



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL Spring Meetings % Kansas City, Kansas

The WSWC held its 159th meetings in Kansas City, Kansas at the Great Wolf Lodge on April 21-24. Adrian Polansky, Kansas Secretary of Agriculture, David Barfield, Kansas Chief Engineer, and Paul Graves, Kansas Assistant Chief Engineer, hosted the meeting. A pre-meeting field trip included visits to an award-winning artistic "rain to recreation" dam in the town of Lenexa, the only hydro-electric dam in Kansas on the Kansas River, the coal-fired Jeffrey Energy Center, and Tuttle Creek Reservoir. The tour ended at the Konza Tallgrass Prairie Preserve owned by the Nature Conservancy and Kansas State University (KSU).

Adrian Polansky provided an overview of Kansas agriculture and the state's water use during the Full Council meeting. He said the state's future is related to its fields and that biotechnology and other research will increase production and lessen water use. He also addressed the amount of water used in ethanol production, stating that reducing ethanol production will not decrease the amount of water Kansas uses from the Ogallala Aquifer, because the water would be used for other purposes. Dave Barfield then discussed Kansas' water resources and described the state's ground water modeling efforts. Lastly, Tracy Streeter, the Director of the Kansas Water Office, discussed the Kansas State Water Plan, which includes public involvement and is aimed at getting "everyone at the table." He also discussed a number of challenges Kansas is facing, including sedimentation in reservoirs and river bed and bank degradation. With respect to funding, Mr. Streeter explained that Kansas' water plan is looking for new revenue sources, including increasing water use fees and using gaming revenue.

Of note, the Council adopted three new position statements. The first is a letter related to the Energy and Water Integration Act of 2009 (S. 531), introduced by Senator Jeff Bingaman (D-NM), Energy and Natural Resources Committee Chairman. It states that the Council "...fully support[s] the objective of S. 531, to provide an in-depth analysis of the impact of energy development and production on our Nation's water resources." The letter also says that states "must be indispensable partners" and "must be appropriately involved in any authorized studies."

A second letter to Rep. Bart Gordon, Chairman of the House Science and Technology Committee pertains to the National Water Research and Development Initiative Act (H.R. 1145), which recently passed the House by a vote of 413-10. The bill aims to improve the federal role in designing and implementing federal water research, development, and other activities. The letter states that the WSWC agrees with "...the need to focus limited federal research resources" and encourages "...an emphasis on practical application addressing present and future water management challenges."

A third resolution supports the "...development and enactment of federal legislation that would authorize and fund applied research and improvements to water resources management planning capabilities that would assist water agencies at all levels of government in adapting to climate change and variability." The resolution also makes clear that "...climate change is an additional stressor on western water resources" and that "...many of the applied research needs and improvements to water resources planning capabilities [identified by the Council] are not presently incorporated into federal agency budgets."

The Council's committees also discussed their work-to-date with respect to their 2009 work plans. The Water Resources Committee reported that it updated its work plan to more closely reference the 2008 WGA *Next Steps* report and said that "quite a bit" of work has been done on the energy-water nexus outline. The Legal Committee presented a draft report regarding exempt wells for member review, and will coordinate with the Water Quality Committee with respect to the water reuse reports that the work plans for both committees require.

WestFAST Chair Mike Fallon of the U.S. Army Corps of Engineers summarized their work plan, which addresses twelve issues identified in the WGA *Next Steps* report. Representatives looked a broad scope of work for collaboration, integration, and economies of scale. They also looked for opportunities for horizontal integration among agencies. Mike said that the federal support team will rely on WSWC members and staff to identify opportunities in member states or within river basins to implement specific objectives identified in the work plan. They will also relying upon WSWC staff to facilitate communication and collaboration between WestFAST members, the federal liaison, and Council members. Of note, Mike's service as Chair will end in

July, at which time Roger Gorke, Environmental Protection Agency (EPA), will become Chair. The Council thanked Mike for his invaluable service as Chair and for his efforts in helping establish WestFAST.

Ward Staubitz, U.S. Geological Society (USGS), discussed a National Ground Water Monitoring Network, a unified ground water monitoring network that would allow for spatial description of water levels. He said that the end product should collect data in major aquifers and forecast future trends. With respect to Stimulus funding, Ward stated that USGS will use the money for mapping, the removal of abandoned observation wells, and upgrading streamgaging with high-data rate radios.

