

S  
333.91  
W18r  
1980

PLEASE RETURN



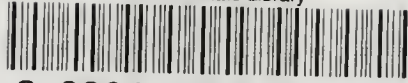
STATE DOCUMENTS COLLECTION

JAN 10 1983

MONTANA STATE LIBRARY  
ESTER L. DELANEY  
HELENA, MONTANA 59620

# 1980 Annual Report

Montana State Library



3 0864 1004 6141 0



**1980**  
**ANNUAL REPORT**  
**OF THE**  
**WESTERN STATES**  
**WATER COUNCIL**

**Fifteenth Annual Report**

# TABLE OF CONTENTS

## MEMBERSHIP

Arizona .....	iii
California .....	iii
Colorado .....	iv
Idaho .....	iv
Montana .....	v
Nevada .....	v
New Mexico .....	vi
Oregon .....	vi
Texas .....	vii
Utah .....	vii
Washington .....	viii
Wyoming .....	viii

## MEMBER IN ATTENDANCE AT SANTA FE,

NEW MEXICO MEETING Photograph .....	ix
-------------------------------------	----

## OFFICERS

Photograph .....	x
------------------	---

## PAST OFFICERS AND EXECUTIVE DIRECTORS

.....	xi
-------	----

## STAFF

Photograph .....	xii
------------------	-----

## RESOLUTION

concerning Council Creation .....	1
-----------------------------------	---

## RESOLUTION

concerning federal Financial Assistance to Correct Unsafe Dams .....	2
---	---

## RESOLUTION

concerning Actions of the Fish and Wildlife Service of the Department of Interior, and the Federal Energy Regulatory Commission under the Auspices of the Federal Power Act and the Fish and Wildlife Coordination Act .....	3
--	---

## POSITION

concerning SCS Snow Survey Program .....	4
--	---

## RESOLUTION

concerning Federal Water Rights .....	5
---------------------------------------	---

## RESOLUTION

concerning EPA's Implementation of the Safe Drinking Water Act .....	6
---	---

## POSITION

regarding "Bump-Up" Provisions of Fast Track Energy Legislation .....	7
--	---

## POSITION

concerning Program Authorizations Under the Water Resources Planning Act .....	7
---	---

## TABLE OF CONTENTS (cont'd.)

POSITION	on the U.S. Water Resources Council's Proposed 1981 Title III Guidelines . . . . .	9
POSITION	concerning 160-Acre Limitation Law . . . . .	11
BUDGET AND FINANCE . . . . .		12
AUDITOR'S STATEMENT . . . . .		13
GENERAL FUND . . . . .		14
EXECUTIVE COMMITTEE CHARTER . . . . .		15
EXECUTIVE COMMITTEE MEMBERS . . . . .		16
	Photograph . . . . .	17
LEGAL COMMITTEE CHARTER . . . . .		18
LEGAL COMMITTEE MEMBERS . . . . .		19
	Photograph . . . . .	20
WATER QUALITY COMMITTEE CHARTER . . . . .		21
WATER QUALITY COMMITTEE MEMBERS . . . . .		22
	Photograph . . . . .	22
WATER RESOURCES COMMITTEE CHARTER . . . . .		23
WATER RESOURCES COMMITTEE MEMBERS . . . . .		24
	Photograph . . . . .	24
RULES OF ORGANIZATION . . . . .		25
PRINCIPLES - STANDARDS - GUIDELINES . . . . .		27
ADDRESSES AND PHONE NUMBERS . . . . .		30

