

**AGENDA
EXECUTIVE COMMITTEE**

The Cliff Lodge
Snowbird, Utah

June 11, 2025

Call to Order at: 12:00 a.m. (Mountain Daylight Time)
Conducting: Julie Cunningham, Chair

Room: Cirque

TAB

1. **Welcome and Introductions**
2. **Approval of Minutes**
- D 3. **Report on Budget and Finances** – Tony Willardson
- C 4. **Sunsetting Positions**
 - Position #482 - Preservation of Radio Frequencies necessary for Weather forecasting and Water Management
 - Position #483 - supporting Strengthening the Resiliency of Our Nation to the Impacts of Extreme Weather Events
 - Position #484 - regarding Hydraulic Fracturing
 - Position #485 - urging the Administration and Congress to Support Water Research and Development Programs at the Department of Energy National Laboratories
- E 5. **Executive Director's Report/WSWC Activities and Events** – Tony Willardson
- F 6. **Future WSWC Meetings**
7. **New Executive Director Search** – Julie Cunningham
- B 8. **Council Membership Update** – Tony Willardson
- G 9. **Draft FY2025-2026 Committee Work Plan**
- XYZ 10. **Sunsetting Positions for Fall 2025 Meetings** – #486-#489
 - Position #486 related to EPA exercise of authority under Section 404(c) of the Clean Water Act
 - Position #487 urges the Administration and NASA to enhance focus on research for water resources applications and promote long term engagement with the WSWC
 - Position #488 expressing support for implementation of the SECURE Water Act
 - Position #489 supporting legislation requiring the federal government to pay state filing fees in state general stream adjudications
10. **Other Matters**
- 1:15 p.m. **Adjourn**

Tab C – WSWC Policy Positions



**RESOLUTION
of the
WESTERN STATES WATER COUNCIL
on the
PRESERVATION OF RADIO FREQUENCIES
NECESSARY FOR WEATHER FORECASTING AND
WATER MANAGEMENT**

Polson, Montana Snowbird, Utah

August 5, 2022 June 12, 2025

WHEREAS, the Western States Water Council (WSWC) is a government entity representing eighteen states, with members appointed by their respective governors; and

WHEREAS, the WSWC's mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future; and

WHEREAS, in 2021, Congress created the Broadband Equity, Access, and Deployment (BEAD) program under the Infrastructure Investment and Jobs Act (P.L. 117-58) to expand Americans' access to high-speed internet the Administration has launched a \$45 Billion "Internet for All" Initiative to Connect Everyone in America; and

WHEREAS, National Telecommunications and Information Administration (NTIA) carries out the BEAD program, sets policy regarding allocations and regulations governing the federal spectrum use, assigns frequencies, and participates in all aspects of the Federal government's communications related emergency readiness activities; and

WHEREAS, the Federal Communications Commission has been aggressively engaged in efforts to make as many frequencies of the radio spectrum as possible available for commercial broadband and wireless technologies, licensed and unlicensed; and

WHEREAS, legislation has been introduced that would require an estimation of the value of the electromagnetic spectrum assigned or otherwise allocated to federal entities, between 3 kHz and 95 GHz; and

WHEREAS, a proposed basis for estimation is "the value that the electromagnetic spectrum would have if the spectrum were reallocated for the use with the highest potential value of licensed or unlicensed commercial wireless services that do not have access to that spectrum as of the date of the estimate...while preserving the spectrum access necessary to satisfy mission requirements and operations of Federal entities;" and

WHEREAS, much of the nation's data for emergency and administrative information on weather, river and streamflows, groundwater and forest fires are transmitted from remote platforms to satellites (GOES and POES) and then to "direct receive or downlink" stations on the 1675-1710 MHz range of the spectrum; and

WHEREAS, Earth-observation satellites use several radio frequency bands tied to the physical properties of the scientific measurements, including water vapor (23.8 GHz), rain and snow (36-37 GHz), atmospheric temperature (50.2 – 50.4 GHz), clouds and ice (86 – 92 GHz) and others; and

WHEREAS, sharing bandwidth, or noise from adjacent bands on the spectrum with inadequate controls, has the potential to interfere with the quality, accessibility, and utility of Earth-observation satellite data and data collected and transmitted from remote platforms on earth to satellites; and

WHEREAS, significant public and private funds have been invested to establish our satellite and ground networks, many of which would be costly to replace, and some of which are irreplaceable; and

WHEREAS, the serious, unintended consequences of data interference may include degradation in short-term weather forecasts; loss of data for streamgaging and water monitoring networks; ability of state and federal agencies to prepare for and respond to floods, fires, and extreme weather events; the ability of western states to administer and manage their scarce water resources and water quality programs; and risks of loss to human life, health, welfare, property, and environmental and natural resources.

NOW, THEREFORE, BE IT RESOLVED that the ~~Western States Water Council~~WSWC supports efforts to preserve frequencies needed for weather forecasting, streamgaging, and related water and emergency management information needs.

BE IT FURTHER RESOLVED that the ~~Council~~WSWC supports interagency coordination between the NTIA, FCC, NOAA, USGS and other state and federal agencies, to quantify and analyze the effects of commercial broadband use on satellite observation data and transmissions.

BE IT FURTHER RESOLVED that the ~~Council~~WSWC supports a meaningful evaluation of the existing government and potential alternative uses of the electromagnetic spectrum without discounting the costs of natural disasters and degradations in data needed for water management decisions, and with input from the States as appropriate.

*(See also Position No. 482, August 5, 2022,
and No. 434, July 18, 2019)*



**POSITION STATEMENT
of the
WESTERN STATES WATER COUNCIL
in support of
STRENGTHENING THE RESILIENCY OF OUR NATION
TO THE IMPACTS OF EXTREME WEATHER EVENTS**

**Snowbird, Utah
June 12, 2025**

WHEREAS, the Western States Water Council (WSWC) is a government entity representing eighteen states, with members appointed by their respective governors; and

WHEREAS, the WSWC's mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future; and

WHEREAS, the West and the Nation continue to suffer the effects of increasingly extreme weather events, including tornadoes, hurricanes, extreme precipitation, flooding and drought, resulting in the loss of life and economic, social, and environmental damages; and

WHEREAS, Western States ~~have recently~~ continue to experienced extreme seasonal and year-to-year weather volatility that has brought ~~record or near-record events with~~ floods, followed by drought and wildfires, as well as devastating tornadoes, all threatening public safety and property, and often taxing the capacity of our aging water infrastructure; and

WHEREAS, ~~widespread flooding along many western rivers and streams, including the Clark Fork, Flathead, James, Tanana, Yellowstone, and others,~~ extreme precipitation events have demonstrated the continuing need for more flood control capacity and early warning systems, with timely and accurate forecasts; and

WHEREAS, there is a need for developing new monitoring technologies such as remote sensing that provide more timely data availability and better spatial coverage for assessing flooding and drought impacts; and

WHEREAS, prolonged drought increasingly afflicts the West and the Nation, and affects the performance of interstate compacts and international treaties; and

WHEREAS, extreme prolonged drought has ~~plagued led to the cooperative development and implementation of the Drought Contingency Plans (DCPs) by the Seven~~ Colorado and Rio Grande River Basin States, the United States and Mexico, ~~prompting and calls by the Department of the Interior~~ for further reductions in water use; and

WHEREAS, flood control, drainage and other water resource issues also involve relations with Canada, including negotiations over renewing the Columbia River Treaty; and

WHEREAS, present water resources planning and sound decision-making depends on our ability to understand, monitor, predict, and adapt to droughts, floods, extreme storms, and other weather events; and

WHEREAS, in the West, sound decisionmaking demands accurate and timely data on precipitation, temperature, soil moisture, snow depth, snow water content, streamflow, and similar information; and

WHEREAS, investments in observations, research, forecasting, and monitoring the development of extreme weather events provide an opportunity to significantly improve real-time water rights administration, planning and project design, and operations to maximize storage, avoid or minimize the loss of life and property, as well as mitigate economic and environmental damages; and

WHEREAS, the Weather Research and Forecasting Innovation Act of 2017 was reauthorized in 2019, together with the National Integrated Drought Information System Act, ~~and but reauthorization of both are soon due for reauthorization failed to clear the Senate in the last 118th Congress~~; and

WHEREAS, the FY2026 Office of Management and Budget “Passback” for the National Oceanic and Atmospheric Administration (NOAA) and Oceanic and Atmospheric Research (OAR) eliminates all funding for climate, weather, and ocean research and related programs, essentially eliminating OAR as a line office; and

WHEREAS, the ~~Council~~WSWC continues to support NOAA’s National Integrated Drought Information System, ~~and reauthorization and implementation of the Weather Research Act, and emergency drought response authorities for the Bureau of Reclamation and other federal agencies~~; and

WHEREAS, a National Academy of Sciences’ report suggests a pathway and 10-year research agenda for advancing our capabilities with a vision of a decade from now using subseasonal to seasonal (S2S) forecasts as widely as we now use 5-10 day weather forecasts; and

WHEREAS, the ~~Council~~WSWC has urged NOAA to implement the western and midwestern pilot projects for improving S2S precipitation forecasting contained in its 2020 report to Congress pursuant to the Weather Research Act; and

WHEREAS, NOAA has allocated minimal resources for improving the skill of S2S forecasts (forecasts extending from 3 weeks to 2 years); and

WHEREAS, western states’ precipitation originates as storms moving over the Pacific Ocean and Gulf of Mexico, and the absence of key ocean observations constrains the ability to improve the skill of precipitation forecasting at near-term weather and S2S timescales; and

WHEREAS, advances in weather forecasting and research, such as that of NOAA’s Hydrometeorological Testbed program on West Coast atmospheric rivers, demonstrate the potential for improving extreme event forecasting at the operational time scale; and

WHEREAS, the ~~Council~~WSWC has supported development of an improved observing system for western extreme precipitation events, to aid in monitoring, prediction, and climate trend analysis associated with extreme storms; and

WHEREAS, there is a need for maintaining and improving existing monitoring networks that help provide early warning as well as tracking impacts of extreme events; and

WHEREAS, there is a need for improving precipitation forecasting at all time scales to support implementation of Forecast-Informed Reservoir Operations (FIRO); and

WHEREAS, there is a continuing need for greater collaboration between and among federal agencies, state agencies, local governments, non-governmental organizations and public/private organizations and businesses.

