

MINUTES
of the
183rd COUNCIL MEETING
Lied Lodge and Conference Center
Nebraska City, Nebraska
April 14, 2017

Table of Contents

Welcome and Introductions	3
Approval of Minutes	4
Welcome to Nebraska – Governor Pete Ricketts.....	4
Nebraska Natural Resource Districts	5
Platte River Recovery Implementation Program	6
WestFAST Report and Workplan.....	7
Water Data Exchange (WaDE) Expansion.....	7
Committee Reports	
A. Water Resources Committee.....	8
B. Executive Committee	8
C. Water Quality Committee	8
D. Legal Committee.....	8
Future Council Meetings.....	9
Sunsetting Positions for Summer 2017 Meetings.....	9
State Reports	9
Other Matters	13

**MINUTES
of the
183rd COUNCIL MEETING
Lied Lodge and Conference Center
Nebraska City, Nebraska
April 14, 2017**

MEMBERS AND ALTERNATES PRESENT

ALASKA	–
ARIZONA	Einav Henenson
CALIFORNIA	–
COLORADO	John Stulp
IDAHO	Jerry Rigby John Simpson
KANSAS	David Barfield Tracy Streeter Kenneth Titus
MONTANA	Tim Davis Jan Langel
NEBRASKA	Jeff Fassett Jim Macy
NEVADA	–
NEW MEXICO	–
NORTH DAKOTA	Jennifer Verleger
OKLAHOMA	Julie Cunningham
OREGON	–
SOUTH DAKOTA	Kent Woodmansey
TEXAS	Jon Niermann

UTAH

Walt Baker
Norman Johnson
Todd Stonely

WASHINGTON

–

WYOMING

Pat Tyrrell
Chris Brown
Kevin Frederick
Steve Wolff

GUESTS

Brian Dunnigan, Olsson Associates Lincoln, NE
Chris Tagert, Michael Baker International, Denver, CO
Tom Browning, Michael Baker International, Denver, CO
Justin Lavene, NE Attorney General's Office, Lincoln, NE
Bridget Barron, Platte River Recovery Program, Kearney, NE
Julie Ward, NE Department of Natural Resources, Lincoln, NE
Susan France, NE Department of Natural Resources, Lincoln, NE
LeRoy Sievers, NE Department of Natural Resources, Lincoln, NE
Ann Schwend, MT Dept. of Natural Resources & Conservation, Helena, MT

WESTFAST

Roger Pierce, Federal Liaison, Murray, UT
Becky Fulkerson, Bureau of Reclamation, Washington, DC
Roger Gorke, U.S. Environmental Protection Agency, Sacramento, CA

STAFF

Tony Willardson
Michelle Bushman
Sara Larsen
Cheryl Redding

WELCOME AND INTRODUCTIONS

WSWC Chair Jerry Rigby welcomed those in attendance at the meeting. He thanked the sponsors as well as Jeff Fassett and his staff for hosting the meetings.

APPROVAL OF MINUTES

The minutes of the meeting held in St. George, Utah on September 30, 2016, were moved for approval. The motion was seconded and the minutes were unanimously approved.

WELCOME TO NEBRASKA

Governor Pete Ricketts welcomed Council Members and guests to Nebraska. He noted that water is one of the most important things humans need. Nebraska's irrigated agriculture is the largest in the nation, and 80% of the central pivot producers are located in the state. They continue to seek best practices, and have expanded the ability to improve and innovate irrigation, to grow more food with less water so we can continue to feed a growing world and improve the standard of living. It is very important to conserve and manage our water resources in the future. Farmers and ranchers were the original conservationists. We need to continue to grow and feed a growing world and create opportunities for the people in our state.

Governor Ricketts acknowledged Jeff Fassett's efforts to work with the Natural Resource Districts to manage Nebraska's precious water resources, including coordination of flood control and conservation efforts across diverse interests. Jim Macy has helped automate some of their permitting processes, offering a faster turn-around time, along with provisional permits that allow some flexibility and clear steps to complete the process.

