



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **CONGRESSIONAL UPDATE** **Infrastructure Financing**

On January 11, Rep. Jeff Denham (R-CA) introduced the New Water Available to Every Reclamation State (New WATER) Act (H.R. 434), with bipartisan co-sponsors from California and Washington. The bill authorizes the Department of the Interior to provide financial assistance, including secured loans and loan guarantees, to non-federal entities that contract with the Bureau of Reclamation to carry out eligible water projects within the 17 Reclamation states, Alaska, or Hawaii. Eligible projects would cost at least \$20M, with maximum federal assistance up to 80% of the total cost, and include: (1) infrastructure projects for domestic, agricultural, environmental, municipal or industrial water supply; (2) enhanced energy efficiency in the operation of a water system; (3) accelerated repair and replacement of aging water distribution facilities; (4) desalination; and (5) acquisition of real property for water storage, reclaimed or recycled water, or wastewater integral to such a project.

Loan repayment would begin within 5 years of project completion and last no more than 35 years. Federal financial assistance under this Act would not qualify as a federal action that triggers a NEPA review, but does not supersede compliance with relevant state, tribal, and local laws and permitting requirements. The bill would appropriate annual funds in graduated amounts: \$20M for FY 2018; \$25M for FY2019; \$35M for FY2020; \$45M for FY2021; and \$50M for FY2022.

### **WATER RESOURCES** **California/Drought**

On February 8, the California Water Resources Control Board (Board) held a hearing on the May 2016 emergency water conservation regulation, 2016-0029, implementing Governor Jerry Brown's Executive Order B-37-16, calling for the Board to adjust emergency water conservation regulations. The rules were set to expire the end of February, but the Board voted to extend the deadline. Those opposed to the extension noted that the regulations were unnecessary in light of significant recent precipitation, but Board members responded that, although the drought could be over, the

need to conserve water continues. The resolution, No. 2017-0004, states: "Extending the emergency regulation does not require any particular water supplier to establish mandatory conservation requirements; instead, it allows each supplier to customize requirements to their own water supply conditions. Continued implementation of reasonable water conservation measures is prudent to address water supply uncertainty and the lingering impacts of prolonged drought for an additional 270 days, until the Governor lifts the drought emergency proclamation, or the State Water Board determines that emergency regulations should be modified or rescinded...." Prohibitions against home owner's associations penalizing homeowners for certain outdoor conservation practices during a declared drought remain, and similar requirements are extended to cities and counties. The extension maintains urban water supplier monthly reporting and basic water conservation measures. As directed in EO B-37-16, the Board will separately take action to make reporting and wasteful water practices permanent. See [http://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/emergency\\_regulation.shtml](http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/emergency_regulation.shtml).

On February 8, the National Aeronautics and Space Administration's (NASA) Jet Propulsion Laboratory, California Institute of Technology (JPL), released a report on subsidence from groundwater use in the southern Central Valley and surrounding areas. The project was funded by the California Department of Water Resources (CDWR) and carried out under contract with NASA, using synthetic aperture radar interferometry (InSAR) data collected by the European Space Agency's Sentinel-1A satellite and NASA's UAVSAR aircraft. The data, taken between March 2015 and September 2016, showed measurable surface deformation and impacts on water infrastructure, including state and federal canals and aqueducts, impairing water deliveries and potentially interfering with flood control measures. CDWR is working to identify actions to reduce long-term subsidence risks and to remediate existing infrastructure damage. California's groundwater accounts for 30-60% of the state's annual water supply. CDWR plans to incorporate the study results into California's new Sustainable Groundwater Management Act implementation. See [http://www.water.ca.gov/news/newsreleases/2017/0208\\_17\\_subsidence\\_report\\_release\\_final.pdf](http://www.water.ca.gov/news/newsreleases/2017/0208_17_subsidence_report_release_final.pdf).

