

**MINUTES
of the
EXECUTIVE COMMITTEE
DoubleTree by Hilton
West Fargo, North Dakota
July 25, 2024**

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MEMBERS AND ALTERNATES PRESENT *(via zoom)*

ALASKA	Christina Carpenter
ARIZONA	
CALIFORNIA	Jeanine Jones Joaquin Esquivel
COLORADO	<i>Lauren Ris</i>
IDAHO	Jerry Rigby <i>Matt Weaver</i>
KANSAS	Earl Lewis
MONTANA	Anna Pakenham Stevenson
NEBRASKA	Tom Riley
NEVADA	Jennifer Carr
NEW MEXICO	<i>Tanya Trujillo</i>
NORTH DAKOTA	Andrea Travnicek
OKLAHOMA	Sara Gibson
OREGON	<i>Racquel Rancier</i>
SOUTH DAKOTA	Nakaila Steen
TEXAS	Jon Niermann
UTAH	<i>Candice Hasenyager</i>
WASHINGTON	<i>Ria Burns</i>

WYOMING

Jeff Cowley
Brandon Gebhart

STAFF

Tony Willardson, Executive Director

WELCOME AND INTRODUCTIONS

Jon Niermann chaired the Executive Committee and called the meeting to order. He welcomed those attending in person and virtually. Introductions were made around the room.

APPROVAL OF MINUTES

The minutes of the meeting held on March 14, 2024, in Washington, D.C. , were moved for approval and the motion was seconded. The minutes were approved unanimously.

Jon – Tony, let’s get a report on budget and finances.

REPORT ON BUDGET AND FINANCES

Tony – You should have received this budget sheet. We actually approved two budgets. One budget was for the Council and the other budget was for the Water Data Exchange (WaDE) program. WaDE started in about 2009. The Western Governors’ Association (WGA) approached us with some funds from stimulus grants to look at energy development. The governors were interested in two components, one was water, and the other was wildlife corridors. While it doesn't take a lot of water to move energy, at least not electrical energy, it does take water to generate power. At that time, as we went through some discussions with the governors, it was evident that there was no one place to get data on water use in the West.

That’s sort of how WaDE got started and it has developed over the years. It has been a cooperative effort with WGA. Their recent resolution on water resources specifically included support for our water data exchange. They have also been very supportive of using state data with the federal agencies and others. You heard Ryan talk about making data FAIR, or Findable, Accessible, Interoperable and Reproducible. We’ve been doing that since about 2009 also.

We are considered to be a major hub for the Internet of Water and have been working with them for a number of years. Currently, the Council has been broadly recognized as a leader in making western water related data accessible and available. We are a trusted source.

One thing of interest, with wildlife corridors, the Governors developed what they called a Critical Habitat Assessment Tool (CHAT). Then they spun that off to the Western Association of fish and Wildlife Agencies. In our case, we developed the tool and we have maintained the tool.

I think you all know that Adel Abdallah, who was our program manager, left and went to work for the State of Utah the first part of May. Obviously, that has reduced our commitment as far as salaries and benefits for WaDE. What you're looking at here in the sandy or salmon color, is what the approved budget was for Wade and separately for the Council's core functions. There is also a total budget for FY 2024-2025. You'll see that in the approved budget we anticipated we might have a surplus of over \$50,000. However, the surplus anticipated that we would have other contractor costs, which we did.

As far as our current budget, the darker blue is our pro forma current income and expenditures. We took in for the Wade side of the ledger, a little over \$316,000 from a number of different entities, one being a \$200,000 WaterSMART grant, which just concluded. We also have had substantial funding from the Water Foundation. Joaquin Esquivel, with the California State Water Resources Control Board, was involved with the Water Foundation prior to his current position. Further funding has come from the BHP Foundation through Duke University. We have a couple more years of funding available. The Duke grants totaled \$450,000, with \$150,000 the first year and second years, \$75,000 for last year and this year through October, and then moving forward, half that amount for years four and five. We have had some discussions about accelerating that funding. The bottom line is that this past year we've spent about \$36,000 more than we've taken in as far as WaDE.