He emphasized the importance of attracting new business and jobs by being more effective, efficient and customer oriented. "I want to see Nebraskans at work." Time is vital to companies, and Nebraska is committed to reducing regulatory burdens and the time required for permitting decisions, while continuing to protect the environment. Nebraska has created a Center for Operational Excellence to train state employees on process improvement to reduce costs and provide better government services, treating people as customers. Reducing regulatory overhead and eliminating useless complexity allows the state to better attract business. Nebraska is also undertaking major comprehensive tax relief. He cited examples of new jobs brought to Nebraska by Facebook, Yahoo and the local acquisition of an ethanol plant from a foreign owner.

"After our people, water is our most precious natural resource," Governor Ricketts declared. Nebraska is an agricultural state and irrigated agriculture is vital, providing \$3.6 to \$4.5B to the economy. Drought reduces the amount of water available for irrigation and has hurt the economy. "We continue to strive to conserve and grow more food with less water." Carefully managing Nebraska's water resources is critical to keeping farmers and ranchers on the land and allowing them to pass their land and water onto future generations. Water is also important for our cities and towns, for ethanol production, for recreation, and for fish and wildlife. Flood control and stormwater management are also important. The Nebraska Department of Natural Resources and Department of Environmental Quality have the task of bringing all these diverse interests and needs together and serving our citizens as customers. He recognized the WSWC for its vital role in promoting the wise use of water in the West.

NEBRASKA NATURAL RESOURCES DISTRICTS

Dean Edson, Nebraska Association of Natural Resource Districts, explained the legislative creation of the Natural Resource Districts (NRDs) in Nebraska in 1969. There are 13 river basin boundaries and 23 NRDs set by the Natural Resources Commission. The districts have locally-elected board members with broad responsibilities for water quality and quantity, soil, flood prevention, forestry and range management, solid waste disposal, and pollution. The NRD monthly meetings are public and allow public comment. The NRDs have various employees on staff, including hydrologists, soil conservationists, engineers, business managers, groundwater technicians, and others.

Under Nebraska law, all of the water is owned by the state and used for the benefit of the people. Surface waters are subject to prior appropriation, with the oldest rights dating back to 1895. The groundwater rights are subject to the correlative rights doctrine, meaning the overlying landowner has the right to use the water as long as he doesn't harm anyone else, and all users share in the shortage.

Nebraska has the most irrigated acres in the U.S., 8.3M acres, and all 23 NRDs have Groundwater Management Plans approved by the Nebraska Department of Natural Resources (NDNR) and the Department of Environmental Quality (NDEQ). The plans are implemented in phases, depending on the issue and degree of concern. For example, nitrates below 5ppm merit a Phase 1 educational program. As nitrates increase toward 10ppm, the regulation increases as part of Phase 2. Above 10ppm, Phase 3 kicks in with requirements for fertilizer application management plans, accounting for all nitrogen sources for a given crop. Phase 4 has never been implemented, but would involve a complete ban on fertilizers. Part of the education has involved saving the farmers money by showing them that irrigation with nitrate-rich water can provide most of the nitrogen supply, so they don't need to add any fertilizer. As they see an increased yield, word gets around, and the farmers reduce the amount of fertilizer. They also have a chemigation program that permits and regulates the application of fertilizers injected into the irrigation systems. The program requires check-valves and safety equipment. Applicators must be licensed and trained. The fines for noncompliance had to be increased, up to \$5,000/day, to the point that it's no longer worth it to risk the fine.

The NDRs also permit wells over 50 gallons per minute, regulating the depth and spacing requirements to prevent well interference. They can ban new development of irrigation areas if groundwater levels decline, grant variance requests, and allow transfers for temporary uses. Historical and accurate data is key to managing the groundwater regulation.

Integrated Management Plans (IMPs) are jointly used by the NRDs and the NDNR to manage groundwater and surface water together. The IMPs are mandatory in the 10 NRDs that are fully appropriated, and can be used voluntarily in the other 13 NRDs. All are either developing or using IMPs, including input from stakeholders, water users, irrigators, public power, and municipalities. After the hearings and public meetings, the developed plan doesn't become final until NDEQ and NDNR approve it, and then the NDRs ensure compliance. NDEQ and NDNR coordinate the IMPs as well as the Basin Management Plans.

