

**MINUTES
of the
206th COUNCIL MEETING
Courtyard by Marriott
Lincoln, Nebraska**

April 25, 2025

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MEMBERS AND ALTERNATES PRESENT *(via zoom)*

ALASKA	<i>Tom Barrett Christina Carpenter</i>
ARIZONA	<i>Trevor Baggione</i>
CALIFORNIA	<i>Joaquin Esquivel Jeanine Jones</i>
COLORADO	<i>Jojo La Jason Ullman</i>
IDAHO	<i>Jery Rigby Mat Weaver</i>
KANSAS	<i>Earl Lewis Tom Stiles Matt Unruh</i>
MONTANA	<i>Trevor Watson Jay Weiner</i>
NEBRASKA	<i>Jesse Bradley Justin Lavene</i>
NEVADA	<i>Jennifer Carr Cathy Erskine</i>
NEW MEXICO	<i>Tanya Trujillo</i>
NORTH DAKOTA	<i>Reice Haase</i>
OKLAHOMA	<i>Julie Cunningham Sara Gibson</i>
OREGON	<i>Doug Woodcock</i>
SOUTH DAKOTA	<i>Nakaila Steen</i>

TEXAS

UTAH

Candice Hasenyager
Teresa Wilhelmsen
Mark Stratford

WASHINGTON

Ria Bearns
Leslie Connelly

WYOMING

Chris Brown
Jennifer Zygmunt

GUESTS

James Schneider, Olsson
Bill Udell, Don't Panic Labs
Levi Hagen, Don't Panic Labs
Charlie McGuigan, AGA-CWAG
Tom Riley, Riley Consulting LLC
Brian Clark, U.S. Geological Survey
Victoria Asbury, Kansas Water Office
Jennifer Verleger, State of South Dakota
Christopher Estes, Instream Flow Council
Rick Allen, Evapotranspiration Plus, LLC
Conor Doherty, California State University
Ayse Kilic, University of Nebraska-Lincoln
Adel Abdallah, Utah Division of Water Rights
Forrest Melton, NASA Ames Research Center
Austin Davidson, Legislative Finance Committee
Matt Rakow, Washington Department of Ecology
Hannah Singleton, Southern Nevada Water Authority
Dave Christensen, Washington Department of Ecology
Philip Blankenau, Idaho Department of Water Resources
Alexa Davis, Nebraska Department of Natural Resources
Austin Davidson, New Mexico Legislative Finance Committee
Sarita Nair, New Mexico Department of Workforce Solutions
Isabella Peterson, Nebraska Department of Natural Resources
Patrick Fridgen, North Dakota Department of Water Resources
Kathy Alexander, Texas Commission on Environmental Quality
Andrew Dunkley, Nebraska Department of Environment and Energy
Patrick Kormos, USDA Natural Resources and Conservation Service
Mark Mayer, South Dakota Department of Agriculture and Natural Resources

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
Heather Hofman, Natural Resources Conservation Service
Elizabeth Ossowski, National Oceanic and Atmospheric Administration

STAFF

Tony Willardson
Michelle Bushman
Elysse Campbell
Ryan James

WELCOME AND INTRODUCTIONS

Julie Cunningham, Vice-Chair welcomed everyone.

APPROVAL OF MINUTES

Julie entertained a motion to approve the minutes from the meeting held on October 24, 2024, in Larence, Kansas. There was a motion, a second and the minutes were unanimously approved.

COMMITTEE REPORTS

A. Water Resources Committee

Candice Hasenyager noted that the Committee moved to forward two sunseting positions to the Full Council for consideration. The first one, Position No. 478, supports rural water infrastructure needs and projects. Candice made a motion, a second was given and the motion was unanimously approved. The next one, Position No. 479, supporting renewable hydropower development. Candice made a motion, a second was given and the motion was unanimously approved.

B. Water Quality Committee

Tom Stiles reported on the Water Quality Committee, which had a very robust series of discussions on: Nebraska's groundwater nitrate issue; Colorado's new dredge and fill program; as well as a quick visit and conversation with EPA Region 7 Administrator Jim Macy. The Committee moved two positions to be forward to the Full Council for consideration. Position No. 481, regarding Clean Water Act jurisdiction, which now reflects the ruling from the *Sackett* decision of the Supreme Court, with a continued push for cooperative federalism and for EPA and

the Corps to constantly engage with the states as they work on trying to implement the question of federal jurisdiction on the Waters of the United States. Tom made a motion that it be passed by the Full Council. There was a second and the motion was unanimously approved.

The Committee also discussed a new proposed position regarding the extension of NPDES permit terms, which was moved to be forward to the Full Council for consideration. Tom made a motion that it be passed by the Full Council. There was a second and the motion was unanimously approved.

C. Legal Committee

Sara Gibson reported on the Legal Committee, which had few changes to the agenda. We heard from Cathy Erskine and James Bolotin on historical water rights. Matthias Sayer spoke on produced water, and then we had a roundtable discussion on state water plans and state funding with questions from New Mexico. The Committee reviewed one sunset position. Position No. 480, regarding migratory birds and the management of state water rights and resources. The Committee did make some changes by removing some specific references to some rulemaking that is no longer active. Sara made a motion that it be passed by the Full Council. There was a second and the motion was unanimously approved.

D. Executive Committee

Julie reported that during the Executive Committee, the focus was mainly on the budget. Members went through line by line, and the budget is in good shape.

Tony Willardson mentioned yesterday's presentation on WaDE/WestDAAT/WestCAT, and that our DPL contractors were there. While our grant agreement with Reclamation was for two years, we've moved quickly and have essentially finished WestCAT in one year. We've also utilized the full amount of Reclamation's funding. Regarding our budget, we have allocated \$200,000 for this year. However, due to the accelerated development, we've already spent \$400,000, which was covered by Reclamation funds. This represents a change in our budget. Additionally, looking at our expenses, we undertook some work for the state of New Mexico to assess their infrastructure priorities. This project was funded by the Thornburg Foundation, with contributions from the Walton Foundation and the Water Foundation. We had anticipated this expense, and the majority of the revenue came in last year. However, \$100,000 in expenses were carried over to this fiscal year, which we hadn't originally budgeted for. Overall, we are currently slightly in the black and anticipate remaining so by the end of the fiscal year.

WESTFAST REPORT

Chris Carlson provided an update on WestFAST. He expressed his appreciation for the ongoing relationship with the WSWC. He noted that the past few months have brought significant personnel changes across many WestFAST member agencies. Several members have already left federal service, and more departures may be coming.

They are currently navigating what WestFAST will look like as the federal government's restructuring under the current administration becomes clearer. As mentioned at the last WSWC meeting, WestFAST has formed a more streamlined Executive Committee for leadership. This Committee currently includes members from the EPA, Forest Service (myself), BLM, NRCS, and the Fish and Wildlife Service. The expectation is that a good portion of this group will remain after the federal restructuring and will be able to provide ongoing leadership for WestFAST.

WSWC STRATEGIC DIRECTIONS SURVEY & DISCUSSION

Michelle: As you are all aware, we're currently focusing on strategic directions for the WSWC. We sent out a survey back in February and received valuable responses from 15 of our states. Orit, our facilitator, unfortunately couldn't be here today. However, she has provided guidance to help us dig deeper into the feedback we received from the survey. To do this, we've set up four stations around the room and created corresponding online breakout rooms, each focusing on a different area:

*Meeting Agendas: This station is for discussing our meeting agendas. This includes both our individual committee meetings and our multi-day meetings, like the one we just concluded this week.

*Policy Resolutions: We'd like your input on our policy resolution process, including any suggestions on how we might consolidate them or any other comments you have on the resolutions themselves.

*Effective Advocacy: This group will be discussing our advocacy efforts – what we aim to achieve, what it should look like, and how we can best prepare for it.

*Value Added: This station is for exploring what makes the WSWC distinct from other organizations, the unique value we provide, and how we can best focus on and deliver this value to our individual states and in our external engagements.

Please feel free to self-select the station that interests you most. If you have thoughts on multiple areas, please feel free to move between them. We'll have about half an hour for this activity. There are handouts on the back table for each of the four topics, so please grab one if you haven't already. You can take it with you and add your thoughts later if you wish.

We will gather all of this input and share it with Orit, who will help us with the next steps. When we meet in June, we will dedicate a half-day to further discussion on these topics. This session is designed to help us prepare for that in-person discussion. We anticipate discussing other items in June as well. In August, we plan to consolidate all of this feedback and identify specific actions the WSWC recommends. We will likely vote on any proposed changes at our fall meetings. We will now spend the next 30 minutes in these four groups. I will set a timer. Please do join one of the groups and provide specific details and suggestions rather than general comments. After 30

minutes, we will reconvene for about five minutes to hear key takeaways from each of the four groups, both from those in the room and online.

After 30 minutes, the group reconvened to discuss the key takeaways from each of the four groups. Meeting agendas was the first topic discussed.

Joaquin Esquivel: We think it would be beneficial to dedicate some time annually to discuss the most pressing topics facing the WSWC. Perhaps identify a few key themes or issues that we can collectively focus on throughout the year. Make it a little more interactive.

