

**MINUTES  
of the  
189<sup>th</sup> COUNCIL MEETING  
Wild Horse Pass – Gila River Hotel & Casino  
Chandler, Arizona  
March 22, 2019**

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**MEMBERS AND ALTERNATES PRESENT**

<b>ALASKA</b>	--
<b>ARIZONA</b>	Einav Henenson
<b>CALIFORNIA</b>	Jeanine Jones
<b>COLORADO</b>	Amy Moyer
<b>IDAHO</b>	Jerry Rigby John Simpson
<b>KANSAS</b>	
<b>MONTANA</b>	Tim Davis
<b>NEBRASKA</b>	
<b>NEVADA</b>	
<b>NEW MEXICO</b>	John D'Antonio Greg Ridgley
<b>NORTH DAKOTA</b>	Jennifer Verleger
<b>OKLAHOMA</b>	Julie Cunningham
<b>OREGON</b>	
<b>SOUTH DAKOTA</b>	Kent Woodmansey
<b>TEXAS</b>	Jon Niermann
<b>UTAH</b>	Todd Stonely
<b>WASHINGTON</b>	Buck Smith

**WYOMING**

Pat Tyrrell  
Kevin Frederick  
Chris Brown

**GUESTS**

Ward Scott, Western Governors' Association, Denver, CO  
Hunter Moore, Governor Doug Ducey Office, Phoenix, AZ  
Governor Stephen Roe Lewis, Gila River Indian Community, Sacaton, AZ

**WESTFAST**

Kevin Werner, National Oceanic and Atmospheric Administration, Seattle, WA  
Patrick Lambert, U.S. Geological Survey, Salt Lake City, UT  
Tim Stryker, U.S. Geological Survey, Reston, VA  
Chris Carlson, U.S. Forest Service, Washington, DC  
Deborah Lawler, US Bureau of Reclamation, Salt Lake City, UT

**STAFF**

Tony Willardson  
Michelle Bushman  
Sara Larsen  
Cheryl Redding

**WELCOME AND INTRODUCTIONS**

WSWC Chair Jeanine Jones welcomed those in attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the meeting held in Coeur d'Alene, Idaho on October 26, 2018, were unanimously approved.

**SECURING ARIZONA'S WATER FUTURE**

Hunter Moore, Natural Resources Policy Advisor for Arizona Governor Doug Ducey provided a powerpoint presentation on Securing Arizona's Water Future.

There is a lot going on in Arizona as it relates to drought preparedness and other water issues. Arizona has the 4<sup>th</sup> fastest growth rate and is the 2<sup>nd</sup> fastest growing economy in the Nation. 300,000 new jobs have been added to the state since 2015. We have a 7 million population. There is a lot of room ahead of us. This is all being done in a very arid climate, and if we don't do things with an eye forward, we'll be in difficult circumstances. We are standing on the shoulders of giants when it comes to water management.

The canal systems created by the Hohokam were great and their management of the water has been fantastic. The first Bureau of Reclamation project in the country is here in Arizona— the Roosevelt Dam, and the Salt River Project.

Actions that have contributed to Arizona's water management success include: Salt River Project; Yuma Irrigation Districts; Colorado River Compact; Central Arizona Project; 1980 Groundwater Management Act; Assured and Adequate Water Supply Program; Underground Storage and Recovery Program & Arizona Water Banking Authority (approximately 9 MAF of water stored for future use); Mandatory Water Conservation Requirements (within the five Active Management Areas - 10% water lost or unaccounted for water -best management practices); and the Drought Contingency Plan (DCP).

We encourage you to approve the Council letter that gives support for the DCP legislation. Arizona is the only state of the seven that has had to go to their legislature for approval. The process to get to the eventual signing of Arizona's DCP legislation on January 31, 2019 took about six years. We believe it is a bi-partisan – almost non-partisan – effort. Now working to get the DCP done at the Congressional level. The seven basin states signed the letter on March 19, 2019.

