



WESTERN STATES WATER COUNCIL

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Position #326

October 29, 2010

The Honorable Jeff Bingaman, Chairman
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

via fax: (202) 224-6163

Dear Chairman Bingaman:

The Western States Water Council actively supported enactment of the SECURE Water Act, which deals with a number of long standing concerns among western states as expressed in the June 2006 Western Governors' Association water report, "Water Needs and Strategies for a Sustainable Future," and subsequent 2008 "Next Steps" Report. We appreciate your continuing leadership in addressing the serious water-related challenges facing the West and the Nation.

We especially appreciate the explicit recognition that "...States bear the primary responsibility and authority for managing the water resources of the United States" and that "the Federal Government should support the States, as well as regional, local and tribal governments...." We also appreciate the other provisions in the bill requiring federal agencies to "consult and coordinate with the applicable State water resource agency with jurisdiction," as well as comply with applicable State water laws and interstate compacts.

Western water law and policy are based on the reality of scarcity and the need to use water wisely. States continue to seek to increase efficiency and reduce water use, while at the same time effectuating sound infrastructure improvements and additions, particularly new water storage opportunities. We cannot ignore supply-side solutions to water shortages. The Council recognizes the difficult challenges facing the Nation related to our current economic woes and the federal budget deficit. However, we are concerned with the lack of investment in our Nation's water resources infrastructure.

Without the Bureau of Reclamation and federal investment in past water projects, the West would not be what it is today. Continuing investments and sacrifices will be needed to maintain our quality of life and protect our environment. Difficult choices have to be made at both the federal and state agency levels. As we plan for the future, states are well aware of the importance of maintaining our existing water-related infrastructure and prioritizing future capital investments. States are in the best position to identify, evaluate and prioritize their needs. State water plans should help form the basis for federal decisions, and the federal government should support States by providing technical and appropriate financial assistance.

We are also concerned that the lack of basic data and information on surface and ground water supplies, and present and projected water demands and consumptive uses, threatens both public and private planning and decisionmaking at all levels. Real-time water resources data are critical for timely actions in response to droughts, flooding and other extreme weather events, as well as climate adaptation. Moreover, our present day-to-day planning and management decisions depend on this information. We need better information now, as well as improved projections of future supplies and demands. The SECURE Water Act recognized and attempted to address many of these needs.

Specifically, we supported the enhanced spending authority for USGS streamgaging activities, a ground water monitoring system, brackish water study, new methods to estimate and measure water use, a national water use and availability assessment, establishment of an intra-governmental panel on climate change and water resources, a Reclamation Climate Change Adaptation Program, hydroelectric power assessment and effects of climate change, and financial assistance to non-federal entities for water-use efficiency improvements.

We strongly supported the USGS Water Use and Availability Assessment Program, which would provide grants to assist State water resource agencies. We are working with an Ad Hoc USGS group to implement this program, which includes gathering data and information on environmental water uses, including instream uses and outflows for bays and estuaries, as well as traditional consumptive water uses.

Unfortunately, many of the programs and activities authorized in the SECURE Water Act have largely gone unfunded or are underfunded. It is our understanding that amounts authorized for expenditure under the bill are in addition to assistance authorized and provided pursuant to other provisions of federal law. In general, we are concerned that the amounts authorized and subsequent appropriations must be sufficient to reasonably support the authorized activities.

Without timely and accurate water resources information, human life, health, welfare, property, and environmental and natural resources are at considerably greater risk of loss. The USGS has been a leader in developing and realizing the potential of state-of-the-art technology to provide real or near real-time data with the promise of vastly improving the quantity and quality of water-related information available to decisionmakers in natural resources and emergency management, with the States as essential partners.

We must work together as partners, and we very much appreciate Interior's support for the Western Federal Agency Support Team (WestFAST), which is working in concert with other Cabinet Departments, the Council and Western Governors' Association (WGA) to implement many of the recommendations in the WGA Water Reports. Increasing demands related to our growing population in the West, environmental protection imperatives, as well as uncertainty related to climate and unquantified Indian water right claims (and unfunded tribal settlements), make present and future western water resources planning and management particularly challenging. Other areas of the Nation are facing similar challenges. WestFAST is a model for state and federal cooperation and collaboration.

The Reclamation Act of 1902, recognizing the vital need to invest in Western water resources, created the Reclamation Fund as a means to finance such investments. The unobligated balance at the end of FY2011 is projected to be about \$9.35 billion (but spending from this special Treasury account is well below receipts and subject to appropriations and pay-go-rules). Receipts are more than sufficient to fund all current Reclamation expenditures and more. In essence, the unobligated balance grows as fund receipts are used to finance other government purposes.

There is a continuing need to highlight the importance of water to our Nation's economic vitality and environmental health, and we continue to urge the Congress to increase spending from the Reclamation Fund for authorized purposes. We recognize and appreciate your leadership in enacting separate legislation that authorizes future transfers from the Reclamation Fund for construction of projects related to Indian water rights settlements, which has been a longstanding goal of the Council.

The Council has been a proponent of watershed and basin-wide coordination and a commitment to involving all governmental entities and stakeholders with an interest in finding solutions to present and future water management challenges. The Council supports technical and financial assistance to states and local watershed groups and water districts as an appropriate federal role, authorized Reclamation program, and suitable Reclamation Fund expenditure.

We are encouraged by the requests for Interior's WaterSMART Program, and recognize the importance of the proposal in an increasingly tight federal budget. The program includes studies intended to identify basin-wide water supply issues, and in partnership with basin States, Tribes and stakeholders define options for meeting future water demands and related challenges. Three of the proposed basin studies involve several Council-member states, and we appreciate Reclamation's invitation to collaborate.

The WaterSMART program is in part designed to make water available through conservation for other uses. It is important to note that the allocation of water is primarily a state prerogative, and water transfers are subject to state water law and policy. The use of any WaterSMART program water savings will be subject to state law.

We would hope in the future to continue to work with you, your Committee, staff and the Congress to improve western water management under the new authorities provided by the SECURE Water Act.

Sincerely,



Weir Labatt, Chairman
Western States Water Council