



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **LITIGATION/WATER QUALITY**

#### **New Mexico/Gold King Mine**

On January 13, New Mexico announced an \$11M settlement in the U.S. District Court case *New Mexico v. Environmental Protection Agency (EPA), et al.* (1:16-cv-00465). The funds will be paid to New Mexico by defendants Sunnyside Gold Corporation and its parent companies. Sunnyside oversaw the construction of bulkheads that caused the Gold King mine to fill with acidic mine water in 2015. The settlement includes \$10M for environmental responses costs and lost tax revenue, and \$1M goes to the New Mexico Office of the Natural Resources Trustee for injuries to the state's natural resources. The lawsuit against EPA will continue.

Governor Michelle Lujan Grisham said: "Thanks to unprecedented levels of collaboration between state, tribal and local governments, the Animas and San Juan rivers are healthy and clean again – supporting agricultural, recreational and cultural uses. But that does not change the fact that the Gold King Mine disaster harmed New Mexicans, harmed our environment, and continues to harm our economy. We have won this battle, but we will continue to fight as we hold the U.S. EPA responsible for this terrible incident." <https://www.env.nm.gov/wp-content/uploads/2021/01/2021-01-13-State-reaches-11-million-settlement-over-Gold-King-Mine-disaster.pdf>

### **WATER RESOURCES**

#### **Kansas/Water Conservation**

On January 4, the Kansas Department of Agriculture's (KDA) Division of Water Resources announced Chief Engineer Earl Lewis approved the Local Enhanced Management Area (LEMA) plan for the portion of Wichita County within the boundaries of Western Kansas Groundwater Management District No. 1 (GMD 1). The LEMA plan "calls for reductions in water use in specified areas" to address groundwater pumping and extend the usable life of the Ogallala Aquifer.

The KDA press release noted: "One of the guiding principles of the state's Water Vision is that locally driven solutions have the highest opportunity for long-term success, and LEMAs were created to give local stakeholders a tool to act on their shared commitment to

ensure a reliable water supply. The Wichita County LEMA will be the third LEMA in Kansas, and was motivated by local users' desire to conserve water and ensure continued economic viability of the region. This LEMA follows the notable successes achieved by the LEMA plans in northwest Kansas. Results from the state's other two LEMAs show that the reduction in water use slowed the rate of groundwater level decline and extended the life of the aquifer with little to no economic harm caused by the reduction during the same period." <https://www.agriculture.ks.gov/news-events>

#### **NASA/Water Data**

On January 8, the WSWC wrote a letter to National Aeronautics and Space Administration (NASA) Earth Science Division Director Karen St. Germain, expressing support for the continuing operations of the ECOSystem Spaceborne Thermal Radiometer Experiment on Space Station (ECOSTRESS). ECOSTRESS is a multi-sensor instrument on the International Space Station (ISS) that monitors land surface temperatures, radiance, evapotranspiration and evaporative stress, and improves understanding diurnal cycles of plant water use. It also adds the value of more frequent overflights with a thermal imager.

The letter describes the benefits of satellite data, in particular thermal imagery, to western states and communities with water management concerns. "The Council strongly supports a sustained National Land Imaging Program, including existing thermal imaging capabilities, and has expressed its strong support for the expedited construction and launch of Landsat 9 while exploring the potential for medium and longer-term advances in technology, design and future capabilities to meet existing and future uses. Maintaining the ECOSTRESS thermal system on ISS is one practical and economic option. Several water consumption (evapotranspiration) models have been developed with ECOSTRESS data that are currently in use."

Finally, the letter also recognizes a thermal infrared element to the Surface Biology and Geology (SBG) Designated Observable mission, which was recommended by the NASA decadal survey, and notes: "Both [ECOSTRESS and the SBG mission] can complement existing and extensively used Landsat

thermal data acquisition. We encourage a strong commitment to both of these missions, with commensurate budget support.”

