

Celebrating Our 40th Anniversary



Looking Back...Looking Forward: Progress through Cooperation



# MISSION

The Western States Water Council is an organization consisting of representatives appointed by the governors of 18 western states. Since its creation, through adoption of a resolution at the Western Governors' Conference in 1965, the Council has strived to fulfill its chartered purposes. The purposes of the Council are: (1) to accomplish effective cooperation among western states in the conservation, development and management of water resources; (2) to maintain vital state prerogatives, while identifying ways to accommodate legitimate federal interests; (3) to provide a forum for the exchange of views, perspectives, and experiences among member states; and (4) to provide analysis of federal and state developments in order to assist member states in evaluating impacts of federal laws and programs and the effectiveness of state laws and policies.

# Western States Water Council Celebrating 40 Years

## *Water Policy in the West*

The emphasis and focus of the Western States Water Council has changed over the years. While the Council was created to examine the prospects for cooperation among its member states in water development and transfer on an interregional scale, the scope of its mandate from the governors to foster cooperation among its member states soon expanded. It now covers a broad spectrum of water resource challenges facing the West. While finding common ground proved elusive regarding major interregional water transfers, member state efforts to work together through the Council have proven successful in a number of ways in the ensuing years. The following examples are illustrative.

### **WATER CONSERVATION**

With the rapid pace of population growth, particularly in its cities, the West became the most urbanized region in the country. As a result, providing water for municipalities and industries, as well as agricultural and rural uses, has become an increasingly difficult challenge. At the same time, public support has increased for in-stream values – water for fish and wildlife habitat, recreation, and aesthetic values. These new demands have expanded and complicated the need for water supply. Given these changes, a major focus of the Council has been and continues to be on water conservation as a means to “stretch” existing supplies for various uses. Making clear that it represents no panacea, numerous Council workshops and reports have demonstrated the benefits, as well as the potential shortcomings, of water conservation measures.

Some of these workshops were organized when, in the Spring of 1994, the Bureau of Reclamation released proposed rules and regulations to implement new water conservation requirements under the Reclamation Reform Act of 1982. The Council raised numerous concerns about these new more prescriptive rules and to its credit,

## Arizona



### **MEMBERS** *by year admitted*

<b>1965</b>	<b>1978</b>
Arizona	Texas
California	<b>1984</b>
Colorado	Alaska
Idaho	<b>1988</b>
Montana	North Dakota
Nevada	South Dakota
New Mexico	<b>1991</b>
Oregon	Hawaii ( <i>no longer associated</i> )
Utah	<b>1999</b>
Washington	Oklahoma
Wyoming	<b>2000</b>
	Kansas
	Nebraska



*Council Members at meeting in Boise, Idaho, in April of 2005*

the Bureau of Reclamation responded. Then Commissioner, Eluid Martinez, wrote in a subsequent letter: "I am sensitive to the concerns... raised about avoiding duplication of requirements and effort between Reclamation and States with active water conservation programs and policies.... I would like to... work with the Western States on water conservation issues." At the same time the Council expressed its intent to facilitate efforts to work cooperatively with local water users to make the most efficient use of their water resources.

From this shared perspective grew a formal partnership. In January of 2001, the Council, along with four other organizations, was invited to join the Bureau of Reclamation in signing a "Bridging-the-Headgate" partnership "Declaration of Cooperation." It commits each entity to work together for the sustainable and efficient use of western agricultural water supplies. This partnership continues, together with further efforts recently organized by the Council to examine how federal programs can be coordinated with state conservation plans and programs.

#### **DROUGHT RESPONSE**

Drought conditions exacerbate the ever-present challenge of providing water for various uses in the West. In the face of unprecedented droughts in recent years, the Council has taken steps to improve western state capacity to respond to drought. In 1986 it published a report on the status of state drought planning and then prepared a model that could be used by states to evaluate and strengthen their capacity to respond to drought. More recently, the Council has worked with the Western Governors' Association to strengthen the Nation's capacity to respond to drought by establishment of a center for gathering and analyzing information related to drought and by helping craft legislation currently before the Congress to significantly strengthen federal coordination of drought response and planning and preparation for drought at all levels of government.

## **A regional and national presence**

The states of the West have many common circumstances in topography, hydrology, and social and legal structures. Yet within these commonalities is great variability of specifics. As a result, the states are a cluster of engines of innovation at managing water resource needs and issues. The Western States Water Council is the best forum for sharing these innovations, for learning from each other's successes and struggles. With-

out this forum we would all be reinventing every wheel. We would also miss out on the opportunity to refine and improve our own successes with ideas we garner from our sister states. There are a lot of great ways to do things out across the states of the West, but they wouldn't be half as great if they stood in isolation and weren't being shared and refined in the collegial forum of the Council.

Montana has always placed a high value

on the nature and work of the Western States Water Council as a regional and national presence. As a geographically large, predominately rural state with a small population, Montana benefits greatly from its participation with its sister states in advising the Western Governors' Association, interacting with the federal agencies, and working with Congress. The Council members' and staff's professionalism and commitment to



### **INSTREAM VALUES/WATER QUALITY**

New demands for instream values have likewise required increasing attention. These values have been supported in various state forums, with resulting passage of state laws and regulations. The Council has not only documented these measures, but provided forums for discussion and reports to examine the efficacy of such laws. At the same time, the Council has opposed assertions that the federal government should establish minimum instream flows under the Clean Water Act to protect water quality, maintaining that the issues associated with the relationship between water quantity and quality should be addressed at the state level. Consistent with this perspective, and recognizing the unique character of its membership which represents both state water right and water quality agencies, the Council has endeavored and continues to strive to identify and evaluate means to improve coordination of water rights and water quality protection at the state level. Several discussions on the topic have taken place under the auspices of Council meetings and symposia. Reports and findings have been developed. The Council's Water Quality Committee has taken the lead in these efforts, and continues to provide a forum for discussion of potential approaches and options for improvement, while dealing with other water quality issues of particular western concern.

### **STATE/FEDERAL COOPERATION**

The interchange between state water laws, including instream flow measures, and federal environmental statutes, particularly the Endangered Species Act, has been another major area of emphasis for the Council. While formally opposing unilateral steps in disregard of state water law, the Council has proactively sought to establish a mechanism to avoid such conflicts. Designed to implement a Congressional policy of cooperation, Council representatives have worked with representatives of the



*California DWR wildlife habitat restoration project on Decker Island in the Sacramento-San Joaquin River Delta.*

finding shared perspectives greatly improve the quality and effectiveness of efforts to advance water management regionally and nationally.

**Jack Stults, Administrator**  
*Montana Department of Conservation and Natural Resources*

## California





## A provocative forum

"I find the Council to be a provocative forum to discuss how State water supply and water quality programs should interact. Western perspectives highlight the unique and confounding aspects of managing water quality in ways that defy uniform application of the Clean Water Act. And there may be no greater champion of the importance of water data programs of the USGS and NRCS than the WSWC. States depend upon those data as the underpinning of their water programs and WSWC ensures the Federal government honors its ongoing responsibility to support data collection activities."

**Tom Stiles, Chief**

*Office of Watershed Planning, Kansas  
Department of Health & Environment*

federal implementing agencies (U.S. Fish and Wildlife and NOAA Fisheries) to draft a protocol. The protocol would commit the federal agencies to consultation and cooperation with state water resource agencies in implementing the Act, with the aim of avoiding conflict with existing uses wherever possible. It commits state water resource agencies to manage water in a manner consistent with the conservation and recovery of listed species. The aim of the model protocol, which would be tailored to the individual and unique institutional arrangements in each state, is to be "proactive not only in terms of addressing issues in advance of potential crisis, but also to avoid subsequent actions under the ESA such as future listing." The protocol is now before the Administration for further consideration. At the same time, the Council has published a list of "tools" state water administrators can use to provide water for protected species.

### WATER RIGHTS

Conflicts have arisen between the federal government and the states in other areas, particularly regarding the scope of the water rights to which federal lands are entitled. The Council has opposed what it saw as unreasonable assertions of water rights by the federal government. Some of these assertions were rejected in landmark Supreme Court cases in which the Council drafted amicus curiae briefs for use by its member states. Controversies continue. At the same time, however, the Council has acted to support settlement of such claims, whereby the legitimate interests of the federal government can be recognized, while minimizing the impacts on existing state-based uses. A particular focus has been on the large claims made by the federal government as trustee on behalf of Indian Tribes. For almost 25 years, the Council, along with the Western Governors' Association (WGA), the Native American Rights Fund, and Western Business Roundtable, has successfully urged the Congress and the Administration to facilitate and fund these settlements.

## Council builds consensus

I have now served under four different governors and have seen the Council change and grow as water issues have grown in their complexity.

The Council has been a central headquarters for the sharing of old ideas, the creation of new ideas, and a source of creative political evolution. The Council built consensus among Western States through the period when Reclamation projects were unpopular and "hit lists" were prepared on

agricultural projects west wide. The Council built consensus among Western States as the Clean Water Act waxed and waned and principles of "cooperative federalism" were forgotten and then reasserted. The Council built consensus among Western States as endangered species battles were waged which created deep division between water interests and at times between states. The Council built consensus among Western States as the costs of adjudications were



## GROUNDWATER MANAGEMENT

The importance of the West's groundwater resources to address expanding needs has also been underscored in the Council's activities. Several workshops have been held to examine and evaluate state management regimes, along with conjunctive use mechanisms. As an adjunct to this ongoing activity, the Council prepared detailed reports on the feasibility of groundwater recharge projects, including fiscal, legal, and institutional constraints and opportunities. Water reuse, particularly as it relates to ground water recharge opportunities, was the theme of another report.

