Albuquerque, New Mexico
September 14-15, 2011

Tony Willardson, Executive Director
Western States Water Council
WSWC Organization

- Western Governors’ Conference - Portland, OR June 1965
- “The future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality.”
- A fair appraisal of future water needs
- The most equitable means of meeting such needs
- Requires a regional effort
- Water availability and interstate transfers
- Rapid federal water development and regional planning
- A unified voice in the use of their own water resources
- State forum on western water resource issues
- Commitment to striving for a regional consensus on issues of mutual concern
“I am impressed with the need for the states of the West to look beyond sectional interests and to approach water resource development on a regional basis. Few endeavors offer more challenge...and greater potential for lasting benefit. Unless we are successful, lack of water will soon limit development throughout much of the West. I am convinced that the best approach to westwide regional planning is through cooperative state action. I see no need, certainly at this time, for the states to look to Washington to act as a broker in this endeavor.”
Gathered here today is a greater assemblage of knowledge of water problems of the West than has ever been seated in one hall...

Today we stand on the threshold of an expanding economy, greater than could possibly have been foreseen as late as 10 years ago.

However, one grave danger lies in the path of this expanding economy – water.

In many areas we are depleting out groundwater.

We must now take the next step – westwide water development.
A REVIEW OF INTERREGIONAL AND INTERNATIONAL WATER TRANSFER PROPOSALS
Grant Sawyer
Governor of Nevada

The time has come to conduct yourselves as statesmen and sit down around the table to work out the best plans to meet the needs of the entire West –

Not just the Southwest, not just the Northwest
But the entire West

A guiding hand is a necessary instrument...and this group has been designated to provide that guidance.
The Governors are hopeful that this will be the only group to speak for the western states on this subject.

We must act as fast as we can, for I guarantee, if we cannot get this moving among the states, it is going to be done, and it may be done at a level which may not take into account public interest as we see it. If we cannot work together as combined states, we certainly cannot complain if someone else, specifically the federal government, resolves our problems for us. We cannot complain about federal control when it is invited by our own inaction.
To ensure the West has an adequate, sustainable supply of water of suitable quality to meet our diverse economic and environmental needs now and for future generations will require a regional effort.
Water Needs and Strategies for a Sustainable Future

1. Growth and Water Policy
2. Meeting Future Water Demands
3. Water Infrastructure Needs and Strategies
4. Resolution of Indian Water Rights Claims
5. Climate Change Impacts
6. ESA & Protecting Aquatic Species

Western Governors’ Association ♦ June 2006
Governments face significant challenges in addressing their infrastructure needs. Investing to support the availability of clean water is a key to continued economic growth.

1) **Value of Water** – Water is a valuable. Investors are beginning to look at “water stress” as a competitive disadvantage for the West.

2) **Water Conservation and Reuse** – Water conservation and reuse can help alleviate water stress and need to be taken into account in land-use planning and decision-making.

3) **Asset Management Principles** – Infrastructure needs must be evaluated based on standard criteria that evaluate risks to: (1) health and human safety; (2) economic growth; and (3) the environment. Investments should be made based on long-term capital budgeting efficiencies, not “annual incremental choices.”

4) **Private Financing and Construction** – Public private partnerships and alternative project services delivery offer various advantages and may be employed with acceptable returns on investments.

5) **Federal and State Infrastructure Investments** – The need for stable or increasing funding of infrastructure, especially in small and rural communities, must be addressed.
(c) POLICY.—(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.
Water Law 101 – Prior Appropriation

- First in Time, First in Right (Seniority)
- Priority Dates - First to put water to use
- Reasonable Beneficial Use (Water Duties)
- Use it or Lose it!
- Non-speculation/Maximum Economic Benefit
- Forfeiture and Abandonment Statutes
- Changes in Use Approved by the State
- Water Rights Transfers/Consumptive Use
- Public Interest Review
- Interstate Compacts
Risk and Uncertainty

- General lack of data on water needs and past, present and future uses
- Increasing population & energy needs
- Climate change and variability
- Endangered species’ and other instream uses and outflows to bays and estuaries
- Unquantified Native American water rights
Decisions about where and how to grow are rarely influenced by water policy or by the availability of water.
States (who have the legal responsibility associated with the resource), working with interested stakeholders, should identify innovative ways to allow water transfers from agricultural to urban uses while avoiding or mitigating damages to agricultural economies and environmental values.
Quantifying Supplies & Demand
ET from individual fields is essential for: Water Rights, Water Transfers, Farm Water Management

Why use High Resolution Imagery?

