

PENDING LEGISLATION

HEARING
BEFORE THE
SUBCOMMITTEE ON
WATER AND POWER
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

ON

S. 1034	S. 3635	S. 3737
S. 1242	S. 3684	S. 3738
S. 2437/H.R. 3857	S. 3693	S. 3743
S. 2753	S. 3723	S. 3792
S. 3409	S. 3725	S. 4040
S. 3500	S. 3732	S. 4041
S. 3518	S. 3736	

MARCH 17, 2026



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The text for each of the bills addressed in this hearing can be found on the Committee's website at: <https://www.energy.senate.gov/hearings/2026/3/water-and-power-subcommittee-to-receive-testimony-on-pending-legislation>

PENDING LEGISLATION

TUESDAY, MARCH 17, 2026

U.S. SENATE,
SUBCOMMITTEE ON WATER AND POWER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:00 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. John Hoeven, Chair of the Subcommittee, presiding.

OPENING STATEMENT OF HON. JOHN HOEVEN, U.S. SENATOR FROM NORTH DAKOTA

Senator HOEVEN. The Subcommittee will come to order.

Today, we are holding our first hearing of the Subcommittee on Water and Power. I want to thank the Ranking Member, Senator Wyden, for joining me and for the members who are here now and will be joining us. I want to begin by saying that Senator Wyden and I have worked together on a number of things related to energy, so he might even comment on that. I had him out in North Dakota, but I'll let him mention that.

Today, obviously, we're talking about water and power. Water access is fundamental to quality of life. For families, it means safe drinking water when they turn on the tap. For farmers and ranchers, it means the ability to grow crops and raise livestock. For communities, it means the opportunity to attract businesses and grow. Western states face unique challenges in reliable access and delivery of water. I'm going to be intrigued here to see if my staff put in what we all know, and that is that whiskey is for drinking and water is for fighting. We'll see if they got it in there. Just in case, I wanted to reference it. It's an old saying, but it does have real meaning. And that is, water is so important to everyone across the country, so incredibly important, and a challenging issue. And these challenges include all regions of the country and rural population centers, areas that are very wet, areas that have drought, it affects all of us.

In North Dakota, we understand these challenges very well. Our state has long worked to manage both floods and drought, sometimes in the same year, which requires a close relationship with our federal partners, including the Bureau of Reclamation and critical water supply projects in our state. Today, we'll be hearing testimony from the Bureau of Reclamation and the Federal Energy Regulatory Commission on a number of bills, including a priority from my home state to reauthorize the Dakota Water Resources Act, which I want to thank Senator Padilla for joining me on. I ap-

preciate it very much. This bill provides much-needed authorizations to provide more reliable drought-resilient water supplies for North Dakota and the five tribal nations located in our state. Also, it will support completion of two key regional water supply projects—the Northwest Area Water Supply Project (NAWS), serving Minot and surrounding communities and the Eastern North Dakota Alternate Water Supply Project (ENDAWS), helping to serve communities in the Red River Valley of the North.

North Dakota has yet to fully realize the promise of over a million acres of irrigation as compensation for the loss of approximately 550,000 acres of prime farmland permanently flooded by federal water projects under the Pick-Sloan Flood Control Act of 1944. Access to clean, reliable, and affordable water supplies is a quality-of-life issue, and our legislation is consistent with the historical federal promise to the state and tribes on construction of the Garrison Dam and Lake Oahe. Senator Wyden did get to the Williston Basin, but he did not get to Lake Sakakawea, which is a 100-mile-long man-made lake which competes with some of the other reservoirs to hold the most water of any reservoir in the United States, and of course is incredibly important, not just to our state, but to the states downstream, all the way down to the end of the Missouri River, which of course joins the Mississippi in St. Louis, or just south of there.

So, with that, I look forward to hearing from our witnesses this morning, and I would like to turn the microphone over to Senator Wyden for his opening comments.

**OPENING STATEMENT OF HON. RON WYDEN,
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you very much, Mr. Chairman, and it is good to be back working with you. We have worked together on a host of things—transportation issues and energy issues—and I recall being invited to North Dakota. I was glad to be able to come when I was Chairman of this Committee. It's a wonderful Committee. And I believe I was introduced to the Walleye Caucus, or something close to that.

Senator HOEVEN. That's it.

Senator WYDEN. Because I was told that as I navigated all these great lakes and whatnot, I would have some terrific walleye, and that was, in fact, correct. So, if I could wangle an invitation to come back, I will do it. It was a good trip.

What the Chairman is doing is particularly important to the West right now. And if I were to sum it up, western states are facing a devastating 1-2 punch—historic drought and record-low snowpack. And I have town hall meetings in every one of my counties, have had more than 1,100 of them, and I'm heading out to the rural part of the state here shortly. And I know that the dominant question will be those two topics, and what the Chairman has smartly agreed to look into, which is the question of how are we going to get strong federal leadership and smart policy when it comes to water management and western drought. And the Federal Government seems to have taken a back seat on these issues, and communities in the West are suffering. For example, one of the areas that we feel very strongly about is the Klamath River Basin

in southern Oregon. It's an example of why strong leadership and good policy are so critical. The Federal Government has a responsibility to safeguard water infrastructure, meet tribal obligations, and protect water access. In the Klamath, decades of conflict have shown what happens when that leadership falls short. The communities, the tribes, and ranchers have paid a big price.

The Colorado River is another example of why strong federal leadership is so critical. Sustainable solutions require strong federal engagement and consistent funding. I was proud that last Congress, this Committee passed a law that I wrote that's already delivering real results to communities along the Klamath. It's important that we step up and do more. For western communities, the combination of farmers and ranchers and tribes and families means that you have to provide certainty to a whole host of important community concerns. Those are individuals who need the reassurance of knowing that the people representing them are doing everything they can to protect this critical water resource. They simply can't go from year to year lurching about trying to figure out where reservoir levels are going to be, and if they are going to collapse, or our agreements are going to unravel.

So, I just want to briefly mention two pieces of legislation, Mr. Chairman.

First, I have a bill that brings the private sector to measuring watershed results. It's called the Watershed Results Act, and it takes the current outdated approach to this question of really getting value for scarce dollars on its head. It's a pilot approach that pays for performance that projects are going to benefit from. If you're making the real results on water supply reliability and watershed health, you in effect go to the head of the program. Taxpayers deserve to know that the money is producing real on-the-ground results. Under the current system, huge sums of money head out the door without enough safeguards to ensure that it's being put to good enough use. I don't want the record to show that David is nodding his head in agreement, but I do want to tell, seriously, that I do appreciate the fact we have two very dedicated civil servants, and we look forward to working with them on these issues. The concept for the legislation is simple. If you want to improve your local waterways, great, but demonstrate to us you have the best way of doing it before the taxpayer dollars go out.

The other piece of legislation is a bill that I have with Senator Murkowski. When I was the Chair of the Committee, she was the Ranking Republican, a pleasure to work with, and we have teamed up on DOE's Water Power Technologies Office. I'm going to put into the record a longer description of it, but this really measures what we did with the Clean Energy Tax Credits that were really thought up in this Committee and passed by the Senate Finance Committee. They basically bring a technology-neutral approach to the energy field, and we sure need that in terms of water power technology. So, let's reward the private sector, again, building on the other piece of legislation, because they are technologies that we ought to be looking at. And I want to give a special thanks to the Oregon State University PacWave project, which allows researchers to test technologies that generate electricity from ocean waves.

I'll close with this: just as we did with the Clean Energy Tax Credits, Mr. Chairman, we said nobody really knows what the best producers are going to be 30 years from now. So, why not create an opportunity for technological innovation. The Murkowski-Wyden bill allows that, and I look forward to working with my colleague in pursuing the bills that you're talking about, and I know Senator Padilla is interested in, because that's the way we work—hands-on, all the time. Using my basketball analogy—come in to play every single day, and I look forward to it.

Senator HOEVEN. So, is it the Ducks or the Beavers that have the green and yellow that I wore in honor of your state today?

Senator WYDEN. Well, I've already been thinking about my response, because the Chairman is wearing green and yellow. What we do in our areas, we wear green and yellow one day, and black and orange the other. So, we cover our bases. And I'm pleased to see the Chairman is connecting Saint Patrick's Day with the Ducks, where I went to school, and I look forward, seriously, to working with you.

Senator HOEVEN. The Ducks are awesome. This is actually for the North Dakota State Bison, but the Ducks are awesome.

Senator Padilla, did you have some opening comments?

Okay, then we'll go to our witnesses, and first we will hear from David Palumbo, who is the Deputy Commissioner of Operations for the Bureau of Reclamation within the Department of the Interior. Mr. Palumbo, thanks for being here, and the floor is yours.

OPENING STATEMENT OF DAVID PALUMBO, DEPUTY COMMISSIONER OF OPERATIONS, U.S. BUREAU OF RECLAMATION

Mr. PALUMBO. Thank you, Chair Hoeven, Ranking Member Wyden, and members of the Subcommittee. Thank you for the opportunity to testify today on behalf of the Department of the Interior. I am David Palumbo, Deputy Commissioner for Operations for the Bureau of Reclamation. Reclamation appreciates your work, and we stand ready to work with the Subcommittee on these important bills.

Of the Reclamation-focused bills before the Subcommittee today, a number focus on expanding existing or creating new grant programs. Senator Wyden's Watershed Results Act and Senator Hickenlooper's Water Project Navigators Act seek to improve Reclamation's WaterSMART program, which provides funding and technical assistance to states, tribes, and local entities for water conservation, drought planning, and infrastructure improvements. The bills seek to expand Reclamation's authorities in the form of a new pilot program and new federally funded positions to help entities access federal funding. Senator Padilla's GROW SMART Act amends existing Reclamation authority to fund demonstration projects that promote agricultural water efficiency projects. Reclamation would suggest that each of these new programs could be amended into existing programs to better meet the goals of the legislation. We would like to work with the bill sponsors to that end.

Senator Hickenlooper's Snow Water Supply Forecasting Program Reauthorization Act extends and expands Reclamation's work developing multiple snow monitoring technologies to improve forecasting for the benefit of water management. Senator Cortez

Masto's Large-Scale Water Recycling Reauthorization Act and Senator Daines's Fort Peck Water System Reauthorization Act extend authorities without the need for additional funding. Senator Padilla's MORE WATER Act reauthorizes the Large-Scale Water Recycling Program as well as other recycling and environmental restoration programs. The MORE WATER Act also creates a broad new conveyance program for federal and non-federal projects that expands Reclamation's authorities beyond what are presently funded by Congress. We share the goals of the legislation to increase water supply and conveyance and would like to work further with the bill sponsor.

Another bill that establishes a new program is Senator Gallego's Water Security and Drought Resilience Act. The bill reauthorizes and expands the Small Storage Program for five years, and creates a new program for natural water retention and release projects. In addition, the bill authorizes the Verde Reservoirs Sediment Mitigation Project in Arizona. Reclamation recognizes the importance of this project to promote water supply and resilience in the Colorado River Basin, and would like to work with the bill sponsor to promote such opportunities.

Senator Daines's Lower Yellowstone River Native Fish Conservation Act and Senator Risch's Urban Canal Modernization Act would both transfer financial responsibility of addressing infrastructure challenges from local water users to the Federal Government. In the case of the Lower Yellowstone Bypass legislation, the administration wants to work with Senator Daines to address financial concerns from irrigation districts while also ensuring local control by project beneficiaries. On urban canals, the bill seeks to make 35 percent of funding non-reimbursable. Reclamation recognizes the high cost faced by operating partners, and would like to work with the bill sponsor to address concerns with increasing federal costs on state and local projects.

Senator Hoeven's Dakota Water Resources Act authorizes over a billion dollars for rural and tribal water projects across North Dakota. Senator Thune and Senator Rounds have introduced three bills to conduct feasibility studies on water projects in South Dakota. These bills provide Reclamation with the authority to conduct detailed analysis on the economic, environmental, technical, and legal viability of these projects that impact South Dakota and surrounding states so that Congress can determine how best to move forward in the coming years.

Finally, Chairman Lee's bill is related to a feasibility study on various temperature control options at Glen Canyon Dam that will optimize hydropower and prevent entrainment of fish species. We appreciate the Chairman's commitment to critical water delivery and hydropower generation at Glen Canyon Dam and Reclamation's facilities across the West. As we approach the 70th anniversary of the Colorado River Storage Project Act, which authorized dams such as Glen Canyon and Flaming Gorge, Reclamation remains committed to the Colorado River Basin and the system of dams and reservoirs that support millions of people.

In closing, the Bureau of Reclamation remains committed to managing water in a responsible manner for the American people.

Thank you for supporting Reclamation's important work. I would be pleased to answer your questions.
[The prepared statement of Mr. Palumbo follows:]

Statement of David Palumbo,
Deputy Commissioner of Operations
U.S. Bureau of Reclamation
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
On

S. 1242, Watershed Results Act; S. 2437, Snow Water Supply Forecasting Program Reauthorization Act; S. 2753, Urban Canal Modernization Act; S. 3409, Lower Yellowstone River Native Fish Conservation Act; S. 3635, Fort Peck Water System Reauthorization Act; S. 3693, A bill to extend the authorization for a large-scale water recycling and reuse grant program; S. 3723, Western South Dakota Water Supply Project Feasibility Act; S. 3725, Lewis & Clark Regional Water System Expansion Feasibility Act; S. 3732, Water Security and Drought Resilience Act; S. 3736, A bill to require the Secretary of the Interior to conduct a study to determine the feasibility of constructing a project to supply municipal, rural, and industrial water to the Dakota Mainstem Regional Water System service area in the States of South Dakota, Iowa, Nebraska, and Minnesota, and for other purposes; S. 3737, Growing Resilient Operations from Water Saving and Municipal-Agricultural Reciprocally-beneficial Transactions (GROW SMART) Act; S. 3738, Making Our communities Resilient through Enhancing Water for Agriculture, Technology, the Environment, and Residences (MORE WATER) Act; S. 3743, A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes; S. 3792, Water Project Navigators Act; S. 4040, Dakota Water Resources Act Amendments of 2026

March 17, 2026

Chair Hoeven, Ranking Member Wyden, and members of the Subcommittee, I am David Palumbo, Deputy Commissioner of the Bureau of Reclamation (Reclamation) within the Department of the Interior (Department). Thank you for the opportunity to appear before this Committee to discuss these bills.

S. 1242, Watershed Results Act

Through its WaterSMART and Cooperative Watershed Management programs, the Bureau of Reclamation provides funding to watershed groups to help address local water management needs. Since 2017, Reclamation has provided cost-shared financial assistance to watershed groups to implement watershed management projects. These on-the-ground projects, collaboratively developed by members of a watershed group, address critical water supply and quality issues, helping water users meet competing demands and avoid conflicts over water.

If enacted, S. 1242 would establish a new Reclamation watershed pilot program to meet specific watershed goals, such as realizing increases in water quantity or improvements to the quality of aquatic habitats. The bill authorizes \$17 million in annual appropriations through 2031, which

may be used to support up to five pilot projects. Each project would follow a five-year plan that must incorporate watershed analytics and follow a multi-agency funding strategy that utilizes a pay-for-performance contract to incentivize results.

While the Department appreciates the goal of this bill, the desired outcomes are already met through existing programs and opportunities, such as Reclamation's WaterSMART Cooperative Watershed Management Program and Enhanced Water Resources Projects. In addition, S. 1242 includes a 75 percent federal cost share and authorizes additional federal spending.

S. 2437, Snow Water Supply Forecasting Program Reauthorization Act

Reclamation's Snow Water Supply Forecasting Program (SWSFP) was authorized in 2020. Reclamation implements SWSFP on behalf of the Secretary of the Interior to enhance snow monitoring to improve water supply forecasting for the benefit of water management. The original program achieved this objective in four ways: 1) Demonstrating and/or deploying emerging snow monitoring technologies; 2) Demonstrating and/or deploying improvements to existing snow monitoring technologies; 3) Deploying existing snow monitoring technologies in less covered areas; and 4) Improving the use of snow monitoring data to enhance water supply forecasts. SWSFP has worked with partners on a variety of projects using ground-based technologies, aircraft and satellite-based technologies, and advanced modeling. Recent efforts have included the use of data generated through aerial LiDAR snow surveys. Reclamation has observed that the application of multiple complementary technologies can result in successful outcomes for improving forecasting for water management. For example, advanced modeling can be done across the west, but confidence in results increase dramatically when in-situ and remote measurements are integrated. Airborne LiDAR surveys are known for high accuracy, but measurements are infrequent due to the logistics of deploying aircraft. The value of these surveys is increased when combined with ground or space-based measurements and modeling that provides higher frequency snowpack measurements or estimates. Due to its role in managing water supply reservoirs, hydropower facilities, and water distribution systems, Reclamation has a strong interest in obtaining accurate snow monitoring and forecasting across the West.

S. 2437 would reauthorize and expand, but also could restrict, the program for fiscal years 2027 through 2031. For example, Reclamation now uses commercially available technologies where that is the best way to advance snow water supply forecasting. The bill, as introduced, would direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to incorporate "to the greatest extent practicable" the use of information from commercially available technologies including airborne snow surveys and associated modeling when determining water supply forecasts or allocations to Federal water contractors, rather than "emerging technologies" as provided in the original authorization. The bill would also allow for consideration of other technologies as there is continued need for on-the-ground snow measurements, satellite-derived earth observations, and technologies that can integrate a range of different sources of snow measurements in water supply forecasting. The bill would increase the authorized level of appropriations from a total of \$15 million for fiscal years 2022 through 2026 to a total of \$32.5 million for fiscal years 2027 to 2031, at \$6.5 million annually.

The bill would increase the authorized annual level of federal spending by Reclamation, and does not sufficiently account for related efforts undertaken by other Federal agencies.

S. 2753, Urban Canal Modernization Act

At the time of their construction, the canals managed by Reclamation were mostly in relatively unpopulated areas in the western United States. Since then, some of these canals have been surrounded by urban development, and could potentially pose a risk to populated areas in the event of failure. Reclamation currently classifies and monitors approximately 880 miles of such canals in its Urban Canal Hazard Program.

S. 2753 would provide that 35 percent of the cost of extraordinary maintenance on defined reaches of canals are non-reimbursable. This provision applies to extraordinary maintenance work on “urban canals of concern,” which are canals Reclamation designates as “urban canal reaches” for its emergency risk management purposes, where there is a population at risk of more than 100 people. The bill does not apply to emergency extraordinary maintenance on the same canal reaches, leaving those instances to the existing emergency extraordinary maintenance reimbursement determinations. This would reduce operating partners’ maintenance costs for these urban canals, which could encourage preventative maintenance, by passing on eligible project costs to Reclamation for extraordinary maintenance work that would have otherwise been funded by the project beneficiaries.

Additionally, section 2(e) would allow any reimbursable funds provided under S. 2753 to serve as a non-federal source of funds for the purposes of any cost-sharing requirement for a federal grant. This language may lead to some confusion with water managers. Specifically, this section may limit the amount of funding made available under section 9603 of the Omnibus Public Land Management Act of 2009 (Title XI, Subtitle F, Public Law 111-11) for extraordinary operations and maintenance that could be applied as a non-federal match.

Reclamation works collaboratively with its partners to ensure the safe and exceptional stewardship of our infrastructure, and recognizes the additional risk that canals may pose in populated areas. While some operating partners may face high costs to maintain their canals, it is not apparent that the best way to address this concern would be to expand the non-reimbursable share of the cost of this work.

S. 3409, Lower Yellowstone River Native Fish Conservation Act

Reclamation’s Lower Yellowstone Project (LYP) is 58,000-acre irrigation project located in eastern Montana and western North Dakota. The project is operated and maintained by the Lower Yellowstone Irrigation District Board of Control under contract with Reclamation. The Lower Yellowstone Project includes the Intake Diversion Dam, a screened headworks structure, 71 miles of main canal, 225 miles of laterals and 118 miles of drains, three pumping plants on the Main Canal, four supplemental pumps on the Yellowstone River and one supplemental pump on the Missouri River.

Since the early 2000s, Reclamation and the U.S. Army Corps of Engineers have been working cooperatively as joint lead agencies to address threats to pallid sturgeon associated with Reclamation's LYP in consultation with the U.S. Fish and Wildlife Service (Service). Entrainment protection was completed in 2012 with the construction of a new screened headworks structure and passage was established with the completion of the Intake Bypass Channel in 2022. The adaptive management and monitoring program (AMMP) kicked off in the spring of 2022, which includes monitoring of established biological and hydraulic criteria. Monitoring efforts begin May 1st and continue until September 30th each year. Reclamation has agreed to pay for Operations, Maintenance & Replacement (OM&R) for the Intake Bypass Channel for the first eight years of operation during the AMMP period (2022 – 2029). This OM&R funding approach was established primarily because the Intake Bypass Channel is a novel fish passage concept and as a result there are anticipated to be several design iterations which require field refinements, including those related to erosion. It will likely take several more years of adjustments to get the channel stabilized and functioning as required. The intent of the design changes and repairs is to ensure the long-term viability of the Intake Bypass Channel and compliance with Endangered Species Act (ESA) obligations. Ensuring sufficient fish passage enables migration and spawning further upstream, improves survival and supports increased recruitment of the endangered pallid sturgeon.

The Lower Yellowstone Intake Diversion Fish Passage Project was completed at federal expense, with no capital construction obligations on the irrigators, to maintain irrigation deliveries from the Yellowstone River, where ESA-listed sturgeon are present. To ensure continued ability to irrigate from the Lower Yellowstone Project, the bypass feature must be operated and maintained by project beneficiaries consistent with the LYP and bypass channel authorization.

S. 3409 would reaffirm federal ownership and responsibility for the Lower Yellowstone Fish Bypass Channel in perpetuity. The net impact of this provision would be to shift long-term operating responsibility from the Lower Yellowstone Irrigation District to Reclamation and require Reclamation to continue to fund OM&R beyond the currently agreed to AMMP Period concluding in 2029. S. 3409 also prohibits transferring, delegating, or assigning any financial, operational, or maintenance responsibilities for the bypass to any non-federal entity, including the Lower Yellowstone Irrigation District. The bill ensures that Reclamation and the Service would continue to be exclusively responsible for meeting ESA requirements for the bypass channel and pallid sturgeon and that conservation efforts are coordinated with state agencies without burdening non-federal irrigation operations. Finally, the legislation authorizes \$1 million annually beginning in FY2026.

Should the Subcommittee advance S. 3409, we would like to work with the Sponsor to ensure funding levels are consistent with the President's budget and to address some technical concerns, including clarifying that the Intake Diversion Dam is not federally operated as the bill currently states. Additionally, the Department does not support a statutory requirement to continue to fund OM&R beyond the currently agreed to AMMP Period concluding in 2029.

S. 3635, Fort Peck Water System Reauthorization Act

The Fort Peck Reservation Rural Water System Act of 2000 (P.L. 106-382) authorized the development of the interconnected Montana Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System in northeastern Montana. Together, these systems form the Fort Peck Reservation Rural Water System project, which is intended to treat and deliver water from the Missouri River to the Assiniboine and Sioux Tribes at Fort Peck Reservation, local communities, and rural customers, and will provide potable water to an estimated population of 27,500 upon completion. Once project assets or segments are constructed, the operation, maintenance, and replacement costs for the non-Tribal portion of the system will be funded by the Dry Prairie Rural Water System without federal assistance. Operation, maintenance, and replacement costs for the Tribal portion of the system will be funded through the Bureau of Indian Affairs. Authorization of appropriations has been extended several times and are currently authorized through fiscal year 2026. Although the project is expected to be complete before the end of fiscal year 2026, proponents are seeking an extension of the project's authorization to allow for the full processing of construction-related payments.

S. 3635 would reauthorize the project for an additional two years through 2028. Reclamation is committed to continuing its work with project proponents to define the costs and scope of the project to accurately account for its funding through its completion.

S. 3693, Large-Scale Water Recycling Reauthorization Act

Water recycling is a valuable tool for maximizing the available water supplies in the west. Authorized in 2021, Reclamation's Large-Scale Water Recycling Program has provided funding to water recycling projects in Reclamation states as part of its WaterSMART Program. Project funding has been provided at a 25 percent federal cost share with no per-project maximum to projects that have a total project cost greater than or equal to \$500 million. These large-scale projects play an important role in helping communities develop reliable water supplies by turning unusable water sources into a new sources of water supply that are less vulnerable to drought.

S. 3693 would reauthorize the Large-Scale Water Recycling Program for an additional five years. S. 3693 would provide Reclamation additional time to fully implement this program.

S. 3723, Western South Dakota Water Supply Project Feasibility Study Act

Western South Dakota is currently experiencing rapid growth in population and water needs. Concerns about future water supplies prompted the creation of the Western Dakota Regional Water System (WDRWS) in September 2021 to evaluate and plan for the long-term water needs of western South Dakota. The stated goal of WDRWS is to ensure reliable ongoing access to drinking water in western South Dakota that accounts for future population growth and drought conditions.

S. 3723 authorizes appropriations of \$10 million for a feasibility study with a federal share not exceeding 50 percent. The study would evaluate the benefits and costs of options to expand the existing project.

S. 3725, Lewis & Clark Project Rural Water Project Expansion Feasibility Study Act

The Lewis and Clark Regional Water System (LCRWS) is a non-profit entity that provides reliable drinking water to 20 member cities and rural water systems in southeast South Dakota, northwest Iowa, and southwest Minnesota. The LCRWS was incorporated in 1990 and authorized by Congress in 2000. Today, the system draws from the Missouri River aquifer through wells and pipelines to provide water to over 350,000 people, with ongoing expansions and planning efforts for future growth utilizing federal, state, and local funding over several decades.

Future plans for the LCRWS include increasing its original capacity of 23.5 million-gallons-per-day (MGD) to 45 MGD by 2028, with a future goal of providing 60 MGD of water throughout the region. Reclamation's involvement with LCRWS includes managing federal funds, providing technical analysis and guidance, and ensuring the project aligns with federal law, making it an example of federal-local partnership for water infrastructure.

S. 3725 authorizes appropriations of \$10 million for the feasibility study with a federal share not exceeding 50 percent. The study would evaluate the benefits and costs of options to expand the existing project. Since all 20 city and rural water system members of the LCRWS entity are connected to the project as of October 2024, the study would need to clearly identify the scope and scale of any proposed expansions.

S. 3732, Water Security and Drought Resilience Act

S. 3732 would expand federal funding eligibility for certain water storage projects. The bill also authorizes grant funding for natural water retention and release projects, among other provisions.