Some of that difference is because we will be billing for our expenses for the last quarter, and we will receive those funds in the current fiscal year. There is a lag between our expenditures and receipts.

Going next to the Council's approved budget, we expected having a surplus of about \$150,000 but that was in anticipation of hiring additional WSWC staff. We hired Elysse Campbell last August [2023], so that has balanced out this past year and we anticipate income and expenditures will leave us with a slight surplus of about \$13,000.

One of the income and expense items that we had not budgeted for this past year was the Thornburg Foundation work with New Mexico. Together with the Walton and the Water Foundations, these grants brought in a little over \$200,000 last year. We are now in the process of actually implementing that agreement, and most of the money, if not all of the money, will go to SWCA, a contractor that is working for New Mexico.

If you look at the total approved budget, it was roughly a million dollars for FY 2023-2024 and we spent about the same, well, a little less than that. We will have some of a budget surplus because of that \$200,000 from Thornburg that came in one lump sum. We spent about half of that money, and the remainder will show up as expenses in this current fiscal year. The income came last year, and the expense, the remainder of the expense will be this year.

With respect to the proposed budget, you'll see that we calculate depends on where we go with WaDE. As you have heard, we have a commitment now from the Bureau of Reclamation for \$400,000 as part of a new WaterSMART grant, but that has to be matched. This money would allow us to take our water right database and integrate open ET data to build a tool to facilitate voluntary, compensated, temporary water transfer agreements. This tool might be used by a state, or a conservation organization, a non-profit or some other organization.

In developing the proposal, we worked with the Upper Colorado River Commission (UCRC), which implemented a [System Conservation Pilot Program (SCPP)] this past year. They used \$15 million from the Bureau reclamation to acquire about 38,000 acre-feet of water, which was left in stream in the Colorado River. This was a demonstration of good faith on the part of the Upper Basin States.

I think I mentioned that in Utah, the Governor has closed the Great Salt Lake Basin to further appropriations, because of the declining levels of the lake. Utah has appropriated money for an agriculture optimization program. Todd, how much? It's substantial. \$250 million? They will identify water rights or water uses that could be reduced to leave water in a lake. We see our work as a potential tool to enhance their capacity. [The Utah Department of Agriculture is managing the program, and the legislature also created a Great Salt Lake Commission to provide general oversight.]

The Great Basin Commission and UCRC both signed a letter of support for our WaterSMART proposal, as did the Western Governors' Association (WGA). WGA's support letter was a little unusual. I think it's probably the first time, at least in our case, that they've supported an application. We have demoed WaDE and our Western States Data Access and Analysis Tool (WestDAAT) for the WGA's Staff Advisory Council (SAC). WestDAAT was released publicly in April 2023. We have some 2.5 million data points for something like one and a half million water rights. Obviously, a single water right may have more than one point of diversion, or a diversion used to supply more than one source.

We have been recognized as a leader in providing western water data. We've been looking to the future. What are we going to continue to do in the future? As mentioned, this new grant would allow us to not only incorporate OpenET data as a surrogate for consumptive use, which has always been a big hole in water budgets. But the new WaterSMART grant would also allow us to fund upgrades and improvements to some of the WestDAAT code.

I should say we have spent about \$2 million so far, and it's come from a small WaterSMART grant (\$200,000) and the rest has been from philanthropic funds. Ted Kowalski, from Colorado with the Walton Foundation has asked, and rightly so, "What are the states putting into this?"

To answer that question, we undertook an effort to describe state spending on their own water data infrastructure programs. It is one thing that we want to be able to demonstrate, that the States are putting money into observations and data gathering, as well as data analyses.