Candice: There's a general feeling that the agendas are quite full, which unfortunately leaves limited time for meaningful state discussions. This can sometimes lead to a sense of rushing through important points or not having an adequate opportunity to ask questions. I think it would be beneficial to explore ways to incorporate more time for state discussions. Some ideas might include reducing the number of agenda topics or allocating more time to each item. Finding balance that would accommodate all these considerations. I would love to see more state discussions, or workshops on particular topics. There have also been discussions about potentially reducing travel, perhaps through virtual meetings.

Julie: I really enjoyed that Groundwater Workshop. I really appreciated that we had ample time for everyone to share their thoughts. I took a lot of notes and found the discussion time to be very valuable.

Christina: We discussed the importance of including a wrap-up in our meeting agendas. This would ideally summarize action items and clearly identify who is responsible for each, as well as track progress on these items between our discussions.

Julie: What about the timing of our meetings? I recall Christina mentioning that it was 5:00 am her time. I am open to starting our meetings a bit later, though we would need to adjust the agenda accordingly to stay within our time constraints. It also might be beneficial to explore options for consolidating our meetings. For example, could we schedule Committee meetings in the morning and then have the Full Council meeting in the afternoon on a single day.

Michelle: As WSWC Staff have discussed, this is a hard meeting to run, especially hybrid. We were thinking we could schedule the business items, such as reviewing minutes and discussing positions, in the morning. Then, the afternoon could be dedicated to speakers, open to all attendees. We've also encountered some challenges in determining the most appropriate committee for certain topics and speakers due to overlapping interests, and the structure of the Executive Committee's business meetings don't accommodate speakers. By having a dedicated speaker session in the afternoon, it could simplify scheduling and allow everyone to attend presentations of interest, as most members tend to participate in all sessions anyway. This approach could make the meetings more manageable for us as staff, especially as we continue with hybrid formats.

Tony: Regarding the meeting formats we've used in the past, we've tried a few different approaches. At one point, we had a "three committee meeting" format where our group met before

the other committees convened. We've also had overlapping meetings, which proved to be difficult at times, as some states could only send a single representative who then couldn't participate in all the discussions across the various committees. We've also organized separate workshops. Additionally, we've held several subcommittee meetings on the day before the main committee meetings.

Julie: So do we like the speakers interjected, you know, interspersed in those meetings?

Sara Gibson: For me, in my ever-shrinking attention span, I don't know that I would want to have just a whole afternoon of speakers.

Michelle: Maybe an afternoon with some speakers and some discussions, which would also address the issue of having additional state discussions.

Earl Lewis: I'd like to suggest we consider having fewer speakers during our meetings. It often feels like we move from one presentation to the next without much opportunity for discussion. While I value the information shared by the speakers, I personally find benefits in more interactive discussions. Perhaps some of the presentations could be moved to an online format or shared beforehand, allowing for more in-depth conversations during our meeting time. This approach might also help keep participants more engaged between meetings if we're sharing different topics leading up to a state discussion. Ultimately, I believe greater emphasis on discussion rather than back-to-back presentations would be more beneficial.

Trevor Watson: I second that. I think the suggestion of shifting the format from three in-person meetings to two in-person meetings and one online session each year was to potentially structure the online meeting as more of a presentation-focused event, rather than expecting in-depth discussion. This would allow the in-person sessions to be dedicated to fostering robust communication, ensuring a clear understanding of everyone's contributions, and creating valuable feedback loops. The in-person format would be ideal for interactions where direct engagement and feedback are most beneficial.

Julie: What about the federal updates? There's a lot of federal agencies that come in - is that something we need to be more kind of pointed with?

Michelle: We've had hour-long WestFAST webinars as a part of series or individual topics that have allowed the speakers to talk longer about a certain program or what their agencies were doing. Maybe there's a potential to shift more federal updates to a webinar format.

Jennifer Verleger: I think the federal updates are good. However, the federal government also moves so slowly that maybe we don't have to have updates at every meeting.

Julie: So maybe when they're surer of their money situation, invite them back and inform us.

Tony: I think something we have talked about, and Michelle is working on incorporating into her testimony, but I think it would be beneficial to emphasize our consistent support for SRF funding through the various letters we've joined, which highlights its fundamental importance to our work. We've heard reports of staffing losses at Reclamation, USGS, and NOAA. Given this, it might be helpful to build on the testimony Michelle is presenting to the House, especially concerning WestFAST, and I think in cooperation with WGA, we want to emphasize that certain aspects of this federal work are foundational and essential for us to complete our state work. I don't think we want to start running the snow survey program as a state program.

Jerry Rigby: When WestFAST first got kicked off and really got going, we experienced significantly higher levels of active participation from our federal agency members. This was invaluable, especially considering the initial discussions where federal entities expressed interest in council membership. As we clarified, the Council is state-driven. However, the input and expertise of our federal partners are highly valued and have been instrumental in WestFAST's progress. I think the COVID pandemic may have shifted engagement somewhat, but some individuals have continued to be key contributors. Moving forward, I believe it would be beneficial to understand from our federal agency representatives what steps we could take to encourage greater participation.

Jennifer Carr: As for the value WestFAST brings, I'm happy to discuss our perspective on that a bit later, but I had my hand up earlier in regard to the meeting agenda topic that I wanted to share some feedback. I think it would be beneficial if the presentations were structured to introduce topics and then lead into more in-depth discussions. Perhaps a format where we have a shorter presentation, say around ten minutes, followed by a more substantial discussion period, taking up the majority of the allotted time. I absolutely agree with all of the comments about wanting fewer presentations and more time to share state perspectives.

Trevor Watson: There's been a lot of talk about renewing membership, or lack of participation, or how much we learn every time we show up. I know for Montana, we are now in our legislation, but prior to that we built a one-page document on What Does Water Resources Do? I think it would be beneficial to have similar documents from all participating states to understand the fundamental responsibilities of each state's water resources entities, which would provide a great foundation. This shared understanding could lead to more focused and productive conversations. We could easily add a section outlining the top five strategic priorities for the current year. It feels like we're moving towards a more strategic approach, shifting from constantly reacting to immediate issues to proactively addressing key goals. Even if it's a simple matrix outlining key aspects like groundwater and surface water management, adjudication processes, or current stages of implementation across states could be valuable. This visual tool would allow us to quickly identify states working on similar issues, fostering more targeted discussions and the sharing of relevant experiences. Perhaps such information already exists, and I need to do a bit more digging beforehand. However, many of the topics discussed have highlighted potential areas for self-study and a better understanding of where each state stands in relation to others.

Jennifer Verleger: Following up on that, some of you may recall I raised a point about the evolving membership of our organization during the Groundwater Workshop. Given potential

shifts due to political factors and increased job mobility, which could lead to less long-term longevity, I believe it would be beneficial for our group to do kind of what you're saying, to incorporate more state-by-state comparison. I also talked about the draft report that I'm going to be sending out to you. Compiling that report and observing the subtle yet significant differences in our approaches was quite revealing. I think expanding on this type of comparative analysis could be very valuable. Similar to Montana, North Dakota has a campaign targeting legislators where a monthly email on a specific topic is sent out. It would be insightful to learn about similar public information initiatives in other states. I believe we can gain valuable ideas by understanding different states' practices, which could be particularly helpful for newer members who may not have the extensive history with the Council that longer-term members possess.

Candice: I really like this idea. It might also be helpful to have a summary report created after workshops, such as the groundwater workshop for example, that could be a good starting point for this by capturing key information. Mark and I were also discussing the potential benefits of a clear onboard process for new members, especially with membership turnover. This could include an overview of our mission, activities, and a guide to our website where resources like past resolutions can be easily found. We think this would be valuable in bringing new members up to speed.

Sara: In regard to orientation - when we orient new board members, we give them our one-page descriptor. This could be a valuable resource for both new members and new congressional members, highlighting the Council as an information resource, alongside state agencies. Maybe a matrix that outlines how other states divide up similar responsibilities.

Jennifer Verleger: Maybe we could have a mentorship program. I still can recall when I came to my first meeting, I was completely overwhelmed! Jerry actually took me under his wing and explained how things were done, how things worked. He also introduced me to people, which was really helpful. Maybe at someone's first meeting, they could get paired up with somebody to do something similar.

Michelle: I think that has happened more organically in the past, when there's been that longevity - Jerry has been around for a while! - from the members just naturally undertaking that effort themselves. Given the current rate of turnover we might need a more formal approach. We talked about creating a short introductory video for our website, which I can do, but I wonder about the possibility of including current members in the video sharing their experiences and highlighting the value of the Council. To do this, we might need to allocate some time in an upcoming meeting.

Julie: I think that's a great idea. Even something as simple as having a group to go out to dinner with when you're new, right? I think we can do a better job at group dinners as well.

Jojo La: I had a quick question regarding the state report. It reminded me of my first experience. Tony asked if I knew about the state report, and I had no idea what it was and so I ended up creating one from scratch in my hotel room. I'm just curious to understand what aspects of the report are beneficial to everyone and if there are any suggestions for making it more effective.

Julie: We try to squeeze in the state reports. For me, there's value in learning what others do. There's a lot of water legislation these days, and hearing what's successful from the other states, I think hearing just high level at least gets you a point of contact in. You don't realize who does the State Revolving Fund, or floodplain management for example.

Sara: I think with all the other comments about more state interaction time, maybe fewer presentations during the Full Council meeting, and more time hearing state reports.

Tony: We have in the past asked for written reports to put in the briefing materials, and some states did provide one for a while.