We would solicit your support for the resolution acknowledging the DCP reality. We are close to getting the final pieces together. I've been at many of the meetings over the last 4 years. I've worked with Kirk Adams, and he said water is one of the most complex and difficult issues to work with. He has worked with Governor Ducey for a good deal of time. He thinks we need to pass along our knowledge and wisdom and experience and the history and skill of working together collaboratively – train up the next generation. We need those with the skill and pragmatism to get things done.

Hunter heard many of the topics reported during our committee reports this morning, which are the same issues that we discuss in our governor's office. He described how water is like a Rubik's cube. Putting hands on the Rubik's cube, the Governor says he wants to twist the cube and people immediately want to know where "their piece of the cube" is going to end up.

Pat Tyrrell interjected that the Council would like to offer up the letter on the DCP, and he moved approval. There were a few edits suggested. With the suggested revisions just made, there was a motion. Second. Approved.

Hunter introduced the Stephen Roe Lewis, Governor of the Gila River Indian Community, who welcomed Council members and guests to the Gila River Indian Community and thanked Hunter for the kind words. The Community includes the Pee-Posh (Maricopa) and Akimel

O'otham (Pima) people, two distinct tribes. Our facility is run by community members. Governor Lewis talked about the power of survival of these peoples, their culture and community.

He applauded the WSWC's signing of the letter supporting the DCPs, which will go to Congress now to get legislative approval. He talked about the Managed Aquifer Recharge (MAR) 5 project and the Interpretive trail – which the Council visited on the field trip. My father saw this as a living tie to the aquifer and to the water settlement. We are recommitting our people to our historic ties. The indigenous vegetation and the riparian area is coming back. 40 species of birds have come back in less than two years. We are also known for our basket makers. They have been dwindling. Due to having the vegetation around the Gila River, the plants used in making the baskets have returned.

The Pee-Posh trace their lineage to the Hohokam civilization. The engineering and water management is literally in their DNA from the Hohokam peoples, who survived for 1,000 years. We farm this area. We put a high price on hospitality. We are a welcoming people. We have always shared our bounty. Having built the Wild Horse Pass, they actually charge for their hospitality now!

In the late 1800s we were still prosperous. The water diversions and theft of the water upstream was devastating. Their diets changed due to less water, and the community was no longer able to sustain themselves through farming. Type 2 diabetes set in and is still predominant. Because of the famine through the water theft, the Indian community sought water from the federal government. The Ashurst-Hayden Diversion Dam project was approved to help their community to get wet water, but it was never completed. They have fought to get their water rights back. Water settlement was taken to Congress, and was finally approved.

Rod Lewis was the first attorney for the Gila River Indian Community. Prior to that, they had a non-Indian law firm representing their community and it was finally transitioned to Rod Lewis. Some of our former enemies are our allies now. It is incumbent upon me to carry on his legacy. We see opportunities for water management and to be a positive player in water policy as well. We look at ourselves as being equal neighbors and partners when we come to the table.

The settlement that we fought so hard for provided 653,500 af of water. My father told me, you have to remember that number. We are a family of creative thinkers, not mathematicians, so we had to learn. Rod Lewis had to learn the engineering and hydrology – nearly at a master's degree level so that he could be knowledgeable in fighting for their water rights. We are starting to implement our water settlement. We are trying to keep our water supplies at the level needed, and we have a 5-year water being implemented. We are aimed at improving agricultural production in a sustainable and affordable way. We've instituted a permanent water fund.

We are developing MAR sites on our lands, recharging the groundwater supplies in the Gila River. Plans are underway to develop a series of MAR sites. We've been working with the State of Arizona on the Colorado River DCPs. The community is committed to helping reach consensus. We've been at the negotiation table for the last 3 years. The community has accepted cuts in their water supplies and is committed to making sure there is enough water to keep the

elevation steady in Lake Mead. There have been bumps in the road, but we have gotten through the process. Tribes have to be at the table when you talk about water. Governor Ducey knew the tribes were principal water holders, and they needed to be involved in the DCP process. The State executive leaders need to understand the importance of having the tribal leaders involved in the negotiations and decision making. That is an important take-away. Innovative thinking is important. Tribes are an incredible resource to water management. We are also a leader in gaming, so feel free to contribute!