But as far as the Council, all of our costs to this point, nearly \$2 million has been reimbursed. We have not put any of the Council's funds into WaDE. I would say too that we have otherwise

benefited financially from these grants in that they are also paying us a de minimis 10% overhead. I'd say we've taken in about \$100,000 from those contracts, at least in reimbursed overhead expenses. They've also been reimbursed for Adel's and Ryan's salary and benefits and any travel expenses. All that was paid from those philanthropic and WaterSMART sources. Also, we have been reimbursed for my time. It's taken anywhere from 10% to 15% of my time to provide program management and oversight. The time spent by Michelle and others has also been reimbursed. As noted in the suggested budget, a lot of our philanthropic funds are winding down. We've completed those agreements. We have about \$75,000 left from BHP.

We also have another subcontract funded by the U.S. Bureau of Reclamation through the Lincoln Institute for Land Policy and their Center for Geospatial Solutions (CGS). We're helping them build a western water supply data hub for Reclamation. We've looked at some of the potential stakeholders. Currently they're just looking internally at Reclamation needs and wants, as far as water data. We probably have another \$80,000 to \$90,000 available over the next fiscal year.

We cannot match the \$400,000 directly from some of our remaining philanthropic funds, as we have in the past. We can use the remaining BHP funds, about \$75,000.

I did request that Reclamation reduce our required cost share. They have that authority to do so if it's for an environmental purpose. I thought leaving water in the stream was a pretty good environmental purpose, but they said no. They did agree to credit us for over \$108,000 for costs we've already incurred since the grant availability announcement putting together the proposal with our IT contractor and designing the tool.

My suggestion is that we take \$200,000 from the Council's reserves to partially match the new grant. If you look in your briefing materials, you'll see our current balance sheet. We are in the black. I would say our equity is about \$900,000 and we could take \$200,000 of that to be sure we can make the required match this year. With the \$108,000 pre-award cost that they've agreed to recognize and with the \$75,000 from BHP and \$200,000 from our reserves, I believe we can meet the match. We are still looking for partners, and we might not have to come up with the entire \$200,000. The challenge with the grant is that much of the money to build the tool would be upfront.

Our estimate, you will see for DPL, in that third column, is to complete the design and build the tool. They gave us a cost estimate of up to \$350,000 last August. They are supposed to be updating that. They think it will be pretty close to that. We also have a little bit of extra money in the budget for other contractors. We have worked with one of DPL's former employees that has done some work for us as well.

Essentially, if we commit \$200,000 that would still leave us in reserve roughly enough to cover our annual expenditures. I don't think it would create any difficulty, but it would be a commitment on our part that we have not made in the past. Over the next two years, we would continue to look for funding from some of our partners. Obviously, if we are putting money into the tool, it's going to be easier to go back to some of those partners. We're willing to put this much in. Can you continue to contribute to this?

We have already had some discussion and questions raised. The tool is intended to be used individually, it is not something that would be used basically to estimate water use for water rights for the entire West. Are there any questions I can answer?

Jon – When do we have to make a final decision?

Well, we got the announcement that our WaterSMART proposal was approved in April. Since then, we've been working with Reclamation on the financial assistance agreement. We did have a letter up front as part of the application process in which we said we could find the cost sharing requirement. I expect they will come back relatively soon for a final commitment. Some of you may be aware that this Administration is trying to push a lot of money out the door. I expect we will probably get a financial assistance agreement from them to sign in the next few weeks. One thing maybe I could add is that WestDAAT is a critical component of the next step, and that is adding the evapotranspiration (ET) data.

Under our first WaterSMART grant, with Reclamation over the past year, we also worked to identify Reclamation's water rights via WestDAAT. Let me read a couple of comments from Reclamation staff. Darian Mayhorn is the supervisor of the Operation and Maintenance Branch for Reclamation. He said, "Since the 1980s there's been this vision of having a single source, shared water rights database. We've been incredibly grateful for the collaboration, both in our ability to provide funding through WaterSMART and to leverage what the WSWC has done. I think it has been really impressive how well we've worked together. The WSWC has done great work through this project and saved us from recreating the wheel and develop something someone has already developed for their enterprise asset information and strategy management."