Lauren Ris: I appreciate this conversation. I do think that an orientation of some sorts would help because I felt a little bit lost as a new member too. I like the idea of a video. I think that would be cool, especially if you could have somebody from each committee explain what their role and purpose is, as well as the Full Council.

Christina: Going back to state reports, I appreciate the dialog, and maybe if we're talking about shifting to more of like a plenary session with presentations, perhaps we could move state reports as part of our introductions so that we all go into these meetings knowing kind of who we are, whether we're quality or quantity and what our issues are. I think that would help encourage interactions and informal engagement with other meeting attendees rather than trying to rush it at the very end, when everybody's trying to get out the door to get to the airport.

Julie: That's a great idea.

Michelle: Next we're going to talk about the policy resolution process. For those who were interested in this topic, any thoughts on that?

Jojo: Our group had a question of clarification. Has it been identified as an issue that we need to consolidate the resolutions as a high priority? Could you describe a little bit more about that.

Michelle: This arose from comments in our recent survey responses. We currently have a lot of resolutions, around fifty, which sunset on a rotating basis. This has led to a situation where some committees, like the Legal Committee for example, for our next meeting, has no resolutions to review, which is quite unusual. In contrast, the Water Resources Committee has a significant number, which can consume a considerable amount of meeting time that could otherwise be used for presentations and discussions. While many of these positions address specific issues, there are some areas of overlap. In the past, there have been discussions among the Council members about potentially consolidating some of these. There was also a suggestion in the survey responses referencing the way WGA does their positions, to have broader positions like a single water quality position encompassing all related matters, and another for all water resources. While this might simplify things, it could also be problematic for our organization. With our current structure, where positions address specific issues, it allows us to communicate with Congress and the

Administration as specific issues arise. When we engage with them through letters or other means, we adhere closely to the agreed-upon language, which has been carefully reviewed by all members. This process allows our states to present a unified voice on key issues.

There have also been questions raised about our lengthy review process, which involves the Executive Committee, and sometimes subcommittees, meeting virtually before our Council meetings to propose and vet certain language, then a review at our Council meetings by the committees the position was assigned to when it originated (Water Resources, Water Quality, and Legal), and then finally the position is forwarded to the Full Council for approval. Not everybody loves this process because it is time consuming, but it does ensure thoroughly vetted language that all our states can agree on, allowing us to advocate effectively with Congress. However, there may be a more efficient way to consider how to manage our resolutions while ensuring that each state retains the ability to provide specific input, as precise wording can be crucial for achieving consensus among our diverse membership.

Sara: If you as Council Staff find the policy position statements helpful in the way they currently exist, because you guys are the ones writing the letters, then great. There may be a way to make the process better however. Perhaps, maybe each committee could set up a policy subcommittee that reviews them and makes amendments prior to the meeting. Maybe even the committee could meet prior if it's an especially delicate position. I don't know. I don't understand though why the Executive Committee needs to see them first.

Tony: The process we follow before our meetings is designed to prevent potential issues regarding state representation and conflicting opinions. We've had instances where multiple members from the same state attended a meeting and held differing views on a resolution. This raised questions about who the officially appointed member was and who was able to cast the state's single vote. We now proactively address any divisions within state delegations through the Executive Committee call beforehand to ensure a unified state vote.

This process is also in place due to a past experience with another interstate organization where a governor and the organization presented conflicting testimony at the same meeting. Understandably, the governor was not pleased by this from an organization he was part of. To avoid such situations, when we issue the 30-day notice, we also send it to WGA and encourage communication on any potential concerns or desired changes. Michelle mentioned that some WGA resolutions, particularly those on water quality and water resources can be quite lengthy. The WGA has specifically discussed the length of these resolutions as an issue. Given our coordinating role, it's crucial that our positions don't contradict those of the governors.

If you recall, adopting a position requires a two-thirds majority vote from our members. We usually achieve consensus, but on a rare occasion when there isn't full agreement, members may abstain. For example, during discussions on fracking, a member from Washington (a state without fracking) abstained, acknowledging their lack of direct stake in the issue.

WOTUS was a unique situation. We reached a consensus as a Council, but the governors did not. Due to the timing of the comment period relative to our regular Council meetings, we

adopted our position through the Executive Committee. Generally, for emergency resolutions like that one, they are shared with the governors for their input before wider distribution. In the case of WOTUS, we didn't receive explicit approval or disapproval from the governors. Working with their staff, the understanding was that if we didn't hear otherwise, we were able to proceed with distributing our position. While WOTUS was a significant issue for both us and the governors, we ultimately reached our own consensus. This situation was somewhat unusual, but it was resolved when the EPA extended the comment period, allowing us to inform the governors of our position in the usual manner with our 30-day notice, and subsequently readopt it based on the Executive Committee's work between meetings. This remains the only instance I recall where we faced such a challenge

Jerry: I understand that the current vetting process is extensive, but I believe it is crucial that we maintain it. When we do go back to DC with those policies and can say that 18 states have agreed upon this policy, that means something. Tony's effectiveness in engaging with Congress has always been strengthened by this unified policy stance. It carries significant weight. He's established credibility built on the consensus of the western states. They'll call Tony when they have some issues. Looking ahead, as Tony will be retiring, it will be important for us to proactively engage our congressional delegations when relevant issues arise by ensuring they are aware of the agreed-upon policies of the western states and that we can continue to speak with a collective voice. I think that's still a process we can't overlook or shortcut.

Michelle: Any thoughts about the policy resolution process from those who are online?

Roger Gorke: From a federal perspective, I think I can speak for all of us at the federal level that we appreciate at least the Council's consideration of our thoughts and input.

Jennifer Carr: There wasn't anyone in the Breakout Room for that. I would just observe that as painful as some people think it to be, it's the same at ECOS, but the same value is also coming out of that process. For me personally, I need to do a better job of engaging earlier, whether that be during the committee meeting where the positions are being discussed, or just think about them more ahead of time, and potentially provide feedback to either staff, or during some other process before we actually get to the meeting.

Michelle: I know we send out a 10-day notice, which is 10-days before our required 30-day notice to let you know about the positions, among other related information. However, maybe there's a better way that we can help facilitate that awareness of upcoming positions earlier.

Jennifer Verleger: This transition might be a bit challenging initially, but I was wondering if we could adjust our meeting agenda slightly to make it smoother. Perhaps we could handle the items that are sunseting at our current meeting in a more pro-forma manner, assuming we've already discussed them. This would allow us to dedicate the discussion and detailed drafting to the items that are sunseting at the subsequent meeting. This would give us the necessary time between meetings to thoroughly discuss these later items with the relevant folks in your state, such as your governors or other key individuals. By the time we reach the meeting where adoption is required,

we would have already had these important conversations. Again, the transition period might be a bit difficult, but I believe this adjustment could be beneficial in the long run.

Michelle: Is there any feedback on more effective policy advocacy: How do we prepare for it? What do we do with it? Any ideas on how we may do it better so that you have better understanding as to what staff are doing?

Sara: I know you prepare the litigation/legislation reports, which are amazing. I think we as an agency would benefit from hearing “this legislation is going to mark up! Call your legislator now! Here’s the Council’s position statement.” I think we should continue to be available for congressional testimony, whether we’re sending a staff person or a representative from a member state to present policy. In Oklahoma, we got used to having Senator Jim Inhofe call us when something important was happening. Unfortunately, we don’t have that anymore. Not to mention, we have eastern congressional delegates running natural resources.

Michelle: Elysse does our legislation update.

Elysse Campbell: We were going wait to introduce this, but I’ve restructured the legislation update to incorporate a new tag system, which I hope will make it easier to keep current. While the most recent update will likely still reflect the last meeting, our goal is to provide a more accessible way for everyone to stay informed. Given the high volume of legislative activity, it’s been challenging to track every bill, especially regarding committee assignments. To address this, I’ve developed a system to track WSWC priorities more effectively. If there are specific bills you’d like to follow, please submit them to me. We can then tag these priority bills, monitor their progress more closely, and keep interested parties updated on any developments.

Michelle: Just to clarify, we can’t do that for all of the water-related legislation, but with priorities in place we can keep a closer eye on a few of them.

Tony: I would just mention that obviously, when we are invited to testify, we try to spend a couple extra days while we’re on the hill. We might stop at 20-30 offices or more. Maybe not as often as we should, but we should let you know whose office we were in and who we talked to. We try to keep a running list, particularly of Congressional committees that are of interest.

Jennifer Carr: I’m interested in other members’ thoughts about the idea of hiring a lobbying firm. While I personally don’t see the benefit of this expenditure, I’m curious to hear other members’ perspectives on this when we meet again in Utah. I was also wondering if there’s a possibility of utilizing the lobbying contracts held by WGA if a specific issue requires attention and we are unable to send a representative?

Tony: We have piggybacked on some issues in the past. We have also been used to help support some of the efforts in California on the S2S. They work with a lobbyist that’s paid for by I think Sonoma County. We do take that opportunity when we can. I think direct engagement with a congressional office, ideally alongside one of you, proves to be significantly more impactful than solely relying on a lobbyist.

