adjudication and equitable relief; their outcomes are yet to be determined. Regarding legislation, Nevada meets biennially. This session, we again saw numerous water resource-related bills and bills seeking to redirect or modify the State Engineer's office's work. Only a few passed. One notable bill, on which the Division of Water Resources holds no opinion (and which I've discussed previously), is the creation of a voluntary water right retirement program. We previously piloted this program with ARPA funding a couple of years ago. The new legislation doesn't include funding, but it reflects strong stakeholder support to formalize the program in statute, with the belief that funding will follow. This program will be housed in the Department of Conservation and Natural Resources, within our director's office, separate from the Division of Water Resources, given its dealings with money and the valuation of water rights. Many of the bills introduced, but did not pass, seem to be driven by stakeholder frustration with the office, particularly regarding permitting timelines, application processing, and decision issuance. I've been looking to Montana, who has done some excellent stakeholder outreach, and hope to continue those discussions to make progress. This approach is preferable to large, dense

overhauls of the division without input, which often feel like punishment and come with significant price tags. Nevada typically operates on a flat budget, and appropriations bills are rare. Policy bills often lack funding, particularly in the natural resource realm (education and housing might be different). These proposals often fail to address the root issues that water right holders and users have with the division. This perpetuates a deviation from our foundational principles as a prior appropriation state and a continued lack of stakeholder cohesion on substantive issues. This may be why everyone coalesced around the unfunded voluntary water right program; it offers a sense of progress to the legislature. With a citizen legislature and high turnover, educating new legislators on complex water resource and environmental protection issues is a significant, ongoing challenge.

Jennifer Carr said the environmental portion of the Nevada Legislative Session was relatively light, with two main bills of note that ultimately did not pass. The PFAS bill addressed PFAS in cookware and the need for consumer product packaging to disclose PFAS content. It was part of a larger, multifaceted bill that didn't make it through the legislative process. The other was the Artificial Turf Study Bill, which required Nevada and six other Colorado River Basin States to conduct a study on artificial turf. We were unsure of its intent, but it appears to have been focused on heat island effects and the benefits of natural grass. This bill also did not pass. Overall, we emerged from this session relatively unscathed. Our budget is relatively flat, and we don't have any general fund allocations. While we were awarded 11 new FTEs, which was a pleasant surprise, the recent federal funding outlook is concerning. Federal funding accounts for about 30% of our budget, and if the proposed federal chaos materializes, we could face a \$15 million shortfall. It's highly unlikely we can absorb this through permit fees or general fund money, especially with a projected \$200 million state deficit. We're currently exploring options and may need to leave some positions open to accommodate staff whose federal grant funding might be impacted. We're in the early stages of exploring an AI project, potentially with public-private partnerships, to create a "frozen cloud" for Nevada. This AI system would learn state and federal rules, regulations, and permit requirements to act as a pre-processing portal for applications. The goal is to ensure applications are complete before submission, reducing back-and-forth correspondence. While initially envisioned for our air program, due to the recent focus on underground injection control and geothermal power, it might start with the UIC program. We're hoping to secure funding, possibly through gifts or universities, to make this vision a reality. Water rights teams are also discussing their potential applications.

In regard to the Council, I view the recent discussions as a course correction rather than a complete restart. The Council's primary strength lies in its ability to bring people together, and this won't change regardless of how we conduct meetings. The New Mexico project we heard about today is a testament to this collaborative power. I want to express my gratitude to both current and former team members for their hard work. We are not far from where we need to be; it's a matter of integrating the experience of tenured members with the perspectives of newer colleagues. Technology, like AI, could be a valuable tool for our future direction, and this Council provides a crucial space for these discussions. I'm eager to see how these conversations unfold and to demonstrate the fruits of our collaborative labor. Beyond the New Mexico project, I want to highlight another powerful example of the Council's collaboration, particularly for our newer members. WestFAST organized a series of webinars on the nexus between wildfire and water

quality. Through this, we learned from New Mexico that State Revolving Fund money can be used for watershed work, such as fuels reduction, to protect water supplies. This initiative, heavily supported by the Forest Service, was incredibly effective. During the last round of WOTUS discussions, we pressed EPA for regional rules instead of national ones. Erica, who was Council staff at the time, spearheaded an amazing white paper that explored various methods of measuring flow regimes, eco-regions, and other tools. This comprehensive investigation informed our discussions with EPA. My staff recently rediscovered this paper, finding it incredibly helpful in understanding the regionalization of the WOTUS rule. It's another excellent example of the Council's impactful collaborative work.

Utah: Candice Hasenyager provided updates on two key initiatives. The legislature recently expanded the state water plan statute, providing more direction and setting a deadline for a new plan by the end of 2026. Also, the legislature has initiated this significant planning effort, with rough estimates indicating a need for approximately \$60 billion by 2070. To address this, we are conducting a fee study and recently completed a water infrastructure funding study. We are currently collecting project submissions from water entities for the next 20 years (short, medium, and long-term projects), which the Water Development Coordinating Council will prioritize in collaboration with agencies involved. We are actively involved in both initiatives and happy to share more information as it becomes available.