Section 2 of the legislation authorizes a specific water storage project in Arizona, the Verde Reservoirs Sediment Mitigation Project, to be eligible for planning, design, and construction funding under the WIIN Act, notwithstanding the WIIN Act's feasibility and construction deadlines. To be eligible for construction funding, certain requirements must be met, including a determination by the Secretary that the recommended project is feasible. While section 2 requires funding to be distributed among projects in multiple Reclamation states, only one project, the Verde Reservoirs Sediment Mitigation Project, meets the bill's funding requirements. Prior funding allocations under Section 4007 of the WIIN Act have already been distributed to other projects in multiple Reclamation states. This project should be viewed as part of a larger legislative package to address drought and promote water security in the Colorado River Basin, while enabling Reclamation to better meet trust obligations to tribes.

Section 3 of the bill reauthorizes and expands the Small Storage Program for an additional five years, and directs the Secretary to distribute grants across multiple Reclamation states. The required distribution of grant awards could run counter to the statutorily required competitive nature of the program. In addition, the program authority and the authorization of appropriations are not aligned in terms of expiration date.

Section 4 of S. 3732 creates a new discretionary grant program for natural water retention and release projects with a federal cost share of up to 90 percent of the total cost of the project. The section also authorizes appropriations of \$15 million per year from FY 2027 through FY 2031, for a total of \$90 million. It is unclear whether the goal of the bill is consistent with a competitive grant program. This bill's focus on new grant programs would increase federal spending with a limited range of impact.

S. 3736, A bill to require the Secretary of the Interior to conduct a study to determine the feasibility of constructing a project to supply municipal, rural, and industrial water to the Dakota Mainstem Regional Water System service area in the States of South Dakota, Iowa, Nebraska, and Minnesota, and for other purposes

The Dakota Mainstem Regional Water System is a proposed water system that would bring water to South Dakota, Minnesota, Iowa, and the Santee Reservation of the Santee Sioux Tribe, which shares a border with South Dakota. Over 50 independent water providers are currently pursuing this project, which aims to improve community resilience, address health and safety concerns with water scarcity and quality, support new population and economic development, and provide agricultural sustainability for the region.

S. 3736 authorizes appropriations of \$10 million for a feasibility study with a federal share not exceeding 50 percent. The study would evaluate the benefits and costs of options to expand the existing project.

S. 3737, GROW SMART Act

S. 3737 amends Title II of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2221) by authorizing Reclamation to fund the development of voluntary agricultural water efficiency projects with a stated goal of keeping agricultural land in production. Specifically, the bill authorizes \$5 million per year in appropriations for fiscal years 2028 through 2034 for Reclamation to fund the projects. In addition, S. 3737 provides for federal cost sharing, not to exceed 75 percent of the cost of project activities, and also authorizes the Secretary to waive the non-Federal share of the cost for Tribal entities.

The Administration appreciates the Sponsor's interest in supporting new efforts to address drought conditions and keeping agricultural land in production. However, the projects and activities specified in S. 3737 are beyond the scope of Reclamation's core mission of developing, managing, and protecting water and related resources in the American west.

S. 3738, MORE WATER Act

S. 3738 reauthorizes several expiring Reclamation programs and authorizes a new program supporting federal and non-federal water conveyance projects. The bill also proposes offsets for the new program and program reauthorizations directed by the bill by extending voluntary repayment of capital debts and establishing a process to deauthorize projects that have not received funding in the past seven years.

Reclamation programs reauthorized by S. 3738 include the Large-Scale Water Recycling program from Section 40905 of the Infrastructure Investment and Jobs Act (IIJA), the water recycling program from Sec. 4009(c) of the Water Infrastructure Investments for the Nation (WIIN) Act, and environmental restoration from Sec. 4010 of the WIIN Act. The reauthorization of Large-Scale Water Recycling also includes new language giving Reclamation the authority to fund feasibility studies. As currently written, the bureau may still be constrained under this bill by the requirements of section 40905(d) of the IIJA, which requires the Secretary to concur with a feasibility study before providing grants. It is unclear whether this could be interpreted as requiring a feasibility study before Reclamation can fund feasibility studies.

The reauthorization of the water recycling program and environmental restoration program under the bill would extend the WIIN Act authority for water recycling projects eligible under section 4009(c), but not desalination projects eligible under section 4009(a). The reauthorization of the water recycling program also includes a significant increase to the per-project federal funding cap, and requires the cap to be adjusted for inflation on an annual basis.

The new program for federal and non-federal water conveyance projects established by S. 3738 would authorize the issuance of grants for up to 50 percent of project costs, with an authorized appropriations level of \$500 million over five years. In addition, section 3(e) of the bill establishes federal cost-share requirements for the new program, determined by the costs of a project. For half of the projects authorized by the program that are under \$800 million in costs, all federal funding may be used for the water supply benefit of the project. For the other half of projects costing less than \$800 million, and all projects over \$800 million in costs, a federal funding share of up to 30 percent of the project cost may be used for water supply benefits, and federal funding of up to 20 percent of the project's costs may be used for environmental benefits. S. 3738 further prohibits the Secretary from imposing a total dollar cap for the funding of conveyance projects under the section.

Reclamation has traditionally operated under a "beneficiary pays" model, and converting more funding to grants, as directed by the bill, would be a departure from this approach, which would result in federal taxpayers paying for benefits largely limited to beneficiaries in specific localities. The new conveyance program would also overlap with and expand on existing programs, as it grants Reclamation the ability to fund any new conveyance project under \$5 billion in a Reclamation state. This would be a significant expansion of Reclamation's portfolio. The new program would also allow other federal funding, including funds from Reclamation's Aging Infrastructure Account (AIA), to be used towards the non-federal cost share, which would alter existing programs by allowing applicants to use AIA funding to compete for grant funding.

The Department appreciates the Sponsor's interest in Reclamation's work across the west, but cannot support S. 3738, as it would significantly increase the size and scope of Reclamation's responsibilities to the detriment of the American taxpayer. Moving to a grants-based funding approach also runs counter to the "beneficiary pays" framework, since the benefits will be largely focused on the water users in localities served by the project.

S. 3743, A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes

Glen Canyon Dam, located near the city of Page in northern Arizona, was constructed to harness the power of the Colorado River to provide for the water and power needs of millions of people in the west. At 710 feet in height, Glen Canyon Dam is the second highest concrete-arch dam in the United States, second only to Hoover Dam, which stands at 726 feet. The 25.16 million acre-feet of water storage capacity in Lake Powell, created by Glen Canyon Dam, provides additional water storage for the Colorado River System. This stored water has made it possible to successfully weather extended dry periods by sustaining the needs of cities, industries, and agriculture throughout the region.

Hydroelectric power produced by the dam's eight generators helps meet the electrical needs of the west's rapidly growing population. With a total capacity of 1,320 megawatts, the Glen Canyon Powerplant produces around five billion kilowatt-hours of hydroelectric power annually, which is distributed by the Western Area Power Administration to Wyoming, Utah, Colorado, New Mexico, Arizona, Nevada, and Nebraska. In addition, revenues from production of hydropower help fund many important environmental compliance programs associated with the Glen and Grand Canyons.

S. 3743 would authorize Reclamation to conduct a feasibility study into whether a selective water withdrawal system or other potential options at Glen Canyon Dam could improve hydropower generation during cold water releases, and if the system could help reduce the risk of invasive species entrainment. The bill directs implementation of a preferred solution, if determined to be feasible under existing Reclamation laws, which may – or may not – be the best solution when viewed from a national perspective.

Reclamation notes that under the Glen Canyon Dam Long-Term Experimental and Management Plan, cold water releases from Lake Powell have already been conducted as a proactive measure to disrupt the establishment of nonnative fish that pose a danger to the threatened humpback chub. This option is a short-term tool to use for environmental compliance purposes while Reclamation pursues longer-term solutions, including the slough modification project completed last year.

The Administration supports the goal of S. 3743 to explore opportunities to improve hydropower and reduce invasive species entrainment in the Colorado River Basin, but believes that funds provided for such a study should be fully reimbursable rather than borne by the taxpayers.

S. 3792, Water Project Navigators Act

S. 3792 directs the Secretary to establish a program that funds “navigator” positions at partner non-federal organizations, including state and local governments, Tribes, special districts, and non-governmental organizations, to help develop and implement multi-benefit water projects. The bill authorizes five years of funding for staffing these positions placed at partner organizations, but does not specify the terms for employment of the navigator positions. Multi-benefit projects are defined by the bill as proposals to enhance the overall resilience of water

supplies to climate-related impacts and to provide benefits to communities and ecosystems, including conserving or enhancing fish and wildlife habitat and promoting rural economic development.

In addition, S. 3792 grants the Secretary authority to award grants or cooperative agreements to eligible entities to support the creation or continuation of multi-benefit water project navigator positions. The grants or cooperative agreements are limited to a period of three years, but may be extended for an additional two years at the Secretary's discretion. The duties of the navigator positions defined by the bill include grant writing, project management, technical assistance, and any other necessary activities.

S. 3792 also provides that the federal share of the cost of an activity awarded a grant or cooperative agreement under this program shall not exceed 75 percent, but allows the Secretary of the Interior to reduce or waive the non-federal share of the cost in some cases. The bill prioritizes applications from eligible entities that would directly serve Indian Tribes, disadvantaged communities, rural communities, and other eligible entities with limited resources and capacity to develop multi-benefit water projects. In addition, S. 3792 requires the Secretary, within five years of enactment, to submit to Congress a report with an analysis of the multiple benefits advanced under the program. Lastly, the bill authorizes \$15 million in funding annually between fiscal years 2027 and 2032.

Congress has already provided the authority to address these issues through the strengthening of the WaterSMART program. As such, the Department encourages the Sponsor to continue working with the Department on increasing the effectiveness of existing programs and expanding the potential applicant pool.

S. 4040, Dakota Water Resources Act Amendments of 2026

The Garrison Diversion Unit originally authorized in 1965, amended in 1986 by the Garrison Reformulation Act, and again in 2000 by the Dakotas Water Resource Act (DWRA), is associated with the U.S. Army Corps of Engineers' Garrison Dam of the Pick-Sloan Missouri Basin Program. The Garrison Diversion Unit originally focused primarily on irrigation development as part of compensation to the State of North Dakota (State) for the loss of 550,000 acres of Missouri River bottom land due to the construction of Garrison Dam and Oahe Dam, that also included the inundation of a significant amount of land within the Fort Berthold and the Standing Rock Indian Reservations, forcing several Tribal communities to move.

However, the Garrison Diversion Unit faced numerous issues and challenges, resulting in repeated modification of the project, and in 2000, the DWRA deauthorized all but approximately 75,000 acres of the irrigation originally included in the project and increased construction ceilings for Tribal and non-Tribal Municipal, Rural, and Industrial (MR&I) water supplies. Currently the Garrison Diversion Unit is a multipurpose project principally providing Tribal and non-Tribal MR&I water supply projects along with fish and wildlife, recreation, and flood control benefits in the State of North Dakota.

S. 4040 would authorize additional appropriations for several sections of the Garrison Diversion Unit, primarily to support drinking water systems within the State. The bill would authorize an additional \$637 million (indexed) for the State Municipal, Rural and Industrial (MR&I) system for the Northwest Area Water Supply (NAWS) Project, the Eastern North Dakota Alternate Water Supply (ENDAWS) Project, the Southwest Pipeline Project, as well as \$63 million for various other North Dakota rural water districts throughout the State. The bill would also authorize \$743 million (indexed) for Tribal rural water system construction and for the water systems within the Fort Totten Indian Reservation, the Fort Berthold Indian Reservation, the Standing Rock Indian Reservation, the Turtle Mountain Indian Reservation, and the Lake Traverse Indian Reservation. Finally, this Act would further authorize an additional \$50 million for the Natural Resources Trust fund.

The Department supports the bill's goal of furthering reliable access to clean water for rural and Tribal communities, but notes that S. 4040 would increase the authorization of appropriations for several parts of the Garrison Diversion Unit, Missouri River Basin project. Should the Subcommittee advance this bill, we would like to work with the Sponsor to address technical issues.

Senator HOEVEN. Thank you, Mr. Palumbo. Again, we appreciate you being here and your comments, and of course, your responsiveness to the questions from the panel.

Next, I'd like to call on Mr. Terry Turpin, Director of the Office of Energy Projects for the Federal Energy Regulatory Commission (FERC) within the Department of Energy. Mr. Turpin, thank you for being here.

OPENING STATEMENT OF TERRY TURPIN, DIRECTOR, OFFICE OF ENERGY PROJECTS, FEDERAL ENERGY REGULATORY COMMISSION

Mr. TURPIN. Thank you. Good morning, Chairman Hoeven, Ranking Member Wyden, and members of the Subcommittee. My name is Terry Turpin. I am Director of the Office of Energy Projects at the Federal Energy Regulatory Commission. The office is responsible for taking a lead role in the Commission's siting of infrastructure projects, including non-federal hydropower projects, interstate natural gas pipelines and storage facilities, and liquefied natural gas terminals. Thanks for the opportunity to appear before you today to discuss current legislative efforts regarding hydropower permitting and the Commission's role in oversight of this infrastructure. As a member of the Commission staff, the views I express in this testimony are my own and not necessarily those of the Commission or of any individual Commissioner.

Under the Federal Power Act, or FPA, non-federal hydropower projects must be licensed by the Commission if they are located on a navigable waterway, occupy federal land, use surplus water from a federal dam, or are located on certain waters subject to the Commerce Clause. In accordance with the FPA, the Commission currently regulates over 1,600 non-federal hydropower projects, including over 2,500 dams, representing about 57,000 megawatts of authorized capacity, which is more than half of all the developed hydropower in the United States. The Commission serves as the lead agency in all FPA proceedings and prepares the documentation required for each project under the National Environmental Policy Act. Currently, the Commission is processing about 187 pending applications, of which approximately 90 percent are for re-licenses of existing hydropower projects, and about 10 percent are for original licenses or new power generation. Based on the license terms of existing projects, the number of projects that will begin the relicensing process will continue to be high well into the 2030s. Over the next 10 years, more than 410 projects, representing about 41 percent of the Commission's licensed projects, and about 15 percent of the licensed power production capacity, will begin the pre-filing consultation stages of the relicensing process.

Once the Commission has issued a license, its role is to provide regulatory oversight of projects during their license term. This post-licensing workload involves ensuring compliance with license requirements, processing requests for extensions of time to comply with those requirements, and processing applications to amend licenses by modifying project facilities or their operations. The Commission's post-licensing workload also entails processing requests for license transfers between parties, as well as applications to surrender a project license. During Fiscal Year 2025, the Commission

processed 172 extension-of-time requests, 73 amendments to project facilities and operations, 612 complaints or allegations of non-compliance, and 27 license transfers or applications for the surrender of the project license. Under the FPA, the Commission is responsible for ensuring that the water-retaining features of hydropower projects are designed, constructed, operated, and maintained using current engineering standards, and that they continue to meet federal guidelines for dam safety.

Through regularly scheduled inspections during construction and operation, Commission engineers verify that dams meet stipulated design criteria and identify any necessary remedial modifications or required maintenance. In Fiscal Year 2025, Commission staff, to this end, conducted 2,085 inspections related to incident response, construction, and operation of dams, and completed review of more than 11,000 dam safety related filings. As the lead agency for FPA hydropower proceedings, the Commission has developed processes that take into account and take into consideration the views, recommendations, and conditions provided by federal and state agencies and other stakeholders, while also meeting our own statutory obligations to license projects that are best adapted for improving or developing a waterway.

The Commission staff remains committed to working with all agency stakeholders and Congress to ensure the most effective processing of energy infrastructure matters, and will be happy to provide any technical assistance you need as you move forward. Thanks again for inviting me today, and I would be happy to answer any questions you may have.

[The prepared statement of Mr. Turpin follows:]

Written Testimony of Terry L. Turpin
Director, Office of Energy Projects, Federal Energy Regulatory Commission
before the
Committee on Energy and Natural Resources
Water and Power Subcommittee
United States Senate
March 17, 2026

Chairman Hoeven, Ranking Member Wyden, and members of the Subcommittee, my name is Terry Turpin and I am the Director of the Office of Energy Projects at the Federal Energy Regulatory Commission. The Office is responsible for taking a lead role in carrying out the Commission's responsibilities in reviewing applications for infrastructure projects, including: (1) the licensing, administration, and safety of non-federal hydropower projects; (2) the authorization of interstate natural gas pipelines and storage facilities; and (3) the authorization of liquefied natural gas terminals. I appreciate the opportunity to appear before you to discuss the Commission's role in hydropower permitting and oversight. As a member of the Commission's staff, the views I express in this testimony are my own, and not necessarily those of the Commission or of any individual Commissioner.

In accordance with the Federal Power Act (FPA), the Commission currently regulates over 1,600 non-federal hydropower projects, including over 2,500 dams, representing about 57,000 megawatts of authorized capacity, which is more than half of all developed hydropower in the United States. The Commission's hydropower work generally falls into three categories of activities: (1) licensing, which includes processing applications for original licenses and relicensing existing facilities; (2) administration and compliance, which includes providing regulatory oversight of projects to ensure compliance with license requirements and processing applications to amend, transfer, or surrender licenses; and (3) dam safety, which includes protecting life, health, and property.

I. The Commission's Role in Hydropower Oversight

Under the FPA, non-federal hydropower projects must be licensed by the Commission if they: (1) are located on a navigable waterway; (2) occupy federal land; (3) use surplus water or water power from a federal dam; or (4) are located on non-navigable waters over which Congress has jurisdiction under the Commerce Clause, involve post-1935 construction, and affect interstate or foreign commerce.

The Commission serves as the lead agency in all FPA hydropower proceedings and sets schedules for those proceedings. Prior to issuing a decision on a license application, the Commission conducts reviews of hydropower projects and project works, and as the lead federal agency prepares the documentation required under the National Environmental Policy Act. The Commission has established three licensing processes and procedures, allowing an applicant to request to use the process it believes best suited to its individual situation. Each of the licensing processes is designed to accommodate the stakeholder

consultation needed to develop a record on which the Commission can base its licensing decision. The three processes are the:

- Traditional Licensing Process: best for less complex or less controversial projects;
- Integrated Licensing Process: frontloads issue identification and decisions on information needs to the period before an application is filed and is suited to more complex or more controversial cases; and
- Alternative Licensing Process: allows participants significant flexibility to tailor the licensing process in a manner that can work well for particular circumstances.

Currently, the Commission is processing 187 pending applications, of which approximately 90 percent are for relicenses of existing projects and about 10 percent are for original licenses and exemptions.¹ Based on the license terms of existing projects, the number of projects that will begin the relicensing process will continue to be high well into the 2030s. Between fiscal years 2026 and 2036, over 410 projects, representing about 41 percent of the Commission's licensed projects and about 15 percent of licensed capacity under Commission jurisdiction, will begin the pre-filing consultation stages of the relicensing process. Additionally, original license applications may continue to be filed at the historical rate; since fiscal year 2013, the Commission has processed applications for 70 original licenses that involved the construction of new hydropower facilities.²

Once the Commission has issued a license, its role is to provide regulatory oversight of licensed projects during their license term. This post-licensing workload involves ensuring compliance with license requirements, processing requests for extensions of time to comply with these requirements, and processing applications to amend licenses by modifying project facilities and operations. License requirements include environmental and public use provisions resulting from terms and conditions set by the Commission, including measures specified by state and federal resource agencies. Typical examples include requirements establishing minimum flows, reservoir elevations, water quality metrics, fish passage facilities, and recreation measures. Specialized Commission staff review and analyze plans and reports filed pursuant to the license conditions, process engineering and environmental amendment requests, and review complaints and non-compliance allegations. The Commission's post-licensing workload also entails processing requests for license transfers as well as applications to surrender a project license. During fiscal year 2025, the Commission processed 172 extension of time requests, 73 amendments to project facilities and operations, 612 complaints and non-compliance allegations, and 27 license

¹ Exemptions are a simpler form of license where the projects are not subject to the licensing requirements of the FPA, such as Sections 4, 10, and 18, and the license does not convey eminent domain authority. The exempted project is subject to mandatory terms and conditions set by federal and state fish and wildlife agencies and by the Commission.

² Of the 70 original licenses issued beginning fiscal year 2013, eleven projects have been constructed and are operating and one project has commenced, but not yet completed, construction. Of the remainder, the licensees of 41 have not indicated to the Commission whether or when they intend to begin construction and 17 licenses have been terminated or surrendered.

transfers or surrender a project license.

Under the FPA, the Commission is responsible for ensuring that the water-retaining features of hydropower projects are designed, constructed, operated, and maintained using current engineering standards and meet federal guidelines for dam safety. Commission engineers review designs, plans, and specifications of the facilities and proposed modifications. Through regularly scheduled inspections during construction and operation, Commission engineers verify that dams meet stipulated design criteria and identify necessary remedial modifications or required maintenance. When issues are found, the Commission requires the licensee/exemptee to develop a plan and schedule for addressing the matter and conducting follow-up activities. The Commission incorporates a risk-informed decision-making approach that provides the capability to assess non-traditional failure modes, provides levelized risk across different loading conditions, focuses inspections and surveillance on projects' specific potential failure modes and monitoring programs, and guides remediation projects to provide an overall reduced level of risk to the public. In fiscal year 2025, Commission staff conducted 2,085 inspections related to incident response, construction, and the operation of dams and completed review of more than 11,00 dam safety related filings.

II. Complexity in the Licensing Process

Hydroelectric licensing proceedings under the FPA are multi-faceted and complex, requiring the Commission to consider and balance many competing interests. Section 10(a) of the FPA establishes the comprehensive development standard which each project must meet to be licensed, and which appears to be unique among federal infrastructure permitting requirements. In the Electric Consumers Protection Act of 1986, Congress modified the FPA to require the Commission to give equal consideration to developmental and nondevelopmental values at hydropower projects. Under this standard, a licensed project must be best adapted to a comprehensive plan for improving or developing a waterway for the use or benefit of interstate or foreign commerce—not only for the improvement and utilization of waterpower development, but also for the protection and enhancement of all other beneficial public uses. Typical uses for a waterway, such as power generation, irrigation, flood control, fish and wildlife protection or enhancement, water supply, and recreation, are often in direct competition for the waterway resources associated with a project. To meet the statutory requirement of balancing these competing uses, the Commission must explore all issues relevant to the public interest, including both those associated with waterpower development as well as those related to nondevelopment uses of a waterway.

As the Commission has noted in multiple reports, policy statements, and rulemakings since 2001, it is the complexity of the resource issues and the amount of available information about project impacts that set the stage for whether the regulatory process is short or long,

simple or complex.³ The location of a proposed project and its mode of operation may be at least as significant as project size: a small project that alters the natural flow of a river in a sensitive area may present more complex licensing issues than a larger, run-of-river project on a site where there are few environmental issues. The Commission is required to base its decisions on substantial evidence, which generally includes studies performed by applicants, studies put into the record by other parties, and material gathered by Commission staff. Whether an identified effect of a project is or is not a problem, and the extent of the problem, are often matters of perspective, and there are often disagreements between license applicants and other stakeholders concerning the extent to which projects will have negative effects on both developmental and nondevelopmental resources.

The Commission's licensing processes have evolved over the years as the agency has sought to address the issues that participants from every perspective have identified. These processes are designed, within the confines of the existing statutory scheme, to develop a record on which the Commission can reach decisions that are both expeditious and legally durable. In addition to the FPA's statutory requirements, the Commission must also ensure compliance with other statutes that involve a variety of processes ancillary to licensing, such as the Coastal Zone Management Act, the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. These statutes require various forms of approval from other federal or state agencies, some with differing statutory deadlines for action.

Under the Coastal Zone Management Act, the Commission cannot authorize development of a hydropower project within or affecting a state's coastal zone, unless the state concurs with the applicant's certification of consistency with the state's Coastal Zone Management Act program (approved by the Secretary of Commerce).

The National Historic Preservation Act requires the Commission, before authorizing a project, to consider the project's effects on any site, structure, or object included in, or eligible to be included in, the National Register of Historic Places, and to afford the Advisory Council on Historic Preservation an opportunity to comment. In practice, this is generally handled through consultation with the State Historic Preservation Officers.

Under the Endangered Species Act, the Commission must ensure that its actions do not jeopardize protected species or adversely modify their habitat and must consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service when determining what protection measures to take.

³ *Hydroelectric Licensing Policies, Procedures, and Regulations: Comprehensive Review and Recommendations* (May 8, 2001) (FERC Report to Congress); *Hydroelectric Licensing under the Federal Power Act*, 104 FERC ¶ 61,109 (2003) (Order establishing the Integrated Licensing Process); *Settlements in Hydropower Licensing Proceedings under Part I of the Federal Power Act*, 116 FERC ¶61,270 (2006) (Policy Statement); *Report on the Pilot Two-Year Hydroelectric Licensing Process for Non-Powered Dams and Closed-Loop Pumped Storage Projects and Recommendations Pursuant to Section 6 of the Hydropower Regulatory Efficiency Act of 2013*, (May 26, 2017) (FERC Report to Congress); *Hydroelectric Licensing Regulations Under the America's Water Infrastructure Act of 2018*, 167 FERC ¶ 61,050 (2019) (Order establishing expedited process).

Finally, the Clean Water Act precludes the Commission from licensing a hydroelectric project until the license applicant has first obtained a water quality certification, or a waiver thereof from the relevant certifying authority. The Clean Water Act allows certifying authorities up to one year to act on an applicant's certification request. The Clean Water Act further requires the Commission to adopt all conditions contained in the water quality certification.

In addition, if a project is located on U.S. lands such as a national forest, section 4(e) of the FPA authorizes the federal land managing agency to impose mandatory conditions to protect those lands. Section 18 of the FPA gives authority to the Secretaries of the Departments of the Interior and Commerce to prescribe fishways. With respect to exemptions, section 30(c) of the FPA allows federal and state agencies to impose conditions to protect fish and wildlife resources.

These statutory requirements give other agencies a significant role in establishing the information needed during project review and the requirements that a project must meet to be permitted. Although the Commission incorporates these processes into the project review schedule, their timing is generally outside of the Commission's control.

III. Proposed Legislation

A. S. 3500, Hydropower Licensing Transparency Act

The proposed legislation would amend Part I of the FPA to require that the Commission annually report to Congress on the status of each relicensing or original licensing process for which a notification of intent to file a license application was filed at 3 years prior to the report. Section 15 of the FPA requires that an operator file a relicense application at least 24 months prior to the expiration of the current license and that the operator notify the Commission of its intention to file for relicensing at least 5 years before the expiration of the existing license. Accordingly, the proposed reporting requirement should capture license or relicensing proceedings and the information to be submitted in each report should provide insight into the multitude of actions required of all stakeholders in the licensing process.