Tom Stiles: I wanted to share some thoughts on advocacy, particularly as it relates to organizations like ACWA. It's important to remember that advocacy efforts extend beyond just Congress and the administration to include engagement with other key organizations. In the case of ACWA, given that a significant portion of its membership is based in the east, southeast, or midwest, there can be a lack of deep understanding regarding the unique challenges and perspectives of the western states. As such, I've been actively encouraging ACWA to increase its engagement with the western states - as this is where the WSWC operates. The foundational approach to advocacy in the west has distinct characteristics. ACWA was initially formed through the vision of state engineers who recognized the value of appropriation states coming together. This core group inherently understands states' rights. The addition of a Water Quality Committee brought a new dimension to the organization. As Tony has often pointed out, while consensus is generally the norm within this group, we've encountered instances where achieving it on water quality issues has been challenging. The experiences with Miccosukee and water transfers led to the forceful adoption of a position that caused considerable concern among some members. When I revisited this, despite the initial passage, it became clear that there was no real consensus. It's crucial for everyone to grasp the inherent friction that exists between state rights, water rights, and the federal delegation of authority under the Clean Water Act and Safe Drinking Water Act. This organization provides a vital and perhaps unique forum where we can openly discuss these complex issues and work through them.

I believe we should broaden our advocacy efforts regarding WOTUS to include organizations like ACWA and ASDWA, as well as state wetland managers. During our previous discussions, achieving consensus on the definition of WOTUS proved challenging. We began to find common ground when we acknowledged the unique characteristics of the West and the need for regional approaches to implementation. Further progress was made when we emphasized the necessity for federal agencies to collaborate with us and provide states with the tools required to define federal jurisdiction effectively. However, our initial debates on topics such as the status of ephemeral streams under WOTUS, while ultimately not leading to agreement, did foster a greater understanding of different perspectives. For instance, I gained insight into Colorado's concerns, which highlighted the importance of these discussions.

Our primary advocacy message should consistently emphasize the distinct nature of the west and the crucial role of water rights in water management, which water quality regulations must accommodate. It's essential to move away from a top-down mandate from the EPA through state agencies. We must remember the foundational principles that led to the creation of the WSWC, as they remain our strongest asset. The initiative to broaden our mission to include water quality aspects is commendable, as it has been vital in educating the EPA on the complexities of water management in the western states.

While testifying is valuable, actively engaging congressional staff, whether through direct meetings or during visits to Capitol Hill, to educate them on the specific challenges and considerations of the West would be invaluable.

Michelle: That does slide us right into that unique role in value added. I know in the online breakout room they had a robust discussion. Do you guys want to weigh in on that?

Jennifer Carr: Roger and I were in the value-add group. We touched on a couple of key areas. We affirmed that the overall value of the WSWC is just helping us all do our respective jobs better by engaging with information, sharing ideas and building partnerships. This collaborative approach allows us to stay informed about the work of our peers and leverage each other's expertise for collective benefit.

Regarding onboarding and orientation, I appreciate the suggestion of highlighting for our new members the resources available on our website. This ties directly into a point Roger and I discussed about effectively conveying the value of our work, products, and relationships with future team members. Strong onboarding and orientation are crucial in this regard. For example, we were putting together our WOTUS docket comments this week, and some of my staff were unaware of the valuable white paper Erica Gaddis spearheaded a few years ago. This paper offered insights into potential tools, moving beyond a one-size-fits-all approach by considering different hydrographic similarities across the country and alternative frameworks for WOTUS. Upon sharing this document, my staff recognized its significance immediately. This experience underscores the importance of ensuring that our successors understand the wealth of knowledge and resources available and how we can facilitate this knowledge transfer as we transition roles or retire.

This leads me to the considerable value that WestFAST brings, particularly given the current reductions being enforced and organizational changes. I see immense benefits in WestFAST serving as a consistent and reliable point of contact within the federal government. Their ability to connect us with their counterparts in federal agencies is invaluable. In my experience, the first time you reach out to WestFAST to help resolve a project bottleneck or overcome a frustrating challenge, you realize its true impact. We have consistently collaborated with Roger, Chris, and others through WestFAST to achieve breakthroughs that might not have been possible otherwise. The connections facilitated by WestFAST and the WSWC are instrumental in overcoming these obstacles.

Further, WestFAST is actively involved in critical areas such as drought and resiliency, undertaking projects that have brought significant resources to various states, including Nevada, Utah, and Colorado. Their efforts provide our utilities and other stakeholders with access to expert advice and resources that we haven't been able to do. In fact, WestFAST once connected me with our own Division of Emergency Management – an agency located nearby, but one with whom I hadn't previously engaged on a particular issue. This connection within my own state highlights WestFAST's ability to facilitate collaboration on cross-media issues. The work being done on abandoned mine lands through the Good Samaritan initiative offers another excellent example. This involves cross-media coordination with their Land and Emergency Management offices, water quality divisions, enforcement teams, and various other stakeholders, helping us to connect with colleagues, even outside of traditional water management, to address complex challenges. I believe these examples clearly demonstrate the significant contributions WestFAST makes, both within our individual states and across the region on critical water issues.

Roger: To clarify the value that WestFAST brings to the states, while our contributions during council meetings are important, I believe our real strength lies in the work we do in between

those meetings, when specific issues or questions arise. It's in this ongoing support that we provide significant value to the states, both in terms of quality and the amount of assistance we can offer. Our ability to help connect different aspects within a state is crucial. I recall Duane mentioning back in 2007 when WestFAST was in formation at a meeting where Steve Johnson (former EPA Administrator) was speaking and I specifically remember him saying, states are as bifurcated as the federal government is in terms of siloing different agencies within the state. We've been successful in bridging some of those gaps, as Jennifer highlighted with the Good Samaritan and abandoned mines initiatives.

I hope states will consider our successes in fostering collaboration in Nevada, New Mexico, and Utah as examples of what we can achieve together. It's not about the individual WestFAST members like Travis from Reclamation, or Paula with BLM directly providing the solutions. Instead, their value lies in their ability to connect you with the right people within those federal agencies in your state, helping to facilitate progress. We can offer technical input during Council meetings, but our strength, especially now, is in navigating the complexities of the federal government, particularly given the recent changes in contacts within various agencies.

I'm happy to discuss specific examples of our collaborations and how we can further support states. Perhaps this could even be a topic for a future webinar, showcasing how we can be a resource and partner to states, rather than simply perceived as a federal entity adding more hurdles. We've seen positive outcomes when federal and state entities work together effectively, such as with the National Estuary Program, the Urban Waters program, and our Great Waterbodies Programs. Could similar models be expanded in the West? Tom even mentioned the idea of WestFAST for Kansas. Ultimately, my hope is that more states will utilize the resources and connections that WestFAST can provide.

Tony: Roger, I was also thinking about the opposite approach, and it's a good point that you're our contact for involving the states and forestry. I actually have a call scheduled with Tim Newman this afternoon to discuss Landsat. Given the current situation at the federal level, I believe we have an opportunity to make a difference by supporting our federal partners and the programs that are important to us.

Roger: Michelle brought up a good example yesterday about the WOTUS listening sessions (or a similar discussion). EPA has now included the WSWC in the group that I believe we previously referred to as the "Big 10" of aquatic and wetland organizations, encompassing various state-level environmental entities. The Council wasn't initially part of this group. I strongly advocated internally for their inclusion, recognizing the valuable and distinct perspective they bring. This aligns with what Tom mentioned earlier about the importance of including specific organizations to gather targeted information and ensure diverse viewpoints are represented.

Forrest: Reflecting on my time working with WestFAST, it was clear that everyone involved was genuinely dedicated to ensuring their agency effectively served the state partners. Building on that, as the Council identifies shared challenges, it could be beneficial to summarize and relay our top priorities back to WestFAST. Highlighting our key needs for the year – whether they involve technical assistance, addressing data and information gaps, or navigating policy

challenges – would likely be well-received. My sense is that WestFAST partners would be very willing to collaborate across agencies to help address these clearly defined priorities from the Council. As you consider a potentially more discussion-based format, I encourage you to keep this in mind. Identifying those common challenges where federal agencies could offer the most support in addressing our top priorities would be particularly valuable. Given the likelihood of resource and staffing constraints in the near future, having these focused priorities will help us direct our colleagues, efforts, and funding programs to best meet your needs. Thank you, Roger, for your continued advocacy, leadership, and coordination for WestFAST.

Roger: Regarding the value of WestFAST, the example of Forrest's attendance at the Council meeting, which we learned about through Tony and Michelle, highlights the benefit of the relationships built through this collaboration. While his involvement has shifted as he's taken on other responsibilities, Stephanie is now the NASA WestFAST representative and is actively participating. The connections established with specific individuals within federal agencies are invaluable to the states. We do have concerns whether you think WestFAST is of value to your specific state or not. Also, about our capacity to continue our involvement as members, given that for most of us, participation is an additional duty to our primary job responsibilities.

Michelle: Thank you, Roger. We still want you around and will certainly emphasize our continued interest in your involvement as we communicate with the federal government. We'll now close this section of our discussion. Just to let you know, we have recorded everything, so we'll be able to document it thoroughly. Orit, our facilitator, will receive all of this information. Additionally, as staff, we will begin by compiling lists of the points discussed, which will also be included in our meeting minutes for your reference. We will also start to process this information. Given the amount of information we've covered, it likely won't be fully implemented by our next meeting. However, over the coming year, we will work towards incorporating as many of these ideas as possible. If we have questions about the best approach, we may reach out to you for further feedback.