1980  
WESTERN STATES WATER COUNCIL  
MEMBERSHIP

ARIZONA



\*Governor Bruce E. Babbitt  
4-78

\*\*Wesley E. Steiner  
2-69

Tom Choules  
4-70

Robert E. Lundquist  
10-78

Larry Deason (Alt.)  
3-78

CALIFORNIA



\*Governor  
Edmund G. Brown, Jr.  
1-75

\*\*Roanld B. Robie  
7-75

Senator Ruben Ayala  
2-78

Robert Miller (Alt.)  
5-79

William R. Attwater (Alt.)  
7-79

## COLORADO



\*Governor Richard D. Lamm  
1-75

\*\*D. Monte Pascoe  
4-80

J. William McDonald  
10-79

Gary Broetzman  
9-80

Jeris Danielson (Alt.)  
4-80

Dennis Montgomery (Alt.)  
4-80

Marcia Hughes (Alt.)  
4-80

## IDAHO



\*Governor John V. Evans  
1-77

\*\*Herman J. McDevitt  
4-72

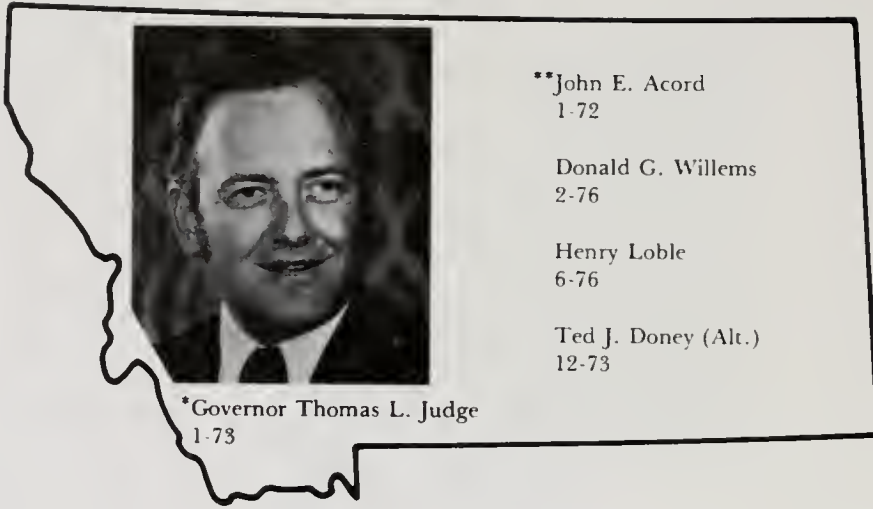
Ray Rigby  
2-73

Steve Allred  
7-73

Cy Young (Alt.)  
2-73

A. Kenneth Dunn (Alt.)  
5-77

## MONTANA



\*Governor Thomas L. Judge  
1-73

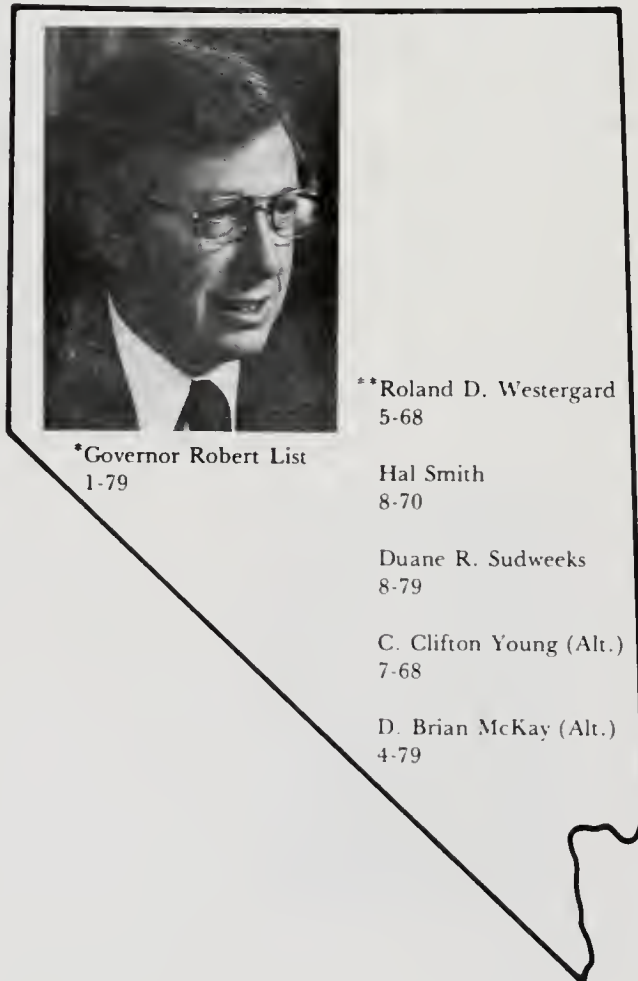
\*\*John E. Acord  
1-72

Donald G. Willems  
2-76

Henry Loble  
6-76

Ted J. Doney (Alt.)  
12-73

## NEVADA



\*Governor Robert List  
1-79

\*\*Roland D. Westergard  
5-68

Hal Smith  
8-70

Duane R. Sudweeks  
8-79

C. Clifton Young (Alt.)  
7-68

D. Brian McKay (Alt.)  
4-79



## NEW MEXICO



\*Governor Bruce King  
1-79

\*\*S. E. Reynolds  
6-65

George Hannett  
8-73

Odis L. Echols  
11-75

David P. Hale (Alt.)  
6-65

## OREGON



\*Governor Victor Atiyeh  
1-79

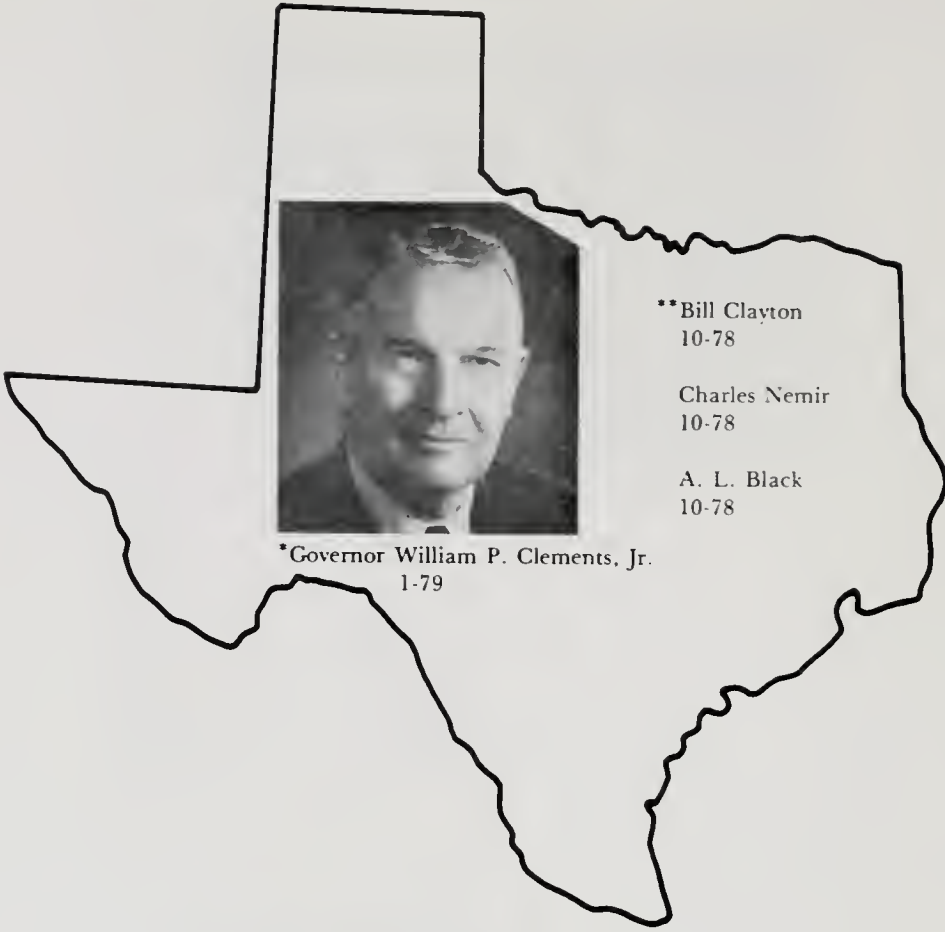
\*\*James E. Sexson  
3-79

George Proctor  
3-79

William H. Young  
3-79

Pat Amedo (Alt.)  
3-79

TEXAS



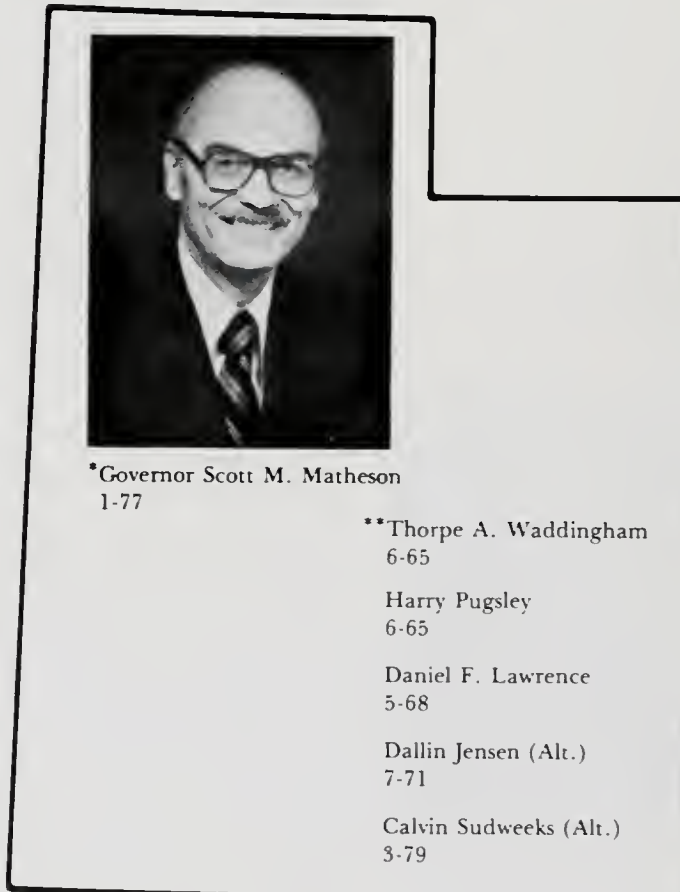
\*\*Bill Clayton  
10-78

Charles Nemir  
10-78

A. L. Black  
10-78

\*Governor William P. Clements, Jr.  
1-79

UTAH



\*Governor Scott M. Matheson  
1-77

\*\*Thorpe A. Waddingham  
6-65


Harry Pugsley  
6-65

Daniel F. Lawrence  
5-68

Dallin Jensen (Alt.)  
7-71

Calvin Sudweeks (Alt.)  
3-79

## WASHINGTON




**\*Governor Dixy Lee Ray**  
1-77

**\*\*Wilbur G. Hallauer**  
4-77

Charles B. Roe, Jr.  
4-70

John Spencer  
10-77

## WYOMING



**\*Governor Ed Herschler**  
1-75

**\*\*George L. Christopoulos**  
4-75

Willard C. Rhoads  
3-67

Myron Goodson  
6-65

Jack D. Palma II (Alt.)  
2-78

\*Governor Member  
\*\*Executive Committee Member

**Western States Water Council Members  
in attendance at  
Santa Fe, New Mexico meeting, October 10, 1980**



Seated: Charles Nemir, Daniel Lawrence, Roland Westergard, George Christophulos  
 2nd row: Willard Rhoads, Marcia Hughes, Henry Loble, Pearl Pollick, Ron Robie, Charlie Roe, Virginia Jensen, Jack Acord  
 3rd row: John Spencer, Jim Sexson, Harry Pugsley, Myron Goodson, Calvin Sudweeks, Duane Sudweeks, S. E. Reynolds  
 4th row: Bill McDonald, Steve Allred, Tony Willardson, Robert Lundquist, George Proctor, George Hannett, Craig Bell, A. L. Black  
 Back row: Jack Barnett, Tom Choules, Ray Rigby



## OFFICERS

### CHAIRMAN

Daniel F. Lawrence  
7-80

George L. Christopoulos  
7-79 to 7-80

### VICE-CHAIRMAN

Charles Nemir  
7-80

Daniel F. Lawrence  
7-79 to 7-80

### SECRETARY-TREASURER

Roland Westergard  
7-80

Charles Nemir  
7-79 to 7-80



Left to Right: Daniel F. Lawrence, Charles Nemir, George Christopoulos, Roland Westergard

The following men have led the Western States Water Council as officers since its inception in 1965:

As Chairman: Freeman Holmer - Oregon  
Raphael J. Moses - Colorado  
William S. Holden - Idaho  
William R. Gianelli - California  
William A. Groff - Montana  
Wesley E. Steiner - Arizona  
Chris L. Wheeler - Oregon  
Donald L. Paff - Nevada  
George Christopulos - Wyoming  
Daniel F. Lawrence - Utah

As Vice-Chairman: Raphael J. Moses - Colorado  
William S. Holden - Idaho  
William R. Gianelli - California  
William A. Groff - Montana  
Wesley E. Steiner - Arizona  
Chris L. Wheeler - Oregon  
Donald L. Paff - Nevada  
George Christopulos - Wyoming  
Daniel F. Lawrence - Utah  
Charles Nemir - Texas

As Secretary-Treasurer: Donel J. Lane - Oregon  
Floyd A. Bishop - Wyoming  
Daniel F. Lawrence - Utah  
Charles Nemir - Texas  
Roland Westergard - Nevada

The following have served as Executive Director:

Wright Hiatt  
Jay R. Bingham  
Thomas E. Cahill  
Jack A. Barnett  
D. Craig Bell

Council headquarters are located at:

220 South 2nd East, Suite 200  
Chancellor Building  
Salt Lake City, Utah 84111  
(801) 521-2800

## STAFF

D. Craig Bell	Executive Director
Tony Willardson	Research Analyst
Pearl Pollick	Office Manager
Fae Drake	Report Secretary
Norman Johnson	Legal Assistant
6-80	
Joanne Otterstrom	Secretary
8-80	
Pamela Dennis	Clerk
8-80	
<i>Jack A. Barnett</i>	<i>Executive Director</i>
<i>3-74 to 11-80</i>	
<i>Virginia Jensen</i>	<i>Legal Secretary</i>
<i>10-74 to 4-80</i>	
<i>Colleen Slade</i>	<i>Clerk</i>
<i>6-79 to 8-80</i>	



Back row: Tony Willardson, Craig Bell, Jack Barnett  
Front row: Virginia Jensen, Pearl Pollick, Fae Drake

**WESTERN STATES WATER COUNCIL**  
**1980**  
**ANNUAL REPORT**

*Resolution*  
*Western Governors' Conference*  
*June 1965*

*WHEREAS, the future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality; and*

*WHEREAS, the need for accurate and unbiased appraisal of present and future requirements of each area of the West and for the most equitable means of providing for the meeting of such requirements demands a regional effort;*

*NOW THEREFORE, BE IT RESOLVED by the Western Governor's Conference that it approves the creation of a Western States Water Council to be established in general conformity with the organizational pattern of the attached SUGGESTED RULES OF ORGANIZATION developed by the Western Water Resources Task Force appointed by the members of this Conference; and*

*BE IT FURTHER RESOLVED, that the members of this Conference will take all feasible steps to provide the support to give effective meaning to the creation of such a Council, including the establishment, upon recommendation of the Council, of a staff and central office to be financed in an amount not to exceed the sum of \$150,000 for the first year from appropriations by each of the member states equally.*

In 1965 Governors of the Western States assembled at a Western Governor's Conference, approved the creation of the Western States Water Council by the above resolution. The stated purpose of the Council was to accomplish effective cooperation among the participating states in planning for programs leading to integrated development by state, federal and other agencies of their water resources.

