

**MINUTES
of the
185th COUNCIL MEETING
Marriott Pyramid North Hotel
Albuquerque, New Mexico
October 20, 2017**

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MEMBERS AND ALTERNATES PRESENT

ALASKA	David Schade
ARIZONA	Trevor Baggione Einav Heneson
CALIFORNIA	Jeanine Jones
COLORADO	Patrick Pfaltzgraff
IDAHO	Jerry Rigby John Simpson
KANSAS	
MONTANA	Tim Davis
NEBRASKA	
NEVADA	Jason King
NEW MEXICO	Greg Ridgley Tom Blaine
NORTH DAKOTA	Jennifer Verleger
OKLAHOMA	Julie Cunningham
OREGON	Tom Byler
SOUTH DAKOTA	Kent Woodmansey
TEXAS	John Niermann
UTAH	Norm Johnson

WASHINGTON

WYOMING

Steve Wolff
Pat Tyrrell

GUESTS

Travis Hyer, Salt Lake City, UT
Elizabeth Weight, NIDIS/NOAA, Boulder, CO
Joe Klein, Alaska Fish and Game, Anchorage, AK
Mindi Dalton, U.S. Geological Survey, Atlanta, GA
Estevan Lopez, Occam Engineers, Inc., Santa Fe, NM
Scott Verhines, Occam Engineers, Inc., Albuquerque, NM
John Longworth, Office of the State Engineer, Santa Fe, NM
Peter Nichols, Berg Hill Greenleaf Ruscitti, LLP, Boulder, CO
Carlee Brown, Colorado Water Conservation Board, Denver, CO
Stephanie Granger, National Aeronautics and Space Administration, Pasadena, CA

WESTFAST

Roger Pierce, Federal Liaison, Murray, UT
Chris Carlson, U.S. Forest Service, Washington, DC
Patrick Lambert, U.S. Geological Survey, Salt Lake City, UT
Becky Fulkerson, U.S. Bureau of Reclamation, Washington, DC
Doug Cutis, U.S. Bureau of Land Management, Washington, DC
Roger Gorke, U.S. Environmental Protection Agency, Sacramento, CA
Andrew Hautzinger, U.S. Fish and Wildlife Service, Albuquerque, NM

STAFF

Tony Willardson
Michelle Bushman
Sara Larsen
Cheryl Redding
Adel (intern)

WELCOME AND INTRODUCTIONS

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

APPROVAL OF MINUTES

The minutes of the meeting held in Rohnert Park, California on June 29, 2017, were unanimously approved.

COMMITTEE REPORTS

A. Water Resources Committee

Tom Byler reviewed the committee's action items and presentations. We heard from staff on the House and Senate Agriculture Committees on the Farm Bill. The Water Resources Committee approved the resolution on the Farm Bill. Tony commented on a minor change to correct the name of the Colorado River Salinity program. Motion, second. Approved.

Position #372 is a comment letter on the USFS Proposed Directive on Groundwater Resource Management. As the proposed directive was withdrawn, the position was allowed to sunset. However, the committee requested to reserve the opportunity to reach back to that position, if needed in the future.

There are three sunseting positions that will be coming up at the next meeting.

B. Executive Committee

Jeanine Jones reported that there were no action items to bring before the group. The budget and finances are doing well. There will be no dues increase, thanks to income from the grants and contracts. Regarding WGA's position on water resources, we're encouraged to take a look at it and decide whether to have any dialogue with WGA. She reported on Jerry and Tony's recent trips to Washington, D.C., summarized the executive report on staff activities, and noted the locations of upcoming Council meetings in D.C. with ICWP and WIMS workshop. The Committee discussed Presidential nominations, noting that we rarely send a support letter, but after confirmed, it would be worthwhile to send a letter of congratulations.

C. Water Quality Committee

Kent Woodmansey stated that Position #373, which was re-adopted several times over the years, was allowed to sunset. Erica Gaddis discussed some of the ongoing activities on the San Juan River related to Gold King. Roger Gorke gave an update on WOTUS 2.0. If you have any suggestions through this new rulemaking effort, provide them to EPA. There was some discussion on SRFs and WIFIA projects. Michelle will send out a survey on State authorities over waters of the state, and another survey on state fracking authorities.

No sunseting positions will be up for renewal at the Spring meeting.

