

**Testimony of the
WESTERN STATES WATER COUNCIL**

**Submitted to the
House Committee on Natural Resources
Water, Wildlife and Fisheries Subcommittee Hearing**

Advancing Federal Water and Hydropower Development: A Stakeholder Perspective

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My name is Michelle Bushman, and I am the Deputy Director and General Counsel for the Western States Water Council (WSWC), a bi-partisan government entity created by Western Governors in 1965, representing eighteen states. Our members are appointed by and serve at the pleasure of their respective Governors, advising them on water policy issues, working closely with the Western Governors' Association (WGA). Our mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future.

Water is an increasingly scarce and precious resource and should continue to be a public policy priority. Western States have and will continue to face unique hydrologic, legal and infrastructure challenges. Population growth, competing economic and ecological demands, and changing social values have stressed surface and groundwater supplies in many areas. This has increased the number and complexity of conflicts among users and uses. A secure water future is becoming more costly and increasingly uncertain given our unpredictable climate, aging and often inadequate infrastructure, data limitations regarding water supplies and demands, competing or poorly defined water rights, and a constantly evolving regulatory landscape. Effectively addressing these challenges will require stronger collaboration and cooperation that transcends political and geographic boundaries between states, federal agencies, tribes, and local communities.

State Water Authority

Western states have primary authority and responsibility for the appropriation, allocation, development, conservation and protection of water resources, both groundwater and surface water, including protection of water quality, instream flows and aquatic species, while acknowledging international treaties, interstate agreements, and judicial decrees. States are primarily responsible and accountable for their own water development, management, and protection challenges, and are in the best position to identify, evaluate, and prioritize their needs and plan and implement strategies to meet those needs. Each Western State has developed comprehensive systems for the appropriation, use and distribution of water tailored to its unique physiographic, hydrologic and climatic conditions found within that state.

Congress has historically deferred to state water law as embodied in Section 8 of the Reclamation Act, Section 10 of the Federal Power Act, Section 101(g) and 101(b) of the Clean Water Act, and myriad other statutes. Federal deference to state water law is based on sound principles for the protection of private property rights and the collective public interest in

managing our water resources and the environment. Western states value their partnerships with federal agencies as they operate under this established legal framework.

Federal water planning, policy development, regulation, protection, and management must recognize, defer to, and support state water laws, plans, policies, programs, water rights administration, adjudication and regulation, compacts and settlements. Rather than attempt to dictate water policy, the federal government should engage states early in meaningful consultation and contribute funding to support implementation of state water planning and management, thus avoiding, or at least minimizing, the need for federal regulatory mandates.

Hydropower

The WSWC has long supported federal legislative and administrative actions to authorize and implement reasonable hydropower projects and programs that enhance our electric generation capacity and promote economic development, through efficient permitting processes, while appropriately protecting environmental resources and respecting States' Clean Water Act §401 certification authority, States' authority over water allocation within their borders, the obligations of interstate compacts, and the rights and preferences of existing water and power users.

Hydropower is a clean, efficient source of energy that is a vital part of meeting our present and future energy demands. It represents about 27% of total renewable electricity generation, with approximately 103.4 gigawatts of capacity and nearly 5.7% of total electricity generation. The potential exists for further public and private development of hydropower, including upgrading existing generators, developing small hydro and the power potential from low-head hydro on existing man-made conduits and canals, development of tidal power energy systems, as well as hydroelectric pumped storage projects. Aside from projects requiring review by the Federal Regulatory Commission (FERC), such development can often be undertaken with little impact on environmental and ecological resources, requiring minimal further environmental review. Permitting requirements may be appropriately minimized and streamlined to promote reasonable development while avoiding unnecessary costs.

WSWC supports the development and implementation of appropriate energy and water conservation programs at all levels to minimize demands placed on our natural resources and ecosystems.

Energy-Water Nexus

The West enjoys diverse and abundant renewable and non-renewable energy resources. Water is often a necessary component of energy development and production, which can present significant challenges in States where water resources are already scarce. Similarly, water management can be energy intensive, including the extraction or movement of water, or desalination, recycling, and reuse of water resources. An integrated approach to water and energy resource planning, development, diversification, management and protection is necessary to achieve a thriving and sustainable future for the West. This includes integrating water and energy policies to maximize effectiveness and efficiencies; supporting research and gathering data to improve our understanding of water-energy supplies and demands; ensuring that decisions related to the siting, construction, and operation of water and energy development projects include an

evaluation and appropriate consideration of the interrelated impacts of such development; and that the use of alternative cooling technologies or other energy-related options are tailored to the availability of water and the related opportunity costs of other water uses.