NOW THEREFORE BE IT RESOLVED, that the ~~Western States Water Council~~WSWC supports as a high priority appropriate federal appropriations and actions to plan, prepare for and avoid, minimize or mitigate the impacts of extreme weather events, including implementing the S2S forecasting pilot project^s recommended in NOAA's report to Congress and implementing NOAA's proposed Precipitation Prediction Grand Challenge.

BE IT FURTHER RESOLVED that the ~~Western States Water Council~~WSWC also supports legislation advancing the goals of: (1) minimizing the loss of life and property and economic, environmental and social cost from extreme weather events; (2) improving collaboration and coordination among agencies and organizations at all levels; (3) increasing consultation with state, local and tribal governments; (4) maintaining and enhancing data gathering and monitoring, as well as communication capabilities, identifying and addressing gaps and overlap; (5) identifying and addressing federal agency responsibilities, as well as regulatory and other preparedness and response barriers, (6) recognizing and addressing regional differences; and (7) advancing research within the physical sciences, and dynamical and statistical modeling to improve our S2S forecasting capabilities.

BE IT FURTHER RESOLVED that the ~~Western States Water Council~~WSWC pledges to work with the Administration and the Congress to appropriately address current and future needs to improve ~~S2S forecasting and~~ extreme events response and resiliency and S2S forecasting.

*(See also Position No. 483, 8/5/22; No. 435, 7/18/19;
No. 392, 7/15/16; and No. 352, 6/26/13)*



**RESOLUTION
of the
WESTERN STATES WATER COUNCIL
regarding
HYDRAULIC FRACTURING**

**Polson, Montana Snowbird, Utah
August 5, 2022 June 12, 2025**

WHEREAS, the Western States Water Council (WSWC) is a government entity representing eighteen states, with members appointed by their respective governors; and

WHEREAS, the WSWC's mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future; and

WHEREAS, hydraulic fracturing is a process that injects sand, water, and other fluids, including various chemical compounds, underground to aid in the extraction of oil and natural gas; and

WHEREAS, hydraulic fracturing has been used for over 60 years in oil and gas production, with over one million wells having been fractured in the United States alone; and

WHEREAS, states have primary and exclusive authority over the allocation and administration of rights to the use of water used in hydraulic fracturing operations; and

WHEREAS, states have decades of experience, knowledge, and information regulating hydraulic fracturing and other oil and gas activities, and making decisions regarding the protection of their water resources; and

WHEREAS, states are best positioned to regulate hydraulic fracturing because of their understanding of regional and local conditions and their ability to tailor regulations to fit the needs of the local environment.

NOW, THEREFORE, BE IT RESOLVED, that federal efforts involving hydraulic fracturing, including efforts to study potential adverse impacts on water quantity and quality, should leverage state knowledge, experience, policies, and regulations.

BE IT FURTHER RESOLVED, that federal efforts to study the potential impacts of hydraulic fracturing on water resources should be based upon sound science and driven by states' research and policy priorities.

BE IT FURTHER RESOLVED, that the ~~Western States Water Council-WSWC~~ opposes any and all efforts that would diminish the primary and exclusive authority of states over the allocation of water resources used in hydraulic fracturing.

*(See also Position No. 484, 8/5/22;
No. 436, 7/18/19; No. 393, 7/15/16; and No. 353, 6/26/13)*



**RESOLUTION
of the
WESTERN STATES WATER COUNCIL
urging the
ADMINISTRATION AND CONGRESS
TO SUPPORT WATER RESEARCH AND DEVELOPMENT PROGRAMS
at the
DEPARTMENT OF ENERGY NATIONAL LABORATORIES**

**Snowbird, Utah
June 12, 2025**

WHEREAS, the Western States Water Council (WSWC) is a government entity representing eighteen states, with members appointed by their respective governors; and

WHEREAS, the WSWC's mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future; and

WHEREAS, the ~~Western States Water Council~~ WSWC has long recognized that water and energy resources are interdependent – using one requires the other – and this presents a particular challenge in the West, where energy demand continues to rise while water supplies are increasingly stressed; and

WHEREAS, integrating, protecting, and wisely managing our national water and energy resources for the benefit of our present and future generations, is increasingly important; and

WHEREAS, one purpose of the ~~Western States Water Council~~ WSWC is to accomplish effective cooperation among western states (and our federal partners) in the conservation, development and management of water resources; and

WHEREAS, a second purpose of the ~~Western States Water Council~~ WSWC is to maintain vital state prerogatives, while identifying ways to accommodate legitimate federal interests; and

WHEREAS many watersheds are already fully-appropriated, and new stresses are emerging from climate, population growth, land use changes and water needs for energy development and production; and

WHEREAS, there is growing concern, particularly in the Arid West, over our ability to continue to supply water of adequate quality in quantities needed to sustain current and future uses, including energy, as well as agricultural, municipal and environmental uses; and

WHEREAS, the failure to provide for such needs would have significant regional and national consequences; and

WHEREAS, the Presidential Memo on the Recission of Useless Water Pressure

Standards issued on May 9, 2025 directs the Secretary of Energy to rescind regulations relating to energy efficiency and water conservation requirements for household water use, including the potential elimination of the Energy Star program; and

WHEREAS, more than 1,000 hyperscale (>10,000 sq. ft.) data centers have been built in the U.S. to accommodate the recent expansion of artificial intelligence, with an additional 120-130 new centers expected each year, each presenting a significant demand on water resources; and

WHEREAS, there is growing interest in renewable geothermal energy, and hydrothermal resources are primarily found in arid western states; and

WHEREAS, present water and energy resources planning and sound future decision-making depends on our ability to understand, monitor, anticipate and adapt to changing conditions; and

WHEREAS, electricity generation and other energy development is a significant driver of present and future water demands and the expertise and research of the national labs can supplement and enhance the ability of state, local and tribal water managers to understand and develop adaptation strategies; and

WHEREAS, water-related research at the Department of Energy's Office of Energy Efficiency and Renewable Energy, Office of and National Laboratories has included:

- exploring the energy-water nexus;
- highlighting energy-water-carbon nexus challenges and opportunities;
- developing unique multisector and multiscale model frameworks to address critical planning and operational decisions at the energy-water-land nexus;
- evaluating synergies between energy and water infrastructure to improve reliability and resiliency;
- understanding interactions among atmospheric particles, clouds, the land surface, and human activities;
- providing decision science, support and informatics for balancing water supply and demands;
- developing domestic water use projections;
- decreasing water and energy demands through efficient use;
- promoting sustainable groundwater management and storage opportunities while reducing cost and energy demands and insuring water quality;
- advancing next-generation hydropower and pumped storage systems;
- modernizing irrigation;
- increasing the safety, security, and sustainability of water infrastructure through the development of advanced technologies that create new water supplies;
- improving desalination membranes;
- managing water in a low-to-no snow future; and
- conducting research and development in hydrogen production, delivery, and storage for multiple end uses.

WHEREAS, such research should be guided by state needs as expressed in state water

and energy planning documents and through state planning processes with a focus on water resource demands and water quality impacts; and

WHEREAS, in the West, States in compliance with State law have exclusive authority over the appropriation and adjudication of water rights for all uses, and the allocation of water for energy development, including the determination of whether or not there is any unappropriated water available for use.

NOW, THEREFORE, BE IT RESOLVED that the ~~Western States Water Council~~WSWC urges the Administration and the Congress to recognize the value of Department of Energy hosted energy-water programs and research conducted at National Laboratories undertaken in collaboration with state water resources agencies, including but not limited to work at: the Idaho National Laboratory (INL); Lawrence Berkeley and Lawrence Livermore National Laboratories in California; Los Alamos and Sandia National Laboratories in New Mexico; the National Renewable Energy Laboratory (NREL) in Colorado; and Pacific Northwest National Laboratory (PNNL) in Washington, that collaboratively links federal energy research programs and water issues of concern to the western states.

BE IT FURTHER RESOLVED that the ~~Western States Water Council~~WSWC urges the Administration and the Congress to encourage collaboration and cooperation between the National Laboratories and other federal agencies, including but not limited to the National Oceanic and Atmospheric Administration (NOAA), U.S. Bureau of Reclamation (USBR) and U.S. Geological Survey (USGS) to leverage federal expertise and resources (including supercomputing power; climate and precipitation site sensitivity analysis; systems analysis, integration, and security, etc.) in addressing the Nation's water-related challenges.

BE IT FURTHER RESOLVED that the ~~Western States Water Council~~WSWC urges the Administration and the Congress to recognize the primary role of the States in allocating water for energy.

(See also Positions No. 485, 8/5/22; No. 437, 7/18/19; No. 395, 7/15/16; No. 355, 6/26/13; and No. 324, 7/23/10)

