



Sound water policy starts with the states that manage water.

WESTERN STATES WATER

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ADMINISTRATION

Army Corps/Western Water Cooperative Committee

On September 10, the Army Corps of Engineers (Corps) published a notice for two virtual meetings of the Western Water Cooperative Committee (WWCC) (91 FR 57578).¹ The first meeting on **October 1 (1–5 pm EDT)** will recap the presentations shared at the December 2025 meeting for all new members of the WWCC or anyone who was unable to attend. The second meeting on **October 6 (2–4 pm EDT)** will resume the discussion on the WWCC bylaws from February 2026, with the intent to finalize the proposed bylaws. Information for the online virtual meetings can be accessed at the committee's website.

The WWCC provides a forum for discussions between the Corps and Western States regarding the operation of Corps projects and water rights and water laws of Western States. More information about the WWCC, and the WSWC's support for the Committee, is available [here](#).

EPA/Office of Water

On September 16, 2026, environmental groups publicized² an internal U.S. Environmental Protection Agency (EPA) memorandum dated August 11, 2026, which formally withdrew five Biden-era Office of Water guidance documents. Prior to the public disclosure of the memorandum, the EPA had begun removing the documents from its active website.

The rescinded materials are five guidance and technical documents issued between 2022 and early 2025. They directed state and regional permitting staff on incorporating climate projections into watershed pollutant limits (TMDLs), weighing environmental justice in carbon-sequestration well permitting, monitoring and restricting PFAS and other emerging contaminants in NPDES permits, and determining when pollution traveling through groundwater falls under Clean Water Act jurisdiction following *County of Maui v. Hawaii Wildlife Fund*.

Signed by Assistant Administrator Jessica Kramer, the August memorandum stated that these guidance documents no longer align with the current administration's regulatory and energy dominance priorities. Specifically, Kramer noted that the climate and environmental justice documents relied on rescinded Executive Orders, while the PFAS and emerging pollutant guidelines had caused national confusion and lacked proper public notice and comment. Additionally, the groundwater discharge framework was rescinded because it remained an unfinalized draft that had exceeded the agency's two-year expiration limit for draft policies.

EPA/WOTUS Supplemental Proposal

On September 9, the Environmental Protection Agency (EPA) and U.S. Department of the Army published their Supplemental Notice of Proposed Rulemaking (SNPRM) (91 FR 57284), following last week's announcement of the proposal (WSW #2706). **Comments are due by October 9.**³

Under the Notice of Proposed Rulemaking (NPRM) (90 FR 52498) in November 2025, the agencies defined "relatively permanent" as "standing or continuously flowing bodies of surface water" that are wet year-round, or at least during the wet season. The SNPRM proposes a new approach to how dry spells affect Clean Water Act (CWA) jurisdiction: it (1) excludes ephemeral and most intermittent waters, limiting jurisdiction to perennial waters and wetlands to those with flow or standing water most of the year; and (2) retains jurisdiction when interruptions are merely temporary—either routine (non-anomalous, a single dry period of up to 30 days) or anomalous (e.g., <5-year drought).

The SNPRM illustrated this approach with examples: a water that dries up for 30 consecutive days each June would still meet the definition of "relatively permanent." Similarly, an ordinarily perennial water remains jurisdictional through a temporary cessation of flow caused by an extreme or exceptional drought, as long as the drought lasts no more than five years.

Meanwhile, under this approach a water that lacks standing or continuously flowing water from June through August (approximately 90 days) every year, i.e., under ordinary conditions, would not be relatively permanent. Additionally, water bodies with multiple routine interruptions throughout the year would be considered intermittent or ephemeral and not jurisdictional.

The agencies propose using the U.S. Drought Monitor to identify both normal dry conditions and anomalous departures. Only extreme (D3) and exceptional (D4) droughts would qualify as anomalous, and only for up to five continuous years.^f A five-year timeframe is consistent with the five-year expiration date of an approved jurisdictional determination under existing Army Corps of Engineers Guidance (RGL 05-02).

Regarding reliance interests, the agencies noted the past eleven years of regulatory flux with five rule revisions and numerous court decisions, but are willing to accept comments on any reliance interests affected by this supplemental option. The agencies also acknowledged that while several NPRM commenters said states are well-equipped to regulate non-jurisdictional waters, some states and Tribes may need considerable resources to stand up their own programs, and others are legally barred from exceeding federal stringency.

The SNPRM anticipates fewer federally regulated waters compared to current levels, with the greatest impact in regions—particularly the arid West—where intermittent streams drive much of the hydrology. The agencies expect the largest programmatic effect in the CWA §404 program, with fewer required permits and less associated mitigation.

The SNPRM asserted that the federalism consultation requirements under Executive Order 13132 were met during the Summer 2025 pre-rulemaking comment period when the agencies “conducted consultation with State and local government officials and their representative national organizations,” permitting them to have meaningful and timely input into the development of the NPRM and SNPRM.

