

October 27, 2016
Utah Water Users Association
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MESSAGE FROM THE PRESIDENT

By Jay Mark Humphrey

Another water season has come and gone. The spring runoff was low, many of the reservoirs didn't fill to capacity, the summer was hot, the summer rains were sparse, and the fall rains were appreciated. Looking back on the growing season, the crops were good, the cities were green, and it just wasn't too bad of a year. As the water year closes, everyone that manages water or uses it can reflect on what was good this year, what can be improved on and if something was bad, how can it be changed to improve the water use for next year. I hope the winter season produces a lot of snowpack and a good water season.

WATER OUTLOOK

By Randy Julander

Well, like political campaigns – this summer was long, hot, dry, full of promises and virtually no results. Until the storm of mid-September. Hokey smokes Bullwinkle – you talk about a storm! This one clobbered the entire state with sites getting the least amount of precipitation having an inch or two and some getting over 6 inches of rain. Many areas got between 10% and 15% of their annual total precipitation from this one storm. It is also a classic case of timing – most areas will end up the year close to 100% of average precipitation with very little of it falling when it would be most beneficial – during the growing season. It has brought soil moisture from bare bones oven dry powder back up to nearly 50% saturation or more and in some locations even as deep as 20 inches. Snow Survey has been diligently trying to install a new SNOTEL site on the

Pahvant east of Fillmore the last week of September and it is taking a lot more time than normal due to mud up to our eyeballs and rain every afternoon – it's very exciting driving a trailer loaded with a 9000 pound trackhoe down that wet greasy steep hill. The wrinkle in that seat ain't comin out any time soon! So, soil moisture has improved substantially which is important for next spring's runoff season. The bad news is that reservoir storage is down from last year, about 5% to 8%, leaving a very big hole to fill for your fingers for a great snow year!

next year. Some reservoirs are in worse shape than others: Piute, Sevier Bridge, Scofield, Echo and Gunnison are all drawn down very low. Most of the small reservoirs across the state are nearly empty or down to stock water. On the positive side, a hot summer can make a lot of hay if you have the water and judging by our water use, we expect a pretty productive year. Looking forward, as always, we anticipate a great water year for 2017! That and \$6.29 plus tax will get you something cheap to drink at FiveBucks. Cross

WHAT'S THE FALL LOOKING LIKE?

By Brian McInerney

If you remember my last contribution to the newsletter late last June, I wondered how the summer monsoon would fare. Well, it's now October and we are not too thrilled with the results. It was a brutally hot and dry summer for Utah's water users. We broke 17 heat records in the Salt Lake City area this past meteorological summer. We had 21 straight days with temperatures at or exceeding 95 degrees. Never saw that before. We had the hottest nighttime

temperature we've had at 81 degrees. We had the hottest June back to 1874, the 4th hottest July, and the 5th hottest August. We also tied the record for the driest July ever, with the airport measuring only a trace of precipitation.

So what does this mean now that we're out of the warm period and enjoying cooler fall weather and some good rains in September? It means we're going to start the 2017 water year behind the curve. As a result of the hot dry weather, our soils are parched. Depending on the amount of spring rainfall during the melt season, we'll lose a great deal of spring snowmelt runoff to infiltration into these dusty soils. That's tough a tough pill to take after 5 years of below average runoff. Really tough.

But then again, what does the upcoming year look like? Will we have a very active weather pattern, or will the dreaded high-pressure ridge rear its ugly head once again? The truth of the matter is that the ability to forecast weather beyond 7 days does not exist this year. Sure there are attempts to forecast long range, but the results are iffy at best. However, we are at the tail end of 5 years of below average spring snowmelt runoff. In recent history, the weather tends to shift after a prolonged period of a persistent weather pattern. Maybe we'll see a change this year for no other reason than weather changes after such a period. I'm all in.

Water & the Law

Possible EPA Water Quality Standards for Indian Reservations

Nathan S. Bracken, SMITH HARTVIGSEN, PLLC

The Environmental Protection Agency (EPA) is seeking comments on whether to establish federal baseline water quality standards (WQS) for waters on Indian reservations that currently lack WQS.

WQS are the foundation of the federal Clean Water Act's (CWA) water pollution control program. These standards define the goals of a water body by designating its uses, identifying criteria to protect those uses, and setting forth requirements to prevent further degradation of the water body. WQS also serve as the basis for granting or denying permits for activities

that discharge into waters that are subject to a WQS, among other things.