Edson walked through several examples of cooperative water projects and interlocal agreements to conserve water resources, funding through a property tax levy and limited bonding authority, and efforts to keep groundwater levels at pre-development levels.

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Jerry Kenny, Executive Director of the Platte Recovery Program, described the Big Bend reach of the Platte River Basin where they've worked on rehabilitating the habitat for the whooping crane, piping plover, and pallid sturgeon. He compared photos from 1938 to 1998, when nearly all of the braided nature of the Platte River had disappeared and vegetation had encroached. The collaborative efforts were not intended to be a "restoration," but rather something suitable that approaches the way the habitat used to be in an effort to recover the species.

The program isn't a federal one, but the costs of \$317 million have been split 50-50 between the state and federal governments. The 11-member board includes water users, environmental groups, the states of Colorado, Nebraska, and Wyoming, the Fish & Wildlife Service, and others. Everyone has a voice and a vote, and they move forward by consensus. The Executive Director's (ED) office is independent of the board, allowing it to serve as an honest broker in providing information to the board. The ED can spend the time and money on independent science, with an independent Science Advisory Committee to peer review the science documents, and the ED can communicate the facts to the decision makers on the board so they can determine what to do with the information.

The recovery plan includes three components: Land, Water, and Adaptive Management Plans. The goal was to acquire, protect, and restore 10,000 acres of habitat for the three avian species. This included leveraging existing conservation ownership to acquire other meaningful habitat chunks, including an off-channel sand pit and efforts to increase water flows and restore the braided nature of the stream.

The water plan has focused on reducing deficits and increasing stream flow in an overappropriated system, and the plan has been adjusted. The reservoir project was put on hold due to costs and other concerns. The three states have been contributing using water leases, acquire-and-retain efforts, changing the timing of water use, increasing return flows, reducing consumptive use, and looking at broad scale recharge by flooding areas to shallow depths that can be stored in the aquifer.

The Adaptive Management Plan is rigorous and focused, monitoring the habitats and the species, and learning as they go. The program has the flexibility to work on scores of hypotheses, answering questions and making small adjustments as they gather additional information. The bird populations are increasing, and are on track to be delisted in another couple of decades. While ESA compliance costs can be high, this program has saved millions of dollars and made compliance a more cost-effective effort. More information is available on the website – www.platteriverprogram.org.

WESTFAST REPORT AND WORKPLAN

Roger Gorke, EPA and WestFAST Chair, said they will be working with the Committee Chairs to find ways to align the WestFAST workplan with the Council's workplans. He commented on the Nebraska issues with nitrate pollution in groundwater, and that similar issues seem to resonate in other states. He talked about building on the successful state-federal relationships and seizing the opportunity to share the information and find ways to replicate those successes so that the individual states don't each have to pave paths on their own.

Gorke noted that the WestFAST group met with Duane Smith from Oklahoma on Wednesday to discuss the Altus community plan, and Julie Cunningham thanked the WestFAST members for participating in those monthly meetings. WestFAST has provided a place for the state to connect with the federal agencies, to solve problems and identify sources of funding and other assistance to make the grassroots community solutions work.

Gorke introduced Roger Pierce, the new WestFAST Liaison. Pierce worked as a hydrology and geography guy, but with a different perspective in the National Weather Service, so he is looking forward to being involved and learning more about what WestFAST and WSWC do. He's encouraged to see that issues that were once only ideas discussed, like whooping crane restoration, are now becoming a reality.

WATER DATA EXCHANGE (WaDE) EXPANSION

Sara Larsen announced the formal launch of the WaDE program, with the majority of the WSWC member states participating. The WaDE portal provides a framework to share important water supply, water use, and water administration datasets with each other, with federal partners, and with the public. The program provides a cost-effective, easy-to-update way to get information to interested parties concerned with water availability and use. Beginning in 2012, WSWC surveyed data providers, procured additional resources for states who needed assistance, formed partnership to oversee funds and other governance, developed the WaDE code and application, and provided extensive assistance for implementation with state partners, as well as ongoing maintenance and updates. WaDE represents a philosophical change to a long-term investment instead of just a one-time compliance project, and now we are seeing where the rubber hits the road.