Reclamation Fund

Under the Reclamation Act of 1902, the Reclamation Fund was envisioned as the principal means for financing federal western water and power projects with revenues from western resources. Reclamation Fund receipts are largely derived from water and power sales, project repayments, and receipts from public land sales and leases, as well as oil and mineral leasing and related royalties, from western lands adjacent to rural and tribal communities. The unobligated balance of the Reclamation Fund continues to grow and is expected to exceed \$25.2B. However, these receipts are only available for expenditure pursuant to annual appropriation acts, and the fund receipts are mostly spent elsewhere contrary to Congress' original intent.

WSWC recommends that Congress investigate the advantages of converting the Reclamation Fund from a special account to a true revolving trust fund with annual receipts to be appropriated for authorized purposes in the year following their deposit (similar to some other federal authorities and trust accounts).

WestFAST

The Western States Federal Agency Support Team (WestFAST) was formally organized in 2008 in response to the Western Governors' Association's recommendation to facilitate correlation of federal activities and to develop and enhance collaborative partnerships among state and federal agencies working on priority water-resource issues. Today, WestFAST is a collaboration of more than sixteen federal agencies with water management responsibilities in the West.

WestFAST works closely with the Western States Water Council striving to accomplish effective cooperation among western states, and their partners, in the understanding, conservation, development and management of water resources. The WestFAST federal agencies form a dynamic, flexible team that provides the opportunity for interaction initiated by WSWC, individual states, or the federal government. WestFAST supports a continued commitment on the part of federal and state organizations to work with local, tribal, and other stakeholders to improve the effectiveness of collaboration and seek solutions to water issues across Western States. Federal layoffs, massive staff reductions, and the closure of local federal agency offices across the West, have created uncertainty about the future of federal support for water management and related disaster mitigation.

Water Data

All levels of government must prioritize the collection, analysis and open sharing of reliable data regarding water availability, quality, and usage given its importance to research for sound science and data driven decisionmaking. This includes actions related to hydropower development and Forecast Informed Reservoir Operations (FIRO). Sound decisionmaking for

water resource management requires accurate and timely data on precipitation, streamflow, evapotranspiration, soil moisture, snow depth, snow water content, droughts, and water quality. In addition to state, tribal, and local data, many federal programs provide critical data.

For example, the U.S. Geological Survey's (USGS) Groundwater and Streamflow Information Program (GWSIP) and National Streamflow Network provide data on water supply availability and water levels. Landsat thermal data is archived and distributed by the USGS. The former National Hydrography Dataset (NHD) and 3D Hydrography Program (3DHP) provide map locations of water features and streamgages. The National Water Information System (NWIS) provides surface water data.

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) provides water supply data through the Snow Survey and Water Supply Forecasting Program, based primarily on data from SNOTEL weather stations that measure snowpack through winter and early spring. The National Water and Climate Center (NWCC) provides soil moisture data through the Soil and Climate Analysis Network (SCAN). The USDA's National Agriculture Imagery Program (NAIP) is used in water right transactions (e.g., water right transfers, instream leases) to confirm or support assertions of beneficial use of water on subject lands.

The National Atmospheric and Space Administration (NASA) and its water-related missions provide remotely-sensed data, and WGA has specifically expressed support for the Landsat program and its use of thermal infrared imagery for monitoring water use.

The National Oceanic and Atmospheric Administration's (NOAA) National Weather Service, Climate Programs Office, Office of Atmospheric Research (OAR), National Environmental Satellite Data and Information Service (NESDIS), National Centers for Environmental Information (NCEI), and National Integrated Drought Information System (NIDIS), another program specifically supported by WGA, all conduct research and provide forecasting data, supporting water management and preparation for the extremes of drought and flooding.

The Bureau of Reclamation's (USBR) Agrimet system is an agricultural weather station network that collects site-specific data that, among other things, is often used to ground truth and calibrate remotely sensed satellite data. It also provides data for improving agricultural water planning and water use efficiency, conserving water, improving crop yields, reducing pesticide and fertilizer application, and reducing energy costs for growers.