ET from Landsat 5 with thermal sharpened to 30 m

\[ K_c = \frac{ET_{act}}{ET_{ref}} \]
Successful Innovative Water Sharing Strategies

1. **Agricultural rotational fallowing** for urban supply through leases
2. **Leasing of interruptible supplies** for urban drought relief
3. **Split year leases** between agriculture and environmental uses to keep late season water in the stream for fish
4. **Conjunctive use of groundwater and surface water** for maximum beneficial use for agriculture and cities
5. **Improvements in irrigation efficiencies** to produce conserved water that can be transferred to urban areas.
Successful Innovative Water Sharing Strategies

6. Development of collaborative stakeholder processes to help review and speed processing of temporary transfers

7. Groundwater banking and recharge

8. Creation of new institutional and business forums to facilitate temporary transfers

9. Storage projects to provide multi-use benefits and flexibility

10. Development of a “best management practices” template to guide agricultural transfers

11. State funding for research and experimentation of transfer methods alternative to permanent dry up of agriculture.
RESOLUTION
of the
WESTERN STATES WATER COUNCIL
REGARDING PREEMPTION OF STATE LAW IN FEDERAL LEGISLATION
Bend, Oregon - July 29, 2011

WHEREAS, the future growth, prosperity and economic and environmental health of the West and the Nation depend upon the availability of adequate quantities of water for myriad uses; and

WHEREAS, 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, instreamflows and aquatic species; and

WHEREAS, the Congress has historically deferred to state 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; and

WHEREAS, any weakening of the deference to state water and related laws is inconsistent with over a century of cooperative federalism and a threat to water rights and water rights administration in all western states; and

WHEREAS, 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; and
WHEREAS, 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; and

WHEREAS, any legislation related to any federal water policy, water plan or planning process must recognize, defer to and support State, tribal and local government water laws, agreements, and management processes; and

WHEREAS, the federal government should explicitly recognize and provide support for ongoing watershed and state water management efforts both in and between the states, tribes and local entities, closely consult with the states and provide appropriate technical and financial assistance; and

WHEREAS, the federal government should avoid strategies that increase unilateral mandates on state, tribal and local governments; and

WHEREAS, from time to time federal legislation and regulatory actions have been proposed that are not consistent with sound federalist principles and primary state water related laws, authorities and responsibilities; and

WHEREAS, legislation preempting or discharging requirements for compliance with state law is not consistent with a balanced federalism approach;
NOW, THEREFORE, BE IT RESOLVED, that nothing in any act of Congress should be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to: (a) water or watershed management; (b) the control, appropriation, use, or distribution of water used in irrigation, municipal, environmental, or any other purposes, or any vested right acquired therein; or (c) intending to affect or in any way to interfere with any interstate compact, decree or negotiated water rights agreement.

BE IT FURTHER RESOLVED, that the Administration and Congress should strive to ensure federal laws, policies, rules and regulations are consistent with the principles set forth herein.

*[H.R. 1837 San Joaquin Valley Water Reliability Act]*
Western Governors’ Association
Policy Resolution 11-XX

Principles for Environmental Management

National Standards, Neighborhood Solutions - Assign Responsibilities at the Right Level

Collaboration, Not Polarization - Use Collaborative Processes to Break Down Barriers and Find Solutions

Reward Results, Not Programs - Performance-Based System

Science for Facts, Process for Priorities - Separate Subjective Choices from Objective Data Gathering
Markets Before Mandates - Pursue Economic Incentives Whenever Appropriate

Change a Heart, Change a Nation - Environmental Understanding is Crucial

Recognition of Benefits and Costs - Make Sure All Decisions Affecting Infrastructure, Development and Environment Are Fully Informed

Solutions Transcend Political Boundaries - Use Appropriate Geographic Boundaries for Environmental Problems
Western States Federal Agency Support Team

A Declaration of Cooperation

Working Together for the Sustainable and Efficient Use of Western Water Resources

We, as representatives of our respective Federal agencies, do hereby declare our intent to cooperate as members of a Western States Federal Agency Support Team (WESTFAST) partnership. We will work together whenever and wherever possible throughout the 17 Western States to promote and educate the public on the benefits of sustainable and efficient use of water resources.

We declare that WESTFAST supports a continued commitment on the part of Federal, and State organizations; working with local, Tribal, and other stakeholders; to improve the effectiveness of collaboration to seek watershed solutions to water issues in the Western States. This effort emphasizes proactive, voluntary, participatory and incentive-based approaches to water resource management and conservation assistance programs throughout the Western States.

We hereby declare that we as WESTFAST partners will collaborate with the Western States Water Council to guide the development of an appropriate action plan for this partnership.

We hereby declare to support, in concept, the establishment of a Federal liaison position to work with the WESTFAST members and the Western States Water Council in developing a collaborative work plan to carry forward joint water resource initiatives. Contributory cost-sharing such a position will be based on authorized and available funds.
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