
THE WEEKLY NEWSLETTER OF THE WESTERN STATES WATER COUNCIL

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CONGRESSIONAL UPDATE/WATER RESOURCES

New Mexico/Reclamation/Rural Water Supply Act

On August 14, Senator Jeff Bingaman (D-NM) chaired a field hearing in Clovis, New Mexico to take testimony on implementation of the Rural Water Supply Act of 2006, as well as the Eastern New Mexico Water Supply Project. The former authorizes the Secretary of Interior to create a program to assess the water needs of rural communities in the West, and identify projects to meet those needs. The later is a proposed project that would pipe 16,400 acre-feet of water annually from Ute Reservoir, on the Canadian River, near Logan, New Mexico, about 25 miles from the Texas border. It would supply a number of communities in Curry and Roosevelt counties, as well as Cannon Air Force Base. Senator Pete Domenici (R-NM), the Committee's Ranking Minority Member, participated in the hearing said, "I urge the U.S. Bureau of Reclamation to actively seek to engage the rural communities of the western United States, such as Clovis and other eastern New Mexico municipalities, and to take leadership in resolving the growing water supply crisis."

Dave Sabo, Assistant Regional Director for the Bureau of Reclamation's Upper Colorado Region, testified regarding the Eastern New Mexico Project that since there is no specific project-authorization bill at this point, "Reclamation cannot provide a statement on the relative merits of the project from a policy standpoint. However, we are working with the [Eastern New Mexico Rural Water Authority and their consultants] and the State [of New Mexico] to bring the project to a point where a feasibility determination is possible." He did summarize early concerns with a 2004 bill to authorize the project (H.R. 4623), including project costs and a proposed 80% federal construction cost share. The Congress has provided over \$1.76M for project planning and technical studies. The most recent cost estimates for construction total \$436M, with annual operation and maintenance costs of \$8.2M. The local communities would pay O&M costs and 10% of the construction costs, with New Mexico 25%, and the federal government the remainder.

Senator Domenici said, "I want to caution the communities involved in this project that, while I strongly support finding a solution to the very real water needs of this region of New Mexico, authorization is only the first step. Providing the hundreds of million of dollars to fund construction of the Ute pipeline will remain a difficult task." (<http://domenici.senate.gov/news>)

Next, Mr. Sabo addressed implementation of the Rural Water Supply Act, passed in December 2006 and signed by the President (P.L. 109-451). "We are enthusiastic about this program, as its intent is to enable Reclamation to work cooperatively with rural communities across the West in a consistent manner to identify rural water supply needs and cost effective options for addressing those needs. Prior to the enactment... Reclamation has had no authority to get involved – early in the process – in the analysis and development of solutions for meeting the potable water supply needs of rural communities in the West."

Mr. Sabo said, "To summarize, Title I of the Act requires Reclamation to: (1) develop programmatic criteria for prioritizing requests for assistance...and for determining eligibility for non-Federal entities to participate...; (2) develop criteria for what must be included in both the appraisal studies and the feasibility studies...in terms of data, alternatives, and level of analysis; (3) complete an assessment of the rural water programs that exist in other agencies to ensure that we are filling an unmet niche and to ensure that we coordinate and leverage resources, as well as evaluate the status of rural water projects that are already authorized; and (4) complete an annual report of Reclamation's staff costs for carrying out the Act."

Reclamation expects interest in the program to exceed funding "given the budget realities," precluding involvement in "every worthy project." Moreover, he continued, "...it is important to note that the Act does not authorize project construction. Instead, the focus...is on ensuring thorough analysis of rural water needs and options...that meet program criteria.... In the report that accompanies each study, the Secretary (through Reclamation) will make a recommendation to Congress as to whether the project is technically and economically feasible, and whether it is in the Federal interest...as well as the appropriate non-Federal share of construction costs, which must be at least 25%...and determined based on an analysis of the non-Federal entities' capability-to-pay." (<http://energy.senate.gov>)

Mr. Sabo said that Reclamation expects to publish proposed and then final rules on criteria in the Federal Register in the next year. A Reclamation team representing all five regions and the Commissioner's office is leading this effort. He added, "We have held conversations with various stakeholder groups and plan to hold dialogues with Native American Tribes. We will continue that outreach and dialogue throughout the process of implementing this new program."

