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Sound water policy starts with the states that manage water.

WESTERN STATES WATER

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ADMINISTRATION/WATER QUALITY
EPA/Tribal Water Quality Rule

On August 7, the Office of Management and Budget confirmed that an Environmental Protection Agency (EPA) proposal to rescind the 2024 Tribal Reserved Rights Rule[1] is under interagency review prior to public comment. The EPA's May 2024 rule requires states and the agency to protect treaty-reserved tribal rights–such as fishing, hunting, and gathering often at higher rates than the general population–when setting Clean Water Act standards. Whenever a tribe asserts these rights in writing, water quality limits must account for higher traditional consumption rates and unsuppressed historical harvesting levels rather than standard statewide averages.[2]

In May 2024, an Idaho-led coalition of eight states sued the agency in *State of Idaho et al. v. EPA* (U.S. Dist. Ct., D.N.D., No. 1:24-cv-00100, 2024). The plaintiffs argued the regulation exceeded statutory authority under Clean Water Act Section 303(c), violated Tenth Amendment anti-commandeering principles, and infringed upon state water allocation rights. Industry groups representing mining, manufacturing, paper, and homebuilding sectors joined the challenge, citing severe permitting uncertainty and economic burdens. Thirteen Tribal Nations, represented by Earthjustice and the Native American Rights Fund, intervened to defend the rule's protections for traditional treaty resources. EPA elected to review the regulation administratively rather than continue defending it in court. The U.S. District Court for the District of North Dakota stayed active litigation in *Idaho v. EPA*, while the formal rescission proposal completes interagency review ahead of its publication in the Federal Register.

EPA held tribal consultations this spring on the planned rescission, seeking input on alternative mechanisms for incorporating tribal rights into water quality standards once the 2024 requirement is removed.

CONGRESS/WATER RESOURCES
Farm Bill/Committee Markup

On August 6, the Senate Committee on Agriculture, Nutrition and Forestry failed to advance the Agriculture Act of 2026 ("Farm Bill 2.0") on a 10-11 vote.[3] Most individual amendments during the markup were decided on party-line 12-11 votes, as committee Democrats rejected Chairman John Boozman's (R-AR.) "best and final" offer of a one-year delay on state SNAP error-rate cost-sharing penalties. Sen. Boozman recessed the committee subject to the call of the chair rather than adjourning, leaving room to reconvene once negotiations advance.

Sen. Michael Bennet's (D-CO) amendment to restore $1.9B to the Environmental Quality Incentives Program (EQIP) and $500M to the Conservation Stewardship Program (CSP) failed. Sen. Boozman defended the committee's approach, noting the bill adds more baseline conservation funding overall: "What we did was add 30% more conservation funding to the baseline and create two new popular bipartisan programs... So we are not trying to skimp on conservation." Sen. Bennet's amendment directing $4B toward hazardous fuels reduction and watershed restoration to protect municipal drinking water supplies threatened by Western wildfires passed. Two water-related amendments were adopted under an en bloc package, including the FLOOD Act (Justice Amdt. 2) and an expansion of the Conservation Reserve Enhancement Program (CREP) to support wetland wildlife habitat on seasonally flooded working lands (Schiff Amdt. 9).

The House passed its version of the farm bill in April (WSW #2702). Ranking Member Amy Klobuchar (D-MN) said she expects negotiations to continue through the Senate's August recess, and should a deal emerge, the two chambers' Agriculture Committees could hold a preconference to resolve differences.

Cyber Security Legislation

On August 10, Sens. Adam Schiff (D-CA) and Amy Klobuchar (D-MN) introduced the Water Cyber Shield Act of 2026, which would amend the Safe Drinking Water Act and Clean Water Act to give the EPA authority to assess cybersecurity risks across the water sector, require corrective action for significant vulnerabilities, and extend federal incident-reporting requirements to state and locally owned systems.[4] The bill would also authorize an additional $300M annually through the Drinking Water and Clean Water State Revolving Funds for cybersecurity improvements. The legislation follows a July 30 Federal Bureau of Investigation (FBI) advisory warning that malicious actors were targeting internet-facing water and wastewater control systems, after utilities in at least seven states reported related incidents since late July.[5]