In 1978 the State of Texas petitioned for membership and was admitted to the Council. Member states include: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

Each member Governor has the opportunity to appoint three representatives to the Council from his state, plus alternates as the Governor feels necessary. Each representative serves on a working committee. In addition, one representative from each state also serves on the Executive Committee. Meetings are held quarterly at locations on a rotation basis, giving each state the opportunity to



host the Council meetings in the city of their choice. External positions can be taken at a Council meeting by an affirmative vote of at least two-thirds of all member states, provided that on matters concerning out-of-basin transfers, no recommendation may be issued or external position taken except by a unanimous vote of all member states. On internal matters, action may be taken by a majority vote of all member states.

The three working committees consist of a Water Resources Committee, a Water Quality Committee and a Legal Committee. Council officers consist of a chairman, vice-chairman and secretary-treasurer. Elections for the chairman and vice-chairman are held each July at the annual meeting of the Council. The secretary-treasurer serves at the pleasure of the elected chairmen. Special sub-committees, as needed, are designated by each committee chairman to study and address areas of particular concern to all Council members.

The 1980 quarterly meetings were held January 25 in San Antonio, Texas; April 18 in Eugene, Oregon; July 18 in Great Falls, Montana and October 10 in Santa Fe, New Mexico. Guest speakers, experienced in their own fields, are invited to the meetings to address Council members on given subjects of interest.

At the January quarterly meeting, resolutions were passed concerning federal financial assistance to correct unsafe dams, and actions of the Fish and Wildlife Service requiring the Brazos River Authority (Texas) to make increased releases of water from Possum Kingdom Lake to improve fishing and boating downstream. The Council also adopted a position concerning the status of the snow survey program. Special presentations were given in San Antonio by John T. Carr, Director of both the Weather Modification and Technology Section of the Texas Department of Water Resources and the North American Interstate Weather Modification Council (NAIWMC); Paul Summers, Utah Division of Water Resources Cloud Seeding Project and Chairman of NAIWMC and Michael Devine, Director of the Science and Public Policy Program at the University of Oklahoma.

Following are the positions adopted at the January, San Antonio meeting:

Resolution  
concerning  
Federal Financial Assistance to Correct Unsafe Dams

*WHEREAS, inspections pursuant to P.L. 92-367 show that a large number of non-federal dams are in need of immediate remedial improvements to reduce hazards to life and property, and*

*WHEREAS, present criteria used to evaluate the safety of dams are substantially more conservative than at the time many of the dams were constructed, and*

*WHEREAS, modification of the dam structures is now determined to be essential for the protection of life and property, and*

*WHEREAS, some owners of dams cannot finance the recommended modifications through existing financial channels.*

*NOW THEREFORE BE IT RESOLVED that the Congress enact legislation that will provide financial assistance for correcting unsafe dams in the form of long term loans with that program being administered by qualified states.*

Resolution  
concerning

Actions of the Fish and Wildlife Service of the Department of the Interior, and the Federal Energy Regulatory Commission Under the Auspices of the Federal Power Act and the Fish and Wildlife Coordination Act

*WHEREAS, the Federal Energy Regulatory Commission has under consideration a recommendation of the U.S. Fish and Wildlife Service that the Brazos River Authority, an agency of the State of Texas, be required (under the terms of the Federal Energy Regulatory Commission license for Morris Sheppard Dam, which creates Possum Kingdom Lake) to make significantly increased continuous releases of water from Possum Kingdom Lake, a State of Texas water resource project owned and operated by the Brazos River Authority, in order to improve conditions for fishing and boating in the Brazos River downstream; and*

*WHEREAS, the recommendation of the Fish and Wildlife Service was made without adequate consideration of the adverse effects of such recommendation on project purposes, and the Brazos River Authority has performed extensive studies which clearly demonstrate that such actions would have significant adverse effects which would include lower lake levels, reduced public lake recreational opportunities, loss of hydroelectric power generating capabilities, and reduction in minimum dependable water supply yield of the reservoir; and*

*WHEREAS, imposing minimum continuous release requirements as recommended by the Fish and Wildlife Service would constitute interference by a Federal agency in the control and administration of state waters by the State of Texas; and*

*WHEREAS, despite the fact that the President of the United States has assured, and continues to assure, the Governors and the citizens of the states that the Federal government will not attempt to preempt state prerogatives to allocate state-owned waters and state statutes which provide systems for the appropriation and management of state waters, the U.S. Fish and Wildlife Service continues to*

*pursue activities which are contrary to the stated position of the President and which also are in violation of the intent of Congress, as stated in P.L. 92-500, to prohibit the Federal government from subordinating states' rights; and*

*WHEREAS, the Governor of Texas and the Attorney General of Texas have advised the Federal Energy Regulatory Commission that the State of Texas views the contemplated action as an infringement upon the sovereign rights of the State of Texas.*

*NOW THEREFORE BE IT RESOLVED by the Western States Water Council that adoption by the Federal Energy Regulatory Commission of the recommendation of the U.S. Fish and Wildlife Service would be contrary to the expressed policy of the President and the intent of the Congress and, if the recommendation were implemented, would constitute an unwarranted intrusion into a recognized area of state responsibility, and the Council recommends that the Federal Energy Regulatory Commission deny the proposal of the U.S. Fish and Wildlife Service.*

Position  
concerning  
SCS Snow Survey Program

*WHEREAS, the Soil Conservation Service has conducted a Cooperative Snow Survey Program in the Western United States for nearly fifty (50) years; and*

*WHEREAS, a review of the Snow Survey Program has been initiated by the Department of Agriculture, and the phaseout of the program has been proposed as a possibility; and*

*WHEREAS, the twelve member states of the Western States Water Council have a vital interest in the program and many contribute with funds and manpower to its operation; and*

*WHEREAS, the interstate configuration of mountain watersheds in the West warrants continued federal involvement in the management of the Snow Survey Program; and*

*WHEREAS, the benefits accrued from efficient management of the Western water resources are national and regional in scope, as well as local in nature, because of essential energy and agricultural production; and*

*WHEREAS, flood warning capability as a product of snow surveys is utilized as a non-structural measure in the protection of life and property by many states, including those downstream in the States outside the snow survey area.*



*NOW THEREFORE BE IT RESOLVED that the Western States Water Council (WSWC) strongly urges the United States Department of Agriculture (USDA) to continue to allow the financing and management of the Cooperative Snow Survey Program to remain with the Soil Conservation Service.*

*BE IT FURTHER RESOLVED that the WSWC urges the USDA to expand the scope of the present Program by timely implementation of advances in technology.*

The host state of Texas gave two presentations. Herb Grubb, Director of Planning and Development for the Texas Department of Water Resources, delivered an address entitled "High Plains Ogallala Formation Study", and Charles Nemir, Assistant Director of the Texas Department of Water Resources, spoke on "Texas and Its Water Resources."

The 58th quarterly meeting was held in Eugene, Oregon. Wes Kvarston, Oregon's Director of Land Conservation and Development, informed WSWC members of Oregon's land use program. Council member George Proctor spoke on geothermal use within the state. Resolutions were passed regarding federal water rights, and the Environmental Protection Agency's implementation of the Safe Drinking Water Act. These resolutions are printed below:

Resolution  
concerning  
Federal Water Rights

*WHEREAS, the Solicitor of the Department of the Interior issued an opinion on June 25, 1979, concerning the federal water rights of the National Park Service, Fish and Wildlife Service, Bureau of Reclamation and the Bureau of Land Management; and*

*WHEREAS, the Solicitor's Opinion sets forth a previously unknown and legally suspect theory of "non-reserved federal rights" allegedly enabling federal agencies to appropriate water without compliance with state law and without basis in the reservation doctrine; and*

*WHEREAS, the Solicitor's assertion of a non-reserved water right on the part of federal agencies is inconsistent with President Carter's instruction to utilize a reasonable standard when asserting federal water rights "which reflects true federal needs, rather than theoretical and hypothetical needs based on the full legal extension of all possible rights;" and*

*WHEREAS, assertion of non-reserved rights aggravates the already existing acrimony among state and federal officials concerning the control of water, expressly contrary to the President's laudable goal of improving federal-state relations in the area of water rights.*



*NOW THEREFORE BE IT RESOLVED that the Western States Water Council develop and support enactment of legislation providing that except for reserved water rights adjudication to the United States in conjunction with the reservation or withdrawal of lands from the public domain, upon which this Council has previously resolved, all rights to the use of water which are or may be claimed by the United States shall be acquired in compliance with procedural and substantive state law.*

Resolution  
concerning  
EPA's Implementation of the Safe Drinking Water Act

*WHEREAS, the resources of the United States, even those to be devoted to the protection of the public health, are inherently limited; and*

*WHEREAS, if the United States is to achieve the maximum health benefit from these limited resources then the government should assess and compare, before imposing new requirements, both the economic and health benefits and costs of any proposed environmental regulations alongside available alternatives; and*

*WHEREAS, the Safe Drinking Water Act now provides for regulation by the Environmental Protection Agency when, "in the judgment of the Administrator," any contaminant "may have an adverse effect on the health of person;" and*

*WHEREAS, the environmental Protection Agency has argued that the Act prohibits the Agency from using economic analysis in proposing and issuing drinking water regulations; and*

*WHEREAS, treatment technique requirements imposed by government regulations are unlikely to achieve health goals as efficiently as performance standards which allow flexible and innovative approaches to achieve defined goals; and*

*WHEREAS, legislation is under consideration in the house of Representatives which would amend the Safe Drinking Water Act to require the Environmental Protection Agency to employ economic analyses, to further clarify its authority to set standards, and to eliminate the Agency's power to impose treatment technique requirements except as provided for in the Safe Drinking Water Act,*

*NOW THEREFORE, BE IT RESOLVED THAT the Western States Water Council at its meeting in Eugene, Oregon, on April 18, 1980, supports such changes and urges their prompt consideration and enactment.*

During the 59th quarterly meeting held in Great Falls, Montana, July 18, reports were heard from Ken Dunn, Deputy Director of Idaho's Department of Water Resources, on problems with the Dworshak Dam on the Clear Water River (Idaho), and Dan Lawrence, Director of Utah's Division of Water Resources, on the Filling of Lake Powell (Utah) and its significance. Victor Kimm, Deputy Assistant Administrator for Drinking Water, presented information on EPA's national ground-water strategy and Ted Neuman of the Cascade County Soil Conservation Service reported on the Muddy Creek Project (Montana). Montana's Administrator of the Water Resources Division, Gary Fritz, gave the status of the state's water resources.