Julie: That was very good! I thought the input was great. Perhaps if we had done this on the first day, the energy might have been a little higher, but we definitely got some good conversations started. Michelle, thank you so much for facilitating. I know it's a significant amount of work to organize these sessions and then go through all the comments, but I think we gathered some excellent feedback very quickly.

NOMINATING SUBCOMMITTEE REPORT & DIRECTIONS

Tony: During the Executive Committee, we discussed the established procedures for selecting Council officers. With Jon Niermann's departure from TCEQ, the WSWC Chair position was left vacant. According to our Rules of Organization, this vacancy needs to be filled at our current regular meeting.

Historically, officers have served two-year terms. While our bylaws mandate an annual election, the application of term limits, particularly in instances where an individual has filled an

unexpired term, requires clarification. As Jen may recall, she served beyond her initial term to fill a vacancy. Our rules state that no member can serve more than two consecutive terms, and the practice has been to not count time spent fulfilling another member's term towards this limit.

Further, our tradition, though not formalized in our rules, involves the Chair creating a nominating subcommittee, which the Chair also leads. Traditionally, this subcommittee has been composed of past Council Chairs, which currently includes Jerry and Jeanine. This subcommittee has historically considered geographic diversity among leadership (officers and committee chairs), member engagement (meeting attendance), longevity of participation, and external factors such as a governor's recent re-election, suggesting continued involvement of a member. Typically, once someone is elected an officer, starting with the Secretary-Treasurer role, which we will be selecting at this meeting, they have been re-elected the following year and progressed through the roles of Vice Chair and then Chair. This progression highlights the significant six-year commitment involved in Council leadership, which can be challenging given gubernatorial and member turnover.

In practice, the nominating subcommittee identifies a potential candidate from across the Council extends an invitation to them to serve, and their nomination is then ratified by a Council vote. This has not been an open process where members can self-nominate. We may need to clarify this procedure or discuss potential changes in the future. I'd be happy to answer any questions.

Questions/Comments:

Jennifer Verleger: I don't know that I actually fulfilled the remaining term. I think I just ended up serving a little longer because the meeting dates were changed.

Jerry Rigby: Tony brought up important points that the nominating subcommittee has considered previously. Julie and Earl, I recall our shared experience navigating the commitment involved, as it truly is a long-term one. I remember when I was nominated I specifically inquired with the then-lieutenant governor about the weight of this responsibility and my capacity to fulfill it. While they couldn't offer a definitive answer, it highlighted a consideration we all face upon accepting such a role. Tony also pointed out a current situation mirroring this, where we have a vacancy in the Council chair position. Julie has graciously stepped in, for which we are grateful. While such transitions are sometimes unavoidable, we have strived to ensure continuity, especially recognizing the significant learning curve involved. My time in that executive role was invaluable, an experience I deeply cherish. This is a remarkable Council, and being part of its leadership team is an important duty that everyone I've known in that position has taken with utmost seriousness, contributing to the WSWC's progress.

With all of this in mind, and following the Nominating Committee's recommendation, I move on behalf of the committee that Julie be appointed Chair, Earl moves up to Vice-Chair, and Candice to serve as our new Secretary-Treasurer.

Christina Carpenter: I wanted to provide some context for my vote today regarding the nominations. I plan to vote no, and I want to emphasize that this decision is not a reflection of the

nominees themselves, Julie, Candice, and Earl, for whom I have a tremendous amount of respect. I truly appreciate their willingness to step forward and take on these officer positions, especially as our organization anticipates significant leadership changes.

My vote is based on my interpretation of our bylaws, which clearly call for an election. In my view, the current process does not align with this requirement, as a true election would provide an opportunity to evaluate interested candidates and allow them to present their platforms, strategic visions, and leadership approaches for the organization. Further, this process did not include any meaningful dialogue or discussion with the Executive Committee members, who are tasked with setting policy for our organization.

Therefore, my no vote today is specifically because I believe the current process does not follow the stipulations outlined in our bylaws. I hope that we can revisit the bylaws before we are faced with another election or nomination of officers

Julie: Thank you for sharing your comments and analysis of the bylaws. Please know that revisiting the bylaws is something we can certainly discuss as we move forward with our strategic planning.

Without any further discussion, Julie made a motion for the nominated members, there was a second and the motion for the new WSWC's officers was approved.

RESOLUTIONS OF APPRECIATION

Tony mentioned that Trisha Oath from the State of Colorado has been replaced and therefore is no longer a member of the Council. A Resolution of Appreciation has been drafted, which we will then send to her if approved. There was a motion, a second and the motion was unanimously approved.

FUTURE COUNCIL MEETINGS

Julie noted the Summer 2025 meetings will be held in Snowbird, Utah on June 10-12, and will also include a celebration of the WSWC's 60th Anniversary. The Fall meetings will be held in San Pedro, California on September 23-26. She also noted the S2S Workshop being held on May 7-9, in San Diego, California. The information has been posted on the Council's website.

STATE REPORTS

Kansas: Earl Lewis - Matt briefly touched on what I believe is the most significant outcome of our recently concluded legislative session. They passed a bill that would create a legislative task force, which will build upon the strategic planning efforts we previously discussed in Kansas. It will include examining potential funding sources, organizational changes (which many states are currently undergoing), and key policy issues. The task force will consist of 13 members, in

addition to 3 ex-officio members. Seven of these members will be legislators, with the remaining six stakeholder positions being appointed by the legislative leadership. This is a two-year task force, with a progress check in after this year for next year's legislative session. We anticipate some legislative activity, with the majority of the recommendations likely being presented for the 2027 session. I'm sure we will provide updates on the task force's progress during our future meetings.

Tom Stiles: Despite the many bills discussed, the only water-related legislation that passed allows us to extend our state water pollution permits out to 10 years. This change will apply to our state permits for now, pending any action from Congress regarding NPDES permits under the CWA. Our secretary has initiated an internal review process for our division and the environment. This review will focus on potential improvements within our water programs. It will also focus on addressing the anticipated loss of institutional knowledge due to upcoming retirements, and strategies for talent retention within the next year to prevent turnover after training and then identifying opportunities for process improvement in our permitting and plan review processes. We anticipate this review will be completed by July 1st.

Colorado: Jojo - Like many states, we are closely tracking developments in several key areas, including potential funding changes, amendments to the Safe Drinking Water Act and the Clean Water Act. Specifically, our monitoring includes the drinking water rules finalized last year concerning PFAS in consumer confidence reports and lead. We are also paying close attention to the legal proceedings in the *San Francisco PUD v. EPA* case, as well as the WOTUS rule and the 401 Water Quality Certification rules. We anticipate engaging in valuable discussions with other states as we navigate these shared concerns.

Lauren Ris: Our legislative session will be wrapping up in about two weeks. We're currently working on several bills. While none are particularly controversial, a significant one is the omnibus appropriations bill that funds important water projects across the state. Also of interest, we have a bill that would create authority within the Colorado Water Conservation Board to establish a water supply measurement and forecasting program. This initiative would use advanced technologies like LiDAR to improve snowpack estimates and collaborate with water conservation districts and utilities, streamlining the process and enhancing transparency through our agency's data ownership. There's also considerable discussion in the legislature around turf removal, with proposed programs and a requirement for local governments to develop ordinances limiting the installation of new non-functional turf. Additionally, we receive substantial grant funding from sports betting revenue. There's a legislative effort to close a tax loophole related to free bets. This is expected to bring in an additional \$10 to \$11 million for our agency's water projects, which is great news. Turning to water supply, we're seeing a bit of a mixed picture across the state. The northern region is generally doing okay, with levels at about 79 to 88% of the average. However, the southern part of the state is experiencing a significant drought, currently at only about 42% of the average. We've also had a recent warm spell, leading to snowmelt earlier than usual, so we're keeping a close eye on how that will play out. Finally, we continue to actively participate in the Colorado River Compact negotiations with the other seven basin states. Our Colorado River Commissioner is now attending meetings every two weeks, and there's a strong hope that we can reach a seven-state solution. There's a real sense of urgency, and it's widely felt

that we have weeks, not months, to find a resolution. Everyone is working diligently, and we're optimistic about a positive outcome.

Idaho: Mat Weaver - Our recent legislative session was quite busy, with what I believe was a record number of bills introduced – over 800. Towards the end, we successfully secured a significant budget enhancement that doubled our base funding from \$24 million to \$54 million. Notably, \$30 million of this is ongoing general fund appropriation dedicated to projects within three crucial areas: water sustainability initiatives, aging infrastructure, and flood management. As this substantial funding becomes available, we anticipate considerable scrutiny, and our focus will be on ensuring these resources are invested wisely to address the significant project needs we've identified. To that end, we've estimated approximately \$170 million in unfunded regional water sustainability projects across the state, a list we shared with legislators during our discussions. At the groundwater workshop, I discussed conjunctive management issues in Idaho. This year, we are expanding our area of common groundwater supply, or the administrative zone where we conjunctively manage groundwater and surface water users. Based on preliminary estimates, with the inclusion of five tributary basins this year, we anticipate having around 20,000 square miles under common priority administration. This marks significant step forward in Idaho. Next, I wanted to touch on our Underground Injection Control Program. My department oversees Class V injection wells, and we recently finalized our rulemaking process. A significant point of interest during this process was the topic of recycled water injection, which was previously not permitted. However, our new rules, effective July 1st, will allow for the injection of treated industrial and municipal water into sole-source aquifers. We anticipate receiving applications from entities like Chobani, Micron, and various municipalities. There was considerable pressure from these communities to enable this practice. Lastly, we are seeing a surge in applications for managed aquifer recharge through underground injection control wells. Historically, we've permitted about 12 such wells in Idaho, and we currently have 18 new applications pending. A key challenge here is balancing the applicants' need for affordable implementation to meet their groundwater management obligations with ensuring appropriate treatment standards, particularly as we are not a primary water quality agency and are collaborating closely with DEQ. I foresee some complex discussions ahead regarding the necessary treatment for these wells.