**Questions:**

Greg Ridgley: How many members does the community have?

Governor Lewis: 23,000 members. We put important value on our self-sufficiency. We have health facilities as well. Due to the diabetes, we are pushing for our community to be involved in the medical and healthcare world. We also have our own Native fire community and police and first responders. We want to control our own destiny. We are building the capacity to capably run our own affairs. We need hydrologists and water managers and community members who want to go into agriculture. We have an overall initiative to build the community of water managers and others.

**COMMITTEE REPORTS**

**A. Water Resources Committee**

Tim Davis provided an update on proposed changes to Position No. 390, Rural Water Infrastructure Projects; and Position No. 391, Renewable Hydropower Development. Both positions were approved.

**B. Water Quality Committee**

Kent Woodmansey discussed reports give on 404 assumption of authority; produced water in New Mexico; Clean Water Act 401 issues; EPA update, and water reuse guidance. We looked at the draft committee workplan and requested any comments or additions for approval at our next meeting. For the Council's comment letter on the WOTUS 2.0 rule, we decided it would be better to have transmittal letter, and conference call to discuss further changes.

**C. Legal Committee**

Jennifer Verleger noted there were no sunsetting positions. The committee had an interesting discussion about the Federal Collaborative Action and Dispute Resolution effort. Will set up a webinar for further information.

## **D. Executive Committee**

Jeanine Jones filled in for Tracy Streeter. The budget is good. The Executive Committee voted to approve a dues increase, which will be effective in the coming fiscal year, which will be the first increase in 10 years. We need to increase our reserves, as well as open the position that had been left vacant when Tony moved into the Executive Director role upon Craig Bell's passing. We need to be better positioned to respond to the myriad speaking engagements and Congressional testimony requests. Upcoming meetings were reviewed. For the work plan, we need to decide how to prioritize the topics. A resolution was proposed in support of the Colorado River DCP legislation that will be introduced in Congress next week. The proposed resolution/letter of support was handed out to members during the Full Council Meeting, and upon a motion during Hunter Moore's presentation, was approved.

## **WESTFAST REPORT**

WestFAST Chair Kevin Werner provided a powerpoint presentation. The good, the bad, and the ugly! John D'Antonio's work as liaison through February 2019: he set up the WestFAST 2019-2021 work plan; served an integrator role for federal water sub-cabinet, WestFAST Agencies, and states; promoted regionalization to address water resources concerns and initiatives in the west. John accepted a position as the New Mexico State Engineer, and we are now without a liaison. John has left the position. We are going to be interviewing in the next couple of weeks.

Ed Clark is a new WestFAST member from the National Weather Service Water Center. He is from NOAA.

Kevin also talked about the unprecedented government shutdown in FY19. We are 5 weeks short this fiscal year. There are lasting impacts due to the shutdown.

Pat Lambert provided a review of Policies, Perspectives, and Expectations for Federal/State Collaboration in Western Water Resource Management. He drafted a report during his government furlough. State and federal documents were reviewed for language concerning federalism and expectations from each perspective. It doesn't advocate for any one perspective over another, but provides a primer for those engaging in collaboration over water issues in the West. All of the documents and the report reside on the WSWC website dashboard under WestFAST Federal-State Collaboration: Report and Repository. WestFAST brought together a team of experts for the Southern Oklahoma contingency dealing with their drought plan. They tested out the survey using the Southern Oklahoma exercise. Trying to attempt to meet the expectations of the states.

John D'Antonio - It was a pleasure working with the western states. Things we need in the West will not happen without the collaboration of both the feds and states. It is important to make sure we are working with our federal partners. We need to keep this organization alive and well. Thank you for everything.

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## **NATIONAL LAND IMAGING PROGRAM UPDATE**

Tim Stryker, Chief, Outreach & Collaboration Branch, U.S. Geological Survey (USGS) provided a powerpoint presentation on the Landsat Program.