## A COLLECTIVE VOICE

The Council has consistently provided a forum for the Council to express the collective view of its member states on proposed federal legislation and regulations, as well as other important policy issues. Congress and the Administration have recognized that collective voice in a number of ways. In April of this year, for example, 23 organizations were asked to give testimony at a Senate Water Conference on four topics. Among a host of organizations dedicated to water resource management and policy that had submitted statements for consideration, the Council was the only organization asked to testify on two different panels. A month later, the Council was again invited to testify before the Senate.

When the Congressionally-created Western Water Policy Review Advisory Commission sought to identify western state views on critical water issues, it turned to the Council, which prepared a lengthy report with appendices. This report continues to serve as an important resource. While commending the Commission for many of its ultimate recommendations, the Council expressed concerns about its recommended model of river basin governance, finding the top down, federal agency-driven approach outdated and unworkable. These concerns came from experience with a new paradigm



*Council Members at meeting in Boise, Idaho, in April of 2005*

visited upon Western States through actions of federal agencies. And, the Council built consensus among Western States bringing Indian Nations and non-Indian constituents to the bargaining table and away from counsel tables in courtrooms.

Through all of the tensions and adversity, the Council and its staff have acted with good humor, civility and intelligence and have provided critical information central to resolving the most difficult of problems.

In my career, I can point with the greatest pride and gratitude that I have been able to serve with the Council and provide what limited expertise I may have had to support this vital group. I want to express my heartiest congratulations to all of you in the Council.

**Charles T. DuMars, Esq.**  
*Law & Resource Planning Associates, P.C.*  
*Professor Emeritus Univ. of New Mexico*  
*School of Law*

## Colorado





**State-owned (award winning) dam on the Tongue River, Montana**

built on the initiatives of local watershed groups. Relying on a series of workshops leading to the establishment of model guidelines for managing water and resolving conflicts known as the “Park City Principles,” and subsequent recommendations in a Council publication on ways states can develop a strategy to embrace and facilitate local watershed groups, the Council advised the Commission to instead endorse the “local-bottom-up watershed approaches to identifying and solving water-related problems, which have gained favor and momentum Westwide.” The Council continues to support such approaches.

#### **FUTURE WATER SUPPLY NEEDS**

Finding the financial means to meet future water supply needs, build storage capacity and improve management has been a continuing challenge for states. General funds, bonds, dedicated fees, taxes and other revenues have been used, as well as various trust and revolving funds. The Council has prepared a number of reports and held many discussions regarding financing mechanisms, cost sharing, and related issues over the years and testified on these matters before the Congress on two occasions.

#### **RESPONDING TO CHANGE**

As the above examples demonstrate, the Council has proven to be a dynamic, flexible institution providing a forum for the discussion and consideration of many water policies that are vital to the future welfare of the West. The evolution of the Council’s focus and activities provide a valuable insight on the changes that have occurred in water policy in the West since the Council’s creation in 1965. Most importantly, upon the occasion of its 40th anniversary, this publication provides a glimpse of the Council’s history and accomplishments, as well as the challenges requiring its attention in a new century.

## **Reaping rewards**

“Participation in the Western States Water Council reaps rewards far surpassing the resources invested in the organization. Since water resource and water quality agency heads, as well as water attorneys for the states, participate personally at the Council meetings, water policy issues important to all of us in the West can be debated and positions taken. Coming from a state with a single Representative in the Congress, the ability to join forces with the other western states on water issues is criti-

cal to our success. The Council staff members keep us abreast of germinating issues, and take the load off of us individually at the state level. The Council meetings afford the opportunity to get better acquainted with our counterparts in the other states and with the federal resource agencies. The networking and increased communications as a result of the Council activities are an added bonus.”

**Sue Lowry**  
*Interstate Streams Administrator  
Wyoming State Engineer’s Office*



## *Establishing a Water Council*

By November of 1965, Glen Canyon Dam had been completed, and authorization of other Colorado River Storage Project participating projects was being considered, along with authorization of the Southern Nevada Water Project, the Garrison Diversion Unit of the Missouri River Basin Project, and Grand Coulee Dam's third power plant. Earlier in July, Congress had passed the Water Resources Planning Act of 1965, with the following purpose: "To provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions and by providing financing assistance to the states in order to increase state participation in such planning."

In this context, the Western Conference of the Council of State Governments approved a resolution which read in part: "The future growth, prosperity and well-being of the West depend upon the maintenance of a strong and vigorous economy...threatened by critical water shortages. There is a need for an accurate appraisal of present and future water requirements as recognized by each state of the West, and for development of a comprehensive plan for equitably resolving the problems of future supply and distribution of water resources...." In response to this resolution, the member governors of the conference formed the Western Water Resources Task Force to address these questions: Was a new organization needed to coordinate regional efforts?; If so, what should be its nature and functions?; How could the problems associated with the uneven development of the West, and proposed regional water transfers best be addressed, given the political necessity of protecting areas of origin from adverse effects of exporting water? The governors subsequently adopted the Task Force recommendation for the formation of the Western States Water Council.



**Glen Canyon Dam**



**Grand Coulee Dam**

## Idaho





***A presentation to Council members meeting in Spokane, Washington, in October of 1968.***

The first official meeting of the Council was held on the south shore of Lake Tahoe, at Stateline, Nevada on August 3, 1965. Nevada Governor Grant Sawyer, Chairman-elect of the Western Governors' Conference, spoke: "We are assembled here today to give thought and deliberation to the most important aspect of the economy and growth of not only the Southwest, but the entire western United States.... A great agricultural, industrial, and recreational economy has been developed in our western states. Today we stand on the threshold of an expanding economy, greater than could possibly have been foreseen as late as ten years ago. However, ...one grave danger lies in the path... water. In many areas in the West our economy is being maintained by the depletion of our groundwater reserves. Those supplies are dwindling very rapidly at the present time.... Great water supply projects have already been built in the West, but in nearly all cases they are local in scope. We now must take the next step. That is westwide water development." (Sawyer 1965)

He continued, "There is an abundance of water available in this part of the country now wasting to the sea. It needs only storage and transportation facilities to move it from areas of surplus to areas of deficiency. Recently, several plans have been advanced to accomplish this movement of vast amounts of water. We in the water-poor states make loud noises about our desperate need for water, and we promote regional water plans to meet those needs.... Justifiably, those living in areas of abundant water supplies look with alarm upon any plan of any outsider to take the waters away from their areas. So the time has come for you as legislators, educators, lawyers, engineers, geologists and economists in the business of water conservation to conduct yourselves as statesmen and sit down around the table to work out the best plans to meet the needs of the entire West. After many years of negotiations, arguments, misgivings, political battles, and in the end, cooperation and understanding, the entire West

## Southwest origins

At the request of Governor Pat Brown of California, Wes Steiner, then California's Coordinator of Interagency Planning, made a presentation at the Western Governors' Conference in San Francisco on May 6, 1964, regarding the long range water planning studies that had been conducted by the state from the time of statehood and the benefits the state had derived from this effort.

Governor Brown hoped such a presentation would prove sufficiently interesting to the other ten governors to authorize the groundwork necessary to bring in to being a water council under the auspices of the Western Governors' Conference. According to a letter from Mr. Steiner, "Shortly after the conference ended, I received instructions to draft rules and other elements of infrastructure for the proposed water council.

Don Maughan helped me draft the proposal. We met many times with the representatives of the governors from the other states to hammer out the product that was submitted to the Governors for acceptance at this conference in Portland, thirteen months after the San Francisco conference." (*Letter of March 30, 2005.*)



has come to realize the benefits that will flow... by combining all the power resources available to us. The same holds true for all our water and land resources.... We must have iron-clad guarantees devised and put into effect to assure that the need of the exporting area will be fully met for all time.”

Governor Sawyer concluded, “A guiding hand is a necessary instrument in developing the water needed to meet our expanding economy, and this group [the Western States Water Council] has been designated to provide that guidance.” With some urgency he continued, “We must act as fast as we can, for I guarantee, if we cannot get this moving among the states, it is going to be done, and it may be done at a level which may not take into account public interest as we see it. If we cannot work together as combined states, we certainly cannot complain if someone else, specifically the federal government, resolves our problems for us. We cannot complain about federal control when it is invited by our own inaction.” He expressed the governors’ desire that the organization be a “stable, long-lasting” Council of “vigorous action.”



*Council Members at meeting in Spokane, Washington, in October of 1968*

## Northwest impetus

“To preclude the idea of diverting the Columbia River south to California,” Oregon Governor Mark Hatfield suggested creation of a council to study water needs in the West, according to Freeman Holmer who was then working for the State of Oregon as its Director of the Department of Finance and Administration (*Letter of May 9, 2005*). Governor Hatfield designated Mr. Holmer to work with representatives of other western states to develop the structure and charter for such a body. The resulting plan was approved by the Western Governors’ Conference in 1965 at Portland and Mr. Holmer was named as one of the members of the Oregon delegation to the founding session on August 3 in Stateline (Lake Tahoe), Nevada.

Mr. Holmer stated: “I was surprised when I was elected chairman of the Western States Water Council. For the next year, it consumed a substantial portion of my time. I was somewhat surprised by the number and variety of the invitations to speak on the work of the Council and the respect that was given to my views.”

