



Sound water policy starts with the states that manage water.

WESTERN STATES WATER

Chair - Earl Lewis; Executive Director - J.D. Strong; Editor - Elysse Ostlund Campbell

HIGHLIGHTS

EPA/WOTUS Supplemental Proposal

On September 4, the Environmental Protection Agency (EPA) and U.S. Department of the Army announced a Supplemental Notice of Proposed Rulemaking (SNPRM) seeking additional public input on the proposed definition of “waters of the United States” (WOTUS) under the Clean Water Act.¹ The supplemental proposal presents a limited number of additional regulatory alternatives to be considered alongside, rather than in place of, the agencies’ November 2025 proposal.

The new alternatives focus on definitions of “perennial,” “relatively permanent,” and “continuous surface connection.” Among other options, the agencies seek comment on defining “relatively permanent” around perennial waters and on a continuous-surface-connection standard for wetlands, including specified allowances for temporary interruptions. The supplemental proposal does not replace or modify the regulatory alternatives presented in the 2025 proposed rule.

A 30-day public comment period will begin upon publication in the Federal Register (Docket ID: EPA-HQ-OW-2025-0322). Given the proposal’s recent release and potential implications for western states, WSWC staff is reviewing the additional alternatives and will coordinate with interested member states to determine whether additional Council comments are warranted.

House/Data Centers and Drinking Water

On September 3, the House Energy and Commerce Subcommittee on Environment held a hearing titled *Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers*.² The Subcommittee considered two discussion drafts addressing drinking-water infrastructure, cybersecurity, and growing water demands associated with data centers.

The Safe Drinking Water Infrastructure Improvement Act of 2026 would reauthorize the Drinking Water State Revolving Fund (DWSRF) at \$1.126B annually for fiscal years 2027–2031 and extend or modify numerous Safe Drinking Water Act assistance programs, including provisions addressing system resilience and cybersecurity.

The Water Cost Accountability Act of 2026 would require each state receiving DWSRF capitalization grants to prohibit public water systems from recovering from other customers the incremental costs of connecting a data center or expanding system capacity to serve it. Those costs would instead be recovered from the data center owner or operator. The draft also directs EPA, in consultation with state agencies, to report to Congress on water sources used by data centers averaging more than 200,000 gallons per day over a 30-day period. Both measures remain discussion drafts, and no vote was taken at the hearing.

Nevada/Colorado River Litigation

On August 24, the State of Nevada, Colorado River Commission of Nevada (CRCN), and Southern Nevada Water Authority (SNWA) filed a complaint in the U.S. District Court for the District of Nevada challenging the Department of the Interior’s (DOI) post-2026 Colorado River operating decisions (*State of Nevada, et al. v. Burgum, et al.*, Case No. 2:26-cv-02665).³ The complaint challenges DOI’s August 21 Record of Decision (ROD), the July Final Environmental Impact Statement (FEIS), and the operating guidelines issued for 2027 and 2028. Nevada alleges violations of the Administrative Procedure Act, National Environmental Policy Act, and the Law of the River and asks the court to set aside the challenged federal actions and prevent their implementation until the alleged legal deficiencies are addressed.

Nevada’s principal concerns focus on the longer-term 2027–2036 Decision Framework. The complaint alleges that under modeled

severe-shortage conditions, Nevada's 300,000-acre-foot annual entitlement could be reduced by as much as 213,556 acre-feet, or approximately 71%. Nevada also argues that the federal framework could impose significant mandatory reductions on Lower Basin states without corresponding mandatory reductions in the Upper Basin and that Interior did not adequately analyze potential socioeconomic, environmental, and health and safety effects on southern Nevada.

The dispute is distinct from Nevada's treatment of the near-term operating plan. When the federal decisions were released on August 21, Nevada said the 2027–2028 Operating Plan appeared "generally consistent with the Lower Basin States' proposal," while expressing significant concerns about years three through ten of the Decision Framework. Under the 2027–2028 guidelines, Lower Basin deliveries would be reduced by 1.25 million acre-feet annually; if the Lower Basin states implement their proposed sharing agreement, Nevada's reduction would be 50,000 acre-feet, from 300,000 to 250,000 acre-feet.

Reclamation describes the broader 2027–2036 Decision Framework as establishing operational principles and ranges that will guide subsequent operating guidelines, anticipated to be issued in two-year increments unless longer-term consensus agreements are reached.