A slide with a map shows the large role that Department of the Interior has on lands, managing 20% of the land mass, most of which is in the western United States. Our science supports a wide range of stakeholders. There are 65 Science Centers, and many streamgages and seismic monitoring stations across the country.

USGS National Land Imaging (NLI) Program delivers a national and global capability to ensure broad public and scientific availability of observations of the Earth's land surface: create and preserve a long-term record of the Earth's land surface at local, regional, and global scales; expand scientific understanding and application of remotely sensed data to government and private users; support government policy and decision makers; guide national decisions to meet government needs for land science and land observation; and coordinate and integrate civil Earth observations with other sources of data, including commercial and National Security space systems. Fundamental goal is to ensure public availability of a primary data record about the current state and historical condition of the Earth's land surface.

NLI Program satellite operations include developing and operating systems to acquire, produce, preserve, and deliver products and services to meet civil Earth observation research and operational requirements. The science, research and investigations include conducting science, research and technology investigations to improve upon and develop new products and services - Manage National Civil Applications activities.

Landsat 8 collects data over the entire earth's surface every 16 days (subject to cloud cover). The data is made available to all users at no charge and is of very high quality data. The Landsat Program has amassed the longest and most comprehensive record of the Earth's land surface in existence. The records have been maintained in continuity since 1972. The USGS program and cooperation with NASA has never been better.

Landsat 9 is currently in joint development between NASA and USGS. The overall mission is making excellent progress. Landsat 9 is on track for launch in December 2020, with transition to operations in March 2021.

Sustainable Land Imaging Partnership continues partnership with NASA and USGS. Agreement for development of a multi-decade, spaceborne land imaging system. Future Landsat systems need to ensure Earth Observation continuity; USGS and NASA are open to new technologies, business approaches.

Landsat is used for commercial near real-time water management - in particular by the Gallo Winery in California. Landsat data has been used extensively in the satellite-based water use mapping for the Water Census.

Landsat Data Policy Study, under the direction of the National Geospatial Advisory Committee, has considered possibilities of cost sharing models for Landsat Data, taking a closer look at economic and policy considerations. Each Administration needs to be educated on the uses and value of Landsat and its data. This Policy Study builds on a prior study done in 2012. [landsatdatapolicy@usgs.gov](mailto:landsatdatapolicy@usgs.gov) - you can enter feedback, and we appreciate the perspectives you share.

### **Questions:**

Tony Willardson: We will have a meeting in August to discuss how to move technology to operations. I heard many times, why doesn't USGS pay for this instead of NASA?

Tim Stryker: What you've raised in terms of moving technology to operations is very important. The architecture study team is considering NASA's portfolio and future Landsat missions. It's helpful to hear the user perspectives.

Jeanine Jones: We would be interested in InSAR, the water management applications have been extremely useful.

Tim: Yes, we have folks involved in the InSAR data. We have MODIS data and ASTRA data. InSAR is used on an operational basis. Importance of Landsat and data continuity, funding (open data, considering charging, states very engaged in providing input on how much this data is needed, and must be affordable)

### **STATE REPORTS**

**Colorado:** Amy Moyer - We have a new governor. We had an "epic" snow year. Snowpack is at 142%, and are hopeful the reservoirs will recover. The soils are still very dry. We will be monitoring snowpack run-off very carefully, especially in light of the fires over the past couple of years. We have our Drought Contingency Plans in place – now we need to utilize the tools. Colorado will be kicking off a demand management program. We're trying to get a general fund appropriation to get this effort started. On April 15 our attorney general withdrew from the North Dakota WOTUS litigation. We have an opportunity to receive some general fund dollars for water. \$1.7 million going to the aforementioned outreach effort on demand management. Our statewide water initiative is a technical backbone of the statewide water planning effort. Working on a costing tool to fine tune that effort, and developing 9 basin implementation plans, following statewide water initiative.

