



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

Oklahoma

On February 3, Governor Kevin Stitt (R) delivered his State of the State address, building on a vision for continued state agency reform and consolidation in order to deliver Top Ten outcomes in critical categories of government transparency, health care, criminal justice reform, transportation, and more. <https://www.governor.ok.gov>.

Wyoming

On February 10, Governor Mark Gordon (R) delivered his State of the State address, emphasizing the strength of the State, bright spots in Wyoming's economy, and his successes from his first year in office. He also addressed legislative and regulatory reform off Section 401 of the Clean Water Act, stating: "In November, I traveled to Washington, DC to support Senator John Barrasso's bill that does just that. State water quality regulation should be about water quality within one's own boundaries, not used as a weapon by one state to impose its will on another."

Governor Gordon also highlighted his efforts to preserve Wyoming's natural resources, including his Invasive Species Initiative that is exploring better ways to combat the spread of invasive species across the State. He talked about the Goshen Irrigation Canal Tunnel Number 2 that had collapsed, shutting off the flow to 110 thousand acres of critical farmland in July 2019. "The GID [Goshen Irrigation District] tunnel failure highlights a larger, systematic vulnerability facing our state's aging irrigation infrastructure. I personally worked with the Select Water Committee on a solution to this problem. Under the leadership of Chairmen Hicks and Laursen, the Committee passed a good bill. It is a first step. Let's keep it targeted to irrigation." <https://governor.wyo.gov>.

LITIGATION/WATER RESOURCES

North Dakota/Water Transfers

On February 4, Missouri filed a National Environmental Policy Act (NEPA) lawsuit against the North Dakota Garrison Diversion Conservancy District, the U.S. Department of the Interior (DOI), the Bureau of

Reclamation, and the *Corps, Missouri v. Interior et al.* (U.S. District Court for the Western District of Missouri, Central Division, 2:20-cv-04018). The lawsuit alleges failure to consider the cumulative effects of water diversions from the Missouri River by the Central North Dakota Project and the Red River Valley Water Supply Project, on downstream navigation, municipal and industrial water supply, thermal powerplants, and wetlands, particularly during periods of drought.

The complaint alleges that the Central North Dakota Project, a joint Reclamation and North Dakota effort, will divert approximately 15,000 acre-feet per year from the Missouri River. The Red River Valley Water Supply Project - which is a state project and does not require NEPA review - will divert 105,000 acre-feet per year. The complaint says: "The Missouri River already is substantially depleted. It is estimated that, on average, 5.05 million acre-feet ("MAF") per year of Missouri River water, or approximately one-third of the annual average volume for the Missouri River at Bismarck, North Dakota, is consumed or evaporated by the time it reaches Garrison Dam from the Missouri River headwaters. Diverting additional water from the Missouri River prior to the Garrison Dam will inevitably lead to reduced storage and less water released from the reservoir system for downstream beneficial use."

Notably, the average annual flow of the Missouri River is approximately 63 MAF per year, according to USGS gage records at Hermann, Missouri, going back to 1897. The average runoff for the mainstem reservoir system above Sioux City is about 25.7 MAF. Missouri's complaint notes that in order for Missouri's navigational needs to be met, a minimum of 20 MAF per year must be released from Gavin's Point Dam, which requires at least "...54.5 MAF of total system storage on March 15 each year." Drought mitigation measures are among the Corps' authorized operations of the Missouri River System, which can reduce downstream flow support for navigation and reduce river levels, requiring costly pumping to maintain wetlands. Missouri alleges that "significant out-of-basin transfers from these reservoirs, such as the Central ND Project and the Red River Valley Water Supply Project, will further impact the quantity of water stored in the reservoirs, thereby adversely impacting the amount of water released to Missouri."