WSWC POLICY STATEMENTS

Position Number	Committee Oversight	Date Adopted	POSITIONS (Policy positions will be deactivated three (3) years after their adoption, unless extended by formal action of the Council.)
531	WQ	4/25/2025	regarding Clean Water Act Jurisdiction
530	L	4/25/2025	regarding Migratory Birds and the Management of State Water Rights and Resources
529	WR	4/25/2025	supporting Renewable Hydropower Development
528	WR	4/25/2025	supporting Rural Water Infrastructure Needs & Projects
527	WQ	4/25/2025	regarding the Extension of NPDES Permit Terms
526	WQ	10/23/2024	regarding Abandoned Hardrock Mine Cleanup
525	L	10/23/2024	regarding States' Water Rights and Natural Flows
524	WR	10/23/2024	regarding Bureau of Reclamation Drought Response Program
523	WR	10/23/2024	regarding Drought Preparedness, Prediction and Early Warning Programs
522	WR	10/23/2024	regarding Federal Water and Climate Data Collection and Analysis Programs
521	WQ	10/23/2024	supporting State Clean Water Act Section 401 Certification Authority
520	L	7/26/2024	regarding Endangered Species and State Water Rights
519	WQ	7/26/2024	regarding Water Transfers and National Pollutant Discharge Elimination System (NPDES) Discharge Permits
518	WR	7/26/2024	regarding the Rural Water Supply Project/Infrastructure Needs
517	WQ	7/26/2024	regarding State Nutrient Reduction Strategies
516	L	3/14/2024	regarding the Dividing the Waters program
515	L	3/14/2024	on State primacy over groundwater
514	L	3/14/2024	supporting universal access to reliable, clen drinking water for federally recognized Indian tribes and Alaska native communities
513	WR	3/14/2024	supporting federal research on climate adaptation
512	WR	3/14/2024	regarding water and energy planning and policy
511	WR	3/14/2024	supporting water infrastructure funding
510	WR	3/14/2024	supporting weather station networks
509	WR	3/14/2024	supporting the use of Forecast Informed Reservoir Operations and Innovations
508	WR	3/14/2024	regarding probable maximum precipitation standards
507	L	9/14/2023	outlining actions Federal agencies should take to expedite State General Stream Adjudications
506	WQ	9/14/2023	asserting state primacy on Protecting Ground Water Quality
505	WR	9/14/2023	supporting U.S. Department of Agriculture (USDA) Conservation Programs and Water Resources
504	L	9/14/2023	supporting Indian Water Rights Settlements
503	WR/E	5/24/2023	regarding water-related federal rules, regulations, directives, orders and policies
502	WR	5/24/2023	support federal authorization and financial support through the U.S. Geological Survey (USGS) for State Water Resources Research Institutes
501	WR	5/24/2023	requests Congress fully appropriate receipts accruing to the Reclamation Fund for their intended purpose
500	WR	5/24/2023	supporting NOAA data, forecasting, and research programs
499	L	5/24/2023	opposes any federal legislation intended to preempt state water law
498	WR	5/24/2023	supporting national dam safety programs
497	WR	5/24/2023	regarding the rural water and wastewater project/infrastructure needs and U.S. Department of Agriculture programs
496	WQ	5/24/2023	regarding the clean and drinking water state revolving funds and state and tribal assistance grants
495	WR	5/24/2023	regarding the National Levee Safety Act of 2007, levees and canal structures
494	WR	5/24/2023	regarding the transfer of federal water and power projects and related facilities
493	WR	5/24/2023	regarding the Reclamation Safety of Dams Act of 1978
492	WR	5/24/2023	regarding the Bureau of Reclamation's maintenance, repair and rehabilitation needs
491	WR	5/24/2023	urging Congress to support subseasonal to seasonal weather research, forecasting, and innovation
490	WQ	5/24/2023	water quality standards and federal reserved treaty rights for tribes
489	L	10/21/2022	supporting legislation requiring the federal government to pay state filing fees in state general stream adjudications
488	WR	10/21/2022	expressing support for implementation of the SECURE Water Act
487	WR	10/21/2022	urges the Administration and NASA to enhance focus on research for water resources applications and promote long term engagement with the WSWC
486	WQ	10/21/2022	related to EPA exercise of authority under Section 404(c) of the Clean Water Act,
485	WR	8/5/2022	urging the Administration and Congress to Support Water Research and Development Programs at the Department of Energy National Laboratories
484	WQ	8/5/2022	regarding Hydraulic Fracturing
483	WR	8/5/2022	supporting Strengthening the Resiliency of Our Nation to the Impacts of Extreme Weather Events
482	WR	8/5/2022	on the Preservation of Radio Frequencies necessary for Weather forecasting and Water Management

Sunsetted Positions

2022

#472 Regarding Clean Water Act Jurisdiction (*superseded by more recent position*)

2020

#410 Acknowledges state authority over “waters of the State” and called for recognizable limits to federal Clean Water Act jurisdiction. (*superseded by more recent position*)

2019

#394 Urging Congress to authorize and the Administration to complete a comprehensive study of the Missouri River Mainstem Reservoir System’s authorized purposes and related benefits before addressing an appropriate balance and mix of uses. (*outdated*)

#389 Urging Congress and the Administration to prioritize federal programs that provide the translation function between basic scientific research on climate and weather extremes to water resources management actions. (*positions more recently adopted*)

2017

#373 Letter commenting on the proposed rule developed by the EPA and the USACE to clarify the scope of Clean Water Act jurisdiction. (*proposed rule became the 2015 Clean Water Rule*)

#372 Letter sending comments on the USFS Proposed Directive on Groundwater Resource Management, Forest Service Manual 2560. (*Forest Service has withdrawn their activity*)

#370 The Interpretive Rule Regarding Applicability of the Exemption from Permitting under Section 404(f)(1)(A) of the Clean Water Act to Certain Agricultural Conservation Practices. (*proposed rule was withdrawn*)

2016

#359 Opposing requiring pesticide applications for National Pollutant Discharge Elimination System (NPDES) discharge permits. (*outdated*)

2015

#338 Energy and Water Integration Act of 2011. (*outdated*)

#341 Letter regarding concerns with the Bureau of Reclamation’s proposed changes to the Reclamation Manual. (*outdated*)

2013

#323 A Shared Vision on Water Planning and Policy. (*superceded by a permanent mission statement, A Vision of Water*)

2012

- #313 Letter Regarding National Water Research and Development Initiative Act. *(There is no current legislation)*
- #315 Letter to House Transportation and Infrastructure Committee leaders raising concerns regarding a draft bill entitled the Sustainable Watershed Planning Act. *(outdated, not reintroduced)*
- #317 Supporting the Bureau of Reclamation's Field Services Program. *(outdated)*
- #318 Offering general comments to CEQ on the Principles and Guidelines. *(outdated)*
- #319 Describing principles that are important to the Western states in considering a "national vision" for water policy. *(superceded by more recent position)*

2011

- #297 Strong support for legislation to establish a National Drought Council to improve national drought preparedness, mitigation, and response efforts. *(There is no current legislation)*
- #298 In cooperation with the Interstate Council on Water Policy expressing strong support for increased funding for the Cooperative Water Program and the National Streamflow Information Program. *(superceded by more recent position statements and letters)*
- #299 Supporting S. 2842, the Aging Water Infrastructure and Maintenance Act. *(enacted)*
- #300 Regarding introduction of the Cooperative Watershed Management Act of 2008 (S. 3085). *(enacted)*
- #301 Commenting on H.R. 135, the "21st Century Water Commission," specifically declaring that the WSWC be involved in the selection of members and that it include State and Native American involvement. *(Bill has not been reintroduced)*
- #302 Supporting the enactment of S. 895 to provide the Bureau of Reclamation with authority to assess rural water supply needs and for sufficient funding. *(enacted)*
- #303 Revised resolution in support of the Weather Modification Research and Technology Transfer Act. *(No federal research program or legislation has been reintroduced)*
- #306 Urging support for full funding of the USGS National Streamflow Information Program (NSIP) and sufficient funding for the Cooperative Water Program to match non-USGS contributions. *(outdated)*
- #307 Letter to Senator Bingaman, Senate Energy and Natural Resources Committee, expressing interest in S. 3231, the Omnibus Public Lands Management Act. *(outdated)*
- #311 Letter to Steve Stockton offering assistance to the Corps in their water planning initiative. *(outdated)*

2010

- #287 Setting forth the Council's past perspectives on a proposed "Twenty-First Century Water Commission." *(outdated - see #301 above)*

- #289 Support of the proposed Water Conservation, Efficiency and Management Act, to specifically authorize the Bureau of Reclamation's water conservation programs. (*separately authorized*)
- #290 Concern over the Administration's decision to zero out funding for the U.S. Bureau of Reclamation's Technical Assistance to States (TATS) Program. (*outdated*)
- #291/#292 Regarding the proposed Agricultural Water Enhancement Program. (*enacted*)
- #295 Concern over budget request for federal funding for water and wastewater treatment, specifically EPA's State Revolving Fund (SRF) Capitalization Grants. (*combined with #296 and replaced with #330 – Apr 15, 2011*)
- #296 Concern with OMB directive to EPA disallowing the use of SRF revenues to repay bonds. (*combined with #295 and replaced with #330 – Apr 15, 2011*)

2009

- #276 Urging the Congress and Administration to Continue to Recognize State Primacy Regarding Water Rights and Water Quality Certification in the Federal Licensing of Hydroelectric Projects. (*supplanted by WGA resolution*)
- #277 Letter commending the American Indian Environmental Office of EPA for its efforts in establishing the Tribal Water Program Council and expressing a hope that it would "offer an ongoing opportunity for state-tribal cooperation on issues of mutual interest." (*outdated*)
- #279 Support for legislation (S. 2751 and H.R. 5136) to create a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration. (*authority enacted*)
- #280 Strong support for federal legislation, the National Drought Preparedness Act, to establish a national policy for drought and coordinate "proactive measures at all levels of government to plan, prepare and mitigate the serious impacts of drought." (*deferred to WGA resolution*)
- #281 Support for Reclamation's Water Conservation Field Services Program and "Bridging-the-Headgate" Partnerships. (*outdated*)
- #282 Regarding Federal Non-Tribal Fees in General Adjudications asking the Congress to pass legislation requiring the Federal government, when a party to a general water rights adjudication, to pay fees for costs imposed by the state to conduct the proceedings to the same extent as all other users. (*deferred to WGA resolution*)
- #283 Reiterating strong support for maintaining a thermal band as part of the Landsat Data Continuity Mission, and the necessary funding. (*separately updated*)

2008

- #262 Support for the U.S. Geological Survey's Cooperative Water Program (CWP) and opposes any effort to force the privatization of related USGS services. (*separately updated*)
- #268 The WSWC endorses policy resolutions adopted by the Western Governors' Association, and will allow these policies to guide the Council in matters relevant to implementation and potential reauthorization of the Clean Water Act. (*deferred to WGA resolution*)
- #269 Water Efficiency Standards for Plumbing Products. (*subsequently enacted*)

- #270 Reauthorization of the Farm Bill. (*reauthorized*)
- #271 Support for the National Aeronautics and Space Administration's Landsat Data Continuity Mission and calling for continued funding to include a thermal infrared sensor. (*superceded by 2009 WSWC Position No. 283*)
- #273 Support for the Nonpoint Source Grant program administered by the U. S. Environmental Protection Agency under Section 319 of the Clean Water Act. (*outdated*)

Tab D – Budget



WESTERN STATES WATER COUNCIL

682 East Vine Street, Suite 7 / Murray, Utah 84107 / (801) 685-2555 / FAX (801) 685-2559

Web Page: www.westernstateswater.org

June 6, 2025

MEMO: Executive Committee
FROM: Executive Director
RE: FY2024-2025 Budget and WestDAAT 2.0-WestCAT Status Report

With regard to the budget, this has been an unusual year. In September, the WSWC signed a WaterSMART grant award agreement for the development of a Western States Water Conservation Application Tool (WestCAT) that gave us access to \$400,000 to be at least equally matched by the WSWC. After extensive discussion, the Executive Committee agreed to commit \$200,000 from our financial reserves towards this match, but directed that the funds focus on related required updates to our Western States Data Access and Analysis Tool (WestDAAT 2.0). The remainder of the match has largely come from allowed pre-award costs previously funded by our philanthropic partners.