Jerry Rigby: We are currently renegotiating our 30-year biological opinion on the Snake River. We need to have the new agreement in place five years before the current one expires to allow time for the Environmental Impact Statement process. We are closely following the Columbia River Treaty discussions and are particularly interested in any potential impacts on the Snake River. The possibility of required reservoir drawdowns to capture excess water is a significant concern for us. Finally, the groundwater and surface water settlement remains a critical issue. This agreement, which has been in progress for much of my career, involves a reduction in pumping. The averaging aspect is designed to help manage water availability across both good and dry years. While we still rely on natural precipitation, we are optimistic that this settlement will extend beyond its initial four-year trial period.

North Dakota: Pat Fridgen - This is my first time participating in this meeting. Our new Director, Reice Haase, is unable to join us today due to the ongoing legislative session. I wasn't aware that I would be giving a report. However, I would like to mention that I did hear the earlier comments

about potentially moving the state reports section to the beginning of the meeting. It seems many of us are here to connect, share information, and learn from each other. Placing these reports at the start would allow more time for these valuable discussions and prevent them from feeling rushed, especially since many of us need to leave to head back home. In regard to North Dakota, our state is currently navigating some significant financial adjustments due to a recent regulatory impact on our mature oil wells. As per our regulations, wells consistently producing 35 barrels per day or less for a year become permanently exempt from extraction tax. This has resulted in a substantial budget reduction of \$100 million, necessitating a comprehensive review of our cost share, policies, percentages, and eligibility criteria. This will undoubtedly make for a very busy interim legislative period as we adapt to these changes. Separately, we currently conduct economic analysis for specific types of infrastructure projects to ensure we are making sound investments that provide the best value for the state. However, we anticipate the passage of a bill that would prohibit us from conducting such analyses. This is due to concerns raised by some project sponsors who believe the process is biased or ineffective. In light of this, I'm wondering if any other states currently conduct economic analysis to evaluate the efficiency of your infrastructure investments. If so, we would be very interested to learn about your practices and any insights you might have on this topic.

Montana: Trevor Watson - Our legislative session is hopefully coming to an end within the next few days. Four years ago, our leadership took on a comprehensive water review. This involved bringing together a diverse group of stakeholders from across the state, including builders and conservation groups, to collaboratively address and update our water policy. It's worth noting that Montana's water policy has not changed for almost 50 years, resulting in significant permitting backlogs. Two years ago, through a considerable increase in FTEs and the implementation of statutory timelines for our agency, we were able to eliminate the backlog entirely. During this legislative session, we worked to address the complex issue of exempt wells in Montana. Following a court hearing last Valentine's Day, concerns arose regarding how some subdivisions were utilizing exempt wells, potentially circumventing the permitting process through phased development, which was being considered a combined appropriation. This led to a significant piece of case law. Our initial legislative effort involved proposing a bill that would divide the state into different zones (red, green, and yellow) to regulate exempt well allowances. Unfortunately, this bill was tabled in committee. A subsequent, more conservative bill aimed at a similar outcome also did not progress. As a result, we anticipate at least two years of substantial litigation to clarify the future of development and water management in Montana. On a more positive note, we made progress on simplifying the process of changing water rights. This initiative garnered support and is moving forward. Additionally, we addressed the alignment of pre- and post-1973 water rights. Currently, pre-1973 rights are handled by the Montana Water Court during adjudication, while our agency has administered post-1973 rights. We recognized that our existing statutes did not effectively allow for a unified administration of water rights once adjudication is complete. Consequently, we developed a widely supported bill that outlines a plan for this transition. We were also very engaged in addressing the critical issue of funding for our state-owned water infrastructure. The state owns approximately 22 dams, many of which are classified as high hazard and were built in the 1930s. These dams require significant rehabilitation, with costs ranging from \$20 to \$50 million per dam. Historically, our funding mechanisms for these projects have been inadequate, particularly following the expiration of a key power purchase agreement for a hydro

facility we own. A significant development in this session was the legislature's interest in establishing a water trust for the state. This would involve allocating general funds into a trust, with the interest generated (estimated at \$4 to \$5 million annually) being used for water-related projects. While this may seem modest compared to other states, it represents a substantial step forward for Montana. Finally, we are closely monitoring federal funding opportunities related to FEMA, dam safety, and stream gages. A major ongoing challenge for us is a significant engineering staffing shortage within one of our bureaus, which impacts our capacity to effectively carry out the necessary work. Lastly, we have dedicated resources to enhance our education and outreach efforts. This includes informing Montanans about water use and water rights, as well as ensuring that all aspects of our department are supported in these efforts, rather than solely focusing on water rights issues.

California: Joaquin Esquivel acknowledged Jeanine Jones for all her dedicated work. He also provided a helpful overview of the State Water Resources Control Board (SWRCB), which is a 50-year-old institution that evolved from the consolidation of local pollution control boards established in the 1940s and the water rights office, which was created in 1914. This consolidation brought both under one state-level entity. The SWRCB is composed of five members, with Joaquin serving as the chair. They also oversee nine regional Water Quality Control Boards. On the water quality side, they manage the regulatory framework that bridges state and federal laws. Additionally, the SWRCB administers water rights, encompassing both the quantity and quality aspects within a single institution. About a decade ago, the Division of Drinking Water was integrated into the SWRCB from the Department of Public Health. This means we also set maximum contaminant levels and oversee the drinking water system, effectively creating a comprehensive regulatory body for water-related issues. This year, much like everyone else, we've observed varied precipitation patterns, with a wetter northern California contrasting with a drier south. There's been significant attention on the operations of the Central Valley Project, a major federal undertaking in the State, and the State Water Project. I believe this presents a valuable opportunity for important discussions regarding the necessary balance in water management. This includes delivering water supply, addressing the increasing threats of climate change and prolonged droughts, and managing the more intense events our system is facing. The detailed scrutiny of how these projects are regulated under both state and federal law is welcome, as it allows for a deeper understanding of the complexities involved. These considerations intersect with a long-term initiative by the state and the Board to update the water quality standards in the Bay Delta, the central source from which these projects draw water. Our aim is to establish more effective minimum flow standards to ensure sufficient water remains within the system to support critical and currently stressed ecosystem functions. The fact that we are in the third consecutive year of a salmon season closure, a historic and unprecedented event, underscores the ecological imbalance we are witnessing. These issues are certainly at the forefront of our concerns. On the water rights front, we are on the verge of launching our new water rights data system. Our previous system, implemented rapidly nearly 15 years ago when we transitioned to a fee-based organization, has proven inadequate for effectively administering water rights in the current century. Thanks to a \$60 million investment from the governor and the legislature, this new system is coming online. My directive has been to prioritize the use of open-source tools to the greatest extent possible, with the goal of making our work replicable. We would be happy to connect with others who are also making significant investments in similar systems. While the investment may seem substantial, we

are hopeful that it will provide a future-proof, fully digital system for managing place of use, points of diversion, and other critical data – areas where many of you have been leading the way for quite some time. We are definitely working to catch up on the water rights side. Finally, the passage of proposition four bond represents a \$10 billion investment in water and conservation programs, along with a range of climate-related initiatives. The water boards are slated to receive approximately a billion dollars for drinking water, wastewater systems, water recycling, and stormwater capture projects. We are committed to ensuring these funds are invested as effectively as possible.

Utah: Candice - It's fascinating to hear about the organizational structures in other states. Here in Utah, the Division of Water Resources and Water Rights are within our Department of Natural Resources. We also work closely with our colleagues at the Department of Environmental Quality, which houses the divisions of drinking water and water quality. Utah's water agencies are currently very busy implementing several new programs resulting from recent legislation. We are undertaking significant planning efforts, including updating our state water plan, which is on track to be completed by December 2026. Additionally, as I mentioned yesterday, we're in the midst of a major shift in how the state funds water infrastructure projects through the unified water infrastructure plan. This is quite a complex process, like building a plane mid-flight, and we need to have it in place by next July. This has raised concerns among our water suppliers regarding the ranking and prioritization process and the potential for it to become overly political. We are actively working to address these concerns. The possibility of a fee to fund water infrastructure, which we also discussed yesterday, is another key consideration. Furthermore, we are progressing with our Great Salt Lake Basin integrated plan. Our cloud seeding program has seen a significant expansion, with our ongoing annual budget increasing from \$350,000 to \$5 million. This has dramatically changed our cloud seeding capabilities in Utah, and I'd be happy to provide more details on any of these initiatives. Conservation remains a major focus as well. We discussed our landscape incentive programs yesterday, which now require water efficiency standards for new developments to ensure residents are eligible. We also have transparent water billing practices and various other programs aimed at both residential users and water suppliers. Regarding our recent legislative session, an interesting effort that ultimately didn't pass, and I understand a similar one was considered in Colorado, was the attempt to define "functional turf." This arose from our efforts to discourage the use of non-functional turf. Lobbyists from the turf and landscaping industries were pushing for a very broad definition, so it will be interesting to see how this progresses during the interim and into the next session. A bill prohibiting the addition of fluoride to public water systems did pass, sparking a robust debate. We also had a significant bill pass that allows water conservation to be factored into water pricing. Previously, rates were primarily based on the cost of service; this new legislation provides more flexibility for water suppliers to incorporate a conservation component in their higher tiers. Lastly, alongside the authorization for a water infrastructure project fee, the Division of Drinking Water was also authorized to charge a fee on public water systems for staffing and administrative support, which has understandably generated some concern among public water systems. In terms of water conditions, Northern Utah experienced generally average conditions. However, Southern Utah, particularly Washington and Iron Counties, has been significantly impacted. Yesterday, the Governor issued a drought declaration for 17 of our 29 counties, and the forecast doesn't offer much improvement. On a positive note, our reservoirs are currently in relatively good condition. Following up on our

conversation yesterday regarding the record low levels of the Great Salt Lake in 2022, at that time, we had a significant amount of funding available, and the legislature prioritized efforts to increase our water supply. Cloud seeding was identified as one tool to potentially achieve this. While many discussions revolve around demand-side management and options like importing water, cloud seeding was a direct approach to augmenting our existing supply.