The Environmental Protection Agency's National Environmental Information Exchange Network (NEIEN) facilitates environmental data sharing among state, federal, tribal, and local governments to improve timeliness for decisionmaking.

Many of these programs operate very efficiently on lean budgets, yielding public safety and water supply benefits much greater than the cost of their operation. WSWC recently asked our Western states how they are using some of these federal datasets. While not all of these responses will be specifically relevant to this Subcommittee, nor is this an exhaustive list, the complexity of the responses below underscores the many critical roles that federal data play in water management

across the West:

California has a long history of collecting its own data to meet its water needs, and also relies on federal data to make informed water infrastructure operations and management decisions. California's State Water Project and Reclamation's Central Valley Project, the two largest water projects in California, rely on a mix of state and federally collected and served water and weather data to support project operations, including hydropower generation. The NWS California-Nevada River Forecast Center has been co-located with CDWR's State Flood Operations Center for decades, and the two entities partner closely in flood forecasting and flood emergency operations. State and local agencies use USGS streamflow and groundwater level measurements for water project operations, water rights compliance, and groundwater management. Following the 2016 Open and Transparent Water Data Act, California's Department of Water Resources (CDWR) created an integrated water data platform, which includes water and ecological data related to California water supply and management and collected or held by USBR, USGS, NOAA, U.S. Forest Service, and the U.S. Fish and Wildlife Service. NWS watches and warnings support emergency responders in preparing to issue evacuation warnings and orders, such as the high wind and extreme fire risk warnings leading up to and through the recent 2025 LA fires, and the 2023 flood warnings during the atmospheric river events prior to the breach of levees on the Pajaro River.

Colorado's Water Conservation Board uses NRCS SNOTEL and streamgage data to conserve, develop, protect, and manage Colorado's water. Many federal data programs are even more beneficial in the long term (decadal scale) as they provide robust statistical information through variable climate conditions. Discontinuing these data programs can disrupt the long-term benefits.

Kansas uses USGS streamgage data for water rights administration, and reservoir data for reservoir operations. Landsat and OpenET data provide information for irrigated acreage analysis. They use USGS Real Time Water Quality Sensors to monitor ambient water quality and for tracking plumes and relating pollutant levels to stream flows. USACE and USBR reservoir data enables them to manage reservoir release decisions for mitigating instream water quality impacts from harmful algal blooms (HABs). USACE reservoir data provides information on drought or low flow operations and informs interstate water compact compliance. USACE Missouri River data and projections help determine the impacts to Kansas reservoir operations. USACE water quality data supplement state data for TMDL analysis and development. EPA water quality data supplements state data for water quality planning and evaluation. The NOAA-NIDIS drought monitor is used to determine gubernatorial declarations of drought emergencies. The USDA Risk Management Agency (RMA) supports the PRISM project that Kansas uses to update the Republican River Compact Administration groundwater model, and to do other historical analyses with its gridded precipitation and temperature data.

Idaho's Department of Water Resources relies extensively on the USGS stream gaging program for water resource management, to carry out the priority administration of surface water (Snake River, Bear River, Big Lost River, Big Wood River, Payette River, and Upper Salmon River), for dam operations (Priest Lake Outlet), and to ensure compliance with interstate compacts (Upper Snake and Bear River) and tribal water rights settlements (Nez Perce and Shoshone-

Bannock). Idaho also relies on the USGS Landsat program for the remote sensing of evapotranspiration data across the Snake River Plain and tributary basins. Landsat data is used to map irrigated lands and to calculate data needed both annually and in real-time to carry out conjunctive surface and groundwater administration; to calibrate and validate groundwater models; to evaluate and approve new water appropriations via permitting, licensing, transfers, and water supply bank transactions; and to recommend historical water use in adjudication processes. Idaho relies on NRCS SNOTEL data for water supply forecasting, tracking the state's water resources, and informing management decisions. These data allow IDWR and water users to plan for potential water shortages. SNOTEL forecasts allow Idaho to maintain statutorily prescribed water levels in Priest Lake, and to determine whether summer flows will meet the hydropower minimum streamflow requirements in the Swan Falls Settlement Agreement. The Idaho NRCS office manages 119 of the 900 national SNOTEL sites. The NRCS State Snow offices have 27 of 71 positions vacant, and the Idaho office has 4 of 10 positions vacant due to recent federal terminations, threatening SNOTEL network maintenance and forecasting capabilities.