## Nevada





## Reality check

In 1968, Raphael J. Moses, as Chairman of the Council, participated in a trip to Canada, which extended north through Alberta, the Northwest Territories, far beyond the Arctic Circle, almost to the Arctic Ocean, then swung west into Fairbanks and Anchorage. He reported on his trip to the Council at a meeting later that year. He said: "They are just beginning to realize the vast natural resources of the area – the minerals, the oil, the gas, and the water. I have never seen so much water in my whole life." He continued: "The water resources are abundant. The McKenzie River System carries three times as much water as the Columbia.... I want to leave you with the fact that north of us there are great resources, both minerals and water resources. They are not going to give us their water."

## Early Focus

The Council's early activities were prompted by the governors' focus on proposed inter-basin and inter-state water transfers envisioned to meet the needs of a rapidly growing population and its water and power needs. Population projections were extrapolated from post-World War II trends. In 1965, Utah Governor Calvin Rampton observed: "Someone has said that the trouble with water is people. We in the West, with vast areas that are little explored and sparsely populated, often fool ourselves into thinking that the population explosion doesn't concern us.... [F]igures indicate that the West is going to increase about 70% in population and food requirements by 1975." (Rampton 1965)

Professor Ernest Engelbert,<sup>1</sup> said: Should policies be adopted which would encourage people to migrate to the Pacific Northwest where water resources investments may not be so great as in the Pacific Southwest? In the face of some projections showing a national population of 400 million by the year 2020, should we not seriously consider distributing water to some of the West's semi-arid open spaces...for the purpose of planning new cities? To talk about using water as a commodity to limit or redirect population and economic expansion is not popular in a nation where the democratic ethic has fostered the concept of unlimited growth."

Population projections proved to be overstated, while the resistance to large scale interbasin transfers mounted. After a few years, it became clear that unanimity on large scale interbasin transfers among Council members was not in the offing. This conclusion was amplified by actions in the Congress. In 1968, Congressional representatives

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<sup>1</sup>Ernest A. Engelbert, *Professor of Public Administration, Department of Political Science, University of California, Los Angeles, CA.*

## Montana





from states in the Northwest succeeded in adding language to the Colorado River Basin Project Act of 1968 prohibiting “the Secretary (of Interior) from studying the importation of water to the Colorado River Basin from any source outside the basin.” The prohibition was to last for 10 years. In the intervening years, the prohibition has been modified to prohibit the federal study of water exports from the Columbia Basin.

At the same time it became equally clear that the challenges facing the West in water resources required cooperation among states. The forum provided by the Council not only enabled this cooperation, but established a valuable collective state voice as the federal government increased its influence in water management in the West.



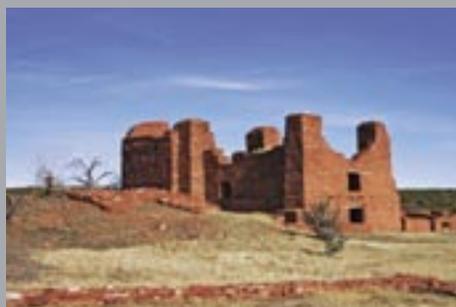
*Council Members at meeting in Spokane, Washington, in October of 1968.*



## A change in course

In a 1966 letter to California Governor Pat Brown, William Gianelli, who subsequently became the Director of the California Department of Water Resources, suggested that work on detailed assumptions and criteria for regional water development and interregional transfers was premature, and would only create unnecessary problems among Council members. Indeed, he suggested that pursuing such a course would be a “tragic mistake” and could very well result in “a dissolution of the Council or a lack of confidence in its activities by many of its members. (The Western States Water Council: Prologue and Organization, p. 50) The Council subsequently adopted a resolution that it direct its attention toward agreement on more general principles and standards related to western water planning.

## New Mexico





## Park City principles

Western water needs and the decision making gridlock often facing state water managers led to a series of WSWC/WGA water policy and management workshops from 1991 to 1993. The workshops included a review of a number of case studies. These workshops produced the so-called “Park City Principles,” which have been held up as a guide to resolving complex water resource management conflicts. The WGA endorsed the principles again in a 2005 resolution. In 1996, *Environmental Law*, a periodical of the Lewis and Clark Law School, published an article on the subject entitled: “Retooling Western Water Management: The Park City Principles,” 31 *LAND & WATER L. REV.* 303, 303-07 (1996).

## Organization

The extent of the challenges and sensitivity associated with large scale water projects and water transfers was initially reflected in the rules of organization. The rules of the Council require a unanimous vote on matters pertaining to interstate interbasin transfers. Further, the governors rejected the recommendation of the Task Force that funding from the member states be based on the size of the respective states’ delegation to the U.S. House of Representatives. Instead each state funds an equal amount, so as to counter any perception of undue influence from the more populous states. Council membership and associate membership status are determined based on a request from the governor. Further, members of the Council serve at their respective governor’s pleasure.

As a result of a review undertaken by the Western Governors’ Association, the Council became a formal affiliate of the WGA in 1996. In the process, procedures were established to strengthen policy coordination. This cooperation is not only reflected in the process of adopting policy resolutions for both organizations, but also in various work plan items. On several occasions, the WGA has called on the Council for reports and recommendations on important water policy issues facing the West. In turn, the WGA has provided invaluable help in advancing important policy positions on behalf of the West relating to water resources, augmenting the efforts of the Council.

## Western Governors’ Conference of 1968

Chairman William S. Holden reported on his discussions at the Western Governors’ Conference of 1968 to the Council meeting in Spokane. A Dr. Roy Tinney of Washington State University had addressed the governors and was critical of the establishment of new organizations related to water resources management, and made the following statement: “The most recent addition

in the West is the Western States Water Council whose impotent existence now impedes rather than spurs meaningful progress in western water development.” Notwithstanding this criticism, Mr. Holden said he was very pleased with the tenor of the subsequent discussion. He noted that the governors realized that perhaps the first assignment given this group was, indeed, a very

difficult assignment because it dealt with the augmentation issue. “I certainly feel, and I’m sure many of the governors feel, that the Council has made a creditable showing in coming up with a statement of principles – standards – guidelines. I concluded that we do have the blessings of the Western Governors’ Conference for continued activity and that they are pleased with the work that we are do-



## *Response to New Demands*

The Council adopted in March 1968 an “activities program,” recognizing the need to expand the work of the Council in the interest of its member states. In part, the activities program read as follows: “Extensive discussions and much of the work of the Council have thus far related primarily to the water augmentation issue. The scope of the Council’s work should now be broadened to include other matters of importance to the field of water development in the western states. The objective of the Council, where possible, is to arrive at a unanimous conclusion on issues, but it is also to provide a forum for the discussion and interchange of ideas on controversial water issues affecting the western states. Discussion in those areas of conflict should prove to be beneficial to all member states. Many of the member states have no doubt resolved unique and difficult water and water-related problems, and their experience in the handling and resolving of such problems may be of benefit to the other states. The staff of the Council should encourage and assist in making such information available to all member states.... The Council should proceed to assist member states in reviewing and drafting position papers on matters of major mutual concern which are before the Congress and under consideration by federal agencies.” The Council’s role in assisting its member states was later expanded to include the preparation and/or distribution of “friends of the court” briefs before courts in cases of broad western interest.

The following accomplishments demonstrate the Council’s commitment to these major purposes, and underscore the continuing need for such an organization in the West.

## **Water conservation recommendations**

In 1995, the WSWC coordinated a number of meetings between western state officials and the U.S. Bureau of Reclamation on proposed federal rules and guidelines on water conservation planning. The Council prepared the background material for a resolution adopted by the Western Governors’ Association. Together the WGA and the WSWC provided comments that led to substantial changes in the proposed federal regulations to recognize differences between states and reduce regulatory burdens and related costs. Further, a July 1995 WSWC conference on state water conservation activities produced recommendations for improving state and federal programs.

ing.... I feel there is a real need for this Council to make periodic reports to the Governors’ Conference. Whenever the Council takes a position on an important issue, it should be called to the attention of the Conference. The lines of communication should be open, in order that the Conference will be better informed on what we are doing and vice versa.”

## Oregon





## Accomplishments



*Irrigation drop tubes on a pivot in Saline County, Nebraska.*

### **SERVING AS A FORUM FOR THE EXCHANGE OF IDEAS AND INFORMATION PERTAINING TO WESTERN WATER ISSUES**

Consistent with one of its primary purposes, as outlined in its 1968 “activities program,” the Council has provided regular opportunities for states to exchange views and strategies pertaining to common issues they face. From these discussions, consensus has been achieved on water resource matters affecting the West. Space does not allow a comprehensive listing, but the following is a sampling of some of the major tasks undertaken by the Council over the years:

- establishing “Principles, Standards, and Guidelines” for regional water development plans; responding to the recommendations of the Public Land Law Review Commission and the National Water Commission, the Water Resources Planning Act and the activities of the National Water Resources Council;
- providing input regarding implementation of water data collection programs of the federal government, and water project financing and cost sharing;
- determining how best to quantify the claims of the federal government and Tribes to water in the West;
- devising appropriate means to improve implementation of the Endangered Species Act, so as to avoid conflict with western states water management while carrying out the basic purposes of the Act;
- enhancing the effectiveness of measures to reduce non-point source pollution;
- reporting on ways states may respond to the growing recognition and value placed on ecological needs, including instream flows for fish and wildlife, threatened and endangered species;

## Washington





- evaluating the efficacy of ground water management regimes in the West, as well as the conjunctive use of surface and ground water;
- reporting in detail on the viability of ground water recharge projects, including financial, legal, and institutional constraints;
- working with representatives of the Federal Energy Regulatory Commission to establish a memorandum of agreement to foster federal/state cooperation in hydropower licensing;
- identifying ways to improve the coordination of water rights allocation and water quality protection at the state level;
- developing recommendations to improve response to drought conditions;
- forwarding recommendations to enhance water conservation and water use efficiency in the West; and

- identifying steps to improve water planning and to effectively address and facilitate resolution of water conflicts within watersheds.