Jesus Hernandez, Enterprise Asset Information Strategy and Management, said "Back in 2021, WSWC gave us a presentation on the work they were doing, and we knew immediately we could leverage the good architecture and code. It was impressive to see them collate all those records together and tie them back to the original data source. It was really nice for Reclamation to have a kind of a guide to use going forward without having to recreate an entire new solution as it removed a lot of redundancy Reclamation would have had to do to curate and update our water rights inventory. Our partnership with them has been very effective."

Tony – What we're looking at is really a regional tool and regional planning. North Dakota knows what North Dakota's water rights are, but when you get into interstate or inter-basin situations, you're going to want to know: What are the other water rights? What are the other water uses? WaDE and WestDAAT have been a force to bring that all together in one place, as well as to begin to standardize the presentation of some of that information.

That's where we're at right now. Really the question is: Are we willing to put up some money up to match moving forward with this grant while continuing to look for other philanthropic sources?

Anna Packingham Stevenson – So it sounds like you're working with Colorado and Utah. I know my agency just spent about \$2 million to get our OpenET data in Montana. In order for any of the other States to use the tool, they would have to have OpenET access, correct?

Tony – Yes, the tool is designed to use OpenET data. However, I had thought that was a much more substantial cost than it may be. I thought the Upper Colorado was paying like \$50,000 for the data, but that’s not what I’ve heard from Sarah Larsen. For those of you who don't know Sarah, she worked for us when WaDE was developed. She went to work for the Upper Colorado River Commission and managed their System Conservation Pilot Program (SCPP) designed to leave more water in the Colorado River. We've collaborated with them and discussed how we could assist them with this tool to make their work easier. Sara’s now with the Internet of Water and Lincoln Institute of Land Policy. She told me that they only paid maybe \$2,000 for a license to use Open ET data. The cost is a question that we’ll have to explore.

Anna – It is a lot more expensive than that because we just paid for it.

Tony – We would use OpenET data and they are working towards mapping ET so it would be more automated. They actually allow you to draw polygons and they’ll show you what the water use has been, historical water use. We have that same capability through WestDAAT, which allows you to designate a polygon related to the point of use for water rights, whether that’s a crop circle or a field. OpenET would then be used to look at the consumptive use over time.

The big challenge, I think, with the UCRC was actually the back and forth between the landowner and the Commission over, “Well what if I fallow this field, or what if I fallow that field?” Changing proposals made it difficult.

The other thing related to some of the funding. They started with three, I think, three different buckets. My understanding is when Reclamation agreed to fund this Reclamation underestimated the costs. I've heard there was some grumbling about some Reclamation economist thought they could get the water for \$150 an acre-foot. I believe the average was \$350 and one of the buckets was \$650 per acre-foot. One of our former members, James Eklund, from Colorado, participated. He has a family with a ranch on the West Slope. He got the \$650 for his water. Well, he's probably in a temperate area where you might get four cuttings of hay, so the water, to him, was more valuable than maybe to others. He's also come up with another concept, which is intriguing. He’s created a non-profit called WaterCard. The intent is to address the difference between what the price a farmer wants to participate. He is suggesting a program funder may have this much money, and the farmer wants more money, so what can you do to close the gap? James’s idea is to bring in corporate interests that may be trying to get credits to offset their process water use by contributing to conservation programs. Can they step in and close that gap? They get credit towards a “net zero” water use goal, and could facilitate more participation by some of the agricultural interests.

Anna – Does the tool have to be run on the WaDE data set? I know that we all contributed to that, but it has some still limitations in terms of the representation of the data that each of our own States provided in terms of our databases and our own query system. I guess my next OpenET question is that in order for this tool to be used, in Montana, we want them to be able to use that tool on our data sets. There are differences between WaDE and the way our data is presented and used. Does it only have to be the integration of WaDE and OpenET, or could this be used within our own betas as a database?

Tony – That’s a good question. Our WaDE data is your data, though we have made some adjustments for consistency. For example, we have limited the purpose of use to 22 categories. I guess you would say that there are some differences in the data. It’s an open-source code, so the State could use our code and import whatever water rights data that you might have. The tool itself, I think, would allow you to make those adjustments.