Montana's Department of Natural Resources and Conservation relies on several federal water datasets to actively manage the water resources. As a headwaters state, Montana relies heavily on streamgage data, SNOTEL data, and weather data that are used daily during the winter and spring to forecast anticipated runoff and water availability for their state reservoir management, flood risk assessment, and water compact agreements including international, interstate, tribal and federal compacts.

New Mexico heavily relies on water data developed by or in consultation with federal agencies for several different purposes collaboratively integrates several sources of federal and non-federal water data under the authority of New Mexico's Water Data Act, NMSA 72-4B-1, et seq.. New Mexico and other states rely on federal water data to track reservoir levels, gauging and stream flow measurements, and forecasts for water management operations in intrastate and interstate basins. For example, in connection with the current severe drought conditions, New Mexico has utilized the NRCS monthly SNOTEL data and current and historic precipitation data, NOAA monthly soil moisture measurements, NIDIS interactive drought maps, and the U.S. Drought Monitor, and Climate Assessment for the Southwest (CLIMAS), an interdisciplinary NOAA program that is a collaboration between the University of Arizona and New Mexico State University. Federal water data is also useful in connection with implementation of the technical elements of interstate and Indian Water Rights Settlement Agreements. Federal water data also has been utilized recently in New Mexico in connection with coordinated responses across several agencies to flooding and channel capacity constraints.

In Nevada, the NRCS water supply forecasts, based primarily on SNOTEL data, are the principal indicator used by irrigators in the Walker River Basin to set pumping thresholds to prevent chronic groundwater depletions. Such local efforts to manage groundwater use for the benefit of the community helps prevent the need for state-mandated curtailments of water rights by priority date. During record-breaking precipitation in the winter and spring of 2023, Nevada relied on those monthly forecasts to notify dam owners of potential runoff volumes that could exceed dam spillway capacity. They relied on NOAA weather predictions to determine flood control reservoir releases during a near-failure event at the Echo Canyon Dam in 2023; two of the three subsurface grade check structures in the downstream outlet channel were breached by

headcutting, and the third and final structure held up. USDA's RMA PRISM Climate Data is an extremely valuable gridded geodatabase to estimate climate parameters in the many remote regions of Nevada where there is little ground-based weather data. It is commonly used for hydrologic modeling to estimate water budgets and groundwater availability. They widely rely on the U.S. Drought Monitor to gauge drought severity, which is easily communicated and often drives water conservation efforts at the local level.

North Dakota relies heavily on precipitation data provided through NOAA and NRCS. NOAA's Atlas 14 program was a gargantuan shift on the understanding of precipitation patterns and statistical probability of those patterns. The recent development of Atlas 15, a spatially continuous national precipitation frequency atlas, is expected to be an equivalent leap forward in understanding when, where, and how much precipitation is to be expected. NRCS precipitation distribution publications, such as Technical Papers 40 (1961) and 49 (1964) (then-U.S. Soil Conservation Service) help in the construction of water-related infrastructure. Data from Atlas 15 will help North Dakota to ensure that its water infrastructure projects are designed accurately and efficiently, making the most efficient use of taxpayer dollars.

Oregon uses federal data for almost all major functions for characterizing and managing surface and groundwater, including water distribution, forecasting, monitoring, modeling, allocation, regulation, management, public safety, water right transactions (permits, transfers, evidence of beneficial use, forfeiture of non-use), reservoir monitoring, basin studies, municipal water supply planning, agricultural water supply needs, and meeting the needs of ESA-listed aquatic species. Data include USGS NWIS groundwater monitoring network, streamgage network, water chemistry, and maps; USBR Hydromet and Agrimet; U.S. Fish and Wildlife Service threatened and endangered aquatic species lists; NOAA precipitation data; USDA soil surveys, NRCS snow surveys, CREP-enrolled lands, and Ag Census.