WestDAAT 2.0 and WestCAT development was accelerated by our IT contractor, Don't Panic Labs (DPL) and both are now operational. Our \$400,000 WaterSMART grant and the WSWC's commitment of \$200,000 from reserves for WestDAAT 2.0 updates, have all been expended. As you know, the Trump Administration in January announced a freeze on all federal grants, but shortly thereafter released the hold pending further review. At that time, in order to ensure we could pay DPL, we began drawing funds from our Treasury ASAP account (WaterSMART grant) to cover anticipated DPL charges. Both our income and expenses for the current fiscal year have been affected.

Rather than the \$200,000 budgeted from the WaterSMART grant, we have now drawn the entire \$400,000 and that has been applied towards WestCAT development and tasks related to connecting WaDE 2.0 and WestCAT. Our DPL charges for WestCAT total \$325,750 and \$86,610 to address key crossover questions, plus another \$229,400 for WestDAAT 2.0. The grand total for both is \$641,760 compared to \$600,000 committed (and we had budgeted \$350,000 this year for both). The additional expense has been more than offset by support from our philanthropic partners BHP/Duke and savings related to Ryan's salary and benefits, as he has been working half time since October.

Given the accelerated development of WestCAT and WestDAAT 2.0, less staff time was available for work with the Lincoln Land Institute under an agreement to develop a Water Data Hub for the U.S. Bureau of Reclamation and our receipts are therefore under budget by some \$32,000.

With respect to other income, all member states paid their dues (\$648,000), which funds the bulk of the WSWC's core operations. We have already begun to receive some pre-payment of FY2025-2026 dues.

The WSWC's reserve funds are held and invested in the Utah Public Treasurers' Investment Fund (PTIF) and interest for the current fiscal year is expected to be \$53,404.13. This includes interest on general funds from dues held pending expenditure for WSWC operations, interest on an equipment replacement fund (which has covered the cost this year of a new copier, server and computer), as well as interest on a fund to cover staff annual and sick leave payout obligations upon retirement or separation from service.

As of June 4, there was \$693,826.11 in our general PTIF reserve account, \$17,045.00 in our equipment replacement fund, and \$173,469.47 in our leave payout account.

We received more income than budgeted from WSWC meeting sponsors, and \$15,000 from the State of California for a S2S workshop held in San Diego last month that was not anticipated.

Together receipts totaled \$183,564 more than budgeted, and expenses were \$290,875 more than budgeted, leaving an estimated budget shortfall of \$107,311. In addition to the additional expenses for WestCAT and WestDAAT 2.0, a number of other expense items are also over budget, notably our annual auditor's review, contract services (including the \$20,000 committed for strategic planning), and meetings and arrangements (in part due to our annual meeting being held in June). The latter will result in savings next fiscal year, with one less meeting. Travel expenses are also over budget.

Please let me know if you have any questions or concerns.

FY2025 Approved Budget & July-June Income and Expenses

	FY2024-25 Approved Budget	July-May Income & Expenses	WSWC Income & Expenses	WaDE Income & Expenses	Estimate Remainder FY2024-25	Total Estimate FY2024-25
<u>INCOME</u>						
Member States Assessments	\$ 648,000.00	\$ 648,000.00	\$ 648,000.00	\$ -	\$ -	\$ 648,000.00
Miscellaneous Income	\$ -	\$ 850.00	\$ 850.00	\$ -	\$ -	\$ 850.00
PTIF Interest	\$ 46,400.00	\$ 50,164.13	\$ 50,164.13	\$ -	\$ 3,240.00	\$ 53,404.13
WellsFargo Interest	\$ -	\$ 22.84	\$ 22.84	\$ -	\$ 7.00	\$ 29.84
Joint Meeting Income	\$ -	\$ 5,904.43	\$ 5,904.43	\$ -	\$ -	\$ 5,904.43
Council Meeting Sponsors	\$ 6,750.00	\$ 6,750.00	\$ 6,750.00	\$ -	\$ 3,800.00	\$ 10,550.00
Symposium/Workshop Sponsors (CA S2S San Diego)	\$ -	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00
NARF WSWC Symposium (net)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
USBR Water SMART (\$200k/2 years)	\$ 827.00	\$ 727.03	\$ -	\$ 727.03	\$ -	\$ 727.03
Water Foundation Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
BHP Foundation - Duke Year 3 close out & Year 5 funds availability	\$ 20,374.45	\$20,374.45	\$ -	\$20,374.45	\$ -	\$20,374.45
BHP Foundation - Duke Year 4/5 (\$37,500) beginning Oct. 1, 2025	\$ 37,500.00	\$ -	\$ -	\$ -	\$ 20,443.60	\$ 20,443.60
USBR Water SMART (\$400k/2 years)	\$ 200,000.00	\$ 400,000.00	\$ -	\$ 400,000.00	\$ -	\$ 400,000.00
WSWC Water SMART match	\$ 200,000.00	\$ 200,000.00	\$ -	\$ 200,000.00	\$ -	\$ 200,000.00
Lincoln Institute CSG/USBR Subcontract (thru 9/25)	\$ 80,000.00	\$ 24,514.93	\$ -	\$ 24,514.93	\$ 23,616.67	\$ 48,131.60
Thornburg Foundation et al - New Mexico	\$ 4,300.00	\$ 4,300.00	\$ 4,300.00	\$ -	\$ -	\$ 4,300.00
Other		\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL INCOME	\$ 1,244,151.45	\$ 1,376,607.81	\$ 730,991.40	\$ 645,616.41	\$ 51,107.27	\$ 1,427,715.08
						\$1,427,715.08
<u>EXPENSE</u>						
Accounting	\$ 4,000.00	\$ 4,174.71	\$ 4,174.71	\$ -	\$ 200.00	\$ 4,374.71
Annual & Sick Leave Funding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Audit	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ -	\$ -	\$ 6,000.00
Contingencies	\$ 8,000.00	\$ 5,371.80	\$ 5,371.80	\$ -	\$ -	\$ 5,371.80
Contract Services (Independent Contractors)	\$ 3,500.00	\$ 5,681.25	\$ 5,681.25	\$ -	\$ 18,000.00	\$ 23,681.25
Contracted Office Maintenance	\$ 3,400.00	\$ 3,300.00	\$ 3,300.00	\$ -	\$ 300.00	\$ 3,600.00
Equipment Replacement Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Furniture-Equipment	\$ -	\$ 299.23	\$ 299.23	\$ -	\$ -	\$ 299.23
Internet & Email (Comcast & UT Div. Tech Services)	\$ 5,250.00	\$ 4,969.03	\$ 4,969.03	\$ -	\$ 455.00	\$ 5,424.03
Insurance	\$ 2,200.00	\$ 1,690.00	\$ 1,690.00	\$ -	\$ -	\$ 1,690.00
Meetings & Arrangements	\$ 30,300.00	\$ 33,493.27	\$ 33,493.27	\$ -	\$ 14,500.00	\$ 47,993.27
Office Supplies	\$ 1,200.00	\$ 1,640.84	\$ 1,640.84	\$ -	\$ 100.00	\$ 1,740.84
Payroll Benefits						
Dental Insurance	\$ 3,485.00	\$ 2,764.08	\$ 2,764.08	\$ -	\$ 238.74	\$ 3,002.82
Life Insurance	\$ 328.00	\$ 299.75	\$ 239.80	\$ 59.95	\$ 27.25	\$ 327.00
LT Disability Insurance	\$ 2,182.00	\$ 1,879.00	\$ 1,520.51	\$ 358.49	\$ 162.94	\$ 2,041.94
Medical Insurance	\$ 89,362.00	\$ 67,247.84	\$ 67,247.84	\$ -	\$ 4,538.18	\$ 71,786.02
Pension	\$ 74,165.00	\$ 65,918.59	\$ 49,601.33	\$ 16,317.26	\$ 5,661.59	\$ 71,580.18
Payroll Salaries	\$ 436,263.00	\$ 370,186.00	\$ 316,714.50	\$ 53,471.50	\$ 32,587.34	\$ 402,773.34
Payroll Taxes (unemployment ins)	\$ 32,774.00	\$ 28,264.04	\$ 24,135.28	\$ 4,128.76	\$ 2,491.92	\$ 30,755.96
Pension Management	\$ 8,500.00	\$ 5,549.66	\$ 5,549.66	\$ -	\$ -	\$ 5,549.66
Postage & Freight	\$ 600.00	\$ 201.95	\$ 201.95	\$ -	\$ 100.00	\$ 301.95
Printing & Reproduction	\$ 1,200.00	\$ 525.76	\$ 525.76	\$ -	\$ 50.00	\$ 575.76
HOA Fees (w/o Property Tax)	\$ 4,500.00	\$ 3,336.00	\$ 3,336.00	\$ -	\$ 309.00	\$ 3,645.00
Property Tax	\$ 3,500.00	\$ 3,212.33	\$ 3,212.33	\$ -	\$ -	\$ 3,212.33
Storage Rent	\$ 6,505.00	\$ 5,401.00	\$ 5,401.00	\$ -	\$ 547.00	\$ 5,948.00
Reports & Publications	\$ 6,000.00	\$ 5,999.79	\$ 5,999.79	\$ -	\$ -	\$ 5,999.79
Symposium (Nat'l Water Data Workshop)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Symposium (CDWR-S2S)	\$ -	\$ 12,569.53	\$ 12,569.53	\$ -	\$ -	\$ 12,569.53
Symposium (WSWC / NARF)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Telephone (UBS)	\$ 1,750.00	\$ 1,540.00	\$ 1,540.00	\$ -	\$ 140.00	\$ 1,680.00
Travel	\$ 36,700.00	\$ 37,792.81	\$ 37,792.81	\$ -	\$ 3,500.00	\$ 41,292.81
Utilities (Questar & Murray Power)	\$ 1,500.00	\$ 1,644.31	\$ 1,644.31	\$ -	\$ 150.00	\$ 1,794.31
Other - Software & Licensing	\$ 15,987.00	\$ 11,488.40	\$ 3,095.01	\$ 8,393.39	\$ 1,000.00	\$ 12,488.40
WaDE Accelerator & Consulting (DPL)	\$ 8,000.00	\$ 7,640.00	\$ -	\$ 7,640.00	\$ -	\$ 7,640.00
WestDAAT 2.0 Update (DPL)	\$ -	\$ 229,400.00	\$ -	\$ 229,400.00	\$ -	\$ 229,400.00
WestCAT Key Crossover Questions (DPL)	\$ -	\$ 86,610.00	\$ -	\$ 86,610.00	\$ -	\$ 86,610.00
WestCAT Development (DPL)	\$ 350,000.00	\$ 325,750.00	\$ -	\$ 325,750.00	\$ -	\$ 325,750.00
SWCA Contractor Payments	\$ 100,000.00	\$ 108,125.57	\$ 108,125.57	\$ -	\$ -	\$ 108,125.57
TOTAL EXPENSES	\$ 1,244,151.00	\$ 1,449,966.54	\$ 717,837.19	\$ 732,129.35	\$ 85,058.96	\$ 1,535,025.50
Balance	\$ -	\$ (73,358.73)	\$ 13,154.21	\$ (86,512.94)	\$ (33,951.69)	\$ (107,310.42) 8% over