California: Jeanine Jones mentioned they recently held a successful S2S Forecasting Workshop in San Diego. Last week, the House reintroduced the Weather Act Reauthorization Bill, which includes language for our pilot project and increases authorization for pilot projects to \$50 million annually for five years. While this is a positive step, securing appropriations remains the next hurdle. Related to S2S forecasting, Forecast Informed Reservoir Operations (FIRO) was discussed at our workshop. The Army Corps of Engineers (Corps) is set to release its national assessment of FIRO capability, including rankings for western states, on a soon-to-be-live website. It's important to note that currently, only the three west coast states (due to atmospheric river forecasting) and parts of New England (due to nor'easter forecasting) have sufficient forecasting capabilities for Corps regulatory processes. This highlights the need for NOAA to enhance forecasting capabilities to support broader FIRO implementation.

The federal budget situation has created uncertainty for RFCs within the National Weather Service, particularly the three that provide water supply forecasting (California Nevada RFC - CNRFC, Pacific Northwest, and Colorado Basin RFC). CNRFC is uniquely co-located with state government, and our flood control program shares space and co-manages the Flood Operations Center with them. In the event of a quasi-shutdown of RFCs, we anticipate needing to cover 24/7 flood center operations and fully migrate their website system to our state flood forecasting system. Initial cost estimates were around 19 PYs and \$15 million, but given our current budget deficit, we are exploring alternatives like using contractors and seeking \$5 million from the state budget. There are rumors that RFC websites, including CNRFC and Pacific Northwest, may be pulled down by October 1 as NOAA plans to transfer responsibility to the National Water Center in Alabama, which does not handle water supply forecasting. We are closely monitoring this situation and undertaking extensive contingency planning to ensure continued flood emergency work if federal support is withdrawn.

For our upcoming meeting in California, I wanted to mention our significant investment in satellite-based data technology, specifically Interferometric Synthetic Aperture Radar (InSAR) for land subsidence monitoring, ASO for snow, and OpenET. Of these, InSAR has been exceptionally successful, particularly for groundwater work, and is highly cost-effective. We have also used it for pilot studies in detecting canal seepage and landslide movement. If there is interest and time on the agenda in September, we could arrange an InSAR presentation. ASO is also a valuable product, but as mentioned, it is very expensive, and we can only afford limited use. OpenET shows promising technological progress but is not yet ready for prime time. We are in the first year of a three-year contract, with the original intent being to purchase and serve data to water users, but administrative and policy issues have delayed this.

Texas: John Dupnik with the Texas Water Development Board (TWDB) shared an update, emphasizing his appreciation for the invitation and the value of the meeting. He hopes to attend again. The significant news from the TWDB's perspective is the legislature's approval of a massive investment in water supply infrastructure. This was a priority for both the governor and lieutenant governor. Two bills, SB 7 and HJR 7, were passed. HJR 7 is a constitutional amendment that will be subject to voter confirmation in November. SB 7 builds upon the Texas Water Fund, which was established last session with \$1 billion in seed money. This new bill expands on that initial fund by allocating a one-time investment of \$1.75 billion. A major debate during the legislative session was how to allocate this surplus. The final decision resulted in a 50/50 split: half of the funds will go to projects listed in the state water plan, providing a dedicated funding source for projects in Texas's 50-year plan and the other half is dedicated to new water supply projects. The list of eligible projects has been expanded to include reuse and shovel-ready reservoir projects, in addition to desalination and ASR. The board has the discretion to allocate the remaining funds among other programs, including public awareness campaigns, the Swift program, and the Rural Water Assistance Fund. Additionally, the umbrella fund has expanded to include the agricultural conservation fund and the economically distressed areas program fund, among others. HJR 7, the constitutional amendment, is a significant development. If approved by voters in November, it will create a recurring revenue stream of \$1 billion per year for the next 20 years, specifically for water supply infrastructure funding. This funding will come from excess sales tax revenue above a specified threshold (currently around \$46 billion annually). This is a crucial step for Texas and will significantly boost their water plan. The Flood Infrastructure Fund is also eligible to receive funding from this source.

SUNSETTING POSTIONS FOR 2025 SUMMER MEETINGS

Tab XYZ of the briefing materials contains sunseting positions (#486 - #489) for the 2025 Fall meetings. Please review them and get any proposed changes to staff.

OTHER MATTERS

Sara Larsen, OpenET Executive Director, mentioned that during the Lincoln, Nebraska meeting earlier this spring, Forest Melton and Connor Doherty presented a new approach for evaluating effective precipitation. This approach, called Otter, is a portion of the evapotranspiration from Landsat data and impacts how consumptive use for irrigation is calculated. They emailed a copy of the white paper on the Otter effective precipitation method to your distribution list. We hope to receive feedback from you and your technical staff over the summer, if possible. We have already received some comments on the Otter approach, which we greatly appreciate, but I wanted to remind you that this is something that is currently in our OpenET hopper and it could be impactful for your work. We would greatly appreciate any feedback you can provide.

Tony reviewed four resolutions of appreciation for past members. The first is for Jon Niermann from Texas, former WSWC Chair. The second is for Andrea Travnicek from North Dakota. The third is for Buck Smith, from the State of Washington, who has since retired. Finally, the fourth is for our WestFAST Liaison, Madeline Franklin, who served on detail for two years managing WestFAST and our interaction with our federal partners. Each resolution expresses appreciation to these individuals for their achievements and service to the WSWC.

Julie asked for a motion to approve those resolutions. There was a motion, a second and the motion was unanimously approved.

There being no other matters, the Full Council Meeting was adjourned.