B. S. 3518, Fair Licensing for Operations of Water Structures Act

Section 2 of the proposed legislation, entitled "*Hydropower Maintenance and Temporary Adjustments*," would exempt some post-licensing activities involving maintenance, repair, or replacement of project works or seasonal or temporary adjustments to water flows from needing approval by the Commission.

With respect to post-licensing activities, section 10(b) of the FPA currently allows licensees to make alterations or modifications that are not substantial without the prior approval of the Commission. Under the FPA, Commission approval is required for post-licensing activities that result in substantial changes to the project works or operations, or that conflict with any license conditions related to the approved comprehensive plan for

improving or developing a waterway. Post-licensing activities must also comply with any applicable federal laws such as the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act. The Commission has historically approached the determination of whether a change is substantial or requires documentation of compliance with other federal statutes on a case-by-case basis.

On November 20, 2025, the Commission issued a Notice of Inquiry for “*Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects*,” under Docket No. RM26-3. In the Notice, the Commission invited comments on opportunities to streamline or improve the process for hydropower licensees to undertake minor modifications and conduct other post-licensing activities at their facilities, potentially without the need for case-specific authorization. The Notice originally included a 60-day comment period, ending on January 26, 2026. In response to a motion filed by the National Hydropower Association, the Commission extended the date for submitting comments to February 10, 2026. The Commission is currently reviewing the comments received in response to the Notice and will be evaluating options for further action in light of the stakeholder input received.

Section 3 of the proposed legislation, entitled “*Micro Hydrokinetic Energy Projects*,” would amend Part I of the FPA to create a licensing process specific to hydrokinetic projects of not more than 5 megawatts. This licensing process would entail a prefiling period of one year (from notification of intent to the actual application filing) and a one-year period for the Commission to take action on an application once it has been received. As previously referenced, the Commission cannot authorize development of a hydropower project without the applicant first obtaining certain statutorily required approvals from other federal or state agencies with the Clean Water Act being most relevant to hydrokinetic projects.

For projects reviewed and approved by the Commission, the proposed legislation would set a term of not less than 10, and not more than 20, years for the construction, operation, and maintenance of project works. The Commission’s *Policy Statement on Establishing License Terms for Hydroelectric Projects* sets out its views on the interplay between the length of a license term and the complexity of a project’s characteristics.⁴ Under this policy, the Commission sets a 30-year term where there is little or no authorized re-development, new construction, or environmental mitigation and enhancement; a 40-year term for a license involving a moderate amount of these activities; and a 50-year term where there is an extensive amount of such activity.

The hydrokinetic projects covered by the proposed legislation would not include features that impound water to generate electricity and are clearly intended to have a small footprint in the waterway. Those features fit into the characteristics of infrastructure to which the Commission routinely grants 30-or 40-year license terms. I would recommend extending the 20-year license term limitation in the proposed legislation up to a limit of 40 years.

⁴ *Policy Statement on Establishing License Terms for Hydroelectric Projects*, 161 FERC ¶ 61,078 (2017).

IV. Conclusion

As the lead agency for FPA hydropower proceedings, the Commission has developed processes that take into consideration the views, recommendations, and conditions provided by federal and state agencies and other stakeholders while also meeting its own statutory obligation to license projects that are best adapted for improving or developing a waterway. Commission staff remains committed to working with all agencies, stakeholders, and Congress to ensure the most effective processing of energy infrastructure matters before the Commission. This concludes my remarks. I would be happy to answer any questions you may have.

Senator HOEVEN. Thank you, Mr. Turpin.

I see that Senator Daines has joined us, and I would ask, Senator Daines, if you had an opening statement that you would like to make before we go to Q and A?

Senator WYDEN. And I would also note, just very briefly, that it is very fitting that Senator Daines gets to make an opening statement because I noticed that he's retiring, and I have enjoyed serving with you greatly. Speech on you.

Senator DAINES. Well, you're both very kind, thank you.

Senator HOEVEN. Ranking Member, look how young he looks. Doesn't he look young? He looks so young to me.

Senator WYDEN. Whatever he's done, it was right.

[Laughter.]

Senator HOEVEN. So young.

Anyway, go ahead, if you'd like to make an opening statement.

**OPENING STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. All right, thank you, you're both very, very kind. Chairman Hoeven and Ranking Member Wyden, it has been an amazing 14 years here on Capitol Hill, and I'm energized, encouraged, and grateful for being partners on so many important issues here in Washington.

But on today's agenda, there are four of my bills—the Lower Yellowstone River Native Fish Conservation Act, the Fort Peck Water System Reauthorization Act, the Cooperative Watershed Management Program Reauthorization Act, as well as the Hydropower Licensing Transparency Act with my colleague Senator Cortez Masto. All of these bills have critical impacts on clean water and energy availability in Montana.

The Fort Peck Water System Reorganization Act extends authority to December 2028 for the Bureau of Reclamation to finalize construction of essential water infrastructure. This project is designed to provide municipal, rural, and industrial water from two interconnected water systems within the Fort Peck Reservation and within Roosevelt, Sheridan, Daniels, and Valley Counties. I think it's helpful to remember the semi-arid climate that we have in Montana. D.C. and Seattle receive about the same amount of rain, about 41 inches a year. In Montana, we get anywhere from 13 to 16 inches of measurable precipitation in a year. And so, it's a semi-arid climate. And that's why these water projects are so important in a really arid part of the country. The infrastructure is so important. I'm pleased that this bill will help ensure timely completion of the project.

My other bill, Senate bill 3409, the Lower Yellowstone River Native Fish Conservation Act, reaffirms that BOR retains exclusive ownership, operational control, and financial responsibility for the Lower Yellowstone Fish Bypass Channel. This is where we can be very responsible as it relates to stewardship of our fish populations with these important bypasses, and at the same time, being good stewards of our water to allow our farmers and ranchers to continue to support the most significant economic driver in my state, which is agriculture. The lower Yellowstone Irrigation Project, located about 70 miles upstream from the Yellowstone-Missouri

River confluence in eastern Montana, includes an intake diversion dam, a screened headworks structure, 71 miles of main canal, and 225 miles of lateral canals. The project was authorized by the Department of the Interior in 1904 to provide irrigation water to approximately 58,000 acres in eastern Montana and western North Dakota. This is where Senator Hoeven's ears perk up because I mentioned North Dakota. It is used to irrigate crops such as sugar beets, alfalfa, wheat, barley, and rye, and enables aquifer recharge for well replenishment. In 2007, construction of a 2.1-mile-long bypass channel for fish was authorized to allow the endangered pallid sturgeon access to upstream spawning grounds. However, irrigators in the region are being expected to take on operation and maintenance responsibility of this extraordinarily expensive bypass channel. I received dozens of letters from irrigation districts, county commissions, and rural electric co-ops, as well as individual Ag producers and the Governor of Montana, Greg Gianforte. I'd like to ask unanimous consent that these be added to the hearing record.

Senator HOEVEN. Without objection.

[Letters of support for S. 3409 follow:]



100 Red Mountain Drive, Suite 101
Bozeman, MT 59718
406-587-3153
info@mfbf.org | mfbf.org

February 3, 2026

Senator Steve Daines

RE: MFBF Support for S 3409, "Lower Yellowstone River Native Fish Conservation Act"

Dear Senator Daines:

The Montana Farm Bureau Federation applauds your sponsorship of S 3409, the Lower Yellowstone River Native Fish Conservation Act. The Montana Farm Bureau Federation represents over 19,000 member families, many of whom make their living raising crops and livestock across the state, including far eastern Montana where the Lower Yellowstone Irrigation Project is vital to individual farmers and the community in general. Your legislation will provide farmers, ranchers, and the impacted rural communities with the long-term certainty they need to continue raising high value crops which support the full economy. Solidifying the responsibility of the U.S. Bureau of Reclamation to maintain the Lower Yellowstone Fish Bypass Channel contributes greatly to the long-term success of the Project and assures safe passage around the irrigation diversion for pallid sturgeon, a federally protected species.

The Lower Yellowstone Irrigation Project has provided irrigation water to farmers in Montana and North Dakota for over one hundred years, bringing essential irrigation water to 58,000 acres. Irrigation water provided by the project enables farmers to raise more productive and higher value crops than they could without the benefit of water. Even still, profit margins are thin and farmers rely on the affordable irrigation water the project provides to remain profitable. If the costs of maintaining the fish bypass were transferred to the irrigators, it is estimated that irrigation tax costs to farmers would at least double. Furthermore, the irrigation districts do not have the staff, equipment or expertise to maintain the bypass, which could lead to the degradation of this infrastructure which was only recently constructed.

It is also important to note that the Fish Bypass was constructed as a mitigation solution after the pallid sturgeon was listed under the Endangered Species Act in 1990. The U.S. Corps of Engineers and Bureau of Reclamation designed and constructed the bypass, utilizing a variety of federal funds. The bypass exists outside the boundaries of irrigation district boundaries. The listing of the pallid sturgeon was not caused by irrigators and the cost of maintaining a mitigation structure built beyond their control should not become their responsibility.

Again, thank you for introducing this essential legislation, assuring the continued vitality of an important rural farming community, protecting individual farmers and ranchers, and maintaining critical infrastructure.

Sincerely,

Scott Kulbeck
Executive Vice President

We Care for the Country



January 30, 2026

RE: Letter of Support for HR Bill 6568 / SB 3409

To Whom It May Concern:

We at Agri Industries Inc, like all other businesses, employees and residence of Northeast Montana, have relied on the irrigated agricultural industry to support our community.

Shifting the operations and financial responsibility to the Lower Yellowstone Irrigation Project would have a devastating domino effect, first on our on our irrigated growers and then in turn onto the surrounding community.

The proposed HR Bill 6568 / SB 3409 needs to be passes for the good of our community. We are in full support of the proposed Bill. This Bill will ensure that our growers and community in Eastern Montana will continue to thrive.

Sincerely,



David H. Garland
Location Manager
Agri Industries Inc.
dgarland@h2oagri.com



Water Professionals - Underground Contractors

3105 - 2nd Street West • Post Office Box 1166 • Williston, North Dakota 58802-1166
Telephone (701) 572-0767 • FAX (701) 577-4040
www.agriindustries.com

January 26, 2026

To Whom It May Concern,

I am writing in strong support of the Lower Yellowstone River Native Fish Conservation Act (SB 3409 / HR 6568) and respectfully urge its approval.

For more than a century, the Lower Yellowstone Irrigation Project (LYIP) has provided reliable water to growers throughout the MonDak region, sustaining agriculture, local businesses, and rural communities. The recently completed Lower Yellowstone Federal Endangered Species Bypass at Intake represents a significant achievement in protecting the endangered pallid sturgeon while maintaining uninterrupted water delivery.

The Intake Bypass was authorized and constructed by the Bureau of Reclamation and is located outside LYIP district boundaries. Since completion in 2022, ongoing erosion and repair costs have reached nearly \$3 million annually. Transferring operational and financial responsibility for this federally authorized infrastructure to LYIP would place an unreasonable and unsustainable burden on local growers and communities.

This legislation provides a fair and responsible solution by affirming that the Bureau of Reclamation retains ownership, operational control, and financial responsibility for the Intake Bypass. It protects agriculture, supports local economies, and ensures continued environmental stewardship.

I respectfully ask the committee to support and advance this important legislation. Thank you for your consideration.

Sincerely,



Neil Kersen
General Manager, Agri Industries, Inc.
Sidney, Montana

Greenfields

IRRIGATION DISTRICT



January 28, 2026

Honorable Senators and Representatives
United States of America
Washington, DC

RE: Support for H.R. 6568 & S.B. 3409 – The Lower Yellowstone River Native Fish Conservation Act

Honorable Senators and Representatives:

The Board of Commissioners as well as the +750 members of the Greenfields Irrigation District (GID) wish to express their strong support for the Lower Yellowstone River Native Fish Conservation Act (H.R. 6568 and S.B. 3409). This critically important legislation ensures the continued viability of agricultural operations and municipal water supplies in Montana and North Dakota by appropriately assigning responsibility for maintenance of the Lower Yellowstone Project's fish bypass structure to the Federal Government.

The fish bypass system was built on the Yellowstone River to assist Pallid Sturgeon to navigate upstream and around the +100-year-old intake structure that serves several irrigation districts in eastern Montana and western North Dakota. The bypass structure was designed and built through a collaborative effort involving the United States Bureau of Reclamation and the United States Army Corps of Engineers and to specifically address ESA concerns. The shortcomings of the Government's bypass design now require over \$1,000,000 per year just to keep the structure operational and there is a push for the irrigators to pay this annual O&M cost. This is simply not fair nor wise.

As members of a fellow +100-year-old Reclamation irrigation project, GID's members understand the delicate and sensitive economic balance which impacts today's agricultural producers. An additional \$1,000,000-per-year cost to the members of the Lower Yellowstone Irrigation Project is not sustainable and would be detrimental, potentially resulting in an undesirable outcome.

Despite the Federal origins of the bypass structure, responsibility for its annual maintenance, averaging \$1 million, is currently at risk of being transferred to the local irrigation districts. Such a shift is not feasible nor sustainable in the long term. It could also initiate some unintended consequences resulting in the Federal Government assuming the annual maintenance responsibilities anyway.

For example, the exorbitant annual maintenance costs would result in agricultural production being less profitable, forcing many producers to quit or go out of business. The district's tax base would dwindle, forcing more O&M costs disproportionately onto fewer remaining producers. This

could trigger a domino effect that could ultimately result in the failure of the irrigation districts. At such point, there would be no source of funds from the irrigation districts for the annual bypass O&M costs and this cost burden would then therefore be returned to the Federal Government. Any enforcement actions compelling the district's compliance would only accelerate the district's ultimate demise.

Both Federal and State law recognizes the public benefits of irrigation districts. These benefits are widespread and far-reaching. That is why the Federal government promoted and invested in the formation of such districts over 100 years ago, because they are a public benefit. Likewise, the Endangered Species Act was supposedly passed as it was in the public's best interests. To ensure the public benefits of both the irrigation districts and the endangered species continue, the annual costs of the fish bypass structure should remain with the Government thus ensuring the protection of those interests. That is the purpose of the **Lower Yellowstone River Native Fish Conservation Act** (H.R. 6568 and S.B. 3409).

The Greenfields Irrigation District stands with our fellow irrigators, and we respectfully urge your support and co-sponsor of H.R. 6568 and S. 3409 to ensure that Federal infrastructure costs remain a Federal responsibility, protecting the local producers and their communities that depend on them as well as the native fish.

On Behalf of the Greenfields Irrigation District,



Erling A. Juel, P.E.
District Manager

C: GID Board of Commissioners

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From: Wade Jones, President
Milk River Irrigation Project Joint Board of Control

To: Honorable Member of Congress
Washington, DC

Subject: **Support for H.R. 6568 & S.B. 3409 – The Lower Yellowstone River Native Fish Conservation Act**

Date: January 28, 2026

Honorable Members of Congress:

On behalf of the Milk River Joint Board of Control, we strongly support H.R. 6568 and S. 3409, the Lower Yellowstone River Native Fish Conservation Act. This legislation is critical to protecting rural water users, agricultural producers, and local economies while ensuring federally built infrastructure remains a federal responsibility.

For more than 115 years, the Lower Yellowstone Irrigation Project (LYIP) has delivered water to farmers, ranchers, and communities across Montana and North Dakota. Irrigated agriculture supports local businesses and provides essential tax revenue for schools, emergency services, and public safety. Irrigation also sustains drinking water aquifers — including those serving the City of Sidney — and supports wetlands and stream flows during the region's hottest and driest months.

The fish bypass was designed and constructed by the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers to meet Endangered Species Act requirements. Despite this, local irrigators now face the potential transfer of maintenance costs that have averaged up to \$3 million annually due to erosion repairs.

Shifting these costs to irrigation districts would be unsustainable. It would require at least doubling irrigation taxes, a burden farmers and ranchers cannot absorb. Districts also lack the specialized workforce and equipment needed to maintain this complex federal facility. Without passage of this legislation, irrigation water deliveries could be placed at risk.

H.R. 6568 and S. 3409 appropriately keep ownership, operational control, and financial responsibility with USBR — the agency best equipped to manage endangered species infrastructure — while protecting both the Pallid Sturgeon and America's farmers and ranchers.

For these reasons, the Milk River Joint Board of Control urges Congress to advance this legislation. Thank you for your consideration and leadership.

Sincerely,

Wade Jones
President

Milk River Irrigation Project Joint Board of Control
www.milkriverproject.com jenn@mrjbc.com 406-945-3383
 1475 1st Avenue, Havre, MT 59501

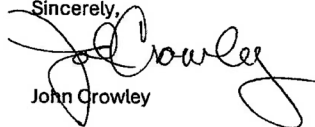
BITTER ROOT IRRIGATION DISTRICT

1182 LAZY J. LANE
CORVALLIS, MONTANA 59828
Phone 406-961-1182
Fax: 406-961-1183

This letter is in support of U.S. House Resolution 6568 & U.S. Senate Bill 3409, the Lower Yellowstone River Native Fish Conservation Act. Without these bills the United States Bureau of Reclamation (USBR) will transfer responsibility for an average of 1 million dollars per year of maintenance Costs to the Local irrigators (farmers & ranchers) instead of the USBR that decided to Build the Endangered Species Fish Bypass without an agreement with the local irrigation districts to maintain it being responsible. H.R. 6568 / S.3409 will keep the responsibility with the USBR who built the Endangered Species Bypass and are the best qualified people to maintain it the way the Endangered Species needs. H.R.6568 / S.3409 will allow the local irrigation farmers, ranchers, and the LYIP, to Continue to operate and supply the local agricultural community and cities with the water they need as they have done for over 115 years. This is important not just for the farmers & ranchers themselves but also for the entire community and businesses in Montana and North Dakota that rely on the economy provided by the local agriculture and the well water aquifer recharge, creeks, and Wetlands provided by the continued irrigation during the hottest and driest parts of the year as proven by a 10 year study by the Montana Bureau of Mines & Geology.

It is imperative that these bills pass. As a manager it is hard enough with the budget we have to run an irrigation system let alone tac 1 million dollars in additional costs. This would absolutely force this district into bankruptcy, losing thousands of acres of productive irrigated farmland. As a nation our farmers and ranchers keep our nation moving forward. United States is one of a few nations that can provide the food that is put onto our tables daily. So please pass U.S. House Resolution 6568 & U.S. Senate Bill 3409.

Sincerely,



John Crowley

Manager, Bitter Root Irrigation District



January 28, 2026

RE: Letter of Support for The Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568)

To whom this may concern,

On behalf of the Lower Yellowstone Irrigation Project, I am writing to express our strong support of The Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568).

If passed, this proposed bill will serve to stabilize our local economy. Every dollar spent by the farmers rolls over seven times in the community. Our farmers & ranchers cannot afford the very substantial costs of maintaining and repairing the Federally built Endangered Species Fish Bypass. Doing so would result in huge loss of income, property, gas, & business tax revenue which greatly reduces the funding for Essential Services such as Police, Fire, EMS, water/sewer, and waste management and other services provided by our local governments.

The Montana Bureau of Mines & Geology did a 10 year study proving that 90% of the drinking wells (including the city of Sidney) and 1,000s of acres of wetlands were dependent on aquifer recharge from irrigation.

Without the Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568) the farmers and ranchers will not be able to afford to irrigate; which would decimate the local economy and drinking wells NE Montana & NW North Dakota. We urge you to support this worthy bill. Thank you for your consideration.

Sincerely,

Erica Johnsrud
McKenzie County Auditor/Treasurer

McKenzie County Auditor/Treasurer
201 5th ST NW, Suite 543 Watford City, North Dakota 58854
Telephone: (701) 444-3616 Ext 3 Fax: (701) 444-4113



COUNTY OF RICHLAND

Office of

COUNTY COMMISSIONERS

Loren Young *Chair*
Duane Mitchell, *Member*
Shane Gorder, *Member*

Voice: (406) 433-1706
Fax: (406) 433-3731
dmitchell@richland.org
sgorder@richland.org
lyoung@richland.org

January 27, 2026

Honorable Troy Downing
U.S. House of Representatives
1529 Longworth House Office Building
Washington, DC 20515

Dear Congressman Downing:

RE: Letter of support for The Lower Yellowstone River Native Fish Conservation Act (S. 3409/ H.R. 6568)

Thank you for your service to the great State of Montana and to eastern Montana.

The Lower Yellowstone Irrigation Project has been a vital lifeline, providing reliable water to more than 50,000 acres of farmland since 1909. Richland County has been truly blessed by the presence and continued operation of "the Project," functioning today just as President Theodore Roosevelt originally envisioned.

The Richland County Commissioners respectfully request your continued support of H.R. 6568, the *Lower Yellowstone River Native Fish Conservation Act*.

Passage of H.R. 6568 will help ensure the reliable production of food for American families while also maintaining the federally funded and constructed Endangered Species Fish Bypass. This legislation will allow our farmers and ranchers to continue irrigating affordably. Without this support, Richland County's economy would be severely impacted, and the livelihoods of many families would be adversely affected.

Thank you for your support.

Loren H. Young
Loren Young, Chair
Duane Mitchell
Duane Mitchell, Member
Shane Gorder
Shane Gorder, Member



Montana Natural Resource Coalition of Counties, Inc.

P.O. Box 468 • Lewistown, MT 59457

@co.fergus.mt.us

Board of Directors

Ross Butcher, President & Treasurer
Fergus County

Miles Hutton, Secretary
Blaine County

Shane Gorder, Vice President
Richland County

John Fahlgren
Valley County

Mark Morse
Yellowstone County

January 26, 2026

The Honorable Troy Downing
U.S. House of Representatives
1529 Longworth House Office Building
Washington, DC 20515

Dear Congressman Downing:

The Montana Natural Resource Coalition of Counties stands firmly behind HR 6568. Since the early nineteen hundreds, the Lower Yellowstone Irrigation Project has secured reliable water for farmers and ranchers across eastern Montana—families who feed America. This bill protects that lifeline from crippling added costs, while still advancing native fish habitat. Balanced wins like these matter. We urge swift committee passage so our farmers can keep producing, and our rivers can keep healing. Thank you for championing rural Montana.

Sincerely,

Todd Devlin
Executive Director,
Montana Natural Resource Coalition of Counties

The Montana Natural Resource Coalition of Counties engages with federal and state administrative governments on behalf of our individual county members. MtNRC Counties include:
Beaverhead • Blaine • Carter • Fallon • Fergus • Flathead • Garfield • Madison • McCone • Musselshell • Petroleum
Phillips • Pondera • Powder River • Prairie • Richland • Roosevelt • Sweet Grass • Valley • Wibaux • Yellowstone



Montana Water Resources Association

"Montana's Voice for Montana's Water"

January 29, 2026

Mark E. LaRowe
Executive Director
Montana Water Resources Association (MWRA)
P.O. Box 4927
Helena, MT 59604
mwra_h2o@msn.com

Honorable Senators and Representatives
United States
Washington, DC

RE: Support for H.R. 6568 & S.B. 3409 – The Lower Yellowstone River Native Fish Conservation Act

Honorable Senators and Representatives:

I am writing to formally express MWRA's strong **support** for H.R. 6568 and S.B. 3409, the Lower Yellowstone River Native Fish Conservation Act. This important legislation ensures the continued viability of agricultural operations and municipal water supplies in Montana and North Dakota by appropriately assigning responsibility for maintenance of the Lower Yellowstone Project's fish bypass.

The United States Bureau of Reclamation (USBR), in partnership with the United States Army Corps of Engineers, constructed the fish bypass specifically to address federal Endangered Species Act requirements for the Pallid Sturgeon. Despite the federal nature of this infrastructure, responsibility for its maintenance—averaging approximately \$1 million annually—is currently at risk of being transferred to local irrigation districts. Such a shift would place an untenable financial burden on the family farmers and ranchers who form the backbone of our regional economy.

Passage of H.R. 6568 and S. 3409 is essential for several reasons:

- **Proper Resource Management:** The USBR is the most qualified entity to maintain this specialized endangered species bypass to the standards required for native fish conservation.
- **Economic Stability:** For over 115 years, the Lower Yellowstone Irrigation Project (LYIP) has provided the water necessary to sustain local agriculture and municipalities. This legislation allows these communities to continue operating without the threat of catastrophic, unfunded federal mandates.
- **Environmental Co-Benefits:** Beyond agricultural production, the continued operation of the LYIP is vital for regional ecology. A 10-year study by the Montana Bureau of Mines and Geology has proven that local irrigation provides essential aquifer recharge and sustains local creeks and wetlands during the region's hottest and driest months.

The regional economy of Montana and North Dakota relies on the stability of our agricultural sector and the preservation of our water resources. I respectfully urge you to support and co-sponsor H.R. 6568 and S. 3409 to ensure that federal infrastructure costs remain a federal responsibility, protecting our local producers and the communities that depend on them.

Sincerely,

Mark E. LaRowe
Executive Director
Montana Water Resources Association

*Lower Yellowstone Irrigation Project
Board of Control
2327 Lincoln Avenue SE
Sidney, MT 59270
Phone: 406-433-1306
lyip@midrivers.com
FAX 406-433-9188*



January 29th, 2026

Honorable Senators & Representatives,

RE: Support for H.R. 6568 & S. 3409 – The Lower Yellowstone River Native Fish Conservation Act

The Lower Yellowstone Irrigation Project Board of Control as well as the 500+ farmers and ranchers of the four Irrigation Districts wish to express our strong support of S. 3409 and H.R. 6568 - Lower Yellowstone River Native Fish Conservation Act. This crucial legislation ensures the stability of our local economy in Eastern Montana and Western North Dakota.

The fish bypass lies outside the boundaries of the LYIP and its Districts and was designed and built through a collaborative effort between the USBR and the USACE to address Endangered Species Act concerns. The deficiencies of the Federal Government's designs have required over \$1,000,000 per year simply to keep the bypass operational due to erosion. While protecting the endangered species is important, the push for irrigators to pay for this annual maintenance is not fair or prudent. Such a shift of responsibility is not within the local farmers and ranchers "ability to pay".

We have been careful stewards of the land, wildlife, and waters within this valley for over 115 years. With the loss of the sugar factory a few years ago our farmers are already struggling. Our farmers absolutely cannot support any additional costs already, as well as the crippling costs required to maintain the Federal fish bypass. The exorbitant annual maintenance costs would result in agricultural production having no profit, forcing many producers to quit or go out of business. The district's tax base would dwindle, forcing more O&M costs disproportionately onto fewer remaining producers. This could trigger a domino effect that could ultimately result in the failure of the irrigation districts.