Tab E – WSWC Activities and Events

Western States Water Council Summary of Activities

April 2025 – June 2025

ADMINISTRATION/CONGRESSIONAL OUTREACH

In April the WSWC began to send programmatic requests for a \$15 million National Weather Service FY26 increase for a western pilot to improve sub-seasonal to seasonal (S2S) precipitation.

On April 1, the WSWC sent a letter to Senate Energy and Natural Resources Committee leadership in strong support of the nomination of Andrea Travnick to serve as Assistant Secretary of the U.S. Department of the Interior for Water and Science.

On April 11, the WSWC joined a coalition letter to House and Senate appropriators calling for full funding for the Clean Water and Drinking Water State Revolving Funds (SRFs). The signers included more than two dozen organizations including the American Water Works Association (AWWA), Association of Clean Water Agencies (ACWA), Association of State Drinking Water Administrators (ASDWA), Environmental Council of States (ECOS), and U.S. Water Alliance.

On April 30, WSWC Deputy Director and General Counsel, provided testimony before the House Natural Resources Subcommittee on Water, Wildlife and Fisheries hearing regarding *Advancing Federal Water and Hydropower Development: A Stakeholder Perspective*. She voiced WSWC's support for "reasonable hydropower projects and programs that enhance our electric generation capacity and promote economic development, through efficient permitting processes," while respecting state authority, interstate compacts, and rights of water users. She also called for integrated water-energy planning and urged the federal government to engage States in early and meaningful coordination to help streamline permitting processes and environmental reviews.

On June 2, WSWC sent a letter to EPA leadership regarding Waters of the United States (WOTUS) expressing the need for robust consultation and continued access to federal technical and financial assistance. WSWC expressed support for the development of geospatial datasets and mapping of jurisdictional waters and the development of a dispute resolution mechanism.

WESTERN GOVERNORS' ASSOCIATION COORDINATION

WSWC staff coordinate with WGA staff on policy letters, positions, statements, and testimony.

WSWC staff have regular monthly calls with the WGA's Water Policy Advisor.

The WSWC is a member of the Western Policy Network, led by WGA, and participates in quarterly calls and provides information for the Network's Roundup Monthly Newsletter.

WSWC CALLS, MEETINGS, SURVEYS, SYMPOSIA AND WORKSHOPS

On April 22-25, the WSWC held its Spring Meetings in Lincoln, Nebraska.

WSWC staff continue to work on a summary of results from a past survey designed by the Legal Committee on various aspects of state water rights administration, law, management, and regulation.

The WSWC circulated a survey to members seeking opinions and guidance related to current WSWC operations and strategic plans for future directions in preparation for our 60th Anniversary in June.

COORDINATION with WESTFAST AGENCIES

WSWC and WestFAST leadership communicate weekly and via monthly WestFAST calls as needed.

WSWC Deputy Director/General Counsel has participated in EPA Managed Aquifer Recharge (MAR) assessment, of the state of science, gaps, and obstacles.

COORDINATION WITH OTHER ORGANIZATIONS

April 28-30, WSWC Executive Director attended AWRA 2025 Spring Conference in Anchorage, Alaska providing the keynote speech.

April 28-30, WSWC Deputy Director/General Counsel attended the National Water Resources Association, DC Policy Conference, in Washington, DC.

On May 7-9, the WSWC and the California Department of Water Resources (CDWR) cosponsored a workshop to continue a dialogue among western states, the National Oceanic and Atmospheric Administration (NOAA), and the research community on improving sub-seasonal to seasonal (S2S) precipitation forecasting to support water management decisionmaking. The workshop was held in San Diego, California.

WSWC participates in the Western Regional Partnership's (WRP) Water Security Deep-Dive calls. WRP is a collaboration initiative involving the U.S. Department of Defense, other federal agencies, the States of Arizona, California, Colorado, Nevada, New Mexico, and Utah, as well as tribal entities to advance shared strategic planning, land management and policy goals.

WaDE DEVELOPMENT AND OUTREACH

The WSWC continues to lead efforts to make state water-related data Findable, Accessible, Interoperable and Reproducible (FAIR) through its Water Data Exchange (WaDE) and Western States Water Data Access and Analysis Tool (WestDAAT), the preeminent source of data on western state water rights.

Western States Water Data and Analysis Tool Version 2.0

WestDAAT 2.0 is an update that allows access to site-specific time-series data, to the extent it is provided by States in a machine-readable format. WestDAAT 2.0 improvements include access to all WaDE recorded data including: (1) querying historical water supply/water use data available in the WaDE database; and (2) visualizing how administrative and regulatory overlay information relates to water rights. In addition, WestDAAT's existing water right visuals have been expanded to include new filter options, and the WaDE APIs capabilities and services have been redeveloped to follow Open Geospatial Consortium (OGC) Standards. WSWC committed \$200,000 dollars towards the updates.

The WaDE team scheduled three separate demonstrations to showcase the developments for WestDAAT 2.0 (one demo on March 27th and two demos on April 1st). Demonstrations included a brief presentation on new features, a live demo, followed by an open discussion where attendees had access to WestDAAT 2.0 in a staging environment. Attendees were asked to provide feedback on useability, neatness, and suggestions on improvements to better visualize and access the data.

Western States Water Conservation Application Tool

With support from a \$400,000 WaterSMART applied science grant from the U.S. Bureau of Reclamation and philanthropic partners matching funds, the WSWC has developed and is deploying a Western States Water Conservation Application Tool (WestCAT), designed to facilitate temporary, voluntary, compensated water exchange programs using state water rights data and evapotranspiration (ET) data from OpenET as a surrogate for consumptive use, field-by-field, and reasonable beneficial use.

Internet of Water Coalition

WSWC Executive Director and WaDE Program Manager share updates and participate in Internet of Water (IoW) bimonthly check-in calls related to WaDE progress as a major IoW data hub, and IoW Coalition Steering Committee meetings.

Western Water Data Hub for the Bureau of Reclamation

WSWC staff are also working with the Lincoln Institute of Land Policy and its Center for Geospatial Solutions (CGS) to provide state-based data on reservoir storage and releases, streamflow, and water use from WestDAAT 2.0 for a Western Water Data Hub funded by the U.S. Bureau of Reclamation. WSWC staff participate with Lincoln CGS and Reclamation on WaDE and Internet of Water coordination calls to discuss development of the Hub and outreach plans.

COMMITTEES, TASK FORCES AND WORKGROUPS

WSWC staff participate as members of the following:

Ad Hoc Group on Indian Water Rights Settlements – WSWC Executive Director/Deputy Director

American Water Resources Association (AWRA) – WSWC Executive Director

Internet of Water (IOW) Coalition Steering Group – WSWC Executive Director

National Integrated Drought Information System (NIDIS) Executive Council – WSWC Executive Director, Co-Chair

USGS Water Use Data and Research (WUDR) Open Forum

Western Association of Fish and Wildlife Agencies (WAFWA) – WSWC Executive Director (liaison)

Western Policy Network – WSWC Executive Director

Western Regional Partnership – WSWC Executive Director/Deputy Director

Tab F – Future WSWC Meetings

WESTERN STATES WATER COUNCIL

FUTURE MEETINGS

2025 Council Meetings/Host States

Fall – California
DoubleTree San Pedro Port of Los Angeles
San Pedro, California
September 23-26, 2025

2025 Other Meetings:

WSWC-NARF 19th Biennial Indian Reserved Water Rights Symposium (virtual)
TBD

2026 WSWC Meetings Projections

Spring –	DC Roundtable	last held March 2024
Summer –	Oregon	last held 8/3/2018 in Newport
Fall –	New Mexico	last held 10/20/2017 in Albuquerque

2027 WSWC Meetings Projections

Spring –	Idaho	last held 10/26/2018 in Coeur d’Alene
Summer –	Washington	last held 7/18/2019 in Leavenworth
Fall –	Arizona	last held 3/22/2019 in Chandler

[illegible]

Tab B – Membership List

WESTERN STATES WATER COUNCIL

MEMBERSHIP LIST

June 3, 2025

OFFICERS

Chair - **Julie Cunningham**
Vice-Chair - **Earl Lewis**
Secretary-Treasurer - **Candice Hasenyager**

STAFF

Executive Director - **Tony Willardson**
Deputy Director/General Counsel - **Michelle Bushman**
Policy Analyst - **Elysse Campbell**
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**Executive Committee Member

†Council members denoted by this symbol are listed by virtue of their office, pending receipt of a letter of appointment by their Governor.