Matt Larsen discussed a USGS climate change study, which explores strategies to improve water management by tracking, anticipating, and responding to climate change. USGS prepared the report with the Corps, Bureau of Reclamation, and NOAA. Mr. Larsen discussed the report's key findings, including: (1) the general consensus that climate change is occurring but that effects differ regionally; (2) climate change could affect all sectors of water resources management; (3) climate change is one of many challenges facing water resource managers; and (4) monitoring networks are critical for quantifying the impacts of climate change.

Rich McIntyre, a consultant and former International Water Program Director for Food and Water Watch, provided a brief presentation on the need for ground water and aquifer mapping. According to Mr. McIntyre, USGS is underfunded and may take up to 20-30 years to finish mapping at current levels, which may be too long for some western states. Mr. McIntyre also stated that there appears to be strong support among Congressional members from both parties to complete this project and that the time may be right for states to call for an increase in federal funding.

Avra Morgan of the Bureau of Reclamation gave a status update regarding the Rural Water Supply Program, which authorizes the agency to provide rural communities with financial and technical assistance to complete appraisal and feasibility studies, but does not authorize construction. Reclamation has already published an interim final rule, which could change following a public comment period. Avra stated that the agency will then publish a final rule that sets forth the criteria that will determine eligibility, the application process, project selection, and prioritization.

In the Legal Committee, MaryLou Smith, a consultant with Aqua Engineering, discussed ag-to-urban transfers, focusing on how stakeholders with different interests can find common ground. Ms. Smith also described the process for developing best management practices, and discussed her work as a facilitator in the creation of guidelines in the Arkansas River Basin in Colorado.

Ryan Seiger, Staff Director/Senior Counsel for the House Subcommittee on Water Resources and Environment, discussed the next version of the Clean Water Restoration Act that Rep. James Oberstar (D-MN), Chairman of the House Transportation and Infrastructure Committee, is drafting for introduction in the 111th Congress. Mr. Seiger stated that the prior version of the bill that Oberstar introduced in the 110th Congress has been "thrown out" and that the new version of the bill is currently a "blank slate." However, he stated that the next bill will return the Clean Water Act (CWA) to the "status quo" that existed before the Supreme Court's plurality decision in *Rapanos* and *SWANCC*, which Mr. Seiger and Rep. Oberstar believe created uncertainty regarding CWA jurisdiction. Mr. Seiger said the intent of the legislation is not to change the relationship between the CWA and ground water, but noted that it would ensure that the CWA protects aquifer recharge zones. Mr. Seiger expects the legislation to be introduced in the House later this year and welcomed comments from the Council and individual states.

The Water Resources Committee meeting also included: a legislative update from Tony Willardson on the recently passed Omnibus Public Lands Management Act of 2009; an update from Alexandra Davis about the 2009 Fall Water Symposium scheduled for September 28-30 in Denver; and a presentation from Jeanine Jones about the 2009 Water Information Management/Climate Change Adaptation Workshop to be held on November 17-19 in San Diego. At the Legal Committee meeting, John Utton and Bill Staudenmaier provided an update regarding Indian water rights settlements, while Nathan Bracken discussed litigation resulting from EPA's exempting water transfers from the NPDES permitting process under the Clean Water Act, Section 402.

The Water Quality Committee did not meet, but Joan Card of Arizona as Chair reported via telephone on a conference call conducted February 27 and a March 4 meeting between a number of Council members and EPA officials in Washington, DC. Also, Joan has resigned as Director of the Arizona Division of Water Quality (WSW #1822), and the Council recognized her with a Resolution of Appreciation for her service.

The WSWC also recognized Tom Maddock of California for his fifteen years of service as a member of the Council, Water Resources and Legal Committees. He retired in 2004 as President and CEO of Boyle Engineering, a position he had held since 1971. The Council welcomed Tom's replacement, Betty Olson, a professor at the University of California, Irvine.

The WSWC's summer meetings will be in Park City, Utah on July 15-17 at the Park City Marriott. The fall meetings will be held in Lincoln, Nebraska at the Holiday Inn Lincoln Downtown on October 14-16, and will be preceded by a National Integrated Drought Information System (NIDIS) workshop beginning on October 13.