We write this letter of support in the hopes that this bill will allow us to continue to care for not just our families and community but to help us to continue to care for the local environment as well. Without irrigation 90% of our drinking wells will dry up as well as thousands of acres of wetlands that are dependent on the aquifer being recharged during the irrigation season, as proven by 10-year study by the Montana Bureau of Mines & Geology.

We Respectfully urge your support and co-sponsor of S. 3409 and H.R. 6568 to ensure that Federal infrastructure costs remain a Federal responsibility, protecting our producers and our communities that depend on us as well as the native pallid sturgeon.

Respectfully,

A handwritten signature in blue ink that reads "James Brower".

James Brower
Project Manager
Lower Yellowstone Irrigation Project
2327 Lincoln Avenue SE
Sidney, Montana 59270
(406) 478-4502
jbrower@midivers.com



LOWER YELLOWSTONE IRRIGATION DISTRICT #1
2327 Lincoln Avenue, Sidney, MT. 59270
 Ph (406)-433-1306 Fax (406)-478-6328
 E-mail: lyip@midrivers.com

January 29th, 2026

Honorable Senators & Representatives,

RE: Support for H.R. 6568 & S. 3409 – The Lower Yellowstone River Native Fish Conservation Act

The Board of Commissioners of the Lower Yellowstone Irrigation District #1 wish to express our strong support of S. 3409 and H.R. 6568 Lower Yellowstone River Native Fish Conservation Act. We have been careful stewards of the land, wildlife, and waters within this valley for over 100 years. Without the passage of S. 3409 and H.R. 6568 Lower Yellowstone River Native Fish Conservation Act, we will be loaded with an unsustainable burden. With the loss of the sugar factory a few years ago our farmers are already struggling. Our farmers absolutely cannot support any additional costs already, as well as the crippling costs required to maintain the Federal fish bypass.

We write this letter of support in the hopes that this bill will allow us to continue to care for not just our families and community but to help us to continue to care for the local environment as well. Without irrigation 90% of our drinking wells will dry up as well as thousands of acres of wetlands that are dependent on the aquifer being recharged during the irrigation season, as proven by 10-year study by the Montana Bureau of Mines & Geology.

We Respectfully urge your support and co-sponsor of S. 3409 and H.R. 6568 to ensure that Federal infrastructure costs remain a Federal responsibility, protecting our producers and our communities that depend on us as well as the native pallid sturgeon.

Respectfully,

Pat Asbeck, President
 Lower Yellowstone Irrigation District #1
 2327 Lincoln Ave SE
 Sidney, MT 59270



LOWER YELLOWSTONE IRRIGATION DISTRICT #2
2327 Lincoln Avenue, Sidney, MT. 59270
 Ph (406)-433-1306 Fax (406)-478-6328
 E-mail: lyip@midrivers.com

January 29th, 2026

Honorable Senators & Representatives,

RE: Support for H.R. 6568 & S. 3409 – The Lower Yellowstone River Native Fish Conservation Act

The Board of Commissioners of the Lower Yellowstone Irrigation District #2 wish to express our strong support of S. 3409 and H.R. 6568 Lower Yellowstone River Native Fish Conservation Act. We have been careful stewards of the land, wildlife, and waters within this valley for over 100 years. The passage of S. 3409 and H.R. 6568 Lower Yellowstone River Native Fish Conservation Act, would serve to stabilize our local economy. Without the passage of this legislation, we will be overburdened with unreasonable and unsustainable annual maintenance costs which would force many farmers and ranchers in our valley to quit or go out of business. With the loss of the sugar factory a few years ago our farmers are already struggling. Our farmers absolutely cannot support any additional costs already, as well as the crippling costs required to maintain the Federal fish bypass. We write this letter of support in the hopes that this bill will allow us to continue to care for not just our families and community but to help us to continue to care for the local environment as well. If our drains dry up, the creeks that have been running year-round will dry up causing most trees and other wildlife to die off.

We Respectfully urge your support and co-sponsor of S. 3409 and H.R. 6568 to ensure that Federal infrastructure costs remain a Federal responsibility, protecting our producers and our communities that depend on us as well as the native pallid sturgeon.

Respectfully,

Todd Cayko

Todd Cayko, President
 Lower Yellowstone Irrigation District #2
 2327 Lincoln Ave SE
 Sidney, MT 59270



SAVAGE IRRIGATION DISTRICT

**2327 Lincoln Ave SE
Sidney, Montana 59270**

Phone 406-433-1306 Fax 406-478-6328 E-mail jbrower@midrivers.com

To Whom it May Concern

Here at the Savage Irrigation District we have been careful stewards of the land, wildlife, and waters within this valley for over 80 years. Without the passage of H.R. Bill 6568 we will be saddled with an unsustainable burden. We write this letter of support in the hopes that this bill will allow us to continue to care for not just our families and community but to help us to continue to care for the local environment as well.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Pust", written over a horizontal line.

Steve Pust - President
Savage Irrigation District
2327 Lincoln Avenue SE
Sidney, Montana 59270



INTAKE IRRIGATION DISTRICT

2327 Lincoln Ave SE
Sidney, Montana 59270

Phone 406-433-1306 Fax 406-478-6328 E-mail jbrower@midrivers.com

01/29/2026

To Whom it May Concern,

RE: Support for H.R. 6568 & S. 3409 – The Lower Yellowstone River Native Fish Conservation Act

The Board of Commissioners of the Intake Irrigation District wish to express our strong support of H.R. Bill 6568 and S. 3409 - The Lower Yellowstone River Native Fish Conservation Act. We have been careful stewards of the land, wildlife, and waters within this valley for over 60 years. Without the passage of H.R. Bill 6568 and S. 3409 we will be faced with unreasonable and unsustainable annual maintenance costs which would force many farmers and ranchers in our valley to quit or go out of business. We write this letter of support in the hopes that this bill will allow us to continue to care for not just our families and community but to help us to continue to care for the local environment as well.

Respectfully,

A handwritten signature in black ink, appearing to read "Ray Basta", is written over a horizontal line.

Ray Basta, President
Intake Irrigation District
2327 Lincoln Ave SE
Sidney, MT



120 W Towne St. STE 103
P O Box 971
Glendive, MT 59330

Office: 406-377-6799
Email: buffalorapids1@yahoo.com

January 28, 2026
Aarin Ollerman
Buffalo Rapids Irrigation District #1
P O Box 971
Glendive, MT 59330
Brdistrict1@gmail.com

Honorable Senators and Representatives
United States
Washington, D.C.

RE: Support for H.R. 6568 & S.B. 3409 – The Lower Yellowstone River Native Fish Conservation Act

Honorable Senators and Representatives:

I am writing to express my support for H.R. 6568 and S.B. 3409, the Lower Yellowstone River Native Fish Conservation Act. This important legislation ensures the continued viability of agricultural operations and municipal water supplies in Montana and North Dakota by appropriately assigning responsibility for maintenance of the Lower Yellowstone Project's fish bypass.

Passage of H.R. 6568 and S.B. 3409 is essential for several reasons:

- **Proper Resource Management:** The USBR is the most qualified entity to maintain this specialized endangered species bypass to the standards required for native fish conservation.
- **Economic Stability:** For over 115 years, the Lower Yellowstone Irrigation project (LYIP) has provided the water necessary to sustain local agriculture and municipalities. This legislation allows these communities to continue operating without the threat of catastrophic, unfunded federal mandates.
- **Environmental Co-Benefits:** Beyond agricultural production, the continued operation of the LYIP is vital for regional ecology. A 10-year study by the Montana Bureau of Mines and Geology has proven that local irrigation provides essential aquifer recharge and sustains local creeks and wetlands during the region's hottest and driest months.

The regional economy of Montana and North Dakota relies on the stability of our agricultural sector and the preservation of our water resources. I respectfully urge you to support H.R. 6568 and S.B. 3409 to ensure that federal infrastructure costs remain a federal responsibility, protecting our local producers and the communities that depend on them.

Sincerely,

Aarin Ollerman
Manager, Buffalo Rapids District #1



PO Box 1047
3200 West Holly Street
Sidney, MT 59270
Phone: (406) 488-1602
Fax: (406) 488-6524
www.lyrec.com

1/28/2026

Chris Hillesland
Chief Operating Officer
Lower Yellowstone Rural Electric Cooperative
PO Box 1047
Sidney, MT 59270

To Whom it may concern:

To ensure the future of agriculture, our water resources, and our economy as a whole, I'm writing this letter in support of the Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hillesland", written over a horizontal line.

Chris Hillesland
Operations Manager
Lower Yellowstone Rural Electric Cooperative



US Senate
US House of Representatives
National Mall
Washington DC 20515

January 29, 2026

Dear Senators and Representatives,

We are in support of the Lower Yellowstone River Native Fish Conservation Act (SB 3409, HR 6568). The fish bypass at Intake, MT was federally funded and the yearly maintenance costs should stay federally funded.

Lower Yellowstone Irrigation Project should NEVER be responsible for the cost of maintenance of the fish bypass. If the LYIP would be strapped with this cost, it would be passed onto the local farmers and ranchers. Their water taxes would rise substantially to pay for the repair of the ongoing erosion the Yellowstone River causes.

Sincerely,

A handwritten signature in blue ink that reads "Quinnell Electric". The signature is written in a cursive, flowing style.

406-776-2331

PO Box 114
Savage, MT 59262

quinnell@midrivers.com

lyip@midrivers.com

From: dcr@midrivers.com
Sent: Tuesday, January 27, 2026 6:51 PM
To: LYIP@midrivers.com
Subject: Lower Yellowstone River Native Fish Conservation Act

Flag Status: Flagged

To Whom It May Concern:

My name is David Ler. I am an ag producer and landowner on the LYIP. I am writing this letter to request that the fish bypass channel remain under ownership, operations, and responsibilities of the Bureau of Reclamation. The producers in the Yellowstone valley were coerced into supporting the bypass channel by threatening the cessation of irrigating water. The Lower Yellowstone Fish Bypass Channel was never about conservation or endangered species. There never has been a conclusive or accurate study about either. It is all about who controls the water. This channel has put all the producers of the district in financial peril. If we were required to do the maintenance and repairs of this channel, there would be wholesale farm failures in this valley. So please, keep this channel the responsibility of the Bureau.

Sincerely,

David Ler

lyip@midrivers.com

From: Trey Bloesser <treybloesser@gmail.com>
Sent: Tuesday, January 27, 2026 8:10 PM
To: lyip@midrivers.com
Subject: Letter of support
Flag Status: Flagged

To Whom It May Concern,

My name is Trey Bloesser, and I am writing to express my strong support for the Lower Yellowstone River Native Fish Conservation Act.

I am a fourth-generation irrigator on the Lower Yellowstone Irrigation Project and have the privilege of working alongside second- and third-generation producers. I am also raising a fifth generation, and, God willing, one of my children will someday carry on our family operation. Our family relies on our legally allotted water rights to irrigate grass and alfalfa used to produce winter feed for our beef cow herd. These water rights are essential to our operation and our livelihood. They are also critical to municipal water supplies, wildlife habitat, and the broader regional economy.

I am confident that representatives from the Lower Yellowstone Irrigation Project have already explained the ecological and economic consequences our valley would face if this bill does not pass. However, I would like to share what failure of this legislation would mean for my family, my operation, and my community.

At a minimum—and immediately—my water taxes would double, placing significant financial strain on our operation. As is often the case in agriculture, the costs associated with maintaining the fish bypass would likely rise faster than commodity prices. Over time, LYIP would be forced to continue increasing water taxes until the profitability of our irrigated acres is eliminated. At that point, many producers, including myself, would be unable to pay water assessments and would lose the right to irrigate.

Without irrigation, we would be forced to sell 50 percent or more of our cow herd due to the loss of our winter feed base. Such a reduction would make our operation economically unsustainable. I would likely be forced to relocate to a larger city, such as Billings or Bismarck, in search of other opportunities. My children would lose the opportunity to grow up in the same small, close-knit community I did and would be deprived of the experience of being raised on a multigenerational family agricultural operation.

Similar outcomes could be expected throughout our irrigation district. The loss of irrigation would also threaten Sidney's municipal water supply. While that concern alone is significant, it pales in comparison to the long-term economic decline our communities would face if young families are forced to leave in search of viable livelihoods.

I respectfully urge you to support and pass this bill. I cannot identify a single negative reason to oppose it. This is legislation that both political parties should be proud to support. A "yes" vote for the Lower Yellowstone River Native Fish Conservation Act is a vote for:

- Increasing the population of pallid sturgeon
- Maintaining ecological biodiversity supported by irrigated agriculture
- Preserving the economic viability of irrigated farms in the Lower Yellowstone River Valley
- Sustaining agricultural productivity in the region, which I believe is directly tied to national food security and, therefore, national security
- Strengthening rural economies
- Maintaining land values
- Protecting rural and municipal water supplies
- Keeping our local schools full of children and young families
- Preserving multigenerational farms and ranches
- Increasing long-term water right security

Thank you for taking the time to consider my perspective. I respectfully ask that you vote yes on the Lower Yellowstone River Native Fish Conservation Act.

Sincerely,
Trey Bloesser

lyip@midrivers.com

From: Dale Danielson <daled5333@yahoo.com>
Sent: Wednesday, January 28, 2026 9:45 AM
To: LYIP
Subject: letter of support to James

To Whom it May Concern,

The reason my father Axel Danielson in 1918 started farming in the Yellowstone Valley of North Dakota was the new LYIP Intake Dam that provided water to the very dry Lower Yellowstone valley, his son Dale grew up on that farm and have farmed it 61 yrs, then renting it to two sons and one grandson. I have served as North Dakota Commissioner of LYIP for 40 years.
 Danielson Farms are in support of H.R. Bill 6568 / S. 3409 Lower Yellowstone River Native Fish Conservation Act. This bill will not only protect the pallid sturgeon but it will keep an extremely high cost to maintain the fish bypass channel .
 Dale Danielson
 16081 30th St NW
 East Fairview ND
 59221

lyip@midrivers.com

From: Don Steinbeisser <donjr1205@gmail.com>
Sent: Thursday, January 29, 2026 3:54 PM
To: lyip@midrivers.com
Subject: fish bypass

House Committee:

I write to you as a fourth-generation farmer and rancher in Eastern Montana, where my family has relied on the Lower Yellowstone Irrigation Project for decades. This project has been the backbone that allows us to raise enough feed for our ranch and others beyond the valley.

While the construction of the new diversion dam and fish bypass has helped modernize the system, the associated upkeep costs are now a major concern. The significant tax increases expected to fund this bypass maintenance—potentially doubling land taxes—pose a financial burden that farmers and ranchers, already grappling with rising input costs and stagnant revenues, simply cannot absorb.

This bypass was built to address an environmental consideration unforeseen during the original dam's construction. While we support environmental stewardship, I do not believe it is equitable to place the financial burden on local producers who depend on this irrigation infrastructure.

I ask that alternative funding solutions be considered—whether state or federal—to ensure that the local farming and ranching community is not disproportionately impacted. It is essential that we maintain both the viability of our agricultural operations and the integrity of the environment. I appreciate your attention and look forward to discussing potential solutions.

Sincerely,
Don Steinbeisser Jr.

To Whom it may Concern,

As a generational farm family, the LYIP and irrigation districts have been stewards of the land, wildlife and water in our communities since 1909. They help provide water for our agricultural crops and refresh our wells during our hottest and driest times of year.

The Lower Yellowstone Federal Endangered Species Recovery Project was authorized in 2007 and built by the US Bureau of Reclamation in order to mitigate harm to the endangered pallid sturgeon caused by Federal Flood control on the Missouri River. This federally built endangered fish bypass lies outside of Lower Yellowstone irrigation boundaries. It costs an average of \$3,000,000 a year to repair ongoing erosion since its inception in 2022. Lower Yellowstone Irrigation does not have the labor, machinery or budget to take on this obligation. This transfer from the US Bureau of Reclamation to our local irrigation district would cause us, farm families, to pay millions of dollars a year in water taxes to continue to raise crops to feed our communities and nation.

The Lower Yellowstone River Native Fish Conservation Act will allow our communities, environment and farm families to continue being good stewards of the land and provide for our families and communities to continue to be successful.

Please support The Yellowstone River Native Fish Conservation Act to save our family farms.

Thank you,

Larry and Jill Albertson
Savage, MT 59262

lyip@midrivers.com

From: TERRY CAYKO <caykot@yahoo.com>
Sent: Monday, January 26, 2026 3:11 PM
To: lyip@midrivers.com
Subject: House Resolution 6568 & Senate Bill 3409

My name is Terry Cayko a local irrigator from Fairview, ND. I'm in support of House Resolution 6569 & Senate Bill 3409, the Lower Yellowstone River Native Fish Conservation Act. Without these bills the maintenance costs would go to the local irrigators of an average million dollar cost. The USBR who built the Endangered Species Bypass, without an agreement with the local irrigation districts to maintain it, are the best qualified people to maintain it the way the Endangered Species needs. We as local irrigators do not have the equipment to maintain a project this large.

Thank you
Terry Cayko

lyip@midrivers.com

From: Matt Sondeno <msondeno@hotmail.com>
Sent: Monday, January 26, 2026 3:06 PM
To: lyip@midrivers.com
Subject: Support for Lower Yellowstone Fish Conservation Act (SB3409 / HR 6568)

Matt Sondeno
34693 County Road 117
Sidney, MT 59270
1-26-2026

To Whom It May Concern,

I am writing to express my support for the Lower Yellowstone River Native Fish Conservation Act (House Resolution 6568 and Senate Bill 3409). The Lower Yellowstone River is truly the lifeblood of our valley, providing essential support to both our ecosystems and our agricultural community.

As a farmer who relies on water from the Lower Yellowstone Irrigation Project (LYIP), I can attest to how vital this water is for our crops and the economic stability of our land. Significant increases in irrigation rates would not only make farming unfeasible but would also drastically devalue our land, turning it from productive farmland into dry land.

Moreover, the Conservation Act is crucial in preserving native fish populations, which play a vital role in maintaining the health of the river ecosystem and the overall well-being of our valley. Supporting this Act means ensuring a sustainable future for both our environment and our economy.

I strongly urge you to support the Lower Yellowstone River Native Fish Conservation Act (House Resolution 6568 and Senate Bill 3409). Together, we can ensure that our valley remains vibrant and sustainable for generations to come.

Thank you for your attention to this critical matter.

Sincerely,

Matt Sondeno



To whom it may concern:

We are writing to show our support for the Lower Yellowstone River Native Fish Conservation Act (S. 3409/H.R. 6568).

Please do not allocate the expense of maintenance to the local farmers. This potentially would double the irrigation taxes of the four irrigation districts.

As a small agriculture business in the community this will impact businesses like ours negatively. If farmers are paying more in taxes, it will affect their profits and limit what they can spend in our local economy.

Sincerely,

Tami Christensen

Tami Christensen
Owner

To Whom it may Concern,

As a generational farm family, the LYIP and irrigation districts have been stewards of the land, wildlife and water in our communities since 1909. They help provide water for our agricultural crops and refresh our wells during our hottest and driest times of year.

The Lower Yellowstone Federal Endangered Species Recovery Project was authorized in 2007 and built by the US Bureau of Reclamation in order to mitigate harm to the endangered pallid sturgeon caused by Federal Flood control on the Missouri River. This federally built endangered fish bypass lies outside of Lower Yellowstone irrigation boundaries. It costs an average of \$3,000,000 a year to repair ongoing erosion since its inception in 2022. Lower Yellowstone irrigation does not have the labor, machinery or budget to take on this obligation. This transfer from the US Bureau of Reclamation to our local irrigation district would cause us, farm families, to pay millions of dollars a year in water taxes to continue to raise crops to feed our communities and nation.

The Lower Yellowstone River Native Fish Conservation Act will allow our communities, environment and farm families to continue being good stewards of the land and provide for our families and communities to continue to be successful.

Please support The Yellowstone River Native Fish Conservation Act to save our family farms.

Thank you,

Jon and Dee Jorgensen
Savage, MT 59262

To whom this may concern,

On behalf of Candee Angus Farms INC. and myself, I am writing to express my support of the Lower Yellowstone River Native Fish Conservation Act (S.3409 / H.R. 6568). Farmers and Ranchers like me cannot afford doubling the irrigation levy which is the implied tax increase to cover the cost of maintaining the fish bypass annually. We are already struggling to pay the taxes already levied. Many farmers in the valley are already going bankrupt and dying off. This bill protects the fish and the farmer. The real true endangered species is the farmer. We're not gaining farmers every year, we are losing them.

Sincerely,

Garey Candee

Garey Candee
Candee Angus Farms INC

also president of the Corporation

lyip@midrivers.com

From: Bev Danielson <bevdanielson@ymail.com>
Sent: Thursday, January 29, 2026 8:17 AM
To: lyip@midrivers.com
Subject: Lower Yellowstone River Native Fish Conservation Act

To Whom it May Concern,

We support the Lower Yellowstone River Native Fish Conservation Act (SB3409/HR6568). Because of low commodity prices, we are at a crossroads in our irrigated ag operation. We truly cannot afford an increase in our irrigation taxes.

Doug and Bev Danielson
Danielson Farms, Inc.
A family farm for 101 years!

FRESH HOPPED FARM

January 28, 2026

We, the farmers of the Lower Yellowstone River Valley are asking congress to help us afford to continue farming. Congressional candidates claim time and again when running for office that the American Farmer is the backbone of our economy. But the last few years have tested all of us in agriculture. So now its time for you to prove that you care about the American Farmer.

I'm asking this committee and Congress to pass both HR 6568 and SB 3409. We cannot take another price increase. Our irrigation district is not equipped, and does not have the knowledge or manpower to maintain this irrigation bypass, which was put in without input from our irrigation district or growers. We already fought the battle to keep an irrigation bypass in place, and now once again are having to fight just to maintain the water we need to grow crops to feed America.

Farmers in this district have been through a lot recently. Pandemic price chaos cost many of us our savings. Sidney Sugars chose to shut down our sugar beet factory, losing our only local market and much financial security. Just when we feel like we are getting our feet back under us, high prices on chemical, fertilizer, and equipment combined with lower commodity prices threatens to put many farmers out of business.

All I ask is you consider passing HR 6568 and SB 3409 to help us maintain access to the irrigation water we desperately need to make sure our farmers have a fair chance of growing a crop, feeding our families, and continuing the legacy of our family farms.

Sincerely yours,

Sarah Degn
Fresh Hopped Farm - Sidney, MT

lyip@midrivers.com

From: kandlranch@reagan.com
Sent: Thursday, January 29, 2026 5:13 PM
To: lyip@midrivers.com
Subject: We support SB3409 / HR6568

We support the Lower Yellowstone River Native Fish Conservation Act SB3409 / HR6568.

KandLight Ranch

January 27, 2026

To: Whom This May Concern

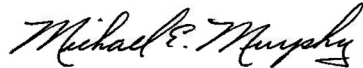
Regarding: Support for S. 3409 and H.R. 6568

I am writing in support of the Lower Yellowstone River Native Fish Conservation Act (S. 3409 and H.R. 6568). This legislation provides program and related funding to enable continued maintenance of the Lower Yellowstone Fish By-Pass. The by-pass channel was constructed under the premise of the Endangered Species Act (ESA) to provide a means by which Pallid Sturgeon and other fish species can more effectively navigate up the Yellowstone River. Under the foundation of the ESA, such efforts are for the benefit of the impacted species as well as the people of the United States. Unfortunately, unless funded through S. 3409 and H.R. 6568, financial responsibility for fish by-pass maintenance, will rest solely on the Lower Yellowstone Irrigation Project and the farmers and ranchers who pay for and depend on the irrigation project water for their survival. The additional cost associated with by-pass maintenance would result in an unaffordable cost increase to the Lower Yellowstone Irrigation Project and the Agricultural Community. The inevitable resulting loss of agriculture and family farms and ranches would also have a severe impact on the rural communities of Eastern Montana as well as the environment. Maintenance and necessary funding of the fish by-pass should appropriately rest on federal agencies, in this case, the Bureau of Reclamation.

I recently retired as the Executive Director of the Montana Water Resources Association. In that position I represented the Association in support of conservation efforts to benefit the pallid sturgeon with the belief that costs associated with constructing and maintaining the by-pass would, appropriately, be a responsibility of the federal government. Statistics show that the project is accomplishing the intended results.

Again, I strongly support and encourage your support for passage of S. 3409 and H.R. 6568. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Michael E. Murphy". The signature is written in dark ink and is positioned above the printed name.

Michael E. Murphy

Livestock Producer/Irrigator
Wolf Creek, Montana

January 28, 2026

Dear Congressman Downing,

I am writing to ask for your support of **U.S. House Resolution 6568 & U.S. Senate Bill 3409**, the **Lower Yellowstone River Native Fish Conservation Act**. We operate a large farm, feedlot and ranch in Richland County. We are dependent on the Lower Yellowstone Irrigation Project (LYIP).

Without these bills, the United States Bureau of Reclamation (USBR) will transfer responsibility for an average in excess of \$1,000,000 per year of maintenance costs to the local irrigators (farmers & ranchers, including ourselves) instead of the USBR that decided to build the Endangered Species Fish Bypass. This was done without an agreement with the local irrigation districts to maintain it into the future. **H.R. 6568** and **S. 3409** will keep the responsibility with the USBR who built the Endangered Species Bypass and are the best qualified people to maintain it the way the Endangered Species needs.

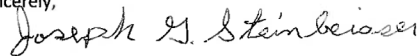
H.R.6568 / S.3409 will allow the local irrigation farmers, ranchers, and the LYIP, to continue to operate and supply the local agricultural community and cities with the water they need as they have done for over 115 years. This is important not just for the farmers & ranchers themselves but also for the entire community and businesses in Montana and North Dakota. These communities rely on the economy provided by the local agriculture. In addition, our irrigation project also provides the well water aquifer recharge, and helps to maintain creeks, and Wetlands as proven by a 10 year study by the Montana Bureau of Mines & Geology.

The overwhelming cost of maintaining a federal Endangered Species project should not be placed on the shoulders of local farmers and ranchers.

I urgently implore you to rally support for the **Lower Yellowstone River Native Fish Conservation Act!** Not only will it provide continued protection to both the Endangered Pallid Sturgeon, and our local economy, but very importantly - the people who feed our state, nation and the world - the American Farmers & Ranchers.

Thank you for your prompt attention to this very consequential legislation.