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WESTERN STATES WATER COUNCIL COMMITTEE ASSIGNMENTS

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Vacant - Alaska
Thomas Buschatzke - Arizona
Jeanine Jones - California
Lauren Ris - Colorado
Mat Weaver - Idaho
Jerry Rigby - Idaho
(Alternate)
Earl Lewis - Kansas
(Vice-Chair)
Anna Pakenham Stevenson - Montana
Jesse Bradley - Nebraska
Adam Sullivan - Nevada
Tanya Trujillo - New Mexico
Reice Haase - North Dakota
Julie Cunningham - Oklahoma
(Chair)
Sara Gibson - Oklahoma
(Alternate)*
Doug Woodcock - Oregon
Hunter Roberts - South Dakota
Nakaila Steen- South Dakota
(Alternate)*
Brooke Paup - Texas
Candice Hasenyager - Utah
Todd Stonely - Utah
(Alternate)*
Ria Berns - Washington
Brandon Gebhart - Wyoming
Jeff Cowley - Wyoming
(Alternate)*

Management Subcommittee

Julie Cunningham
(Chair)
Earl Lewis
(Vice-Chair)
Candice Hasenyager
(Secretary/Treasurer)
Tony Willardson
(Executive Director)
Jeanine Jones
(Former Chair)

Ex-Officio Representatives

*For purposes of Committee rosters, the designation as an "alternate" only reflect the person's function on the Committee.

LEGAL COMMITTEE

Thomas Mooney-Myers - Alaska
Ayesha Vohra - Arizona
Kelly Brown - Arizona
(Alternate)*
Jeanine Jones - California
Jason Ullmann - Colorado
Jerry Rigby - Idaho
John Simpson - Idaho
(Alternate)*
Vacant - Kansas
Jay Weiner - Montana
Justin Lavene - Nebraska
Vacant - Nevada
Nathaniel Chakeres - New Mexico
Vacant - North Dakota
Sara Gibson - Oklahoma
(Vice-Chair)
Vacant - Oregon
Nakaila Steen - South Dakota
Hunter Roberts - South Dakota
(Alternate)*
Vacant - Texas
Teresa Wilhelmsen - Utah
Mark Stratford - Utah
(Alternate)*
Stephen North - Washington
Chris Brown - Wyoming
(Chair)

Clean Water Act Jurisdiction

Non-Tribal Federal Water Needs Subcommittee

Tom Barrett - Alaska
Jay Weiner - Montana
Adam Sullivan - Nevada
Kathy Alexander - Texas
Chris Brown - Wyoming

Micheline Fairbanks (ex-officio member)

Ex-Officio Representatives

BLM - Ronald McCormick
David Hu
Paula Cutillo
BOR - Arthur Coykendall
DOD - Lauren Dempsey
DOJ - Stephen Bartell
USFS - Michael Eberle
Chris Carlson
USFWS - Michael Higgins
USGS - Timothy McHale
NPS - Peter Fahmy
Ed Harvey

Tribal Reserved Water Rights Subcommittee

Jay Weiner - Montana
Teresa Wilhelmsen - Utah

WRDA/Corps Policies

Tom Stiles - Kansas
Kathy Alexander - Texas

WATER QUALITY COMMITTEE

Vacant - Alaska
Trevor Baggione - Arizona
E. Joaquin Esquivel - California
Betty Olson - California
(Alternate)*
Trisha Oeth - Colorado
Jojo La - Colorado
(Alternate)*
Jess Byrne - Idaho
Tom Stiles - Kansas
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Lindsey Krywaruchka - Montana
Vacant - Nebraska
Jennifer Carr - Nevada
John Rhoderick - New Mexico
David Glatt - North Dakota
Shellie Chard - Oklahoma
Jennifer Wigal - Oregon
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Brooke Paup - Texas
John Mackey - Utah
Tim Davis - Utah
(Alternate)*
Leslie Connelly - Washington
Todd Parfitt - Wyoming
Jennifer Zygmunt - Wyoming
(Chair) (Alternate)*

Abandoned Mines Subcommittee

Trevor Baggione - Arizona
Jennifer Carr - Nevada

Clean Water Act Subcommittee

Tom Stiles - Kansas
Jennifer Carr - Nevada
Allison Woodall - Texas
Lauren Driscoll - Washington

Maui Subcommittee

John Mackey - Utah
Jennifer Zygmunt - Wyoming

Nutrients Subcommittee

Jojo La - Colorado
Tom Stiles - Kansas
John Mackey - Utah
Jennifer Zygmunt - Wyoming

PFAS Subcommittee

Jojo La - Colorado
Brittany Duarte - Washington
Jennifer Zygmunt - Wyoming

Water Quality/Quantity Nexus Workgroup

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NRCS - Mike Strobel

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Mathew Weaver - Idaho
Lane Letourneau - Kansas
Ginger Pugh - Kansas
Julie Cunningham - Oklahoma
Kent Wilkins - Oklahoma
Ken Stahr - Oregon
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Candice Hasenyager - Utah

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USBOR - Allison Danner
USEPA - Dwane Young
USGS - Nancy Barber
NASA - Brad Doorn
NOAA - DeWayne Cecil
NRCS - Mike Strobel

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June 2025

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Tab G – Draft FY25-26 Committee Work Plan
Water Resources / Executive /
Water Quality / Legal

**EXECUTIVE COMMITTEE
WORK PLAN
July 1, 2025 to June 30, 2026**

1. WGA/WSWC COORDINATION and COLLABORATION

Work to date: The Western Governors’ Association (WGA) has adopted two comprehensive policy statements, one Water Resource Management in the West (2024-07) and the other Water Quality in the West (2024-09), as well as other policy statements with water-related implications.

The Council has worked closely with WGA on various regulatory and other issues, especially the Corp’s Water Supply Rule, EPA’s proposed and final rules related to Clean Water Act (CWA) jurisdiction and the definition of Waters of the United States, as well as the CWA 401 State Water Quality Certification.

WGA has taken the lead on some issues and deferred to the Council on other issues, such as tribal water rights settlements.

2025-2026: The Council and the Committee will continue to coordinate and consult with the WGA on matters that come before the Council and assist as requested in the development and implementation of WGA water-related policies. WGA staff are invited to attend and participate in our meetings, workshops and symposia. WGA and WSWC staff collaborate on a continuing basis.

As in the past, the Council may propose policy resolutions for WGA consideration. Further, the WSWC Chair and/or Executive Director will participate in WGA meetings as appropriate. Working with the WGA, the Council will also coordinate Western Federal Agency Support Team (WestFAST) activities and needs. WGA and WSWC will also work together as part of the Western Policy Network.

Subcommittee: Management Subcommittee

Time Frame: ongoing

2. WESTFAST

Work to date: The creation in 2008 of our Western States Federal Agency Support Team (WestFAST) has had many benefits. It is a unique forum for addressing western (and national) water issues that has brought together fifteen separate federal agencies to collaborate with each other and state agencies with water-related responsibilities. WestFAST addresses issues raised with the Council and WGA (which in turn support development and implementation of related federal policies and programs). WestFAST and the Council have also discussed collaborative federalism principles to guide federal/state working relationships.

2025-2026: The Executive Committee will continue to oversee the Council’s work with WestFAST. Further, the Committee will work to ensure participating agencies realize the real and

potential benefits of WestFAST, helping to build a sound foundation for continuing collaboration. The WSWC will meet regularly with WestFAST representatives and will continue building and maintaining closer ties with WestFAST principals. The Council will also advocate for continued WestFAST funding.

Time Frame: Ongoing

3. FEDERAL ADMINISTRATION and CONGRESSIONAL VISITS/CONTACTS

Work to date: In an ongoing effort to promote WSWC and WGA positions and priorities, Council officers, members and staff often travel to Washington, D.C. to visit with Administration officials and Congressional members and staff. WSWC members and staff have also previously hosted or presented at briefings for congressional staff on the importance of federal data gathering activities, including Landsat thermal data, U.S. Geological Survey streamgaging programs, USDA's National Weather and Climate Center and its snow survey activities, National Oceanic and Atmospheric Administration programs (including the National Integrated Drought Information System and improving subseasonal to seasonal (S2S) precipitation forecasting), as well as Indian water rights settlements. Some of the feedback from these meetings has suggested a need for greater contact and communication between the Council and federal and congressional policymakers.

Of note, the Council is often invited to testify on proposed legislation. Further, the Council also distributes policy positions adopted at its meetings to House and Senate members of western state delegations, key Congressional leadership and staff, and senior Administration officials.

2025-2026: The Council will continue to communicate our positions with the Administration and the Congress. Future meetings when appropriate will be scheduled with Administration and Congressional contacts and advise them on major national water issues from the perspective of western states. The WestFAST Liaison Officer and WestFAST members will assist with and participate in visits with Executive Branch agencies. The WSWC will meet with WestFAST principals. Other trips and visits may be made as needed. The Council staff and members will also communicate our external positions as the need arises and continue to respond to requests for testimony, briefings and information from the Congress and the Administration.

Subcommittee: Management Subcommittee

Time frame: Ongoing

4. REGULAR COUNCIL MEETINGS

Work to date: The first meeting of the Council was held in Stateline, Nevada in 1965, and regular meetings have been held since. Currently, the Council meets three times per year, rotating among the member states, which host the meetings at a location of their choice. During the pandemic, meetings were held virtually. One benefit of virtual and now hybrid meetings has been expanded participation and reduced meeting and travel costs. Guest speakers and topics for discussion are scheduled according to members' interests and needs. External policy positions for consideration

are noticed 30-days before the Council meets and are distributed not only to members, but also to WGA staff and the Governors' staff. Any position statement not noticed may be brought before the Council for consideration at a meeting by unanimous consent, but if approved, must be sent to WGA for review prior to distribution consistent with mutually agreed upon WGA and WSWC procedures for policy coordination.

2025-2026: The WSWC met for its Summer meetings in Snowbird, UT on June 10-12, and will meet in San Pedro, CA on September 23-26. The Spring 2026 meetings will be held in Washington, DC.

5. NEWSLETTER

Work to date: *Western States Water* provides members and others with accurate and timely information on various water resources topics, activities and events at state, regional and national levels. It has been provided as a free service to members, governors and their staff, member state water resource agencies, state water users associations, selected multi-state organizations, key congressmen and their staffs, and top federal administration officials. A subscription fee for others has been discontinued. It is primarily distributed via email, and is posted on our website.

2025-2026: Along with the Council's regular meetings, the newsletter requires our most significant commitment of staff resources, though that is usually ancillary to other efforts. The response from members and others receiving the newsletter has been consistently positive. The Council will continue to provide this service weekly via email.

