



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL Spring Meetings - Chandler, AZ

The 189th meetings of the Council were hosted by the State of Arizona in Chandler on March 19-22, 2019. The Council renewed two sunseting positions with minor revisions. The first supports federal and state legislative and administrative actions to authorize and implement rural water supply projects and programs that enhance water supplies and promote economic development, through streamlined permitting processes and appropriate financing instruments, while protecting environmental resources and taxpayers.

The second position supports federal legislative and administrative actions to authorize and implement reasonable hydropower projects and programs that enhance our electric generation capacity and promote economic development, through efficient permitting processes, while appropriately protecting environmental resources and respecting States' 401 certification authority under the Clean Water Act (CWA).

Hunter Moore, Natural Resources Policy Advisor to Governor Doug Ducey, discussed Arizona's efforts to prepare for drought and improve water management in an arid climate. He noted several of the important water leaders—Rod Lewis, Mo Udahl, Bruce Babbitt, John Kyl—and said Governor Ducey has picked up that torch and is continuing to address critical water issues. He noted the bipartisan effort to complete the Arizona drought contingency plan (DCP) and thanked the other states for their patience as Arizona worked with water stakeholders to find workable solutions. He compared water to a Rubik's cube, including federal, state, tribal, local, mining, utility, groundwater and surface water interests. When the governor says he wants to tweak the cube, everyone sits forward in their seat and says, "Before you do that, let me tell you how that will affect me." Making any changes requires carefully talking through how each water user will be impacted.

In the Water Resources Committee, WSWC Chair, Jeanine Jones (California) provided an update on seasonal to sub-seasonal forecasting improvement efforts. She also noted the upcoming workshop with National Aeronautics and Space Administration (NASA)

to address technology transition and the need to move missions from research to operations. WSWC Vice-Chair Tim Davis (Montana) led discussions about state infrastructure financing, adding to the earlier workshop, and groundwater recharge and recovery projects.

Virginia O'Connell, Manager of the Arizona Water Banking Authority (AWBA), discussed the history and policies that led to Arizona's groundwater banking program. The 1980 Groundwater Management Act 1980 was intended to reduce groundwater use, and secure federal approval of the Central Arizona Project (CAP). CAP water was costly, but the project needed to be repaid, and Arizona wanted to use their full allocation of Colorado River water, so they developed a framework for groundwater recharge and recovery, with separate permitting systems for facilities, water storage, and recovery. Arizona has 101 recharge projects, with 4.2 million acre-feet stored as water credits for future use. The AWBA was established to store unused Colorado River entitlements and assist in fulfilling Active Management Area objectives. The program requires water monitoring, ensuring legal access to the source water, analysis of well spacing and hydrology to ensure no harm to others, and consideration of losses to the aquifer.

Sharon Megdal, Director of the Arizona Water Resources Research Center, spoke about the governance and management of groundwater, including recharge and banking, which varies across the West. She noted the benefits of sharing our expertise, and she expressed interest in collaborating with states and bridging academic work with real world experience.

In the Water Quality Committee, David Castanon, Los Angeles Regulatory Division Chief, U.S. Army Corps of Engineers (Corps) and David Lelsz, 404 Project Manager, Arizona Department of Environmental Quality, provided federal and state perspectives on Arizona's efforts to assume CWA §404 authority for enforcement efficiencies. They developed a Corps-Arizona MOA to maintain cooperation and coordination through the transition, addressing how to handle existing projects, environmental reviews, and permits.

Jeri Sullivan Graham, Research Professor at the University of New Mexico Center for Water and the

Environment, provided an overview of New Mexico's efforts to identify technological and legal constraints on using produced waters from oil and gas production. Environmental Protection Agency (EPA) and New Mexico held a workshop last Fall, addressing topics such as vetting effective treatment technology, use of public-private partnerships, developing a resource recovery master plan, tying incentives to reductions in the use of fresh water for oil and gas production, and how to deal with waste from treated water.

