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1984
ANNUAL REPORT
OF THE
WESTERN STATES
WATER COUNCIL

Nineteenth Annual Report

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1984
WESTERN STATES WATER COUNCIL
MEMBERSHIP

ALASKA



****Esther C. Wunnicke**
7-84
Richard Neve
7-84
Norman Gorsuch
7-84

***Governor William Sheffield**
1-83

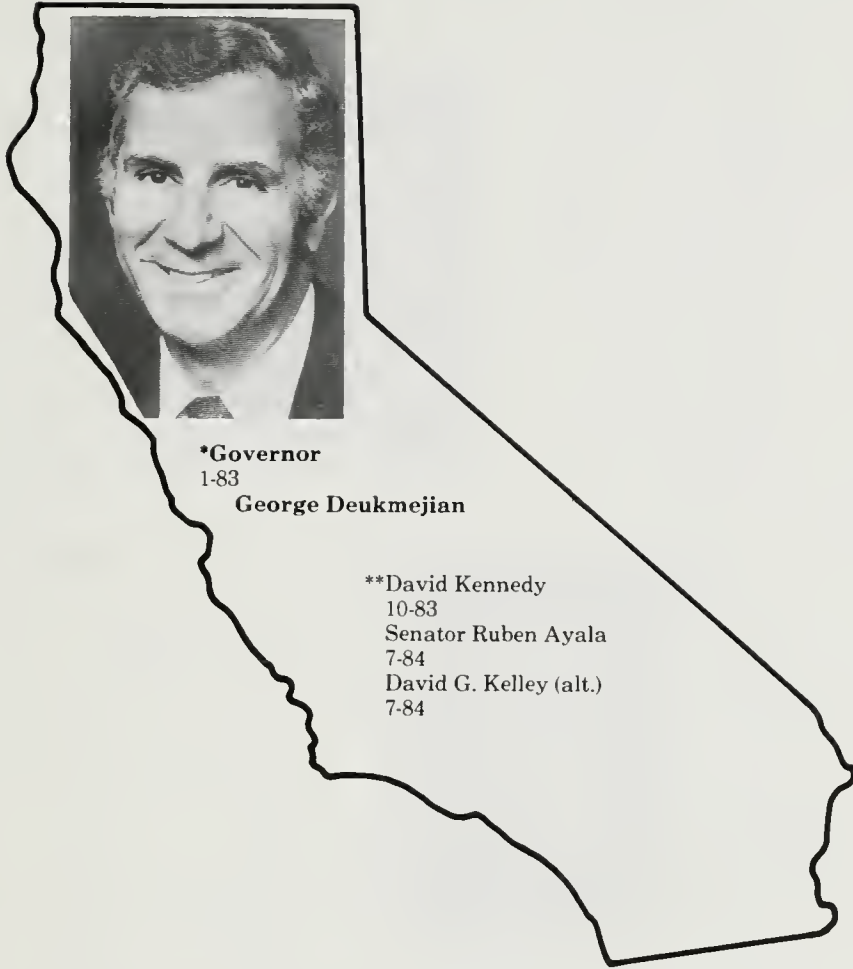
ARIZONA



***Governor Bruce E. Babbitt**
1-78

****Westley E. Steiner**
2-69
Stan Turley
7-83
Sidney Woods
7-83

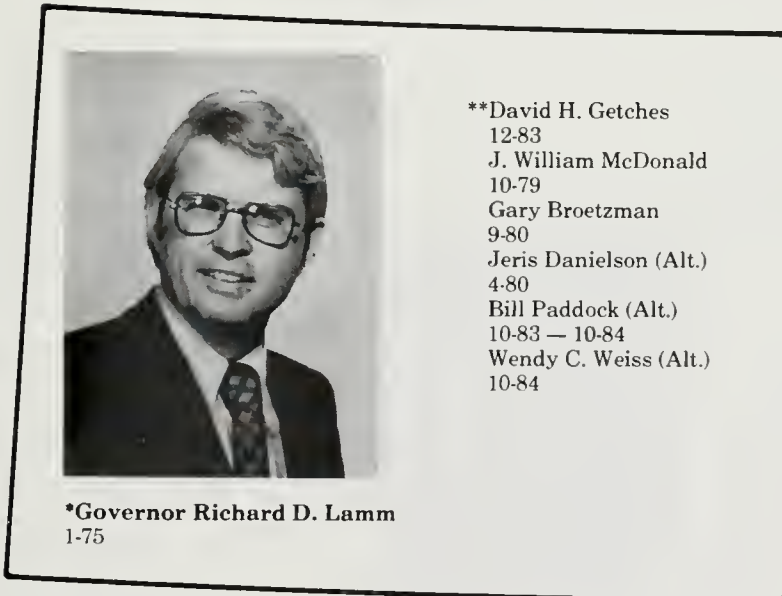
CALIFORNIA



***Governor**
1-83
George Deukmejian

****David Kennedy**
10-83
Senator Ruben Ayala
7-84
David G. Kelley (alt.)
7-84

COLORADO



***Governor Richard D. Lamm**
1-75

****David H. Getches**
12-83
J. William McDonald
10-79
Gary Broetzman
9-80
Jeris Danielson (Alt.)
4-80
Bill Paddock (Alt.)
10-83 — 10-84
Wendy C. Weiss (Alt.)
10-84