Sincerely,



Joseph G. Steinbeisser
690 22nd Avenue NW
Sidney, MT 59270

01/30/2026

RE: Letter of Support for The Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568)

To whom this may concern,

My name is Jeff Hintz and I am the **Public Works Director for the City of Sidney** and in charge of the 7 wells that supply the Cities Drinking Water along with many other duties. The Montana Bureau of Mines and Geology did a long-term study on the city's wells and many wells all around the valley, measuring water depth and recharge. In early spring I've watched the Cities wells running out of water until the Lower Yellowstone Irrigation Project fills the irrigation ditches with water and then the wells fill back up. The Montana Bureau of Mines and Geology determined that the cities wells and the vast majority of the residents of the Lower Yellowstone Valley drinking wells are immensely dependent on Aquifer recharge from the Irrigation canals and farms.

On behalf of the City of Sidney, I am writing to express our strong support of The Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568) will protect the Drinking Wells of the citizens of Sidney, Fairview, Savage, and Richland County. It will protect the food production and livelihood of irrigated Farms, Ranches, businesses, and our economy along with the Native and Endangered Fish.

If passed, this proposed bill will serve to stabilize our local economy. Every dollar spent by the farmers, rolls over seven times in the community. Without the Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568) Our farmers & ranchers can Not afford the very substantial costs of maintaining and repairing the Federally built Endangered Species Fish Bypass. Doing so would result in huge loss of income, property, gas, & business tax revenue which greatly reduces the funding for Essential Services such as Police, Fire, EMS, water/sewer, and waste management and other services provided by our Government.

And the 1,000s of acres of wetlands & Riparian Habitat that are dependent on aquifer recharge from irrigation.

Without the Lower Yellowstone River Native Fish Conservation Act (S. 3409 / H.R. 6568) the farmers and ranchers will Not be able to afford to Irrigate; which would decimate the local economy and drinking wells NE Montana & NW North Dakota.

We urge you to support this worthy bill. Thank you for your consideration.

Sincerely,





1275 MAPLE STREET SUITE F, HELENA, MT 59601 | 406.443.3962

February 2, 2026

Lower Yellowstone Irrigation Project
Attn: James Brower
Email: LYIP@midrivers.com

Re: Letter of Support for H.R. 6568 and S. 3409 — Lower Yellowstone River Native Fish Conservation Act

Dear Members of Congress and Committee on Water, Wildlife, and Fisheries:

On behalf of WWC Engineering, we write in strong support of U.S. House Resolution 6568 and U.S. Senate Bill 3409, the Lower Yellowstone River Native Fish Conservation Act.

The Lower Yellowstone Irrigation Project has provided reliable irrigation water to Montana and North Dakota farmers and ranchers for more than 115 years, sustaining agricultural production, local businesses, and essential community services. Continued irrigation also supports aquifer recharge, wetlands, and municipal drinking water supplies, including the City of Sidney's wells. H.R. 6568 / S. 3409 is critical because it ensures that financial responsibility, ownership, and operational control of the federally designed and constructed endangered species fish bypass remains with the U.S. Bureau of Reclamation, rather than being transferred to local irrigation districts that do not have the labor force, equipment, or expertise to maintain this federal facility. Without this legislation, local irrigators could face approximately \$1 million per year in added maintenance obligations, which could bankrupt the project and would certainly threaten the affordability and continued operation of the project.

This legislation protects both the endangered pallid sturgeon and the economic foundation of the Lower Yellowstone communities by preventing unreasonable costs from being placed solely on local farmers and ranchers.

WWC Engineering respectfully urges Congress to pass the Lower Yellowstone River Native Fish Conservation Act to ensure long-term sustainability for agriculture, rural communities, and native fish conservation in the Lower Yellowstone River Basin.

Sincerely,

Shawn Higley, P.E., P.H.
Vice President
SH/mh

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SOLVING PROBLEMS AND DELIVERING VALUE

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

March 16, 2026

The Honorable John Hoeven
Chair, Subcommittee on Water and Power
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member, Subcommittee on Water and Power
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

Re: Support for the Lower Yellowstone River Native Fish Conservation Act (S.3409)

Dear Chairman Hoeven and Ranking Member Wyden,

I write to express Montana's strong support for the Lower Yellowstone River Native Fish Conservation Act (S.3409) and to urge its swift enactment. This legislation offers a practical, balanced solution that protects native species while sustaining our agricultural economies that support local communities and our nation.

The Lower Yellowstone Irrigation Project (LYIP) is vital to eastern Montana, providing reliable irrigation to approximately 58,000 acres of productive farmland and supporting the livelihoods of more than 400 family farms and ranches. This irrigation system also supplies water to communities across the Yellowstone Valley, making its stability essential not only for agriculture but also for local drinking water supplies.

The LYIP includes the Intake Diversion Dam, which raises the Yellowstone River enough to divert water into its main irrigation canal. This structure has reliably supported irrigation for decades, but it historically made it difficult for native fish, especially the endangered pallid sturgeon, to move upstream. To address this, LYIP installed modern fish screens at the headworks, which greatly reduce the number of fish accidentally pulled into the canal.

Because the diversion dam still blocked upstream migration, the U.S. Bureau of Reclamation, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service designed and built a 2.1-mile fish bypass channel. This channel sits outside LYIP's boundaries and was constructed

Chairman Hoeven, Ranking Member Wyden
March 16, 2026
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solely to meet federal Endangered Species Act requirements, not to serve the irrigation project. Completed in 2022, the bypass now allows pallid sturgeon and other species, including paddlefish and walleye, to travel safely around the diversion dam.

While this infrastructure is essential for species recovery, it is frequently damaged by ice flows and spring runoff. Without clear direction from Congress, LYIP could be held financially responsible for repairs, even though LYIP neither owns the bypass nor benefits from it. The Lower Yellowstone River Native Fish Conservation Act resolves this issue by confirming federal responsibility for maintaining the bypass.

I respectfully urge the Subcommittee to support this legislation, which ensures appropriate federal responsibility for the care and maintenance of the fish bypass while maintaining the appropriate balance between environmental stewardship and economic resilience that Montana families and communities depend on.

Thank you for your consideration. Should you have any questions, please contact Richard Roth at Richard.Roth@mt.gov.

Sincerely,



Greg Gianforte
Governor

CC: The Honorable Mike Lee, Chairman, Senate Committee on Energy and Natural Resources

The Honorable Martin Heinrich, Ranking Member, Senate Committee on Energy and Natural Resources

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Testimony

Before the Senate Committee on Energy and Natural Resources

Subcommittee on Water and Power

Hearing on S. 3409 — Lower Yellowstone River Native Fish Conservation Act

March 17, 2026

By

James Brower, Manager

Lower Yellowstone Irrigation Project

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Sidney, Montana 59270

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Written Testimony of James Brower

Manager, Lower Yellowstone Irrigation Project

Hearing on S. 3409 — Lower Yellowstone River Native Fish Conservation Act

Chairman Hoeven, Ranking Member Wyden, and Members of the Subcommittee—thank you for the opportunity to submit testimony in support of S. 3409, introduced by Senator Steve Daines and cosponsored by Senator Tim Sheehy. We respectfully urge the Subcommittee and Congress to advance S. 3409 to enact clear, permanent federal responsibility for the Lower Yellowstone Fish Bypass Channel and ensure the best possible fish passage opportunity for the endangered species Pallid Sturgeon and other native fish of the Yellowstone River.

My name is James Brower, and I manage the Lower Yellowstone Irrigation Project (LYIP). LYIP is a federal reclamation project authorized under the Reclamation Act framework to deliver reliable irrigation water to agricultural lands in eastern Montana and western North Dakota. For more than a century, the Project has sustained family farms, small towns, and a two-state rural economy that depends on affordable, dependable water.

Absent statutory clarity, the bypass risks becoming an unfunded mandate—endangering both reliable irrigation deliveries and the federal conservation investment that Congress has already made.

THE PROJECT AND THE COMMUNITIES IT SERVES

LYIP supplies irrigation water through four local irrigation districts to roughly 59,000 acres of farmland in eastern Montana and western North Dakota, supporting approximately 300 farm families and the broader rural economy of Dawson and Richland Counties in Montana and McKenzie County in North Dakota.

These acres produce the crops and livestock that keep our main streets, elevators, implement dealers, co-ops, and local tax bases alive. In our part of the world, the Project is not just an irrigation system—it is an anchor for the region’s agricultural base and the stability of rural communities. Some communities, wetlands, and riparian habitat also rely on aquifers that are recharged by irrigation practices associated with LYIP operations.

WHY WE ARE HERE: THE BYPASS IS A SEPARATE FEDERAL ESA FACILITY—AND MUST REMAIN FEDERAL

We are here because the Lower Yellowstone Fish Bypass Channel is a separately authorized federal endangered-species mitigation facility—and Congress should make clear, as S. 3409 does, that it must remain under exclusive federal ownership, operation, and financial responsibility.

The federally built fish bypass itself Diverts 15% of the Yellowstone River Above the Lower Yellowstone Irrigation Project's (LYIP) Headgates only delivering 85% of the Yellowstone River by the LYIP Headgates & Fish Screens when in perfect shape. If the Fish Bypass's substantial Erosion is not properly repaired the Fish Bypass will take more and more water Away from the natural Yellowstone River Path and the LYIP Headgates reducing the LYIP's irrigation water below the amount needed by the rural farmers to continue growing food crops like they have done for 117 years causing substantial crop damage and ruining the economy of at least 6 communities in 2 states (see attached 2015 Economic damage projection). It diverts 13-18% of river flow into a bypass channel and then returns that flow to the Yellowstone River approximately two miles downstream; it does reduce the river's volume at the LYIP diversion and with unrepaired erosion will diminish irrigation supply availability and damage the rural farmers crops in 2 states.

Congress has already set out the key facts in the bill's findings. S. 3409 states that the bypass was authorized as a federal mitigation measure under WRDA 2007, section 3109; designed and constructed by the Corps of Engineers and the Bureau of Reclamation with federal mitigation and ecosystem restoration funds; and is located outside the physical and operational boundaries of the Lower Yellowstone Irrigation Districts. The bypass was constructed on federal land administered by the Bureau of Reclamation adjacent to the Intake diversion complex.

S. 3409 is necessary because, without explicit statutory direction, future administrative actions would attempt to shift operations, maintenance, or liability for this federal ESA facility onto local irrigators without their agreement—a result that contradicts the bypass's and the LYIP's federal authorization and purpose. The LYIP is only authorized as a single purpose project, Irrigation, and being a single purpose USBR project, the LYIP has to pay back every dollar spent on the irrigation facilities unless specifically authorized by congress, which is the purpose of this bill.

Just as important, the bill places responsibility where it belongs operationally: with Reclamation, the federal agency that owns and administers the Intake Diversion Dam, the fish Bypass, and the LYIP. Reclamation designed, inspected, and owns the fish bypass. Reclamation currently monitors, maintains, and repairs, the fish bypass and the endangered pallid sturgeon. The bypass sits adjacent to the Intake diversion complex, but it is legally outside the irrigation districts' boundaries, and outside the districts' jurisdiction. It is not an irrigation facility, a canal, lateral, drain, or other “project work” used to divert, convey, or deliver irrigation water to our members. In plain terms: you can stand at our headworks and see the bypass, but it is a separate federal facility next door—

and we have no ownership, right-of-way jurisdiction, or lawful assessment authority over it.

Before the bypass, the historic diversion structure that raises river stage to enable irrigation diversions also created a long-standing barrier to upstream movement. The bypass provides a functional route for pallid sturgeon and other native fish to move past the diversion complex, restoring upstream passage opportunity that did not previously exist.

THE BIOLOGICAL AND LEGAL CONTEXT IS FEDERAL

The pallid sturgeon was listed as endangered in 1990. Federal Endangered Species Act (ESA) compliance obligations for federal projects attach to federal action agencies and are implemented in consultation with the U.S. Fish and Wildlife Service (USFWS).

USFWS, in coordination with Montana Fish, Wildlife and Parks and other state partners, monitors pallid sturgeon status. Under the ESA, however, the operative compliance burden for federal infrastructure and federal actions rests with federal action agencies—here, Reclamation (and where applicable the Corps)—because the consultation record, permitting posture, and litigation exposure arise from federal decision-making under federal law. S. 3409 appropriately keeps that responsibility aligned with federal authority and control.

THE BYPASS IS NOT AN IRRIGATION WORK AND IS OUTSIDE LYIP AUTHORITY

The bypass was not built to deliver irrigation water (the only authorized purpose of the LYIP); it was built to move fish around a federal diversion structure to support ESA recovery objectives. S. 3409 expressly recognizes that the irrigation district has never had ownership, operational responsibility, or maintenance obligations relating to the bypass, and that the bypass is legally separate and distinct from the irrigation project and district.

Because the bypass is outside our legal and operational boundaries, and our only authorized purpose of irrigation, LYIP cannot lawfully raise rates or impose assessments to fund and manage a facility we do not own, do not control, and were not created to operate.

S. 3409 PROVIDES NECESSARY CLARITY: SOLE FEDERAL OWNERSHIP, O&M, AND NO COST SHIFT

S. 3409 resolves the problem directly by reaffirming that the Secretary of the Interior (acting through the Commissioner of Reclamation) retains full ownership, operational authority, and financial responsibility for the bypass in perpetuity, and that, for the

protection of the endangered species and the rural communities, no administrative action, agreement, or transfer may delegate those responsibilities to any non-federal entity.

The bill further provides that Reclamation shall be solely responsible for funding, operating, and maintaining the bypass (including repairs, modifications, and adaptive management), and prohibits any federal agency from imposing a cost transfer to the district, LYIP, or any other non-federal entity.

ESA RESPONSIBILITY MUST MATCH FEDERAL CONTROL

S. 3409 aligns responsibility with authority by preserving ESA obligations where they belong: it provides that the Secretary and the Director of USFWS retain exclusive responsibility for ESA obligations relating to pallid sturgeon with respect to the bypass, and that LYIP and the district shall not be required to perform, fund, or participate in ESA-mandated activities relating to the bypass or pallid sturgeon conservation associated with it.

OPERATIONS AND MAINTENANCE ARE TECHNICALLY COMPLEX AND HIGH-RISK

The Yellowstone River at Intake is powerful and dynamic. The bypass channel requires continuous engineered maintenance to remain functional under changing river conditions—high flows, erosion and scour, sediment deposition, channel migration, debris, and winter ice impacts. A single-season ice jam or high-water year can require immediate engineered repairs to preserve passage and protect Intake operations.

Maintaining the bypass requires recurring engineered river work, including:

- Sediment management and channel reconditioning;
- Erosion and scour repair and bank stabilization;
- Flood, debris, and ice-season response and repairs;
- Inspection, monitoring, and documentation to support the federal administrative record; and
- Adaptive maintenance as river conditions change.

These tasks require federal engineering, contracting, procurement, and emergency response capacity. Reclamation is the on-site federal operator at Intake and is best positioned to execute this work consistently and defensibly under federal environmental law.

If the bypass's functionality degrades due to deferred maintenance or delayed repairs, the underlying ESA-driven litigation risk that originally forced a solution can reemerge—including the possibility of operational disruption at Intake. That risk, and the costs

necessary to prevent it, are federal in origin and should remain federally funded and federally executed.

WHY THIS BILL PROTECTS TAXPAYERS, THE BYPASS, AND THE STURGEON

S. 3409 is pro-conservation and pro-taxpayer because it protects the federal investment by keeping the bypass under expert federal control and funded through federal appropriations and federal agency capabilities—rather than shifting burdens to local irrigators who lack legal authority, institutional capacity, and the economics to operate this large federal ESA mitigation facility.

S. 3409 ensures the bypass does not become an unfunded mandate on local irrigators and prevents a predictable cycle of deferred maintenance, renewed ESA litigation exposure, and emergency federal expenditures. Passage is necessary to lock in a single accountable federal owner-operator and protect both the federal investment and the communities that depend on uninterrupted project operations.

In short: this bill protects the sturgeon by protecting the bypass—and it protects the bypass by ensuring the federal government, not local farm families, is responsible for operating and maintaining it.

CONCLUSION

Thank you for considering S. 3409. This is a common-sense measure: the federal government built a federal ESA mitigation facility on federal land, for a national public purpose, using federal mitigation funds. The federal government must continue to own it, operate it, and maintain it—so pallid sturgeon recovery succeeds and America's existing investment is protected.

S. 3409 preserves pallid sturgeon recovery by ensuring the bypass remains functional under a single accountable federal operator, and it protects rural communities by preventing an unlawful cost shift to local irrigators.

Respectfully submitted,

James Brower

Manager, Lower Yellowstone Irrigation Project

Senator DAINES. Federal agencies, not the irrigators, should be responsible for ensuring the long-term success of the bypass channel in order to protect the pallid sturgeon, and this bill will do just that.

By the way, if I could brag for a moment on what we do in Montana managing the fish populations: once upon a time, when I was a little kid growing up, we used to stock our rivers in Montana. We would grow the fish in the hatchery and dump them in the rivers. Fish biologists started to challenge that idea, and said native fish would actually be more resistant to disease, and we would actually see a higher fish population if we stopped stocking the rivers. It seems counterintuitive. They studied that in the Madison River, which is not far from where I grew up. I was fly fishing in the Madison River before Brad Pitt discovered fly fishing with Robert Redford. And they took a section of river and they stopped stocking it. And they studied it and they found out the fish populations went up, not down. And they found out that the native fish were more resistant to disease and they weren't as aggressive in feeding on the eggs and so forth during spawning periods.

And so, Montana no longer stocks its rivers, and our fish populations, on a per-mile basis, are at the highest levels. We're in really good shape. Our fisheries are very robust. So, I share that because we're very thoughtful and intentional to think of managing our fish species, and like the pallid sturgeon here, and we want to have the bypass channel there. We've got to make sure our irrigators aren't bearing the burden of the cost of doing that, and we share that to make sure our farmers and ranchers and our fish populations can all thrive.

Before I close, I want to also recognize Senator Cortez Masto. We have a bill on the agenda, Senate bill 3500, which will increase transparency in the licensing process for hydropower projects. I have a few letters of support for our bill. I ask unanimous consent to add them to the record as well. Mr. Chairman, I need a "without objection" from you.

Senator HOEVEN. Without objection.

Senator DAINES. Thank you.

[Letters of support for S. 3500 follow:]



March 16, 2026

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Re: Support for S. 3500, the Hydropower Licensing Transparency Act

Dear Chairman Lee and Ranking Member Heinrich:

On behalf of the National Hydropower Association (NHA), we write to express our strong support for S. 3500, the Hydropower Licensing Transparency Act.

This bipartisan legislation would require FERC to provide Congress with regular reports on the status of pending hydropower licensing proceedings, improving transparency and accountability in the licensing process.

By clarifying roles, timelines, and applicable standards, the bill is structured to reduce uncertainty for project sponsors, regulators, and affected stakeholders. These provisions are designed to support more predictable decision making while maintaining existing oversight responsibilities, which may help agencies and stakeholders focus resources on substantive review rather than procedural ambiguity.

Greater visibility into licensing delays will help inform future reforms and ensure hydropower projects can continue to deliver clean, reliable energy to communities nationwide for generations to come.

Thank you for your leadership and consideration of this important legislation.

Sincerely,

A handwritten signature in black ink that reads "M. Woolf". The signature is written in a cursive, flowing style.

Malcolm Woolf
CEO
National Hydropower Association



February 24, 2026

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
304 Dirksen Senate Building
United States Senate
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
304 Dirksen Senate Building
United States Senate
Washington, DC 20510

Re: Support for S. 3500, Hydropower Licensing Transparency Act

Dear Chairman Lee and Ranking Member Heinrich:

On behalf of a broad coalition of hydropower industry representatives, dam safety officials, and environmental advocates, we write to express our strong support for S. 3500, the *Hydropower Licensing Transparency Act*.

Hydropower is America's largest source of renewable electricity and provides firm and flexible power to the grid. This bipartisan measure represents an important step toward greater accountability and transparency.

By requiring FERC to provide Congress with an annual report on the status of pending hydropower licensing applications, S. 3500 will shed light on bottlenecks, improve oversight, and lay the groundwork for future reforms. The bill passed the House of Representatives with broad bipartisan support, reflecting consensus that Congress must take meaningful steps to update how hydropower licensing is monitored and managed.

Our coalition is committed to advancing policies that modernize U.S. hydropower in a way that strengthens clean energy production, ensures public safety, and supports healthy rivers. We believe this

legislation is a constructive and achievable measure, and we urge the Committee to advance it without delay.

Thank you for your leadership on clean energy and for your consideration of this request. We look forward to working with you to ensure hydropower continues to play a vital role in America's clean energy future.

Sincerely,
National Hydropower Association
American Rivers
Appalachian Mountain Club
Low Impact Hydropower Institute
Union of Concerned Scientists
Alabama Rivers Alliance
Hydropower Reform Coalition
Natel Energy
California Outdoors
Friends of the River
South Yuba River Citizens League

CC:
The Honorable Catherine Cortez Masto
The Honorable Steve Daines

Senator DAINES. The companion bill, H.R. 3657—see, we didn't beat North Dakota State this year, but somebody else did. He's much more compliant now, the Chairman, ever since. That's a good-looking tie, though, you have there.

Senator WYDEN. It's the Duck colors.

Senator DAINES. The companion bill—it's the Duck colors—bipartisanship is breaking out here on the Hill. H.R. 3657 has already passed the House floor by voice vote. I encourage the Committee and the Senate to likewise pass the bill by unanimous consent and get it to the President's desk. Mr. Chairman, I'm well past my time. Thanks for the extra minute.

Senator HOEVEN. That's absolutely fine.

I see that Senator Murkowski, another person who would be an expert, I'm sure, on fish stocking—or not. I mean, we're not stocking, and we are talking about s-t-o-c-k-i-n-g, not s-t-a-l-k-i-n-g.

Senator MURKOWSKI. True, true.

Senator HOEVEN. Which Daines does with animals on a regular basis, and his wife Cindy does too, I've seen.

Senator MURKOWSKI. Pretty effective.

Senator HOEVEN. Very effective, yes. But if you'd like to make an opening statement, Senator Murkowski.

**OPENING STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman, I will. And I appreciate what you have shared with the Committee, Senator Daines, because, as you know, in Alaska, we're pretty proud of our wild species that roam our rivers, and we see the same thing. It is the native species that are hardier, are more resistant. Management is kind of an important thing. We recognize that. But interesting to hear your comparison.

Mr. Chairman, I love the fact that we are before the Water and Power Subcommittee here this morning. Senator Daines has reminded us that in his home state it's often relatively arid, and as you mentioned, your 16 inches, I just hearken back to my birthplace, Ketchikan, Alaska, where I checked the average rainfall for 2025, and it was 160 inches. So, just add a zero to your 16, sir.

Senator DAINES. Senator Murkowski, now you're bragging on me, right?

Senator MURKOWSKI. I don't know. You know, sometimes we say what's the problem with these states that don't have ample water because we can't really relate to that. But that's the reason for the two measures that I have before the Subcommittee here this morning, and I appreciate both you and the Ranking Member including S. 3518, which is the Fair Licensing for Operators of Water Structures Act, as well as S. 3684, the Water Power Research and Development Reauthorization. Senator Wyden is very familiar with that one.

But as I mentioned, we've got a lot of water in Alaska. We've got great water resources with the lakes, the rivers. We have some of the strongest tides in the world along the thousands of miles of coastline. Our tides in Cook Inlet are right up there with the Bay of Fundy. So, we've got a lot of strength in our tides, and yet so many of our coastal communities, our river communities still rely

on diesel. If you're watching the news right now, diesel is through the roof, but it was already through the roof. You've got communities that are paying over \$10 a gallon for their diesel. And so, it makes a difference in terms of the impact to our families and our communities.

So, the FLOWS Act, S. 3518, makes some commonsense improvements by hydropower permitting. Right now, in the state, where you have a small operator, the operator is required to file former license amendments with FERC for routine maintenance or simple equipment replacements. So, keep in mind, these are projects that are—the plans are already approved, the work is relatively minor, the safety oversight is fully intact, but you have operators that are still waiting months and months for approvals, and that translates into costs for our small utilities and our communities. So, what we do in the FLOWS Act is, clarify that routine maintenance, in-kind replacements, and temporary operational adjustments that do not substantially change a project do not require a full licensing amendment. So, FERC still retains full authority over dam safety. They can require when changes are needed, but we eliminate some of the red tape that slows the projects down.

And I'll tell you, I had an opportunity to go out to a dam project near the community of Sitka, and to understand that what they were trying to do was provide for a painting, if you will, not for anything other than to just reinforce the dam structure that was already there. That was required to go through this lengthy process just to repaint. So, we look at things like that and say, look, there's got to be a better way. We also address a gap affecting marine energy technologies. So, we establish a modernized licensing pathway for micro-hydrokinetic projects. These are the small systems that can harness energy from tides, from waves, and river currents that don't have any dams.

If you want to go fishing somewhere, there's a great little amazing community in Southwestern called Igiugig. It's up on the Nushagak River. It's a small population, 68 people, but they have been in partnership with Ocean Renewable Power Company and they have been testing an in-river turbine that generates electricity directly from the current. And every year that that device operates, the community is saving nearly 23,000 gallons of diesel fuel because this is how they get their power if they don't have their in-river—they have a couple solar panels there, but the turbines have allowed the village to shut off its diesel generators for roughly 275 days a year. That's a huge savings for a small community.

And again, I mentioned this is in an area where there is prolific fishery. What we have been able to demonstrate through the years of monitoring is more than 100 million sockeye salmon smolts and 10 million adult salmon passing the turbine without observed injury or mortality. I've been out there on site. I've seen this turbine when it's been sitting up waiting to go in the river. I've seen it in the river. This is an area where, if there is no fish, there is no purpose for the people to be there. So, they would be the first ones to object if this interfered. And it's an astonishing project. Others are looking to its potential.

But despite this, the project is regulated under the same framework that's designed for a large conventional dam. So, think about

this. This is a small turbine that sits not on the bottom of the river, but just a little bit above, so that you have flow underneath and flow above. And it's in the river, and yet it's being regulated as a larger conventional dam, which doesn't make any sense. So, the FLOWS Act creates a licensing process better suited for these small innovative technologies that establishes clear timelines, so developers and communities know when to expect decisions.

The other bill is the one that I'm working on with Ranking Member Wyden. I appreciate your good work on this. This builds on what we have done before in our water power research and development authorization. We reauthorized DOE's Water Power Technologies Office. This has been instrumental in advancing hydropower and marine energy research, including several projects in Alaska. We update the program to reflect where the industry is going. It supports integration with microgrids. It promotes workforce development and domestic manufacturing, as well as encouraging research into Arctic operating conditions, ensuring that technologies are designed to work in cold-water and ice-prone environments. We also promote collaboration with tribal entities and local stakeholders—really important in my area where many of our energy projects are developed in partnership with our Alaska Native communities.