The proposed 1981 budget of the Council was examined and the auditor's report was accepted. Positions were taken regarding provisions of fast track energy legislation and program authorizations under the Water Resources Planning Act. These positions are printed below:

Position  
regarding  
"Bump-up" Provisions of Fast Track Energy Legislation

*WHEREAS, the Congress is currently considering legislation to expedite energy development; and*

*WHEREAS, such legislation would create an Energy Mobilization Board, and proposes a Project Decision Schedule; and*

*WHEREAS, the legislation would institute a "bump-up" provision whereby if a federal, state or local agency failed to act within Project Decision Schedule time limits, the Board could act in place of the agency, substituting its discretion for that of the agency; and*

*WHEREAS, such decisions by the Board under the legislation's "bump-up" provisions would be reviewable only by a Temporary Emergency Court of Appeals in Washington, D.C., even if such decisions involved issues of state or local law exclusively.*

*NOW THEREFORE BE IT RESOLVED that the Western States Water Council urges that language be included in fast track energy legislation making it clear that state water laws and decisions concerning use of water will be exempt from the proposed Project Decision Schedule and shall not be subject to "bump-up" by the Board.*

Position  
concerning  
Program Authorizations Under the Water Resources Planning Act

*WHEREAS, the current appropriation-authorization for the U.S. Water Resources Council and the associated funding of River Basin Commissions and the Title III grants to the states will soon expire without prompt Congressional action; and*

*WHEREAS, the River Basin Commissions can be a useful vehicle to coordinate water and associated natural resources planning efforts; and*

*WHEREAS, the Title III state grants program has facilitated increased and improved state involvement in planning for the development and management of water and related resources; and*

*WHEREAS, the Western States Water Council has supported in the past, full and consistent funding of the state grants program and the river basins program; and*

*WHEREAS, these programs are important to all states and critical to some states.*

*NOW THEREFORE BE IT RESOLVED that the Western States Water Council urges the Congress of the United States to proceed (1) to assure the extended authorization of Titles II and III of the Water Resources Planning Act, and (2) to appropriate sufficient funds to continue and advance these programs.*

Election of officers was held in July at Great Falls. Daniel F. Lawrence (Utah) was elected unanimously as Chairman and Charles Nemir (Texas) as Vice-Chairman.

Santa Fe, New Mexico was the site of the 60th quarterly meeting on October 20. Roland Westergard (Nevada) was named by Chairman Lawrence to act as the Secretary-Treasurer. Committee chairmen and vice-chairmen were named as follows: Legal Committee: Chairman Tom Choules (Arizona), Vice-Chairman George Proctor (Oregon); Water Resources Committee: Chairman Steve Allred (Idaho), Vice-Chairman J. William McDonald (Colorado); Water Quality Committee: Chairman John Spencer (Washington).

D. Craig Bell was named Executive Director by the Executive Committee to succeed Jack A. Barnett, who resigned effective November 1.

Reports were given by George Christopulos, Wyoming State Engineer, on the Cheyenne Diversion Project (Wyoming); S. E. Reynolds, New Mexico State Engineer, on the State's water resources concerns and Richard Simms, General Counsel, New Mexico's State Engineer's office, on New Mexico water law. Solicitor Clyde Martz, Department of Interior, Sandra Hamilton of the U.S. Water Resources Council and Ron Kuhlman of the Bureau of Land Management also gave reports. Dr. Eleanora Sabadell, Director of the Desertification Program for Interior gave a status report. Tim Brown, Texas Attorney General's office, reported on the problems facing the State in a proceeding before the Federal Energy Regulatory Commission.

At Santa Fe, the Council took two positions, one concerning the U.S. Water Resources Council's proposed 1981 Title III guidelines, and the other concern-



ing the 160-acre limitation under the 1902 Reclamation law. These positions follow:

Position  
on the  
U.S. Water Resources Council's Proposed 1981 Title III Guidelines

*The Western States Water Council recognizes the value of federal financial assistance in comprehensive water and related land resources planning and supports the grant program authorized under Title III, P.L. 89-80. The July 21, 1980 proposed guidelines by WRC for implementing the Title III grant program for 1981 must be substantially revised to maintain the integrity and usefulness of this program. The Council recommends the following revisions:*

*1. Section 740.1: The reference to national goals and objectives in the guidelines is misleading. The states recognize and support the need to consider environmental concerns, groundwater problems and issues, and the water quantity-quality relationship in planning and management of natural resources. The language in the guidelines implies a national policy exists relative to these areas. Further, the implication is the states will be required to accept a yet incomplete national policy as a condition for receiving planning grant funds. A coherent national policy does not exist. The states, not the federal agencies, have acted as leaders in proposing changes in these areas. The policy approach recommended by the WRC special task force which reviewed the role of state and federal agencies in national and regional planning was that state water plans should serve as the building block for structuring regional programs and national policy. The guidelines should be revised to reflect this basic approach.*

*2. Section 740.3: Relative to state application, contents need substantial revision. The inclusion in the application of a "prioritization of program elements which would be carried out if additional funds were made available, etc." needs clarification. It will not be possible to prioritize particular program elements to be carried out with additional funds if the additional moneys are used to carry out a more intensive effort on the basic program elements. The requirements should be changed to require additional information on how the extra funds would be used in carrying out the state program.*

*3. Section 740.7: The guidelines should not require that states comply with executive orders in the expenditure of program funds, particularly with executive orders 11988 and 11990. Subsection B regarding program fund obligations, and Subsection F regarding eligible use of program funds need substantial revision. The restriction placed on the use of Title III moneys for contributions, dues or*



assessments to support interstate commissions, councils, interagency committees, or other similar organizations must be revised. There should be no restriction to the use of grant funds in paying dues to organizations such as Western States Water Council or ICWP since these organizations were established specifically for the purpose of enhancing state planning activities and the coordination of state and federal programs. In addition, these types of organizations are not funded by the federal government and, therefore, the problem of using federal funds as a match in supporting federal activities does not exist. Other types of organizations which should qualify include those technical organizations such as a "Geothermal Council" which exists for the purpose of furthering the knowledge and expertise in a particular area and to facilitate the planning and coordination and direction of these resource activities in the various states and in federal programs.

The statement in Subsection G that "federal funds may not be used to substitute for state and local funds, etc." will be difficult if not impossible to enforce. While the states do not propose that the addition of federal funds provide a basis for the substitution for state or local funds, this may occur through action at the state legislative level. It would be impossible to show when federal funds are substituted for state or local funds since it would first be necessary to document the amount of appropriations that might have been made if federal funds were not available.

4. **Section 740.8:** The reporting requirements proposed in the guidelines are totally unrealistic and must be revised. The guidelines propose a submittal of four reports--one each quarter. At a minimum, the quarterly reporting requirements should be reduced to one report after the first six months plus a final report at the end of the fiscal year. The financial information should only be submitted with the final report. As proposed in the guidelines, the states would spend an unnecessary amount of time preparing reports.

5. The value of the Title III program in the past to the states has centered around its flexibility which allowed each state to utilize the funding in areas of particular concern and interest to that state. Along with this there were minimal reports and other bureaucratic red tape which often accompany federal grant programs. While the Council recognizes that any substantial increase in funding will require some additional reporting, accounting, and other requirements, it is essential that these be kept to an absolute minimum.

6. The Council reiterates its opposition and concern over the definition for water conservation included in Section 740 of the guidelines. The stated Council policy is that storage must be considered as a conservation feature in that it can "improve efficiency and use and reduce losses and waste of water."

## **SUMMARY**

*The Council recognizes that the proposed guidelines were intended to conform to existing authorities contained under Title III of Public Law 89-80, but whether they do, remains a serious question. Should legislation now being considered to amend P.L. 89-80 be enacted, the Council will address in further detail those aspects of the proposed guidelines which need to be revised.*

### **Position concerning 160-Acre Limitation Law**

*WHEREAS, the Council has adopted various resolutions relating to the 160-acre limitation law; and*

*WHEREAS, the Senate has passed S. 14 and the House of Representatives Committee on Interior and Insular Affairs has reported H.R. 6520 for action by the House; and*

*WHEREAS, substantial differences exist between S. 14 and H.R. 6520.*

*NOW THEREFORE BE IT RESOLVED that the 160-Acre Limitation Subcommittee of the Legal Committee of the Council be authorized to work with members of the Congress, Administration and affected parties to resolve the differences between S. 14 and H.R. 6520 and to achieve the objectives of the Council as previously stated in its resolutions.*

The Western States Water Council has kept an open line of communication with various federal agencies, state organizations, and multi-state organizations to keep updated on relevant information. A great many topics were discussed and given consideration during the year. To name a few, omnibus water resource bills, national water policy reform, energy legislation and development, reserved and non-reserved rights, Indian and non-Indian reserved rights, the Section 102(d) Study, 404 permits, Public Law 89-80, national groundwater strategy, water availability and conservation, and the Endangered Species Act.