Time Frame: Ongoing

6. WATER MANAGEMENT SYMPOSIA

Work to date: An annual WSWC Water Management Symposium has traditionally been held under the auspices of the Executive Committee. However, the Committee has usually asked one of the other committees to take the lead. This includes a biennial Indian Water Rights Settlement Symposia cosponsored with the Native American Rights Fund. The last WSWC/NARF Symposium was held virtually in August 2023. The Executive Committee considers hosting symposia on any topic and issues as their importance merits.

In 2022-23, the Council held a number of meetings and webinars in collaboration with relevant federal agencies, multiple stakeholders, and public and private experts. This included exploring a potential regional approach to defining "Waters of the United States" (WOTUS), and a technical white paper summarizing the discussions was drafted. Further, a National Water Use Data Workshop was held. One goal is identifying common interests and promoting partnerships.

2025-2026 The Legal Committee, under the direction of the Executive Committee, will coordinate with NARF in sponsoring the 2025 Indian Water Rights Settlement Symposium.

Time Frame – Ongoing

7. ANNUAL REPORT

Work to date: Since its organization in 1965, the Council has prepared and published an annual report, with a brief discussion of the Council's formation and a detailed summary of its current membership and activities. It is a report of the Council's meetings and provides an explanation of resolutions and positions and other actions taken by the Council. Further, it includes a description of workshops, seminars and symposia sponsored by the Council, as well as other important activities and events. It also describes the Council's involvement in major current water policy issues. Lastly, biennially, it includes an audit of the Council's finances, and current rules of organization. Recently, electronic copies have been distributed.

2025-2026: The staff will work on the current backlog of annual reports (2020-2024).

Time frame: Ongoing

8. HISTORICAL REVIEW: ISSUES & OUTCOMES

Background: The Council has positions addressing numerous issues and has taken various actions and invested significant resources in attempting to influence outcomes. While the annual report, newsletter, meeting minutes and other sources document such work, there has never been a comprehensive review of some of the major topics addressed and outcomes achieved. Such a summary evaluating the influence the Council has had on outcomes would be useful. The Council has been active in both administrative and congressional affairs, including federal regulatory matters and federal budgeting and appropriations processes. The Council has also provided a forum for states to learn from each other, as well as serving as a resource and catalyst for innovation, such as the WSWC Water Data Exchange. Selecting appropriate metrics for measuring results could be challenging.

In 2024, the Committee approved the funds to contract with a facilitator to conduct a forward-looking strategic directions exercise. A survey of states on relevant issues and valued activities was followed by two facilitated discussions during the meetings in Nebraska and Utah.

2025-2026: The Committee will consider the best means of undertaking such a review and metrics for evaluating the Council's influence on matters that have been brought before the Council. The Committee, given its oversight functions, will use the results of any summary to guide the investment of Council staff and budgetary resources.

Subcommittee:

Time frame:

9. STATE WATER AGENCY STAFFING AND RETENTION CONCERNS

Background: During the Deadwood, South Dakota meeting in September 2021, various WSWC members raised concerns about hiring, training, and retaining technical and professional staff to carry out essential agency functions. Some turnover or lack of new applicants may be attributable to: (1) high specialization of western water challenges; (2) shuffling among state/federal agencies; (3) smaller salaries compared to the private sector; (4) limited advancement opportunities for mid-level staff; and (5) retirements, pandemic-related adjustments, and younger generation career-culture shifts. On October 22, 2021 and January 24, 2022, various WSWC members discussed challenges and potential solutions that the WSWC might work together to be able to accomplish.

2025-2026: The Committee will consider: (1) a brief survey of states to identify obstacles, with the intent to create a report that may be utilized to demonstrate the staffing needs of state water agencies across the West; (2) a mechanism for sharing job postings at state water agencies across the West that is cost-effective; and (3) developing a pipeline of incoming staff by introducing a younger generation of potential employees to day-to-day work of technical and professional staff, complex western water challenges, and benefits beyond salaries (e.g., through webinar series, cooperation with universities or other organizations).

Subcommittee: Henry Brooks, Jerry Rigby, Mary Anne Nelson, Connie Owen, Earl Lewis, Matt Unruh, Jesse Bradley, Sara Gibson, Jeanne Goodman, Kathy Alexander, Kim Nygren, Jeff Cowley

Time frame:

Tab XYZ – Sunsetting Positions for Fall 2025
Meetings (#486 - #489)



**RESOLUTION
of the
WESTERN STATES WATER COUNCIL
regarding
CLEAN WATER ACT § 404(c)**

**Sulphur, Oklahoma
October 21, 2022**

WHEREAS, the Western States Water Council’s (WSWC) mission is “to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future;” and

WHEREAS, the Clean Water Act (CWA) does expressly “recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources....” CWA § 101(b); and

WHEREAS, there is a continuing need for greater collaboration between and among federal agencies, state agencies, local governments, and public/private organizations and businesses; and

WHEREAS, CWA § 401 grants States the right to issue certifications articulating project conditions necessary to ensure compliance with State water quality standards;

WHEREAS, CWA § 404 establishes a permitting program for the disposal of dredge or fill material administered by the U.S. Army Corps of Engineers (USACE), unless delegated to a State or Tribe; and

WHEREAS, CWA § 404(c) grants the Environmental Protection Agency (EPA) Administrator the power “to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and...deny or restrict the use of any defined area...as a disposal site, whenever he determines...that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas;” and

WHEREAS, in 1992, as directed by CWA Section 404(q), EPA and USACE executed a Memorandum of Agreement (“1992 MOA”) that bound the two agencies to specific procedures for resolving potential disagreements, including “elevation of specific individual permit cases...that involve aquatic resources of national importance;” and

WHEREAS, EPA’s actions in the § 404 permitting process have recently been inconsistent with established protocols, creating challenges for States’ engagement and public and private investment in projects requiring § 404 permits.

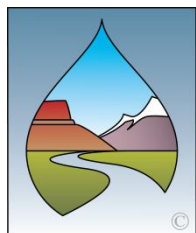
NOW THEREFORE BE IT RESOLVED, that the WSWC supports the promulgation of regulation and guidance: (a) improving predictability in § 404 permitting, specifically the (c) and (q) processes; (b) improving communication between federal agencies and states; and (c) requiring EPA to adhere to established § 404 permitting processes and protocols.

BE IT FURTHER RESOLVED, that the WSWC urges regulation and guidance expressly limiting exercise of EPA’s § 404(c) power to the time period between USACE’s indication of its intent to issue a permit, and USACE’s final issuance of that permit.

BE IT FURTHER RESOLVED, that the WSWC urges EPA to:

- (1) communicate with the state's environmental agency in which the § 404 permit is to be issued prior to exercise of its § 404(c) power and provide the State with a meaningful opportunity to address EPA's concerns;
- (2) see the CWA § 404(q) process through to completion, prior to any proposed § 404(c) veto;
- (3) abstain from issuing a § 404(c) veto unless and until the affected State's time period for issuing a § 401 certification has expired;
- (4) update the existing 1992 MOA to reflect a procedure that the EPA and the Corps are committed to following;
- (5) document the rationale for any § 404(c) veto, including:
 - (a) verification that impacted waters are Waters of the United States;
 - (b) findings from any Final Environmental Impact Statement pertaining to the proposed project;
 - (c) impacts to municipal water supplies, shellfish beds, fishery areas, wildlife, and recreational areas; and
 - (d) resolved issues emanating from discussions between the USACE and EPA; and
- (6) abstain from issuing a § 404(c) veto until after discussion with the state's environmental agency on the rationale behind the 404(c) veto.

BE IT FURTHER RESOLVED, that the WSWC pledges to work with the Administration to reduce the uncertainties and inconsistencies in EPA's § 404(c) power, as it has been exercised to date.



**POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
NASA'S APPLIED SCIENCE RESEARCH PROGRAM
Sulphur, Oklahoma
October 21, 2022**

WHEREAS, the Western States Water Council is a policy advisory body representing eighteen states, and has long been involved in western water conservation, development, protection, and management issues, and the member states and political subdivisions have long been partners in cooperative federal water and climate data collection and analysis programs; and

WHEREAS, in the West, water is a critical, vital resource (much of which originates from mountain snows) and sound decision making demands accurate and timely mapping of, and data on, altimetry, topography, precipitation, temperature, snow water content, groundwater, land use and land cover, water use, water quality parameters, and similar information; and

WHEREAS, the demands for water and related climate data continue to increase along with the West's population, and this information is used by federal, state, tribal, and local government agencies, as well as private entities and individuals to: (1) forecast flood and drought occurrence; (2) project future water supplies for agricultural, municipal, and industrial uses; (3) estimate streamflows for hydropower production, recreation, and environmental purposes; (4) facilitate water management and administration of water rights, decrees, interstate compacts, and international water treaties; (5) assist in disaster response; (6) assess impacts of climate variability and change; and

WHEREAS, thermal infrared imaging data available from Landsat 8 and Landsat 9 is used to measure and monitor agricultural and other outdoor water uses and needs, and is increasingly important for present and future management of our scarce water resources, and is an example of the application of basic science pioneered by the National Aeronautics and Space Administration (NASA); and

WHEREAS, the ability to use interferometric synthetic aperture radar (InSAR) to measure land subsidence due to groundwater extraction has already been demonstrated, and there are promising research approaches for developing a method to directly measure snow depth using Lidar measurements from the Ice, Cloud, and Land Elevation Satellite-2 (ICESat-2);¹ and

WHEREAS, NASA research has enabled operational use of airborne snow observations; and

WHEREAS, additional airborne and spaceborne remote sensing research and observations have a potential to provide other information on varied temporal and spatial scales that could with sustained engagement focus on transition of research to operations and ultimately be useful for water resources planning, management and decision-making; and

WHEREAS, NASA has identified the "water and energy cycle" and "water resources" as topics to support in the agency's research and applications programs respectively; and

WHEREAS, NASA's demonstration project on California applications for use of remote sensing information has illustrated that the potential exists for repurposing data collected from certain present NASA

¹ [NASA Scientist Discovers New Means to Measure Snow Depth from Space | NASA](#)

missions for water management applications, and that additional potential exists for research applications with sensors planned in future Decadal Survey missions such as the NASA-ISRO Synthetic Aperture Radar (NISAR), which is designed to observe and take measurements of the planet's crust and disturbances, including subsidence due to groundwater pumping; and

WHEREAS, the successful transfer of technology from the research domain to the applications domain or research to operations (R2O) is dependent, in part, on on-going communication between researchers and those responsible for resource management and policy decisions and a long-term commitment to maintain such communication.