Finally, the SNPRM flagged data limitations for implementation. The National Hydrography Dataset (NHD), the most comprehensive national dataset of stream and waterbody locations, doesn’t depict the scope of CWA-regulated waters and can’t reliably distinguish intermittent from ephemeral streams nationwide—and the Corps’ Operation and Maintenance Business Information Link, Regulatory Module (ORM2) database has similar gaps.

CONGRESS/WATER RESOURCES **WRDA 2026**

On September 16, the House passed the Water Resources Development Act of 2026 (H.R. 9497) by a 415–9 vote⁴, sending the bill to the Senate, which has introduced its own companion measure (S. 4949). The bill cleared the Transportation and Infrastructure Committee unanimously, 66–0, in July. Its programmatic centerpieces—including a new Office of Water Supply, Water Conservation, and Drought Resiliency within the Corps’ Directorate of Civil Works, and new Continuing Authority Programs (CAPs) for drought resiliency and for improving completed flood risk management projects—advanced largely as drafted (WSW #2701).

As approved, WRDA 2026 authorizes 133 new feasibility studies and 14 construction-ready projects vetted by the Corps, while reauthorizing FEMA’s High Hazard Potential Dam program. The bill also creates new offices for inland navigation construction and technical assistance/community outreach, strengthens non-federal interests’ role in feasibility studies, and encourages the Corps to expand use of multi-year contracts.

International Boundary and Water Commission/Colorado River

On September 2, the United States and Mexico signed Minute 334⁵ of the International Boundary and Water Commission (IBWC), establishing new cooperative measures for the Colorado River Basin through December 31, 2028. The agreement, signed in El Paso, Texas, and formally announced on September 9, extends and replaces previous guidelines under Minutes 323 (2017) and 330 (2024). It outlines flow distributions, salinity management, and environmental conservation in response to record-low hydrologic conditions in the basin.

Under the agreement’s low-elevation reservoir conditions, the U.S. will reduce allocations to Lower Basin users by 1.25 million acre-feet (MAF) annually in 2027 and 2028. Consequently, Colorado River water deliveries to Mexico will be reduced by 250,000 acre-feet (AF) per year during the same period. The two countries have agreed to consult on potential additional reductions for both nations in 2028 if hydrologic forecasts worsen. Should forecasts indicate a likelihood of Lake Mead reaching an elevation of 1,125 feet mean sea level or above during the 2027–2028 period, the IBWC will discuss procedures to proportionately increase water deliveries to Mexico.

The agreement also establishes a Salinity Pilot Program for 2027–2028 to manage the salinity of waters delivered across the border. Furthermore, it permits Mexico to maintain its Water Reserve, preserving the option to defer delivery of a portion of its allocation for future use. Environmental and infrastructural provisions include the continuation of the Binational Environmental Work Group—a partnership among governments and non-governmental organizations to monitor and maintain existing habitat—as well as ongoing studies on desalination and new water sources initially launched under Minute 323.

U.S. IBWC Commissioner Chad McIntosh praised the collaborative effort: “This Minute makes sure water is shared fairly among our users and protects the health of the Colorado River during these difficult times. Both countries deserve a lot of credit for agreeing to these water reductions and other measures.”

Andrea Travnicek, Assistant Secretary for Water and Science at the Department of the Interior, noted the Administration’s support: “During this time of prolonged drought, reductions will be shared and innovative approaches in management will be implemented to sustain the Colorado River basin.”

WATER RESOURCES

Nebraska/Infrastructure Funding

On September 2, Governor Jim Pillen (R-NE) recognized the City of Plainview for finalizing state financial assistance for an \$8M wellfield project to replace existing water supply wells containing elevated nitrate levels. Through Nebraska’s State Revolving Fund (SRF) program, Plainview will receive 42% loan forgiveness with the remaining balance financed at a 2% interest rate, saving residents over \$10M in repayments over the life of the loan.

Nebraska Department of Water, Energy, and Environment (DWEE) Director Jesse Bradley commended the city’s commitment to addressing critical infrastructure needs, noting a previous \$1M SRF allocation for wastewater lagoons, and stated that such investments support long-term community stability.

Governor Pillen emphasized that the SRF exemplifies effective state and local collaboration to responsibly fund essential infrastructure. This follows a similar announcement in August, when Pillen and Bradley visited Ogallala to celebrate \$7.5M in SRF assistance for wastewater treatment facility upgrades. The Ogallala agreement includes over \$1.625M in loan forgiveness and a 2% interest

rate, which is expected to save residents up to \$4M. Governor Pillen noted that these infrastructure projects ultimately protect public health, support local communities, and invest in Nebraska’s future.

Texas/Infrastructure Funding

On August 10, the Texas Water Development Board (TWDB) approved \$69.5M in state Water Supply Infrastructure Grants to co-fund canal lining and canal-to-pipeline conversion projects in the Rio Grande Valley⁶. The Texas Legislature appropriated \$1.038B in funds for water supply and infrastructure projects to the TWDB, signed into law by Governor Greg Abbott (R-TX) in June 2025. Along with another \$20B for new supply and infrastructure, Governor Abbott called it “the largest water investment in state history.” A portion of that appropriation was included for joint funded efforts with the North American Development Bank’s (NADBank) Water Resiliency Program. NADBank is a U.S.-Mexico financial institution established to finance environmental infrastructure projects along their common border. In August 2025, NADBank launched a \$400M Water Resiliency Fund to support water conservation and diversification in the U.S.-Mexico border region.