Anna – We’re in the early uncomfortable zone. We’ve had some severe discomfort, and now we’re in a good comfort zone. I want to understand the public nature of this and what that would look like. We just got legislative funding for the data. I would not want to see a tool come out that’s like, here’s your consumptive use. Montana supported this [tool], and now, if you go through with these conserved measures, you’re now subject to 20 acre-feet of abandonment. I’m just trying to understand the public nature of the data. I understand we could choose to use the tool or not, but whether and how our public may see this is a “freak out factor” for us.

Tony – Well, for those of you who were at our meetings in Washington, D.C., we had the American Farm Bureau and a representative from the Family Farm Alliance come and address us. I think they recognize the utility, but their concern is about all this personally identifiable information being made public. Actually, the tool is not providing information to the public. For example, the Upper Colorado River Commission operated their program. The proposals were made to the Commission. The Commission reviewed the data, and the data was only available to the applicant and to the Commission, or in the Commission's case, to a consultant for review to ensure that the farmer had the water that he said he had.

We envision that the tool could be made available to an irrigation district, for example, or allow a district to review applications. A water right may be held by an individual landowner, or it may be held by a district. Whether it is an individual or the district, they obviously are not going to be thrilled about their entire district following all their land and perhaps not having enough revenue to operate. Say the district chooses to limit the participation of any of their farmers to 20% of their land or water, they could do that. The information that's submitted by the applicant would only be available to those reviewers, or to the State, and would not be public information.

Anna – I appreciate that the applicant’s data would only go to the program sponsor, the State, or a technical reviewer, and the applicant. But the tool itself, the data behind it, and the analysis behind it, that is the place I got a little bit stirred up. Do we want to have that tool out there, in public and in use.

Tony – If you’re talking about OpenET, yes, it is public information, and they map evapotranspiration for the entire West.

Anna – Anyone can look at the data, but the consumptive use analysis is, I think, where a lot of our constituents haven't gone through the cycle of fear and would not work here. If the Western States Water Council has developed a tool that has a consumptive use analysis, and you can then look up their water right and say, “Your consumptive use is this, and your water right is this? That is where I have some concern. I appreciate anyone wanting to use the tool to post data and giving it to me. It’s just between me and them, but here’s the fear. Every environmental group will say, you’re not using

your full water right. Why isn't this subject to forfeiture or abandonment? I'm not talking about the application data. I'm talking about the data that is being brought forth with this tool, not analysis. Does that make sense?

Tony – I think so. The tool would not make that information available for all the water rights in our database. What the tool will do is take the OpenET data, and part of what they are actually working on now is actual ET, not total ET. It would subtract out reference ET, from total ET to get net ET. Basically, you take ET off of a parcel of land, you have what water you're applying to the land, but you also have precipitation. Effective precipitation is subtracted out of that total to come to net ET. That's one thing the tool would allow the State to do. Now that information is not made public, and wouldn't even be made available to other applicants, only the applicant, the reviewer, the program sponsor, and the State would see that data. I think that's where the farmers and the farming organizations have a lot less heartburn because it would not be available to everyone.

Unknown female – Where is this tool going to live, and who is going to see it? Is it going to live on the Council's website? Can anybody access it? Would a State have to apply to the Council to get access to it, to use it?

Tony – Currently our water rights database is all public data. The code is all open. You can get on and you can see what's there. You can't change the code without a license, without going to the Council. We also provide a disclaimer that it is not our data. We are not maintaining the database. All we're doing is providing access to your water rights database. We are standardizing some of the ways that it's presented, but it links to your actual water right page.

Anna – So we have WestDAAT and Bob and Susie, okay, Bob the farmer has a water rights. What's that? He can look up his water right on WestDAAT and on my data delivery system. Susie, not the farmer, can too. Now we have a new tool on consumptive use. The consumptive use tool is going to take Bob's water right and compare it to OpenET data to find his water use. Then you put it into something that could come to the States, but is on the Council website. Bob can do that, but Susie can do that too. Correct.