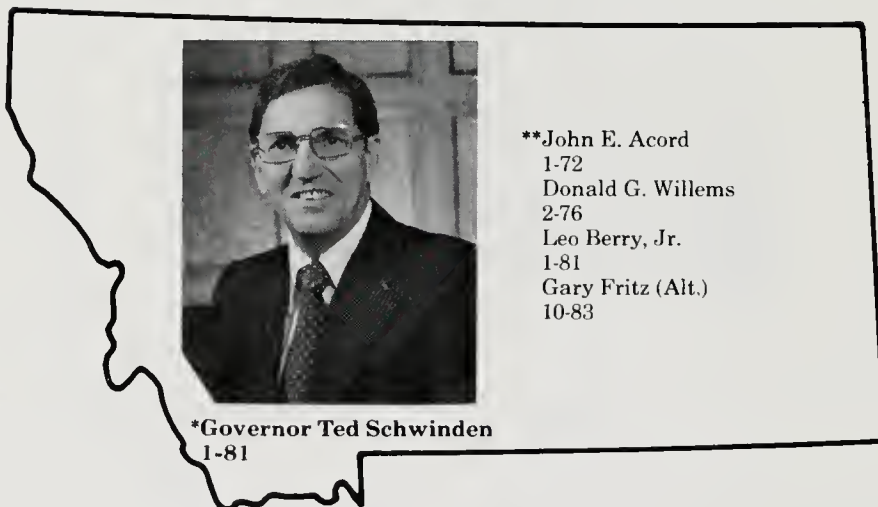
IDAHO



***Governor John V. Evans**
1-77

****A. Kenneth Dunn**
5-77
Ray Rigby
2-73
Gene Gray
10-83
Wayne Hass (Alt.)
10-83
Lee Stokes (Alt.)
10-83

MONTANA



***Governor Ted Schwinden**
1-81

****John E. Acord**
1-72
Donald G. Willems
2-76
Leo Berry, Jr.
1-81
Gary Fritz (Alt.)
10-83

NEVADA



***Governor Richard Bryan**
1-83

****Roland D. Westergard**
5-68
Joseph E. Dini, Jr.
7-83
Jack L. Stonehocker
9-83

NEW MEXICO



***Governor Toney Anaya**
1-83

****S. E. Reynolds**
6-65
Odis L. Echols
11-75 — 2-84
Richard Simms
1-83 — 2-84
Brant Calkin
2-84
Charles DuMars
2-84

OREGON



***Governor Victor Atiyeh**
1-79

****William H. Young**
3-79
George Proctor
3-79
Kip Lombard
1-83

TEXAS



***Governor Mark White**
1-83

****Charles E. Nemir**
10-78
John T. Montford
10-83
Fred Pfeiffer
10-83

UTAH



***Governor Scott M. Matheson**
1-77

****Thorpe A. Waddingham**
6-55
Harry D. Pugsley
6-65
Daniel F. Lawrence
5-68
Dallin Jensen (Alt.)
7-71
Calvin Sudweeks (Alt.)
3-79

WASHINGTON



***Governor John Spellman**
8-81

****Donald W. Moos**
4-81
Charles B. Roe, Jr.
4-70
John Spencer
10-77 — 7-84
Glen Fiedler
7-84
Wilbur G. Hallauer (Alt.)
4-77

WYOMING



***Governor Ed Herschler**
1-75

****George L. Christopulos**
4-75
Willard C. Rhoads
3-67
Warren White
3-83

*Governor Member
**Executive Committee Member

MANAGEMENT SUBCOMMITTEE



Ray Rigby, Past Chairman; Bill McDonald, Vice-Chairman; Jack Acord, Chairman; and D. Craig Bell, Executive Director

Council Members at Jackson, Wyoming Meeting - October 1984



Back Row: Larry Wolfe, Bill McDonald, Steve Reynolds, Sidney Woods, Mark Aldrian, Don Willems, Kip Lonbard, Bill Young, and Wes Steiner.
Middle Row: George Procter, Gary Broetzman, Dave Kennedy, Cal Sudweeks, George Christopoulos, Jack Acord, and Ruben Ayala.
Front Row: Myron Goodson, Ken Dunn, Willard Rhoads, Fred Pfeiffer, Charlie Nemir, Charlie Roe, Dan Lawrence, Ray Rigby, Gene Gray and Larry Dutton.

OFFICERS

CHAIRMAN	VICE-CHAIRMAN	SECRETARY/TREASURER
John E. Acord 7-84	J. William McDonald 7-84	Roland D. Westergard 7-80
John Spencer 7-83	John E. Acord 7-83	

The following men have served as officers of the Western States Water Council:

As Chairman:	Freeman Holmer	- Oregon	8/65 to 10/66
	Raphael J. Moses	- Colorado	12/66 to 7/69
	William S. Holden	- Idaho	7/69 to 3/71
	William R. Gianelli	- California	7/71 to 7/73
	William A. Groff	- Montana	7/73 to 7/75
	Wesley E. Steiner	- Arizona	7/75 to 7/77
	Chris L. Wheeler	- Oregon	7/77 to 7/78
	Donald L. Paff	- Nevada	7/78 to 7/79
	George Christopulos	- Wyoming	7/79 to 7/80
	Daniel F. Lawrence	- Utah	7/80 to 7/81
	Charles Nemir	- Texas	7/81 to 7/82
	Ray W. Rigby	- Idaho	7/82 to 7/83
	John Spencer	- Washington	7/83 to 7/84
	John E. Acord	- Montana	7/84
As Vice Chairman:	Raphael J. Moses	- Colorado	8/65 to 12/66
	William S. Holden	- Idaho	12/66 to 10/68
	William R. Gianelli	- California	7/69 to 7/71
	William A. Groff	- Montana	7/71 to 7/73
	Wesley E. Steiner	- Arizona	7/73 to 7/75
	Chris L. Wheeler	- Oregon	7/75 to 7/77
	Donald L. Paff	- Nevada	7/77 to 7/78
	George Christopulos	- Wyoming	7/78 to 7/79
	Daniel F. Lawrence	- Utah	7/79 to 7/80
	Charles E. Nemir	- Texas	7/80 to 7/81
	Ray W. Rigby	- Idaho	7/81 to 7/82
	John Spencer	- Washington	7/82 to 7/83
	John E. Acord	- Montana	7/83 to 7/84
	J. William McDonald	- Colorado	7/84
As Secretary-Treasurer:	Donel J. Lane	- Oregon	8/65 to 4/70
	Floyd A. Bishop	- Wyoming	4/70 to 7/73
	Daniel F. Lawrence	- Utah	7/73 to 7/79
	Charles E. Nemir	- Texas	7/79 to 7/80
	Roland D. Westergard	- Nevada	7/80

The following have served as Executive Director:

Wright Hiatt	2/66 to 7/67
Jay R. Bingham	3/68 to 12/69
Thomas. Cahill	1/70 to 9/73
Jack A. Barnett	3/74 to 11/80
D. Craig Bell	11/80

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
Anthony G. Willardson	.....	Associate Director
Norman K. Johnson	.....	Legal Counsel
Pearl O. Pollick	.....	Office Manager
E. Joyce Sanchez	.....	Report Secretary
Marjorie D. Farmer	.....	Secretary
Cindy Farnsworth	.....	Clerk

(9-84)



Back Row: Craig Bell, Tony Willardson Norman Johnson
Front Row: Pearl Pollick, Joyce Sanchez and Marjorie Farmer
Not Pictured: Cindy Farnsworth

1984 ANNUAL REPORT of the WESTERN STATES WATER COUNCIL

The Western States Water Council (WSWC) was created in June of 1965 by western Governors attending a Western Governors Conference (WGC) meeting. 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."

For 13 years, the WSWC consisted of eleven western states. The State of Texas petitioned for membership and was admitted in 1978, bringing Council membership to twelve. In a letter dated May 20, 1984 to WSWC Chairman John Spencer, the Honorable Bill Sheffield, Governor of Alaska, requested membership, stating:

For several years, the State of Alaska has enjoyed associate member status in the Western States Water Council. During this time, representatives from Alaska have attended Council meetings, kept abreast of Council affairs, and participated in various studies and investigations conducted by the Council. Our past involvement with the Council, together with the continued development of Alaska's water management programs, has convinced us that our state needs to more fully participate in Council affairs. At its recent meeting in March, the Alaska Water Resources Board passed a resolution calling for full membership for Alaska on the Western States Water Council. More recently, Alaska's Commissioner of Natural Resources, Esther C. Wunnicke, attended the Council's April meetings in Salt Lake City, and upon her return, encouraged me to consider a full membership for Alaska at this time. . . . I am convinced that the time has come when Alaska should be a full member of the Western States Water Council. I am aware that Article V of the Council's "Rules of Organization" provides that the States of Alaska and Hawaii shall be added to membership if their respective governors so request. I, therefore, request that the Council add Alaska to its membership beginning in Fiscal Year 1985, granting full membership status. . . .