Ward Scott, Western Governors' Association, provided a summary of efforts to communicate with members of Congress, EPA, and the Corps regarding state CWA §401 certification authority, emphasizing the importance of consulting with states before making any changes to rules or guidance. Roger Gorke, EPA WestFAST, provided an update on the Water Reuse Action Plan. He invited the States to participate on a conference call to discuss practical ways the plan can meet state and local needs.

During the Legal Committee, Pam Williams, Director of the Secretary's Indian Water Rights Office, Department of the Interior (DOI), offered a presentation on the federal government's role in negotiating Indian water rights settlements. She noted that the new House leadership has indicated it will not adhere to the requirements of the Rep. Rob Bishop (R-UT) letter.

A presentation on Federal Collaborative Action and Dispute Resolution (CADR) programs was given by Brian Manwaring, Director, U.S. Institute for Environmental Conflict; Sarah Palmer, Senior Program Manager DOI CADR; and Cathy Humphrey, Collaboration Specialist, Bureau of Land Management CADR. They recently completed a ten-year report from all federal conflict resolution centers, which includes important lessons learned. The programs operate as impartial facilitators and mediators to engage federal agencies, partners, and the public for better solutions to complex problems, to turn conflict into constructive dialogue.

A field trip prior to the meetings offered members the opportunity to see the Gila River Indian Community's Riparian Restoration and Underground Storage Project, prehistoric canal systems of the Hohokam people, and the Rio Salado Habitat Restoration area. Members also visited the Tempe Environmental Sampling Campus, one of four training sites created to pass on institutional knowledge from retirees to incoming employees.

Infrastructure Financing Strategies Workshop

During a State Water-Related Infrastructure Financing Strategies Workshop prior to the meetings, representatives from Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming

discussed their respective financing programs for water infrastructure. They addressed legislation, fees and revenue streams, planning, permitting, projects built, cost-sharing programs, implementing state water plans, and lessons learned. The Water Resources Committee directed staff to prepare a summary of the workshop.

Gila River Indian Tribe

Gila River Indian Community Governor Stephen Roe Lewis welcomed members and described the history of the tribal community. The son of the late Rod Lewis, a well-known tribal lawyer and previous governor, he observed, "I wouldn't be here if it weren't for my father, and those water warriors!" Upstream non-tribal irrigation development diverted waters that once flowed down the Gila and devastated tribal farmlands and culture. Through litigation and settlement negotiations, the tribe was awarded a significant allocation of Colorado River water delivered through the CAP. With the 2004 Arizona Water Rights Settlement Act, the tribe got their water rights back. "My dad would battle with the Salt River Project (SRP) and mining interests, but always kept an open mind. Enemies are now allies. As Governor, it is incumbent on me to carry on my dad's legacy. We want to be a positive force. We look at ourselves as equal neighbors and partners."

The Gila River tribal community today is striving to restore the river, and their cultural agricultural life, which "is a testament to the power of survival." This and other restoration efforts are intended to rebuild tribal historic and cultural ties to the river. "We were losing our basket makers with the loss of willows. We have farmed central Arizona for centuries. We trace our ancestry to the Hohokam," early irrigation engineers – a society that lasted over 1000 years. "We are looking towards the future of our community – water will always be part of our survival and sustainability." In 2014-2016, the tribe developed a 5-year water plan. Innovative projects were identified in the water plan, including the "Mar 5" recharge project. The tribe is seeking to address limitations in the settlement, while working to bring back the Gila River. There is a permanent water fund financed with federal dollars and marketing revenue. The plan is also to make groundwater sustainable, rehabilitating old wells and developing new wells.

The tribe has agreed to share shortages in the future, and he expressed appreciation for the WSWC letter supporting the DCPs. "Our involvement was key to making Arizona's Drought Contingency Plan (DCP) work. It was important that we stay at the table. There were bumps in the road. Settlement protection was non-negotiable. Tribes have to be at the table when we talk about water. Governor Ducey saw the importance of that. My father Rod was put on the CAP board – the first Native American appointed. We have had to be creative thinkers – imaginative – to survive."

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.