Tony – No actually, they can do that anyway. The tool is really not the application of OpenET to the water right, because you can already do that. What the tool is going to do is facilitate the management of conservation programs, if that makes sense. So right now, you can get the OpenET data map, and with whatever license you have, you could take the OpenET data and you could match it to a water right with or without the tool that we're talking about.

Jon – I'm glad you're asking the questions.

Tony – Regardless of what you think about OpenET, the tool would simply make it easier for you for a conservation program to receive applications, review those applications, evaluate those applications, get clearance from the State or the irrigation district, or whoever is reviewing those applicants and help with prioritizing those. You'd be able to insert how much you're willing to pay for the conserved water. Say it's the State that is promoting reducing water use, and the farmer then determines whether or not he wants to participate. If so, the farmer determines which are the parcels

that he would like to fallow. So it is just a tool to facilitate that interaction between the farmer, the funding entity, and the reviewing entities. OpenET is still going to be there. You can still get it just like WestDAAT. The water rights data is all public. WestDAAT just makes it easier to access.

Unknown female (same as above) – This feels like it has a very specific objective. I would love to do this kind of conservation buyout program. We don't have the initiative or the funding. So, I mean, it sounds like something that could maybe be developed on an as needed basis, and people could just pay for that development if they needed that kind of tool.

Tony – You could, I mean, we can do it, create the tool, or you create your own individual state tool.

39:23 (male) – Is the effort primarily with Reclamation and federal funding to pay to lease water use? Is the federal government getting its money worth? Is that right? So your recommendation is more creative. It seems like there's a connection here. Your recommendation is saying we want to make sure we're getting what we've paid for. We don't have a tool to do that. You've got the data. We'd love for you to build a tool that compares these two things. To give us a tool so that we can say, how do we manage cost share, lease in such a way.

Ria Burns? 40:08 (Same female as above) – But also with a very significant match on our part.

Tony – Well yes, and I think to broaden that, southwest Kansas has a groundwater overdraft problem, that eventually will have to be addressed. Kansas could use this tool to do that. It may not be Reclamation. Maybe it is NRCS that's willing to come in and provide some funds to reduce groundwater use in southwest Kansas. The State of New Mexico on the Pecos have had a buyback program for groundwater to maintain their compact commitment deliveries to the Texas State Line. Oregon, I understand, is doing some things, looking at water right and actual water use reductions.

41:20 (female) Unknown Speaker – So, like, you have an applicant for this, these funding programs, someone submits an application, and then you say that's okay. It doesn't really sound like it's about OpenET or about a water right, per se, but it's more about developing an online application process for any of those types of programs.

Tony – The State could use it to determine if they don't want to use OpenET and they could use some other means of doing it rather than the way it is designed. Your data is already public, if anybody wants to find your water right. Right now it would be OpenET data. The States of Utah, Colorado, Wyoming, New Mexico, spent 10 years trying to come to agreement on how all four states would measure their depletions or consumptive use in the Upper Colorado River Basin. They reached a determination to use a modified Sebal calculation [eeMetric]. I think that is what they're using. OpenET has been developed by NASA. They've tried to move it somewhere else as an ongoing program. The U.S. Geological Survey has funding to manage OpenET, which uses an ensemble of ET calculation methods. So it's more than just one method that they use to come up with their OpenET mapping. The idea is that they are going to map net ET automatically so that you don't have to do the mapping.

Jeanine Jones – We’ve done water use verification for decades for a water transfer in California, and they run around 300,000 acre-feet a year or so. That’s all happening with existing technology and information. No need for a tool right now. There’s about a billion dollars of Reclamation money going into temporary fallowing programs in the Lower Colorado River Basin. How they’re going to verify that? I don’t know, but they’ve already signed all the contracts for it, and you know, that’s in progress, tool or no tool. So that was one thought. The second thought is, in California we have signed a contract for OpenET. We are at about \$3.8 million for the three-year contract for the OpenET data. I know the Colorado River Authority borrowed our contract model, and their contract, I think they’re paying between two and a few million. I think that’s the number. I’m not certain on how many years.