John Mackey - Our Department of Environmental Quality (DEQ) has a new Executive Director, Tim Davis, who was confirmed on April 15th. Tim comes to us from Montana and previously served as the Director of the Utah Division of Drinking Water, as well as the Great Salt Lake Commissioner. We are all very enthusiastic about having him lead the DEQ and appreciate his strong support for Western states. We received an executive order from the Governor directing us and other permitting agencies to improve our permitting efficiency. This order emphasizes the increased use of general permits and permits by rule. To support this, we have a strike team in place that is reviewing all of our permitting processes. In addition to the executive order, there was also a bill passed during the legislative session focused on efficiency within our construction storm water program. This new legislation requires us to expedite enforcement, aiming for a 30-day turnaround from the identification of a violation to its completion, and grants us direct penalty authority to achieve this. That's all for now. We are looking forward to seeing everyone at the next meeting in Snowbird.

Mark Stratford - Regarding water rights, I wanted to briefly touch upon two key developments. First, I'm pleased to share that we formally signed the Federal Reserved Water Rights settlement with the Navajo Nation on January 31st of this year. This marked the successful conclusion of a significant effort involving substantial time, resources, and collaboration with federal partners, spanning approximately 18 years. We even held a signing ceremony in Southern Utah to commemorate this achievement. Beyond this, we continue to address other reserved water rights issues involving both Native American and non-Native American interests. Secondly, our legislature recently adopted a statute concerning certain BLM public water rights, specifically 107 reserved claims. We anticipate moving forward with that process and welcome any thoughts or insights you might have on this matter. Finally, in relation to the Great Salt Lake, the legislature directed the Division of Water Rights last year to develop a Great Salt Lake Management Plan. Notably, this plan requires the Division to incorporate the principle of multiple use sustained yield when managing surface water for the first time. This signifies that we will be implementing reductions on water rights below the lake's meander line, based on lake elevation, to align with this concept. This represents a new approach for us and demonstrates our commitment to proactive water protection efforts.

Nebraska: Jesse Bradley - It was great to see you all in Lincoln, and I appreciate you making the trip. I'm also grateful to Tony, Michelle, and the rest of the Council staff for their help in organizing this. As you know, Alexa Davis was instrumental in getting everything set up – she really did a fantastic job. We also want to acknowledge our sponsors who generously supported some of the lunches and last night's reception. A special thanks to Olson; while their rooftop event might have encountered a bit of rain – which was certainly welcome here – we truly appreciate their support. Regarding updates from Nebraska, our legislative session is still underway and will continue into June, as it's our long session this year. The primary piece of legislation concerning

our agency involves the reorganization of water management in the state. This bill, which seems likely to pass as it's on its final reading, will merge the Department of Natural Resources (which handles water rights, floodplain management, dam safety, etc.) with the Department of Environment and Energy. So, by the time we meet in Utah for Snowbird, we will likely be a merged agency. This will be a significant undertaking, bringing together groups with somewhat different focuses. The main reason behind this merger is to better integrate our water-related functions, ensuring closer coordination between water quality and quantity management, along with some administrative efficiencies. This will be a key focus for us over the next year. Another legislative item of interest this session was a bill on agriculture data privacy. Ultimately, this will be turned into an interim study. It's a noteworthy bill, and we initially had concerns regarding its potential strictness on data security and access. We anticipate some amendments to the proposed approach. Moving forward, we'll be closely monitoring this to help find the right balance between respecting the privacy of producer data and ensuring we have the necessary access to information for administering water rights, conducting water planning, and supporting sustainable outcomes. As mentioned earlier, we're also progressing with a task force focused on water quality and quantity. This initiative will likely span 12 to 15 months. The primary goal is to address nitrate contamination in our aquifers and identify solutions. We expect initial efforts to focus on technologies, tools, incentives, and education aimed at helping individual producers align their nitrogen application rates with crop demand. The hope is to mitigate the growing nitrate problem and begin to reverse the trend over time. Finally, I wanted to provide an update on a major project in Nebraska – the Perkins County Canal project. This \$628 million undertaking is the most significant project our agency has ever taken on. It's being pursued under the South Platte River Compact between Nebraska and Colorado. Essentially, Nebraska needs to construct this canal to secure its water rights as outlined in the compact. The project is moving forward, and we are currently in the land acquisition phase in Colorado. As you can imagine, this is not without its challenges. The compact does include provisions for Nebraska to use eminent domain if necessary, so we are approaching a potentially contentious phase as we proceed with land acquisition. However, the project continues to advance, and we are progressing through the permitting process with the Corps of Engineers. This project also has connections to the Platte River Recovery and Implementation Program under the Endangered Species Act, which is set to expire in 2032, so we will need to navigate those interdependencies as we move forward.

South Dakota: Nakaila Steen - South Dakota has been experiencing drought conditions for several months, possibly extending to the last year or two, and winter precipitation was below average across much of the state. While we hope for more rain this spring, we are also preparing for potential water shortages this summer by drafting shut-off order advisory letters, which will likely be sent out soon. We also have several Board decisions that will direct our engagement and bypass qualifications related to potential shut-offs. Contributing to the strain on our water resources are dry conditions and increased development in the Black Hills due to the expansion of our Air Force Base. This has led to a notable increase in water permit applications from irrigators and water distributors seeking to increase their diversions. During our last meeting, I briefly mentioned the Western South Dakota Regional Water System. While we have several rural water systems that divert Missouri River water to the east, this will be the first pipeline to deliver water westward, intending to serve approximately 20 counties enroute to the Black Hills. Entities can apply for a future use reservation permit to reserve water. Any request exceeding 10,000 acre-feet requires

legislative approval. Western South Dakota's request for nearly 21,000 acre-feet was approved this legislative session. Typically, entities try to remain under the 10,000 acre-foot threshold to avoid legislative review, sometimes applying in successive years. However, Western South Dakota chose to openly present their full request, which was ultimately successful. Lewis and Clark is another entity that has previously received legislative approval for a similar request. In March, we had a significant administrative change with the retirement of our Chief Engineer for the Water Rights Program. We are currently without an applicant to fill this role in South Dakota. On a related note, Mark Mayer, formerly head of our drinking water program, is now leading the entire Office of Water and is currently serving as the interim fill-in. Additionally, we have a new governor who took office in January. Speaking on Mark Mayer's behalf, he proposed the extension of the NPDES permit at the Fargo meeting approximately a year ago. Thank you to those who posed questions regarding this position, as your input helped shape it into its current form. We also greatly appreciate the legislative support, as approximately \$50 million was appropriated through the omnibus bill this year for water projects.

Oklahoma: Sarah Gibson - Oklahoma has had significant rainfall across the state in recent weeks, which has helped with our drought conditions. For example, Lugert-Altus Reservoir is only about 10 feet below normal, compared to its usual 19-foot deficit, which is good news for cotton growers. We're moving forward with our tribal settlement implementation. We continue to collaborate with our tribal partners to incorporate more modeling and stream gaging. This will ensure we have the necessary data for effective water management in southeastern Oklahoma. The implementation of our new enforcement authority is underway. We've begun issuing notices of violation and have collected our first fees, which is a significant step towards better management. The legislative session is drawing to a close. I just received notice that the remaining water bills were not heard, so they are no longer under consideration. It looks like budget matters are the primary focus now. We have requested some increases for our Water Rights Division to support the growing demands of water rights management, including updating our online databases and water use reporting systems. Lastly, the 2025 update of the Oklahoma Comprehensive Water Plan is in its final stages and is expected to be complete in August. This update will detail our progress since the 2012 plan and propose potential solutions for water-related challenges across the state.