## BUDGET AND FINANCE

The FY80 budget of \$214,278 was adopted in San Diego, California on January 24, 1979 and a schedule calling for yearly assessments of \$16,500 per state was accepted. The schedule also called for yearly assessments of \$17,700 per state for FY81. At the quarterly meeting held April 17, 1980 in Eugene, Oregon the Executive Committee adopted a budget of \$229,300 for FY81. To accommodate states on biennial budgets, state assessments were again set two years in advance. The yearly state assessments for FY82 were set at a maximum of \$18,500 and for FY83 at \$19,500. The Executive Director and the Secretary-Treasurer were given authority to make line-item adjustments at the conclusion of FY80 so that all items would be within the budgeted amounts. An additional \$15,000 was authorized to cover expenses incurred to prepare a legal repository. One thousand dollars of that amount already had been spent from the FY80 budget to begin the repository, leaving \$14,000 to be adjusted into the FY81 budget, making the total FY81 budget in the amount of \$243,300.

**HANSEN, BARNETT & MAXWELL**

A PROFESSIONAL CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS

345 EAST BROADWAY  
SALT LAKE CITY, UTAH  
84111

July 8, 1980

Members of the Council  
Western States Water Council  
Salt Lake City, Utah

We have examined the general fund comparative balance sheets and statements of general fixed assets of the Western States Water Council as of June 30, 1980 and 1979 and the related statement of revenue and expenditures and fund balance, and statement of investment in fixed assets for the years then ended. Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Western States Water Council at June 30, 1980 and 1979 and the results of its operations for the years then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

Hansen, Barnett & Maxwell  
SIGNED



# WESTERN STATES WATER COUNCIL

## General Fund

### Statement of Revenues and Expenditures and Fund Balance

For the Years Ended June 30, 1980 and 1979

	<u>Budget</u> <u>Note D</u>	<u>Actual</u>	<u>Actual</u> <u>Over</u> <u>(Under)</u> <u>Budget</u>	<u>Actual</u> <u>Prior</u> <u>Year</u>
<b>Revenues</b>				
Member States' assessments . . . . .	\$198,000	\$198,000	\$ -	\$156,000
Texas assessment . . . . .	-	5,000	5,000	6,000
Interest income . . . . .	-	20,057	20,057	14,290
Other . . . . .	-	7	7	55
<b>Total Revenues</b> . . . . .	<u>198,000</u>	<u>223,064</u>	<u>25,064</u>	<u>176,345</u>
<b>Expenditures</b>				
Salaries . . . . .	109,250	107,953	(1,297)	87,761
Travel . . . . .	25,428	25,969	541	25,205
Contract services . . . . .	3,750	2,767	(983)	2,115
Payroll taxes and employee benefits . . . . .	24,000	23,856	(144)	19,036
Printing and reproduction . . . . .	11,700	11,373	(327)	11,298
Rent . . . . .	15,200	14,534	(666)	10,336
Freight and postage . . . . .	5,050	4,213	(837)	5,149
Telephone . . . . .	6,450	6,951	501	6,143
Furniture and equipment . . . . .	3,000	2,663	(337)	5,206
Office supplies . . . . .	3,000	2,412	(588)	2,944
Reports and publications . . . . .	2,150	2,117	(33)	1,964
Meetings and arrangements . . . . .	1,100	998	(102)	693
Accounting . . . . .	1,100	1,025	(75)	950
Insurance . . . . .	600	517	(83)	506
Contingencies . . . . .	2,500	1,938	(562)	764
<b>Total Expenditures</b> . . . . .	<u>214,278</u>	<u>209,286</u>	<u>(4,992)</u>	<u>180,070</u>
<b>Excess (Deficiency) of Revenues Over</b>				
<b>Expenditures</b> . . . . .	(16,278)	13,778	30,056	(3,725)
<b>Fund Balance -</b>				
<b>Beginning of Year</b> . . . . .	<u>112,436</u>	<u>112,436</u>	<u>-</u>	<u>116,161</u>
<b>Fund Balance -</b>				
<b>End of Year</b> . . . . .	<u>\$ 96,158</u>	<u>\$126,214</u>	<u>\$ 30,056</u>	<u>\$112,436</u>

Following are the committee charters, committee membership and subcommittee assignments.

## **EXECUTIVE COMMITTEE CHARTER**

This charter of the Executive Committee of the Western States Water Council was adopted by resolution on January 29, 1970, at the meeting of the Council in Seattle, Washington and amended on July 26, 1979 at the meeting in Sitka, Alaska. It is the administrative and steering committee of the Council on matters outlined in this Charter and such other matters as may be related thereto.

### **Objective**

The committee shall assist the Council in carrying out effective cooperation among western states in planning for programs leading to integrated development of water resources by state, federal, and other agencies; by acting as a steering committee; by making sure there is consistency and no overlap of Council liaison with national organizations, including the Interstate Conference on Water Problems, National Governors' Association, Water Resources Council, federal departments, National Water Resources Association, Council of State Governments; and by establishing and maintaining liaison with western organizations such as the Western Governors' Conference and the Western Governors' Policy Office.

### **Authority**

The authority of the Executive Committee derives from the Council itself and includes the following powers: (1) To act upon internal and administrative matters between meetings of the Council; (2) To call special meetings of the Council on external matters when prompt action by the Council before the next regular meeting is deemed necessary by a majority of Executive Committee members; (3) To create working groups and ad hoc groups; (4) To make assignments to committees; (5) To receive committee reports; and (6) To implement actions and programs approved by the Council.

### **Program**

The Committee shall correlate the Council's liaison with national and regional agencies, and correlate the Council's efforts to keep abreast of broad-scaled developments as they relate to Council programs. The Committee shall be authorized to initiate recommendations for Council actions at conferences, hearings, and special meetings with national water leaders. The Committee may make assignments to other committees and may give direction as to the scope and nature of their activities, and may delegate authority it deems appropriate to the Management Subcommittee of the Executive Committee. The Management Subcommittee is composed of the immediate past chairman, the chairman, the vice-chairman, the secretary-treasurer, and the Executive Director. In the event that one of these positions is vacant, the position on the Management Subcommittee can be filled by a member of the Executive Committee at the discretion of a majority vote of the Management Subcommittee.

## **Organization and Voting**

The Executive Committee of the Western States Water Council consists of one representative from each member state in accordance with Article IX - Executive Committee - of the "Rules of Organization." The Chairman and Vice-Chairman of the Council shall serve as officers of the Executive Committee but do not necessarily have to be voting members of the Executive Committee. The Council staff furnishes necessary assistance as desired and requested by the Executive Committee.

Each member of the Executive Committee shall have one vote in conducting business. A quorum consists of six (6) members, and a simple majority of those voting shall prevail on internal matters. If an external matter comes before the Executive Committee between Council meetings, and the Executive Committee finds an emergency exists, it may take final action by unanimous vote of all members.

## **Meetings**

Regular meetings of the Executive Committee may be held in conjunction with meetings of the Council. Special meetings of the Executive Committee may be called by the Chariman, or by the Vice-Chairman in the event the Chairman is incapacitated, or by any six (6) members, upon five-days' notice to all members stating the time and place of the meeting. When all members are present, no notice is required. All meetings may be adjourned to a time certain by majority vote of those present.

## **Reporting**

The Committee shall report to the Council at each Council meeting as to any actions it may have taken between meetings.

## **EXECUTIVE COMMITTEE MEMBERS**

Wesley E. Steiner - Arizona  
Ronald B. Robie - California  
D. Monte Pascoe - Colorado  
Herman J. McDevitt - Idaho  
John E. Acord - Montana  
Roland Westergard - Nevada

S. E. Reynolds - New Mexico  
James E. Sexson - Oregon  
Bill Clayton - Texas  
Thorpe A. Waddingham - Utah  
Web Hallauer - Washington  
George Christopulos - Wyoming

## **Management Subcommittee**

Chairman  
Vice-Chairman  
Secretary-Treasurer  
Past Chairman  
Executive Director



## Executive Committee Members



1st row: Daniel F. Lawrence, Charles Nemir, George Christopulos, Roland Westergard  
2nd row: William McDonald, Ronald Robie, John E. Acord, James E. Sexson, S. E. Reynolds  
3rd row: Steve Allred, Robert Lundquist, Charlie Roe, Jack Barnett



## LEGAL COMMITTEE CHARTER

### **Objective**

The Committee shall assist in initiating, establishing and carrying out the objectives of the Council by providing guidance on the social, ethical, legal and political aspects of the programs relating to water resource and water quality.

### **Program**

To review and develop recommended Council positions on current legislation, laws, administrative rules and activities relating to water resources, water rights, related land use and Indian issues and to examine and keep the Council current on all ongoing pertinent court cases.

### **Organization and Voting**

Committee membership is by appointment by the states of the Council. One member shall be from each state, but need not be one of the state's delegates to the Council. Any Legal Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for Committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

A Committee chairman shall be appointed by the Chairman of the Council from the Committee membership and serve at his pleasure. The Committee chairman will appoint a vice chairman and subcommittees as needed. The staff of the Council shall furnish such assistance to the Committee as is requested. A member of the staff will serve as secretary.

### **Meetings**

The Committee shall meet at the call of the Committee chairman.

### **Reports**

The Committee shall submit reports and/or recommendations to the Council and to the Executive Committee as requested. The Committee shall not issue any public statements or reports except as may be directed by the Council or Executive Committee.

### **Charter Adoption**

This Charter of the Legal Committee of the Western States Water Council was adopted by resolution on January 16, 1976, at the meeting of the Council in San Diego, California.