Alaska was subsequently granted full membership bringing the Council's 1984-85 membership to thirteen states, including: ALASKA, ARIZONA, CALIFORNIA, COLORADO, IDAHO, MONTANA, NEVADA, NEW MEXICO, OREGON, TEXAS, UTAH, WASHINGTON and WYOMING. During 1983 the Council approved amendments to the Council bylaws to allow non-member states to participate as "associate members." NORTH DAKOTA and SOUTH DAKOTA currently enjoy associate member status.

Each member Governor serves on the Council in an ex-officio capacity. Also, he appoints three representatives from his state, and as many alternates as he deems necessary, to serve on the Council at his pleasure. State representatives are appointed to working committees, with one representative per state also appointed to the Executive Committee which attends to internal council

matters. The working committees are the Legal Committee, the Water Quality Committee and the Water Resources Committee, each mainly concerned with issues as their committee names imply. Each working committee is directed by a committee chairman and vice-chairman. Committee chairmen, in turn, may establish special subcommittees and designate a subcommittee chairman to study particular issues of concern.

The WSWC offices are in Salt Lake City, Utah. The staff is headed by D. Craig Bell, Executive Director. Working with Mr. Bell are Tony Willardson, Associate Director and Norman K. Johnson, Legal Counsel, and a secretarial staff including Pearl Pollick, Joyce Sanchez, Marjorie Farmer and Cindy Farnsworth.

Positions taken and resolutions passed at the quarterly meetings of the Council appear in this report. Meetings are held on a rotation-basis in the member states with state representatives acting as hosts to the other Council members and guests. In 1984 meetings were held in: Phoenix, Arizona - January 12-13; Salt Lake City, Utah - April 12-13; Idaho Falls, Idaho - July 26-27; and Jackson, Wyoming - October 11-12. Information on meeting locations and agenda items can be obtained by writing or calling the Council office. Guests are welcome at Council Meetings. Guest speakers are scheduled according to the relevant subjects to be considered at each meeting.

At the January 12-13 meetings in Phoenix, Arizona, Robert Olson, the Acting Commissioner of the Bureau of Reclamation and Henry Habicht, the Department of Justice's Assistant Attorney General for Land and Water Resources, were special guests. They spoke to Council members on various personnel changes within Interior relating to water resources management, reserved water rights issues, and the need to work through state adjudication systems as much as possible in order to achieve the goals of certainty and finality in water matters. Mr. Olson noted that the Bureau was studying water management problems on the Colorado River in view of last year's flooding. On ground water, Mr. Habicht called on the states to take the initiative to identify crucial problems and reassess their own laws, in order to avoid federal intervention and maintain the traditional deference to state management. On the Supreme Court's decision in Sporhase v. Nebraska, Mr. Habicht mentioned that while ground water was declared to be an article in interstate commerce, export restrictions are still possible if they are even handed and are carefully tailored to meet realistic conservation goals.

Just prior to the Council meetings in January, on Wednesday, January 11, 1984, the WSWC and the American Bar Association co-sponsored a "Ground Water Workshop" to specifically address ground water problems. The featured speaker was Arizona Governor Bruce Babbitt. Marion Mlay, Deputy Director of EPA's Office of Drinking Water and the Federal Ground Water Task Force Chairperson, and Russell Brown, Professional Staff to the Senate Energy and Natural Resources Committee, also spoke to Council members on Wednesday evening and Thursday morning regarding EPA's newly revised ground water strategy and various water policy issues and water related legislation now before the Congress. James Magner, Executive Director of National Water Alliance and a Legislative Assistant to Senator Dennis DeConcini (D-AZ), met with the Executive Committee on Thursday morning to discuss the Water Alliance's structure and goals. Other guest speakers at the Phoenix meetings

were Terri Sneider, Counsel for the Senate Public Lands and Reserved Water Subcommittee; Jack Barnett, Executive Director of the Colorado River Basin Salinity Control Forum; Roberta Savage, Executive Director of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA); and Don Maughan, Deputy Director of the Arizona Department of Water Resources.

The Salt Lake City, Utah meetings held on April 11-13 were highlighted by Governor Scott M. Matheson of Utah speaking to the Council during its Friday meeting. Dr. Dallas Peck, Director of the U.S. Geological Survey, spoke to members on the National Water Summary; Roberta Savage, Executive Director ASIWPCA, highlighted a new report entitled America's Clean Water: The States' Evaluation of Progress 1972-1982. After the meetings a film was shown by Wayne Cook from the Bureau of Reclamation showing the spillway damage at Glen Canyon Dam from last year's abnormal runoff.

Idaho Governor John Evans was a special guest at the July 25-27 meetings in Idaho Falls, Idaho. He talked about a broad range of water issues within the state of Idaho and also addressed national water issues including ground water. Jack Ravan, EPA Assistant Administrator for Water, spoke to the Council about the wastewater treatment construction grants program and the Administration's serious reservations over increased federal funding. He further mentioned sludge management problems, pretreatment, non-point source pollution and EPA's ground water protection strategy. Robert Broadbent, Assistant Secretary of Interior for Water and Science, spoke to the Legal Committee on Wednesday evening. He talked about the Ground Water Demonstration Act (H.R. 71), the Endangered Species Act, the Reclamation Safety of Dams Act, and supplemental appropriations for new water project starts. On Thursday afternoon the state of Idaho hosted an informative and enjoyable tour, beginning with a visit to the Teton Dam site.

The 76th quarterly meetings were held in Jackson, Wyoming, on October 10-12. Assistant Secretary of Interior for Water and Science, Robert Broadbent, addressed the Council as a special guest. Mr. Broadbent noted the many challenges facing water development when he joined the Reagan Administration as Commissioner of the Bureau of Reclamation. He spoke about legislative accomplishments, specifically the passage of the Reclamation Reform Act of 1982, the Reclamation Safety of Dams Act Amendment of 1984, the Hoover Dam bill, the Colorado River Salinity Control bill, the High Plains States Ground Water Demonstration Program Act and the Papago and Ak Chin Indian water rights bills. The other guest speaker at the meetings was Lee Solsbury of the Texas Office of Federal/State Relations in Washington, D.C. He spoke about the following subject: "Congress - Perspective and Outlook - What Happened and Why? Where Do We Go From Here?" Of special note, there was a resolution of appreciation recognizing the service of Myron Goodson in representing the state of Wyoming. Myron was a charter member of the Council and holds the distinction of never missing a meeting in over 18 years. He has retired from state service as well as membership on the Council.

In addition to the activities undertaken as part of the Council's regular quarterly meetings, and the formal resolutions and positions adopted by the Council, several other important events occurred.

Of significant importance to the Council, was the dissolution of the Western Governors' Conference, the Council's parent organization, and the Western Governors' Policy Office. In February 1985, the governors met and agreed to dissolve both organizations and create a new Western Governors' Association. The Western Governors' Conference was an arm of the Council of State Governments, while the Western Governors' Policy Office was later formed during a period in which some governors found dissatisfaction with the Conference work and representation. The Council subsequently found itself serving two separate governors' organizations, with some overlapping membership. Ultimately, the governors found themselves with two effective policy instruments with essentially the same objectives. In the name of unity and efficiency, the governors agreed, after considerable discussion, to create the Western Governors' Association.