Utah/Water Data Report

A new Utah State University-led report, *Utah State Agency Water Data: Review, Challenges, and Recommendations*, is now available for review.⁴ The work was discussed during the WSWC's Summer Meetings and generated substantial member interest in both the findings and the final report.

Based on interviews with personnel across Utah state agencies, input from other western states, and a survey of water-data users, the report finds that Utah agencies produce high-value water data supported by skilled professionals, but that fragmented systems, inconsistent standards, limited coordination, and resource constraints make it difficult to fully leverage those data for integrated decision-making.

Recommendations include stronger cross-agency coordination, common data standards, integrated pilot efforts, and more durable governance and shared-service approaches for statewide water information. Although focused on

Utah, the report addresses challenges shared by many western states working to improve water-data accessibility, interoperability, and long-term sustainability.

WSWC NEWS & ACTIONS

Farm Bill/WSWC Letter

On August 26, the WSWC sent a letter to Senate Agriculture Committee Chairman John Boozman (R-AR) and Ranking Member Amy Klobuchar (D-MN) outlining western water priorities for ongoing negotiations over the Agricultural Act of 2026.⁵ The letter builds on WSWC Position #505, which supports adequately funded, voluntary and incentive-based USDA conservation programs implemented with strong state and local partnerships.

The Council supported several provisions in the revised Senate bill, including the proposed State Conservation Assistance Program, which would provide grants of up to \$5M per state for locally identified conservation priorities; targeted Environmental Quality Incentives Program (EQIP) changes, including a \$2M payment limitation for Water Conservation and Irrigation Efficiency contracts; new Drought and Water Conservation Agreements under the Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP); and improvements to the Regional Conservation Partnership Program (RCP), Watershed Protection and Flood Prevention Program (PL-566), Emergency Watershed Protection Program, and rural drinking-water and wastewater programs.

The letter also identified several remaining concerns and priorities. WSWC urged Congress to reconsider proposed reductions of nearly \$2B in EQIP funding and \$500M in Conservation Stewardship Program funding; preserve flexibility in EQIP; increase the 27-million-acre national CRP enrollment ceiling; provide a waiver from PL-566's 250,000-acre watershed limitation for appropriate regional drought and water-conservation projects; and address prevented-planting assistance for producers facing unavoidable irrigation-water shortages. The Council also reiterated the importance of National Water and Climate Center water-supply forecasts, snow surveys, and soil-climate information.

WSWC urged Congress to preserve the bill's water-related improvements while ensuring adequate conservation funding, expanded opportunities for voluntary water conservation,

strong state and local partnerships, and flexibility to address locally identified water-resource challenges across the West.

NAWI/WSWC Webinar

[Registration](#) is open for the WSWC/National Alliance for Water Innovation (NAWI) webinar and feedback session on **Thursday, September 17, from 10:00–11:30 a.m. MT**. The session will give state water managers an opportunity to help inform future federal research priorities, analytical tools, and support for non-traditional water supplies.⁶

Most of the session will be devoted to facilitated discussion of NAWI's Regional Water Systems Request for Information, including how planners assess regional needs, remaining modeling and data gaps, and the types of technical or financial support that could improve decision-making. [Written responses to NAWI's RFI are due September 9](#), but submission of written comments is not required to participate in the September 17 discussion.

WSWC Fall Meetings/Las Cruces

The WSWC's 211th Fall Meetings will be held **October 21–23** in Las Cruces, New Mexico, at the Hilton Garden Inn. There is no registration fee, but advance registration and hotel reservations are required. The WSWC hotel-room-block deadline is **September 20**, with rooms available at **\$135** per night plus tax. In-person registration closes **October 2**.⁷

Wednesday's field trip is scheduled from 10:00 a.m.–5:30 p.m., followed by an evening reception at La Posta. Thursday will feature all-day Council and committee meetings, and the Executive Committee will meet over breakfast Friday morning. Agendas, field-trip information, and additional meeting materials will continue to be posted on the [WSWC Fall Meetings page](#).

FEDERAL POLICY & PROGRAMS

EPA/Drinking Water Resilience and Workforce Grants

On August 31, EPA announced \$11.75M million for ten projects through its Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Grant Program.⁸ Seven of the ten selected systems are in WSWC member states—California, Colorado, Kansas, and Texas—with projects addressing cybersecurity, wildfire and drought resilience,

flood risk, backup power, water storage, and other infrastructure needs.

Separately, EPA announced \$10.8M in available funding through the Innovative Water Infrastructure Workforce Development Grant Program. Eligible activities include internships and apprenticeships, student education, regional workforce partnerships, and training for decentralized wastewater workers. [Applications are due October 5](#).