## LEGAL COMMITTEE MEMBERS

Tom Choules - Arizona - Chairman  
Ronald B. Robie - California

D. Monte Pasco - Colorado  
Ray Rigby - Idaho  
Henry Loble - Montana  
Roland Westergard - Nevada

George Hannett - New Mexico  
George Proctor - Oregon -  
Vice Chairman  
Bill Clayton - Texas  
Harry D. Pugsley - Utah  
Charles B. Roe, Jr. - Washington  
Willard Rhoads - Wyoming

### Reserved Rights Subcommittee

Charles B. Roe, Jr. - Washington - Chairman  
Richard Simms - New Mexico  
Tom Choules - Arizona  
Roland Westergard - Nevada  
T. J. Carroll - Wyoming

### 160-Acre Subcommittee

Ray Rigby - Idaho - Chairman  
Tom Choules - Arizona  
George Proctor - Oregon

### Joint Subcommittee on Section 404

Charles B. Roe, Jr. - Washington  
Harry Pugsley - Utah  
Ronald B. Robie - California  
Willard Rhoads - Wyoming (alt.)

### Special Subcommittee on Indian Water Rights (WESTPO) Meeting

Henry Loble - Montana T. J. Carroll - Wyoming Roland Westergard - Nevada

## Legal Committee Members



1st row: Willard Rhoads, Ronald Robie, Charles Roe, Roland Westergard  
2nd row: Harry Pugsley, Ray Rigby, George Proctor, George Hannett  
3rd row: Henry Loble, Craig Bell, Tom Choules  
Not pictured: D. Monte Pascoe, Bill Clayton

# WATER QUALITY COMMITTEE CHARTER

## Objective

The Committee shall assist in initiating, establishing and carrying out objectives of the Council by providing guidance on the water quality and environmental aspects of all programs of interest to the Council.

## Program

To review and develop recommended Council positions on water quality and environmental standards and problems relating to the water resources of the Western United States.

## Organization

Committee membership is by appointment by the states of the Council. One member shall be from each state, but need not be one of the state's delegates to the Council. Any Water Quality Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

A Committee chairman shall be appointed by the Chairman of the Council from the Committee membership and serve at his pleasure. The Committee chairman will appoint a vice chairman and subcommittees as needed. The staff of the Council shall furnish such assistance to the Committee as is requested. A member of the staff will serve as secretary.

## Meetings

The Committee shall meet at the call of the Committee chairman.

## Reports

The Committee shall submit reports and/or recommendations to the Council and to the Executive Committee as requested. The Committee shall not issue any public statements or reports except as may be directed by the Council or the Executive Committee.

## Charter Adoption

This Charter of the Water Quality Committee of the Western States Water Council was adopted by resolution on January 16, 1976 at the meeting of the Council in San Diego, California.



## WATER QUALITY COMMITTEE MEMBERS

Robert Lundquist - Arizona  
- California  
Gary Broetzman - Colorado  
Herman J. McDevitt - Idaho  
Donald G. Willems - Montana  
  
Hal Smith - Nevada

Odis L. Echols - New Mexico  
William H. Young - Oregon  
Charles Nemir - Texas  
Thorpe A. Waddingham - Utah  
John Spencer - Washington  
Chairman  
George Christopulos - Wyoming

### Groundwater Subcommittee

Steve Allred - Idaho - Chairman  
Don Maughan - Arizona  
Don Willems - Montana  
Charles Nemir - Texas  
Helen Joyce Peters - California

### Joint Subcommittee on Section 404

John Spencer - Washington - Chairman  
George Christopulos - Wyoming  
Marcia Hughes - Colorado



1st row: John Spencer, Marcia Hughes, George Christopulos  
2nd row: Charles Nemir, S. E. Reynolds  
3rd row: John E. Acord, Robert Lundquist, Calvin Sudweeks  
Not Pictured: Gary Broetzman, Herman McDevitt, Don Willems, Hal Smith, William Young, Thorpe Waddingham

# WATER RESOURCES COMMITTEE CHARTER

## Objective

The Committee shall assist in initiating, establishing and carrying out objectives of the Council by providing guidance on water resources planning, conservation, and developments that are of common interest to the eleven Western States.

## Program

To review and develop recommended Council positions on current legislation, regulations, criteria, plans and problems relating to water planning, management and conservation development for all purposes, and utilization.

## Organization

Committee membership is by appointment by the states of the Council, one member from each state, but not necessarily one of the state's delegates to the Council. Any Water Resource Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for Committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

The Committee chairman shall be appointed by the Chairman of the Council from Committee membership. The Committee chairman will appoint a vice chairman, and subcommittees as needed.

The Council staff will furnish necessary assistance as desired and requested by the Committee. A member of the staff will serve as secretary.

## Meetings

The Committee will meet at the call of the Committee chairman.

## Reporting

The Committee shall submit its reports and/or recommendations to the Council and to the Executive Committee if so requested. The Committee shall not issue any public statements or reports except as may be directed by the the Council and the Executive Committee.

## Charter Adoption

This Charter of the Water Resources Committee of the Western States Water Council was adopted by resolution on January 16, 1976, at the meeting of the Council in San Diego, California.

## WATER RESOURCES COMMITTEE MEMBERS

Wesley E. Steiner - Arizona  
Senator Ruben Ayala - California  
J. William McDonald - Colorado  
- Vice Chairman  
Steve Allred - Idaho - Chairman  
John E. Acord - Montana  
Duane Sudweeks - Nevada

S. E. Reynolds - New Mexico  
James Sexson - Oregon  
A. L. Black - Texas  
  
Daniel F. Lawrence - Utah  
Web Hallauer - Washington  
Myron Goodson - Wyoming

### Dam Safety Subcommittee

J. William McDonald - Colorado - Chairman  
Steve Allred - Idaho  
Dee Hansen - Utah  
James Sexson - Oregon  
George Christopoulos - Wyoming  
Wes Steiner - Arizona  
Roland Westergard - Nevada

### P.L. 89-80 Subcommittee

John E. Acord - Montana - Chairman  
J. William McDonald - Colorado  
James Sexson - Oregon

### Indian Water Development Subcommittee

Myron Goodson - Wyoming - Chairman  
Wes Steiner - Arizona  
John E. Acord - Montana



1st row: Daniel F. Lawrence, Steve Allred, Myron Goodson  
2nd row: Tony Willardson, William McDonald, A. L. Black  
3rd row: John E. Acord, James E. Sexson, Duane Sudweeks  
Not pictured: Wesley E. Steiner, Ruben Ayala, Odis Echols



**APPENDIX A**  
**RULES OF ORGANIZATION**

**APPENDIX A**  
**RULES OF ORGANIZATION**

**Article I - Name**

The name of this organization shall be "THE WESTERN STATES WATER COUNCIL."

**Article II - Purpose**

The purpose of the Western States Water Council shall be to accomplish effective cooperation among western states in planning for programs leading to integrated development by state, federal, and other agencies of their water resources.

**Article III - Principles**

Except as otherwise provided by existing compacts, the planning of western water resources development on a regional basis will be predicated upon the following principles for protection of states of origin:

- (1) All water-related needs of the states of origin, including but not limited to irrigation, municipal and industrial water, flood control, power, navigation, recreation, water quality control, and fish and wildlife preservation and enhancement shall be considered in formulating the plan.
- (2) The rights of states to water derived from the interbasin transfers shall be subordinate to needs within the states of origin.
- (3) The cost of water development to the states of origin shall not be greater, but may be less, than would have been the case had there never been an export from those states under any such plan.

**Article IV - Functions**

The functions of the Western States Water Council shall be to:

- (1) Prepare criteria in the formulation of plans for regional development of water resources to protect and further state and local interests.
- (2) Undertake continuing review of all large-scale interstate and interbasin plans and projects for development, control or utilization of water resources in the Western States, and submit recommendations to the Governors regarding the compatibility of such projects and plans with an orderly and optimum development of water resources in the Western States.
- (3) Investigate and review water related matters of interest to the Western States.

**Article V - Membership**

- (1) The membership of the Council shall consist of not more than three representatives of each of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming appointed by and serving at the pleasure of the respective Governors. The states of Alaska and Hawaii shall be added to membership if their respective Governors so request.
- (2) Member states may name alternate representatives for any meeting.
- (3) Any state may withdraw from membership upon written notice by its Governor.



## **Article VI - Ex-Officio Members**

The Governors of the member states shall be ex-officio members and shall be in addition to the regularly appointed members from each state.

## **Article VII - Officers**

The officers of the Council shall be the Chairman, Vice Chairman, and Secretary-Treasurer. They shall be selected in the manner provided in Article VIII.

## **Article VIII - Selection of Officers**

The Chairman and Vice Chairman, who shall be from different states, shall be elected from the Council by a majority vote at a regular meeting to be held in July of each year. The Secretary-Treasurer shall be appointed by and serve at the pleasure of the Chairman and need not be a member of the Council. The Chairman and Vice Chairman shall serve one-year terms but may not be elected to serve more than two terms consecutively in any one office.

## **Article IX - Executive Committee**

Representatives of each state shall designate one of their members to serve on an Executive Committee which shall have such authority as may be conferred on it by these Rules of Organization, or by action of the Council. Any Executive Committee member may designate an alternate to serve in his absence.

## **Article X - Voting**

Each state represented at a meeting of the Council shall have one vote. A quorum shall consist of a majority of the member states. No matter may be brought before the Council for a vote unless advance notice of such matter has been mailed to each member of the Council at least 30 days prior to a regular meeting and 10 days prior to a special meeting at which such matter is to be considered; provided, that matters may be added to the agenda at any meeting by unanimous consent of those states represented at the meeting. In any

matter put before the Council for a vote, other than election of officers, any member state may upon request obtain one automatic delay in the voting until the next meeting of the Council. Further delays in voting on such matters may be obtained only by majority vote. No recommendation may be issued or external position taken by the Council except by an affirmative vote of at least two-thirds of all member states; provided that on matters concerning out-of-basin transfers no recommendation may be issued or external position taken by the Council except by a unanimous vote of all member states. On all internal matters; however, action may be taken by a majority vote of all member states.