The Western States Water Council and Western Governors' Association pushed for authorization of the program, which is specifically referenced as part of the June 2006 report, "Water Needs and Strategies for a Sustainable Future." WSWC Chairman Duane Smith testified in support of the legislation (S. 895) on May 11, 2005, saying in part, "It should be noted that there are many existing state programs and information compiled by the states that should not be overlooked as part of any assessment.... Various considerations are listed for appraisal and/or feasibility reports, including whether water rights exist to supply the project. States must have a say in determining the availability of water rights to support project development and actual water delivery, as well as appropriate conservation measures." He also noted the bill explicitly stated: "Nothing in this title preempts or affects State water law or an interstate compact governing water.... The Secretary shall comply with State water laws in carrying out this title."

WATER RESOURCES/ENVIRONMENT

Oregon/Instreamflows

On July 20, the Oregon Department of Water Resources marked the 20th Anniversary of Oregon's Instream Water Right Act. Since adopted in 1987, the Department has converted over 500 minimum perennial stream flows to instream water rights, and has issued over 900 state agency applied instream water rights. Additionally, Oregon is a leader in flow restoration, with over 1,000 instream leases, instream

transfers, and allocations of conserved water restoring streamflows for fish and wildlife, recreation, and pollution abatement. (<http://www.oregon.gov/OWRD/index.shtml>)

WATER RESOURCES

Water Supply Outlook

According to the Weekly Snowpack and Drought Update Report, dated August 16, cooler weather spread over “the West in early August, while monsoon showers continued from the Four Corners States northeastward into parts of Wyoming. Despite the spell of cool weather, wildfires remained active and difficult to contain across the northern Rockies and northern Intermountain West. By August 15, year-to-date wildfires across the U.S. had charred 6.0 million acres of vegetation, 134 percent of the 10-year average. Many of the currently uncontained wildfires were located in western Montana and central Idaho. In the latter region, severe drought (D2) was downgraded to extreme drought (D3), due to a variety of impacts. In contrast, showers continued to chip away at dryness and drought across southeastern Arizona and neighboring areas. Despite the summer showers, many Western reservoirs remained unusually low, signaling ongoing hydrological drought. At the end of July, reservoir storage stood at 82 percent of average for this time of year in Arizona. Storage ranged from roughly two-thirds to three-quarters of average in several other Western states, including Idaho, Oregon, Utah, and Wyoming.

The report continues, “During the past seven days, at mountain SNOTEL sites, temperatures ranged from 10_F above normal over portions of the Wyoming and Colorado Rockies to 10_F below normal over the Pacific Northwest (Cascades) (Fig. 1). At lower elevations, these extreme ranges were less (Fig. 1a)... For the past week, rain was generally light to non-existent except for scattered greater amounts across the Southwestern States and central Rockies due to some enhanced monsoonal moisture. For the Water Year (began 1 October 2006), very low totals persist over the Sierra Nevada and Arizona mountains. Slightly above normal totals continue to be reflected over the Cascades, Front Range of the southern Rockies, and Bighorn Mountains of Wyoming. (Author: Brad Rippey, USDA)

WESTERN STATES WATER COUNCIL MEETINGS

WSWC/NARF Indian Water Right Claims Settlement Symposium -- August 27-29

Albuquerque, New Mexico
Hyatt Regency Albuquerque; 330 Tijeras, NW;
(505) 842-1234

Water Information Management Systems Workshop -- September 23-26

Seattle, Washington
Courtyard by Marriott, Downtown - Lake Union;
925 Westlake Ave. North;
(206) 213-0100

Water Policies and Planning in the West: Ensuring a Sustainable Future -- October 10-12

Salt Lake City, Utah
Sheraton City Centre; 150 West 500 South;
(801) 401-2000

155th Fall Council Meeting -- November 14-16

Phoenix, Arizona
Sheraton Crescent Hotel; 2620 West Dunlap;
(602) 943-8200

Washington Roundtable and 156th Spring Council Meeting -- March 4-7, 2008

Arlington, Virginia
Doubletree Hotel Crystal City; 300 Army Navy Drive; (703) 416-4100

See: www.westgov.org/wswc/meetings.html

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.