In May, during the first meeting of the new association in Palm Springs, the governors adopted a proposal calling for greater policy coordination with other executive branch organizations, calling for submission of annual budget reports, work plans, and periodic policy positions for review and information. The resolution applied to three western interstate organizations, including the Western States Water Council. The Council Director had considerable input to the alternative position adopted by the governors, and the coordination requirements paralleled current practices of the Council. The Governors further expressed their intent that existing western interstate organizations, which had functioned under authority of the previous governors' organizations, should continue to do so.

At the federal level, the Bureau of Land Management Water Rights Policy manual and Environmental Protection Agency Ground Water Strategy were released in final form in 1984. Both of these documents will affect the management of water resources in the West. Council members worked extensively with various representatives from the two federal agencies in revising drafts of these documents. The general consensus among Council members seemed to be that the final work products reflected Council input and were improved significantly by it.

With respect to Council activities, during 1984 two amicus briefs were prepared by the Council staff and endorsed by various western states in litigation involving important water resource issues before the United States Supreme Court and the Tenth Circuit Court of Appeals. The cases were: (1) Adair v. United States, in which the Supreme Court denied a petition for writ of certiorari seeking review of a Ninth Circuit Court of Appeals holding recognizing a reserved water right for the Klamath Indian Tribe for current hunting and fishing purposes within the former Klamath Indian Reservation with a time immemorial priority date; and (2) Riverside Irrigation District v. Andrews, which is currently pending in the Tenth Circuit, involving a Colorado district court opinion which upheld the Army Corps of Engineers denial of a Clean Water Act Section 404 permit for an irrigation and electric power project located in Colorado because it would facilitate a state-authorized diversion of water which could negatively impact whooping crane habitat 250 miles downstream in Nebraska.

In January of 1984, the staff completed an extensive analysis of the varying cost sharing provisions found in the omnibus Corps authorization and

water policy bills — S. 1739 and H.R. 3678. The latter passed the House on June 29, 1984, by a 259-33 vote margin. However, opposition by the Reagan Administration and differences with the Senate ultimately killed this legislation in the 98th Congress. In addition to cost sharing, both bills would have made significant changes to federal water policy. The staff prepared a detailed section-by-section analysis of both proposals for Council members. The comprehensive House Bill (H.R. 3678), which totaled over 300 pages, would have authorized hundreds of Corps projects at an estimated cost of around \$18B. An eleventh hour effort by the House to move water project authorizations and appropriations by attaching H.R. 3678 to the FY85 continuing resolution failed — as did a last minute alternative which would have provided \$6B for federal water projects.

In February of 1984, the Council completed a survey of western non-federal dam safety needs and forwarded the information to Senator James Abdnor (R-SD), Chairman of the Senate Environment and Public Works' Water Resources Subcommittee. On June 27, 1983, the Council had testified with respect to its position on the federal role in augmenting non-federal dam safety programs (as proposed under Section 401 of S.1739, the Dam Safety Act of 1983). In response to a subcommittee staff request, the Council surveyed its members and identified some 665 dams with safety problems requiring rehabilitation work at an estimated cost of over \$316.7M. Fifteen western states responded to the survey. The Council strongly supported a federal revolving fund for the repair or replacement of unsafe non-federal dams, as well as a federal guarantee to help non-federal dam owners obtain liability insurance.

In May, Council staff completed a report entitled State/Federal Financing and Western Water Resource Development: 1984 Update. The report revised and expanded previous information published by the Council on state water development financing programs. Specifically, it outlined a theoretical basis for federal participation in western water resource development. However, western states, recognizing that they cannot rely on the federal government to meet all their water resource development needs, have increasingly turned to non-federal financing alternatives. The report contained a state-by-state description of seventeen western states' water resource development financing programs. The report was released and distributed at the May meeting of the new Western Governors' Association.

In September, the Council sponsored its first annual Water Management Symposium, which was held in Salt Lake City on September 13-14, 1984. An important function of the Council is to encourage the exchange of ideas and information among western states. At the suggestion of John Spencer of Washington and Jack Acord of Montana, the past and present Council Chairmen respectively, the Symposium was organized with this basic objective. The broad topic selected was "State Water Planning". Over 60 state officials attended and participated, with some twenty papers presented. The response was overwhelmingly positive. The proceedings of the symposium were distributed to Council members during the October Council meetings in Jackson, Wyoming, and later mailed to all Symposium participants.

Of note, at the October meetings, the Council considered a detailed work plan outlining potential and future activities and priorities. Individual tasks

were assigned to the Council's various committees for consideration and refinement, with a final 1985 work plan to be adopted by the Council at its January meetings in San Diego.

Also in September, the council submitted testimony to the House Energy Conservation and Power Subcommittee for hearings on FERC's small Hydro-power program. The testimony detailed conflicts between FERC's hydro-licensing process and the allocation of state granted water rights under the appropriation doctrine.

Also in 1984, Council staff and various subcommittees carried out activities to update members regarding topics such as Indian reserved water rights, FERC hydropower licensing, and the implementation of the Reclamation Act of 1982, water resources research, water project financing, and implementation of the Endangered Species Act. In addition to supporting these and other activities the WSWC staff maintained its usual workload including publication of a weekly Council newsletter, **WESTERN STATES WATER**.

Following are positions taken and resolutions passed by the WESTERN STATES WATER COUNCIL during 1984.

RESOLUTION
of the
WESTERN STATES WATER COUNCIL
Supporting
AMENDMENT TO SECTION 404 OF THE CLEAN WATER ACT
Phoenix, Arizona
January 13, 1984

WHEREAS, it has been the historical and well-considered policy of the United States to recognize the plenary authority of the states to allocate water resources and regulate quantities of water used within their boundaries; and

WHEREAS, The U.S. Congress expressed the policy and purpose in Section 101(g) of the Clean Water Act that the "authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated or otherwise impaired;" and

WHEREAS, The U.S. Army Corps of Engineers has taken the position that it need not protect or assure the use of water under state water rights or water allocated or decreed to a State; and

WHEREAS, The U.S. Fish and Wildlife Service is developing plans for recovery of various species of endangered fish and wildlife that do not consider effects on use of state water rights and of water allocated or decreed to a state or alternative approaches that would be compatible with use of such rights; and

WHEREAS, under Section 7 of the Endangered Species Act the Army Corps of Engineers has responsibility for consulting with the Service to determine the consistency of its actions with the Endangered Species Act; and

WHEREAS, the policies and practices of the Army Corps of Engineers and the Fish and Wildlife Service have resulted and have threatened to result in denial of vested private property rights by preventing development and use of water consistent with state law by denials of or conditions imposed upon permits under Section 404 of the Clean Water Act based solely on the depletive effects of the proposed activity.

NOW, THEREFORE BE IT RESOLVED, that the Western States Water Council supports the amendment of Section 404 of the Clean Water Act to provide that no determination under subsections (b) or (c) (1) shall be based upon the depletive effects of diversion, storage, or consumptive use of water when such diversion, storage or consumptive use has been authorized by the laws of any state, except when the purpose of such diversion, storage, or consumptive use is to drain wetlands and convert them to dry lands.