D. Legal Committee

Jennifer Verleger reviewed three sunseting positions: Position #374 -Dividing the Waters; Position #375- Stream Adjudications; and Position #376 -Indian water rights settlements. All were approved to be re-adopted. A brief overview of agenda items were discussed, including a litigation update on EPA's Water Transfer Rule, tribal water codes, a discussion on state stream adjudications, and the Corps' Water Supply Rule.

WESTFAST REPORT

Pat Lambert, Hydrologist with the USGS, and former WestFAST Liaison gave an update on WestFAST. We want to maintain and enhance the state-federal partnerships of the past several years. It takes persistence to maintain and grow these partnerships. We are truly interested in maintaining a collaborative partnership and proactive collaboration. We should engage with the states early and often on policy and/or technical programs. Part of the process is our presence in meetings such as this. We have several of our WestFAST members here today. There were discussions on partnerships and collaboration during the reception last night. We want to continue to maintain those links up the chain. Our combined Principals' meeting in the Spring will coincide with the Council's meetings in DC. Those meetings are very important, as we educate those new folks on what we are doing as they come to their agencies, so that we have the right people connecting at the right time.

In general, you've heard about activities WestFAST is involved with this week from Jeanine with NOAA and from Duane Smith about the Oklahoma Southwest Water Action Plan. The important part there will be the follow through. It was an important piece in building relationships when the Oklahoma folks met with the federal agencies. It's a logical and natural role for WestFAST to coordinate those efforts, ensuring that the right people get the right message.

The new WestFAST work plan is coordinated with the Council's work plan to the extent possible, so that we can share the same priorities and goals.

Roger Pierce, WestFAST Liaison, expressed thanks to the WSWC staff for his welcome into our office. The WestFAST has weekly calls as a team, and monthly calls across the whole federal team. They put together a monthly newsletter. Roger will update his email list, as he learned some folks are not receiving it. Roger works with the WSWC staff as federal issues arise that are of interest to Council members.

Planning on March 16th for the Principals' meeting. The current plan is to have it in the Commerce building in downtown Washington. Roger will work to ensure the correct topics will be addressed, such as S2S, NDRP and how it is holding up, and maybe SW OK. The entire work plan will be updated by March as appropriate. NIDIS will be addressed, especially as drought will likely increase as it will be a la Nina event water year. Will continue with the Non-Tribal Federal Water Right Claims workshops.

New satellite data has come online, with one satellite launched over the east, and a sister satellite preparing to launch over the west, providing an opportunity for some training.

Roger Gorke gave update on WOTUS, and he encourages the WSWC to relate information and ideas and suggestions to EPA.

Roger Pierce will be facilitating some workshops on S2S, to improve understanding on the use of real science to improve predictions and decisionmaking.

Jerry expressed appreciation for our WestFAST partners and stated that the WSWC can be very proud of the WestFAST effort and our working collaboration with our WestFAST agencies. Jerry related about an instance when he was called back to Washington, DC to discuss a National Water Policy. He was explaining to staffers what WestFAST is, and they were impressed that the agencies are working together. There's been a shift from the past when agencies all had their own ideas about a national water policy, to now when the agencies are talking to each other.

WGA UPDATE: STATE-FEDERAL PRINCIPALS AND WATER RELATED ISSUES

Ward Scott discussed WGA water-related issues, giving a real brief overview of items heard on the agenda.

Looking at Congressional changes to streamline hydropower permitting, the CWA Section 401 state certification issue has been a particular concern. We generally support hydropower, but FERC controlling the deadlines has the potential to interfere with state authority. The proposed language has been amended since discussion, but we think the "savings clause" exempting the state certification process under CWA could be strengthened (companion bill has no savings clause).

On the Water Transfers Rule, they're working with Peter to pursue a legislative fix to strengthen its stability and long-term effectiveness. They're looking at a possible infrastructure package, or a stand-alone bill. They're working with water stakeholders, since this transcends political and geographic lines, and they're strategizing how to move forward

They continue to watch WOTUS 2.0 and are encouraged by agency outreach. WGA's initiative on National Forest and Rangeland management extends into watershed management protection and water quality.

Two policy resolutions on water quality and water management set to expire in June 2018. They're looking at revising and renewing the resolution on water management - encourage WSWC to review, make any recommendations to your respective governors and WGA (Ward Scott).

