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Committee on Natural Resources
Subcommittee on Water, Oceans and Wildlife**

**Oversight Hearing
“WOW 101: The State of Water Infrastructure and Innovation”**

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Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee, thank you for the opportunity to appear before you to address the state of water infrastructure and innovation in the Western United States. My name is Norman Semanko and I am the Water Law Practice Group leader in the Boise, Idaho law office of Parsons Behle & Latimer.

I am here today in my capacity as an attorney with more than 25 years of experience representing water user organizations, including currently serving as general counsel for: the Family Farm Alliance, a non-profit organization that advocates for family farmers, ranchers, irrigation districts, and allied industries in seventeen Western states; Quincy-Columbia Basin Irrigation District, the largest irrigation district in the Columbia Basin Project, which delivers water to more than 250,000 acres in Washington State; and Aberdeen-Springfield Canal Company, the oldest Carey Act irrigation project in the State of Idaho. I also serve as Special Counsel to Nampa and Meridian Irrigation District, the largest irrigation district in the Boise Project.

I was previously Executive Director & General Counsel for the Idaho Water Users Association for 17 years. I am a Past President of the National Water Resources Association (NWRA) and the immediate Past Chairman of NWRA’s Federal Affairs Committee. I am also a former member of the Western States Water Council.

The State of Water Infrastructure in the West

Water challenges in the West are significant and daunting. These challenges are not unique to any one state; rather they impact every state west of the 100th Meridian. Despite wet conditions this winter, the Colorado River Basin has experienced the longest dry spell in recorded history and one of the driest in the past 1,200 years.¹ According to research evaluating tree rings, hydrological conditions in California in the mid-2010s were the worst to hit the region since the

¹ "Lingering Colorado River Drought Could Lead to Water Shortages," John Fialka, E&E News, 6 Sept 2018. Available: <https://www.scientificamerican.com/article/lingering-colorado-river-drought-could-lead-to-water-shortages/>

13th century.² Drought conditions in the Pacific Northwest over the last half-decade have been severe. Meanwhile, heavy rains and snowmelt have overwhelmed parts of the Platte-Missouri River system. When we do have good water years, there is insufficient storage available to take advantage of mother nature's generosity in the dry years that inevitably follow.

All of these examples underscore the critical importance of having sufficient infrastructure in place to optimize water supplies. The need is obvious, and this belief is shared by many in the West. Just last week, the Family Farm Alliance – working with the California Farm Bureau Federation and Western Growers Association – transmitted letters signed by over 100 national and Western agriculture and water organizations, calling upon Members of Congress to develop an infrastructure package that addresses water infrastructure needs for storage and conveyance.

Water is the lifeblood of our nation. Without reliable and affordable water supplies, every sector of our economy would suffer – from agriculture, to manufacturing and high-tech, to local community needs. Food cannot be grown, businesses cannot operate, and homes and schools cannot be built or operate without water. Critical water infrastructure must be maintained and modernized to ensure the delivery of water today and for future generations. As Congress considers an infrastructure package, it is of paramount importance that maintenance, rehabilitation and development of water infrastructure is a high priority.

Many communities in the semi-arid and arid West – as well as the farms and ranches they are intertwined with – owe their existence, in large part, to the certainty provided by water stored and delivered by the Bureau of Reclamation and other state and local water storage projects. The federal government plays an enduring role in water supply infrastructure maintenance, rehabilitation and development that, consistent with state water laws, includes working with local water managers in support of their efforts to secure a stable and reliable water supply.

It is critical that water infrastructure for both agricultural and municipal water providers is recognized as nationally important and qualified as such in potential infrastructure legislation. Qualifying projects should include water conveyance, surface water storage, aquifer recharge, and other water supply enhancement opportunities. Infrastructure legislation should address aging water infrastructure as well as the development of new infrastructure.

Western water managers face significant regulatory and policy-related challenges. Water infrastructure that was built early in the last century is aging. Meanwhile, less progress has been made at the federal level towards developing new and improved water infrastructure to keep up with the growing water demands of agriculture, expanding cities, energy production, and other needs.

² Evidence Suggests California's Drought is the Worst in 1,200 Year, Woods Hole Oceanographic Institution, News Release, Dec. 14, 2014 found at <http://www.whoi.edu/news-release/California-drought>.

While water conservation, water efficiency, and water transfers can be important tools for addressing certain water supply challenges, these tools are limited and do not yield the quantities of water that storage facilities do. Adequate water supplies for the future require supply enhancement measures – new and expanded water storage projects - that provide long-term solutions across the West.

For farmers to survive and for food to continue to be produced in America, a stable water supply must be available. In many areas of the West, water resources are available, and projects are waiting to be developed. However, the policies of the federal government make development of that water nearly impossible. Water wars are being fought throughout the West simply because we have not had the vision to develop new, dependable sources of water for our collective future.

Given the magnitude of the food security issue to the nation’s economic and social wellbeing, policy makers must prioritize protection, enhancement and further development of our water supplies. This economically critical infrastructure is aging and is in need of improvement.

Many of the Bureau of Reclamation facilities are between 50 and 100 years old. Reclamation has reported an infrastructure and maintenance backlog of approximately \$3 billion. Such aging infrastructure presents a further challenge because it requires ever increasing maintenance and replacement investments. As of 2013, the replacement value of Reclamation’s infrastructure assets was \$94.5 billion. Investing in this infrastructure on the front end will save taxpayers’ money in the long run and allow us to preserve it, and the many benefits it provides, for future generations.