BE IT FURTHER RESOLVED, that the Western States Water Council supports any additional legislative changes necessary to assure full protection of state water rights and of water allocated or decreed to a state from being diminished or abrogated by conflicts with the Endangered Species Act and the Clean Water Act.

BE IT FURTHER RESOLVED, that the Western States Water Council urges the Secretary of the Interior and the Secretary of the Army in consultation with the affected states and water interests to implement administrative policies, procedures, and regulations to assure that Clean Water Act Section 404 permit determinations, including Endangered Species Act Section 7 consultations, be carried out in a manner that recognizes and is consistent with the use and protection of water rights established pursuant to state law.

*POSITION
of the
WESTERN STATES WATER COUNCIL
Regarding
Certain Sections of H.R. 4170, a Tax Reform Bill
January 13, 1984*

WHEREAS, the development and management of our Nation's water resources contributes significantly to our social, economic and environmental well being; and

WHEREAS, in the face of growing needs, federal budgetary constraints and inflation have resulted in a decline in the real dollars available for water resource development; and

WHEREAS, in the face of these problems, some have suggested that non-federal financing should be increased; and

WHEREAS, H.R. 4170, introduced by Rep. Dan Rostenkowski (D-Il), would establish a per capita ceiling on state industrial development bond debt and withdraw tax exempt status from any project backed by the federal government; and

WHEREAS, these and any similar measures could have a significant negative impact on states' ability to finance present and future water resource development needs.

NOW THEREFORE BE IT RESOLVED, that the Western States Water Council asks the Congress to reject any such provision which would obstruct states' ability to finance water resource development and rehabilitation work.

POSITION
of the
WESTERN STATES WATER COUNCIL
Regarding
H.R. 3200

(A bill to amend the Federal Safe Drinking Water Act)
January 13, 1984

WHEREAS, Congress envisioned a State-Federal partnership in implementing the Federal Drinking Water Act; and

WHEREAS, the primacy delegation to States and regulation implementation under the Act have been extremely successful; and

WHEREAS, H.R. 3200 provides for federal administrative penalties in all states which contradicts the very basis of the primacy concept and the State-Federal partnership roles envisioned by Congress; and

WHEREAS, H.R. 3200 mandates regulation of specific contaminants (over 100 substances) and does not allow for scientific analysis of the occurrence of or risks associated with these contaminants; and

WHEREAS, H.R. 3200 imposes unrealistic timetables for specific events rather than giving careful and understandable legislative standards to guide EPA to sound decisions based on firm evidence; and

WHEREAS, H.R. 3200 fails to distinguish between minor and serious health effects violations of the Act therefore continuing the requirement for public notifications of all violations whether persistent and health related or purely technical; and

WHEREAS, H.R. 3200 fails to address problems with the current legislation which provide promulgation of recommended maximum contaminant levels and maximum contaminant levels at different levels creating confusion among the regulators and the regulated and the general public.

NOW THEREFORE, BE IT RESOLVED, that the Western States Water Council proposes that the Safe Drinking Water Act be re-authorized for two years in its present form in order to allow time for more thoughtful analysis of problems within the existing Act and solutions for new legislation.

RESOLUTION
Regarding the
WESTERN STATES WATER COUNCIL
By the
WESTERN GOVERNORS' ASSOCIATION

WHEREAS, The Western States Water Council has ably assisted the Governors over the years in addressing water policy issues and in fostering wise development and management of our western water resources, since its creation in 1965 by resolution of the Western Governors' Conference; and

WHEREAS, the Western Governors' Conference has been dissolved and a new organization created, entitled the Western Governors' Association; and

WHEREAS, the members of the new Western Governors' Association desire that the Western States Water Council continue in its present function and role on behalf of the Governors, according to its existing by-laws; and

WHEREAS, the Governors wish to affirm the relationship and role of the Western States Water Council with respect to the new Western Governors' Association.

NOW THEREFORE BE IT RESOLVED that the Western Governors' Association express its desire that the Western States Water Council continue in conformance with its existing by-laws to carry out its current role and function on behalf of the Western Governors, now organized as the Western Governors' Association.

NOW THEREFORE BE IT FURTHER RESOLVED that the Governors express their desire that the Council extend invitations for membership to the Governors and all those states who are members of the Western Governors' Association , but are not currently members of the Western States Water Council, upon payment of appropriate dues and payments as determined by the Executive Committee of the Western States Water Council.

Comments of the Western States Water Council
to the
United States Environmental Protection Agency
Pertaining to its Draft —
A Groundwater Protection Strategy for the
Environmental Protection Agency
dated January, 1984

Adopted in Salt Lake City, Utah
April 13, 1984

This is written in response to your invitation to provide comments relating to the proposed "strategy" for groundwater quality protection made public in January, 1984. The Council is appreciative of the invitation. Its views follow.

I. Introduction — Commendation.

The Environmental Protection Agency (EPA) is to be commended for its efforts to highlight the need for greater emphasis on the protection of the quality of the groundwaters of the various states. The strategy sets forth well the wide-ranging present and future reliance by our citizenry on groundwaters to satisfy their water supply needs. The detailing of various threats to the quality of these public groundwaters are both accurate and of great concern.

The four major thrusts of EPA's strategy are, in primary part, sound. We refer to the strategy's:

- (1) Support for Primary State Administration of State Programs;*
- (2) Survey of Unaddressed Threats to Groundwater;*
- (3) Guidelines for Groundwater Protection; and*
- (4) Improving EPA's Institutional Capability.*

We do, however, have several concerns which we bring to your attention.

Our overriding concern centers upon the roles to be performed by the federal government and the individual states in groundwater quality protection. In order to understand fully our perspective, we provide this short backdrop on federal policy.

Within our federal system, it has been a longstanding, uninterrupted Congressional policy that individual states occupy the dominant role in water quantity and quality management and protection.¹ This historic federal policy has not only emphasized a strong deference to state regulation but has actively encouraged states to initiate comprehensive regulatory programs. Of special note in relation to the strategy, recent federal environmental protection programs have not altered the fundamental Congressional policy of state primacy in water quantity and quality regulation.²

The strategy, on various occasions, rightfully emphasizes this state primacy policy. Consistent therewith, the strategy discusses a policy of financial support of state efforts which, if modified appropriately, would measurably assist state protection activities.

II. Concerns.

The major concerns of this Council is that, despite numerous good faith statements of assurance in the strategy, EPA has inadvertently developed a very real potential for upsetting the dominant state regulatory role the strategy so strongly espouses.

A. The Strategy's Aquifer Classifications Guidelines.

Our Concern centers upon the significance of EPA's aquifer classification system. This system is proposed to bring uniformity in the implementation of EPA's programs that touch upon groundwater protection, certainly a reasonable objective. However, in so doing (and despite the strategy's express disclaimers), the system implicitly (if not expressly) sets water quality criteria or standards for application to all groundwater bodies or zones within a state. Likewise, the strategy mandates that to obtain and retain federal approval of state administration of various environmental protection programs relating to groundwaters, they must be at least as stringent as the requirements of the classification system. In sum, the overall effect of the classification system so administered may amount to a long step towards reversing the historic, Congressionally approved federal and state roles. Determinations as to the levels of treatment required for various water bearing zones, the foundation element of any groundwater protection, may well be effectively transferred from the various states to the federal government.