**Utah:** Todd Stonely - Sending greetings from Eric Millis, who had other obligations this week. Utah has been working on metering secondary (non-irrigation) water requirements outside cities. A bill for \$3 million to continue studying the issue was replaced by a more modest bill. The legislature looked at two sunsetting authorizations. Legislature signed concurrent resolution on GSL and its declining water levels, urging the development of policy. They signed another joint resolution to study water and create water banks. Legislature will consider the study in the next

session. Looking at pilot projects in two areas. Navajo water rights settlement agreement is going to federal legislation. Legislature appropriated \$2.4 million to work with software providers to get water comparisons. This is not yet worked out. Publication of the State Water Plan should be done this year. We are using our neighboring states' plans for background info. We're working to promote water audits for those serving over 300,000 people, similar to California. Will be hosting a national AWRA section conference. The state's snowpack is 145% of normal. There has been a little bit of flooding, but nothing too great to this point. Reservoir storage is at 60% of capacity, which is slightly less than normal.

**Washington:** Buck Smith - The Yakima River Adjudication is wrapping up. This is where a lot of apples, hops, blueberries and wine grapes are grown. There were originally 40,000 claimants. It began the same year as the original Star Wars movie. 1,000 miles of irrigated land. This adjudication is only surface water. So, there could be some conflicts. The Culverts case was confirmed by the U.S. Supreme Court last year in a 4-4 tie. The underlying decision was based on treaties requiring a 50-50 share for fish. Tribes said what good is the 50-50 share of the fish if there are no fish! There are 21 tribes in the State. U.S. sued the State over culverts that block fish passage. The State has to replace 90% of the state-owned culverts by 2030 for fish passage. It is the right thing to do but it is very costly. Orca whale population - from Olympia to the Puget Sound there are about 200 Orcas historically in this area. By the early 1970s the population was down to 71. The population increased, and now the population is down again to 74. Governor Inslee has proposed \$1.1 billion in investments to try to increase the orca whale population. We're also working on streamflow restoration - based on 2016 Washington Supreme Court decision. In watersheds, half have minimum instream flows for new water users to use the water. This stopped the issuance of new consumptive water rights, but didn't stop the issuance of building permits. The court decision stopped all rural development for a couple of years. In 2018, the legislature passed a resolution to give the Department of Ecology authority to find solutions. We are trying to find water supplies to off-set the new permit areas. Summer meetings will be in Leavenworth, which is a beautiful place with a Bavarian feel. Governor Inslee has thrown his hat in the democratic ring for President.

**Texas:** Jon Niermann - Thank you to Arizona for great meetings. Fort Quitman portion of the River subject to 1944 treaty with Mexico. All up river of the reservoir, Mexico has been in the habit of not meeting their obligations. Mexico had accrued a debt of 150,000 af of water. The Governor agreed to accept water below Falcon Reservoir to forgive the water debt. Water users sued the Texas Commission on Environmental Quality (TCEQ). They agreed to settle the lawsuit if they commit going forward never to charge the irrigators below the dam, but this would prejudice some of the water users upriver. Not sure what will be done going forward. TCEQ and Texas Parks and Wildlife need to educate the Governor on the unintended consequences to water rights of taking water out below the Reservoir.

**New Mexico:** John D'Antonio - We have a new Governor who knows New Mexico very well. Good budget prospect from oil and gas revenues. Much was spent on healthcare and education in the legislative session. Some went to water. We have a 26% vacancy rate in the agency, and we need to build the bench for succession planning. We need to grow the agency from the bottom up. Permanent trust funds have dwindled down. They are supposed to be project related funds, not

agency related. We need to bring about \$10 million back into these trust funds. We have some controversial applications on the Pecos River having to do with leasing oil and gas for fracking purposes. We have a CAP entity on the Gila River interested in exchanging priority for Gila River water. A decision is due at the end of the year. Many environmental folks don't want any water diverted for any use. Lower Rio Grande *Texas v. New Mexico* lawsuit has a hearing in Colorado next week. The Four Corners area of state has drought, and we're allowing for some shortage sharing in the area. There are administrative issues on the Rio Chama, and limitations on stock use in the Upper Basin. We need to put measuring and metering devices in. The Aamodt settlement implementation needs additional federal funding. We're keeping track of New Mexico's portion of their commitments. Dam Safety Bureau - high desert dams are neglected, and need to have some repairs. DCPs are moving forward, with testimony to be presented to Congress next week.