In March, Sens. John Boozman (R-AR) and Mark Kelly (D-AZ) introduced the FLOWS Act of 2026, which would authorize $50M annually in grants to help small rural utilities modernize operations and strengthen cybersecurity.[6]

An industry-backed alternative, the Water Risk and Resilience Organization Establishment Act, sponsored by Rep. Rick Crawford (R-AR) and backed by the American Water Works Association (AWWA) and the Association of Metropolitan Water Agencies (AMWA), would instead let an independent, sector-led organization develop cybersecurity standards for large and midsize utilities, subject to EPA approval.

WATER RESOURCES/DATA CENTERS

EPA/LGAC

On August 13, EPA announced 22 new and returning members–13 new, nine returning–to its Local Government Advisory Committee (LGAC), a FACA-chartered body of state and local officials that advises the agency on environmental issues affecting local governments.[7] The committee's public meeting in September will include discussion of the environmental considerations local governments face when siting and permitting data centers, as communities across the country weigh economic development against concerns over electricity costs and air and water impacts.

LGAC Chair David Painter, a Clermont County, Ohio commissioner, said aligning environmental review with responsible project development is the committee's top priority. EPA Administrator Lee Zeldin, who has made expanding U.S. AI infrastructure a pillar of the agency's agenda, framed the appointments as an extension of the agency's cooperative federalism approach. Western state and local officials named to the committee include representatives from Cheyenne, Wyoming; Yuma, Arizona; Weld County, Colorado; Crook County, Oregon; and Midland, Texas, among others.

Texas/Data Center Pause

On August 3, Governor Greg Abbott (R-TX) directed[8] the Public Utility Commission of Texas (PUCT) and the Electric Reliability Council of Texas (ERCOT) to audit all data centers advancing through ERCOT's interconnection process, collecting data on each project's tax incentives, grid dependency, water and cooling use, community impact, and ownership before approving further connections. Projects that are noncompliant with PUCT, ERCOT, or state-law requirements will be denied. Interconnection approvals are in abeyance until the review, which is expected to take several months, is complete. ERCOT is currently reviewing large-load interconnection requests totalling more than five times the grid's current all-time peak demand record–roughly 90 percent of which are associated with data centers. The audit is expected to affect an estimated 250 to 300 pending projects.

Since July 2025, at least 100 local ordinances addressing data center development have been considered by Texas municipalities and counties, ranging from moratoria to permitting frameworks requiring buffer distances and special use permits.[9] Water use has been a recurring driver: Hays County's proposed pause targeted "water-intensive large-scale developments" specifically, and county officials elsewhere have cited water and power strain together as their primary rationale for considering restrictions.

CRS/Data Centers and Water Report

On July 31, CRS released a primer on data center water use, sourcing, and regulation, along with a tracker of 119th Congress bills addressing the issue.[10] The report covers cooling technology types, discharge and permitting requirements under the Clean Water Act, and water rate structures at a level familiar to most water professionals.

On federal water infrastructure, CRS found no data center operator with a direct water supply agreement with Reclamation or the Army Corps of

Engineers, based on research conducted in early July. Indirect connections are more common: the report identifies at least 66 data centers completed or under construction in Central Arizona served by municipalities–Phoenix, Tucson, Scottsdale, and Mesa–that draw significant supplies from the Central Arizona Project and the Salt River Project.

The report also documents friction between data center developers and irrigation districts in two western cases, illustrating one route developers may pursue to access surface water outside the municipal system: Marana, Arizona barred its water department from serving data centers with potable water in 2024, leaving a proposed facility to seek nonpotable water from the Cortaro Marana Irrigation District instead. In an unincorporated area of Imperial County, California, a developer sued the Imperial Irrigation District after it denied a request to convert conserved agricultural water to industrial cooling use. CRS suggests local restrictions like Marana's may be a factor shaping developer interest in siting data centers outside municipal service areas altogether, as in the Imperial County case.