South Dakota's Department of Agriculture and Natural Resources relies heavily on USGS stream flow, Mesonet datasets, and other USGS and NOAA publications when investigating water right or water quality permit applications. These data are also used during droughts, floods, responding to pollution spill situations, and to verify hydrologic modeling for dam spillway sizing. On the water quality side, streamflow gages are critical in determining allowable pollutant discharges. Federal water chemistry data impact water quality permit decisions. Mesonet data help inform their beneficial use analysis of waterbodies. On the water resources side, streamflow data informs decisions about bypass requirements and water shut off orders. The state dam safety program is waiting for NOAA to complete its updated probable maximum precipitation (PMP) study (last completed in the 1970s) to provide updated numbers for designing and rehabilitating dams. NOAA's Atlas 15 is needed to update the National Precipitation Frequency Standards for designing infrastructure to the best available information and current storm data.

Utah's Department of Natural Resources relies heavily on USGS streamgages for accurate real-time flow measurements and historical data that inform decisions about diversions, withdrawals and compliance for the fair and transparent allocation of water rights. Streamflow data help optimize reservoir operations, groundwater management, and other water projects. This can lead to more efficient water use, reduced conflicts, and better environmental outcomes. Accurate data allows for complex Great Salt Lake management, from flow modeling to salinity

forecasting. Streamgage data supports early warning systems and informs emergency response strategies. Having access to near real-time conditions aids in flood forecasting, drought planning, informing agricultural decisions, minimizing risks to communities and infrastructure, and supports recreational and ecological needs. Historical records enable trend analysis, helping detect changes in flow regimes over time, which helps with modeling and state planning efforts. Such insights guide policy development, water resources planning, and future infrastructure investments.

Washington's Department of Ecology relies on NOAA and USGS flood forecasts for predicting peak flood elevations, severity, and inundation areas days in advance, which helps identify potential road closures or evacuations before flood events occur. NOAA's precipitation gauges and cameras in wildfire-affected areas help monitor and predict post-wildfire debris flows and flood risks, improving responses and mitigation efforts. The staff of NRCS's regional Snow Survey and Water Supply Forecasting Program has been decimated – only 5 of 12 staff remain to cover both Washington and Oregon, and the northwest SNOTEL system will not be maintained without sufficient staff, and is expected to fail as soon as this summer. The U.S. General Services Administration has proposed cancelling the lease for the NRCS facility that houses the SNOTEL equipment, and listed the vehicles and supplies used to maintain the monitoring network as potentially being put up for sale as soon as June. Without snowpack data, Ecology will not be able to accurately forecast water supplies, and may not be able to issue timely drought declarations. This means that farmers and water managers will not be able to plan for and mitigate drought impacts. The Bureau of Reclamation's determinations regarding Yakima basin water allocation rely on NRCS data. Ecology's Office of Chehalis Basin noted that without the integrated federal system for collecting, analyzing, and reporting data, every aspect of the work they do and fund would be impaired or impossible. Their Flood Warning System relies on a combination of federal, state, and local funding to build, upgrade, and maintain the system. The system includes data from USGS gages, NOAA's GOES satellite system, NWS weather forecasts, and NOAA's River Forecast Center – all of those elements need to be working and communicating with one another for the flood warning system to operate. The system provided thousands of residents with advance notice of a major flood event in 2022, enabling them to protect lives and property. NIDIS is the sole source of collaboration between Washington and other states on drought response and resilience. The NIDIS data analysis is in a format that is accessible to the public and allows Ecology and other water managers to evaluate drought conditions, including the impacts on irrigation districts in the Yakima Basin. Ecology is concerned about proposed cuts to OAR where NIDIS is housed; the data collected and analyzed there is critical to their understanding of and forecasts for seasonal climate trends, including drought. USGS gages and historical weather data are essential in creating and operating the hydrologic and hydraulic models used for reducing flood damage and protecting aquatic species, and to assess the potential impact of future infrastructure and conveyance improvements.