#### **PROVIDING INFORMATION TO INDIVIDUAL MEMBER STATES REGARDING A BROAD SPECTRUM OF WATER POLICY ISSUES**

A significant activity of the Council has been the publication of a weekly newsletter, *Western States Water*. Since the first issue was published in 1974, the Council staff has prepared this two-page weekly summary to keep Council members aware of developments in water resources. In addition, the Council has prepared numerous reports to assist member states in building capacity to deal with water resource issues. For example, the Council, under the direction of the Council's various committees and subcommittees, has prepared the following:

- *Ground Water Management in the West* (2005);

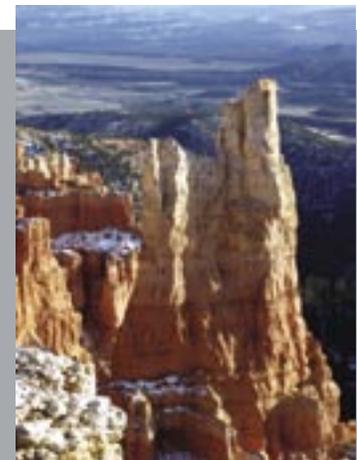
## **Water information management**

For several years, the Council has sponsored an annual water information management systems workshop. These workshops have been directed toward sharing experiences with respect to the use of computer applications, geographic information systems, and the internet to more efficiently and cost effectively analyze, manage and distribute data on water rights and water use.

## **Endangered Species Act protocol**

The Council, as well as the WGA, has actively sought ways to improve implementation of the Endangered Species Act. The Council documented through a series of workshops the conflicts between western water law, and ESA implementation. These efforts led to the Council developing, in partnership with representatives of the federal ESA implementing agencies, a draft protocol to enhance cooperation and coordination with regard to endangered species and western water resources management.

## Utah





## 1976-77 drought

During the 1976-77 drought, western governors designated the Council as the lead agency responsible for coordinating information, policy and federal program assistance. One of the major recommendations following the drought was that states “pre-package” response plans, in order to facilitate timely and effective governmental action. In 1986, a Council report found few states had developed comprehensive plans and programs. In 1987, the Council conducted a workshop with state and federal officials that considered drought prediction, monitoring, mitigation and response. A Model State Drought Response Plan was prepared by staff later that year, which soon proved to be valuable to many states as dry conditions spread, enveloping much of the West well into the 1990s.

- Water Quality Standards for Ephemeral and Effluent Dependent Streams – Discussion Paper (2004);
- Governmental Interference with the Use of Water: When Do Unconstitutional “Takings” Occur? (2004);
- State Tools to Provide Water for Endangered Species (2003);
- Water Reuse and Artificial Groundwater Recharge in the Western United States (2002);
- Western Water Law and Protection of Water Quality (2000);
- Groundwater Recharge Projects in the Western United States, Economic Efficiency, Financial Feasibility, and Legal-Institutional Issues (1999);
- Federal Non-Indian Claims to Water (1999);
- State Watershed Strategy Guidebook (1998);
- Water in the West Today: A States’ Perspective (1997) (a report prepared for the Western Water Policy Review Advisory Commission);
- Intrastate Water Transfers in the West: Approaches, Problems and Related Issues (1995);
- Water Policy and Growth Management (1995);
- Western State Water Use Fees (1994);
- Western State Water Right Permitting Procedures (1992);
- Interregional Water Transfers (1991);
- The Doctrine of Prior Appropriation and the Changing West (1987);
- A Model for Western State Drought Response and Planning (1987);
- EPA State Relations related to the Administration of Federal Water Quality Programs in the Western States (1987);
- United States Bureau of Reclamation Funding (1987);
- Western State Drought Management (1986);

## Wyoming





- How Much Water Do We Have in the West? (1984);
- Federal Water Resource Development Financing and Cost Sharing: A Western State Perspective (1983);
- Water Conservation and Western Water Resource Management (1983);
- Water for Western Energy Development (1982);
- Section 404 of the Clean Water Act: A Status Report (1981);
- Major Federal Water Related Programs Affecting the Use of Non-Federal Lands (1976);
- The Reservation Doctrine (1975);
- Western States Water Requirements for Energy Development (1974).

Each of these publications was prepared at the request of and under the supervision and with the direct involvement of Council members, in response to a

shared interest among western states. For example, the State Watershed Strategy Guidebook was prepared because states saw the need to enhance their capability to embrace and facilitate local watershed councils and groups in planning and responding to conflicts within their respective watersheds. Distribution of this report provided the opportunity for states to assess their capability and to enhance as appropriate their abilities regarding this emerging paradigm for water resource planning and conflict resolution in the West.

On occasion, Council reports have been published for broader distribution in other publications. Notably, a Council report prepared on the law of unconstitutional “takings” is scheduled to be published this year in the University of Denver Water Law Review. In 1991, the Council staff prepared a lengthy report entitled, “State Water Laws and Federal Water Uses: The History of Conflict and



**Council Members at meeting in Boise, Idaho, in April of 2005**

## Texas





the Prospects for Accommodation.” This report was subsequently published in the Environmental Law Journal of the Lewis and Clark Law School. It was distributed to each of the appointed members of the Western Water Policy Review Advisory Commission to prepare them for their assignment.

**ASSISTING MEMBER STATES IN REVIEWING AND PREPARING POSITIONS ON MATTERS OF CONCERN BEFORE THE CONGRESS AND UNDER CONSIDERATION BY FEDERAL AGENCIES**

Much of the history involving federal-state relationships in water resources in the West has been based on cooperation and achievement in pursuit of mutual objectives. In most instances, potential conflicts are avoided, even when interests do not coincide. Such cooperation has always been vital in the West, where the federal government is a substantial land owner and water developer. Cooperation became even more vital,

following the substantial federal interest in water resource allocation established by a number of federal environmental statutes. However, it is also true that real conflicts exist, and these conflicts represent a significant obstacle to the kind of intergovernmental cooperation that is necessary to optimize the use of western water resources. A major function of the Council, as set forth in its activity program adopted in 1968, is to provide a western state perspective on such matters. The following are examples of ways in which that perspective has been shared:

- Statements were prepared on various water resource issues at the invitation of the Senate Energy and Natural Resources Committee in preparation for its water conference held in April of 2005. The Council was the only organization in the nation asked to present proposals on two of the four panels participating at the water con-

ference. This continued a pattern by which the Council has expressed the collective views of the western states on vital issues before the Congress and various federal agencies. Indeed, one of the reasons for creation of the Council was because Congress had passed the National Water Resources Planning Act under which the Water Resource Council was established. Early reports and activities of the Council focused on the initiatives of the National Water Resources Council. In like manner, the Council reviewed and responded to the recommendations of the Public Land Law Review Commission and the National Water Commission. In 1997, the Council was requested by the Western Water Policy Review Advisory Commission to review various issues related to the charge of the Commission, and to prepare a report. That report provided a basis

## Alaska





for the response of western states to the recommendations of the Commission and a formal Council resolution.

- Over the years, the Council has served as a vehicle for providing input from western states regarding various federal statutes and initiatives, including the Endangered Species Act, the Clean Water Act, the Wild and Scenic Rivers Act, the water data collection programs of the United States Geological Survey and the United States Department of Agriculture, the National Water Resources Planning Act, the hydro-power licensing authority of the Federal Energy Regulatory Commission, the Safe Drinking Water Act, the Reclamation Acts' acreage limitations, water conservation requirements, and project title transfer policies, and McCarran Act water right adjudications.

- The Council has focused much of its attention on the assertion by the federal government to proprietary water rights under the Reserved Rights Doctrine, as well as the assertion of non-proprietary rights. An early example was represented by the Council's vigorous opposition to the so-called Kiechel Bill, which would have established a mechanism to quantify the federal government's assertion to water rights in the West through an inventory by federal agencies, subject to review in federal court, in lieu of the process recognized earlier by the Congress of the adjudication of such rights in state court proceedings.
- While serving as a means to resist the unreasonable expansion of federal claims to water in the West, the Council has for over twenty-five years been a proponent of the settlement of Indian water rights as part of the



*Artist's rendition of completion of Ridges Basin Dam, being built pursuant to implementation of the Colorado Ute Settlement Act of 2000.*

## North Dakota



## South Dakota





so-called Ad Hoc Group on Indian Water Rights. This group, consisting of the Western Governors' Association, the Native American Rights Fund, the Western Business Roundtable, and the Council, have sponsored numerous congressional briefings to express support for the settlement option. Further, the Council has cosponsored with the Native American Rights Fund a series of symposia designed to help tribes and states, as well as others, better understand the mechanics of putting a settlement together and how to gain congressional support for settlements. Twenty-two settlements have been approved by the Congress over this span of years. The unflagging support of the Ad Hoc Group has clearly been a factor in congressional support of these settlements.