The report's legislative tracker includes several bills with implications for western water, including the GROW SMART Act (S. 3737), which would expand Reclamation's Drought Response Program–currently limited to state and local governments and water or power delivery entities–to include data centers and other industrial or commercial entities as eligible applicants for drought resiliency project support.

H.R. 9442 and its Senate companion, S. 4214 (Artificial Intelligence Data Center Moratorium Act), would halt new data center construction pending further AI safeguards, requiring quarterly Department of Energy (DOE) reporting on water usage and discharge in the interim.

The only data-center water provision enacted to date is Section 1531 of the FY2026 National Defense Authorization Act (NDAA) (P.L. 119-60), which added water usage estimates to the Defense Department's data center reporting requirements for military installations. The pending FY2027 NDAA provision, S. 4784, would expand and increase the frequency of that reporting.

The remaining bills include a number of water-use transparency and reporting requirements (S. 3852, S. 4213/H.R. 9825, S. 5054, H.R. 9777) and water reuse tax incentives (H.R. 2940, H.R. 6900, H.R. 9419), alongside two study mandates directed at DOE, EPA, and the National Academies (H.R. 7858, H.R. 9629).

WATER RESOURCES

Colorado River Authority of Utah

On August 11, the Colorado River Authority of Utah named four new members to its board of trustees: Teresa Wilhelmsen, Dustin Jansen, Brian Martinez, and Roger Pearson.[11] Utah Colorado River Commissioner Gene Shawcroft said the appointments were meant to give the board fuller representation across water rights, tribal, regional management, and recreational interests as the state works to defend its Colorado River allocation.

Wilhelmsen is Utah's State Engineer and Director of the Division of Water Rights, a role she has held since 2020; she also serves as an Alternate Commissioner for the Upper Colorado River Commission and as Utah's Council Member to WSWC. Jansen, an enrolled member of the Navajo Nation and Director of the Utah Division of Indian Affairs, brings tribal governance experience to the board. Martinez, a Grand County commissioner and 20-year Colorado River guide and outfitter, fills a new board seat for southeastern Utah created by HB 473 during the 2026 legislative session. Pearson, the Colorado River Program Manager at the Central Utah Water Conservancy District, has overseen the Central Utah Project Completion Act program and coordinated with federal partners on regional water supply planning.

EPA/USGS/WQP Modernization

On July 27, EPA and USGS announced a multi-year modernization of the Water Quality Portal (WQP), the national data hub supporting Clean Water Act assessments, permitting, standards-setting, and watershed research; the agencies notified data users directly via email August 11.[12] The portal provides unified access to more than 440 million water quality results from over 2 million monitoring locations and 1,700-plus data providers nationwide, including state and tribal agencies, and processes roughly 560,000 data requests daily. The modernization is intended to increase processing speeds, lower maintenance costs, and expand system capacity beyond the 15-year-old platform's original design limits.

The modernization will proceed in two phases. Through August 31, 2026, EPA and USGS will migrate the system to new cloud infrastructure

and database architecture; users should not notice service changes during this phase. From October 2026 through September 2028, the agencies will implement Water Quality Exchange (WQX) 3.0 updates intended to improve system performance and add new features, with changes rolled out incrementally. The agencies are encouraging major data holders not currently submitting through WQX to begin or expand their submissions, framing broader participation as a way to unify the WQP as a nationwide water quality enterprise system and avoid redundant data investments across programs.

WESTFAST

FEMA

On August 5, FEMA opened its Fiscal Year 2026 Rehabilitation of High Hazard Potential Dams (HHPD) grant program, making $11.4M available to states, territories, and nonprofit organizations to repair, replace, reconstruct, or remove eligible high hazard potential dams.[13] Applications are due by 5 p.m. ET on August 31 through the FEMA Grants Outcomes (GO) system. Read the full funding opportunity at Grants.gov.