EPA/Good Samaritan Mine Cleanup Pilot

EPA has completed the public-comment period on the first permit application under the federal Good Samaritan Remediation of Abandoned Hardrock Mines Program. The proposed pilot would allow Trout Unlimited to undertake remediation at the abandoned Bodie Mine in Okanogan County, Washington.⁹

The project would remove up to 790 tons of contaminated soil and sediment along approximately 400 feet of Toroda Creek and reconstruct and stabilize the streambank. EPA estimates the work could prevent approximately 104 tons of mine tailings from eroding into the creek each year. The Good Samaritan program is designed to enable qualified parties to voluntarily remediate abandoned hardrock mine sites while receiving specified liability protections under federal environmental laws.

EPA/SRF Reporting

On August 27, EPA opened an additional 30-day public-comment period on renewal of its information-collection requirements for the Clean Water and Drinking Water State Revolving Fund programs.¹⁰ Reporting includes state capitalization grant agreements, Intended Use Plans, annual reports, and related program information.

EPA estimates an annual nationwide reporting burden of 93,553 hours, down 14,966 hours from the existing estimate due to the end of supplemental Infrastructure Investment and Jobs Act capitalization grants after FY2026. [Comments are due September 28 \(Docket ID: EPA-HQ-OW-2002-0059\)](#).

Reclamation/Applied Research and AI

On August 24, the Bureau of Reclamation announced \$1.95M for 17 new internal Science and Technology Research Program projects,

leveraging an additional \$1.9M in matching funds.¹¹ The projects address priorities ranging from Colorado River management and infrastructure to invasive species and emerging technologies.

Several projects will explore artificial intelligence, machine learning, advanced modeling, and remote sensing for western water management, including applications involving watershed simulation, environmental and infrastructure assessment, reservoir operations, evaporation, and invasive-species management.

RESEARCH & TOOLS

USGS/Groundwater and Streamflow Trends

A new U.S. Geological Survey study examining groundwater and streamflow trends from 1980–2020 found that surface-water and groundwater conditions do not always change in parallel—an important consideration for conjunctive water management.¹² At individual monitoring sites, streamflow tended to increase while groundwater levels tended to decline.

Researchers identified several possible contributors to the divergence, including groundwater pumping, changes in winter hydrology, and shifts in the seasonal timing of flows. At broader regional scales and over longer periods, groundwater and surface-water trends aligned more closely. Arid areas of the western United States showed comparatively strong agreement in declining water-quantity trends. The findings reinforce the value of evaluating groundwater and surface water as an integrated resource rather than relying on either measure alone.

Iowa/Data Center Decision Tool

The University of Iowa's Hubbell Environmental Law Initiative and Tippie College of Business have developed an [Iowa Data Center Decision Tool](#) to help local governments evaluate proposed data-center development.¹³ Although designed for Iowa communities, many of its questions are directly relevant to western communities confronting similar proposals.

Its Water Resources section prompts officials to examine water sources; average, peak, and annual demand; cooling methods; wastewater impacts; drought conditions; recycling opportunities; and infrastructure requirements.

For communities already negotiating with developers, the tool also suggests consideration of independent regional water assessments and utility agreements addressing conservation, curtailment, monitoring, reporting, and drought response.

PEOPLE

ICWP/Executive Director Transition

On August 27, the Interstate Council on Water Policy (ICWP) announced that Executive Director **Beth Callaway** will depart after more than four years leading the organization, transitioning to The Nature Conservancy's Wyoming chapter as External Affairs Director. [ICWP has opened a search for her successor](#) and is accepting independent contractor proposals for the flexible-location Executive Director role. Core duties span strategic planning, policy advocacy, membership coordination, and event administration. The Board is reviewing proposals on a rolling basis, with a first-priority deadline of **September 30, 2026**.¹⁴

WEBINARS & WORKSHOPS

September 14–16 – NOAA's National Integrated Drought Information System (NIDIS), the Northern Great Plains Regional Incubator for Drought Resiliency, the University of Montana, and Montana Climate Office will host the *Missouri River Basin Drought Early Warning System Partners Meeting* in Bismarck, North Dakota.¹⁵ The meeting is preceded by a Tribal Pre-Conference Workshop on the evening of September 14.