Data and forecasting provide early warning that can help water and power suppliers, communities, and businesses to take action to mitigate loss of life, property damage, and economic impacts. Examples of recent billion-dollar disasters in the West include: flooding and mudslides, severe weather and wildfires (2023); extensive West and Midwest drought, heatwave, and wildfires, as well as severe Central weather and North Central and South Central hail (2022); Western drought, heatwave and wildfires, with California flooding, as well as Central and South Central severe storms and cold wave (2021); continued drought, heatwave, wildfires, as well as

severe storms and hail (2020); Missouri River and northern Great Plains flooding (2019); Colorado hail storms (multiple years), drought in the southern Great Plains (2018); California and Nevada flooding (2017); severe multi-year drought in California and much of the West (2012-16); Texas and Oklahoma flooding (2015); and flooding in Texas resulting from Hurricane Harvey (2017); drought across the southern Great Plains (2011); Missouri River and northern Great Plains flooding (2011). Such disasters are not isolated occurrences in the West and are likely to continue.

Water agencies depend on NOAA forecasting to be the early warning for extreme weather events. Unfortunately, the skill of NOAA precipitation forecasting is poor more than a week in advance. Reliable forecasts with longer lead times would allow water managers to operate infrastructure more efficiently and allocate resources to mitigate and manage impacts. WSWC urges Congress to prioritize the needed research funding to improve precipitation forecasting at subseasonal to seasonal (S2S) lead times. Public Law 115-25 directed NOAA to improve its S2S forecasts and to submit a report to Congress with recommendation for doing so. NOAA submitted its report in 2020 but has not taken action on its recommended pilot projects for water management and agriculture.

Western water agencies also rely on streamflow water supply products produced by NOAA's three western River Forecast Centers. The services the river forecast centers provide to federal, state, and local reservoir operators in the West are unique to the West; NOAA's National Water Center in Tuscaloosa does not have the capability to prepare water supply forecasts. WSWC urges Congress to require NOAA to keep the centers operational and to continue providing the water supply products used by federal, state, and local agencies, including the critical modeling needed to support Colorado River water and power operations.

WSWC urges Congress to prioritize the appropriation of sufficient funds to maintain, modernize, expand, and improve these federal data programs, ensuring that they remain accessible to a growing and diffuse number of decisionmakers and stakeholders. The erosion or loss of these programs and the disruption of data may have significantly adverse consequence for our economic and environmental future.

WSWC further urges Congress to invest in additional research and data sharing to help resolve state and regional water problems, including support for water resources research institutes and the Water Resources Research Act program, transitioning from research to operations and technology transfers, forecast informed reservoir operations, hydroclimate data collection, and seasonal to subseasonal forecasting.

Water Infrastructure

A secure and sustainable water future will be determined by our ability to maintain, replace, expand and make the most efficient use of critical water infrastructure. We must preserve and improve existing infrastructure, as well as encourage and support innovative water supply strategies and new storage options to better balance supplies with demands.

The West depends on an intricate and aging system of weirs, diversions, dams, reservoirs, pipelines, aqueducts, pumps, canals, laterals, drains, levees, wells, stormwater channels, and water

and wastewater treatment and hydroelectric power plants. These systems are financed and maintained under a complex network of state, tribal, local, private, and federal ownership, benefitting a broad segment of water users and other stakeholders.

Aging federal water infrastructure has deteriorated due to underfunded and deferred maintenance, repair, and replacement needs. In many cases, this infrastructure had exceeded its designed lifespan, raising public safety issues. Other authorized federal infrastructure projects have not been started or remain incomplete for decades due to inconsistent, incremental, or insufficient appropriations; permitting and licensing backlogs; and oversight by multiple federal agencies with inadequate interagency coordination.

Maintaining and delivering sufficient supplies of water of suitable quality is key to maintaining the West's economic prosperity, meeting our environmental needs, and sustaining our quality of life, both now and in the future. Appropriate water-related infrastructure investments ensure our continued ability to store, manage, conserve, and control water during both floods and droughts, as well as protect and treat our water resources. Existing and new infrastructure is critical to meet drinking water, wastewater treatment, irrigation, hydropower, flood control, interstate compact, tribal and international treaty, fish and wildlife habitat needs.

The WSWC supports collaboration and leadership at all levels of government and within the private sector to address the nation's infrastructure needs, including hydropower. WSWC urges Congress to work with the Administration to ensure adequate appropriations for constructing, maintaining, and replacing critical federal water projects and to assist states and local governments as they address their water infrastructure needs. The WSWC encourages Congress to work with the Administration and with States to streamline permitting processes and coordinate environmental and other regulatory reviews to eliminate duplicative procedures. WSWC urges Congress further to develop a method of budget scoring that considers the unique timing of the costs and benefits of water infrastructure investments and accounts for long-term public health and safety, economic and environmental benefits, with fair and appropriated discounting.