She noted that WSWC has been very proactive in gathering data and making it available. We make better decisions with better information. We've been encouraging our states to make data transparent, accessible, with quality metadata documentation. We've emphasized state control of data, updating and sharing only what you want shared at any point in time. Sara provided a tour of WaDE, showing a query of Nebraska water rights data as an example. Users can pull information from the site into an excel spreadsheet to work with the data. We working toward building up a community, offering a forum for comments and other ways to better meet the needs of users going forward. We anticipate that this will be an iterative process to keep WaDE agile and useful. We hope that WaDE will be a model project for collaboration and partnership, and that it will become a key source of information that can effectively inform policy and decision-makers in the West.

Sara concluded by expressing her appreciation to the states for contributing so much of their staffs' time to make this project successful.

COMMITTEE REPORTS

A. Water Resources Committee

David Barfield briefly reviewed the Water Resources Committee meeting, describing the motions that passed with modifications, and the presentations from the Corps, NASA, the southwest Oklahoma pilot project, and the WaDE update. The Committee will continue to work on the 2017-18 Workplan between now and the next meeting.

B. Executive Committee

Tim Davis covered the 2018 budget discussed and adopted by the Executive Committee. The reserves dropped from \$250,000 to \$73,000 as a result of the office building purchase which will save \$30,000/year in rent. He summarized the many meetings, conferences, and workshops the Council staff are attending. He covered the strategic planning efforts from Jeanine and Jerry that will be brought to the full council for discussion. This may include a recommendation on the future of dues and the fee structure. The Committee also discussed goals under the new federal Administration.

C. Water Quality Committee

Kent Woodmansey reviewed some action items for the Full Council. The new position on supporting USDA rural water and wastewater programs was not noticed prior to the Council meeting, so we need unanimous consent to consider the proposed position. The motion to consider the proposed position was seconded and passed. Kent reviewed the changes made during the Water Quality Committee meeting, which were passed around to the Council members. Jennifer Verleger moved to approve the position, Jim Macy seconded, and the motion passed. The position will be sent to WGA for review. Kent then went over the changes to Position #364 supporting SRFs, which the committee recommended for approval. Walt moved to approve the changes, Jim Macy seconded, and the motion passed. He also presented the Council letter to the Administration and Congress supporting SRFs and STAG. Julie Cunningham moved to approve the letter, Jim Macy seconded, and the motion passed. Kent then briefly reviewed the presentations on the Committee's agenda, and noted that there would be a conference call in a couple of weeks to make changes to the Committee's Workplan.

D. Legal Committee

Jennifer Verleger reviewed the highlights of the Legal Committee, thanking Peter Nichols for his presentation on water transfers and noting that future legislation codifying the EPA's water transfers rule may be introduced in Congress. On the *Agua Caliente* appeal, Rod Walston is looking for amicus support. The Council has a draft letter on the Corps' water supply rule, and Michelle will email those interested for any changes to the letter. We have the

Symposium on Indian water rights claims coming up in August. We will be working on changes to our Work Plan between now and the next meeting.

FUTURE COUNCIL MEETINGS

On May 17-19, California is hosting another seasonal-to-seasonal (S2S) workshop, on working with NOAA to improve our weather prediction skills, emphasizing better science for better planning.

Jeanine is looking forward to hosting everyone in Rohnert Park, CA for the WSWC summer meeting, June 27-29.

The WSWC-NARF 15th Biennial Symposium on the Resolution of Indian Water Rights Claims will be held in Great Falls, MT on Aug 8-10.

Our fall meetings will be held in Albuquerque, NM on October 18-20, with a WSWC-WestFAST workshop on the morning of the 18th.

SUNSETTING POSITIONS FOR SUMMER 2017 MEETINGS

Positions scheduled to sunset at our Summer 2017 meetings in Rohnert Park, California can be found under tab XYZ.