As Bureau of Reclamation Commissioner Brenda Burman said in June of 2018: “We need to think ahead 20, 40, 50 years and enhance water infrastructure for reliable water supplies in the future.”

Innovation: Providing New Storage and Increasing Existing Storage

There has been heightened interest recently in additional water storage facilities. The call for more water storage only makes sense when one considers the paradigm shift of more conservative water operations coupled with the added water supplies necessary to meet demands for water that, in many basins in the West, is simply outgrowing the existing supply.

The Family Farm Alliance in 2014 released [a report](#) that provides detailed answers to 20 frequently asked questions about new water storage projects. The need has only increased.

Water delivery organizations, including those that I represent, rely on the traditional water and power infrastructure built over the last century to deliver irrigation water supplies vital to their farming operations. We have been advocating for new storage for many years, and we have provided testimony and specific recommendations on how to streamline restrictive federal regulations to help make these projects happen.

Examples of water storage and conveyance projects that could be implemented are plentiful. Members of the Subcommittee are familiar with the proposed dam raise at Shasta Dam in California. In Idaho, options being pursued include raising Anderson Ranch Dam in the Boise Project and Island Park Dam in eastern Idaho. There are also concerted efforts to modify the rule curve at Ririe Dam and Reservoir in eastern Idaho to allow for more carryover storage during dry years.

New recharge projects are being looked at to further enhance water supplies. The Columbia Basin Project in Washington State is authorized to supply irrigation water to more than one million acres; there are still several hundred thousand acres to go in meeting this milestone.

Of course, actually developing new storage and water conveyance facilities is much easier said than done. Unfortunately, the construction of storage projects is undertaken on a much more limited basis than in decades past. Even if funding and authorization is secured for a new storage project, the existing procedures for developing additional water supplies can make project approval incredibly burdensome.

The President of the Family Farm Alliance - rancher Patrick O'Toole – has testified before this Subcommittee several times, recounting the permitting challenges in building the Little Snake Supplemental Irrigation Supply Project (High Savery Project) in Wyoming. That project was built in less than two years, but took more than 14 years to permit.

Recharge faces its own set of challenges, including permission to use existing Reclamation facilities and the acquisition of easements over federal lands. Congress can help ease these constraints through forthcoming infrastructure legislation.

Clearly, the existing procedures for developing additional water supplies need to be revised to make project approval less burdensome. By the time project applicants approach federal agencies for permits to construct multi-million-dollar projects, they have already invested extensive resources toward analyzing project alternatives to determine which project is best suited to their budgetary constraints. However, current procedure dictates that federal agencies formulate another list of project alternatives which the applicant must assess, comparing potential impacts with the preferred alternative. These alternatives often conflict with state law. We appreciate that this Subcommittee in the past has explored opportunities and introduced legislation to expedite this process and reduce the costs to the project applicant. If we are to be successful, we need to make these kinds of improvements.

In past Congresses, several bills have been introduced that were intended to facilitate the construction of new storage facilities. The WIIN Act contains provisions that allow irrigation districts to voluntarily prepay contracts with the federal government. The funding that is expected to be generated by these prepayments over the next ten years would be placed into an account to fund the construction of new state-led water storage projects or the expansion of current federally-owned water storage reservoirs.

The WIIN Act also authorizes Reclamation to implement a water storage enhancement program to fund new or expanded surface and groundwater storage construction for the purposes of increased municipal supply, agricultural irrigation, and to reduce impacts to fish and wildlife. Congress should continue to work to pass legislation to increase water storage throughout the western United States.

We need new and expanded water storage to develop usable and dependable supplies to meet our growing demands for water. New water supply infrastructure must be developed to capture water in good years and ensure it is available to provide supplies during poor water years. The federal government must be a partner with non-federal water users and state and local governments in identifying and providing additional storage in the West.

The importance of partnerships between federal and state governments and local stakeholders cannot be overstated. They are the catalyst for change and will help put WIIN and other efforts to enhance water supplies into action. Just last week, the Idaho State Legislature approved a transfer of \$20 million into the Idaho Water Resource Board's fund for large water infrastructure projects. Washington State's Legislature has also put financial commitments toward water supply enhancements.

Storage proposals must be evaluated, and the associated benefits and risks must be viewed in a net, comprehensive manner. While critics of new storage projects focus on negative impacts associated with new facility construction, these perceived impacts must be compared to the wide range of multi-purpose benefits that storage projects provide. Well planned storage projects provide additional water supplies to better meet urban, industrial and agricultural water needs, improve flood control, generate clean hydropower and provide recreation opportunities.

The President and Congress will no doubt prioritize whatever federal funds are available to meet existing and future water supply needs. The rest of the capital needed to develop and construct this new water infrastructure must come from the private sector and state and local governments.

The federal government must seriously consider adopting a policy of supporting new projects to enhance water supplies while encouraging state and local interests to take the lead in the planning and implementation of those projects. Local and state interests have shown enormous creativity in designing creative water development projects.

We must also look for opportunities to reduce costs. Congress should look for opportunities to improve the federal regulatory process by streamlining regulations, improving coordination, reducing duplication, and increasing transparency. Clarity on rule development and better-coordinated federal permitting processes would reduce permitting timelines and save tax dollars.

Conclusion

The infrastructure challenges that we face are indeed daunting, and they will require innovative solutions – including new and expanded water storage. The infrastructure challenges faced by prior generations were no less difficult – and they met the challenge, benefiting this country for over a century. Now it is this generation’s responsibility to provide the water infrastructure that future generations will rely upon. There is no doubt we can do it. The question is whether we will.

Thank you again for the opportunity to testify and for your attention to the water infrastructure needs of our nation.