WESTERN WATER CHALLENGES AND OPPORTUNITIES

Chuck DuMars, Law & Resource Planning Associates, and former WSWC member from 1984 to 2007, talked about the challenges of working with water, and some things we've learned over the past few decades.

The nature of water is constant. It is a mobile resource, valuable for hydropower. It is an incredible and valuable solvent, great for cleansing and irrigation. It is important for flyways and wildlife habitat. Most interesting is that it freezes from the top-down, insulating everything below it from the freezing temperatures on the surface. That hasn't changed.

Some things have changed. The way in which water arrives – such as these huge storm events – has changed since many of our interstate compacts were enacted. There is less snow. This has changed the anatomy of the compacts. Less water being delivered to the Lower Rio Grande. We have litigation on the Lower Rio Grande as a result.

We have several interstate cases. *Mississippi v. Tennessee*, over whether Memphis is intercepting Mississippi's groundwater in the aquifer, contains a question of whether groundwater is subject to equitable apportionment. The outcome will have an impact on all the Ogallala Aquifer states. *Florida v. Georgia*, another equitable apportionment issue, over whether surface water in reservoirs managed by the Corps is delivered from one state to another. The Special Master saw no clear damage and recommended the states address the issue by compact, but that became difficult. On the Red River, the Tarrant water district and Oklahoma water district have brought their dispute to the Supreme Court. These kinds of cases will continue to increase as we see more competition over water resources, water supply and water quality concerns. But there will also be opportunities for settlement.

Another kind of interstate issue has been arising on the Colorado River. The compact allocates 7.5 maf in the lower basin; 7.5 maf to the upper basin. California was overusing water not diverted by the other states under the compact. The states are now struggling to find ways to cut back and are working together to conserve water in anticipation of future drought. They are convincing those with senior priorities to voluntarily give up some of their priority status and work with other states. It will be hard in all of these river systems when you ask folks to reduce their consumption and share the use in times of drought.

The Agua Caliente case has raised the issue of groundwater and Indian water rights. If one has a right to ground water, how do you measure the right? Can you enjoin others from recharging water out of the Colorado? If you reach an amount they are entitled to, what is the ability to transfer those rights off the reservation into a market? It is difficult to quantify surface water rights in many cases, so we don't know how that is going to work if applied to groundwater.

In *CA v. US*, *Bryant v. Yellen* and other cases, the courts made it clear that the Bureau of Reclamation (BOR) follows state law. Conversely BOR has the ability to determine not how you use the water under contract, and whether or not you are wasting it because you are taking it out of the reservoir that they own. How is the federal-state relationship going to play out over time?

We're trying to avoid litigation. We have been able to reach outcomes that are win-wins by collaborating with our federal partners. The easy cases are over. The harder cases are yet to be heard and settled. In the future, it is more likely that some water rights holders will have to lose something, someone has to give up something, and these will be win-lose situations.

Environmental law has added a complex layer to the allocation of water between irrigators and fish species. Twelve years ago we had the case with the silvery minnow. John Leshy was Solicitor of the DOI at the time. No problem taking water from farmers and giving it to endangered species. There were huge conflicts. It was needless conflict as we look at it now. We have a very good biological opinion, and the ability to meet both needs. Hopefully in the future we won't have to litigate first and then deal with all the consequences of that path. Collaborating to get solutions that work is better. I've worked on these issues for many, many years. There are so many ways to go wrong.

I'm encouraged by the people in this room. Years ago, the BOR was linked up with engineering firms, and they knew all the answers. Nowadays we have sophisticated models, etc. run in the state system. The Colorado River coalition is working collaboratively. Politics, policies and leadership can have a significant impact on these cooperative efforts.

INFRASTRUCTURE CHALLENGES & FINANCING ROUNDTABLE & STATE REPORTS

New Mexico: Tom Blaine - A lot of projects are handled through the Water Trust Board. They deal with bond sales from oil & gas. Those revenues disappeared due to the downturn, and with inadequate funding no projects were funded in 2016. A modest amount will fund infrastructure projects this year - the sticks and bricks type of facilities. New water lines, some dam safety projects, watershed projects, and water tanks for municipalities. Typically, there are about \$100M in requests for funding, but they can only fund about \$30M of the projects.

