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**THE WEEKLY NEWSLETTER OF THE WESTERN STATES WATER COUNCIL**

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**ADMINISTRATION UPDATE****Bureau of Reclamation**

On February 8, the Bureau of Reclamation released its spending plan for the \$166.3M provided through the 2016 Consolidated Appropriations Act. The funding will be divided among six areas: \$100M for western drought response; \$47M for rural water projects; \$10M for water conservation and delivery; \$5M for fish passage and fish screens; \$2.3M for facility operation, maintenance and rehabilitation; and \$2M for environmental restoration or compliance.

The \$100M for western drought response will address several projects affected by drought: \$37.9M for the Central Valley Project in California; \$22.6M for WaterSMART grants; \$11.5M for the Lower Colorado River Basin Drought Response Action Plan in California, Nevada and Arizona; \$6M for the Native American Technical Assistance Program; \$9M for the Yakima River Basin Water Enhancement Project in Washington; \$1M for the Lewiston Orchards Project in Idaho; \$2M for the Research and Development Program; \$2M for the Rogue River Basin Project in Oregon; \$3M for the Salton Sea Research Project in California; and \$5M for the Colorado River Basin System Conservation Pilot Program for Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming.

Reclamation will spend \$47M to advance the completion of five authorized rural water projects, with the goal of delivering potable water to tribal and non-tribal residents in the water project areas: \$47M for the Pick-Sloan Missouri Basin Program in North Dakota; \$12.3M for the Fort Peck Reservation/Dry Prairie Rural Water System in Montana; \$8.5M for the Rocky Boy's/North Central Montana Rural Water System in Montana; \$6.8M for the Lewis and Clark Rural Water System in South Dakota, Iowa, and Minnesota; and \$2M for the Eastern New Mexico Water Supply.

The \$5M for fish screen and restoration projects will be divided between \$0.9M for the Central Valley Project in California and \$4.1M for the Yakima River Basin Water Enhancement Project in Washington.

Other projects from the remaining three areas include: \$2M for the Arkansas Valley Conduit in Colorado; \$2M for the Klamath Project in Oregon and California; \$1M for water modeling on the Rio Grande Project in New Mexico and Texas; \$2M for completion of the Environmental Impact Statement for the Glen Canyon Unit of the Colorado River Storage project in Arizona, California, Nevada and Utah; \$5M for Water Conservation Grants collaboration between Reclamation and Natural Resources Conservation Service in California; \$5M for repairs on the Colorado River Basin Salinity Control Project in Arizona; and \$1.2M for repairs and renovations on five other projects in Idaho, California, Oregon and Washington.

Reclamation Commissioner Estevan Lopez said: "Reclamation and its partners have created a spending plan that will help ensure sustainable water supplies across the Western United States. The funding will go toward conservation and improving long-term infrastructure and environmental work on key water projects." A summary of all the projects in the spending plan is available at <http://www.usbr.gov/budget/>.

**FY2017 Budget/Water Innovation Initiative**

The White House has released a summary of items in its FY2017 budget request, related to protecting and increasing the Nation's water supply through investment in water technology. It recognizes the extensive pressures and costs placed on communities and ecosystems by the increasing frequency and duration of drought. It also states, "Climate change, along with population growth, land use, energy use, and socioeconomic changes, increases water demand and exacerbates competition among uses and users of water. To increase the resilience of our nation's water supplies to these stresses, the Administration has developed an aggressive two-part water innovation strategy with the goals of: first, boosting water sustainability through the greater utilization of water-efficient and water-reuse technologies; and, second, promoting and investing in breakthrough R&D that reduces the price and energy costs of new water supply technology."

According to the release, the budget addresses these challenges by investing in water conservation and research and development (R&D) of new water supply technology. It provides a 33% increase, or \$94M more than in FY2016, through the following investments: \$94.4M for the Bureau of Reclamation and U.S. Geological Survey (USGS) under DOI's WaterSMART program (\$6.1M more than FY2016); \$4M in new money for USGS for a near real-time assessment of water use and how it changes during drought; \$28.6M for Reclamation R&D with an ambitious technology challenge prize focused on next-generation advanced water-treatment technologies, \$5.8M for desalination and water purification, and \$2M to improve accessibility through the Open Water Data Initiative

(up \$8.6M from FY2016); \$25M for a new Energy-Water Desalination Hub at the Department of Energy, and \$20M for complementary R&D; \$15M for U.S. Department of Agriculture intramural research in support of healthy soils and agricultural practices that conserve water; \$12M in new money for Integrated Water Prediction (IWP) under the National Oceanic and Atmospheric Administration (NOAA) to develop and operate key atmospheric, terrestrial and coastal prediction capabilities in support of state and local emergency managers and other stakeholders; and finally \$88M for the National Science Foundation to support basic water research and engineering advances for potable, process and cooling water.