- While initially devoted to issues regarding water allocation, the Council recognized in 1976 that the organization needed to increase its capacity to address issues involving water quality protection in the West. Thus, the Council formed the Water Quality Committee, which has focused its attention on issues of particular western concern. For example, at the request of the Western Governors' Association, the Committee forwarded earlier this year its recommendations related to implementation of the Clean Water Act in the West. These recommendations dealt with improving water quality standards for ephemeral and effluent dependent streams, implementation of the Total Maximum Daily Load program, and federal compliance with state water quality management plans. These recom-

mendations were incorporated in a resolution subsequently adopted by the WGA.

#### **FACILITATING THE ADVOCACY OF WESTERN STATE POSITIONS IN WATER RIGHT CASES**

The Council has also facilitated the advocacy of western state positions in water right cases before federal courts. For example, the Council staff, under the supervision of the Legal Committee, drafted amicus curiae briefs in four landmark Supreme Court cases; namely: *United States v. District Court of Eagle County* (1971), concerning the interpretation of the McCarran Act waiving the sovereign immunity of the United States for purposes of participation in state general stream adjudications, *United States v. Cappaert* (1976), involving the scope of the reserved rights doctrine; *United States v. New Mexico* (1978), regarding the claims of the federal gov-

## Oklahoma





ernment to instream flows on Forest Service lands; and *United States v. California* (1978), regarding the obligation of the United States Bureau of Reclamation to comply with state water laws. More recently, the Council of Western Attorneys General has taken the lead in preparing such briefs. The Council continues to play a valuable role in assuring the circulation of these briefs to its members for consideration, as well as a forum for discussion of the merits of important cases at Council meetings. A recent example pertained to the case of *Miccossukee v. South Florida Water Management District* involving the issue of the application of Clean Water Act permits to interbasin water transfers.

**FOSTERING COOPERATION AMONG STATES IN WATER DEVELOPMENT, CONSERVATION, MANAGEMENT, AND PROTECTION**

The early thrust of the Council's activities related to fostering cooperation so as

to make possible large scale interbasin water transfers. As it became apparent that such transfers were not feasible, nor politically practicable, the Council's mission expanded to consider a broader array of issues facing the West related to water resources. Nevertheless, the need for cooperation continued. It is difficult to quantify or identify the value of the Council in this regard. It is nevertheless clear that important relationships have been established through the Council, that have benefitted western states in resolving conflicts among them on the interstate streams and aquifers that they share. A recent letter from one of the Council's "founding fathers" and long time members is illustrative. Wes Steiner, who also chaired the Council while serving as Director of the Arizona Department of Water Resources, wrote recently in his 83rd year: "The memories that are still with me most vividly are of the wonderful people who comprised



*Various field trips to water resource projects and social events held in conjunction with Council meetings have provided a context for building relationships and lasting friendships. (pictured above on the Blackfoot River, Montana-2001 / pictured below near Bear Lake, Utah-2003)*

## Kansas





**Wes Steiner**



**Roland Westergard**

the staff and Council membership, and of the life-long friendships that were forged there. I am still very much aware that Council deliberations substantially expanded my knowledge of the other states' water problems and concerns and what it takes to achieve unity on water policies and issues, and I thank and congratulate those who have 'manned the pumps' during the 20 years since I was one of you. The fact that the Council still exists and has grown in membership in spite of budgetary problems in many of the states is strong evidence that the Council is providing an important service and of its increasing viability and influence."

Roland Westergard, who also served as a chair of the Council during his tenure as Director of the Nevada Department of Conservation and Natural Resources, continues to serve as a Council representative from Nevada. He has served

longer than any Council member. He noted recently that from the earliest years "there was an evident mutual respect not only between the individuals involved (in the Council), but a respect for the various points of view and interests." Reflecting back on his many years of association with the Council, he concluded his recollections as follows: "Perhaps as important as the technical, legal, and political accomplishments of the Council, has been the opportunity to establish lasting friendships and memories with a very special group of people. I think the governors made a wise decision in 1965."

## Nebraska



# Council Members

The following is a list of those who have been appointed by the Governors to serve their respective states since the Council was created in 1965, according to the Council's annual reports. A few have served for decades, others for only a short period, but all have made a contribution and some have left a lasting legacy. Many have also served in other prestigious state and federal positions.

## COUNCIL MEMBERS AND STAFF

**First Row, left to right:** Norman Krey, Washington; J. R. Barkley, Colorado; Daniel F. Lawrence, Utah; Gerald Sjaastad, Colorado; William A. Groff, Montana; Fae O. Drake, Staff; Pearl O. Pollick, Staff; Roland D. Westergard, Nevada; Donald L. Paff, Nevada; Jack A. Barnett, Staff; Matthew Mullaney, Idaho; Ray Rigby, Idaho; Wayne T. Haas, Idaho; Chris L. Wheeler, Oregon; Eugene E. Marsh, Oregon; Charles E. Nemir, Texas; D. Craig Bell, Staff.

**Second Row, left to right:** Joe Lord, Wyoming; John E. Acord, Montana; Harry D. Pugsley, Utah; Myron Goodson, Wyoming; Ted J. George, California; George Hannett, New Mexico; Raphael J. Moses, Colorado; Myron B. Holburt, California; Homer C. Berry, New Mexico; Wayne MacRostiie, California; Wesley E. Steiner, Arizona; Thomas Choules, Arizona; C.J. Kuiper, Colorado.

## Alaska

- Richard Neve** (7/1984 – 2/1985)
- Norman Gorsuch** (7/1984 – 7/1985)
- Esther Wunnicke** (7/1984 – 11/1986)
- Bill Ross** (2/1985 – 11/1986)
- Harold Brown** (7/1985 – 11/1986)
- Margaret J. Hayes** (2/1988 – 7/1988)
- Peg Tileston** (2/1988 – 11/1990)
- Daniel Wilkerson** (2/1988 – 11/1990)
- Margaret Tileston** (2/1988 – 12/1992)
- Gary Gustafson** (7/1988 – 7/1991)
- Priscilla Wohl** (6/1991 – 10/1991)
- Ric Davidge** (7/1991 – 7/1994)
- Mike Menge** (10/1991 – 12/1994)
- Mead Treadwell** (10/1991 – 12/1994)
- Leonard D. Verrelli** (2/1995 – 3/1998)
- Jules V. Tileston** (2/1995 – 10/1998)
- Christopher Estes** (11/1996 – 6/2004)
- Michael A. Conway** (3/1998 – 4/2000)
- Bob Loeffler** (10/1998 – 6/2004)
- Gary Prokosch** (5/1999 – 6/2004)
- Tom Chapple** (4/2000 – 6/2004)
- Lynn J. T. Kent** (12/2002 – 6/2004)

## 1975

## Arizona

- Clayton Niles** (6/1965 – 12/1966)
- Judge Evo DeConcini** (6/1965 – 7/1968)
- William S. Gookin** (6/1965 – 2/1969)
- Wayne Akin** (7/1968 – 2/1976)
- Sam F. Dick** (8/1968 – 2/1970)
- Wesley E. Steiner** (2/1969 – 10/1985)
- Tom Choules** (4/1970 – 7/1983, 1/1987 – 7/1991)
- Froilan Cota** (2/1976 – 10/1978)
- Larry Deason** (3/1978 – 7/1983)
- Robert E. Lundquist** (10/1978 – 7/1983)
- Stan Turley** (7/1983 – 10/1985)
- Sidney Woods** (7/1983 – 1/1987)
- Kathleen Ferris** (10/1985 – 1/1987)
- Alan P. Kleinman** (1/1987 – 4/1988)
- Michael F. McNulty** (6/1987 – 5/1991, 6/2003 – 3/2004)
- Laurence C. Linser** (6/1988 – 6/2001)
- N. William Plummer** (1/1989 – 5/1991)
- Randolph Wood** (5/1989 – 5/1991)
- Elizabeth A. Rieke** (6/1991 – 4/1993)
- Rita Pearson Maguire** (6/1991 – 6/2001)
- Michael J. Brophy** (6/1991 – 12/2002)
- Ed Fox** (7/1991 – 8/1995)
- Russell Rhoades** (8/1995 – 1/1997)
- Dr. Karen L. Smith** (4/2001 – current)
- Joseph Smith** (6/2001 – 1/2003)
- L. William Staudenmaier** (12/2002 – current)
- Herb Guenther** (3/2003 – current)
- Tom O'Halleran** (5/2004 – current)



**Wesley E. Steiner**  
Chair: 7/75 – 7/77



**Michael J. Brophy**  
Chair: 7/00 – 7/02



## COUNCIL MEMBERS AND STAFF

**First Row:** Jack Acord, Don Owens, Henry Loble, Charlie Roe and John Spencer.

**2nd Row:** Bill McDonald, guest, Pearl Pollick, Virginia Jensen, guest, guest, E. J. Sabadell.

**3rd Row:** guests-3, Daniel Lawrence, Willard Rhoads, George Christopulos, guests-3.

**4th Row:** Tony Willardson, Steve Simms, guest, Myron Holburt, Myron Goodson, Cal Sudweeks, Duane Sudweeks, Steve Reynolds.