So OpenET was developed by NASA. NASA is not in the business of commercializing applications. They hand that off to others. We were actually involved in the development with the Environmental Defense Fund (EDF), NASA and a nonprofit in what they are calling OpenET, which is kind of confusing. They could have OpenET, the technology, and OpenET the nonprofit. But basically, you buy the data from a nonprofit, and they don’t want you just giving this away really publicly, because that’s how they make their money. We’re handling the OpenET data purchase by making them support our groundwater management activities. We’re not displaying that expensive data on a website. People have to sign up with a subscription. It comes with, you know, conditions about not disclosing, etc. So, you know, we don’t do it ourselves. We don’t need the OpenET data for validating the transfers we’ve already been wheeling for years. But it’s a nice tool to be able to offer to our local agencies that are doing groundwater management. However, they want to address it. But this tool that Tony has described, and I’m not clear on it myself, is not something that we have contemplated, used, nor do we have plans to use it.

Tony – I would say that in the Central Valley, NASA has applied OpenET with the individual farmers to improve their operations.

Anna – So Tony, I’m a torn right now because, on the one hand, I feel like there’s this pressure to approve this, and I want to be supportive of other states. But from this conversation, to me, it makes it clear that I don’t actually know what the proposal is. I’m so confused. What is this right? What are we doing? How’s this different from what we’re doing, now? I’m asking those questions. It feels like some of us may need to do some additional vetting to better understand how this fits, because it is a lot of money. I know all our States are strapped. I know we’re paying for a lot of ET stuff, and so I just wonder, to what extent is it really essential to get this cost share agreement in place whenever they send it over next couple of weeks, so they can’t wait? And it seems like more than one of us is confused. It’s not just me, if it was just me, I’d be quiet.

Tony – From my perspective, there’s no one else to do this that has the water rights database, but it is going to be used individually. The other problem I have is going back to WGA and telling them, “Well, we appreciate your letter of support, but we’re not going to do this.” Especially when we’ve already taken \$2 million from other sources, but saying we’re not willing to put any money into it. That’s a question we have to ask. I think the tool, once it’s available, is available to anyone. It’s available to the States, because it’s all open code, so whether Oregon, Montana, or Nevada... whoever wants to use it can use it. I would add that the \$200,000 that we would put into

it, we've already received from philanthropic grants. As I said, we've had our overhead reimbursed, which we would have paid anyway. Also, in part, the reserves that we have are from the philanthropic grants paying part of my salary and part of Michelle's salary.

Tom Riley – Sure the cost share requirement doesn't recognize what States do with our budget every day to approve, develop, map, and create the data for the water rights. This program doesn't exist. So right there, just off the top of my head, we probably spend about a million dollars a year managing that.

Tony – Yeah, and you saw some of our graphs showing what some of our States spend.

Tom – I see a real conflict that if you have an NGO that wants to go work with a producer and reduce their use in Nebraska. They could be doing that over here and creating a good process for the producer, and you go for input from the State of Nebraska, and five years later, we have to adjudicate them. We have a way to protect their water right if somebody wants to do that. But if you don't do that, you run the risk of adjudicating your water right for the reduced use. They may fear that I'm going to come in as soon as I see that and catch them.

Tony – Well, I think that's a risk.

Tom – How do those people think they can take the States kind of out of the equation?

Tony – Well, the State's never out of the equation. The tool can require you to review the application. The UCRC requested proposals from landowners that were reviewed. First you have the water right and the amount that you're claiming. OpenET was used to show how much you were actually saving.

Jon Niermann – I've got to do a time check here, because we're over time already. It's clear that we're not in a position to support signing the agreement yet. Maybe we can get there in a matter of weeks or months. Maybe not. We just need to discuss this more and learn more about it. I don't think that's going to happen the next five minutes. Jerry, yeah?

Jerry Rigby – Can the Executive Committee approve signing the contract? What about the full Council doing that? If we need to get back together in a couple weeks as the Executive Committee, can we do that and take action?