We respectfully submit that Congress, by empowering EPA over the last decade to administer various environmental protection regulations and clean-up statutes, did not intend such a role change. Likewise, we believe EPA did not intend such a result.

In this light we urge EPA to review its strategy with the greatest of care to insure against any dramatic, unintended and unwise shift in the allocation of federal and state power. Following thereon, we recommend modifications to the strategy which emphasize a state role for development of groundwater protection programs and provide the necessary flexibility for the states to develop programs appropriate in the respective states, with foundation elements which include: (1) aquifer protection standards or criteria to protect all legitimate interests (including federal) for various water bearing zones, and (2) mechanisms to assure their protection. Thereafter, EPA's strategy should be modified to announce the implementation tone for all of EPA's programs (supplementary as they are to the basic state programs) i.e., EPA programs shall at all times be administered in a manner that is consistent with and supportive of the foundation elements of the state program.

A carefully crafted remodeling of the strategy can alleviate the Council's apprehensions and, more importantly, set forth a harmonious, effective federal and state effort that is unquestionably faithful to historic federal policy.

B. Federal Funding of State Efforts.

EPA's proposal to fund state primacy efforts in groundwater protection is well motivated. It supports the strategy's objective of building and enhancing the strength and effectiveness of state programs.

The principal concern with the strategy's funding approach is that no new federal monies are provided for the states. Rather the monies proposed for state

groundwater protection efforts are to be taken from federal funds that are now being provided to carry out other environmental protection efforts. Such a redistribution of federal monies allocated to a state is unsatisfactory unless it is clear that the monies so transferred are no longer required for the purposes for which they have been originally provided. In sum, the Council recommends that EPA examine all of its existing sources of money with an eye towards increasing grants to states. Redistribution of existing grant monies is not enough.

More flexibility should be considered by EPA in terms of the use of federal funds by states to improve their groundwater protection efforts. The strategy's limitation on state use of funds to program development is too restrictive. Use thereof for implementation and development of state programs should be allowed. We note, in this regard, that states that have already developed ground water programs are ineligible for funding because of the limitation just noted. Furthermore, it may well be that the concentration of funding on program development will not provide the maximum attainable return on the federal dollar invested.

III. Other Strategy Observations.

A. Unaddressed Groundwater Problems.

The Strategy's emphasis upon the inventorying of inadequately addressed sources of groundwater contamination, e.g., underground storage tanks, is meritorious. It is a positive and necessary first step in the development of a federally supported state program of prevention and cleanup in this important area.

B. Reorganization of EPA's Internal Organization

The strategy's emphasis on strengthening EPA's internal ground water organization is well placed. The proposed creation of a special ground water office would benefit the states by providing for improved liaison and valuable coordination between EPA and the states at a high level within EPA.

This new office would be of great value to EPA's internal operation. With proper focus, the new office could insure that, internally, all EPA groundwater related activities are coordinated, especially in insuring that they are conducted in accord with and in support of the dominant, comprehensive groundwater quality program established by each state. From an external standpoint, the new office would provide each state with expeditious, effective access to EPA both in Washington, D.C. and regionally. This access properly administered by EPA, would provide a coordination point leading to greater harmony of federal-state program implementation.

The strategy is silent with regard to groundwater contamination arising on federal lands, (which, we note, constitute a majority of all lands within several western states). We urge the inclusion of an EPA "good neighbor" policy that encourages all federal agencies to conduct their activities in accord with state groundwater protection processes and requirements. The new office could measurably assist in achieving this important objective.

IV. Conclusion

The Western States Water Council applauds EPA, once again, for putting forth an overall well done draft strategy.

The comments and suggestions provided herein are, in accord with Congressional policy, designed to assist EPA in establishing its appropriate roll in the critically important area of groundwater protection. The Council's recommendations to EPA are based on the fundamental premise, recognized and espoused by EPA, that the various states have primary responsibility for establishing and administering sound groundwater protection programs that protect all legitimate federal and state interests. EPA's secondary role of providing technical, scientific, and financial support to the dominant state effort, is equally important. A carefully developed EPA strategy, modified along the lines suggested herein, will go far in achieving a harmonious, effective, efficient groundwater protection program that protects all legitimate interests.

The Council recognizes that its recommendations are based on active, assertive, effective state protection efforts. With EPA providing its full "back-up" support, we are confident that every member state of the Council will meet the challenge of providing these essential efforts. You may be assured that the Western States Water Council supports that objective.

EPA has worked closely with the Council in this important endeavor. We appreciate that spirit of intergovernmental cooperation. The Council looks forward to working with EPA to assure that the valuable groundwaters of our nation are fully protected in the national interest.

¹ See, e.g., Resource Conservation and Recovery Act, 42 U.S.C.A. §§ 6091 *et seq.*; Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C.A. §§ 9601 *et seq.*; and Safe Drinking Water Act, 42 U.S.C.A. §§ 300 (f) *et seq.*

² *California v. United States*, 438 U.S. 645 (1978); *United States v. New Mexico*, 438 U.S. 696 (1978); and *Andrus v. Charleston Stone Products Co., Inc.*, 436 U.S. 604 (1978). Cf. *Sporhase v. Nebraska*, _____ U.S. _____, 102 S. Ct. 3456, 73 L.Ed.2d 1254 (1982). See also 33 U.S.C.A. 1251 (b).

POSITION
of the
WESTERN STATES WATER COUNCIL
Regarding
GROUND WATER PROTECTION
April 13, 1984

WHEREAS, ground water is a precious and highly valued natural resource upon which our nation relies for a wide range of beneficial uses; and

WHEREAS, ground water management - the protection of its quality and its orderly, rational allocation and withdrawal for various beneficial uses - requires the highest quality coordination of efforts among all levels of government; and

WHEREAS, consistent with historic, federal policies emphasizing the primacy of states in the administration of water allocation and quality protection, the several western states have ground water allocation and protection programs in their laws; and

WHEREAS, recognizing the need to improve significantly the implementation of these state laws, all of the states have or are capable of pursuing actions to insure that improvement objective is reached; and

WHEREAS, taking into account the urgent need to protect ground water quality, Congress is now considering a number of bills with various thrusts relating to said protection; and

WHEREAS, several of these congressional proposals contain elements that would increase the federal role in ground water administration in a fashion that may well undermine and aforementioned state programs; and

WHEREAS, the national administration, through its Environmental Protection Agency, is about to initiate a ground water strategy that contains a significant potential, if not carefully developed and implemented, to undermine the primacy of the very state ground water programs the national administration so strongly espouses.