**5th Row:** Steve Allred, Jim Sexson, guests-2, Harry Pugsley, Marcia Hughes, Ted Smith, Bruce Kuebler, A. L. Black.

**6th Row:** Bob Lundquist, guest, Charlie Nemir, Roland Westergard, George Hannett, Craig Bell, John Fraser.

**7th Row:** Jack Barnett, Tom Choules, Ray Rigby, George Proctor

## California

**James A. Cobey** (6/1965 – 12/1966)

**William E. Warne** (6/1965 – 12/1966)

**Raymond R. Rummonds** (6/1965 – 9/1968)

**William R. Gianelli** (2/1967 – 7/1973)

**Judge Gordon Cologne** (10/1967 – 4/1972)

**Theodore J. George** (9/1968 – 3/1976)

**Howard Way** (4/1972 – 1/1977)

**John R. Teerink** (9/1973 – 3/1975)

**Ronald B. Robie** (7/1975 – 1/1983)

**W. Don Maughan** (3/1976 – 11/1979)

**Ruben Ayala** (2/1978 – 1/1983, 7/1984 – 4/1994)

**Robert W. Miller** (5/1979 – 1/1983, 1/1986 – 12/1991)

**William Attwater** (7/1979 – 1/1983)

**Stanley M. Barnes** (1/1983 – 7/1983)

**John Fraser** (1/1983 – 7/1983)

**David G. Kelly** (1/1983 – 7/1983, 3/1984 – 12/2002)

**David N. Kennedy** (10/1983 – 12/1998)

**Roderick E. Walston** (10/1986 – 3/2002)

**Darlene E. Ruiz** (4/1987 – 2/1991)

**Eliseo M. Samaniego** (2/1991 – 4/1993)

**Edward Anton** (2/1991 – 7/2001)

**Jim Stubchaer** (6/1993 – 3/2000)

**Tom Maddock** (5/1994 – current)

**Jeanine Jones** (2/1997 – current)

**Thomas Michael Hannigan** (1/1999 – 2003)

**Lester Snow** (2/2004 – current)



**William R. Gianelli**  
Chair: 7/71 – 7/73



**David N. Kennedy**  
Chair: 7/92 – 8/94

## Colorado

**R. T. Eckles** (6/1965 – 1/1969)

**Felix Sparks** (6/1965 – 4/1969)

**Raphael J. Moses** (6/1965 – 7/1977)

**T. W. Ten Eyck** (1/1969 – 6/1975)

**C. J. Kuiper** (4/1969 – 10/1979)

**Edward Williams** (8/1971 – 4/1972)

**Harris D. Sherman** (6/1975 – 1979)

**J. William McDonald** (10/1979 – 8/1990)

**Marcia M. Hughes** (4/1980 – 10/1983)

**Dennis Montgomery** (4/1980 – 10/1983)

**D. Monte Pascoe** (4/1980 – 10/1983)

**Dr. Jeris Danielson** (4/1980 – 2/1992)

**Gary Broetzman** (9/1980 – 1/1988)

**Bill Paddock** (10/1983 – 10/1984)

**David H. Getches** (12/1983 – 11/1986)

**Wendy C. Weiss** (10/1984 – 6/2003)

**Paul Ferraro** (2/1988 – 12/1989)

**David Holm** (1/1990 – 1/2003)

**David W. Walker** (8/1990 – 2/1992)

**Sara Duncan** (3/1992 – 8/1992)

**Harold D. (Hal) Simpson** (3/1992 – current)

**James S. Lochhead** (8/1992 – 7/1998)

**Daries "Chuck" Lile** (8/1992 – 8/1998)

**Peter Evans** (8/1998 – 6/2000)

**Kent Holsinger** (7/2000 – 6/2003)

**Rod Kuharich** (12/2000 – current)

**Mark T. Pifher** (12/2002 – current)

**Paul D. Frohardt** (1/2003 – current)

**Frank McNulty** (6/2003 – current)



**Raphael J. Moses**  
Chair: 12/66 – 7/69



**J. William McDonald**  
Chair: 7/86 – 7/88



**Harold D. Simpson**  
Chair: 8/04 – present

# 1985



## COUNCIL MEMBERS

**Back Row:** Wayne Haas, George Christopoulos, Wes Steiner, Mike Melton (visitor)

**Middle Row:** Ruben Ayala, John E. Acord, D. Larry Anderson, Dee C. Hansen, Don Willems, William H. Young, Kip Lombard, Glen Fiedler, Tom Hawkins (for Esther Wunnicke)

**Front Row:** Charles B. Roe, Jr., Charles E. Nemir, A. Kenneth Dunn, Fred Pfeiffer, David Kennedy, Kathy Ferris, Cal Sudweeks, Gary Broetzman, Jack Stonehocker

## Hawaii

**William Paty** (2/1988 – 5/1993)

**Manabu Tagomori** (2/1988 – 6/1999)

**Michael Wilson** (8/1995 – 6/1999)

**Thomas Arizumi** (4/1996 – 6/1999)

## Idaho

**George L. Crookham, Jr.** (6/1965 – 1/1969)

**Arlie Parkins** (6/1965 – 1/1969)

**William Holden** (6/1965 – 3/1971)

**Tom Olmstead** (1/1969 – 1972)

**George Yost** (1/1969 – 10/1979)

**Robert Lee** (1/1971 – 1972)

**Herman J. McDevitt** (4/1972 – 7/1983,  
10/1987 – 8/1988)

**R. Keith Higginson** (2/1973 – 5/1977,  
10/1987 – 5/1995)

**Cy Young** (2/1973 – 10/1983)

**Ray W. Rigby** (2/1973 – 2/1988)

**Wayne Haas** (3/1973 – 5/1977, 10/1983 – 5/1999)

**Steve Allred** (7/1973 – 1/1983, 2/1999 – 7/2004)

**A. Kenneth Dunn** (5/1977 – 11/1990)

**Lee Stokes** (10/1983 – 11/1986)

**Gene M. Gray** (10/1983 – 7/1995)

**Joe Nagel** (3/1991 – 3/1995)

**J.D. Williams** (5/1991 – 10/2002)

**Wallace N. Cory** (3/1995 – 11/1999)

**Karl Dreher** (7/1995 – current)

**Sherl Chapman** (10/1995 – 6/2000)

**Norman M. Semanko** (9/2000 – current)

**Toni Hardesty** (7/2004 – current)

# 1990



## COUNCIL MEMBERS

**Seated:** Ken Dunn, Bob Miller, Dee Hansen, Dave Kennedy, Myron Goodson, Roland Westergard, Bill Young, Don Ostler

**Second Row:** John Guhin, Jennifer Gimbel, Gary Gustafson, Mike McNulty, Pat Stevens, Frank DuBois, Fred Pfeiffer, Joe Dini, Keith Higginson, Tom Choules, Francis Schwindt

**Third Row:** Steve Pilcher, Dean Couch, Steve Pirner, John Hatch, Wayne Cunningham, Ron Miller, Ron Nargang, Dave Sprynczynatyk, Larry Anderson, Gary Fritz, Reese Peck



**William Holden**  
Chair: 7/69 – 3/71



**Ray W. Rigby**  
Chair: 7/82 – 7/83



**Karl J. Dreher**  
Chair: 7/02 – 7/04

## Kansas

**Ron Hammerschmidt** (6/2000 – current)  
**David L. Pope** (6/2000 – current)  
**Karl W. Mueldener** (11/2001 – current)  
**Tom Stiles** (11/2001 – current)  
**Al Le Doux** (1/2002 – 2/2003)  
**Adrian Polansky** (2/2003 – current)



*Council Members at meeting in Spokane, Washington, in October of 1968.*

## Montana

**Sid P. Kurth** (6/1965 – 1/1969)  
**Wesley A. D'Ewart** (6/1965 – 5/1969)  
**Clyde Hawks** (6/1965 – 1/1972)  
**Alex D. McDermott** (6/1965 – 9/1969)  
**William A. Groff** (5/1969 – 2/1976)  
**Fred Barrett** (10/1970 – 5/1971)  
**Joseph B. Reber** (7/1971 – 1/1972)  
**Lawrence M. Jakub** (1/1972 – 12/1973)  
**Grant Buswell** (1/1972 – 6/1974)  
**John Acord** (1/1972 – 12/1988)  
**Ted J. Doney** (12/1973 – 1/1981)  
**Orrin Ferris** (6/1974 – 12/1978)  
**Donald G. Willems** (2/1976 – 1986)  
**Henry Loble** (6/1976 – 1/1983)  
**Leo Berry, Jr.** (1/1981 – 2/1985)  
**Gary Fritz** (10/1983 – 7/1997)  
**Donald D. MacIntyre** (2/1985 – 11/2003)  
**Larry Fasbender** (4/1988 – 12/1989)  
**Steve Pilcher** (4/1988 – 1998)  
**Harley Harris** (6/1991 – 9/2001)  
**Gary Ingman** (3/1998 – 7/2001)  
**Jack Stults** (3/1998 – current)  
**Candace West** (9/2001 – current)  
**Jan Sensibaugh** (1/2002 – 11/2004)  
**Richard Oppen** (11/2004 – current)  
**Susan Cottingham** (5/2005 – current)  
**Tim Hall** (5/2005 – current)  
**Mike Volesky** (5/2005 – current)



**William A. Groff**  
*Chair: 7/73 – 7/75*



**John Acord**  
*Chair: 7/84 – 7/86*

## Nebraska

**Dayle E. Williamson** (1/2000 – 3/2001)  
**Roger K. Patterson** (1/2000 – current)  
**Michael Linder** (1/2000 – current)  
**David Vogler** (1/2000 – current)  
**Patrick Rice** (8/2000 – current)