So, two good bills. I think we take a practical approach. We modernize outdated regulations, we support innovation, and we make sure that the federal programs reflect the realities that are facing our communities. So, this helps us in Alaska, but I think this kind of pioneering, this kind of technology, we can prove it out in Alaska. We can make it work in Oregon, in North Dakota, in California, and Colorado. So, I appreciate the Subcommittee's good work on these important issues and look forward to partnering with you on them. Thank you.

Senator HOEVEN. Thank you, Senator Murkowski. Interesting stuff.

Now we'll turn to the questions for our panel members here. Mr. Palumbo, thank you again for appearing today. We appreciate the Interior Department and Bureau of Rec's support for the Dakota Water Resources Amendment of 2026. As you know, we work carefully to craft legislation that aligns support with Reclamation, the state of North Dakota, and the five tribal nations in our state. The bill received bipartisan approval out of this Committee in the last Congress. Again, I want to thank Senator Padilla for co-sponsoring the legislation, and I appreciate his willingness to work together on bipartisan water priorities for both California and North Dakota.

As I mentioned in my opening remarks, our legislation is key to completing critical water supply projects for our state, including the Eastern North Dakota Alternate Water Supply (ENDAWS). ENDAWS is a win-win partnership for both the Federal Government and North Dakota. It ensures that half of North Dakota has access to a reliable, drought-resilient water supply. This project also enables Reclamation to generate revenue from underutilized Garrison Diversion facilities like the McClusky Canal. Communities in eastern North Dakota and potentially western Minnesota would benefit from lower construction and operations costs as a result.

So, my question is, will you continue to work with me, our state, and the tribes to help pass this legislation so we can work on the funding side and bring these projects to completion?

Mr. PALUMBO. Thank you, Senator Hoeven. Yes, absolutely, both the ENDAWS and the NAWS projects are instrumental for the State of North Dakota, of course, for tribes and non-tribal members. You have our commitment to work with you on those projects. You mentioned drought resiliency. They're both incredibly important drought resilience projects, and our commitment remains solid to work with you on that legislation.

Senator HOEVEN. Thank you, Mr. Palumbo, and the Bureau has been a good partner, and we truly appreciate it. Again, thanks for being here today.

Mr. Turpin, you note in your testimony the complexities in the licensing process for hydropower projects, which relates a little bit to what Senator Murkowski was talking about, including compliance with other statutes requiring coordination with numerous federal and state agencies, often on different timelines and deadlines. So, my question is, will you expand on FERC's efforts to streamline the licensing process to better leverage hydropower resources?

Mr. TURPIN. Absolutely, Chairman. I mean, the Commissioners are very invested in that singular issue and have been expressing a lot of interest in a lot of different ways to tackle the plethora of all the permitting decisions that have to get lined up just to get one project approved.

Senator HOEVEN. Do you have any specific recommendations as to how Congress can help you in that process?

Mr. TURPIN. I think the biggest recommendation I'd have is simply just recognition that all the statutes that are out there that govern these facilities, they all aren't lining up in the same fashion. I mean, they all have slightly different intents as to what the outcome is supposed to be. And what that does is present a lot of agencies with slightly different missions. And so, at the Commission, our focus is on that best adaptive plan for the entire waterway, which includes power production and all the water uses that you have mentioned, but that may not be true for other agencies that are looking at a much smaller slice. So, I think the thing that's needed is really that congressional direction about what is in the national interest, what is this thing that Congress wants focused on for these licensing processes so that we can all kind of get into the same vein and process these as efficiently as we can.

Senator HOEVEN. Well, then, I think it's important that you provide those recommendations as part of our efforts on permitting reform, which is something that the Committee is working on, so it's very important.

Again, thanks to both of you for being here, and I'll turn to the Ranking Member.

Senator WYDEN. Thank you, Mr. Chairman. My colleagues have been very gracious. We're going to go with Senator Padilla next and then I'll follow him, and Senator Hickenlooper has been very helpful, too.

Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. Thank you, Senator Wyden for the accommodation, I appreciate it.

Deputy Commissioner Palumbo, first of all, I want to thank you for your decades and decades of honorable civil service and leadership in the West. It's notable and very, very much appreciated. On the subject at hand, we know that there are many barriers to meeting our water infrastructure needs in the West. And one of the key barriers has actually been time. Even when we know what projects we need, from water recycling facilities to conveyance improvements, safe drinking water, upgrades, et cetera, the process to authorize and fund these projects can take years, sometimes a decade or more.

The MORE WATER Act, which I have put forward, would streamline that process by reauthorizing and expanding programmatic approvals for the Bureau of Reclamation's water supply projects instead of requiring project-by-project authorization by Congress. Projects would be able to directly seek funding once they're found to be feasible. I'd like to think that faster development of water recycling projects and faster development of conveyance projects in the West would be welcome news. So, Deputy Commissioner, do you agree that the programmatic authorizations in my MORE WATER Act, subject to the programmatic authorizations in legislation by Senator Cortez Masto, Senator Gallego, and Senator Curtis, would help us address our water infrastructure needs?

Mr. PALUMBO. Thank you, Senator Padilla. Absolutely, programmatic authorities help the Bureau of Reclamation be more nimble to react more swiftly to address drought in the West, in particular. We do benefit from project-specific authorizations as well, but having a programmatic ability to implement efforts on the ground is also often expedited by having such authority. We have an aging infrastructure authority where we can deploy resources, again, very nimbly, without having individual project authorizations, as long as those underlying projects are going to be authorized in some fashion.

Senator PADILLA. It's all about balance, right? We can't do all project-by-project. We can't do all programmatic. We have to have the right balance. I don't think we've struck that right balance in recent years.

Now, on a second topic—I know our time is going by fast—recent research suggests that agricultural water use efficiency measures are dramatically less expensive, or can be dramatically less expensive than the construction of new water supplies and its required infrastructure. They often cost hundreds of dollars per acre-foot of water, and savings could be as much as 90 percent less than the thousands of dollars per acre-foot that new water supplies could cost. And we have huge water needs in the Colorado River Basin and elsewhere in the West, so yes, cost is a focus and a concern.

This speaks to the other measure that I have introduced for us today, the GROW SMART Act, which would authorize federal funding to support demonstration projects of innovative agricultural water efficiency projects that benefit farmers. These are not mandates. These are voluntary. They are demonstrations. They are farmer-led. They are locally driven efforts to test new irrigation strategies. Again, is this a tool? Would you agree that voluntary demonstrations of innovative agricultural water use efficiency projects can be a valuable tool in addressing the supply and cost

challenges that we have to meet the needs of our growing population and our growing economy?

Mr. PALUMBO. Yes, Senator Padilla. We have——

Senator PADILLA. Great answer. Feel free to expand.

Mr. PALUMBO. We have an acute supply and demand imbalance problem in the West, as you're very well aware of, and we have gotten very good at doing more with the same amount of water. And what I see your bill doing is trying to do the same with a lesser amount of water. And that's where we really need to pivot to manage water in the West. We know the supplies are reducing. So, if we can figure out smart ways to do the same with less water, the Bureau of Reclamation absolutely supports initiatives such as that.

Senator PADILLA. Thank you. We're trying to lean in, think innovatively. California alone is the fourth largest economy in the world. If you bundle the whole western region of the United States, it's obviously much bigger than that. California alone is the largest agricultural producing state of any state in the nation. If you combine the agriculture of all the western states, it's even larger. So, the needs are acute in the West. We're leaning into it and we appreciate your partnership. Thank you.

Senator HOEVEN. Ranking Member Wyden.

Senator WYDEN. Thank you, Mr. Chairman. And Mr. Palumbo and Mr. Turpin, both of you have been, for decades, on the front lines thinking about this. And I will just tell you, I feel a little bit like I'm having an out-of-body experience, because I'm a Senate Democrat and I'm advocating using the private sector more, and the administration, made up of Republicans, has been using mostly a program kind of standard. And my sense is there's an opportunity here to do something that's overdue, which is to be bipartisan. Tell me your thoughts about how we might figure out how to start gradually using results and the private sector to play a bigger role. And we're certainly not advocating throwing everything out altogether, but it just seems to me that results and the private sector have an opportunity now to make a huge difference in terms of water when we need it. And there's a chance to kind of at least look at it in terms of a pilot sort of way, as we're doing in our legislation.

Your thoughts?

Mr. PALUMBO. You know, thank you, Senator Wyden.

The Reclamation really prides itself on professional excellence. And one way in which to achieve professional excellence is to measure our results, and using the private sector, or the public sector, for that matter, holding ourselves accountable, measuring ourselves with the best available technology, with gold-standard science, verifying that what we're paying for is actually achieved, is very important to Reclamation. Our programs—in our WaterSMART program, for example—establish an application review committee where we review applications that come in to ensure that they're using the best available science, that they're using demonstrated projects, and then, ultimately, we verify that what we anticipated to be installed was installed. However, what your bill is proposing is ratcheting up that a bit to verify those results with the private sector. We would like to work with your office to figure out how our existing WaterSMART program could incorporate some of the ideas

that you put forward in your bill to smartly assess whether the American taxpayer is in fact getting what he or she has paid for.

Senator WYDEN. I probably ought to quit while I'm ahead because I appreciate the fact that you'll work with us. Can we do that? And so, over the next couple of weeks, can we nail down something that really uses the private sector, because I think we're now headed toward the home stretch of this session, and there's lots of interest in this area because, as I talked about earlier, I'm heading out to town hall meetings where this is *the* issue—the question of droughts and water and snowpack. We have just been hit by a wrecking ball in terms of, you know, the opportunity to deal with these issues. Can we try to nail this down in terms of using the private sector over the next couple weeks?

Mr. PALUMBO. Yes, absolutely. We'll sit down with your staff, with our WaterSMART program, and look at all the objectives and see how they can be incorporated into what we're doing today.

Senator WYDEN. Great. That's very much in line with what I understand your career has always been about, which is not particularly looking at water as a blue issue or a red issue and everybody saying this is my approach because it's partisan and all the rest, but just trying to get out the best and smartest ideas, and I think we've got a chance to do some good work. Thank you.

Mr. Turpin, let me just ask a question of you. I mentioned at Oregon State, you know, really testing technologies. One of the things that I was struck by in the debate that we had over the last few years is that neither side really looks adequately at technology. And so, what I did is, I came up with something that we called technological neutrality. And the Chairman remembers, for example, Senator Manchin, you know, who always said he's for all of the above, and I said, so, it's technological neutrality. It can go even further because you basically can test just about anything as science gives you the opportunities. Isn't that what we're trying to really do is look at the technologies? That's what Senator Murkowski was talking about. I think that's what you have talked about in the past. And it's something that could bring all sides together. I know that I filed my bill that passed, that became law, because I want whoever is in charge around here in the years ahead to say technological neutrality encourages good science, and innovation, and the private sector.

I'd be interested in your thoughts.

Mr. TURPIN. Well, I completely agree. The Commission has a long standard of—I mean, if you look at it not just from the technical neutrality, but from sort of energy production neutrality, its all-energy provision is on the table, and it's really about the best way to get that to the American people's use. So, I couldn't agree more.

And in terms of technology on the waterways, as you mentioned PacWave, I mean, there's a number of efforts that have been underway to, you know, to incubate testbeds to try to get different ways to test things so that companies have a chance. It's an enormous risk to take on undertaking a full project and a full license on a new technology, and so things like PacWave present really good approaches to allow them.

Senator WYDEN. Thank you. Thank you very much for your thoughts, and we're going to be interested in the other point that you talked about, which is the incentive. In the bill that was enacted, you know, we basically tied it to reducing carbon. I think there are a variety of other opportunities in addition to that. In other words, I filed that old bill so we can continue to create incentives for reducing carbon, and that, I'd say to the Chairman, really came from this Committee, when Senator Risch and others were saying, hey, look, you know, we're just interested in the bottom line. We want to have something that really is going to be responsive to reducing carbon. If you all, Mr. Turpin, have some ideas on that, it would be useful here and it would be useful in the Finance Committee. So, you would get a two-fer.

Big thanks to both of you, and for your dedication over so many years.

Chairman, good hearing. Look forward to working closely with you.

Senator HOEVEN. Thank you, Ranking Member.

And we'll turn to Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair, and thanks to both of you for being here. This is obviously a very timely meeting.

Let me start with Mr. Palumbo. And I thought you probably don't know much about my background, but I have the, you could somewhat say, regrettable history of having been an English major as an undergraduate and trying to figure out a way to have a career in writing but at the same time fell in love with geology. And so, I couldn't help but notice you were an English major as an undergraduate then got into the engineering side of things, really more in graduate school. Anyway, I hope it serves you as well as it has served me.

Obviously, the Colorado River Basin, and you having been in the Lower Basin, the responsibility, we've missed key deadlines on figuring out how we're going to negotiate this incredibly intense drought that we're all dealing with, and Reclamation's draft EIS makes it clear that none of the alternatives, if examined fairly, will adequately protect the system without additional agreements or some form of subsidies. Without clarity on what Reclamation will rely on and what actions it will take, let's say the absence of consensus, which we're still working on, just to be plain, it's hard to—maybe impossible for states and tribes and water users to plan ahead or hash out these negotiations—negotiate solutions—because again, we don't have clarity on what authorities Reclamation is going to rely on. So, if the Basin can't reach an agreement, what actions is Reclamation preparing to take to protect the Colorado River system and manage, you know, after 2026, and what activities are you looking at right now, in terms of getting us closer to a deal?

Mr. PALUMBO. Thank you, Senator. Thank you for acknowledging our similar paths.

A couple things. Let me first say, as you indicated, we are working to achieve consensus. That is our preferred outcome of the seven Basin states discussion, is consensus, but as you said, it is incumbent upon the Bureau of Reclamation to operate the system responsibly within our existing authorities should we not achieve

consensus. And so, what would we do in that particular case? I'll start at the top of the system and work down. We have authorities under the 1956 Colorado River Basin Project Act to operate the upper initial units. We would do so meeting the multiple benefits purposes that are identified in that Act and operate those upper initial units. Moving down to Lake Powell, not only do we have the 1956 Act, but we also have the 1968 Colorado River Basin Project Act, as well as the subsequent—what we call the long-range operating criteria that went through a rulemaking process in 1970 that establishes releases from Lake Powell to Lake Mead.

Senator HICKENLOOPER. Right.

Mr. PALUMBO. We would rely on that authority. Moving down to the Lower Basin, we know there's a supply and demand imbalance. There's a deficit of supply and we know that there will need to be reductions in the Lower Basin. And we would implement those reductions, you know, pursuant to the 1928 Boulder Canyon Project Act, the act that authorized Hoover Dam and All-American Canal, as well as set forth the apportionments to the Lower Basin states. We also have a Supreme Court decree, *Arizona v. California* in 1964, ultimately consolidated in 2006, and we would have reductions in the Lower Basin relying on that authority.

I'll maybe also say the Secretary of the Interior, as the water master, but beyond just the water master, has authorities under Reclamation's founding act, the 1902 act, and the 1930 act. We would rely on those.

Senator HICKENLOOPER. Got you.

Mr. PALUMBO. Again, we're hoping for consensus, but we'll be prepared to operate the system.

Senator HICKENLOOPER. Great. And that's, I mean, that's going to be the necessity if we can't get to a negotiated settlement. I still am optimistic and hopeful that we can do that. I think the—you know, Congress provided \$4 billion in the Inflation Reduction Act, specifically for drought mitigation of the Colorado River, as part of that. Putting that in there and making sure that it stayed in there, the idea was to promote conservation and enhance environmental resilience, basically to reduce risk to the entire system. Obviously, the good news is Colorado and the Upper Basin states had several Bucket 2 projects approved that would basically achieve all those goals. The bad news is the funding; the actual allocation of those appropriated dollars has been held up for over a year.

Do you have any idea when that funding is going to be released, and if not soon, what's causing the delay?

Mr. PALUMBO. Thank you, Senator. You raise an important point. Of the \$4 billion we received for drought, we've obligated almost \$3 billion. So, we have a billion left to go. We have those Bucket 2 projects that you mentioned. We have some other projects in the Lower Basin. We're going through a process right now to ensure that we obligate that money before the end of Fiscal Year 2026, putting it to the best use both in the Upper Basin and in the Lower Basin. We need conservation. We need contributions.

Senator HICKENLOOPER. Right.

Mr. PALUMBO. We need pools to help offset impacts to tribes and non-tribal communities. And our intention is to get that money out

the door, put it to work, and have it obligated before the end of this fiscal year.

Senator HICKENLOOPER. I'm out of time, and I want to thank you for all your work on this. I think if it was left to the senators of those seven states, I think we would have this deal done, and I think there's always a little bit of space between governors and senators. And in this case, they're just at loggerheads, but I think there's a strong will that the seven states, there's no reason why they shouldn't be able to figure out a compromise and take into—you know, hear the other side of each negotiation, each point of contention, and then find out what is a fair resolution to this so that we don't put you in that position of having to make decisions that are difficult and are just going to get you into more and more hot water.

So, anyway, thank you for all your work, and I will commit, on the Colorado side, but I think I can speak for all seven Republican and Democratic senators, who believe that we really need to find a solution where all seven states have a consensus. Thank you for all your work.

Mr. PALUMBO. Thank you, Senator.

Senator HICKENLOOPER. I yield back to the Chair.

Senator HOEVEN. Thank you, Senator Hickenlooper. And I knew you were a man of science, now I understand you're a man of letters as well. So, that's good.

And I don't envy you, or you, Mr. Palumbo, that is a massive challenge in terms of the Colorado River and figuring out how you handle the issue fairly between upstream and downstream. So, just a massive challenge, but really important to a lot of people. And again, the old adage, you know, that whiskey is for drinking, water is for fighting, because these are real challenges, but I know you're hard at work. I appreciate it.

I want to thank both of our witnesses for being here today, as well as the members of the Water and Power Subcommittee for being here. Questions for the record and statements for the official record are due by 6:00 p.m. on Tuesday, March 24th.

And with that, we are adjourned.

[Whereupon, at 11:02 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

**U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
March 17, 2026 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. David Palumbo**

[No response was received at the time of publication]

Questions from Chairman Mike Lee

Question 1: In your written testimony, it is stated that cold water releases are “for environmental compliance purposes.” Please identify the specific “environmental compliance” requirement that is being met through cold water releases? Is it Reclamation’s view that the November 28, 2016, Biological Opinion is the source of the specific environmental compliance requirement? Is it Reclamation’s view that such releases are necessary for the avoidance of jeopardy under section 7(a)(2) of the Endangered Species Act? If not, please identify the authority for cold water releases?

Question 2: Please explain to the Committee how cold-water releases are consistent with section 2(d) of the President’s January 20, 2025, Executive Order on *Unleashing American Energy* that requires “all regulatory requirements related to energy [to be] grounded in clearly applicable law?”

Question 3: In your written testimony, it is stated that cold water releases are for the “short-term.” Would you please provide the Committee information on how many times since the issuance of the November 28, 2016, Biological Opinion, Reclamation has operated Glen Canyon Dam to provide for cold water releases? Is Reclamation planning for, or anticipating, a cold-water release for this year?

Question 4: When cold water releases have been made in the past, what has been the market cost of the replacement energy from the forgone electrical generation and what is the source of the energy purchased?

Question 5: In the November 28, 2016, Biological Opinion, one of the Conservation Measures is for Reclamation to evaluate the “efficacy” of a temperature control device (p. 12 under “New Actions”). Please explain what actions Reclamation has undertaken in furtherance of this Conservation Measure. Have any such costs expended been allocated for reimbursement? Is Reclamation of the view that actions under this Conservation Measure are consistent with the proposed authorization in S. 3743 and that implementation of this bill would meet the goals of this Conservation Measure?

Questions from Senator Catherine Cortez Masto

Question 1: The Bipartisan Infrastructure Law included my bill to create a large-scale water recycling grant program. It dedicated \$450 Million for a competitive grant program to help fund regional water recycling projects, including a proposed project between the Metropolitan Water District of Southern California and the Southern Nevada Water Authority that could save enough water to serve up to 500,000 households in Southern California and Nevada when fully online. My bill this Congress, S.3693, extends this program another five years through 2031.

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Can you please provide us with a status update on how BOR is implementing this water recycling program? How much remains available?

Question 2: I also included \$4 billion in the Inflation Reduction Act for other drought mitigation needs across the West. What is the status of those remaining funds?

Can you speak to how the water recycling projects funded by this program help to improve water usage and decrease water consumption amongst Colorado River Basin users?

Question 3: As we continue to grapple with ongoing drought conditions in the West and decreasing water supplies coming from the Colorado River, would the administration agree that the more tools you have to increase water use efficiency the better – this large-scale recycling program being one of those tools?

Question 4: With the Colorado River Basin states at an apparent impasse in negotiations at the moment, what actions is Reclamation taking right now to –

1. Encourage productive negotiations; and
2. Stabilize reservoir storage and reduce the risk of further declines at Lakes Powell and Mead?

Question 5: If the Basin states do not reach agreement on future operations, what actions is the Department prepared to take to prevent the system from reaching critical failure points?

Question 6: From Reclamation’s perspective, what ecological thresholds or system conditions are most concerning right now, and how are those risks being incorporated into operational planning?

Questions from Senator James E. Risch

Question 1: As we continue relining the Reclamation-owned New York Canal above rapidly growing areas of Boise, this essential work raises important questions about both timing and cost. How does Reclamation approach prioritizing and potentially accelerating these improvements?

Questions from Senator Ruben Gallego

Question 1: As you know, the IJA authorized a Reclamation feasibility study to address over 45,000-acre feet of lost water capacity on the Verde River due to naturally occurring sedimentation. The Verde Reservoir Sediment Feasibility Study is now in its fourth year and will be entering its final stretch next year. That is why I introduced the Water Security and Drought Resilience Act- to prepare for the next phase of this project. One of the options the Verde Study

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considers is building a new, modified Bartlett Dam with an additional 325,000-acre feet of water storage. Developing these new water supplies on the Verde River is imperative as we look to secure Arizona's water future. We know the Bureau is interested in the development of new water supplies, so can you provide an update on the Verde Study and the timeline for completion? How would the Verde study help improve western water resilience? Is the Administration looking at potential use for some of the new water supplies from this project?

Question 2: I also want to ask about Glen Canyon Dam, since a narrow feasibility study regarding the dam is proposed in S. 3743. Is there a problem with infrastructure at Glen Canyon Dam that limits the federal government's ability to release water to the Lower Basin in order to satisfy Colorado River Compact requirements? Is a feasibility study also needed to explore infrastructure fixes at Glen Canyon Dam?

Questions from Senator Steve Daines

Lower Yellowstone River Native Fish Conservation Act

Question 1: Can you confirm for the committee that if Congress authorizes this funding, the irrigators that depend on the Lower Yellowstone River will be protected from responsibility for this federal project?

Question 2: The legislation specifically prohibits the transferring of financial responsibility to any "non-federal entity" can you confirm that that includes electric co-operatives and others who support or do business with Reclamation on the Lower Yellowstone?

Question 3: Has the bypass channel been otherwise successful in protecting the pallid sturgeon since construction completed in 2021?

Question 4: The pallid sturgeon was listed as endangered in 1990. The ESA compliance burden — the Biological Opinion, the Incidental Take Statement, the no-jeopardy finding — all of that arose from the operation of federal infrastructure at the Intake Dam, not from any action by local irrigators. As confirmed by the 9th Circuit in *Defenders of Wildlife v. Army Corps of Engineers*, the ESA obligation rests with the federal action agencies — Reclamation and the Corps — not the LYIP. Correct?

Question 5: The pallid sturgeon was listed as endangered in 1990. The ESA compliance burden — the Biological Opinion, the Incidental Take Statement, the no-jeopardy finding — all of that arose from the operation of federal infrastructure at the Intake Dam, not from any action by local irrigators. As confirmed by the 9th Circuit in *Defenders of Wildlife v. Army Corps of Engineers*, the ESA obligation rests with the federal action agencies — Reclamation and the Corps — not the LYIP. Correct?

Fort Peck Water System Reauthorization Act

Question 6: What is the status of the Fort Peck Dry Prairie water system?

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Question 7: Has Reclamation been successful working with the local governments and the Assiniboine and Sioux tribes?

Cooperative Watershed Management Program Act

Question 8: Can you shed some light on the success of the Cooperative Watershed Management Program since its authorization in the 2009 Omnibus lands package?

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Questions for the Record Submitted to Mr. Terry Turpin

Questions from Senator Catherine Cortez Masto

Question 1: As you referenced in your written testimony, FERC data predicts increased demand for hydro relicensing activities in the next decade, with more than 40 percent of the non-federal hydropower fleet due to be relicensed by 2035. Accordingly, Senator Daines and I recently introduced S.3500, the Hydropower Licensing Transparency Act, to require annual FERC reports to Congress on the licensing of new hydro projects and relicensing status of existing projects.

How can further coordination with Congress and federal resource agencies with responsibility under the Federal Power Act help provide for timely solutions to a growing queue of hydro projects?

Response: *As I stated in my testimony, project sponsors and the Commission not only have to meet the requirements of the Federal Power Act but must also satisfy several other statutes, such as the Coastal Zone Management Act, the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. Although the Commission accommodates those permitting processes into project review schedules, their timing is generally outside of the Commission's control and is dependent on actions by the project sponsor and other resource agencies. The annual report required by S.3500 would provide Congress with insights into the continued coordination between FERC and these other federal agencies, as well as encourage agency accountability and timeliness regarding environmental review and authorization decisions.*

Question 2: You stated in your written testimony that – “Hydroelectric licensing proceedings under the Federal Power Act are multi-faceted and complex, requiring the Commission to consider and balance many competing interests”

Based on your expertise, what information or communication gaps with stakeholders currently exist in FERC's hydro licensing process?

Are there opportunities to expand FERC's E-Library system or Office of Public Participation to make project information more accessible and available? Will annual reports – like those required in S.3500 – help make that determination?

