

**MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of the
WESTERN STATES WATER COUNCIL
The Lodge at Deadwood
Deadwood, South Dakota
October 3, 2013**

TABLE OF CONTENTS

Welcome	2
Approval of Minutes	2
Report on Budget and Finances	2
Sunsetting Positions	3
Mike Connor Confirmation Support Letter and Potential WSWC Policy	3
WSWC Strategic Directions	4
WestFAST Principals' Meeting / Washington, D.C. Meeting	4
FY2013-2014 WestFAST Discussion	5
WGA/WSWC Activities	5
Future WSWC/WGA Meetings.....	5
Spring 2014 Meeting Sunsetting Positions.....	5
Other Matters	5

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MEMBERS AND ALTERNATES PRESENT

ALASKA	--
ARIZONA	--
CALIFORNIA	Jeanine Jones
COLORADO	James Eklund
IDAHO	Jerry Rigby
KANSAS	Tracy Streeter
MONTANA	John Tubbs
NEBRASKA	Brian Dunnigan
NEVADA	Roland Westergard
NEW MEXICO	Scott Verhines
NORTH DAKOTA	Todd Sando
OKLAHOMA	J.D. Strong
OREGON	Phil Ward
SOUTH DAKOTA	Kent Woodmansey
TEXAS	Carlos Rubinstein
UTAH	Dennis Strong
WASHINGTON	--

WYOMING

Pat Tyrrell

WGA STAFF

Not in attendance

STAFF

Tony Willardson
Nathan Bracken
Sara Larsen
Cheryl Redding

WELCOME AND INTRODUCTIONS

WSWC Chairman Phil Ward welcomed the Executive Committee members and Committee Chairs. In particular, Phil welcomed John Tubbs back with the group, and James Eklund of Colorado. Phil asked James to introduce himself. James said it was a pleasure to be here. He is a native Coloradan. He attended law school in Colorado and had a desire to work in water law. He worked for the Colorado Attorney General's Office on Colorado River issues. He left that job and has worked for the Governor's Office the past two years. He said it is a real treat to be a member of the Council and participate in the discussions. Introductions were then made around the room.

APPROVAL OF MINUTES

The minutes of the meeting held June 25, 2013 in Casper, Wyoming were moved for approval. The motion was seconded, and the minutes were approved.

REPORT ON BUDGET AND FINANCES

Jerry Rigby commented that the Council is doing very well in terms of the budget. There are no major changes in the budget from the last year. The budget performance sheet is found on page 56, or under Tab D. As far as the revenues are concerned, we are doing very well with the member state assessments. Only one state has not fully paid their dues. We have not yet given up on Alaska. We would like to bring them into the fold, if possible.

The WGA and other contracts show that we are actually ahead of schedule with respect to revenue. In fact, this is a carry over from last year. We try to keep the contracts balanced between the income and the expenses. Even though it is ahead of schedule now, as far as the budget is concerned, the annual budget of \$104,600 is most likely where we will end up – meaning we will bring in that amount, and will spend the same amount. With respect to retirement and other benefits, there have been no changes. We will need to address Sara's salary in the coming year, as her contract ends in 2015. Tony commented that

the Council has received EPA grant funds that will be administered through the State of Texas. These funds will be used to provide financial assistance to seven states to get connected to the WaDE project, as well as for some of Sara's salary. We want to be able to get back to EPA in three years and show them what we have been able to accomplish, and then we may have an opportunity to apply for another grant to help other states.

Jerry remarked that the flyers passed out today were very well done. The good work is attributed to the staff and to Sara. NOAA paid the Council \$12,000 for this effort.

Tony mentioned that with respect to the symposia the Council puts on, they are budgeted to break even. With the Indian Water Rights symposium this year, we ran into some unusual situations. We ended up with a deficit. The Native American Rights Fund, who usually plans the cultural event, has offered to cover the overage. This will be in the amount of about \$10,000. There were some issues where the Pueblos had a non-profit group that intended to take care of the cultural event, but that actually went out of business in the middle of planning for the symposium. Therefore, we had to make some last minute adjustments.

SUNSETTING POSITIONS

The sunseting positions were dealt with during the Water Resources Committee meeting this morning.

MIKE CONNOR CONFIRMATION SUPPORT LETTER AND POTENTIAL WSWC POLICY

Chairman Phil Ward offered a brief mia copa on this issue. He signed a letter supporting Mike Connor's confirmation as the President's nominee as Deputy Secretary of Interior from the position of Commissioner of the Bureau of Reclamation. This raised a question as to whether or not the Council has a policy on signing and sending such letters of support.

Certainly the Council could get in situations where they are being asked to support nominees or candidates for different positions. Ultimately, it is probably not a good idea for the WSWC Officers to make such calls and move something forward. Phil suggested the Council consider formulating a policy sometime in the year ahead on this issue.

J.D. Strong said that he understands that the Management Subcommittee may need to be more nimble than waiting for a meeting of the Council to address such issues. However, depending on who the candidate or nominee may be, it could be possible that we would get crosswise with our Governor and their position on such appointees. Pat Tyrrell drew the distinction that there was only one nominee for this position, and he was indeed the President's nominee. However, in this particular case, Pat supported Phil as WSWC Chair, especially given we generally have a good working relationship with Mike Connor. It certainly does raise a question of the appropriateness of such a unilateral move on the part of the Management Subcommittee. Had the letter not been supported by the group, we could have been in a bad position.

