



WESTERN STATES WATER COUNCIL

942 East North Union Avenue, Suite A-201 | Midvale, Utah 84047-1764 | (801)

561-5300 | FAX (801) 255-9642

Web Page: www.westernstateswatercouncil.org

Position #307

October 17, 2008

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:

On behalf of the Western States Water Council, representing eighteen states, I am writing to express our interest in S. 3213, the Omnibus Public Lands Management Act. As introduced, the bill addresses a number of water-related concerns among western states as expressed in the June 2008 Western Governors' Association report, "Water Needs and Strategies for a Sustainable Future: Next Steps." Many of the Title IX sections address specific water needs in western states. A number authorize water conservation and water reuse projects.

The Next Steps report states: "The Congress and the Administration should support more spending for research and development related to innovative water conservation and supply augmentation strategies, including ground water recharge and recovery, desalination, recycling and reuse, and weather modification. Financial assistance should be provided as well where there is a significant national or regional benefit." [footnote, p. VI, No. 28-29.]

Title X authorizes two important settlement agreements. Section 1061 would establish in the U.S. Treasury a Reclamation Water Settlements Fund to which would be deposited \$120 million/year for FY2009-FY2023 from revenues available to the Reclamation Fund. These amounts would be available without further appropriation and would be in addition to amounts otherwise appropriated by law to "...implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States...[and that] requires the Bureau of Reclamation to provide financial assistance for, or plan, design and construct – water supply infrastructure; or a project to rehabilitate a water delivery system to conserve water; or restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin, a Federal reclamation project that is in existence on the date of enactment of this Act." It sets certain priorities.

The Next Steps report states: "Congress should ensure that any land or water settlement, once authorized by the Congress and approved by the President, will be funded and implemented in a timely manner without a corresponding offset to some other tribe or essential Interior Department program. Congress should explore opportunities to provide funding for the Bureau of Reclamation to undertake project construction related to settlements from revenues accruing to the Reclamation Fund, recognizing the existence of other legitimate needs that may be financed by these reserves." [footnote, p. V, No. 11.]

We commend the Committee for its work in address important water needs in the West, and look forward to working with you in the future on further legislation, recognizing this bill does not and can not address all western water needs in which there is a legitimate federal interest. We leave it to our state

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members to express their individual interests in the bill, but wish to express our strong support for the increased use of Reclamation Fund revenues to meet western water needs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Garland Erbele".

Garland Erbele, Chairman
Western States Water Council