Tom spoke with Chris Carlson about a license on some stock watering rights in the Lincoln National Forest. This was a change to address environmental issues, and there was a dispute between the ranchers and the Forest Service (FS). Some options were considered, as well as existing statutes to issue licenses. This was the first time they issued a license of this nature.

They recently completed the Aamodt settlement and the final adjudication of all those rights, including the Indian water rights. This adjudication was a big drain on resources, so they can now move on to other settlements and adjudications.

New Mexico state statute allows the State Engineer to issue and promulgate rules for water appropriations in different basins in the state. It's an opportunity for orderly development of water appropriations in New Mexico, with the ability to customize the rules to individual basins and their unique hydrology.

Greg Ridgley - New Mexico is unusual in its water infrastructure provisions. In addition to the Water Trust Board, we have a capital outlay process that is pretty old school. Bills are introduced in the legislature, and 1/3 to each part of legislature and 1/3 to governor for infrastructure projects. The water trust board could be more focused on state-wide importance.

North Dakota: Jennifer Verleger - The NAWS water project is intended to get water from Missouri to Manitoba. The project development has been allowed to go forward during the court proceedings, and the NEPA process was finally accepted by the judge after 15 years of litigation. The injunction was lifted to allow the paper design work on a water treatment plant. The D.C. Court held that NEPA analysis was a changed circumstance. Appeals have been filed, but they're hoping to be on the downhill slope with this project.

Garland Erbele - 20% oil extraction goes to water resources trust fund for projects for water supply, flood control, dam construction - so the Bakken activities contributed significantly toward that for 10 years or so, allowed projects to move forward even through the downturn.

There is significant drought in North Dakota, with the maps showing a big red blob in ND-MT. The drought is at historic levels going back to 1930s. We activated drought measures for livestock producers. The state has invested a 50% cost share for development of new wells, \$1.3M in past years. The drought has also brought challenges in bringing water for the fracking processes. Shift in the fracking process, migrating away from chemicals to increased volumes of water, 10 af, now 40-60 af per well, creates some challenges to work through.

California: Jeanine Jones - Water year 2017 was the second highest in California. The Governor declared an official ending of the statewide drought, although some small emergency provisions remain in specific areas. We continue to work on Oroville Dam repairs. The second phase of spillway work will be completed next year. For the State Water Project, the financing source is revenue bonds. The California Department of Water Resources has a long history of using these revenue bonds. Under the SGMA, the deadline to identify new groundwater agencies was July 1. They signed up voluntarily without the Department needing to step in. The GSAs have 4 years to complete their plans. Financing is through general obligation bonds. Water and parks bond will be on the ballot, including \$1 billion for water.

South Dakota: Kent Woodmansey - We generally fund infrastructure through bonds. There's more demand for funding than funding is available. The Board deals with small systems that need replacement and they are often in a dying community, so funding is a challenge. We held a Dakota Access Pipeline emergency drill in Sioux Falls. There have been some leaks - one last year was at a pumping station. The buffer strips incentive program was rolled out last year at the legislative session. We've set up an interactive GIS database system for the buffer incentives. It allows up to 60% of the land's agricultural income value. 11,000 miles of streams were eligible for the program. Property owners must apply for that incentive by October, so we're watching to see the level of participation. CAFO program has eligible buffer incentives as well.

Texas: Jon Niermann expressed appreciation to New Mexico hosts. The challenges Texas faces are similar to those in other states, dealing with aging infrastructure, both flood and drought resiliency, dealing with feast or famine, how to capture floodwater and extend supply further. We're trying to work incrementally towards saving and storing water from such storms as Hurricane Harvey. We struggle with public water supply systems that don't meet federal standards and equipment is too costly for the community.

TCEQ has budget concerns. It is a fee based agency, providing nearly 90% of the revenue, with some from state budget revenue and federal funding. The water programs have a much higher percentage of federal funding.

We've been busy with responding to Hurricane Harvey. The scope of the destruction is unbelievable. The amount of rain that fell was tremendous - up to 50 inches in some places. It affected 58 counties. Total population affected was around 7.5 million people. TCEQ handled public health and safety - getting drinking water systems back up, debris management, etc. Public water systems tracked over 2200 systems - 61 were inoperable due to the storm; currently all but 2 are back up. Wastewater facilities - 1700 tracked; 40 non-operational; 7 remain out of operation. 17 Superfund sites, and 1 is still having issues. 48 air monitors had to be brought down, but all are back up. That was the last 7 weeks of my life. These issues are handled from the ground up. Local entities work first, then the state helps out. Texas survived the disaster about as well as we could, largely due to neighbors helping neighbors.