EPA is considering creating baseline WQS for Indian reservations because of what it views as a "gap" in current water quality protections. Specifically, states, which generally have authority to create WQS for state waters, lack authority to create WQS for waters on Indian reservations. Although Tribes can obtain authority from EPA to adopt their own WQS, less than 50 of the over 300 federally-recognized tribes with reservations have done so because of a lack of resources and other challenges.

EPA believes federal baseline WQS for reservations could improve protections for human health and the environment on reservation lands. As a result, EPA has issued an "advanced notice of proposed rulemaking" to solicit input from tribes, states, the public, and other stakeholders regarding whether baseline WQS are needed for reservations, and, if so, what approach the agency should take.

One key challenge that EPA will need to tackle in creating any WQS is how to address potential conflicts between state-issued WQS and EPA or tribally-issued WQS. This challenge is particularly acute for reservations that have a "checkerboard" pattern of ownership, such as the Ute Indian Tribe's Reservation in the Uintah Basin, where the Tribe's reservation encompasses large numbers of non-Indian lands that are likely subject to state-issued WQS rather than EPA or tribally-issued WQS.

Baseline WQS for reservations could also affect industries and municipalities that currently discharge pollutants into surface waters on reservations that lack WQS, or that may otherwise affect such waters.

EPA will hold two public webinars to discuss the advance notice and will accept comments until December 28. For more information, please see:

<https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian>.

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Water Resources Development Act Update

Ian Lyle, NWRA

Before breaking prior to the upcoming election both the U.S. Senate and the U.S. House of Representatives were able to pass a version of the Water Resources Development Act. This legislation funds a variety of Army Corps of Engineers projects for flood control, water supply and navigation.

On September 15th, the Senate passed S.2848, its version of the Water Resources Development Act (WRDA), by a vote of 95 to 3. On September 28th the U.S. House of Representatives passed H.R. 5303, the House version of WRDA by a vote of 399-25.

As indicated by the vote totals these bills enjoyed a significant amount of bipartisan support. However, it needs to be noted that the House and Senate have taken different tracks on how to approach WRDA 2016. There are some major differences between the two versions of the bill that need to be reconciled. These differences are substantial but resolvable. The most notable difference is the scale of each bill. The Congressional Budget Office (CBO) estimates, that implementing S.2848, the Senate WRDA bill, would cost about \$4.8 billion over the next five years and \$10.6 billion between 2017-2026. CBO estimates, that implementing H.R.5303, the House WRDA bill, would cost about \$970 million over the next five years and \$3.1 billion between 2017-2026.

Despite these differences Committee leadership in both the House and Senate appear optimistic on the chance of continuing to move the bill forward. Following the passage of H.R. 5303, House Transportation and Infrastructure Committee Chairman Bill Shuster stated: "The House and Senate now need to finish their work and send a final WRDA measure to the President before the end of the year"

Chairman Shuster's comments were echoed in the Senate where Senate Environment and Public Works Committee Chairman Jim Inhofe and Ranking Member Barbara Boxer issued the following statement on passage of H.R. 5303: "The strong, bipartisan vote in the House of Representatives is a clear sign that we can reconcile the House and Senate bills swiftly and smoothly. We are confident that Congress will send to the president's desk this year

another robust bipartisan infrastructure bill, which will grow the economy, improve public safety, and restore ecosystems while also providing support to communities facing failing water and wastewater infrastructure."

Committee staffs are currently working to resolve differences between the two bills in an effort to present a reconciled WRDA bill that can be agreed to by both chambers of Congress. The National Water Resources Association (NWRA) is working to ensure that the final bill reflects the priorities of western water suppliers.

MESSAGE FROM THE DIRECTORS CORNER

By Carly Burton

NWRA Update

This is just another reminder that the NWRA winter conference will be held on November 14-16, 2016 at the Hotel Del Coronado in San Diego. This will be a special event for all Utahns because our own Ron Thompson, general manager of the Washington County Water Conservancy District will be elected president of NWRA for the next 2 years. If you plan on going and you haven't registered yet, you can still do so by going to NWRA's website at NWRA.org. Please come out and support Ron in this very prestigious appointment.

Water users Workshop Update

I wanted to inform all of you that the Utah Water users workshop will be held on March 20-22, 2017 in St. George. This date is a week later than usual so I wanted to make sure you get this event on your calendar. We have also cancelled the Tuesday evening banquet and, instead, we will have a Tuesday lunch buffet. We have made this change based on your comments that were taken from the evaluation sheets at the last Workshop. The Workshop committee has been hard at work the past 6 months and we already have a great program lined up for next year so we are hopeful you will attend. Last year we had 1077 in attendance which is another record. The first brochure will be mailed out in early December with the final brochure being mailed by mid-January. We look forward to seeing you there.