USBR

On August 11, the Bureau of Reclamation increased Central Valley Project (CVP) 2026 water supply allocations for south-of-Delta contractors, citing improved water supply conditions and greater operational flexibility.[14] Irrigation water service and repayment contractors south-of-Delta will now receive 28% of their contract total, up from 25%, while municipal and industrial contractors move from 75% to 78% of historic use or public health and safety needs, whichever is greater. All other allocations announced on May 19 remain unchanged. Assistant Secretary for Water and Science Andrea Travnicek framed the increase as a step toward more dependable water supplies for California's farms, families, and communities, tying the action to Executive Order 14181's directives on water supply reliability, system resilience, and reduced regulatory delay.[15] Reclamation's California-Great Basin Acting Regional Director Adam Nickels added that the update reflects ongoing hydrologic monitoring and is intended to balance water supply reliability for agriculture, communities, and the environment while meeting CVP operational requirements, including upstream reservoir and water temperature management.

Federal Resources

On June 30, the National Academies of Sciences, Engineering, and Medicine released Improving Future U.S. Drought Assessment, a consensus study conducted at NOAA's request that proposes a framework for incorporating nonstationarity–shifting drought conditions over time–into drought assessment to better support water management, infrastructure, and adaptation planning.[16]

On July 8, the Montana Climate Office launched the Drought Data Dashboard (D3), a free, open-source platform developed with NIDIS support that delivers daily drought information–including precipitation, streamflow, snowpack, and soil moisture–across the contiguous United States.[17]

On July 8, NIDIS also held two Western Drought Media Briefings covering current drought, heat, and wildfire conditions across the West–one on the Intermountain West and California-Nevada regions, the other on the Pacific Northwest and Missouri River Basin. Recordings of both are available online for those who missed the live sessions.[18]

WEBINARS & WORKSHOPS

NAWI/WSWC Webinar

The WSWC will partner with the National Alliance for Water Innovation (NAWI) to host a virtual webinar and feedback session for state water managers on **Thursday, September 17**, from **10 AM to 11:30 AM MT**. The session gives members an opportunity to shape future federal research priorities, policy tools, and funding structures for non-traditional water supplies, building on NAWI's Regional Water Systems Request for Information (RFI: NAWI-5-2026), led by DOE's Lawrence Berkeley National Laboratory. Most of the 90-minute session will be devoted to facilitated discussion. Written comments may also be submitted to NAWI's portal before September 9.

The session will touch on the planning processes and decision criteria water planners and utilities currently use to ensure regional projects meet actual needs, along with regional perspectives on integrating non-traditional sources into supply portfolios. Discussion will also cover the modeling and analytical tools available for regional system planning, where the data or technical gaps remain, and what baseline conditions and performance metrics best indicate

a successful regional water program. Participants will help identify the kinds of technical assistance, data resources, and support NAWI could offer to help states and utilities adopt these approaches.

Also coming up:

August 25, 1:00 PM ET—Theodore Roosevelt Conservation Partnership (TRCP) launches its four-part Data Centers & Conservation Science Forum with Part 1, "**How 'Thirsty' Are Data Centers? Understanding Data Center Water Use and Ways to Reduce It**," presented by Dr. Eric Masanet. Three more installments follow monthly through November. Register here.

August 25–26—NIDIS partners with the Southern Regional Climate Center, and others to host the Southern Plains DEWS Partners Meeting in San Marcos, TX. This meeting is in person only. More information here.

August 26, 1:00 PM ET—DOE's Better Plants program kicks off its Industrial Water Savings Network webinar series[23] with "Seven Guidelines for Industrial Water Reuse," the first of three monthly sessions in Section 1 on assessing and reducing industrial water use. Register here.

September 10–11—NOAA's (NIDIS) and the Natural Hazards Center at CU Boulder host A Workshop to Advance Drought Early Warning Communication for the Nation in Boulder, CO, bringing together experts to improve how drought risk is communicated to the public. This event is in person only. More information here.

September 14–16—NIDIS partners with the Northern Great Plains Regional Incubator for Drought Resiliency, and others to host the Missouri River Basin DEWS Partners Meeting in Bismarck, ND. This meeting is in person only. More information here.

MEETINGS

WSWC Fall Meetings

The Western States Water Council Fall (211th) Meetings will be held on **October 21-23, 2026** in **Las Cruces, New Mexico** at the Hilton Garden Inn, which is located at 2550 Don Roser Drive, Las Cruces, NM 88011. Further details will be posted to the event page once they become available. New details to come over the next week.

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