Kansas: Kenny Titus – Our Water Office vision was outlined last year and funded by the legislature. We've worked on negotiations for water on the Quivera National Wildlife Refuge. We gotten to a 50% reduction in water use, with delays in some of the work due to the harvest. A public information meeting will be held trying to work out a permanent solution. Local enhancement plans are dealing with various cuts to reduce depletions on the Ogallala. Water District #4 has a district-wide LIMA and has gone through the two-hearing process. These are large scale voluntary cuts, using technology to conserve water and use it more efficiently. There was more pushback at the first public hearing, but we'll see how it turns out in November. The Governors Water Conference will be held the first week in November.

Colorado: Carlee Brown – Our Water Plan was released in 2015. We're working to meet the supply/demand gap by 2050. This is a large issue to deal with. We have great leaders in the community who are helping to accomplish this. Northern Colorado got final NEPA compliance for a new reservoir for 90,000 af on the Windy Gap Project. This one of our multi-benefit projects. We have a series of water planning grants. Last year legislature gave \$10 million for water storage projects. There was enormous interest in funding the projects. We will go back to the legislature this year and ask for another \$10 million, as well as for the following year. We have confidence the legislature will come through with the funding. On the data front, we are in the process of updating statewide water supply. We are identifying our infrastructure needs, and our BIPs (Basin Implementation Plans). We have extensive Decision Support Systems (DSS), but we are missing the Arkansas in the southwest. We will move forward on this. We're also working on a Climate Plan update. We've had several personnel shake ups in Colorado as people are retiring and/or leaving for various reasons.

Patrick Pfaltzgraff - A lot of changes in personnel on the water quality side as well. For the SRF programs, we have a lot of oversight from EPA and frequent audits on our SRF program. The Colorado Water Authority is audited quite regularly as well. Staff has been engaged in robust needs assessment. We have 432 projects on the wastewater side, and many on the drinking water side as well. We may see stable SRF funds in the near future. Our hearts certainly go out to folks in Texas, Puerto Rico, and Florida as they are dealing with infrastructure due to the recent Hurricanes. We may look at marijuana tax revenues and how we can apply that revenue. We're looking at reuse and how to expand reuse across the state. The hemp cultivation is using reused water. The water should be used appropriately. We're working on lead and copper compliance. On the drinking water side we're dealing with chlorinated compounds. In fighting wildfires, we find that AFFF - a fire fighting foam - is very persistent, and it doesn't breakdown. Trying to figure out a fix for this.

Arizona: Einav Henenson expressed thanks to New Mexico for hosting. Many small water systems have leaks in their systems, but they don't have the revenue to fix the problems. We have utilities working with consultants on projects to address water loss in their systems. Arizona's water statutes haven't been renewed for a couple of decades, so we are looking at how to improve them. The Governor's Office and Arizona Department of Water Resources are working to find a diverse group of water officials and others to discuss solutions. The intention is to leave partisanship behind and look at ways to benefit the state as a whole. We're working with legislators and hope to have a vote in January. We're also focused on groundwater and the Colorado River. We're requiring metering of groundwater across the state. Knowing the amount of water being used will help us to manage the water.

Trevor Baggione – We regulate about 1500 small water systems. Of those, 48 are exceeding MCL standards. We have some funding from the legislature to help small water systems. Some of them have arsenic problems, and arsenic systems are expensive. We have 3 water systems slated to be addressed. We're also investigating three additional EPA programs – CWA section 404 authority, coal combustion residual rule, and underground injection control. We have an opportunity to take programs EPA wants to delegate. With renewed Federalism and WOTUS 2.0, this is a good time to take these programs and align them for the state. We had a prohibition on direct potable reuse heretofore, but this is being lifted on Jan 1, 2018. We're working on Phase 2 of the rules to put together standards for direct potable reuse. We want to ensure water is going to its highest use.