NOW, THEREFORE, in light of the foregoing, the Western States Water Council resolves that it:

- 1. Urges Congress, in its consideration of proposed ground water legislation, to limit enactments to those proposals which are faithful to and supportive of the primacy role of state administered programs; and*
- 2. Urges the National Administration, in its implementation of ground water strategy through the EPA and other agencies, to tailor its efforts so as to insure they are supportive of the primacy role of these state programs; and*
- 3. Gives a high priority commitment to work with Congress and the National Administration, in a spirit of cooperation and goodwill, to bring about enactments and strategies at the federal level that support, not undermine, override or otherwise impair, the state primacy policy and the successful administration of state programs; and*

4. *Urges every member state to examine its ground water protection program and, when needed, to take all steps necessary to insure that it is fully effective in protecting all national and state interests in groundwater quality within the state; and*
5. *Urges every member state, working in coordination with its sister states and this Council, to make a similar commitment to that set forth in Resolution 3 hereof.*

The chairman is directed to provide copies of the resolution to all members of congressional delegations of the member states, the President, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Western Governors' Association.

**WESTERN STATES WATER COUNCIL
RESOLUTION
ENDORING THE USE
OF BEST ENGINEERING JUDGEMENT IN
CERCLA CLEANUPS
July 17, 1984**

WHEREAS, protection of the public health, welfare, and the environment from the hazards associated with abandoned chemical waste disposal sites involves the expenditure of public funds under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and

WHEREAS, each abandoned chemical waste disposal site is unique with respect to siting, geohydrology, and waste constituents involved; and

WHEREAS, reliance on mandatory standards may not appropriately control the hazards posed to the public health, welfare, and the environment from any particular waste disposal site due to the uniqueness of each site; and

WHEREAS, the application of mandatory standards may require the expenditure of more public funds than are necessary to remedy a problem at an abandoned chemical waste disposal site and defer or prevent remedial actions at other sites; and

WHEREAS, best engineering judgement will provide protection of the public health, welfare, and the environment for each unique problem posed by an abandoned chemical waste disposal site; and

WHEREAS, best engineering judgement will provide cost-effective solutions to remedy problems at abandoned chemical waste disposal sites;

NOW, THEREFORE, BE IT RESOLVED that Western States Water Council endorses the use of best engineering judgement in developing remedial action plans for abandoned chemical waste disposal sites and requests Congress not to adopt mandatory cleanup standards as proposed in H. R. 5640 (Section 107); and

BE IT FURTHER RESOLVED that the Western States Water Council requests that the U.S. Environmental Protection Agency's policies, rules, regulations, guidelines, and decisions in the CERCLA program provide for site-by-site evaluation of cleanup alternatives which respect state water laws and adequately consider public health, welfare, the environment, cost-effectiveness, and innovative engineering solutions, taking into account the availability of funds to respond at other sites and further that states' requirements be considered in the final approval of remedial actions.

*POSITION
of the
WESTERN STATES WATER COUNCIL
Regarding
EPA REPROGRAMMING STATE GRANT FUNDS
October 12, 1984*

WHEREAS, EPA is responsible for management of the Federal Water Pollution Control Program; and

WHEREAS, the program, as developed through legislation by Congress, envisions and requires considerable state involvement in its implementation; and

WHEREAS, Congress has authorized and appropriated funds to assist states in those areas of assignment to the states; and

WHEREAS, the federal demands upon the states have exceeded and continue to exceed the federal funds provided to the states; and

WHEREAS, the states have worked diligently to obtain increases in program funding more in line with the federal demands; and

WHEREAS, modest increases in State program funding have been recently authorized and appropriated by the Congress for FY 85; and

WHEREAS, EPA is now being required to provide funding of \$9.3 million for an Industrial EDB (ethylene dibromide) Indemnification Program, and

WHEREAS, the Office of Management and Budget prevented EPA from approaching Congress for a supplemental appropriation for EDB programs, insisting that the necessary funds must come out of EPA's own budget; and

WHEREAS, EPA has presented a proposal to the House and Senate Appropriations Committees to obtain these funds by reprogramming them from state program grants.

NOW, THEREFORE BE IT RESOLVED that the federal program grants to the states should not be reprogrammed by EPA but should be fully allocated to the states for the purposes intended by the Congress.

BUDGET AND FINANCE

At the quarterly meeting held April 12, 1984 in Salt Lake City, Utah, the Executive Committee considered a budget for FY 1985 of \$267,150. The previously approved schedule called for the yearly assessment of \$19,500 per state to remain at that level for FY86 and this was amended to include FY 87. This motion was made and passed unanimously.

It was explained that the proposed budget was only 7% over last years, and was designed to utilize some of the monies that the Council holds in reserve. In light of the amount in reserves, the Executive Director suggested that the council consider the purchase of some word processing equipment. A motion was made and passed unanimously that the budget be revised upward to include funds to do this. After a discussion in the Executive Committee, it was also decided to adjust the budget to provide salary increases for the staff to make them comparable to the state of Utah. The budget for FY85 was \$295,300.

The audit for the fiscal years 1983-84 was prepared by the firm of Hansen, Barnett and Maxwell and was presented to the Council by the Executive Director at the annual meeting in July at Idaho Falls, Idaho. The Auditor's Report was accepted unanimously as written. The accounting policies of the Western States Water Council conform to generally accepted accounting principles as applicable to governmental units. The Council utilizes the modified accrual basis of accounting. The Auditor's Report and the 83-84 financial statement are reflected on the following pages.

HANSEN, BARNETT & MAXWELL

A PROFESSIONAL CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS

345 EAST BROADWAY
SALT LAKE CITY, UTAH
84111

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

We have examined the combined balance sheet - general fund and general fixed asset group of accounts of the Western States Water Council as of June 30, 1984 and 1983 and the related general fund statement of revenues and expenditures and changes in fund balance - budget and actual 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, 1984 and 1983 and the results of its operations for the years then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

Our examination was made for the purpose of forming an opinion on the financial statements stated above taken as a whole. The schedule of changes in the general fixed asset group of accounts is presented for the purpose of additional analysis and is not a required part of the financial statements of the Western States Water Council. The information has been subjected to the auditing procedures applied in the examination of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the combined financial statements taken as a whole.

Hansen, Barnett & Maxwell

July 5, 1984

WESTERN STATES WATER COUNCIL

General Fund

Statement of Revenues and Expenditures and

Changes in Fund Balance - Budget and Actual

For the Years Ended June 30, 1984 and 1983

	<u>Budget</u>	<u>Actual June 30, 1984</u>	<u>Actual Over (Under) Budget 1984</u>	<u>Actual June 30, 1983</u>
REVENUES				
Member States' assessments	\$234,000	\$237,500	\$ 3,500	\$235,000
Other miscellaneous income ...	—	18,365	18,365	6,845
Interest income	—	16,419	16,419	15,125
TOTAL REVENUES	<u>234,000</u>	<u>272,284</u>	<u>38,284</u>	<u>256,970</u>
EXPENDITURES				
Salaries	132,500	131,845	(655)	157,093
Travel	21,320	23,853	2,533	22,068
Contract services	500	—	(500)	—
Payroll taxes and employee benefits	36,680	36,651	(29)	35,178
Printing and reproduction	15,000	19,866	4,866	17,723
Rent	19,500	17,042	(2,458)	17,042
Freight and postage	6,000	6,439	439	5,523
Telephone	6,500	5,259	(1,241)	6,312
Furniture and equipment	8,000	—	(8,000)	—
Office supplies	4,950	3,992	(958)	4,017
Reports and publications	2,500	2,338	(162)	2,280
Meetings and arrangements	2,500	2,282	(218)	1,453
Accounting	1,400	1,244	(156)	1,250
Insurance	750	516	(234)	631
Contingencies	2,400	4,320	1,920	2,083
Total Expenditures	<u>260,500</u>	<u>255,647</u>	<u>(4,853)</u>	<u>272,653</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES ...				
FUND BALANCE - BEGINNING OF YEAR	(26,500)	16,637	43,137	(15,683)
FUND BALANCE - END OF YEAR	<u>94,917</u>	<u>94,917</u>	<u>—</u>	<u>110,600</u>
FUND BALANCE - END OF YEAR	<u>\$ 68,417</u>	<u>\$111,554</u>	<u>\$ 43,137</u>	<u>\$ 94,917</u>

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.