**Idaho:** John Simpson - New Governor. He is a rancher and his family has been around the area for centuries. He understands water. He wants to know the details. His new advisers are not up to speed, so we need to train and educate them on many water issues. We had record snowfalls in Idaho at several ski resorts. This will create interesting scenarios and how they manage the snow melt and run-off. The legislature is very supportive of funding water management projects and flooding projects. Projected raise to the level of Anderson Ranch reservoir. The Mountain Home Air Force Base (AFB) has relied upon local aquifer. AFB is asking for a sustainable water supply to ensure the future of the base. A lot of uncertainty there. The state is working to bring Snake River Water to the plain for the AFB. We will have a banner recharge program this year. Idaho's 250,000 af/yr target for recharge has been met for the last 3 years. This has helped on 3 sentinel wells. Every basin is tributary to the SRB adjudication. Some downstream water rights had never been adjudicated, and the tributary streams were not administered conjunctively. There has been some resistance to doing so now, as it changes the priorities to operate the system as a whole. We are still implementing the Snake River tribal settlement. The U.S. will mitigate for the local impacts. It was a catch all agreement. 15 years into the agreement, there are a number of inserted impacts and they are engaging to find out the meaning of the mitigation agreement. Equitable apportionment agreements only had estimates at the time of the agreement. We are working on the negotiations for the Columbia River Treaty. Also involved in the dynamics of the orca whales.

**Wyoming:** Pat Tyrrell - New Governor Mark Gordon, a Republican. Several new officials. Good winter, with just about 100% of normal precipitation. Long session of legislature was held this year. All of the five water bills that were introduced in the legislative session died. Capital building is being restored and brought up to code. The renovations cost \$300 million. Pat is retiring. Thank you for a wonderful experience on the Council!

**South Dakota:** Kent Woodmansey – Governor Noem has kept Steve Pirner through the administration changes. We currently have no drought in the state. We've had spring flooding already. The Emergency Operations Center has been activated by the Governor. The Big Sioux flood model is now on the state's website. The National Weather Service is putting some of this information from South Dakota on their Facebook page. We are estimating flooding for a week in Sioux Falls, putting up temporary levees, trying to prevent flooding issues, particularly where Big Sioux meets the Missouri River. The model showed exactly what actually occurred. James and Vermillion Rivers will both likely flood as well. Legislative session had two bills that dealt

with temporary water rights. They did not get out of the first committee. No votes of opposition on Governor Noem's Omnibus Water Funding Bill, appropriations for various water and environmental purposes. The water rights applications for Trans-Canada pipeline construction have been contested by tribes and environmental groups. Hearings are scheduled for May. Pipeline legislation packages were introduced by Governor Noem, which includes funding mechanism for local governments, and allows state to go after out of state money - nothing has happened on this bill.

**Montana:** Tim Davis - Shaun McGrath is our new Director. Legislature has been consuming much of my time. Governor Bullock is in his last term. The infrastructure bonding bill may move through. The program dealing with lead in school drinking water is being ramped up. Every school will test for lead over the next 10 years. We are working with the Department of Health and Environment to require that testing. The Water Resources Division has developed a new state water forecast run-off model. They have used that on the Teton River.

### **FUTURE COUNCIL MEETINGS**

The WSWC Spring (190<sup>th</sup>) Council Meetings will be held in Leavenworth, Washington On July 16-18, 2019.

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

Tab XYZ of the briefing materials contains sunsetting positions that will be brought up at the 2019 Summer meetings.

### **OTHER MATTERS**

There being no other matters, the meeting was adjourned.