STATE REPORTS

Arizona: Einav Henenson spoke about the Governor's Water Augmentation Council, part of the Arizona Water Initiative. They're looking at conservation and helping rural communities to find solutions to the most pressing issues. Council Chairman, Tom Buschatzke, formed four committees to look at desalination, finance, recycled water, and long-term water augmentation strategies. They're looking at brackish groundwater that cannot be used and using 3% recycled water as part of their portfolio for the future. The Colorado River Lower Basin states are seeking to improve conservation efforts with a voluntary reduction plan, and Arizona is working with stakeholders to address their issues and challenges with the drought contingency plan. The Gila River Indian Community is the largest receiver of CAP and Colorado River water, and Arizona has been developing a great partnership with them. They're looking into increased collaboration among water users to provide water in times of shortage. The proposed budget is actually increasing funding for the Department of Water Resources, with \$2M per year over the next four years, which should help them recover from the 60% reduction in force.

Colorado: John Stulps thanked Nebraska for hosting the meeting. Colorado experienced record-breaking snowpack until March. Colorado is still doing okay, but there are still parts of the state that are in severe drought. He thanked Kansas for their comments on the Republican River Compact. Relationships with Kansas and Nebraska continue to improve. We're also

making progress on the Arkansas River Compact. James Eklund left for private practice at the beginning of the month, and Dick Wolfe's replacement is already being vetted. He said he's relied heavily on them both and will miss them. He offered resolutions from the WSWC for both of them. The Colorado River Water Plan is in its second year of implementation and is going well. The program lacks adequate funding, but we are looking at some long range funding mechanisms. At some point we will likely need a ballot initiative due to the prohibition on raising taxes or fees. We have some legislation clarifying the use-it-or-lose-it provisions to protect folks participating in conservation programs. We're looking at alternatives to buy-and-dry. As a headwater state with federal water projects, using those water resources to grow hemp runs into problems as cannabis is a category 1 narcotic. We're working on differentiating hemp to declassify it so that it's not an illegal crop.

Idaho: John Simpson said the ongoing adjudication on the Snake River is now complete. The northern Idaho adjudication is in process. The Coeur d'Alene tribe has filed four reserved groundwater rights claims, so we are in the middle of negotiations there. In southern Idaho they're struggling to work out equitable adjustments in the Fort Hall settlement agreement, where they left some details to work out later; it's even tougher to resolve now than it was 25 years ago with more depletions and less water in the river. He noted that the Tribes look in the rearview mirror, comparing their agreements and wondering why they don't get the same deal, but the federal government doesn't allow second dipping to get more money for settlements. We're learning the value of taking the necessary time to anticipate and solve issues from the outset instead of hoping it will work out later. Jerry Rigby added that with the great snowpack they're experiencing flooding issues in Idaho, and it's been a while since they've faced that challenge.

Kansas: David Barfield talked about the Republican River compact and compliance plan. He joked that on the Arkansas River there is no amount of water that is too small to fight over. They're working hard to resolve issues with Colorado before Dick Wolfe retires. The Kansas water office has been working hard to provide tools and educate locals with demonstration projects so they can come up with solutions that allow them to manage their area. The Ogallala has been over appropriated, and in the past 3-4 years they've been finding ways to not punish people who are conserving water. Tracy Streeter added that post-litigation discussions on the Republican River Compact have been improved, and it's been amazing to watch the shift to trusted negotiation and friendship. He expressed thanks to Colorado and Nebraska, Jeff Fassett and Brian Dinnigan and others for that experience and the good outcome on those compact issues. The Governor put together a Task Force to work on the Kansas water plan. They've been looking at all kinds of fees and taxes to raise money to implement the plan. They finally found a good model with a sales tax on fertilizers, pesticides, and water bottles, but no one in the legislature likes it, so they're still working to meet the funding gap. Milford Reservoir is the poster child for blue-green algae problems. It's an annual problem with no short-term fix. They're looking for ways to prevent phosphorus runoff into the lake, looking at best management practices, and learning from Kansas and AWWA how to bridge the concerns of municipalities and agriculture. They're working on better irrigation technology to reduce water use. Moisture probes are becoming the key for irrigators to turn the water on and off, and they're still trying to find the best one. They've had some success stories in a Sheridan County Local Enhanced Management Area where aquifer levels increased after landowners offered feedback,

changed crops, reduced irrigation, and made just as much money. So they're slowly making progress. The John Redmond Reservoir dredging was completed October 2016. Dredging is easy, but disposal of the dredged material is hard. They had to do some monitoring and water management to ensure non-degradation compliance downstream and to stay within the terms of the permit.