## Nevada

**George W. Henner** (1/1966 – 6/1967)  
**Ivan P. Head** (6/1965 – 6/1971)  
**Fred Fletcher** (1/1966 – 6/1967)  
**Hugh A. Shamberger** (1/1967 – 6/1967)  
**Geraldine Tyson** (6/1967 – 7/1970)  
**Elmo J. DeRicco** (7/1967 – 5/1968)  
**Robert S. Leighton** (7/1967 – 3/1979)  
**Roland Westergard** (5/1968 – current)  
**C. Clifton Young** (7/1968 – 7/1983)  
**Hal Smith** (8/1970 – 7/1983)  
**Donald Paff** (7/1971 – 7/1979)  
**The Honorable Brian McKay** (4/1979 – 7/1983)  
**Duane R. Sudweeks** (8/1979 – 8/1983)  
**Joseph E. Dini, Jr.** (7/1983 – current)  
**Jack Stonehocker** (9/1983 – 6/1992)  
**Peter G. Morros** (3/1991 – 4/2001)  
**Janet Rogers** (5/1994 – 10/1997)  
**R. Michael Turnipseed** (8/1996 – 7/2004)  
**Richard Bunker** (10/1997 – 4/2001)  
**Allen Biaggi** (1/2000 – current)  
**James H. Davenport** (5/2001 – current)  
**Hugh Ricci** (5/2001 – current)



**Donald L. Paff**  
*Chair: 7/78 – 7/79*



**Roland D. Westergard**  
*Chair: 7/88 – 7/90*

# 1995

## New Mexico

- S. E. Reynolds** (6/1965 – 4/1990)  
**David P. Hale** (6/1965 – 1/1983)  
**Hilton A. Dickson** (1/1967 – 7/1967)  
**John Russell** (1/1967 – 8/1967)  
**Dale Walker** (7/1967 – 8/1973)  
**Homer C. Berry** (8/1967 – 11/1975)  
**George Hannett** (8/1973 – 1/1983)  
**Odus Echols** (11/1975 – 2/1984)  
**Richard Simms** (1/1983 – 2/1984,  
4/1991 – 8/1996)  
**Brant Calkin** (2/1984 – 1/1985)  
**Charles DuMars** (2/1984 – current)  
**Denise Fort** (1/1985 – 11/1986)  
**Frank DuBois** (4/1987 – 2/2003)  
**Wayne Cunningham** (7/1988 – 1/2003)  
**Eluid Martinez** (4/1991 – 11/1994)  
**Thomas C. Turney** (7/1995 – 3/2003)  
**Tom W. Davis** (8/1996 – 1/2003)  
**Charlie Gonzales** (3/2003 – 6/2004)  
**Eileen Grevey Hillson** (3/2003 – current)  
**Ron Curry** (6/2004 – current)  
**Fred Lujan** (3/2003 – current)  
**Maria O'Brien** (3/2003 – current)  
**Sherry J. Tippet** (3/2003 – current)  
**John Utton** (3/2003 – current)  
**John D'Antonio** (6/2004 – current)  
**William Hume** (6/2004 – current)



### COUNCIL MEMBERS AND STAFF

**Front Row:** Cheryl Redding, Tony Willardson, Dave Kennedy, Rita Pearson, Larry Anderson, Jeff Fassett, Karl Dreher, Craig Bell, Ricky Torrey

**Second Row:** Janet Rogers, Philip Mutz, Myron Goodson, Steve Sanders, Edward Anton, Chuck Lile, Wayne Cunningham

**Third Row:** Dee Hansen, Wendell McCurry, Ken Slattery, Wallace Cory, Sherl Chapman, Jim Stubchaer, Tom Maddock, Fred Pfeiffer

# 2000



### COUNCIL MEMBERS

**Front Row:** James Davenport, Jamie Clover Adams, Roger Patterson, Don Ostler, Kent Holsinger, Francis Schwindt, Ed Anton, Deborah Mull, Jeanine Jones, Bob Bukantis (for Jack Stults)

**Second Row:** Paul Cleary, Steve Pirner, Keith Phillips, Mike Brophy, Julie Krenz, Tom Davidson, Roland Westergard, Duane Smith Brian Griffin, Eric Gronlund, Garland Erbele, Dennis Hemmer, Larry Anderson

**Third Row:** Mike Pearce, Ron Hammerschmidt, Hal Simpson, Tom Maddock, J.D. Strong

**Back Row:** Curt Martin, Tom Davis, Karl Dreher, Mike Turnipseed, Dee Hansen

## North Dakota

- Vern Fahy (9/1988 – 5/1989)  
Francis (Fritz) Schwindt (9/1988 – 4/2002)  
David A. Sprynczynatyk (9/1989 – 1/2001)  
Patrick K. Stevens (2/1990 – 11/1990)  
Michael A. Dwyer (11/1990 – current)  
Julie Krenz (11/1990 – current)  
Dale Frink (7/2001 – current)  
L. David Glatt (9/2002 – current)



Francis Schwindt  
Chair: 8/98 – 7/00

## Oklahoma

- James Barnett (1/1990 – 1/1991)  
Glenn Sullivan (1/1990 – 5/1993)  
Patricia Eaton (10/1991 – 12/1994)  
Mark S. Coleman (10/1999 – 1/2003)  
Brian C. Griffin (10/1999 – 1/2003)  
Dean Couch (10/1999 – current)  
Jon Craig (10/1999 – current)  
Duane A. Smith (10/1999 – current)  
J.D. Strong (10/1999 – current)  
Steve Thompson (1/2003 – current)  
Miles Tolbert (1/2003 – current)

## Oregon

- Donel J. Lane (6/1965 – 4/1970)  
General L. H. Foote (6/1965 – 12/1970)  
Eugene E. Marsh (6/1965 – 2/1976)  
Freeman Holmer (1/1966 – 11/1966)  
Chris L. Wheeler (1/1967 – 3/1979)  
Fred Gustafson (2/1970 – 9/1973)  
Tucson Myers (11/1973 – 9/1974)  
Pat Amedeo (3/1979 – 10/1983)  
James E. Sexson (3/1979 – 10/1983)  
George Proctor (3/1979 – 1/1988,  
7/1988 – 8/1991)  
William H. Young (3/1979 – 7/1992)  
Kip Lombard (1/1983 – 1/1988)  
Bill Blosser (1/1988 – 6/1990)  
Anne Squier (1/1988 – 6/1990)  
Lorna Stickel (7/1990 – 8/1994)  
Steve Sanders (7/1990 – 4/1999)  
Michael Llewelyn (1/1999 – 2/2004)  
Martha O. Pagel (6/1992 – 6/2000)  
Geoffrey M. Huntington (1/1999 – 2/2000)  
Meg Reeves (1/1999 – 2/2003)  
Langdon Marsh (1/1999 – 10/2000)  
Sharyl Kammerzell (7/2000 – 6/2002)  
Paul R. Cleary (7/2000 – 4/2004)  
Phillip C. Ward (5/2003 – current)  
Holly Schroeder (2/2004 – current)



Freeman Holmer  
Chair: 8/65 – 10/66



Chris L. Wheeler  
Chair: 7/77 – 7/78



William H. Young  
Chair: 7/90 – 7/92

## South Dakota

- John J. Smith (6/1988 – 6/1989)  
Floyd Matthew (6/1988 – 10/1990)  
Marian Gunderson (6/1988 – 4/1993)  
Reese Peck (6/1988 – 5/1995)  
John Hatch (6/1988 – 1/2000)  
John Guhin (6/1988 – current)  
Steve M. Pirner (6/1988 – current)  
Robert E. Roberts (10/1990 – 1/1995)  
Nettie Myers (5/1995 – 6/2000)  
Garland Erbele (3/2000 – current)

## Texas

- A. L. Black (10/1978 – 10/1983)  
Bill Clayton (10/1978 – 10/1983)  
Charles E. Nemir (10/1978 – 7/1987)  
John T. Montford (10/1983 – 7/1997)  
Fred Pfeiffer (10/1983 – current)  
Paul Hopkins (7/1987 – 10/1989)  
Tom Craddick (7/1987 – 6/1991)  
Terral Smith (7/1987 – 1/1993)  
John Birdwell (10/1989 – 7/1991)  
Cliff Johnson (2/1990 – 7/1991)  
Charles W. Jenness (7/1991 – 7/1997)  
Ron Lewis (7/1991 – 7/1997)  
Pam Reed (11/1991 – 11/1995)  
James David Montagne (9/1992 – current)  
John Baker, Jr. (8/1997 – 3/2002)  
J. E. (Buster) Brown (8/1997 – current)  
William B. Madden (8/1997 – 3/2002)  
Kathleen Hartnett White (3/2002 – current)  
Thomas Weir Labatt, III (3/2002 – current)



Charles E. Nemir  
Chair: 7/81 – 7/82

## COUNCIL MEMBERS

**Front Row L to R:** Roger Patterson, Norm Semanko, Tom Carr, Jeanine Jones, Roland Westergard, Sue Lowry, Jack Stults, Phil Ward, and Tom Maddock

**2nd Row L to R:** Paul Frohardt, Hal Simpson, Dave Pope, Walt Baker, Pat Tyrrell, Bill Hume, Dee Hansen, and Weir Labatt

**3rd Row L to R:** Larry Anderson, Adrian Polansky, Karl Dreher, Jim Davenport, Dean Couch, Stephen Bernath, and Garland Erbele