Tony – Yes, and it's an internal matter, and it only requires a majority vote.

Jerry – A lot of questions have come up. A lot of issues are involved, including whether or not this is a good use for our reserve. I just at least wanted in our discussion, to mention the fear factor in Idaho. Obviously, I was one of those in the very beginning saying, "No way, and Big Brother is going to have all this over us." It was used in adjudication [remote sensing]. It worked well. We use it all the time. I'm constantly involved in transfers and so on and so forth. I use the determination of just how much of this land is being used and water and what it's been used for. I'm way all over the fear factor. I guess what I'm saying is that, and I think most in Idaho would agree, but you're right.

We're way over time. Maybe we can have this discussion later, but if Matt wants to opine as to whether or not this can be done, just like Idaho has done it, we did it without this tool. Matt can speak to that, that's great, but I'm just saying it's a good tool. I'm all in whether or not the Council can support it. It is another issue. Jeanine, that's the other issue. But I don't know on that.

Tony – Matt, do you want to chime in?

Mat Weaver – Yeah. Tony, thanks. Can you hear me? Okay, yeah, I can hear you really well, and I can hear Jerry really well, but I can't hear many of the other speakers, so I feel I'm a little bit at a disadvantage because I haven't heard everything clearly. I just physically haven't heard clearly what the concerns are. I did hear Jerry. Well, I think he's right that Idaho has a long history now of making consumptive use and water right data fairly easy to acquire by the public, and we've relied on that with many of our administrative tools. But beyond that, I'd want to have a better understanding of the concerns that were being raised by the States before I committed to anything.

Jon Niermann – Jennifer last thought on this topic? Then Janine? I'm sorry, I'm going to cut you off, and then we're going to get on to other things.

Jennifer Carr – So actually I know nothing about what any of you've been talking about for the last 45 minutes! I've been worried taking a bunch of notes that I'm going to take back to Adam. But from a Council's perspective, I would be interested in understanding, if we're using Council reserves, is it equitable? I mean, all the states pay into it, would all the States get value? Is it just a few States that would get value from it? Is there another model where the match could be generated another way, or is it an appropriate use of the Council's cash to contribute to something that maybe not everybody would benefit from? So that's by 10,000 foot view.

Jon – Jeanine, we're going to have to continue this conversation at a later time. I think the rest of the items on the agenda are covered in the handout material. Is there anything that we need to address here?

Tony – Only the update on the Kansas meetings. We can just briefly mention it.

Jon – Kansas in the Fall on October 22-23.

Tony – Yes, so meetings would be a full day on the 22nd and 23rd. We're meeting in conjunction with the Interstate Council on Water Policy, because Kansas is also hosting them this Fall, and would rather be hosting one meeting rather than two!

Jon – Just like we did in DC last time.

Tony – We will be in Lawrence, Kansas.

Jon Niermann – Anything else?

Tony – Just why don't we set up an Executive Committee webinar to show you the tool?

Jon Niermann – All right, to be continued. Anything else for the good of the order? All right, 123 we're adjourned.

WaDE/IN-KIND CONTRIBUTION SURVEY

A summary of survey responses related to state water-related data expenditures was included in the briefing materials and briefly mentioned earlier.

SUNSETTING POSITIONS

The positions presently sunsetting were reviewed by the working committees at this meeting.

EXECUTIVE DIRECTOR'S REPORT/WSWC ACTIVITIES and EVENTS

The report was included in the briefing materials.

FUTURE WSWC MEETINGS

Jon noted the WSWC's 2024 Fall Meetings will be held in Lawrence, Kansas. The 2025 Spring meetings will be held in Nebraska, the Summer meetings are in Utah, and in the Fall in California.

COUNCIL MEMBERSHIP UPDATE

The membership list was in the briefing materials.

SUNSETTING POSITIONS FOR FALL 2024 MEETINGS

The positions sunsetting at the next meeting were noted for future review.

OTHER MATTERS

There were no other matters.