(4) The Executive Committee of the Council may, by unanimous vote, confer the status of Associate Member of the Council upon states it deems eligible. Associate Membership will entitle a state to appoint two official observers to participate in Council activities and receive all printed material disbursed by the Council. Associate member states shall have no vote in Council matters. The Executive Committee shall, through regular Council voting procedures, establish the appropriate level of dues for Associate Member states. In addition to determinations concerning Associate member states, the Executive Committee may, when appropriate, establish fees for participation in Council activities by non-members.

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, Vice Chairman and Secretary-Treasurer, 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. These officers 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

(1) 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.

(2) The Council may establish other committees which shall have such authority as may be conferred upon them by action of the Council.

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 is 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 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.

The committee charters, committee membership and subcommittee assignments follow:

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, and on October 16, 1981 at the meeting in Jackson, Wyoming. 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 shall consist of a majority of members. A 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. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

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 Chairman, 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

Esther C. Wunnicke - Alaska
Wesley E. Steiner - Arizona
David Kennedy - California
David H. Getches - Colorado
A. Kenneth Dunn - Idaho
John E. Acord - Montana
Chairman

Roland D. Westergard - Nevada
S.E. Reynolds - New Mexico
William H. Young - Oregon
John T. Montford - Texas
Thorpe A. Waddingham - Utah
Donald W. Moos - Washington
George Christopulos - Wyoming

MANAGEMENT SUBCOMMITTEE

Chairman
Vice-Chairman
Secretary-Treasurer
Past Chairman
Executive Director

SPECIAL SUBCOMMITTEES

Management Subcommittee

John E. Acord - Montana - Chairman

J. William McDonald - Colorado

Roland D. Westergard - Nevada

Vice Chairman

Secretary/Treasurer

Ray W. Rigby - Idaho

D. Craig Bell

Past Chairman

Executive Director

Water Management Symposium Subcommittee

Daniel F. Lawrence - Utah

J. William McDonald - Colorado

John E. Acord - Montana

Joint Ground Water Subcommittee

Charles B. Roe, Jr. - Washington - Chairman

Wesley E. Steiner - Arizona

Gary Broetzman - Colorado

Donald G. Willems - Montana

George Proctor - Oregon

Charles E. Nemir - Texas

EXECUTIVE COMMITTEE MEMBERS



Back Row: Bill McDonald, Steve Reynolds, Wes Steiner, and Bill Young

2nd Row: Charles Roe, Dave Kennedy, George Christopoulos, and Jack Acord

Front Row: Ken Dunn, Charles Nemir, Dan Lawrence, and Larry Dutton

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 a majority of 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, and amended on October 16, 1981, in Jackson, Wyoming.

LEGAL COMMITTEE MEMBERS

Charles B. Roe, Jr. Washington - Chairman

Norman Gorsuch - Alaska

Stan Turley - Arizona

Dave Kennedy - California

David H. Getches - Colorado

Ray Rigby - Idaho

Leo Berry, Jr. - Montana

Roland Westergard - Nevada

Charles DuMars - New Mexico

George Proctor - Oregon

John T. Montford - Texas

Harry D. Pugsley - Utah

Willard Rhoads - Wyoming

Reserved Rights Subcommittee

George Proctor - Oregon - Chairman

Roland D. Westergard - Nevada

Lawrence Wolfe - Wyoming

FERC Licensing Subcommittee

Lawrence Wolfe - Wyoming - Chairman

George Proctor - Oregon

Charles B. Roe, Jr. Washington

LEGAL COMMITTEE MEMBERS



Back Row: Larry Wolfe, Ray Rigby, George Proctor, Dave Kennedy
Front Row: Willard Rhoads and Charlie Roe

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 Council.

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 and Voting

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 a majority of 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 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, and amended on October 16, 1981, in Jackson, Wyoming.

WATER RESOURCES COMMITTEE MEMBERS

A. Kenneth Dunn - Idaho - Chairman
William H. Young - Oregon - Vice Chairman

Esther C. Wunnicke - Alaska
Wesley E. Steiner - Arizona
Senator Ruben Ayala - California
J. William McDonald - Colorado
John E. Acord - Montana

John L. Stonehocker - Nevada
S. E. Reynolds - New Mexico
Charles E. Nemir - Texas
Daniel F. Lawrence - Utah
Wilbur G. Hallauer - Washington
Warren White - Wyoming

Water Project Financing Subcommittee

Wesley E. Steiner - Arizona - Chairman
William H. Young - Oregon
Charles E. Nemir - Texas

Endangered Species Act Subcommittee

Daniel F. Lawrence - Utah - Chairman
Esther C. Wunnicke - Alaska
Jack L. Stonehocker - Nevada

WATER RESOURCES COMMITTEE MEMBERS



BackRow: Bill McDonald, Steve Reynolds, Wes Steiner, Bill Young, and Jack Acord
Front Row: Ruben Ayala, Ken Dunn, Charlie Nemir, Dan Lawrence, and Larry Dutton.

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 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 Water Quality Committee member may designate an alternate to serve in his absence. A quorum shall consist of a majority of 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, and amended on October 16, 1981, in Jackson, Wyoming.

WATER QUALITY COMMITTEE MEMBERS

Gary Broetzman - Colorado - Chairman
Calvin Sudweeks - Utah - Vice-Chairman

Richard Neve - Alaska
Sidney Woods - Arizona
Dave Kelley - California
Gene Gray - Idaho
Donald G. Willems - Montana

Joseph E. Dini, Jr. - Nevada
Brant Calkin - New Mexico
Kip Lombard - Oregon
Fred Pfeiffer - Texas
Glen Fiedler - Washington
George Christopulos - Wyoming

Clean Water Act Subcommittee

Cal Sudweeks - Utah - Chairman

Gary Broetzman - Colorado
Donald Willems - Montana
Lou Dodgen - Nevada

Fred Pfeiffer - Texas
Glen Fiedler - Washington

WATER QUALITY COMMITTEE MEMBERS



BackRow: Cal Sudweeks, Don Willems, Kip Lombard and George Christopulos
Front Row: Fred Pfeiffer, Gary Broetzman, Gene Gray and Sid Woods

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 state-wide 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:

- 0041(a) The return or replacement of the water exported to the area of origin; or
- 0041(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 Interbasin or Interregional 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 of 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 interbasin 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 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 STANDARD FOR GUIDANCE IN THE FORMULATION OF CON- CEPTS 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 PROCE- DURES 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 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.

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