## **CONGRESSIONAL UPDATE**

### **Waters of the United States**

On January 4, the Congressional Research Service released its report on “EPA and the Army Corps’ Rule to Define Waters of the United States.” It provides an overview of Court decisions, the agencies’ need for clarity, and Congressional interest in the rule, with a chart comparing the language of existing, proposed, and new rules. The report briefly covers the review of the rule by the EPA Science Advisory Board, and concerns expressed by agriculture and local (although not state) governments. The 36-page report is available at <https://www.fas.org/sgp/crs/misc/R43455.pdf>.

## **WATER RESOURCES**

### **Utah/Waters of the United States**

The Utah Legislature is considering a Concurrent Resolution on Waters of the United States with Governor Gary Herbert to express support for Attorney General Sean Reyes in seeking to vacate the expansive June 2015 rule. The resolution states that a “tributary” is commonly understood as a stream or river, but that the new rule would expand that definition to include ephemeral drainages that are dry most of the time and channel water only after heavy storms. The resolution expresses disapproval of the expansion of the term “Waters of the United States” to include ephemeral drainages, dry washes, gullies, coulees, and arroyos, which only move water after rain. Citing the U.S. Supreme Court decisions in *SWANCC v. Army Corps of Engineers* and *Rapanos v. United States*, the resolution calls the rule a violation of limitations set forth by the Court, noting that under *Rapanos*, “Waters of the United States includes only those relatively permanent, standing or continuously flowing bodies of water forming geographic features that are described in ordinary parlance as streams, oceans, rivers and lakes.” The resolution also points to Corps memoranda and questions the legal and scientific credibility of the rule; expresses concerns over expansion of the scope of Congressional and agency power while infringing on state authority to regulate intrastate land use and water resources; and addresses the potential impact on landowners in the State of Utah. Resolution HR 001 passed the Utah House on February 3 by a vote of 64-9, and passed the Senate Committee on Natural Resources, Agriculture, and Environment on February 9. If it passes the Senate, Governor Herbert is expected to jointly approve the resolution supporting AG Reyes.

## **MEETINGS/WATER RESOURCES**

### **Managed Aquifer Recharge**

On February 22, the Recharge Development Corporation will host a Symposium on Private Managed Aquifer Recharge and Implementing Conjunctive Management at the Shilo Inn in Idaho Falls, ID. A webinar will also be available. For registration and additional information, see [www.rechargedevelopment.com](http://www.rechargedevelopment.com).

### **NIDIS/National Soil Moisture Network**

A National Soil Moisture Network Workshop will be held at the NOAA facility in Boulder, CO, on May 24-26. The workshop follows a 2013 meeting in Kansas City, MO, organized by the National Integrated Drought Information System (NIDIS) to articulate a plan of action for development of a Coordinated National Soil Moisture Network. The aim of that meeting was to take stock of federal and state in situ monitoring networks, satellite remote sensing missions, numerical modeling capabilities, and experiences in soil moisture database integration and user access.

Since then, NIDIS completed a proof-of-concept pilot study providing real-time soil moisture data via standard web services for operational drought monitoring, experimental land surface modeling, and operational hydrological modeling. Next steps include expanding the in situ network beyond the areas used for the pilot study, incorporating remote sensing and modeling into the network design, and making this functional in producing products useful to a wide range of applications. The workshop is intended to bring together those with interest and expertise in soil moisture to help plan the route for making the concept a reality. The workshop organizers would like broad representation from state, local, tribal, federal, academic, and private company interests to participate for an inclusive and cooperative effort. For further information and updates as the workshop agenda develops, contact Michael Strobel, Director, National Water and Climate Center, U.S. Department of Agriculture, [michael.strobel@por.usda.gov](mailto:michael.strobel@por.usda.gov).

**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.**