Response: *The comprehensive development standard set up by the Federal Power Act and the additional requirements established in the multiple federal laws that can apply to each project result in a significant variation of information needs between hydropower projects. In addition, data generally must be based on the specifics of the river basin or the project configuration. As a result, I've seen no consistent single information gap across all projects. Rather, it is the timing selected by the project sponsor in developing and submitting the required information that has an enormous influence on the overall duration of a project review. The annual information required by S.3500 regarding any ongoing or completed actions by the licensee should provide insight into how the timing of information submittals affects stakeholder participation in the licensing process.*

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Information regarding each project, whether received from project sponsors and other stakeholders, or issued by the Commission, is available on FERC's eLibrary system and is already publicly accessible. Though the Commission's eLibrary system stores the complete project record, the system can be overwhelming to navigate and is most useful when stakeholders have initial knowledge of the existence and status of a project. The Commission has recognized that most stakeholders would benefit from summarized reporting information that identifies basic attributes of pending infrastructure projects, including the status of the environmental review process. To that end, the Commission has recently modified existing internal workload tracking systems to support external reporting of pending project status on FERC's website. On March 31, 2026, environmental review process data for hydropower infrastructure projects was made available through the Commission's open data portal at <https://data.ferc.gov/nepa-schedule-for-pending-infrastructure-projects>. This information should assist stakeholders in better refining their searches on eLibrary for more detailed, project-specific information and should help agencies coordinate with FERC staff on relevant projects.

Question 3: Recent analysis determined that FERC's hydropower staff have operated with roughly 320 employees since 2012, despite a growing workload of projects to review.

Can annual reports and assessments help FERC and Congress better coordinate and make decisions on any staffing or resource needs at the Agency?

As referenced in your written testimony, are there additional considerations for staffing needs to oversee post-licensing activities?

Response: *Since 2017, when I became Director, staffing levels in the Office of Energy Projects have remained relatively stable. During this period, the annual number of on-board employees covering natural gas and hydropower infrastructure has averaged within a range of 340 to 350 staff. Within this span, the percentages of staffing levels dedicated to the two types of infrastructure have also remained consistent. About 27% of these staff work on natural gas infrastructure; about 39% are responsible for dam safety inspections and reviews, and approximately 34% work on hydropower licensing and compliance. During this period, the attrition rate of staff has consistently been between 7%-10% per year. Steady recruiting and hiring efforts allowed the Office to maintain the 340 to 350 average range. While the Office experienced departures of 242 staff, we were successful in hiring 239 staff. Based on my experience, the most pressing need continues to be addressing this attrition rate and ensuring staffing levels enable the Commission to meet its statutory responsibilities. Since January 15, 2026, the Office has issued 18 job announcements through www.usajobs.gov seeking archeologists, biologists, engineers, and geologists. Additional job announcements will be issued in the upcoming weeks seeking other environmental resource specialists.*

U.S. Senate Committee on Energy and Natural Resources**March 17, 2026 Hearing: *WP Subcommittee Hearing to Receive Testimony on Pending Legislation*****Statement of Senator James E. Risch:**

Thank you to the Chairman and the Ranking Member of the Subcommittee for holding this hearing today. Water is not just a resource in Idaho – it’s the foundation of our economy, our communities, and our way of life.

The New York Canal carries water 41 miles across the Treasure Valley, providing for more than 160,000 irrigated acres and delivering vital municipal supply. Built in the 1880s to run primarily through farmland, it now runs through the most densely populated and fastest-growing region in Idaho.

This is common across the country, where infrastructure built for a rural landscape now sits in the middle of neighborhoods, schools, and businesses. Maintenance is more complicated, more expensive, and far more urgent. When aging canals lack sufficient resources, the risks are no longer confined to farmland. They affect homes, families, and local economies.

That is why I introduced the Urban Canal Modernization Act. This commonsense legislation would allow qualifying urban canals with significant maintenance challenges to access existing aging infrastructure funding to ensure our water delivery systems keep pace with growth in Idaho and the West.

I look forward to working with this committee to move this legislation forward and ensure these critical systems remain safe and reliable for the future.



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The Honorable Steve Daines
United States Senate
Building
Washington, D.C. 20510

The Honorable Tim Sheehy
United States Senate 320 Hart Senate Office
124 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Daines and Senator Sheehy:

On behalf of the Assiniboine and Sioux Rural Water System, I write in strong support of the Fort Peck Water System Reauthorization, S. 3635.

The Fort Peck Reservation Rural Water System was authorized by the Fort Peck Reservation Rural Water System Act of 2000, Pub. L. 106-382. The enactment ensured a safe, adequate, and reliable municipal, rural and industrial water supply for the residents of the Fort Peck Indian Reservation and the residents of Roosevelt, Sheridan, Daniels, and Valley Counties outside the Reservation. This project is truly historic and is changing for the better the lives of the people in Northeast Montana."

This bill will ensure that our partner, the Dry Prairie Rural Water System, will be able to complete the construction of their portion of the Fort Peck Reservation Rural Water System with the funds that have already been appropriated. To be clear this extension will not require any additional new funding.

This project and the relationship that we have built with our partner, Dry Prairie, represent the very best of Montana. We appreciate your support of the Project and the introduction of this legislation.

Sincerely,

Richard Kinn,
Chairman, Board of Directors
Assiniboine Sioux Rural Water Supply System



"Dry Prairie Rural Water is committed to delivering clean, affordable and dependable drinking water that will improve the quality of life and create economic opportunities throughout northeast Montana."

P.O. Box 577
Culbertson, MT 59218

Phone: 406-787-5382
Fax: 406-787-5392

February 20, 2026

The Honorable Steve Daines & Tim Sheehy
United States Senate Office Building
Washington, D.C. 20510

Dear Senator Daines and Senator Sheehy:

On behalf of Dry Prairie Rural Water Authority, I write in strong support of the Fort Peck Water System Reauthorization, S. 3635.

The Fort Reservation Rural Water System was authorized by the Fort Peck Reservation | Rural Water System Act of 2000, Pub. L. 106-382. The enactment ensured a safe, adequate, and reliable municipal, rural and industrial water supply for the residents of the Fort Peck Indian Reservation as well as the residents of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties. This project is truly historic and is changing for the better the lives of the people in Northeast Montana.

On behalf of the Dry Prairie Rural Water Authority, we commend both Senator Daines, and Senator Sheehy and the entire Montana Delegation for their diligent work in seeing this Rural Water System to completion. By uniting Tribal and non-Tribal communities, this life-changing project ensures a sustainable future through the delivery of vital drinking water.

We appreciate your support of the Project and your leadership in introducing this pivotal legislation.

Sincerely,

Rick Knick, Chairman
Dry Prairie Rural Water Authority



February 20, 2026

The Honorable John Hoeven
Chairman
Subcommittee on Water and Power
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Water and Power
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Hoeven and Ranking Member Wyden:

The American Public Power Association (APPA) and National Rural Electric Cooperative Association (NRECA) write to express our support for S. 1034, the Southwestern Power Administration Fund Establishment Act. This legislation would allow the Southwestern Power Administration (SWPA or Southwestern) to better plan for and respond to drought, avoid rate spikes, and support long-term capital investments in energy infrastructure. SWPA is one of four Power Marketing Administrations (PMAs) that market federally generated hydropower to public power utilities and rural electric cooperatives at rates set to cover all the costs of generating and transmitting electricity. No costs are borne by taxpayers, and this legislation would not change that.

APPA is the voice of not-for-profit, community-owned utilities that power approximately 2,000 towns and cities nationwide. APPA represents public power before the federal government to protect the interests of the more than 55 million people that public power utilities serve, and the 100,000 people they employ. NRECA is the national service organization representing the interests of electric cooperatives and the member-consumers they serve. More than 900 not-for-profit rural electric cooperatives provide electricity to over 42 million people in 48 states, or one in eight electric customers nationwide.

Background

Hydropower Benefits

Making full use of the nation's hydropower resources is key to ensuring that the grid remains reliable and resilient, and that utilities can meet emission reduction goals. Hydropower is a source of emissions-free, base-load power. Furthermore, hydroelectric generators can be started or stopped quickly, which makes them more responsive than most other energy sources for meeting demand for electricity at its "peak" or highest volume. Hydropower's "black start" capability makes it especially valuable in restoring power when there are widespread outages or disruptions on the system—this capability allows the generating units to cycle back on quickly if they have been tripped off in a power outage.

Federal Hydropower

The PMAs¹ provide millions of Americans served by not-for-profit public power and electric cooperatives with cost-based hydroelectric power produced at federal dams operated by the U.S. Army Corps of

¹ The four PMAs are: the Bonneville Power Administration (BPA), Western Area Power Administration (WAPA), Southwestern Area Power Administration (SWPA) and Southeastern Power Administration (SEPA).

Engineers (Corps) and Bureau of Reclamation (Reclamation). Federal hydropower and the PMAs are critical, though often overlooked, elements of the nation's power supply.

The Corps and Reclamation are the largest and second largest (respectively) generators of hydropower in the country. The PMAs market federally generated hydropower, with a statutory right of first refusal granted to not-for-profit entities, including public power utilities and electric cooperatives (called "preference customers"), at rates set to cover all the costs of generating and transmitting the electricity, as well as repayment, with interest, of the federal investment in these hydropower projects.

The PMAs annually review their rates to ensure full cost recovery. None of the costs are borne by taxpayers. Power rates also help to cover the costs of other activities authorized by these multipurpose projects such as navigation, flood control, water supply, environmental programs, and recreation.

S. 1034, the Southwestern Power Administration Fund Establishment Act

APPA and NRECA strongly support S. 1034, the Southwestern Power Administration Fund Establishment Act. SWPA markets hydroelectric power produced at 24 Corps multipurpose dams to over 100 public power and electric cooperatives in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas that provide power to over 10 million end-use customers.

While customers pay all PMA costs through their power rates, as mentioned above, for SWPA, the Western Area Power Administration, and Southeastern Power Administration, those monies flow back to the U.S. Treasury and then must be appropriated by Congress.² In addition, the PMAs must receive yearly funding levels from Congress for purchasing and wheeling (transmitting) power in a drought situation or when the water at the dams is used for purposes other than for electricity production (i.e., recreation and environmental mitigation). This money for "purchase power and wheeling" will then be paid for by the PMA customers through their rates.

Unfortunately, the current funding process for SWPA has increasingly failed to provide the financial certainty necessary to ensure steady power rates to customers during drought and other extreme weather events. When purchase power and wheeling funds (which, again, are always fully paid back by customers) are not appropriated in sufficient amounts or in a timely manner, SWPA is forced to use emergency funding mechanisms that require same-year cost recovery, which cause rate spikes. These rate spikes cause unnecessary economic hardship for communities served by public power utilities and electric cooperatives.

S. 1034 would move SWPA to a "revolving fund" model where receipts from power sales would be deposited into a permanent mandatory Treasury revolving fund and retained across fiscal years to fund future expenses as necessary. Future annual discretionary appropriations would no longer be needed. This change will provide SWPA and its not-for-profit customers with funding certainty for purchase power and wheeling and other costs. This is a proven model of success for federal utility programs with business-like functions.

It must be noted that while Congressional Budget Office rules will result in a "score" for the new SWPA Fund, there is no taxpayer burden – public power utilities and rural electric cooperative customers will continue to repay 100 percent of all costs associated with the generation and transmission of hydropower produced at Corps dams. Moreover, each PMA (and the region it serves) is different, and while a revolving fund is necessary and appropriate for SWPA and its customers, it may not be for other PMAs.

² The Bonneville Power Administration's governing statute was amended in the 1980s to establish a "revolving fund" model so that ratepayer money goes directly to Bonneville rather than to the Treasury.

Conclusion

Public power utilities and electric cooperatives in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas are proud of their long and successful partnership with the SWPA and the Corps. S. 1034 will allow this partnership to continue for decades to come by giving SWPA and its customers the financial tools needed to avoid rate spikes while continuing to invest in infrastructure.

Sincerely,

The American Public Power Association
The National Rural Electric Cooperative Association



P.O. Box 63
Springfield, OR 97477
americanwhitewater.org
877.748.3777

March 16, 2026

Sen. John Hoeven, R-North Dakota (Chair)
Sen. Ron Wyden, D-Oregon (Ranking Member)
304 Dirksen Senate Building
Washington, DC 20510

Re: Water and Power Subcommittee Hearing to Receive Testimony on Pending Legislation

Dear Chair Hoeven and Ranking Member Wyden:

On behalf of the whitewater boating community, American Whitewater writes to express our appreciation for holding a hearing to receive testimony on S. 2437, Snow Water Supply Forecasting Program Reauthorization Act of 2025 (Hickenlooper); S. 3500, Hydropower Licensing Transparency Act; S. 3518, FLOWS Act; and S. 3743, a bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes. These legislative proposals before the Committee impact whitewater rivers that our members value and enjoy for recreational paddling experiences.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 70,000 supporters, 7,000 dues-paying members, and 80 locally based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates.

Support for S. 2437, Snow Water Supply Forecasting Program Reauthorization Act of 2025

American Whitewater supports S. 2437, the Snow Water Supply Forecasting Program Reauthorization Act of 2025, introduced by Senator Hickenlooper and co-sponsored by Senator Curtis. Our interest in this legislation is grounded in the essential role that accurate snowpack

PROTECT – RESTORE – ENJOY

data plays in supporting outdoor recreation economies across the West. For whitewater boaters, outfitters, guides, and gateway communities, understanding seasonal snowmelt patterns is critical. Snowpack is the primary source of streamflow in the Colorado Basin and much of the West, and the outdoor recreation economy relies on accurate snowmelt forecasts to determine when rivers run, how long they remain navigable, and how conditions change over the season. Reliable forecasting allows boaters to plan trips safely, enables outfitters and local businesses to prepare for the tourism season, and helps land managers anticipate when and how recreation use will occur.

American Whitewater utilizes snow water supply forecasts intimately with our coordination with water managers to develop creative management solutions that support river recreation. Western states continue to utilize new and creative solutions for dealing with reductions in water supply and our recreation economy depends on striving for multibeneficial water projects and operations. To effectively balance various water requires up to date technology to be used to support the best forecasts for water supply.

The reauthorization and expansion of the Snow Water Supply Forecasting Program will modernize measurement tools and integrated modeling that directly support these planning needs. Enhanced forecasting improves safety by providing recreationists with better information about rapidly changing river conditions. It also strengthens the resilience of rural economies that depend on seasonal visitation tied to river flows—economies where rafting, kayaking, and associated outdoor activities provide jobs, support local businesses, and shape community identity.

By investing in new technologies and expanding the program's capacity, this legislation will improve the accuracy and timeliness of snowpack and runoff forecasts that the recreation community depends on. We appreciate your understanding of the importance of snow water supply forecasting for multiple uses, including outdoor recreation, alongside water management and drought response.

Support for S. 3500, Hydropower Licensing Transparency Act

American Whitewater supports S. 3500, Hydropower Licensing Transparency Act, introduced by Senator Cortez Masto and co-sponsored by Senator Daines. We approach this legislation from the perspective of river health, community resilience, and public accountability.

Hydropower projects significantly shape the rivers on which they are built. Dams alter sediment movement, water temperature, and natural flow patterns. They fragment habitat, block fish

migration, and change the recreational and cultural character of river corridors. For downstream communities, particularly Tribes, fishing communities, and river-dependent local economies, these impacts shape livelihoods, cultural practices, and long-term ecosystem recovery.

Relicensing under the Federal Power Act provides the primary opportunity to reassess projects using modern science, updated environmental standards, and current public priorities. These proceedings determine whether a project will operate for another 30 to 50 years and under what conditions. Given this long timeframe, transparency in relicensing status and progress is essential for public oversight of decisions that shape river management for generations.

By requiring the Federal Energy Regulatory Commission to publish annual updates on pending relicensing proceedings, S. 3500 can improve public understanding of how these complex processes are progressing and where additional institutional capacity may be needed. Hydropower licenses authorize long-term operations, and the conditions established through relicensing shape river health, water quality, and ecosystem function for decades. Thorough environmental review and meaningful consultation with Tribes, agencies, and communities are essential components of informed decision-making, not barriers to it.

Communities, Tribes, state and federal resource agencies, and stakeholders deserve clear information about process milestones, workload demands, and resource constraints so they can participate effectively and advocate for adequate staffing and funding where appropriate. Transparency should help illuminate the complexity of relicensing without reinforcing the narrative that careful environmental review or protective conditions are inherently problematic.

American Whitewater also remains concerned about the capacity of fish and wildlife agencies that play a central role in hydropower licensing, particularly under Sections 4(e), 10(j), and 18 of the Federal Power Act. These provisions protect public lands, require mitigation for fish and wildlife impacts, and authorize fish passage prescriptions. Declining workforce capacity and the loss of experienced technical staff reduce institutional knowledge and can slow the careful scientific work that licensing requires. If Congress seeks to further improve licensing efficiency, it should ensure that resource agencies have the staffing, funding, and technical expertise necessary to carry out statutory responsibilities. Any reporting under this legislation should help Congress and the public better understand agency capacity constraints, interagency coordination challenges, and other structural factors influencing licensing timelines.

Hydropower can play a role in our nation's energy system, but rivers are irreplaceable public resources. Transparency should strengthen accountability, support well-resourced review, and

help ensure decisions reflect balanced consideration of energy needs, ecosystem health, and community values. American Whitewater supports S. 3500 as a step toward greater visibility and public trust in hydropower licensing and encourages Congress to pair transparency with sustained investment in the agencies and communities responsible for stewarding the nation's rivers.

Opposition to S. 3518, Fair Licensing for Operations of Water Structures Act (FLOWS) Act

American Whitewater appreciates the leadership of Senator Murkowski and Senator King in introducing S. 3518, the Fair Licensing for Operations of Water Structures Act (FLOWS) Act, and recognizes that the legislation seeks to address concerns raised by the hydropower industry regarding the efficiency and predictability of post-licensing processes at hydropower projects. We are receptive to engaging constructively on these issues given that post-license actions can provide beneficial outcomes for both energy production and the environment. However, we do not believe a legislative solution is necessary at this time and we are opposed to this bill. We believe that the current agency rulemaking process on post-licensing activities at the Federal Energy Regulatory Commission (FERC) is the more appropriate and effective venue to address the matters raised in this legislation.

The issues addressed by this bill are currently under active consideration by FERC through its Notice of Inquiry in Docket No. RM26-3-000, which is evaluating whether and under what circumstances certain post-licensing activities may proceed without case-specific Commission authorization.¹ Because the Commission has initiated this process and is seeking input from all stakeholders, including licensees, resource agencies, Tribes, public interest organizations, and members of the public, we believe it is prudent to allow that process to move forward before codifying statutory changes that could preempt or constrain the outcome of that deliberation.

The FLOWS Act seeks to eliminate the need for FERC licensees to seek Commission approval for “nonsubstantial alteration or addition to project works.” It is similar to and would codify concepts under consideration in the Notice of Inquiry regarding “whether certain activities can be implemented without case-specific authorization from the Commission under Part I of the Federal Power Act and on what changes, if any, the Commission should make to its processes for reviewing and authorizing post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure.” American Whitewater filed substantive comments in that proceeding objecting to proposals that would

¹ 193 FERC 61,140 (2025), Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects, Docket No. RM26-3-000 (issued Nov. 20, 2025), FERC eLibrary Accession Number 20251120-3057, <https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251120-3057>.

exclude from Commission oversight changes or alterations to project works without determining whether the proposed changes would adversely affect aquatic habitat and other protected resources.² Our comments recommended: (1) that the Commission define terms such as “substantial” and “minor” in a manner that turns on the effect of the alteration or addition on affected resources; (2) that the public and other parties be provided an opportunity to comment on post-licensing activities; and (3) that blanket authorizations not be used.

The FLOWS Act would eliminate the need for FERC licensees to seek Commission approval for “nonsubstantial alteration or addition to project works” or “any routine maintenance, repair, or replacement of any portion of a project works necessary to maintain the project works in accordance with this subsection or for any seasonal or temporary adjustments to project operations in response to circumstances beyond the reasonable control of the licensee.” Like the language of the Notice of Inquiry, the FLOWS Act relies on undefined terms such as “nonsubstantial” and “routine” that are subjectively determined by hydropower licensees themselves without providing Commission staff, federal and state resource agencies, public interest organizations, Tribes, and members of the public any opportunity to weigh in on potential adverse environmental effects. While FERC retains the right under standard license articles to require modification to changes after the fact, the potential for environmental harms is unavoidable.

In our comments on the Notice of Inquiry, we recommended that FERC develop four distinct tracks for addressing modifications and alterations to project licenses:

- **Urgent Changes Not Requiring Amendment:** Includes unplanned emergency repairs or alterations where awaiting approval by the FERC would present an immediate public safety impact. Immediate notification on the FERC docket and resource agencies would be required.
- **Minor Changes Not Requiring Amendment:** Includes planned in-kind replacements consistent with the project license; planned repairs or alterations to the licensed activity having little or no effect on developmental purposes or other beneficial uses. Notification on FERC docket and resource agencies at least 60 days prior to the commencement of work would be required. FERC staff would have 30 days following a public comment period to determine whether a license amendment using the expedited or standard track would be required, after which the licensee could proceed with the activity without further review or approval.

² Comments of American Whitewater and California Sportfishing Protection Alliance on FERC's Notice of Inquiry re Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects under RM26-3., 2/10/2026, FERC eLibrary Accession Number 20260210-5066, https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260210-5066.

- **Minor Changes Requiring Expedited Analysis:** Planned changes or alterations to the license activity affecting developmental purposes or beneficial uses requiring limited environmental analysis. In determining whether to assign the proposed amendment to the expedited or standard review track, FERC staff would consider both the duration and the severity of the effect on resources. Following the public comment period and resource agency notification, FERC staff would have 90 days to complete its environmental analysis and approve amendment before the licensee could commence work. Proposed changes must meet FPA requirements under sections 4(e) and 10(a).
- **Other Changes Requiring Standard Analysis:** Changes having a permanent, prolonged, or significant effect on developmental purposes or beneficial uses would require more detailed environmental analysis under the standard track. Proposed changes must meet FPA, NEPA, CWA, and other statutory requirements, as applicable.

FERC has demonstrated a willingness to address concerns expressed by industry groups that seeking a license amendment for certain post-license activities can result in unnecessary delay in some circumstances. We believe addressing these concerns is valid and appropriate. At the same time, any reforms must ensure that proposed activities receive appropriate review of their potential environmental effects, not solely their consistency with existing license terms or developmental purposes. Striking that balance is precisely the function of agency rulemaking, where technical expertise, stakeholder participation, and administrative flexibility can inform a durable solution. For these reasons, we believe the Commission's ongoing process, rather than statutory changes at this time, is the appropriate pathway for resolving these issues.

Comments on S. 3743, A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes.

American Whitewater has feedback on S. 3743, that would direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam, and for other purposes. We appreciate Senator Lee's leadership to address the imminent failures of Glen Canyon Dam infrastructure, however we request that the scope of the feasibility study be expanded beyond hydropower operations to explicitly include other resource benefits and critical infrastructure components that will be required for long-term management of the Colorado River. In our recent comments to the U.S. Bureau of Reclamation on Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, American Whitewater elevated inadequate infrastructure at Glen Canyon Dam as a critical concern. The Bureau has documented that the river outlet works (ROW) have serious operational concerns, impacting the amount of water that is able to be released and raising concerns about the long-term

function of the ROW.³ Additionally, considering current forecasts and Colorado River System Simulation modeling,^{4,5} Glen Canyon reservoir elevations could fall below the power pool and eventually below dead pool in the coming years. When, not if, elevations fall below these critical thresholds, the resource impacts will be immense not just for hydropower but for native fish, sediment transport, cultural resources, riparian vegetation, and the robust recreation economy in Grand Canyon National Park. The 2016 and 2024 Long-Term Experimental Management Plan RODs did not explicitly direct modification of infrastructure at Glen Canyon Dam. However, both RODs and the Grand Canyon Protection Act of 1992 make clear that the dam must be managed to protect and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including recreation.⁶

American Whitewater requests that S.3743 be revised to include explicit direction to the Secretary of Interior to conduct a feasibility study at Glen Canyon Dam that at a minimum investigates all the preliminary infrastructure alternatives included in the 2023 Bureau of Reclamation Appraisal Study,⁷ and that the purpose of the feasibility study be expanded to include protection of all of the resource values downstream of Glen Canyon Dam, including recreation, native fish, cultural resources, sediment, and other biological resources.

Conclusion

On behalf of the whitewater boating community, thank you again for holding this hearing and the opportunity to provide testimony on these legislative proposals before the Committee.

Sincerely,



Thomas O'Keefe, PhD
Director of Policy and Science

³

<<https://glencanyon.org/wp-content/uploads/2025/12/20240326-EstablishmentInterimOperatingGuidanceGlenCanyonDamLowReservoirLevels-TechnicalDecisionMemo-508-TSC.pdf>>

⁴ <<https://www.usbr.gov/lc/region/g4000/riverops/24ms-projections.html>>

⁵ <<https://www.usbr.gov/ColoradoRiverBasin/post2026/draft-eis/docs/vol-2/P26-DEIS-Appendix-A.pdf>>

⁶ Grand Canyon Protection Act of 1992, Pub. L. No. 102-575, § 1802(a), 106 Stat. 4600, 4669 (1992).

⁷

<<https://glencanyon.org/wp-content/uploads/2023/02/GCD-Low-Head-Hydropower-Modifications-alternatives-presentation.pdf>>



**Arkansas Electric
Cooperative Corporation**

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Little Rock, Arkansas 72219-4208
(501) 570-2200

Better Connected, Together.

February 23, 2026

The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Committee Ranking Member
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

On behalf of **Arkansas Electric Cooperative Corporation** I am writing to express our strong support for **S. 1034, the Southwestern Power Administration Fund Establishment Act**. Rural ratepayers across Arkansas *rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.*

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a **self-financing revolving fund**, the legislation would allow SWPA to operate off power sale revenue to fulfill their energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

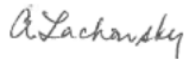
Under the current funding model, replacement power costs during low-water or emergency conditions routinely create volatility for cooperatives and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach extreme levels, placing enormous strain on co-ops and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all **at no cost to taxpayers**. Importantly, SWPA customers already repay **100% of program costs** through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

By improving operational stability and supporting continued hydropower and transmission investment, S. 1034 strengthens energy reliability and affordability across the six-state region while directly supporting rural economic development and national energy security needs.

For these reasons, **Arkansas Electric Cooperative Corporation** strongly urges swift passage of the *Southwestern Power Administration Fund Establishment Act*. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Thank you for your attention to this important legislation. Please do not hesitate to contact us if we may provide additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Lachowsky". The signature is written in a cursive, slightly slanted style.