Nevada: Jennifer Carr - As many others are, we are currently in our legislative session, which runs until the first week of June in odd-numbered years. Cathy is actively engaged with several water resources bills. From the environmental protection quality side, I found Colorado's presentation this week on establishing their own state dredge and fill program particularly valuable as we work through our docket comments. It highlights a necessary shift we've anticipated for some time, and the presentation really underscored the direction we need to move. Leslie Connelley from the Washington Department of Ecology also mentioned a similar initiative, and Leslie, Annette, and Jojo, I anticipate reaching out to you soon to learn more about your experiences. Thank you for sharing that information. John Mackey, your recent comments regarding the Governor's Executive Order on streamlining and increasing general permits also resonated with our situation, and I'll likely be in touch with you as well. We are facing significant challenges in keeping up with our current workload, and these added pressures are only exacerbating the issue, making a change in our processes essential. On a related note, I'm not sure if this has come up in your discussions or if you saw the Department of the Interior's permitting announcement on the 23rd. In response to

the National Energy emergency, they intend to significantly expedite permitting, including NEPA reviews potentially being completed in 28 days instead of years, along with similar accelerations for the Endangered Species Act and historic preservation reviews, all to boost energy production. While this federal process may not directly impact us initially, we anticipate that as these projects move through their system more quickly (assuming no court stays), they will subsequently come to our attention with considerable pressure for swift action. We have our own permitting timelines for air, water pollution, underground injection control, mining, and other areas, and we are already dealing with backlogs. This federal streamlining could compound our challenges significantly. Fortunately, we are not facing a reduction in force; however, I am concerned about the implications for our Region 9 oversight and will be discussing this with our Regional Administrator. The reduction in force in Region 9 is also a concern regarding the review and approval of our delegated permits, such as for the air program. We will be closely watching how the EPA responds to the Department of the Interior's actions and exploring potential streamlining opportunities with them. Moving on to a couple of items from other state reports: there was recurring discussion around turf. For anyone interested in a lively hearing, the Nevada Senate Bill 143 on water conservation and turf is available on YouTube. While focused on water conservation, the Las Vegas Valley already has regulations on non-functional turf, which we can share if needed. Interestingly, we are now encountering pushback from those who prefer natural grass over synthetic turf due to concerns about the heat island effect of synthetic materials. Testimony during the hearing referenced studies from Utah on this topic. Should this bill pass, we will be tasked with studying synthetic turf use in all Colorado River Basin states, which will necessitate conversations with Wyoming and other states. The discussion around turf also includes questions about microplastics and PFAS. It's a fascinating issue that seems to be circling back to the value of natural grass. Finally, I wanted to share a successful staffing strategy we've implemented for professional engineer positions. We've been able to fill these roles with individuals who are on track to become licensed PEs, having passed their Fundamentals of Engineering exam, for example. This "underfill" approach has allowed us to significantly reduce the number of vacant PE positions. We are now facing more challenges in staffing environmental scientist roles. I hope this information is helpful to whichever state mentioned difficulties in filling engineering positions.

Cathy Erskine - As Jennifer mentioned, this legislative session includes numerous water-related bills. You may recall me mentioning a couple of these that have gained early traction, specifically related to a voluntary water right retirement program. There are two companion bills moving through the legislature on this topic, and they seem to have significant support. It's worth noting that many other water bills have not progressed, often due to the deadlines required for timely movement through the legislative process. Many of these unsuccessful bills aimed to expedite action from the Division of Water Resources. As I discussed in the groundwater working group, the office has been shifting its focus from allocating new water rights to managing conflict and the associated analysis. Consequently, stakeholders have expressed frustration with the length of these processes. Many of the stalled measures attempted to impose timelines on the Division's decisionmaking. We are also tracking a couple of more controversial bills that propose a significant overhaul of the application process by introducing a pre-application stage, which we view as potentially problematic. Additionally, several other familiar issues from past legislative sessions are being discussed, such as groundwater boards and the use of basin assessment data collected by the Division, including the establishment of structural parameters around their use.

We will continue to monitor their progress. Nevada is also in the process of updating its state water plan. This has been underway for a couple of years, with the hope of completion in the next few years. Their current plan hasn't been updated since 1991, so it's long overdue. Similar to California's efforts with their water rights database system, Nevada is also undertaking a major modernization and digitization initiative. Their agency currently relies heavily on paper records, and they have a 100% retention policy, meaning they must maintain every record created. This antiquated system makes information less publicly accessible. Their modernization efforts aim to bring more information online, reduce paper usage, and improve public interaction by allowing online payments and applications. This is a long-term effort that includes updating their water rights database, which is expected to begin later this year. Finally, regarding the legislative session here, with six weeks still remaining, nothing is final. We are closely awaiting the economic forum's report to understand our budget outlook. Unfortunately, the forecast for Nevada looks concerning, and our best-case scenario at this point may be maintaining the status quo to avoid cuts. For the Division of Water Resources, this primarily impacts staffing, as there isn't a significant amount of programmatic funding. Therefore, we could potentially face staffing reductions, which are always challenging.

Washington: Leslie Connelly noted that she values these conversations, especially with the virtual format. It's so insightful to hear what other states are working on, and much of what has been discussed has resonated with our efforts in Washington State. We are closely monitoring the potential impacts on our federal partners' funding, as well as the implications for our own work here. We've already seen the effects of losing institutional knowledge at the federal level, particularly with the cuts at NOAA and USGS, who are key partners for us in many of the areas you've all discussed over the past few days. This platform is invaluable for maintaining communication about these issues at the state level. We're also navigating changes within our state. After twelve years under Governor Inslee, we now have a new governor, Governor Ferguson, who took office in January. With this transition, we also have a new director at our Department of Ecology, Casey Sixkiller, the former EPA Region 10 Administrator. Casey joined us a couple of months ago, and we're in the process of his orientation. Currently, Washington State is under a budget freeze, which has been in effect since last winter. This is why we aren't able to be with you in person due to travel restrictions, and it also includes restrictions on hiring and starting new projects. Our legislature is expected to finalize the new budget this Sunday, and we anticipate it will likely include cuts, particularly to our State General Fund, which primarily affects our Water Resources Division at Ecology. We are working hard as an agency to support our Water Resources Department as much as possible in light of these expected cuts. One area of focus for Governor Ferguson is permit streamlining, which some of you have also mentioned. Please add me to the list for a small group discussion on this topic. Governor Ferguson issued an executive order on his first day, which sounds similar to Utah's efforts in this area, with a focus on our water quality permits and efficiencies, especially around construction and stormwater. Another significant funding impact at the federal level involves a large BRIC grant from FEMA. We were awarded \$50 million for flood protection in Aberdeen and Hoquiam on the Chehalis River basin, which drains to the coast. Unfortunately, FEMA has rescinded this grant. We were just about to go out to bid for new levees to protect these communities and the I-5 corridor, a major thoroughfare to Oregon and California. We are now exploring our next steps to protect this vital area. On the water quality front, we've had a couple of permit appeals that I wanted to share. I've mentioned before

our nutrient general permit covering 58 wastewater treatment plants discharging to Puget Sound. This permit was remanded back to us following appeals that went through the state Supreme Court and were eventually settled with the Hearings Board determination. The remand was not based on the technical aspects of the permit but on the fact that we had made it mandatory for these facilities. The Hearings Board ruled that a general permit cannot be mandatory. As a result, we are now regrouping to offer an opt-in option for this permit. Facilities that choose not to opt-in will have these requirements addressed in their individual permits. This has been a very interesting legal process with valuable lessons learned. We also currently have appeals on our CAFO permit. This appeal is particularly interesting as it concerns the groundwater monitoring requirements we've added, specifically the point of compliance for meeting our state groundwater standards. Finally, I want to reiterate our concerns about staffing levels at our federal partner agencies. We currently have four important water quality standards pending EPA approval, which are crucial for us to move forward with much of our work across the state. We are concerned that the delays at the federal level will further impact these approvals

SUNSETTING POSITIONS FOR 2025 SUMMER MEETINGS

Tab XYZ of the briefing materials contains sunseting positions (#482 - #485) for the 2025 Summer meetings. Please review them and get any proposed changes to staff.

OTHER MATTERS

Christopher Estes followed up on the new National Training Center for Ecologically Sustainable Water Management and Conservation that he introduced at the Anchorage, Alaska meeting. This initiative is designed for all water users, including both decision-makers and end-users who are impacted by water management choices. The following links (<https://www.instreamflowcouncil.org/training-center/> <https://www.instreamflowcouncil.org/download/trainingcenterrfpwebinar12march2025/>) provide updates on our progress. We've moved forward with the selection process, and four universities out of the initial nine are now competing to host the National Training Center. The four finalists who emerged from the recent RFP process (summarized on the website), have also partnered with other universities, known as affiliates. This collaborative approach will ensure comprehensive coverage of all types of water issues across the country, as well as with our partners in the Canadian provinces and territories. On the website, you will also find information regarding resolutions and letters of support we have received from various stakeholder groups for the development of the center (<https://www.instreamflowcouncil.org/training-center/#Lettersofsupport>). We are hopeful that by the next Council meeting, where I plan to give a presentation, the Council will consider the opportunity to provide a letter of support for this important initiative. I encourage you to re-familiarize yourselves with this project. As I mentioned at the Anchorage meeting, many Council members from state DNR and water quality agencies participated in the original version of this type of training center, which existed from 1974 to 2000 and this new Center aims to replace it. The original Center was discontinued due to challenges in delivering the interdisciplinary curriculum needed for informed water use decisions, encompassing both quality and quantity

aspects. This includes integrating science with legal, institutional, and public involvement considerations, as well as the crucial role of socioeconomics.

The meeting was adjourned.