Montana: Jan Langel, Acting Administrator, echoed the comments of others in thanking our Nebraska hosts. The state water plan was presented in 2015. They're developing a network of streamgages to distribute real-time information. Their goal is to have 10 gages per year until they reach 100. They're hoping to secure some other sources of funding. The Bureau of Mines is leading their aquifer recharge project. Their state water adjudication was funded through 2028 during the last legislative session, and they've met and exceeded their first benchmark. There are two bills on well spacing and exempt wells still pending before the legislature, which is in its waning hours. Tim Davis is now on the water quality side since November 2016. He talked about working to get an EPA-approved variance on nutrients for discharges to a lagoon. They anticipate lawsuits will be filed over the variance. Their last general variances is currently in court.

Nebraska: Jeff Fassett noted that their written report is included in the briefing materials. They've been heavily involved in basin and integrated planning efforts with the 23 NRDs, both individually and combined into groups. We've had one important Nebraska Supreme Court case decision in March 2017, Hall v. Nebraska, dealing with water rights takings and regulatory actions against surface water users that used to be the only option. With the augmentation project Dean Edson talked about, we have better tools to meet our obligations under the water compacts during dry periods. We're trying to fill a \$1B gap in the state budget while simultaneously trying to deal with tax reductions. Our water agencies are facing a 10-12% reduction. Jim Macy noted that Nebraska's DEQ is pretty small compared to other states, and half its budget is federal. It is pretty open in terms of doing business, not charging for many of its permits. We're interested in developing a good relationship with new businesses while ensuring that the environment is protected. They're developing a system of online permitting, and would be glad to share that with the other states when it's completed. They have some facilities with a regional discharge permit, taking solids out of the Missouri River, then treating the water and returning the waste to the river. They're looking at an effective integrated management plan, considering bacteria and lime softening discharge.

North Dakota: Jennifer Verleger talked about the legislative session, and how they split the environmental group out from under the Department of Health to become its own cabinet level Department of Environmental Quality. The change will be implemented over a two year process due to the development of a new administrative code and the need for EPA approval. It was a controversial move within the farming community, but doesn't really present much of a change. There is also a bill dealing with tile drainage. The law that was created four years ago made the permitting process complicated. The State Engineer was taken out of the process, but still regulates surface drainage. Jennifer won the case at the district court level, but people weren't happy with the results, so they took the problem to the legislature. The bill is in the conference committee, and the case is pending before the North Dakota Supreme Court, with final briefs due in two weeks.

Oklahoma: Julie Cunningham said Oklahoma is going through budget woes due to oil and gas revenue decreases, and the legislature has requested a 14.5% cut. The water agencies are sorting out how to cut costs and still operate, and are also facing potential decreases in federal funding. In the meantime, they're also looking at how to further the Water 2060 Act, how to use no more freshwater in 2060 than they did in 2012. They've hired CH2M Hill to do a study to figure out how to get additional water supply. They're looking at the costs of produced water and ways to use it rather than inject it, since they're having a seismicity problem. For storage and recovery, they're promulgating rules with positive support for water quality standards, and they're looking at non-potable and potable water reuse. They're trying to streamline the regulatory hoops for the permitting and application processes. They've had a lot of rain this Spring, and are about 70% full at most of the reservoirs. They've also been working on floodplain management and mapping of low hazard dams for dam safety.