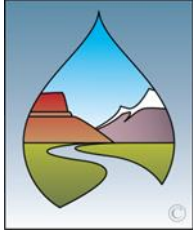
NOW THEREFORE BE IT RESOLVED, that the Western States Water Council urges the Administration and NASA to enhance the agency's focus areas on research for water resources applications, and to promote long-term engagement with the Council and the state and regional agencies in the western United States responsible for water management and water policy to maximize benefits to the public from NASA's existing and future investments in Earth observations, Earth system models and systems engineering.

BE IT FURTHER RESOLVED, that the Council supports efforts to advance linkages between NASA's capabilities and water managers' needs, such as NASA/JPL's Western Water Applications Office (WWAO).

BE IT FURTHER RESOLVED, that the Council urges the Administration and NASA to plan and provide for long-term continuity of observations from key sensors such as the thermal infrared sensor and InSAR used in water management.

BE IT FURTHER RESOLVED, that the Council strongly supports a continuing National Land Imaging Program, including existing thermal imaging capabilities, and expresses its strong support for the expedited approval and construction of the Landsat Next mission – while exploring the potential for medium and longer-term advances in technology, design and future capabilities to meet existing and future uses.

BE IT FURTHER RESOLVED, that the Council supports and strongly encourages interagency cooperation, including collaborative efforts between NASA, NOAA, and USGS to move research towards operational applications that inform and improve State water resources management and decisionmaking.



**POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
THE DEPARTMENT OF THE INTERIOR's WATER SMART PROGRAMS
Sulphur, Oklahoma
October 21, 2022**

WHEREAS, the Western States Water Council is a policy advisory body representing eighteen states, and has long been involved in western water conservation, development, protection, and management issues, and the member states and political subdivisions have long been partners in cooperative federal water programs; and

WHEREAS, in the West, water is a critical, vital resource and “...States bear the primary responsibility and authority for managing the water resources of the United States,” as recognized in the SECURE Water Act¹ ; and

WHEREAS, Western water law and policy are based on the reality of scarcity and the need to use water wisely, and Western states have made great strides in increasing efficiency and reducing water use, but continued investments and sacrifices are needed to maintain our quality of life in the West and to protect our environment; and

WHEREAS, the Act also recognizes that “the Federal Government should support the States, as well as regional, local and tribal governments...” and authorizes a number of important programs to provide this much needed support; and

WHEREAS, the Council supports technical and financial assistance to states and local watershed groups and water districts as an appropriate federal role, consistent with authorized federal programs; and

WHEREAS, the Council has long supported watershed and basin-wide coordination that involves all governmental entities and stakeholders interested in finding solutions to present and future water management challenges; and

WHEREAS, Section 9504 of the Act authorizes the Secretary of the Interior to provide grants or enter into cooperative agreements to assist states and other non-federal entities in carrying out a range of water use efficiency improvements to address crucial water supply issues, stretch limited water supplies, and improve water management; and

WHEREAS, the Act authorizes a variety of activities to enhance the Department of the Interior’s water data efforts with significant progress made on these activities, including the development of a national groundwater monitoring program, a brackish water assessment, and the establishment of a national water availability and use assessment; and

¹ See Section 9501, SECURE Water Act, which Congress passed as Subtitle F of the Omnibus Public Lands Management Act of 2009 (Public Law 111-11).

WHEREAS, real-time water resources data are critical for timely actions in response to droughts, flooding, and other extreme weather events, and the lack of federal capital investments in water data programs has led to the discontinuance, disrepair, or obsolescence of vital equipment needed to maintain existing water data gathering activities; and

WHEREAS, the lack of timely and accurate streamflow information threatens to put human life, health, welfare, property, and environmental and natural resources at a considerably greater risk of loss; and

WHEREAS, the U.S. Geological Survey's (USGS) National Streamflow Information Program (NSIP) facilitates an improved national backbone focused on national needs and interests; and

WHEREAS, the Groundwater and Streamflow Information Program (GWSIP), as well as USGS' cooperative matching funds within the Water Availability and Use Science Program (WAUSP), together provide vital water data that States and other public and private entities and individuals rely on in making day-to-day planning and management decisions; and

WHEREAS, substantial advances in water science, together with emerging breakthroughs in technical and computational capabilities, have led the USGS to develop a Next Generation Water Observing System (NGWOS); and

WHEREAS, USGS provides "grants to State water resource agencies to assist in developing water use and availability datasets" under the Water-Use Data and Research (WUDR) program, in support of the Water Use Data for the Nation publication and the National Water Census; and

WHEREAS, USGS' NSIP, GWSIP, NGWOS, WAUSP, and WUDR programs together provide vital water data that States and other public and private entities and individuals rely on to make day-to-day planning and management decisions; and

WHEREAS, authorization and funding for some of these WaterSMART programs have expired or appropriations have largely been depleted and some have gone unfunded or underfunded or remain dependent on year-to-year appropriations, as opposed to a dedicated line item.

NOW THEREFORE BE IT RESOLVED, that the Western States Water Council expresses our continuing strong support for authorization and implementation of the SECURE Water Act and related programs; and

BE IT FURTHER RESOLVED, that Western States recognize that too often program authorization and appropriations have not kept up with the need, limiting program participation and benefits; and

BE IT FURTHER RESOLVED, that the Council encourages the Administration to request and the Congress to ensure that the Act's authorized activities receive support and appropriations that are adequate to fulfill their stated purposes as a dedicated line item, as well as focus existing resources on these important programs.



RESOLUTION
of the
WESTERN STATES WATER COUNCIL
URGING CONGRESS TO REAFFIRM ITS DEFERENCE TO STATE WATER LAW,
PROVIDE FOR THE WAIVER OF THE UNITED STATES' IMMUNITY TO
PARTICIPATION IN STATE ADMINISTRATIVE AND JUDICIAL PROCEEDINGS,
AND PROVIDE FOR PAYMENT OF FEES REQUIRED BY STATE LAW
Sulphur, Oklahoma
October 21, 2022

WHEREAS, water is the lifeblood of each of the arid Western States, the allocation of which determines the future of each Western State's economic, environmental, social and cultural fortunes; and

WHEREAS, each Western State has developed comprehensive systems for the appropriation, use and distribution of water tailored to its unique physiographic, hydrologic and climatic conditions found within that state; and

WHEREAS, the United States does not have a water management system that is equivalent to those of the Western States for the appropriation, use or distribution of water; and

WHEREAS, Congress has consistently recognized the primacy of state water law because of the need for comprehensive water management systems tailored to the unique needs and characteristics of the individual states; and

WHEREAS, the adjudication of water rights claims is absolutely essential for the orderly allocation of water in all the Western States where state law is based on the prior appropriation doctrine; and

WHEREAS, Congress enacted the McCarran Amendment, 43 U.S.C. § 666, to allow the joinder of the United States in state general stream adjudications, and Congress intended the United States to be subject to the same procedures as all other water right claimants joined in state general stream adjudications; and

WHEREAS, many of the Western States are conducting general stream adjudications for the purpose of quantifying all water right claims in accordance with the McCarran Amendment; and

WHEREAS, the United States is often the largest claimant of water rights in these general stream adjudications, and the adjudication of federal water right claims requires a large commitment of time, effort and resources by the state courts and by state agencies; and

WHEREAS, many of the Western States' general stream adjudication procedures require claimants to pay a fee to offset the states' expenses arising from state general stream adjudications; and

WHEREAS, citing the U.S. Supreme Court's decision in *United States v. Idaho*, 508 U.S. 1 (1993), the United States claims immunity from the payment of adjudication filing fees required of all other claimants to offset the judicial and administrative expenses Western States incur in conducting general stream adjudications; and

WHEREAS, for the United States to be immune from sharing in the expenses of these proceedings constitutes an unfunded federal mandate to the states; and

WHEREAS, many Western States are facing budget shortfalls and limited resources, and the federal non-payment of state filing-fees is a significant impediment to their ability to begin or carry out general stream adjudications in a timely manner; and

WHEREAS, drawn out adjudications are having a detrimental impact on the willingness of stakeholders in watersheds to collaborate on joint management and planning for water supply and water quality; and

WHEREAS, the United States contends that it cannot be joined in state administrative or judicial proceedings with respect to water rights it has acquired under state law other than pursuant to the McCarran Amendment, 43 U.S.C. § 666; and

WHEREAS, it is inefficient and wasteful to require that a separate lawsuit be commenced for the sole purpose of regulating water rights acquired by the United States under state law; and

WHEREAS, the United States often claims it is also immune from paying fees to states that are required of all other water users for the appropriation, use or distribution of water; and

WHEREAS, equity and fairness dictate that federal agencies who voluntarily seek to appropriate water pursuant to state law, or who acquire water rights based on state law, should be required to comply with state law, including the payment of fees, to the same extent as all other persons.

NOW, THEREFORE, BE IT RESOLVED that the Western States Water Council supports passage of legislation that at a minimum provides for the following:

1. Requires the federal government to participate in all state administrative and judicial proceedings with respect to water rights it acquires to the same extent as all other persons.
2. Requires the federal government (not Native American tribes) to pay filing fees as well as comply with all other state substantive and procedural water right adjudication laws to the same extent as all other persons.
3. Requires the federal government to pay applicable fees as well as comply with all other state substantive and procedural laws for the appropriation, use and distribution of water rights to the same extent as all other persons.
4. Provides for state administration of all water rights.

BE IT FURTHER RESOLVED, that the Western States Water Council also urges Congress to appropriate moneys for retroactive payment of unpaid fees to states that have incurred expenses as a result of processing federal claims or federal objections to private claims in state general stream adjudications.

BE IT FURTHER RESOLVED, that absent legislation the Council encourages federal agencies to work with states and enter into memoranda of agreement or other administrative mechanisms to minimize and otherwise mitigate the expense of federal claims incurred by states in general adjudications to the maximum extent allowed by law.

(Originally adopted Nov. 17, 1995, readopted Nov. 20, 1998 and revised and readopted Nov. 16, 2001, Oct. 29, 2004, Nov. 16, 2007, Oct. 29, 2010, Oct. 3, 2013, and Oct. 18, 2019)