## **Article XI - Conduct of Meetings**

Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised. A ruling by the Chair to the effect that the matter under consideration does not concern an out-of-basin transfer as an appealable ruling, and in the event an appeal is made, such ruling to be effective must be sustained by an affirmative vote of at least  $\frac{2}{3}$  of the member states.

## **Article XII - Meetings**

The Council shall hold regular quarterly meetings at times and places to be decided by the Chairman, upon 30 days written notice. Special meetings may be called by a majority vote of the Executive Committee, upon 10 days written notice.

## **Article XIII - Limitations**

The work of the Council shall in no way defer or delay authorization or construction of any projects now before Congress for either authorization or appropriation.

## **Article XIV - Amendment**

These articles may be amended at any meeting of the Council by unanimous vote of the member states represented at the meeting. The substance of the proposed amendment shall be included in the call of such meetings.

# PRINCIPLES - STANDARDS - GUIDELINES

## PREAMBLE

The Constitution of the United States and the Constitutions of the individual States shall be adhered to in Western regional water planning and development.

This statement of principle reaffirms, expands and clarifies principles set forth in Article III, "Rules of Organization" of the Western States Water Council.

## 1.0 PRINCIPLES

1.1 Comprehensive regional planning, transcending political boundaries, is a major consideration in the maximum proper utilization of the water and related resources of the West. Development of those resources to meet all reasonable needs as they may arise is essential to the continuing prosperity of the region and each of its economically interdependent parts.

1.1.1 The planning process should include or supplement rather than supersede existing water resource developments; it should complement and strengthen local and state planning activities rather than displace them; it should result from cooperative effort of all agencies concerned.

1.1.2 The planning program should be aimed to achieve a reasonably equitable balance among all existing and potential uses of water, insofar as the supply available or to be developed will permit, consistent with established rights.

1.1.3 Water resources of the region should be put to beneficial use to the fullest practicable extent in an efficient manner in accord with the needs and types of use in the particular area and wasteful and inefficient practices or those that unnecessarily degrade water quality should be eliminated.

1.1.4 New uses of western water resources should make the most practical and efficient use of water resources and should minimize any necessary reductions in the quality of western water resources.

1.1.5 Water resource developments should be implemented when they are well planned, endorsed by local and state governments and provide for maximum social and economic benefits from the use of western water resources and integrate maximum use concepts with conservation, environmental enhancement and the preservation of natural resources.

1.1.6 The States should be the lead governmental body in the administration of water rights and in the preparation of statewide water plans so that wise use and best conservation practices can be assured.

1.1.7 It is imperative that all States, as expeditiously as possible, make thorough studies of their water needs in accordance with Guidelines and Standards similar to those adopted by the Council.

1.1.8 Long-range water plans should be expeditiously developed which are flexible enough to permit modifications to meet changing long-term needs and advances in technology, yet specific enough to provide solutions for immediate water supply problems.

1.1.9 Water exportation studies shall include a thorough examination of efficiency of water use and cost-price relationships and a comprehensive economic evaluation that considers all costs and benefits accruing to the area of origin and costs and benefits accruing to the area of import. The economic analysis must include similar studies for alternative sources of supply. Aesthetic values shall be considered in over-all project evaluation.

1.1.10 Close cooperation and free-interchange of ideas and reporting of data on a uniform basis among all affected local, State and Federal interests, shall be sought.

1.1.11 Water resource planning shall consider water quality, as well as quantity.

1.2 Regional water planning should be designed to avoid interference with existing rights to the use of water. Any taking of land or water rights shall be governed by the law of eminent domain. Interstate compact allocations shall be honored.

1.2.1 Any entity studying transfer of surplus water shall recognize the economic, social, legal, political and ethical implications of the transfer on both the exporting and importing areas. Such entity must plan so as to assure social and economic growth and development, by either:

- (a) The return or replacement of the water exported to the area of origin; or
- (b) Providing equivalent beneficial programs acceptable to the area.

1.2.2 The rights to water of regions; states or individuals must be recognized and guaranteed through due process of law.

1.3 Except as otherwise provided by existing law, the planning of water resources development in the Western states shall be predicated upon the following principles for protection of and assistance to states of origin.

1.3.1 Inter-basin or Inter-regional transfer of water shall contemplate only the transfer from the area of origin of those quantities of water deemed to be surplus. The States shall endeavor to agree upon determination or quantities of water that are surplus.

1.3.2 In making determination of possible surplus water, all water-related needs of the States and areas of origin bearing on environmental protection, economic prosperity and social well being shall be recognized.

1.3.3 All water requirements, present or future, for uses within the drainage area of any river basin, shall have priority and right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of water delivered by means of such exportation works, unless otherwise provided by treaty, interstate agreement or compact.

1.3.4 The cost of water development to the States of origin shall not be greater, but may be less, than would have been the case had there never been an export from those States under any such plan.

1.3.5 In the study on interstate diversion, any interstate diversion project shall neither impede nor minimize the development of water resources in the state of origin, and shall result in substantive net advantage to such State over the advantage it could have obtained, by itself or otherwise, without such diversion project.

1.3.6 All plans for inter-basin diversion of water shall provide for such financial arrangements with the states of origin as may be necessary to comply with Section 1.3.4, and 1.3.5 above.

1.3.7 The exportation of water shall not change an area of origin from a water-rich to a water-deficient economy and shall not adversely affect the competitive position of the area of origin.

1.3.8 State or area of origin priority shall be explicitly set forth in all contracts for the use of imported water. Should such priority ever be denied, through subsequent action of the Congress, or otherwise, areas of origin will be entitled to just compensation.

1.3.9 Federal statutes designed to protect areas and states of origin, in any regional interstate plan of origin in any regional interstate plan of water development, should include the consent by the United States for any such state of origin to sue in the Federal Courts, to compel Federal officials to comply with such statutes and for such other relief as deemed equitable.

1.4 This statement of principles shall not be considered as any support or advocacy for the diversion of water from one river basin to another.

1.5 The public should be educated concerning the various and many uses of water and the wise and prudent management thereof. Sound water resource and related land management concepts and the needs and issues confronting the region and the nation should be disseminated. All means and possibilities of financing, development of, and implementing an education program should be explored.



## **2.0 STANDARDS FOR GUIDANCE IN THE FORMULATION OF CONCEPTS AND PLANS FOR STAGED REGIONAL DEVELOPMENT OF WATER RESOURCES.**

2.1 A Western States water resource program shall be developed and maintained by the Western States Water Council through compilation and analysis of available state-wide plans and federal inter-basin and interstate plans, to provide a broad and flexible pattern into which future definite projects may be integrated in an orderly fashion.

2.2 A basic objective of the program is to provide a framework within which projects may be developed to meet the requirements for water to the extent feasible as and where they arise.

2.3 A determination of the advantages and disadvantages of alternate methods of meeting water needs should be included in the Western States water resource program.

2.4 In order to provide the uniformity necessary to facilitate compilation and analysis of the various state-wide water plans, it is recommended that such plans contain projects of usable water resources and an inventory of need for the years: 1980, 2000, 2020, 2040.

2.5 Each Member State should strive to complete, no later than June 30, 1977, a preliminary water plan, including estimates of water resources and estimates of current and long-range water needs.

## **3.0 GUIDELINES AND PROCEDURES FOR CORRELATION OF PLANS AND SCHEDULES AMONG WESTERN STATES**

3.1 Interstate Exchange of Information and Data.

3.1.1 When a state publishes reports or takes any action which may affect the plans or objectives of other States, the affected States and the Western States Water Council staff should be furnished copies thereof.

Request for basic data and supporting information should be initiated by the state needing the data or information.

3.1.2 The request for the exchange of basic data and supporting information should be coordinated through one state agency.

3.1.3 The name, official position address and telephone number of the designated state office will be forwarded to the Western States Water Council staff. The staff will prepare a consolidated list of designated offices and distribute copies to all States through the State's member of the Executive Committee, Western States Water Council.

3.1.4 The type of reports and actions which should be sent to other States and the Western States Water Council staff includes, but is not limited to copies of the following:

3.1.4.1 Summaries of current and long-range estimates of various types of water needs and usable water resources.

3.1.4.2 Planning schedules for developments of all large scale interstate and interbasin plans and projects.

3.1.4.3 State evaluation of programs such as weather modification, watershed management, groundwater recharge, desalination, and waste water reclamation.

3.1.4.4 Major legal and administrative decisions pertaining to water resources.

3.1.4.5 State or Federal legislation as proposed by any state materially affecting Western States water planning.

3.2 Correlation of Plans and Schedules.

3.2.1 A master list shall be prepared and maintained at the headquarters of the Western States Water Council of items furnished pursuant to Section 3.1 with copies to be furnished to member States at appropriate intervals.