Texas: Jon Niermann said the budget is their biggest concern. Dr. Mace is very busy with this legislative session, and they anticipate leaner times, sending fewer members to WSWC meetings. About 8% of Texas' budget comes from federal funding, but for the water agencies that amount is closer to 30%. We're looking at drought response and issuing amendments to water rights, and checking the water availability models before issuing new water rights. The water models are old, and we're considering revising them so we have a better idea of what the true water availability is. We recently had a priority call, and TCEQ thought they had the authority to exercise discretion in curtailment issues. The Farm Bureau sued, and the Texas Supreme court held that TCEQ had to strictly enforce rights according to priority and limited the authority of TCEQ to bail about a small municipal public water supply system with insufficient drought planning. We're closely tracking the Army Corps of Engineers' water supply rule. We don't want the federal government invading state water rights. They're also seeing an increased interest in applying domestic septic and sewage sludge to land for disposal, which falls under TCEQ regulation, and the populated areas are resistant. He thanked Nebraska for hosting a wonderful event and expressed appreciation for Walt Baker, congratulating him on his retirement.

Utah: Norman Johnson thanked Nebraska for their hospitality, and noted that his good friend and colleague, Walt Baker is retiring. He offered a resolution of appreciation for the Council's consideration, and added that Walt is known for his wisdom and good judgment, and that everyone in Utah turns to him. Todd Stonely mentioned some changes during the legislative session to reallocate sales tax money that goes to water agencies for water development to apply toward adjudication needs and water conservation. They have \$750,000 for rebate programs. They had a legislative audit in 2015 to improve the water data, and they're hoping for constructive feedback. Utah's goal is to conserve 25% water use by 2050, and so far we have been very successful. Utah gets a lot of its water supply from Wyoming, and Utah had over 100% snowpack nearly statewide, so it looks like a good year. Walt Baker talk about work on nutrient variances and phosphorous limits. He noted that it's like having term limits—they looked good five years ago, with plenty of time to ease into the limits before 2020, but now that we're getting closer, it's making people nervous. But we are making some progress and people are slowly seeing the wisdom of cutting down on the amount of phosphorus going into the lakes and choking the water systems. Two bills from the legislative session support the restoration of

Utah Lake and dealing with invasive species. It's one of the largest freshwater lakes in the West. They also have a "message bill" directing DEQ to work with POTWs on TMDL rulemaking. We felt like we already were doing that, but the message was reinforced. We've found that vacancies become targets for cuts during legislative sessions. We petitioned for a spill coordinator, and a person for HAB response. We have approval for the position but no additional funding. Walt expressed his immense appreciation for the relationships with the other members of the Council.

Wyoming: Pat Tyrrell thanked Jeff Fassett for hosting the meeting, and appreciated the opportunity to see everyone. He noted that he currently has 25 fewer people in his office than Jeff had back in 1999, including the addition of 10 Platte River compliance people, and their budget may ultimately drop by 13-15%. The agency is half funded by the general account, and the other half is through the water board. They're moving forward with the three prongs of their drought contingency plans, building reservoirs, weather modification, and demand management. They're working on Colorado River system conservation by paying people not to irrigate. They spent \$11M three years ago, and there is pressure to extend the program for another few years, with additional funding. The program has been run by the Upper Colorado River Commission up to this point, but it needs an organization with good administration to keep it going. Keeping wet water in the system all the way to Lake Mead is tough, because there are very few authorities to prevent downstream users from diverting the water. But all irrigators on the stream in Wyoming are in the program, which increases the likelihood that water will get downstream. In November, a brief 70-page report was issued on the river basin and the law of the river, which serves as an excellent primer without being an 800-page manual. *Montana v. Wyoming* is close to a decree and should be wrapped up soon. The Bear River Compact is undergoing its mandatory 20-year review with public meetings, to see whether anything needs to be changed. We issued groundwater orders that have deadlines coming up this year. We capped well use, but the system has spilled water since then, so we will review that order and may modify it. We also required wells to have meters to evaluate groundwater use. Wyoming's snowpack is in good shape, up to 200% of normal in some basins. The Black Hills are still dry, so we are hoping for more rain.

OTHER MATTERS

John Stulps motioned for the Council to approve resolutions of appreciation for James Eklund and Dick Wolfe. David Barfield seconded the motion, and the resolutions were approved by acclamation.

Norm Jonson motioned for the Council to approve a resolution of appreciation for Walt Baker. The motion was seconded and approved by acclamation.