Rural Water Systems

Many of our rural communities are struggling to meet existing and future water supply needs and compliance with present regulatory mandates. Over 90% of the public water supply systems in the United States are small systems serving 10,000 or fewer people. These small systems face unique challenges, including financial constraints, aging infrastructure, limited technical operations and managerial administrative expertise, reduced or contaminated water supplies, and lack of access to alternative water supplies. Small system infrastructure consolidation poses significant challenges, particularly for geographically isolated communities. However, regionalization of sharable technical, financial, and managerial resources across multiple small systems may present opportunities for small systems to make meaningful improvements.

For nearly twenty years, the Bureau of Reclamation's Rural Water Program has been focused on the completion of authorized rural water projects that have long been needed in Montana, New Mexico, North Dakota, and South Dakota. The program is also authorized to work with rural communities, states, and tribes to assess potable water supply needs, and to undertake

additional appraisal investigations or feasibility studies for new rural water projects. The WSWC supports the use of this program to identify smaller scale opportunities for small public water supply systems, including the appropriation of sufficient funds directed toward that effort. WSWC also supports the work done by USDA Rural Development to bring clean, safe drinking water and sanitation to rural communities.

Indian Water Rights Settlements

WSWC has long supported the negotiated resolution of Indian water rights claims, which can achieve the final determination unquantified reserved water rights for tribes in a manner that is the least disruptive to existing water uses with younger priority dates. This leads to greater water security across the West and an increased ability to plan for the future. Some advantages of negotiated settlements include: (i) the ability to be flexible and to tailor solutions to the unique circumstances of each situation; (ii) the ability to promote conservation and sound water management practices; and (iii) the ability to establish the basis for cooperative partnerships between Indian and non-Indian communities. The successful resolution of certain claims may require “physical solutions,” such as development of federal water projects and improved water delivery and application techniques. The federal government has trust obligations toward tribes, and water rights settlements often involve a waiver of some portion of tribal water right claims and breach of trust claims that could otherwise result in court-ordered judgments and increased costs for federal taxpayers. These settlements have a regional impact and are not and should not be considered earmarks or community projects. WSWC urges Congress to expand opportunities to provide funding for settlements, and to ensure that authorized settlements will be funded without a corresponding offset to other essential tribal or Department of Interior programs.

An integrated, collaborative, and grassroots approach to water resources management is critical to the environmentally sound and efficient use of our water resources. States, federal agencies, tribes, and local communities should work together to identify water problems and develop optimal solutions at the lowest appropriate level. Striving for cooperation rather than litigation, we must recognize and respect national, state, regional, local and tribal differences in values related to water resources.

Thank you for the opportunity testify.

FORMALLY ADOPTED POSITIONS OF THE WESTERN STATES WATER COUNCIL

2025

- [Position #531](#) – Regarding Clean Water Act Jurisdiction (4/25/25)
- [Position #530](#) – Supporting Migratory Birds and the Management of State Water Rights and Resources (4/25/25)
- [Position #529](#) – Supporting Renewable Hydropower Development (4/25/25)
- [Position #528](#) – Supporting Rural Water Infrastructure Needs & Projects (4/25/25)
- [Position #527](#) – Regarding the Extension of NPDES Permit Terms (4/25/25)

2024

- [Position #526](#) – Regarding Abandoned Hardrock Mine Cleanup (10/23/24)
- [Position #525](#) – Regarding States' Water Rights and Natural Flows (10/23/24)
- [Position #524](#) – Regarding Bureau of Reclamation Drought Response Program (10/23/24)
- [Position #523](#) – Regarding Drought Preparedness, Prediction and Early Warning Programs (10/23/24)
- [Position #522](#) – Regarding Federal Water and Climate Data Collection and Analysis Programs (10/23/24)
- [Position #521](#) – Supporting State Clean Water Act Section 401 Certification Authority (10/23/24)
- [Position #520](#) – Regarding the Endangered Species and State Water Rights (7/26/24)
- [Position #519](#) – Supporting Water Transfers and NPDES Discharge Permits (7/26/24)
- [Position #518](#) – Supporting Rural Water Supply Project/Infrastructure Needs (7/26/24)
- [Position #517](#) – Regarding State Nutrient Reduction Strategies (7/26/24)
- [Position #516](#) – Supporting the *Dividing the Waters* program for judges (March 14, 2024)
- [Position #515](#) – State Primacy over Groundwater (3/14/24)
- [Position #514](#) – Access to Reliable, Clean Drinking Water for Federally Recognized Indian Tribes (3/14/24)
- [Position #513](#) – Supporting Federal Research on Climate Adaptation (3/14/24)
- [Position #512](#) – Regarding Integrating Water and Energy Planning and Policy (3/14/24)
- [Position #511](#) – Supporting Water Infrastructure Funding (3/14/24)
- [Position #510](#) – Supporting Weather Station Networks (3/14/24)