Idaho: John Simpson – Our legislature provided funding for water restoration and water supply projects. The money was to be spend state-wide, but much of the money was used on the Eastern Snake Plain Aquifer. The state had good snowpack last year. We have some projects that could alleviate flooding and improve recharge as well. We're seeking out federal partnerships – trying to minimize risks and work on water supply issues. We're still working on antiquated flood control curves. We are looking at new surface storage projects, but they are far into the future. On the Mountain Home Project, water supply issues were forecasted. The state is delivering water to meet the Air Force Base needs, and that infrastructure is about \$25 million project.

Idaho is starting to look downstream, to the expiring Columbia River Treaty, and potential modifications to the treaty to be considered over the next 5 years. The treaty provides passage for salmon. At Hells Canyon, there's an ongoing relicensing process for hydropower - we have been working on this for several years without resolution. There may be flow requirements.

Mat Weaver thanked New Mexico and the WSWC for hosting this meeting. He hopes to work more closely with this organization.

Recharge - 317,000 af were recharged. This year 60K af recharged. Settlement agreement. Working with cities that overlay the aquifer (Snake River Basin) Idaho has been dealing with stock water use on federal land. Claims by farmers... Joyce Livestock decision - came out in 2009. Idaho Department of Water Resources needed to change its business practices. Resulted in the withdrawal for stock watering decrees. Spring 2016 narrowed fed entities' ability to get stock watering rights. Meeting last week with the FS and Bureau of Land Management.

Injection wells issue in 2010 near Fruitland for oil & gas water. 5-year process with requirements for primacy. EPA had concerns with Class 5 injection wells on sink holes. Interpretation of standards by IDWR and EPA was different. At an impasse with EPA on this. FEMA - issue with flood program. An issue resurfaced. Routine operation and maintenance has been Practice is not to permit. Are other states required to permit the maintenance work?

Utah: Eric Millis expressed thanks to New Mexico. Financing programs - local entities have been self-funded. Most of the money coming in is from sales tax. \$20 million a year for water development program funding. Look at M&I water infrastructure needs have been analyzed across the state. Some of this is for new infrastructure, while other is for maintenance. The State legislature set up a fund for the Lake Powell Pipeline development and the Bear River project. Last year they passed a bill that would transfer 1/16 of a cent sales tax to the fund. The transfer of funds will result in about \$35 million over the next 5 yrs. Governor's Office put together an Executive Finance Board. That will make recommendations on how to finance projects. Put together a comprehensive strategy for water issues faced across the state. A group of 41 people representing a wide spectrum and were involved in the process. It was a major report. Now working at how to address and move forward with the recommendations made. Will be handled on a watershed basis. Water right on the Green River. Public listening meeting on any changes on the Bear River Compact.

Erica Gaddis - replace and upgrade aging wastewater facilities. This will tax the SRFs, and will need to be funded through local bonds or fees. Stormwater - want to move beyond BMPs. Opened the SRF to get some innovative development and infrastructure in place. There is a lot of need for funding for wastewater and stormwater.

Department of Environmental Quality workgroups and regional water councils. Providing a mechanism for instream flows and water quality. Trying to figure out how to roll that out and bring ideas from other states to Utah. Only about 15% of our funds come from fees. Much comes from the federal government. Need to balance this better.

Harmful algal blooms across the state. Trying to inform the public. Nutrients seem to be the underlying root of the prob. San Juan River and Lake Powell efforts will be a collaborative effort with tribes, and other states. Great Salt Lake numeric standards is an ongoing issue. Abandoned mine issues across the state. Looking at permitting a number of abandoned mine discharges. What are appropriate treatment mechanisms.

Wyoming: Pat Tyrrell thanked New Mexico for hosting a great meeting. Western portion of state had flooding. Drought in the Black Hills area. High country on the western side of state saw very high flows. There was a lot of flooding. We lost a headgate in Riverton. Emergency construction to repair the headgate, which broke in July. Not all crops were saved. Wildlife losses due to heavy snowpack.

Selling gas at low prices, and selling less coal. Mineral losses are substantial. Wyoming has no personal income tax. CBM is in torpar. As a result, Pat has 23 less employees as his predecessor State Engineer. The State Engineers Office is now out from under the General Fund.

Minute 323 - did not get that finished under Commissioner E. Martinez's watch. He thanked Estevan for his efforts. Memorandum of Understanding (MOU) on stock watering permitting processes with FS and BLM. Cowboys were concerned that the BLM or others might cause detriment to the lessees. This gave at least some comfort that there will be notice. BLM MOU was just signed last year and will be revisited in 5 years.