TWDB Chairwoman L’Oreal Stepney said the partnership will maximize combined resources to help Rio Grande Valley communities conserve water and improve supply reliability. The grant solicitation resulted in applications from 13 irrigation districts in the Lower Rio Grande Valley, and 17 projects were approved based on the amount of water saved, community and environmental benefits, cost-effectiveness, and project readiness. TWDB’s financial assistance will cover approximately half of the proposed project costs, with NADBank and other funding covering the rest. Governor Abbott noted these projects will conserve nearly 44,000 acre-feet of water each year for farms and families in South Texas.

TWDB is also in the process of updating its five-year State Water Plan⁷. Phase I of the Plan, adopted in July, was an abridged document developed on an accelerated schedule to facilitate the State Water Implementation Fund for Texas (SWIFT) program financial assistance commitment deadline of July 2026. Phase II of the Plan is open for public comment in September. TWDB said: “The 2027 State Water Plan marks 25 years of Texas’ widely recognized regional water planning process and represents the sixth plan developed through the collaborative work of hundreds of stakeholders across the state. Built on extensive data, science, and a strong statutory framework, the planning process requires all 16 regional water

planning groups to openly assess and address their future water supply needs. The 2027 plan identifies thousands of actionable strategies and projects—complete with projected costs and sponsoring entities—that show how Texas can meet its water needs and remain resilient during future droughts. This information provides a critical roadmap for ensuring that Texas communities continue to have reliable water supplies both now and in the future.”

PEOPLE

Former U.S. Senator **Jon Kyl (R-AZ)** has passed away at the age of 84. Before his nearly three decades in Congress, Kyl was a key participant in drafting Arizona’s pioneering 1980 Groundwater Management Act. Among his most significant water achievements was his authorship of the 2004 Arizona Water Settlements Act, which resolved a decades-long legal battle and authorized one of the largest tribal water rights settlements in U.S. history, securing a massive annual water allocation for the Gila River Indian Community.

Kansas Water Office (KWO) **Director Connie Owen** has retired. Appointed to the position in January 2021, Owen led the agency through key milestones, including the first update of the Kansas Water Plan since 2009 and securing the first full funding of the state’s Water Plan Fund since 2008. Prior to her role as KWO Director, she served as Chair of the Kansas Water Authority, Legal Counsel for the Division of Water Resources at the Kansas Department of Agriculture, and as an Administrative Hearing Officer for the same agency.

“I want to thank Connie for her commitment to ensuring Kansas has a sustainable, long-term plan to secure water quality and quantity for our future generations,” Governor Laura Kelly said. “During her tenure at the Water Office, Connie oversaw the first update of the Kansas Water Plan since 2009 and the first full funding of the Water Plan Fund since 2008. These milestone accomplishments were critical to revitalizing our state’s efforts to ensure the Kansas we know today exists for our grandchildren.”

Former State Senator **Carolyn McGinn** will succeed Owen as KWO Director. McGinn previously served as the Governor’s Special Advisor on Water, and brings two decades of legislative experience in the Kansas Senate, where she chaired both the Natural Resources Committee and the Ways and Means Committee.

WEBINARS AND EVENTS

September 30 — WestFAST will host a webinar with the Desert Research Institute and the Bureau of Land Management, *From Data to Decisions: Applying Climate and Remote Sensing Tools for Drought Monitoring and Resource Evaluations*. [Register here.](#)

September 23 — The Department of Energy (DOE) continues its Industrial Water Savings Network webinar series with *Mapping Your Path Toward Reuse*, the second installment in its interactive series on industrial water reuse. The series covers foundational principles, project implementation, and financing strategies. [Register here.](#)

September 30 — EPA is launching a Safe Drinking Water Act (SDWA) webinar series to help community water systems serving more than 3,300 people meet their risk and resilience assessment and emergency response plan (ERP) requirements under SDWA section 1433. The first session, *Using Local Mutual Aid Networks in Your ERP*, covers how Water and Wastewater Agency Response Networks (WARNs) can be leveraged to build resilience. Later sessions on natural hazard technical assistance (October 14) and emergency drinking water supply planning (November 17) will follow. [Register here.](#)

REFERENCES

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- ⁶ Texas Water Development Board, “Texas Water Development Board Approves \$69,511,030 in Financial Assistance to Co-Fund Canal Lining and Conversion Projects in the Rio Grande Valley,” Texas Water Newsroom, September 10, 2026, https://texaswaternewsroom.org/pressreleases/2026-9-10_wsig_nadbank.html.
- ⁷ Texas Water Development Board, “2027 State Water Plan,” accessed September 20, 2026, <https://www.twdb.texas.gov/waterplanning/swp/2027/index.asp>.