2005

## Utah

- Jay R. Bingham (6/1965 – 4/1968)
- Harry Pugsley (6/1965 – 3/1985)
- Thorpe Waddingham (6/1965 – 12/2003)
- Daniel F. Lawrence (5/1968 – 3/1985)
- Dallin Jensen (7/1971 – current)
- Calvin Sudweeks (3/1979 – 10/1987)
- D. Larry Anderson (3/1985 – current)
- Dee C. Hansen (3/1985 – current)
- Don A. Ostler (10/1987 – 5/2004)
- Norman K. Johnson (10/1997 – current)
- Walter L. Baker (6/2004 – current)



**Daniel F. Lawrence**  
Chair: 7/80 – 7/81



**D. Larry Anderson**  
Chair: 8/94 – 8/96

## Washington

- Robert O. Sylvester (6/1965 – 4/1969)
- Callison Marks (6/1965 – 8/1969)
- Maurice Ahlquist (6/1965 – 1972)
- Fred D. Hahn (4/1969 – 4/1977)
- Norman L. Krey (10/1969 – 4/1977)
- Charles B. Roe, Jr. (4/1970 – 4/1990)
- John A. Biggs (1/1973 – 4/1977)
- John F. Spencer (10/1977 – 7/1984)
- Jason King (4/1977 – 4/1978)
- Wilbur G. Hallauer (4/1977 – 1/1987)
- Donald W. Moos (4/1981 – 2/1985)
- Glen Fiedler (7/1984 – 1/1987)
- Andrea Beatty Riniker (2/1985 – 4/1988)
- Michael Hambrock (1/1987 – 12/1987)
- Carol Jolly (1/1987 – 11/1991)
- Hedia Adelsman (1/1987 – 4/1994)
- Michael Llewelyn (11/1991 – 4/1998)
- Tom McDonald (11/1991 – 12/1999)
- Tom Fitzsimmons (4/1998 – 10/2003)
- Keith Phillips (4/1998 – current)
- Deborah Mull (12/1999 – 12/2000)
- Kathryn Gerla (12/2000 – 1/2002)
- Stephen Bernath (7/2001 – current)
- Joe Stohr (7/2001 – current)
- Barbara Markham (1/2002 – current)
- Linda Hoffman (10/2003 – 2/2005)
- Jay Manning (2/2005 – current)



**John F. Spencer**  
Chair: 7/83 – 7/84

## Wyoming

- Thomas E. Cahill (6/1965 – 1/1969)
- Floyd A. Bishop (8/1965 – 4/1975)
- Myron Goodson (6/1965 – 3/1983, 10/1986 – 4/1999)
- John F. Raper (1/1967 – 3/1967)
- Willard C. Rhoads (3/1967 – 10/1986)
- George Christopulos (4/1975 – 8/1993)
- Jack D. Palma II (2/1978 – 1981)
- Lawrence J. Wolfe (Estimating 1981 – 1987)
- Jennifer Gimbel (3/1987 – 1989)  
(Jennifer Hager)
- Gordon W. "Jeff" Fassett (3/1987 – 2/2001)
- William Garland (10/1990 – 11/1996)
- Dennis Hemmer (10/1996 – 2/2003)
- Tom Davidson (10/1996 – 6/2003)
- Gary Beach (3/2001 – 12/2003)
- L. Michael Besson (3/2001 – current)
- Sue Lowry (3/2001 – current)
- Patrick T. Tyrrell (3/2001 – current)
- John Corra (6/2003 – current)
- Jennifer A. Golden (6/2003 – current)
- John Wagner (11/2003 – current)



**George Christopulos**  
Chair: 7/79 – 7/80



**Gordon W. Fassett**  
Chair: 8/96 – 8/98

1980



**STAFF**

**Standing, L to R:** Virginia Jensen, Tony Willardson, Craig Bell, Jack Barnett  
**Seated L to R:** Pearl Pollick, Fae Drake

1983



**STAFF**

**Staff:** Craig Bell, Norman Johnson, Pearl Pollick, Joyce Sanchez, Richard Smith, and Tony Willardson

## Staff History

### MANAGEMENT

**Wright Hiatt**, a retired colonel in the U.S. Army Corps of Engineers was selected as the Council's first Executive Director. He had had 28 years of broad experience in water project design, plans, research and development. The Council subsequently employed an executive engineer and an economic analyst, as well as two secretaries. Following a year of introspection in 1967 regarding the Council's purposes and activities, and the Council's difficulty in dealing with the augmentation issue, the Council decided to reduce the staff to an executive director and a secretary. In conjunction with adoption of an expanded mission for the Council at a meeting in March of 1968, the Executive Committee approved the appointment of a new director, **Jay R. Bingham**, who had been serving as Executive Director of the Department of Natural Resources in Utah. With this change, the Council's offices were relocated from Portland, Oregon to Salt Lake City, Utah.

Mr. Bingham subsequently employed **Tom Cahill** as Legal Counsel. When Mr. Bingham left for another opportunity, Mr. Cahill was employed as the Executive Director.



**Wright Hiatt**



**Jay R. Bingham**

Mr. Cahill served for 3-1/2 years, before assuming the position of General Counsel for the National Water Quality Commission. At this point, **Jack Barnett** was hired as the Council's new Executive Director. Mr. Barnett had been serving as the Director of the Idaho Water Users Association.

Within a year, Mr. Barnett hired **Craig Bell** to serve as the Council's Assistant Director. In 1979 the Council employed **Tony Willardson** as Research Analyst. When Mr. Barnett left for a similar position on behalf of the Colorado River Basin Salinity Control Forum, Mr. Bell was hired as the Council's new Executive Director. Subsequently, **Norman Johnson**, was hired as Legal Counsel. In 1983, Mr. Willardson became Associate Director. Mr. Johnson left in 1994 to work for the Utah Attorney General. The Council has hired three attorneys since Mr. Johnson's departure who have subsequently left for other legal positions. Because of budget constraints, the Council is currently contracting for legal services to support the work of the Legal Committee. Mr. Willardson was recently given the title of Deputy Director.



**Thomas E. Cahill**

**ADMINISTRATIVE**

The secretarial staff has seen normal turnover over the years. However, **Cheryl Redding** has completed 18 years with the Council, 14 of which she has now served as Office Manager. She succeeded **Pearl Pollick**, who served in that capacity for 19 years.

It was determined early on that the Council's work should be driven by its members, not by staff, and committees and subcommittees were organized for this purpose. While the Council has been fortunate to be assisted by able staff, the success of the Council is largely attributable to this philosophy.

**WGA LIAISON**

Shaun McGrath, who serves as the Program Manager at WGA for Water, has regularly attended Council meetings for several years, and has been instrumental in facilitating the kind of cooperation and coordination which a 1995 WGA commissioned review determined was a model for interstate organizations. Shaun was ably preceded in this effort by Julia Doermann and Jo Clark.



**Shaun McGrath**

1993



**STAFF**

**Left to Right:** Craig Bell, Lynn Bench, Carrie Curvin, Pearl Pollick, Jaymi Lloyd, Norm Johnson, Cheryl Redding, and Tony Willardson

2000



**STAFF**

**Front Row:** Lynn Bench, Cheryl Redding, Julie Stam  
**Back Row:** Craig Bell, Jim Alder, Tony Willardson

## Staff Members

### EXECUTIVE DIRECTORS

Wright Hiatt (2/66 to 7/67)

Jay R. Bingham (3/68 to 12/69)

Thomas Cahill (1/70 to 9/73)

Jack A. Barnett (3/74 to 11/80)

D. Craig Bell (11/80 to present)

### ASSISTANT/DEPUTY DIRECTORS

Thomas Cahill (1/69 to 1/70)

D. Craig Bell (6/74 to 11/80)

Tony Willardson (6/83 to present)

### LEGAL COUNSEL

Norman K. Johnson (9/80 to 6/94)

Ricky S. Torrey (6/94 to 12/96)

James P. Alder (5/97 to 5/2001)

Chad C. Shattuck (5/2002 to 10/2004)

### RESEARCH ANALYST

Tony Willardson (3/79 to 6/83)

### ENGINEERING POSITIONS

Norman A. Matthias (5/66 to 5/67)

Richard A. Smith (5/81 to 4/83)

### OFFICE MANAGER

Pearl O. Pollick (5/72 to 6/91)

Cheryl Redding (7/91 to present)

### BOOKKEEPER

Pearl O. Pollick (7/91 to 12/94)

Lynn Bench (1/95 to 10/2003)

### REPORT SECRETARY

Fae Drake (1/71 to 9/81)

Joyce Sanchez (1/80 to 6/85)

Myrna K. Shuey (8/85 to 1/87)

Cheryl Redding (3/87 to 7/91)

### SECRETARY/RECEPTIONIST

Juanita Rogers (2/66 to 6/67)

Lynn Weber (5/66 to 5/67)

Ethel Voss (6/67 to 5/68)

Judy Howe (5/68 to 8/69)

Eileen Zander (10/69 to 10/70)

Ruby Fitzwater (6/70 to 6/72)

Virginia Jensen (10/74 to 4/80)

Joanne Otterstrom (8/80 to 5/81)

Marjorie Farmer (10/81 to 9/88)

Carrie Curvin (6/88 to 3/95)

Alona Banks (5/95 to 6/96)

Julie Groat (9/96 to present)

### OTHER

Carter Harrison, *Economic Analyst*  
(7/66 to 4/67)

Geraldine Tyson, *Administrative Assistant*  
(6/70 to 6/72)

## 2005



### STAFF

Standing L to R: Tony Willardson and Craig Bell

Seated L to R: Julie Groat and Cheryl Redding

**The Western States Water Council** wishes to thank the **California Department of Water Resources** for their contribution to the graphics arts design of this publication.

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