## California/Idaho/Oregon Flooding

On February 7, the CDWR observed an unusual flow pattern in releases from its Oroville Dam spillway; subsequent investigation revealed erosion damage to the lower portion of the gated concrete-lined spillway. With high levels of storm runoff continuing to enter the reservoir, CDWR proceeded with limited operation of the gated spillway to lessen the risk of erosion affecting the control gates and nearby transmission line towers for the dam's powerplant, while at the same time preparing for use of the ungated, unlined emergency spillway. By February 11, runoff from recent storms fully filled the 3.5 MAF reservoir, and unregulated flow began at the emergency spillway. Rapid erosion began occurring near the head of the emergency spillway, threatening to undermine the spillway crest and allow large uncontrolled releases of reservoir water downstream. On February 12, local law enforcement issued mandatory evacuation orders affecting some 188,000 people. CDWR increased releases from the damaged gated spillway to take pressure off the ungated one, and began a major emergency repair on the ungated one as soon as flows permitted. Helicopters and heavy equipment placed rock and grout in position, moving 1200 tons of material per hour. On February 14, mandatory evacuation order was reduced to a warning, as continued operation of the gated spillway was able to lower reservoir levels well below the emergency spillway. CDWR is now using barges and cranes to excavate debris from the area around the dam's powerplant, to allow use of the plant to help manage lake levels. The northern Sierra Nevada has received more than 200% of normal precipitation this winter, and Oroville reservoir levels will have to be managed using the damaged spillways and aggressive monitoring until the spring runoff period ends and permanent repairs can be made for both spillways. Governor Jerry Brown said: "I've been in close contact with emergency personnel managing the situation in Oroville throughout the weekend and it's clear the circumstances are complex and rapidly changing.... The state is directing all necessary personnel and resources to deal with this very serious situation." A Presidential disaster declaration for the emergency was issued on February 14. The 770-foot high Oroville Dam is a separate structure from the spillways and remains sound with the main concern now the auxiliary spillway. For a photo gallery of the spillway emergency, see: <http://pixel-ca-dwr.photoshelter.com/galleries/C00000xvlgXg3yfg/G00003YCcmDTx48Y/Oroville-Spillway-Damage>.

On February 10, Idaho Governor Butch Otter and Oregon Governor Kate Brown toured flood-damaged communities on the Idaho-Oregon border, including a regional overview from a helicopter, to assess the agricultural and structural losses. Governor Brown issued two Executive Orders in January and February,

declaring a state of emergency due to severe winter storms, flooding, and landslides, authorizing emergency response, removal of debris, and coordination with neighboring states as needed. See <http://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>.

Governor Otter signed State Disaster Declarations for several counties in southern Idaho to facilitate emergency support and recovery efforts. Gary Spackman, Director of the Idaho Department of Water Resources (IDWR) issued a statement regarding widespread flooding conditions and concerns from residents regarding dam safety: "IDWR is working closely with local entities such as the Oakley Canal Company, the Flood Control District and federal entities such as the Natural Resources Conservation Service to carefully monitor changing weather and reservoir conditions."

## UDSA/SNOTEL Report

On February 10, the Natural Resources Conservation Service (NRCS) reported record levels of snowpack in the Sierra Nevada mountains following a series of atmospheric river storm systems. The storms brought significant rain to coastal areas of Washington, Oregon, and California. Most of the major reservoirs in California are currently above historical averages, and the USDA significantly reduced the area designated as extreme drought in southern California. Snowpack is normal to above normal across the Great Basin, the southern Cascades, the Wasatch, and central and southern Rockies, with significant snowfall in parts of Washington and Montana. In the southern Plains and Oklahoma, overall dry conditions have persisted.

## Oklahoma/Drought/Wildfires

On February 10, Oklahoma Governor Mary Fallin issued a two-week burn ban for 53 of its 77 counties, based on the recommendations of the Oklahoma Department of Agriculture, Food and Forestry. Governor Fallin said: "Critical fire weather and worsening drought have created conditions very conducive to wildfires. A burn ban is now necessary to reduce the risk of preventable wildfires and to protect lives and property.... Citizen actions can certainly play an integral role in minimizing fires. We are asking everyone do their part to help prevent fires and to keep our families and businesses safe from harm."

George Geissler, Oklahoma state forester, noted: "Oklahoma Forestry Services' wildland fire crews and fire departments across the state have experienced extreme wildfire behavior in recent days, resulting in fires that are both difficult to contain and pose an increased risk to firefighters on the ground. We are expecting conditions to continue to deteriorate with only minimal chances for drought-breaking rainfall in the future."

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