- [Position #509](#) – Supporting the use of Forecast Informed Reservoir Operations and Innovations (3/14/24))
- [Position #508](#) – Regarding Probable Maximum Precipitation Standards Position (3/14/24)

2023

- [Position #507](#) – Actions Federal Agencies Should Take to Expedite State General Stream Adjudications (9/14/23)
- [Position #506](#) – Asserting State Primacy on Protecting Ground Water Quality (9/14/23)
- [Position #505](#) – Supporting USDA Conservation Programs and Water Resources (9/14/23)
- [Position #504](#) – Supporting Indian Water Rights Settlements (9/14/23)
- [Position #503](#) – Regarding Water-Related Federal Rules, Regulations, Directives, Orders and Policies (5/24/23)
- [Position #502](#) – Supporting the Water Resources Research Institutes and USGS Water Resources Research Act Program (5/24/23)
- [Position #501](#) – Regarding the Reclamation Fund (5/24/23)
- [Position #500](#) – Supporting NOAA Data, Forecasting, and Research Programs (5/24/23)
- [Position #499](#) – Regarding Preemption of State Law in Federal Legislation (5/24/23)
- [Position #498](#) – Supporting National Dam Safety Programs (5/24/23)
- [Position #497](#) – Regarding Rural Water and Wastewater Project/Infrastructure Needs and USDA Programs (5/24/23)
- [Position #496](#) – Regarding the Clean and Drinking Water State Revolving Funds and State and Tribal Assistance Grants (5/24/23)
- [Position #495](#) – Regarding the National Levee Safety Act of 2007 and Levee and Canal Structures (5/24/23)
- [Position #494](#) – Regarding the Transfer of Federal Water and Power Projects and Related Facilities (5/24/23)
- [Position #493](#) – Regarding the Reclamation Safety of Dams Act of 1978 (5/24/23)
- [Position #492](#) – Regarding Bureau of Reclamation Maintenance, Repair and Rehabilitation Needs (5/24/23)
- [Position #491](#) – Supporting Subseasonal to Seasonal Weather Research, Forecasting, and Innovation (5/24/23)
- [Position #490](#) – Regarding Water Quality and Federal Reserved Treaty Rights for Tribes (5/24/23)

2022

- [Position #489](#) – supporting legislation requiring the federal government to pay state filing fees in state general stream adjudications (10/21/22)
- [Position #488](#) – expressing support for implementation of the SECURE Water Act (10/21/22)
- [Position #487](#) – urges the Administration and NASA to enhance focus on research for water resources applications and promote long term engagement with the WSWC (10/21/22)
- [Position #486](#) – related to EPA exercise of authority under Section 404(c) of the Clean Water Act (10/21/22)
- [Position #485](#) – supports Water Research and Development Programs at the Department of Energy National Laboratories (8/5/22)
- [Position #484](#) – regarding Hydraulic Fracturing (8/5/22)
- [Position #483](#) – strengthening the Resiliency of Our Nation to the Impacts of Extreme Weather Events (8/5/22)
- [Position #482](#) – regarding Radio Frequencies Bandwidth (8/5/22)
- [Position #481](#) – regarding Clean Water Act Jurisdiction (4/6/22)
- [Position #480](#) – supporting Migratory Birds and the Management of State Water Rights and Resources (4/6/22)
- [Position #479](#) – supporting Renewable Hydropower Development (4/6/22)
- [Position #478](#) – supporting Rural Water Infrastructure Needs & Projects (4/6/22)