Phil suggested that perhaps in the future we could simply take a poll of the Executive Committee in order to get every state represented in the thinking. He then suggested that we give the matter some thought. He committed that the Management Subcommittee will bring back to the Committee a proposal in terms of policy.

There was some discussion, and Scott Verhines noted that he bears some responsibility for requesting the letter of support. He agreed that there could be a downside, and appreciates that the Council was on board in supporting Mike Connor's nomination.

The Management Subcommittee will bring a policy proposal to the next meeting, which will be drafted by Tony and Nathan. This will not be a change to the Rules of Organization, but will be a written internal policy for discussion at the next meeting of the Executive Committee.

WSWC STRATEGIC DIRECTIONS

Phil Ward remarked that Tony Willardson created a revised survey he would like Council members to complete.

Tony stated that the survey under Tab F, or on page 67, is a simplified two-page survey, with a couple of boxes for any additional comments you may wish to provide. It is strictly on the issues the Council addresses. The survey is available online. We can then automatically generate a report that shows what issues Council members believe are most important.

Tony passed around a more extensive survey. It is a four-page survey which Tony suggests would only be completed by members of the Executive Committee. It raises questions about the level of effort the Council puts forth, particularly on issues that are of more importance to perhaps only one state, or to a few states. Examples of such issues include: the natural flows position, Good Sam and clean up of abandoned mine sites, and adjudication fees. These items are of much more importance to certain states than to others. There are a few other general areas and communications questions that would be of interest.

There were no objections to having the Executive Committee complete the more extensive survey, and all Council members to complete the simplified survey. Both will be distributed via email with a link to the online survey, with specific time frames for completion.

WESTFAST PRINCIPALS' MEETING/WASHINGTON, D.C.

Tony noted that the Council will be meeting in Washington, D.C. on April 1-4, 2014. We will be trying to put together a principals meeting, and hopefully not have to do it over the phone – as we did with the last meeting, due to a snowstorm in the Washington, D.C. area. We have talked about having calls with the principals more often, in between the face-to-face meetings. These may be held quarterly, or at least semi-annually, so that the WestFAST principals are involved more in the discussions.

FY 2013-2014 WESTFAST DISCUSSION

The WestFAST team determined they are not ready to pursue a separate work plan. Rather, they intend to support the Council's work plan with WestFAST focusing on some of our major issues, including data, infrastructure, drought, and extreme events.

FUTURE WSWC/WGA MEETINGS

The schedule of Council meetings for 2014 is under Tab I. The Spring Council meetings will be held in Washington, D.C. on April 1-4. The Summer Council meeting will be held in western Montana in July. We have held our summer meetings the past couple of years in June to interface with the Western Governors' Association (WGA) Annual Meeting, but that has not worked out as well as we had thought. A July date would seem preferable, so that the WGA staff can more easily attend our meetings and vice versa.

Given WGA will be addressing their water positions at their Winter meeting in December 2013, we need to determine whether or not to do a 2014 Water Report. At this point it seems that once WGA adopts a resolution, we will work with them on their work plan in implementing the resolution. Whether or not a 2014 Water Report will be needed remains to be determined.

Additionally, Tony provided an explanation about a potential meeting held jointly with the Universities Council on Water Resources (UCOWR). UCOWR has approached the Council about meeting jointly in 2015. We would likely meet together on Wednesday morning on topics such as how their programs can support WSWC members' decision making. A draft agenda has been sent to UCOWR for their review, which would tentatively be our Summer meeting in 2015. An alternative plan may be to wait until the Summer of 2016, when Utah will likely host the meeting.

The Executive Committee agreed to explore this meeting further.

SPRING 2014 MEETING SUNSETTING POSITIONS

The positions noted on the agenda are included for the purpose of making sure you are aware they will sunset at the Spring 2014 meetings, if there is no motion to continue the positions or absent any revisions.

OTHER MATTERS

Former WSWC Chair Weir Labatt contacted Tony about circulating the question: Now that we have a state water plan, how do we go about implementing it? In Texas, for example, there are a number of specific projects that have been identified, and the State has financial assistance available to help with those projects. However, where those projects are county projects or private projects, it has no direct influence on whether or not the projects are built. Does the state have the ability to fast track projects on the regulatory side, where they have been identified in the State Water Plan. We have also pressed the

federal folks, saying they should look at the state plan in developing their national policy. How might we do that? There was no objection to circulating such questions among the Executive Committee members.

James Eklund briefly reported on the flooding in Colorado. The state is still in the assessment phase, trying to determine the damages from the flooding. The estimates that have been thrown out are staggering. Originally, it was considered a 100-year event. That is what the floodplain mapping is based on. This is more like a 500-year event. Some have called it a 1,000-year event, and even others have called it a 10,000-year event in terms of paleohydrology. This isn't an event that anyone saw coming.

In a three-day period, some places received 24 inches of rain, where they are typically lucky to get that amount over three years. Six lives have been confirmed lost, and there is one person still missing, but presumed deceased. The property value losses are huge, and irrigated agriculture is trying to determine how much work it will take to get an irrigation season out of the next water year. The State lost 22 – 33 streamgages. These were actually state gages, not those owned by USGS. They can run as much as \$10,000 each. Many questions are still bubbling up. We don't want to get out ahead of insurance money or federal money, but we have to be responsive to the needs, which are now more complex due to the federal government shutdown.

There was a comment about the use of social media, and how to get the word out about such events, beyond the normal water community.

There being no other matters, the meeting was adjourned.