

Western States Federal Agency Support Team (WestFAST) is a collaboration between 12 Federal agencies with water management responsibilities in the West. WestFAST was established to support the Western States Water Council (WSWC) and the Western Governors' Association (WGA) in coordinating Federal efforts regarding water issues.



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WestFAST News

August 2013

WSWC & NARF Symposium on the Settlement of Indian Water Right Claims

On August 13-15 2013 in Santa Fe, New Mexico, the Western States Water Council (WSWC) and the Native American Rights Fund (NARF) hosted a settlement symposium. The following are some highlights from the conference.

In discussing the future of Indian water right settlements, Cindy Chandley (Snell & Wilmer) explained that the many tribes that do not have settlements yet will face the following key issues: (1) federal funding, (2) increased competition for limited water supplies, and (3) the need for new and improved water storage and delivery infrastructure.

Regarding the "Technical Aspects of Developing a Tribal Water Right Claim," Oliver Page (CEO/CFO at Stetson Engineers) explained that each water claim and settlement is unique, requiring continuous interaction between teams: tribal, legal, and technical. The tribal and legal teams establish scope and approach, whereas the technical team conducts the necessary studies. He explained that sometimes it is necessary to modify the scope and approach due to technical findings.

Christopher Banet, from the Bureau of Indian Affairs, discussed the importance of data in the phases of the settlement process: (1) pre-negotiation; (2) negotiation among all parties, with US playing unique role; (3) negotiation with the US; and (4) implementation, including judicial and project sub-phases.

Using Taos Pueblo as an example, Peggy Barroll (Hydrologist for New Mexico Office of the State Engineer) discussed the technical work required to facilitate settlement negotiations. She explained how a groundwater model was used to simulate settlement, phased over a 40-year period. Drawdowns in the shallow aquifer caused by groundwater pumping were modeled to be from one to five feet in most areas and as high as ten feet near production wells. This data was superimposed on data for groundwater level variation, due to drought and wet-weather periods, for further analysis.

Pamela Williams from the Department of Interior explained that money is always an issue though the President's FY 2014 budget proposed \$219.6 million for Indian water rights settlements. Settlements have significantly increased Federal funding on Indian water: roughly a billion dollars expended between the mid 1980s and 2002. In 2010, a billion dollars were authorized for four settlements; another round of settlements of the same size is in the works.

She noted that demand for new settlements is not slowing and that continued growth and prosperity of the West depends on certainty of water supply, so the pressure to secure water rights will continue. She explained that litigation remains risky, explaining that Supreme Court cases have generally been negative since *Arizona v. California* in 1963.

She concluded by asking: "Are water right settlements the second era of Indian treaties?" "If so," she explained, "to avoid the tragedies of the first treaty era, Indian country is going to need strong and courageous leadership. Making historic decisions about the fate of your people and your land is a tremendous responsibility."

See this [link](#) for more.

New USGS Groundwater Vulnerability Report

USGS recently released a study about the vulnerability of groundwater to contamination. The study explored factors affecting public-supply-well vulnerability to contamination in ten study areas across the Nation. The study areas included areas around Modesto, California; Woodbury, Connecticut; Tampa, Florida; York, Nebraska; Carson City and Sparks, Nevada; Glassboro, New Jersey; Albuquerque, New Mexico; Dayton, Ohio; San Antonio, Texas; and Salt Lake City, Utah.

The study found that conditions in some aquifers enable contaminants to remain in the groundwater longer or travel more rapidly to wells than conditions in other aquifers. Direct pathways, such as fractures in rock aquifers or wellbores of non-pumping wells, frequently affect groundwater and contaminant movement, making it difficult to identify which areas at land surface are the most important to protect from contamination. An unexpected

finding is that human-induced changes in recharge and groundwater flow, caused by irrigation and high-volume pumping for public supply, changed aquifer geochemical conditions in numerous study areas. Changes in geochemical conditions often release naturally occurring drinking-water contaminants such as arsenic and uranium into the groundwater, increasing concentrations in public-supply wells.