## ADDRESS AND PHONE NUMBERS

### of WSWC Members and Staff

- ACORD, John E. ....(406)449-2872  
Assistant Administrator  
Water Resources Division  
Dept. of Natural Resources & Conservation  
32 South Ewing  
Helena, Montana 59620
- ALLRED, Steve .....(208) 334-4437  
Director  
Dept. of Water Resources  
Statehouse  
Boise, Idaho 83720
- AMEDEO, Pat .....(503) 378-3100  
Assistant to Governor  
Room 160M  
State Capitol  
Salem, Oregon 97310
- ATIYEH, Victor .....(503) 378-3100  
Governor of Oregon  
State Capitol  
Salem, Oregon 97310
- ATTWATER, William R. ....(916) 323-5344  
Chief Counsel  
California Water Resources Control Bd.  
P.O. Box 100  
Sacramento, California 95801
- AYALA, Senator Ruben .....(916) 445-6868  
California Legislature  
State Capitol, Room 2037  
Sacramento, California 95814
- BABBITT, Bruce .....(602) 255-4331  
Governor of Arizona  
Statehouse  
Phoenix, Arizona 85007

- BELL, D. Craig .....(801) 521-2800  
 Executive Director  
 Western States Water Council  
 220 South 2nd East, Suite 200  
 Salt Lake City, Utah 84111
- BLACK, A.L. ....(806) 247-3991  
 P.O. Box 386  
 Friona, Texas 79035
- BROETZMAN, Gary .....(303) 320-8333  
 Director  
 Water Quality Control Division  
 Colorado Department of Health  
 4210 East 11th Ave., Room 320  
 Denver, Colorado 80220
- BROWN, Edmund G. Jr. ....(916) 445-4711  
 Governor of California  
 State Capitol  
 Sacramento, California 95814
- CHOULES, Tom .....(602) 783-8321  
 Attorney at Law  
 2260 Fourth Avenue, Suite 2000  
 Yuma, Arizona 85364
- CHRISTOPULOS, George .....(307) 777-7355  
 Wyoming State Engineer  
 Barret Building  
 Cheyenne, Wyoming 82002
- CLAYTON, Bill .....(806) 986-2611  
 Speaker of the House (Springlake, Texas)  
 P.O. Box 2910  
 Austin, Texas 78711
- CLEMENTS, William P. Jr. ....(512) 475-4101  
 Governor of Texas  
 State Capitol  
 Austin, Texas 78711
- DANIELSON, Jeris A. ....(303) 866-3581  
 State Engineer  
 1313 Sherman St., Room 818  
 Denver, Colorado 80203

- DEASON, Larry .....(602) 783-4466  
 Attorney at Law  
 P.O. Box 5569  
 Yuma, Arizona 85364
- DONEY, Ted J. ....(406) 442-4451  
 36 South, Last Chance Mall  
 Helena, Montana 59601
- DUNN, A. Kenneth .....(208) 334-4437  
 Deputy Director  
 Dept. of Water Resources  
 Statehouse  
 Boise, Idaho 83720
- ECHOLS, Odis L. ....unlisted  
 Businessman and former State Legislator  
 3305 Lykes Drive, N.E.  
 Albuquerque, New Mexico 87110
- EVANS, John V. ....(208) 334-2100  
 Governor of Idaho  
 State Capitol  
 Boise, Idaho 83720
- GOODSON, Myron .....(307) 777-7284  
 Chief of Water Development  
 Dept. of Economic Planning & Development  
 Barrett Building  
 Chèyenne, Wyoming 82002
- HALE, David .....(505) 827-2128  
 Bataan Memorial Building  
 Santa Fe, New Mexico 87501
- HALLAUER, Wilbur G. ....(206) 753-2240  
 State Department of Ecology  
 Mailstop PV-11  
 Olympia, Washington 98504
- HANNETT, George .....(505) 243-9777  
 Attorney  
 P.O. Box 1849  
 620 Roma Avenue, N. W.  
 Albuquerque, New Mexico 87103

- HERSCHLER, Ed .....(307) 777-7434  
 Governor of Wyoming  
 State Capitol  
 Cheyenne, Wyoming 82001
- HUGHES, Marcia .....(303) 320-8333  
 Water Resource Specialist  
 Colorado Department of Health, Room 417  
 4210 East 11th Avenue  
 Denver, Colorado 80220
- JENSEN, Dallin .....(801) 533-4446  
 Attorney General's Office  
 231 East 4th South  
 Empire Building  
 Salt Lake City, Utah 84111
- JOHNSON, Norman .....(801) 521-2800  
 Legal Assistant  
 Western States Water Council  
 220 South 2nd East, Suite 200  
 Salt Lake City, Utah 84111
- JUDGE, Thomas .....(406) 449-3111  
 Governor of Montana  
 State Capitol  
 Helena, Montana 59620
- KING, Bruce .....(505) 827-2221  
 Governor of New Mexico  
 State Capitol  
 Santa Fe, New Mexico 87501
- LAMM, Richard D. ....(303) 866-2471  
 Governor of Colorado  
 State Capitol  
 Denver, Colorado 80203
- LAWRENCE, Daniel F. ....(801) 533-5401  
 Director  
 Division of Water Resources  
 Suite 300, Empire Building  
 231 East 4th South  
 Salt Lake City, Utah 84111



- LIST, Robert .....(702) 885-5670  
 Governor of Nevada  
 State Capitol  
 Carson City, Nevada 89701
- LOBLE, Henry .....(406) 442-0070  
 Attorney  
 Loble & Pauly  
 833 North, Last Chance Gulch  
 Helena, Montana 59601
- LUNDQUIST, Robert .....(602) 623-4353  
 Attorney  
 177 North Church, Suite 1110  
 Tucson, Arizona 85701
- McDEVITT, Herman J. ....(208) 233-4121  
 Attorney  
 7th & Lander, P.O. Box 4747  
 Pocatello, Idaho 83201
- McDONALD, J. William .....(303) 866-3441  
 Director  
 Colorado Water Conservation Board  
 1313 Sheman St., Room 823  
 Denver, Colorado 80203
- McKAY, D. Brian .....(702) 382-5111  
 Sully, McKay & Lenhard  
 601 E. Bridger Ave.  
 Las Vegas, Nevada 89101
- MATHESON, Scott M. ....(801) 533-5231  
 Governor of Utah  
 State Capitol  
 Salt Lake City, Utah 84114
- MILLER, Robert W. ....(916) 445-6809  
 Chief, Interstate Planning  
 California Department of Water Resources  
 P.O. Box 388  
 Sacramento, California 95802
- MONTGOMERY, Dennis .....(303) 866-3611  
 Attorney General's Office  
 1525 Sherman St., 3rd Floor  
 Denver, Colorado 80203

- NEMIR, Charles .....(512) 475-3187  
 Assistant Executive Director  
 Texas Department of Water Resources  
 P.O. Box 13087, Capitol Station  
 Austin, Texas 78711
- PASCOE, D. Monte .....(303) 866-3311  
 Executive Director  
 Department of Natural Resources  
 1313 Sherman St., Room 718  
 Denver, Colorado 80203
- PROCTOR, George .....(503) 882-4436  
 Proctor & Puckett  
 289 Main St.  
 Klamath Falls, Oregon 97501
- PUGSLEY, Harry D. ....(801) 581-0322  
 Attorney  
 940 Donner Way #370  
 Salt Lake City, Utah 84108
- RAY, Dixy Lee .....(206) 753-6780  
 Governor of Washington  
 State Capitol  
 Olympia, Washington 98504
- REYNOLDS, S. E. ....(505) 827-2127  
 New Mexico State Engineer  
 Bataan Memorial Building  
 Santa Fe, New Mexico 87501
- RHOADS, Willard C. ....(307) 587-3787  
 Member, Wyoming Water Development Commission  
 Box 637  
 Cody, Wyoming 82414
- RIGBY, Ray W. ....(208) 356-3633  
 Attorney  
 P.O. Box 250  
 Rexburg, Idaho 83440

- ROBIE, Ronald B. ....(916) 445-6582  
 Director  
 Department of Water Resources  
 State of California  
 P.O. Box 388  
 Sacramento, California 95802
- ROE, Charles B. Jr. ....(206) 753-2354  
 Sr. Assistant Attorney General  
 Temple of Justice  
 Olympia, Washington 98504
- SEXSON, James E. ....(503) 378-2982  
 Director  
 Water Resources Department  
 555 13th St., N.E.  
 Salem, Oregon 97310
- SMITH, Hal ....(702) 733-3980  
 Burrows, Smith and Co.  
 1455 E. Tropicana Ave. #450  
 Las Vegas, Nevada 89109
- SPENCER, John ....(206) 753-2240  
 Deputy Director  
 Department of Ecology  
 Mail Stop PV-11  
 Olympia, Washington 98504
- STEINER, Wesley E. ....(602) 255-1554  
 Director  
 Department of Water Resources  
 99 E. Virginia  
 Phoenix, Arizona 85004
- SUDWEEKS, Calvin ....(801) 533-6146  
 Director  
 Bureau of Water Pollution Control  
 Utah State Division of Health  
 P.O. Box 2500  
 Salt Lake City, Utah 84110

- SUDWEEKS, Duane R. ....(702) 733-7755  
 Administrator  
 Division of Colorado River Resources  
 P.O. Box 19090  
 Las Vegas, Nevada 89119
- WADDINGHAM, Thorpe A. ....(801) 864-2748  
 Attorney  
 P.O. Box 177  
 Delta, Utah 84642
- WILLEMS, Donald G. ....(406) 449-3946  
 Administrator  
 Environmental Sciences Division  
 Capitol Station  
 Helena, Montana 59620
- WESTERGARD, Roland D. ....(702) 885-4360  
 Director  
 Dept. of Conservation and Natural Resources  
 201 South Fall St.  
 Carson City, Nevada 89701
- WILLARDSON, Anthony ....(801) 521-2800  
 Research Analyst  
 Western States Water Council  
 220 South 2nd East, Suite 200  
 Salt Lake City, Utah 84111
- YOUNG, C. Clifton ....(702) 786-7600  
 Attorney  
 232 Court Street  
 Reno, Nevada 89510
- YOUNG, Cy. ....(208) 624-7191  
 Director-Secretary  
 North Fork Users Protective Assoc.  
 and Last Chance Canal  
 St. Anthony, Idaho 83445
- YOUNG, William H. ....(503) 229-5395  
 Director  
 Dept. of Environmental Quality  
 522 S. W. Fifth  
 Portland, Oregon 97204



# NOTES

## NOTES





