

**MINUTES**  
**of the**  
**186<sup>th</sup> COUNCIL MEETING**  
**Crystal Gateway Marriott**  
**Arlington, Virginia**  
**March 14, 2018**

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**MINUTES  
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186<sup>th</sup> COUNCIL MEETING  
Crystal Gateway Marriott  
Arlington, Virginia  
March 14, 2018**

**MEMBERS AND ALTERNATES PRESENT**

<b>ALASKA</b>	David Schade
<b>ARIZONA</b>	Einav Henenson
<b>CALIFORNIA</b>	--
<b>COLORADO</b>	Pat Pfaltzgraff
<b>IDAHO</b>	Jerry Rigby
<b>KANSAS</b>	Earl Lewis
<b>MONTANA</b>	Tim Davis Jan Langel
<b>NEBRASKA</b>	--
<b>NEVADA</b>	Jason King Tom Blaine
<b>NEW MEXICO</b>	--
<b>NORTH DAKOTA</b>	Jennifer Verleger
<b>OKLAHOMA</b>	Julie Cunningham
<b>OREGON</b>	--
<b>SOUTH DAKOTA</b>	Kent Woodmansey
<b>TEXAS</b>	John Niermann Jim Rizk

**UTAH**

Eric Millis  
Todd Adams  
Norm Johnson

**WASHINGTON**

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**WYOMING**

Pat Tyrrell  
Steve Wolff  
Kevin Frederick

**WESTFAST**

Roger Pierce, Federal Liaison, Murray, UT  
Kevin Werner, NOAA Fisheries, Seattle, WA  
Chris Carlson, U.S. Forest Service, Washington, DC  
Stephen Bartell, U.S. Department of Justice, Washington, DC  
Doug Cutis, U.S. Bureau of Land Management, Washington, DC

**STAFF**

Tony Willardson  
Michelle Bushman  
Sara Larsen  
Cheryl Redding

**WELCOME AND INTRODUCTIONS**

WSWC Chair Jerry Rigby welcomed those in attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the meeting held in Albuquerque, New Mexico on October 20, 2017, were unanimously approved.

## **COMMITTEE REPORTS**

### **A. Water Resources Committee**

Eric Millis reported that three new positions on infrastructure, forecast informed reservoir operations, and weather station networks, were approved to be brought before the Full Council for re-adoption. The motion for the Council to adopt these three new positions was seconded and approved. Eric also reported on two sunseting positions to be approved, #378 and #379. The motion to approve was seconded and approved.

### **B. Water Quality Committee**

Kent Woodmansey reported on EPA's new WOTUS rule and state outreach. He also addressed concerns regarding whether groundwater is covered by the Clean Water Act as a conduit for pollutants. There were no sunseting positions for this Committee to consider. The Committee's work plan was adopted.

### **C. Legal Committee**

Jen Verleger reported the Legal Committee voted to approve re-adoption of an amended version of sunseting position #376. The motion for the Full Council to re-adopt the amended position was seconded and approved.

### **D. Executive Committee**

Tim Davis reported that the Executive Committee adopted the proposed budget and have brought it the Full Council for approval. The budget does not include certain funds for the WaDE program. A motion to adopt the FY2019 budget was proposed, seconded, and passed. The Committee discussed the nominating committee, the replacement of the WestFAST liaison, and upcoming meetings.

## **WestFAST REPORT**

Kevin Werner provided an update on WestFAST. He is looking forward to hosting the WestFAST Principals' meeting later. The Southwest Oklahoma Drought project is moving forward – Roger Pierce reported on this effort for the short-term, mid-term, and long-term. There is a lot of momentum on this to help make the Altus area more resilient to drought. Many of the WestFAST agencies are involved in this work.

Julie Cunningham noted that this formula is working. WestFAST has kept the project on point, and Oklahoma appreciates their efforts, and the monthly calls that keep things moving.

## **STATE REPORTS**

**Utah:** Eric noted that they successfully navigated another legislative session last week, and survived relatively unscathed. They were able to get their own dam safety funds for the NRCS program. We audited our water data with a third party review, and made some improvements. It was good data, but we put meters in to improve data. A secondary water suppliers deadline was proposed in legislation that did not pass, but it opened the discussion. Norm added that Senator Hatch introduced S. 664, the Utah Navajo Water Rights Settlement, and the Senate Indian Affairs Committee held a hearing. It is very important for state to get this major water rights claim nailed down for the Colorado River. It will be a win-win if we can get it done.

**Texas:** John reported that parts of the state are heading back into drought. They have an ESA issue affecting water quality and water rights. They are also dealing with over 4000 small systems serving <500 people, finding the funding to get them to operate. Some of them are dealing with background arsenic. They struggle to get experienced operators to stick around.

**Montana:** Jan Langel reported that the snowpack is good this year, but they've coined a new term, flash droughts. They held a water summit last week to talk about water quality, storage, restoration, and got positive feedback, so they hope to do it again in a couple of years. The budget is pretty ugly, and there's concern about making it to Council meetings in the future.

**South Dakota:** Kent Woodmansey noted that their legislature just ended. NPDES fees for industrial facilities were increased. Other fees were passed, including stormwater. The budget is not good, but these fees will help. Changes were made to the buffer program to improve participation, including tax incentives, allowing counties to include tributaries, and adding more land. They have been getting some snow, and even had two snow days back to back. Even given that, there are areas of the state in drought conditions.