## **USBR/Idaho**

On January 8, the U.S. Department of Interior’s Bureau of Reclamation (USBR) finalized the transfer of ownership of federal irrigation facilities and supporting lands to two local irrigation districts, Minidoka Irrigation District and A&B Irrigation District, that currently operate and maintain a portion of southeastern Idaho’s Minidoka Project. These transfers were the fourth and fifth such transfers under the 2019 John D. Dingell, Jr. Conservation, Management and Recreation Act (PL 116-9).

Idaho Governor Brad Little said: “The signing of these title transfers is a historic event because they are the first in Idaho under the 2019 Dingell Act. Thank you to the Trump Administration and Idaho’s congressional delegation for streamlining the title transfer process to give Idaho water users control over managing these water systems for future generations.”

The Minidoka Irrigation District, located in Minidoka and Cassia Counties, will take ownership of approximately 403 acres of land and the facilities that serve 77,214 acres of irrigable private land, which it has been operating and maintaining since 1916. This will support the Minidoka Project’s Gravity Division. The A&B Irrigation District, located near the City of Rupert, will take ownership of 1020 acres and the facilities that serve 82,600 acres of irrigable land, which it has been operating and maintaining since 1966. This will support the Minidoka Project’s North Side Pumping Division.

Secretary of the Interior David L. Bernhardt said: “Both irrigation districts have operated, maintained and paid for these facilities for decades, and the transfers will decrease federal operating costs and liability – a win for the American taxpayer. By taking these actions, the Trump Administration continues to streamline bureaucratic processes, empower local ownership and facilitate infrastructure investment from non-federal sources.”

USBR Commissioner Brenda Burman said: “Through collaborative efforts in the local communities, these title transfers give greater control to the irrigation districts who have managed these facilities for generations.” See <https://www.usbr.gov/newsroom/newsrelease/>

## **WATER RESOURCES/WATER QUALITY** **Infrastructure/WIFIA Loans**

On January 12, the EPA announced their list of 55 water infrastructure projects that are invited to apply for loans as part of the Water Infrastructure Financing and

Innovation Act (WIFIA) program for FY2020. Of the 55 invited, 29 of those projects are in WSWC member states. These include 20 in California, three in Kansas, three in Oregon, and one each in Colorado, Texas and Utah. Three projects were also invited to apply for the State WIFIA (SWIFIA) program, authorized in America’s Water Infrastructure Act of 2018 (PL 115-270), including the California State Water Resources Board.

The projects range in loan amount from \$11M to \$500M. They address issues relating to groundwater storage; expanding surface water storage; wastewater treatment system improvements; pipeline infrastructure repair and replacement; water quality improvements related to lead, copper and per- and poly-fluoroalkyl substances (PFAS); recycled water and aquifer storage recovery; increasing potable water production capacity; stormwater and sewer improvements; and modernization upgrades for treatment and delivery.

Administrator Andrew Wheeler said: “EPA built one of the greatest financing tools for investing in America’s water infrastructure in history when it stood up the WIFIA program in 2018. These 55 new projects will facilitate \$12 billion in water infrastructure to help address some of the most pressing challenges faced by water systems across this country.” See <https://www.epa.gov/wifia>.

## **MEETINGS**

### **Western States Water Council - Spring Meetings**

The WSWC Spring (195th) Meetings will be held virtually on March 23-25, hosted by the State of Texas. The Texas presentation on the first day will include a virtual field trip. The Executive Committee will meet virtually separately prior to the meeting to address sunset resolutions, the FY2022 budget and other matters - then report to the Full Council. While the Council meetings are being held virtually, you must register in advance to join the meetings via webinar. For further information as it becomes available, see: <https://www.westernstateswater.org/events/wswc-spring-2021-195th-meetings/>.

### **Schedule of Meetings**

Tuesday, March 23 (Mountain Daylight Times)  
1:00 pm Meet and Greet  
1:45 pm Host State Presentation/Virtual Field Trip

Wednesday, March 24  
9:00 am Water Resources Committee  
1:00 pm Water Quality Committee

Thursday, March 25  
9:00 am Legal Committee  
1:00 pm WSWC Full Council Meeting

**The WESTERN STATES WATER COUNCIL is a government entity 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.**