WATER RESOURCES

New Mexico/State Water Planning

Governor Michelle Lujan Grisham has called on New Mexico legislators to increase funding for five additional full-time employees at the Office of the State Engineer and \$750,000 that would help with a multi-year water planning effort. Governor Grisham said: "My administration will work to ensure adequate supply and create a realistic, sustainable plan, rethinking how we manage our water supply and seeing that smart water management and conservation become a way of life in New Mexico." Grisham wants to create a 50-year plan to guide water management. In addition to budget and staffing needs to collect data and work on the plan, information needs to be collected on each basin for both surface and groundwater uses, and how that will impact water management into the future. (*E&E News* 1/28/20)

PEOPLE

Gordon "Jeff" Fassett, WSWC Member and Director, Nebraska Department of Natural Resources (DNR), has announced he will retire on February 28. Jeff began his career in public service in Wyoming, serving as the Deputy State Engineer (1984-1987) and as State Engineer (1987-2000). In August 2015, Nebraska Governor Pete Ricketts named Jeff Nebraska's DNR Director and appointed him to the WSWC. Prior to his appointment to the Nebraska DNR, Jeff worked for HDR Engineering, Inc. as the Director of their Water Rights Strategic Program. Jeff served on the WSWC from 1987- 2001 while serving as the State Engineer of Wyoming, was WSWC's Chair from 1996-1998. We thank Jeff for his many years of dedicated service and wish him the best in retirement.

MEETINGS

WestFAST Webinar - New USGS Priority Programs

On Tuesday, February 25, at 10:00 am MST, WestFAST will host a webinar on three new U.S. Geological Survey (USGS) Priority Programs: the Next Generation Observing System; Integrated Water Prediction; and Integrated Water Availability Assessments. The webinar will include an update on the recent selection of the "Headwaters of the Colorado/Gunnison River" Basins for future NGWOS implementation. Please note, the webinar is limited to 100 ports that will be filled on a first come, first serve basis. Where possible, please "buddy-up."

USGS presenters will include: Chad Wagner, Program Coordinator, Groundwater and Streamflow Information Program - Water; David Lesmes, Water Prediction Work Program Manager; Katherine Skalak, Research Hydrologist; and Patrick Lambert, Senior Science Advisor/Integrated Water Availability Assessment Interim Program Manager. For further

information please see: <https://www.westernstateswater.org/westfast/westfastwebinars/>.

WSWC Spring Meetings/Washington, DC Roundtable

The WSWC Spring (192nd) Meetings and joint Washington DC Roundtable, co-sponsored with the Interstate Council on Water Policy (ICWP) and the National Water Supply Alliance (NWSA), will be held in Arlington, Virginia on March 30-April 2, at the Doubletree Hotel Crystal City. Please note that the cut-off date for booking your room and the early registration fee deadline is February 28. Registration and payment is required for all members and non-members to attend the Roundtable. Please make your travel arrangements soon as this is a busy time in D.C.

Numerous key Administration officials have been invited from the Army Corps of Engineers (Corps); Department of Agriculture (USDA); Department of Energy (DOE); Department of the Interior (DOI); Environmental Protection Agency (EPA); and National Oceanic and Atmospheric Administration (NOAA).

Congressional staff have also been invited from the House/Senate Agriculture and Appropriations Committees, as well as the following House Committees: Energy and Commerce; Natural Resources; Science, Space and Technology; and Transportation and Infrastructure. Senate Committees include: Commerce and Science; Energy and Natural Resources; and Environment and Public Works.

For further information, as it becomes available, see <https://www.westernstateswater.org/wswc-spring-2020-192nd-meetings-and-washington-d-c-roundtable/>.

General Program Schedule

Monday, March 30

ICWP/USGS Leadership Meeting (afternoon)

Tuesday, March 31

- 8:30 am Federal Agency Leadership: NWS, NRCS, USGS and USFS (invited)
- 11:00 am Federal Water and Climate Programs
- 1:30 pm U.S. Geological Survey Programs
- 3:30 pm Other Federal Programs.

Wednesday, April 1

- 8:00 am WSWC Committee and Council meetings
- 1:00 pm USACE Revolutionize Civil Works Listening Session
- 3:15 pm Congressional Staff Updates

Thursday, April 2

- 8:30 am WestFAST Principals/WSWC Members
- 10:00 am Federal Water Policy Committee and Sub-Cabinet Meeting with WSWC/ICWP/ NWSA

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.