Bear River Compact - entered in 1958. Every 20 years by its terms, it requires a review. The last review was last done in 1997. It's in the process of the public comment now. May not need any amendments. Each state legislature has to achieve an agreement. Then it goes to Congress.

26 Wild and Scenic River segments. Just gathering some data. *Montana v. Wyoming*, awaiting final decree from the Special Master. Stay tuned.

Montana: Tim Davis thanked New Mexico for hosting. Montana does not have a sales tax. Huge fire year. Lack of revenue - don't know how to tax that. Jan Langel has seen a big hit. They are down 25%, and they have an out-of-state travel freeze. Drought - exceptional, severe, and extreme drought this year. It is a "flash" drought. Numerical criteria and a variance have been enacted. Working with EPA on these issues. Will be interesting to see the collaboration with EPA. Working on adopting a selenium standard on the Columbia Basin, under the new EPA selenium standard. This is done with fish tissue.

Oklahoma: Julie Cunningham - Oil & gas is a big economic driver. We have a budget shortfall. The state legislature is having a hard time dealing with this. The gross production tax drives the fees. Water planning process identified an \$82 million need. \$180 million ... NRCS dams in the state and the quantification of the downstream soil saved and the ... \$32 million in federal funding was received, as well as \$1 million from the state for rehab to aging dams. Eight priority recommendations are still being worked on.

2060 Act. Developing the policy and interest. Water reuse, aquifer storage and recovery.... Working on water quantity rules. Produced water working group identified a large number of small earthquakes. Governor initiated a study - need to lessen deep well injection. Reuse by Oil & Gas industry... Looking at a phase 2 study working with the Ground Water Protection Council and doing more research on moving water from Mississippi.... Governor's Water Conference will be held end of October. Tracy Streeter will be speaking. Initiating a Water 2060 award. Historical water right agreement. Oklahoma City permit was approved. Controversial and anticipating lawsuits.

Nevada: Jason King- Water year in northern Nevada was, if not the wettest, close to it. Flooding - a lot of precautionary spills. Good recovery in ground water. Nevada legislature meets every 2 years. Drought panel - legislature did not pass a drought bill. Economy in the northern portion of the state is booming. Rain barrels were made legal in the last legislative session. Pre-statutory claims sunset in 2027. Budget is now general funded - no longer fee funded.

Conjunctive management on Humboldt. Very time consuming. Ordered draft rulings by the end of January. It will likely go to Supreme Court. Purchased a drone to be used for adjudications, for dam safety, and the hydrology group. Close to denying domestic well use. About 50 basins are over appropriated in ground water. We don't have a proven __ management plan to bring that basin back into balance short of just curtailing by priority. Lay out a process for other basins to follow.

A lot of retirements. Thanks so much for a great meeting to Tom and NM, and the WSWC staff.

Alaska: Dave Schade - Budget deficit. In our 4th special session. We haven't lost staff yet. We had a cool, wet summer. Sent many firefighters to your states. Petition on salmon habitat. Superior court overruled the objection. Supreme Court case. John Sturgeons case.

Katy John case - Subsistence is tied to a water right. Battles are important, but they get very expensive very quickly. Regulation clean-up process was started last year. New Commissioner wants it next week. WOTUS - Michelle Hale is retiring. Tier 3 waters - wq. Uniform Comments Act likely to get thru this session.

Joe Klein - My thanks to the hosts of the conference. I work for Fish & Game. It is one of the top businesses in the state. Have ability to file for water rights for instream flow. We collect the data. Have increased the streamgaging staff. Trying to collect the data in order to move forward and to protect fish. This is a way to identify how much water is needed to protect the fish. I also work with water resource developments. Pebble Mine. Federal Wildlife Refuge will be a huge effort. Hydropower - nearly all hydropower projects have stopped.

FUTURE COUNCIL MEETINGS

WSWC Water Information Management Systems (WIMS) Workshop will be held in Pasadena, California on January 16-18, 2018. Our Spring Meetings and Joint WSWC/ICWP Washington Roundtable will be held in Arlington, VA on March 14-16, 2018.

SUNSETTING POSTIONS FOR SPRING 2018 MEETINGS

Positions scheduled to sunset at our Spring meetings in Washington, DC can be found under tab XYZ.

OTHER MATTERS

There being no further matters, the Full Council Committee meeting was adjourned.