**Wyoming:** Pat Tyrrell - Our report is in the briefing materials. On the recent Wild and Scenic designation for stream reaches, under the Craig Thomas Legacy Act, Wyoming just held a meeting with the Park Service and Forest Service. We expect that to be a long and winding road. A final decree was entered on *Montana v Wyoming*. We're glad it is over and the issue will be back in the hands of the water managers. During the legislative session an attempt to create an exempt class of 100,000 wells for any uses, not just domestic and stock, was beat back. Rather than de minimus uses, the proposal would have allowed 2M acre-feet of water to be pumped out of the ground without a single piece of paper.

**Arizona:** Einav Henenson discussed Arizona's Drought Contingency Program – they are hoping for approval next year. The Governor's office has created a document to include stakeholder concerns. They are experiencing drought across the state. A series of water bills were introduced during the legislative session to address a range of issues and problems, but none of them passed.

**Kansas:** Kenneth Titus noted that Kansas is also dealing with drought this year. Local management areas have been imposing water restrictions. Their growing issue has been wildfires. Our legislature still has a long way to go to resolve the budget crunch. They're continuing work

on the water impairment issue for the wildlife refuge, dealing with local politics and making progress. They're dedicating \$3M on the Wilford ? Watershed, which involves agriculture, municipal, and recreation efforts. The Kickapoo settlement is working its way through Congress.

**Nevada:** Jason King said that it has been a horrible winter in terms of precipitation. We're at about 12% of normal. They are still working on regulations on conjunctive management on the Humboldt River. They issued an order prohibiting the drilling of domestic wells, and real estate representatives have filed a motion to stay that order. Water importation issues are on remand from the District Court. Nevada has an active lithium brine mine, and Tesla's factory is extracting minerals out of the brine, and it's taking time to work with the exploration companies on the water side of the claims.

**New Mexico:** Tom Blaine - In some of our watersheds we have a negative snowpack number. I'm not sure if I'd rather deal with the drought or with the legislature. There were not a lot of controversial issues for us to deal with. We asked for them to bring back some general fund dollars. They restored about \$1M of our funding. It is moving the right direction. We were able to fund the Aamodt settlement – and it has taken 50 years to complete that settlement. We're working with the Governor's office on how to get ahead of drought issues in New Mexico. There is a lot of oil and gas drilling and fracking. The demand for water in the Southeastern part of the state is incredible. The cost of water is \$5 a barrel. There is a huge demand. Produced water is being re-injected in SE New Mexico. There is a movement to start treating the water so it is not re-injected. I don't have jurisdiction over that as state engineer. This would be an addition of 125,000 acre-feet of water. We received \$.5M for a metering program. The system is nice as the meter readings are readily available online. It brings peace between neighbors because they can see that others are suffering, too. The dams critical for drinking water reservoirs are owned by municipalities or the NRCS.

**Alaska:** Dave Schade - The budget is now only \$3M in the whole, but we are still working toward a balanced budget. Some of you knew Michelle Hale. She retired last summer. I'm trying to get Andrew \_\_\_ involved with the WSWC. We have several vacancies and are trying to get back up to full strength. The NGO's have set up a petition to presume that all streams have fish and should be restricted from any projects involving water. The issues is part of a lawsuit and legislative attempts to pass a bill. They are ignoring the current management of water resources that is working.

**Oklahoma:** Julie Cunningham talked about earthquake activity due to oil and gas efforts. Research for water reuse. She spoke at University of Kansas on produced waters. Legislative session heard a lot of water bills this year. Recommendation in the Water Plan was to identify marginal waters. They could permit waters above 5,000 ppb. A bill to increase municipal rate structures. Bill to delay implementation of a groundwater study – depending on the percent developed. State employees are planning a walkout. Ogallala Aquifer Summit with University in KS to talk about aquifer management and how to better coordinate efforts.

**North Dakota:** Jen Verleger said they are still experiencing significant drought. The drought livestock program was reactivated and funded 514 projects. There was a slight increase in oil and gas prices, so revenue is improving for water. Groundwater study surveys provided great results in one area, so we're going into another area until we run out of funding. We like it because we have a lot of monitoring data.

**Idaho:** Jerry Rigby said the snowpack is good in Idaho this year, over 100% of normal, and storage has been good. Getting easements to construct canals is difficult. The Maui decision could cause us a world of hurt, and they're not real optimistic on getting that reversed in the Ninth Circuit. Idaho, Washington, and Oregon are mainly involved in Columbia River Treaty, up for renegotiation. U.S. built the Red Gorge and now Canada is asking that the reservoirs be emptied to make room for flooding. Tim Petty is tired of seeing me. Our sister states want to add ECO to the new treaty. For Idaho, that does not work. On the decrees and one-fill reservoir rules, they're trying to figure out a compromise with the Tribe to agree to a settlement that allows water to be put to its best use.

### **FUTURE COUNCIL MEETINGS**

The 2018 WSWC Summer (187th) Council Meetings will be held in Newport, Oregon on August 1-3, 2018 and the Fall (188th) Council Meetings will be held in Coeur d'Alene, Idaho on October 23-26, 2018.

### **SUNSETTING POSITIONS FOR SUMMER 2018 MEETINGS**

Jerry noted that if anyone had comments on the sunseting positions, please get those to the WSWC staff for further consideration by the Council.

### **OTHER MATTERS**

There being no other matters, the meeting was adjourned.