October 14 — EPA's Strengthening Water Infrastructure for Tomorrow (SWIFT) initiative will host a webinar titled *Natural Hazard Technical Assistance for Updating Your Emergency Response Plan*, highlighting data resources, online tools, templates, and free technical assistance for addressing natural hazards in utility emergency-response plans.¹⁶

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

REFERENCES

- ¹ U.S. Environmental Protection Agency and U.S. Department of the Army, “EPA and Army Seek Additional Input on Proposed Waters of the U.S. Definition While Advancing Toward Durable Final Rule,” Supplemental Notice of Proposed Rulemaking and Fact Sheet, September 4, 2026, <https://www.epa.gov/wotus/updated-definition-waters-united-states>.
- ² U.S. House of Representatives, Committee on Energy and Commerce, “Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers”, September 3, 2026, <https://energycommerce.house.gov/posts/chairmen-guthrie-and-palmer-announce-legislative-hearing-to-safeguard-america-s-drinking-water>.
- ³ Nevada Governor’s Office, statements dated August 21 and August 24, 2026, <https://www.gov.nv.gov/press-releases/nevada-files-lawsuit-against-department-of-the-interior-over-colorado-river-operations-record-of-decision/>.
- ⁴ Jeffery S. Horsburgh et al., “Utah State Agency Water Data: Review, Challenges, and Recommendations (Utah State University)”, August 25, 2026, <https://www.hydroshare.org/resource/636db5ab6d4d4b8aa867ef4ed2455324/>.
- ⁵ Western States Water Council, “Letter to the Senate Committee on Agriculture, Nutrition, and Forestry regarding the Agricultural Act of 2026”, August 26, 2026, <https://westernstateswater.org/newsletters/2026/wswc-letter-to-the-senate-committee-on-agriculture-nutrition-and-forestry-regarding-the-agricultural-act-of-2026/>.
- ⁶ Western States Water Council, “NAWI Regional Water Planning Needs Webinar,” accessed September 8, 2026, <https://westernstateswater.org/event/nawi-webinar/>.
- ⁷ Western States Water Council, “WSWC Fall (211th) Meetings – Las Cruces, New Mexico,” accessed September 8, 2026, <https://westernstateswater.org/event/wswc-fall-211th-meetings-las-cruces-new-mexico/>.
- ⁸ U.S. Environmental Protection Agency, “Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program,” August 31, 2026, <https://www.epa.gov/dwcapacity/midsize-and-large-drinking-water-system-infrastructure-resilience-and-sustainability>.
- ⁹ U.S. Environmental Protection Agency, “Good Samaritan Remediation of Abandoned Hardrock Mines Program,” Docket No. EPA-HQ-OLEM-2026-3103, July 16, 2026, <https://www.regulations.gov/docket/EPA-HQ-OLEM-2026-3103>.
- ¹⁰ U.S. Environmental Protection Agency, “Agency Information Collection Activities; Clean Water State Revolving Fund and Drinking Water State Revolving Fund Programs (Renewal),” Docket ID EPA-HQ-OW-2002-0059, August 27, 2026, <https://www.regulations.gov/docket/EPA-HQ-OW-2002-0059>.
- ¹¹ U.S. Bureau of Reclamation, “Reclamation FY26 Research Projects Tackle Colorado River Issues, AI Advances, and Infrastructure Challenges,” August 24, 2026, <https://www.usbr.gov/newsroom/news-release/5390>.
- ¹² U.S. Geological Survey, “As Above, So Below? Trends in Groundwater and Streamflow across the United States 1980–2020,” August 10, 2026, <https://www.usgs.gov/mission-areas/water-resources/news/above-so-below-trends-groundwater-and-streamflow-across-united>.
- ¹³ University of Iowa, Hubbell Environmental Law Initiative, “Iowa Data Center Decision Tool for Counties, Cities, and Communities,” August 3, 2026, <https://heli.law.uiowa.edu/projects/datacentersiniowa/iowa-data-center-decision-tool-counties-cities-communities>.
- ¹⁴ Interstate Council on Water Policy, “Now Seeking Applicants: ICWP Executive Director,” August 27, 2026, <https://icwp.org/annual-conference/icwped/>.
- ¹⁵ NOAA National Integrated Drought Information System, “Missouri River Basin Drought Early Warning System Partners Meeting,” September 14–16, 2026, <https://www.drought.gov/events/missouri-river-basin-drought-early-warning-system-partners-meeting-2026-09-14>.
- ¹⁶ U.S. Environmental Protection Agency, “Natural Hazard Technical Assistance: Updating Your Emergency Response Plan,” October 14, 2026, <https://www.epa.gov/waterresilience/natural-hazard-technical-assistance-updating-your-emergency-response-plan>.

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