



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION

Department of Interior

On October 1, Interior Secretary Doug Burgum issued a secretarial order identifying Scott Cameron as acting head of the Bureau of Reclamation. Cameron will also remain the Trump Administration's lead official in Colorado River negotiations. Cameron was serving as Assistant Secretary for Water and Science before the Senate approved Andrea Travnicek to the position in September. Ted Cooke was previously nominated as Reclamation Commissioner, but President Trump recently withdrew the nomination. Burgum's order also acknowledged the status of Travnicek, as well as Interior Solicitor William Doffermyre, Assistant Secretary for Land and Minerals Management Leslie Beyer, and Fish and Wildlife Service Director Brian Nesvik.

WATER RESOURCES

Arizona/Groundwater

On October 7, Governor Katie Hobbs (D-AZ) signed a proclamation celebrating the first implementation of the new "Alternative Designation of Assured Water Supply (ADAWS) Program," commemorating a new pathway for increasing Arizona's housing supply while adhering to the Groundwater Management Act. In June 2023, a shortage of groundwater led Arizona to restrict the approval of new assured water supply certifications in the Phoenix Active Management Area (AMA) (WSW #2561). In October 2024, Arizona approved the ADAWS, allowing developers to explore new water sources and offset groundwater pumping in order to build in the AMA. New developments cannot obtain a certificate of 100-year water supply unless they demonstrate that supply across the water provider's entire service area is sustainable. The new designation for water provider EPCOR represents the first 100-year Assured Water Supply designation in the Phoenix AMA in 25 years. The designation will extend 100-year water supply protections within EPCOR's service area, providing enough water for 60,000 new homes.

Arizona Department of Water Resources Director Tom Buschatzke said: "This program, dubbed ADAWS, represents the culmination of a challenging public

stakeholder process that kept protection of Arizona's groundwater supplies as a top priority. The many stakeholders involved in this process have been intensely engaged and determined to find that next adaptation of water policy that allowed incremental, sustainable growth while protecting groundwater.... I heartily commend them as well."

Governor Hobbs said: "This ADAWS designation is going to save water, it is going to support sustainable economic growth, and it is going to create more housing.... Today we are again demonstrating that Arizona can, and will, continue to grow our economy while protecting our water. When elected officials come together across party lines we can tackle the big problems that Arizonans face and get things done for the people of our state." <https://www.azwater.gov/news/articles/2025-10-08>

LITIGATION/WATER RESOURCES

Nebraska/Colorado

On October 15, Colorado filed a response brief to Nebraska's original jurisdiction Supreme Court complaint filed in July, in which Nebraska sought enforcement under the 1923 South Platte River Compact (*Nebraska v. Colorado*, #220161). Colorado urged the U.S. Supreme Court to reject the case, arguing that it is complying with its Compact obligations and Nebraska's allegations are "speculative and premature."

Under the Compact, Nebraska waived its right to assert senior water rights over junior users in Colorado. In exchange Nebraska was assured 120 cubic feet of water per second (cfs) during the irrigation season. The Compact also granted Nebraska the right to construct and operate the Perkins County Canal (PCC) in Colorado to collect 500 cfs of non-irrigation season "excess flows," which were expected to grow as Colorado irrigation developed. Nebraska was given the right to obtain necessary land through purchase or eminent domain exercised in Colorado.

In its complaint, Nebraska argued that Colorado failed to curtail junior diversions despite summer flows dropping below the 120 (cfs) hundreds of times over the

last ten years. Nebraska began planning to construct the Perkins County Canal (PCC) in 2022, securing legislative funding in two phases to design and build the project.

Nebraska Attorney General Mike Hilgers said in a press conference that Nebraska had gained new understanding of the breach while conducting scoping reviews for the PCC project. Nebraska estimated it has missed 1.3 million acre-feet of its irrigation-season entitlement. Colorado contends that 120 cfs is a conditional right, as Nebraska has a “place in line” to receive water up to that rate, “when and if available” by curtailing Lower Section junior water users. Colorado argued the Compact fully apportioned the Upper Section to Colorado, and Nebraska has no right to interfere with those uses.

Hilgers said: “I think this may be the most consequential lawsuit that this office will be a part of in my generation. It is almost impossible to overstate the importance of the South Platte River to the future of the State of Nebraska.”

Nebraska also alleged that Colorado is actively blocking efforts to construct the PCC, noting an abrupt collapse of private land purchase negotiations. Colorado acknowledged Nebraska’s right to build the canal but disagrees about the proper forums to resolve disputes, arguing that eminent domain should be exercised in the Colorado State District Court in the county in which the property is located. Nebraska argued that, as an interstate issue, it should be exercised in federal court.

Colorado argued that there is currently “nothing for Colorado to interfere with,” saying Nebraska has failed to build the canal for a century or file condemnation actions. They argued that disputes over design and operation should be resolved during U.S. Army Corps of Engineers permitting review before the Court weighs in.

Nebraska argued that Colorado’s use of augmentation plans—which let junior users divert out of priority using replacement water—violates the Compact’s requirement that the system be self-executing and that any flow shortage be corrected within 72 hours. Colorado countered that the plans are a “rigorous and conservative” method that safeguards senior rights, noting the 72-hour rule applies only when low flow results from the State Engineer’s “neglect, error, or failure of duty,” and that Nebraska has shown neither insufficient replacement water nor such neglect.

Governor Jim Pillen (R-NE) said “Today’s action comes only after we made every reasonable effort to resolve our differences with Colorado. Ultimately, Nebraska must push forward to secure our water for future generations. Although we hoped to avoid a lawsuit, we are confident we remain on schedule to complete the

Perkins County Canal by 2032.”

Colorado State Engineer and Director of the Division of Water Resources Jason Ullmann said “For over 100 years the Colorado State Engineer’s Office has worked with Nebraska and performed the hard work of ensuring Colorado meets its compact obligations on the South Platte River. This means we make difficult decisions every day on who receives their water and when based on the priority system and compact terms. As a result, water users in Colorado and Nebraska all receive their allotted share... We were surprised and disappointed by Nebraska’s lawsuit and are hopeful once all the briefs are filed that we can resume discussions to meet the mutual needs of both of our States.” <https://www.colorado.gov/governor/news/gov-polis-ag-weiser-urge-supreme-court-reject-nebraska-case-south-platte-river>

MEETINGS

WSWC Spring Meetings

The WSWC Spring (209th) Meetings and Washington Roundtable, jointly hosted by the Interstate Council on Water Policy (ICWP), will be held from April 21-24, 2026. Tuesday will be reserved for Congressional visits. All ICWP/WSWC meetings on Wednesday and Thursday will take place at the Xylem Reservoir Center for Water Solutions. The meetings will conclude on Friday morning with the WSWC-WestFAST Principals Meeting

A limited room block for Monday-Thursday has been secured for WSWC members at the Thompson Washington D.C. Hotel. The deadline for our room block is March 19. Reservations requested after this date will be subject to availability. Further information, including agendas and registration, will be provided on our meeting page as it becomes available. Please visit <https://westernstateswater.org/events/2026-wswc-spring-209th-meetings-and-washington-roundtable/>

ACWA/EPA

The Association of Clean Water Administrators and the Environmental Protection Agency will host a Water Reuse for Data Centers Webinar on **December 3, 2025 at 2:00 pm ET**. Presentations and discussions will include considerations for permitting, treatment and cooling technologies, as well as an audience/presenter Q&A. Participation in this event will be limited to state and federal regulators. Please reach out to Ashley Harper, harper.ashley@epa.gov, for questions.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.