See this [link](#) for more information.

Federal News

08/05: New Insight on Vulnerability of Public-Supply Wells to Contamination; see [link](#).

08/06: NASA Administrator Views Atmospheric Science Satellite, Meets Media in Arizona; see [link](#).

08/07: U.S. Fish and Wildlife Service and NOAA's Fisheries Service Extend Comment Period on Proposed Policy to Improve Implementation of Endangered Species Act; see [link](#).

08/07: Secretary Jewell Visits North Dakota's Bakken Region; see [link](#).

08/09: Secretary Jewell Lauds Enactment of Bipartisan Energy Legislation to Encourage Development of Small Hydropower, Support Rural Jobs; see [link](#).

08/12: White House Council of Economic Advisers and Energy Department Release New Report on Resiliency of Electric Grid During Natural Disasters; see [link](#).

08/13: Secretary Jewell Underscores Importance of Landscape-Level Approach, Mitigation in Meeting President's Renewable Energy Goals on Public Lands; see [link](#).

08/13: Salazar Outlines Proposed Plan for Additional Development, Wildlife Protection in the National Petroleum Reserve-Alaska; see [link](#).

08/15: Interior's Land Buy-Back Program for Tribal Nations Launches Comprehensive Web Resource for Landowners and Tribes; see [link](#).

08/16: Bureau of Reclamation Forecasts Lower Water Release from Lake Powell to Lake Mead for 2014; see [link](#).

08/16: U.S. Fish and Wildlife Service Provides \$5.1 Million in Grants to 11 States for Conservation Projects; see [link](#).

08/21: Real-time Monitoring Pays Off for Tracking Nitrate Pulse in Mississippi River Basin to the Gulf of Mexico; see [link](#).

08/22: Reclamation Announces \$1.4 Million for Applied Science Projects to Support Desert and Southern Rockies Landscape Conservation Cooperatives; see [link](#).

08/23: Fish and Wildlife Service and NOAA Fisheries Issue Final Rule to Improve the Process for Critical Habitat Proposals under the Endangered Species Act; see [link](#).

08/26: Emerging Conservation Effort for Ag Land Conserves, Cleans Water; see [link](#).

08/27: BLM Proposes Plan Amendment to Guide Expanded Oil and Gas Development in Northwestern Colorado; see [link](#).

08/27: Report: Conservation Work Minimizes Sediment, Nutrient Runoff; see [link](#).

State News

08/02: WGA-backed Bills Promoting Hydropower Development Heading to President Obama's Desk; see [link](#).

08/02: Western Governors' Crucial Habitat Assessment Tool (CHAT) for Wildlife Nearing Completion; see [link](#).

08/07: Western Governors Urge USFWS to Approve State Conservation Mechanism for Lesser Prairie Chicken; see [link](#).

08/15: Governor Susana Martinez Announces Plan to Protect New Mexico Rivers and Watersheds; see [link](#).

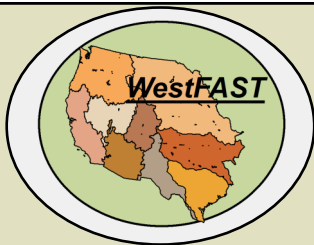
08/20: WGA Urges Army Corps to Engage States in Rule-making Process for Surplus and Storage Water at Reservoirs; see [link](#).

08/26: California Wildfire Threatens San Francisco Water Supply, Fires Continue in Montana and Idaho; see [link](#).

08/27: WGA Applauds Interior Decision to Disburse "Sequestered" 2013 State Mineral Royalty Rights; see [link](#).

Upcoming WSWC Meetings & Events

- **October 2-4, 2013:** Fall Council Meeting; Deadwood, South Dakota; The Lodge at Deadwood.



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