Andrew Lachowsky
VP-Planning & Market Operations
Arkansas Electric Cooperative Corporation
Andrew.Lachowsky@aecc.com



*Bringing
Water
Together*

March 16, 2026

The Honorable John Hoeven
Chairman
Committee on Energy and Natural Resources
Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
Committee on Energy and Natural Resources
Subcommittee on Water and Power
304 Dirksen Office Building
Washington, D.C. 20510

Re: Support for S. 2437/H.R. 3857, the Snow Water Supply Forecasting Reauthorization Act of 2025

Chair Hoeven and Ranking Member Wyden:

The Association of California Water Agencies (ACWA) writes to endorse S.2437/H.R.3857, the Snow Water Supply Forecasting Reauthorization Act of 2025. Thank you for prioritizing this important bipartisan legislation and for your leadership in addressing water supply concerns in the Western United States. Consistent federal investments in innovative technologies aimed at monitoring snow water supply increase our member agencies' ability to predict water availability.

The Snow Water Supply Forecasting Program invests in emerging and existing monitoring technologies equipped with the ability to gather snow monitoring data to enhance water supply forecasts. Snow forecast operations play a crucial role in predicting and managing our state's water supply in both the wet and dry seasons. California's snowpack acts as a massive frozen reservoir, supplying 30% of the state's water as it gradually melts in the spring and summer. Snowpack-stored water plays an increasingly important role, now more than ever, to help protect species, fight wildfires, and supply trees and other vegetation.

As western states begin to face increasingly unreliable precipitation patterns and snowmelt timelines, identifying modernized pathways to capture and manage snowpack-derived water supplies is essential to ensure downstream availability and watershed health. According to satellite data from NOAA's National Integrated Drought Information System (NIDIS), snow cover in the western U.S. in December was the lowest since at least 2001, when satellite monitoring began. With funding for the Snow Water Supply Forecasting Program set to sunset next year, it is crucial to continue investments in advanced technologies to improve water supply forecasting, research, and data collection and precision. The program also promotes partnerships with the Bureau of Reclamation to support research and development and facilitate information sharing and research with subject matter experts.

SACRAMENTO 980 9th Street, Suite 1000, Sacramento, CA 95814 • (916) 441-4545
WASHINGTON, D.C. 400 North Capitol Street NW, Suite 357, Washington, DC 20001 • (202) 434-4760
www.acwa.com



Once again, thank you for your leadership in addressing our nation's urgent water supply management needs. The Snow Water Supply Forecasting Program provides lasting positive impacts on our communities, environment, and the economy.

Respectfully,

A handwritten signature in black ink, appearing to read "Ian Lyle", written in a cursive style.

Ian Lyle
Director of Federal Relations
ACWA

CC

The Honorable Mike Lee, Chair, Committee on Energy and Natural Resources

The Honorable Martin Heinrich, Ranking Member, Committee on Energy and Natural Resources

The Honorable John Hickenlooper



Bringing
Water
Together

March 16, 2026

The Honorable John Hoeven
Chairman
Committee on Energy and Natural Resources
Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
Committee on Energy and Natural Resources
Subcommittee on Water and Power
304 Dirksen Office Building
Washington, D.C. 20510

Re: Support for S.3693, the Large-Scale Water Recycling Reauthorization Act

Chair Hoeven and Ranking Member Wyden:

The Association of California Water Agencies (ACWA) writes to endorse S.3693, the Large-Scale Water Recycling Reauthorization Act. Thank you for prioritizing this important bipartisan legislation and for your leadership in addressing water supply concerns in the Western United States. Expanding investment in water recycling infrastructure is essential to ensuring long-term water security, economic resilience, and environmental sustainability across the United States.

The Bureau of Reclamation's Large-Scale Water Recycling Program invests in water recycling projects to accelerate the development of critical infrastructure that helps communities diversify their water supply. Across many regions of the country, especially in the Western United States, communities are facing increasing pressure on water supplies due to prolonged drought, aging infrastructure, and the impacts of climate change. Large-scale water recycling provides a proven and cost-effective strategy to address these challenges by transforming treated wastewater into a reliable, high-quality source of water for agriculture, industry, groundwater recharge, and even potable use in some systems.

In addition to improving water reliability, federal partnership is especially important for the large capital investments required to design and build such infrastructure. The Large Scale Water Recycling Reauthorization Act would enable communities to move forward with innovative projects that might otherwise remain out of reach, while also promoting technological advancement and regional collaboration.

Once again, thank you for your leadership in addressing our nation's urgent water supply management needs. The Large-Scale Water Recycling Program provides lasting positive impacts on our communities, environment, and economy.

Respectfully,

Ian Lyle
Director of Federal Relations
Association of California Water Agencies

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CC

The Honorable Mike Lee, Chair, Committee on Energy and Natural Resources

The Honorable Martin Heinrich, Ranking Member, Committee on Energy and Natural Resources

The Honorable Catherine Cortez Masto

**Mr. Ron Platt
Board Member
Boise Project Board of Control**

**Testimony for the Legislative Hearing Record
Energy and Natural Resources Committee
Subcommittee on Water and Power
United States Senate**

**Hearing to Consider Pending Legislation
February 24, 2026**

Chairman Hoeven, Ranking Member Wyden, and Members of the Senate Energy and Natural Resources Water and Power Subcommittee, on behalf of the Boise Project Board of Control (the Boise Project), I submit this testimony in support of S. 2753, the *Urban Canal Modernization Act*. My name is Ron Platt, and I am a Boise Project Board member and the current chairman of the Long-Range Planning Committee for the Boise Project. I also serve on the Wilder Irrigation District Board.

S. 2753 provides the following important amendments to the Omnibus Public Lands Management Act of 2009:

1. Providing for cost-shared non-reimbursable funding from the aging infrastructure account for extraordinary maintenance on Reclamation infrastructure to accelerate the repair and improvement by transferred work operators of urban canals of concern; and
2. Allowing reimbursable funds (i.e. loans) provided from the aging infrastructure account for extraordinary maintenance on Reclamation infrastructure to be used to match federal grants.

Boise Project

Formed in 1926 by virtue of contracts between the United States and five irrigation districts, the Boise Project is the operating agent for Boise-Kuna Irrigation District, Big Bend Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, and Wilder Irrigation District, all of which are located in southwest Idaho and southeastern Oregon. The Boise Project's mission is to operate and maintain (O&M) the irrigation facilities and other works, where O&M has been transferred by the federal Bureau of Reclamation (Reclamation) to these five irrigation districts, and to deliver water to the districts' landowners responsible for paying assessments on their lands for O&M on the canal. These "transferred works" include the facilities beginning at Diversion Dam on the Boise River, and include the main canal (the New York Canal), approximately 1500 miles of canals, laterals, and drains, and all the appurtenant headgates and other structures needed to deliver water. Even though the Boise Project manages, operates, and maintains all these features, title to the transferred works remains in the name of the United States. The Boise Project delivers water to approximately 167,000 acres of irrigated land through these transferred works.

When early pioneers and settlers moved into Idaho's Treasure Valley, along the Boise River in Southern Idaho, they quickly recognized the need for infrastructure to carry water from the river to the parched lands throughout the valley. As early as the 1860's, settlers such as Tom Davis began farming the valley and obtaining water rights for their farms. These settlers began constructing canal systems to deliver water into the desert. By 1900, over 110,000 acres were being irrigated in the valley.

The New York Canal

Construction on the New York Canal began in the late 1800's when a group of private developers formed the New York Canal Company and attempted to attract private investors to fund canal construction. These efforts failed. After passage of the 1902 Reclamation Act, in 1906 the New York Canal Company contracted with the United States for Reclamation to take over the New York Canal. With the involvement of the United States, the New York Canal was enlarged and extended to create the Deer Flat Reservoir (aka Lake Lowell) some 41 miles away from the Diversion Dam. The reservoir and main canal were completed by 1909.

The United States then issued water rights certificates to individual landowners and assessed liens against their property to recapture Reclamation's costs. Reclamation grew weary of dealing with hundreds of individuals and the Commissioner of Reclamation insisted that the water users form irrigation districts to collect assessments for the construction of the project and operational and maintenance costs of water delivery. This federal ultimatum led to the formation of the five irrigation districts which then contracted with the United States to assume the repayment obligations and establish the Boise Project for the transferred operation and maintenance of the irrigation works.

The New York Canal is the central infrastructure of the Boise Project water delivery and is the lifeline of the entire project. The vast majority of Boise Project water deliveries rely on this one canal. The New York Canal diverts water from the Boise River just below the U.S. Army Corps of Engineers' Lucky Peak Reservoir in southwestern Idaho. From there, the canal takes a 41-mile journey to Lake Lowell. It is common in the summer months, during the height of the irrigation season, for the New York Canal to carry more water than the flows in the Boise River below its diversion. The canal is vital to water delivery and management in Idaho's Treasure Valley and is recognized by Reclamation for its role in "water conservation, drought resilience and safe and reliable water delivery." (<https://www.usbr.gov/pn/programs/nycanal/index.html>).

When first constructed, the New York Canal crossed through farm fields and desert sagebrush. There was very little urban development around the canal. This was important as much of the first six miles were built perched along an elevated bench 20-60 feet above the valley floor.

In the 1950s, an upstream segment of the New York Canal along the bench breached. Fortunately, at the time, there was very little urban development in the area and damage was limited to a dairy and several farm fields below the breached section. Equally fortunate, the

Boise Project was able to act quickly and decisively to restore the canal deliveries in a matter of days.

In the succeeding years, extensive urban development has occurred above and below the New York Canal. In fact, in recent years this region has been one of the fastest growing urban areas in the country. The first six miles of the New York Canal pass through an area that was once devoted to farm fields, but is now packed with homes, parks, schools, hospitals, and industry. This portion of the New York Canal now passes through the heart of urban development in the Treasure Valley. Importantly, notwithstanding this development, the canal remains vital to the delivery of irrigation water to valuable farmland further downstream on the canal.

With the scope of urban development around the upper six miles of the New York Canal, the need to safely and reliably deliver water has never been greater. Today the canal remains the lifeline of the Treasure Valley, delivering water to a wide variety of specialty crops in the Valley, including a significant portion of the Nation's sweet corn and onion seed production, which account for almost \$1 billion in crop value annually, not including the multiplier effect of all the support, supplies and labor force needed to plant, care for, harvest and process the crops. In addition, the Boise Project delivers irrigation (non-potable water) to thousands of acres of gardens, lawns, parks, and other green spaces where the crop land has been converted to other uses. As noted above, the New York Canal also delivers water to a Deer Flat Reservoir, an irrigation storage reservoir that also serves a national fish and wildlife refuge and an important recreation facility.

The New York Canal Lining Project

Rapid and extensive urban growth has significantly impacted the time and expense required for the operation and maintenance of water delivery systems which now take more time and money to complete. One example of such a maintenance project requiring more time and money is the lining of the New York Canal. This extraordinary maintenance project is part of the Boise Project's ongoing mission to ensure the continued safe and reliable delivery of water in the New York Canal and protection of the surrounding homes and development.

The Boise Project is completely removing and replacing the existing aging canal liner in the areas of the canal that are perched 20-60 feet above urban development. In this area, any canal failure would result in extensive property damage to homes and businesses and possible harm to the health and safety of residents in the area. To provide greater protection than existed before, the Boise Project is lining the canal with a combination of a 6-inch cement liner poured over a synthetic fabric liner. This lining process would not be necessary in a normal agricultural setting, but the extensive urban development near and below the canal have made it prudent for the Boise Project to spend additional money and time to reduce the risk of a potential breach in the canal. More than ordinary or routine maintenance, the lining project is truly a rebuilding of the original 1909 canal using 21st Century technological advances. The result is a cost that is nearly quadruple (\$1,300/linear foot) that of a traditional irrigation canal lining project (\$335 /linear foot). In total, the anticipated cost for replacing the liner in the 6-miles of most concern is

estimated at over \$60 million – though, given the impacts of inflation, this cost is expected to rise.

Although the Boise Project has dedicated a significant portion of its annual budget to this lining project, it is only able to complete, at most, 1/8 mile each year. At this rate, it will take nearly 50 years to complete. The Boise Project has been proactive in seeking grants and other financial assistance to speed up the project. They have received WaterSMART grants, state-based grants and have been approved for a loan under Reclamation's Aging Infrastructure loan program. While the Boise Project is committed to completing this important upgrade to the infrastructure of the New York Canal, our costs are assessed primarily to farmers and ranchers who have limited ability to service large amounts of long-term debt to complete this project on the more urgent timeline it requires, and who were not responsible for the urbanization around the upper canal that has led to this accelerated timeline for replacement of the liner.

Urban Canals of Concern

Congress has recognized that urban development has changed the realities for many canals throughout the west. In the Omnibus Public Lands Management Act of 2009, Congress charged Reclamation with identifying and inspecting “project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.” 43 U.S.C. 510b(a)(1) & (2). These “urban canals of concern” include Idaho’s New York Canal.

S. 2753 Provides an Opportunity to Address Extraordinary Maintenance Needs for Urban Canals of Concern

If enacted, S. 2753 would address some of these extraordinary maintenance needs of urban canals of concern by amending the Omnibus Public Lands Management Act of 2009 to provide non-reimbursable funds for up to 35% of the cost of extraordinary maintenance to rebuild and rehabilitate urban canals of concern, like the New York Canal. As discussed above, there are unique and unexpected challenges that have arisen from urban expansion near irrigation water delivery systems.

Currently, the Omnibus Public Lands Management Act of 2009 authorizes Reclamation to provide up to 35% non-reimbursable funds for “emergency” extraordinary maintenance. Unfortunately, Reclamation has not used this authority for any extraordinary maintenance on canals unless the canals have already failed. Urban canals of concern cannot afford to wait until they fail and inundate surrounding homes before their non-federal transferred work operators are eligible to receive such funding.

When these extraordinary replacement efforts are needed, as in the case of the New York Canal, it is typically because of urban encroachment and the concomitant need to provide new and more advanced construction and design techniques that were not necessary when the canals were originally constructed. The cost of addressing many of these challenges has quickly outpaced the ability of even the most frugal entities and their landowners. And the cost of not completing these important repairs would be many times greater if an urban canal should fail.

One unofficial estimate of damage just to property below the New York Canal is over \$1 billion, and that does not include potential loss of life. The authority provided in S. 2753 would allow these agricultural water delivery entities to address the unique and costly challenges they face under the pressures of past and future urbanization. For the New York Canal, such an opportunity would allow the lining projects to be completed in five to 6 years.

Using Reimbursable Loan Funds as Non-Federal Match for Federal Grants

Each year, water users throughout Idaho take advantage of the WaterSMART grant programs provided by Reclamation. These programs can provide a portion of the cost of water-related conservation and management projects. Canals have been lined, headgates have been replaced and upgraded, watershed plans have been developed. This program has been a lifeline to Idaho's water user community.

These programs do not provide 100% of the cost of a particular project. Rather, they provide some "federal share" – 50% and sometimes much less – and require that a non-federal "match" be provided. These non-federal matches can be in the form of state grants, private contributions by the water users, or in-kind services. In some instances, loans may be required.

Through the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended (43 U.S.C. 510b(d)(1)), and the Infrastructure Investment and Jobs Act of 2021 (IIJA), Congress created and funded an aging water infrastructure loan program. This program provides long-term, low-interest loans to allow water users to address their aging infrastructure needs. It is important to emphasize that these are loans (i.e., reimbursable funding).

Unfortunately, absent express authority, Reclamation asserts that it is unable to treat these loans as a match for federal grant programs. This has created concerns for water users in Idaho and throughout the West as these loans are serviced with non-federal funds that would qualify as matching funds for these grants. Since aging infrastructure loans are repaid with qualifying non-federal funds, we believe funding provided by these loans should be allowed to be used as a non-federal match for federal grants.

S. 2753 amends the Omnibus Public Lands Management Act of 2009 to ensure that reimbursable funding (i.e., aging infrastructure loans) can be used to match federal grant programs. This will enable more Western water delivery entities operating Reclamation-owned transferred works to further leverage these reimbursable funding opportunities provided by the Omnibus Public Lands Management Act of 2009 and the IIJA with other federal grants to greatly expand the modernization and improve water conservation on aging water infrastructure projects in the West.

Thank you for the opportunity to provide testimony on S. 2753. The Boise Project urges the committee to support this legislation and would be happy to answer any questions the Subcommittee may have.



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March 12, 2026

The Honorable John Hoeven
 Senate Energy and Natural Resources Committee
 Subcommittee on Water and Power
 304 Dirksen Senate Office Building
 Washington, DC 20510-6160

The Honorable Ron Wyden
 Senate Energy and Natural Resources Committee
 Subcommittee on Water and Power
 304 Dirksen Senate Office Building
 Washington, DC 20510-6160

Re: Snow Water Supply Forecasting Program Reauthorization Act of 2025

Dear Chair Hoeven and Ranking Member Wyden,

I write on behalf of Denver Water to express support for the Snow Water Supply Forecasting Program Reauthorization Act of 2025.

Denver Water is the largest municipal water utility in the state of Colorado, serving 1.5 million people. Our water supply relies almost entirely upon mountain snowmelt that is collected and stored in a system spanning 2.5 million acres of high-country mountain forests.

Having dependable access to accurate water supply measurements and water supply forecasts is critical to the success of Denver Water's operations. The Snow Water Supply Forecasting Program helps fund important snow monitoring technology that we rely upon. Tools such as LiDAR more accurately and reliably measure snowpack depth and help Denver Water and other water users make critical decisions about water supply and forecasts. Moreover, as we continue to adapt to changes in snowpack, especially during this extraordinarily dry winter season, it is important to make decisions based on reliable data and to better manage our water resources.

Thank you again for your support for this program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Salazar'.

Alan Salazar
 CEO/Manager, Denver Water



**Testimony of Samantha Barncastle
Executive Director
Family Farm Alliance**

**U.S. Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power**

**Hearing to Receive Testimony on Pending Legislation
February 24, 2026**

Chairman Hoeven, Ranking Member Wyden, and Members of the Subcommittee:

My name is Samantha Barncastle, and I am Executive Director of the Family Farm Alliance (Alliance). Thank you for the opportunity to share this testimony on the important legislation before you today. The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons – many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains and beef throughout the year largely because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers.

LEGISLATION PENDING BEFORE THE SUBCOMMITTEE

Alliance Supported Bills

The Alliance appreciates the work of the Subcommittee and all of the bill sponsors on the following bills that advance key policies and programs that will help support Western irrigated agriculture and strong rural communities.

S.1242 – Watershed Results Act (Wyden)

The Alliance supports S.1242 which would require the Secretary of the Interior to work in coordination with the Secretary of Agriculture and the Administrator of the EPA to establish two to five watershed restoration pilot projects across the country. Each pilot program must incorporate predictive data analysis to analyze millions of acres of a watershed to precisely locate the most effective acres for restoration that will make the largest impact. Outcomes of these pilot programs can include a quantifiable reduction in nutrient or sediment runoff or thermal load, quantifiable increases in dissolved oxygen and surface water or groundwater that functionally benefit fish and wildlife species, and any other quantifiable benefits identified to support watershed restoration.

Our farmers across the Nation provide not only the food on our tables, but they also create habitat for wildlife, protect the land through modern nutrient and soil management, and are many times enhancing our living environment through benefits such as maintaining open space. Over the years, the federal government has bolstered these efforts through conservation programs that cost share on-farm conservation improvements with willing farmers.

This legislation recognizes the value of the multiple benefits of irrigated agriculture by launching pilot projects in up to five Reclamation watersheds across the West in need of improved water conservation and water quality from irrigated agriculture. The difference from the federal status quo is that S.1242 would require pilot watersheds to be assessed for priority projects using advanced analytics to maximize every dollar invested and promote a results-oriented approach. By prioritizing investments in conservation and measuring results, we believe we can create a market for farmers to grow “bushels of nature” alongside our food supply. This in turn would create incentives for projects that produce measurable outcomes and provide farms with a higher cash margin. It would also help to actually solve problems associated with poor or unfocused resource management in a watershed at a fraction of the cost of the status quo.

S.1242 would also address the financial and practical barriers that currently make it so difficult to combine siloed public funds into an integrated solution, direct funding toward the highest return projects, and eliminate bureaucratic complexity for farmers who participate in the pilot. As Reclamation increasingly manages through more severe drought and precipitation deluges, having a stronger, more integrated portfolio of watershed projects implemented on the landscape will add more resiliency to the overall water system.

S.2437 – Snow Water Supply Forecasting Program Reauthorization Act (Hickenlooper/Curtis)

The Alliance supports S.2437, the Snow Water Supply Forecasting Program Reauthorization Act, which extends the Bureau of Reclamation’s program through 2031 to improve snowpack measurement and water supply forecasting in the West. Improving the accuracy of snowpack monitoring and runoff through Airborne Snow Observatory (ASO) and other advanced technologies greatly improve water management and timely allocation decisions, especially under

changing climate conditions. Alliance members have invested in this technology and have shown its importance in optimizing the utilization of existing reservoirs. This bill will fund additional work to bolster critical water management tools, and we appreciate the modifications to the existing program that place a greater emphasis on the practical, on-the-ground uses of advanced data and modelling rather than more research-oriented activities.

S.2753 – Urban Canal Modernization Act (Risch/Merkley)

The Alliance supports S.2753 from Sen. Jim Risch (R-IDAHO), which would create a new category of extraordinary maintenance on Reclamation-owned projects called “urban canals of concern”. These canals, which typically deliver irrigation water to farms and ranches in Reclamation watersheds in the West, were originally built in largely rural areas. As time went on, communities sprang up and housing tracts were developed alongside these canals creating potential hazards that, if a failure occurred, could result in loss of life and property. To reduce this risk, irrigation districts that maintain and operate these federally owned facilities under contract with the Bureau of Reclamation (transferred work operators) must upgrade these urbanized sections of their canals through expensive extraordinary maintenance projects on the backs of farmers and ranchers who pay O&M costs for the facility. S.2753 would accelerate investments aimed at improving urban canals of concern and assist in supporting the huge costs associated with such work by recognizing the risks of potential failure in these segments and providing a 35% federal cost share for these important projects. Not only would this legislation help ensure Alliance members are not held responsible for increased costs caused by growth beyond their control, it would also reduce liability for the federal government which still holds title to these facilities.

For example, the West Canal in Ephrata, Washington needs repairs, which if left unattended, could pose substantial danger to housing and related development that has been built around it. The repairs are estimated from \$4.2 to \$10 million for this section of canal. The West Canal in this section is designed to convey 4,850 cubic feet per second, which is one of the largest conveyance structures in America. Over 90% of the lands served by the West Canal are downstream of the City of Ephrata. This legislation would allow the Quincy-Columbia Basin Irrigation District to receive cost-share assistance for a portion of these increased expenses associated with the urban setting. Simply put, S.2753 would provide additional tools for the irrigation district - and others like it - to provide safe, efficient delivery of water into the future.

In another example, rapid urban growth has transformed the upper six miles of the New York Canal in Idaho from farmland into a dense urban corridor in the Treasure Valley, yet the canal remains vital for delivering irrigation water to downstream irrigated farms and supplying Deer Flat Reservoir for irrigation storage, wildlife refuge needs, and recreation. Because portions of the canal are now perched 20–60 feet above homes and businesses, the Boise Project Board of Control is undertaking the New York Canal Lining Project to prevent catastrophic failures by fully replacing the 50-year-old liner with a modern cement-and-synthetic system. This work is far more extensive and expensive than typical agricultural maintenance, costing nearly four times as much per foot and totaling more than \$50 million, yet limited local funding means only about 1/8 mile

can be completed each year, placing a long-term financial burden largely on farmers and ranchers while not adequately addressing the risk of canal failure in a highly populated area. S.2753 would accelerate this construction schedule to address this risk, taking the financial burden off already stressed farms and ranches, and ensuring irrigation water supplies to high-value crops and a major wildlife refuge downstream.

S.3743 - A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam (Lee)

The Alliance supports S.3743 which will help reduce the impacts of mitigation measures aimed at controlling smallmouth bass in the Colorado River below Glen Canyon Dam. Declining reservoir levels have led to higher water temperatures downstream of Glen Canyon Dam, creating conditions that favor smallmouth bass which in turn impacts the humpback chub, a threatened species under the Endangered Species Act. To counter this effect, the Bureau of Reclamation has undertaken a bypass flow experiment that releases colder water drawn from deeper in Lake Powell through the dam, routing it around the hydropower turbines. This bill will authorize a feasibility study to analyze a more cost-effective solution to allow for cold water to go through Glen Canyon Dam with less impact on hydropower generation.

Many Alliance members rely on hydropower from the Colorado River System Project (CRSP), along with other facilities in the federal power system. When drought reduces reservoir levels, hydropower generation drops, but the fixed costs of operating and maintaining these facilities do not. As a result, customers pay higher rates for less power and are forced to buy more expensive replacement electricity. This weakens the affordability, reliability, and clean energy benefits that federal hydropower has provided over the year and significantly increases the risk for existing customers. Aligning costs with actual power production during periods of reduced generation helps keep hydropower financially sustainable and preserves its role as a dependable, low carbon energy resource.

S.3693 - A bill to extend the authorization for a large-scale water recycling and reuse grant program (Cortez Masto)

The Alliance is supportive of desalination, reuse, and recycling programs, because such projects provide additional new water supplies to areas in need without looking to existing water supplies currently flowing to irrigated agriculture as a source of new supply. S.3693 aligns the Alliance position on these infrastructure projects.

However, as outlined further in the discussion about S.3738 below, it is essential that reauthorization of this program be paired with reauthorization of Reclamation programs that help construct surface storage, small storage (surface and groundwater), traditional recycling projects, and desalination. This “three-legged stool” of storage (large and small), recycling (large and small), and desalination represent a balanced approach to needed water supply infrastructure and have traditionally moved together.

S.3732 – Storage Reauthorization Act (Gallego)

Increasing water storage is an essential component of responsible water management in the West, and the Alliance supports provisions in this legislation that advance efforts to expand and construct new surface and groundwater projects.

Specifically, we strongly support the provisions in the Storage Reauthorization Act that provide meaningful and timely improvements to the Small Storage Program. Specifically, the bill:

- Reauthorizes the Small Storage Program at Reclamation for an additional five years beyond its November 2026 sunset date.
- Expands small groundwater storage project eligibility by increasing the allowable maximum size of groundwater recharge projects — from its original 30,000 acre-feet to 150,000 acre-feet of average annual recharge capacity.
- Clarifies that eligible projects include both surface water and groundwater storage, as well as conveyance systems that move water to or from storage sites.
- Protects state water rights and laws, ensuring the Act does not override existing state or federal water law, interstate compacts, or treaty obligations

These are pragmatic, cost-effective updates that make it easier for local water agencies and private landowners to partner with the Bureau of Reclamation on small surface and groundwater storage projects that build long-term resilience against drought. We particularly appreciate the bill's emphasis on local control and its explicit protection of state water rights, ensuring that this program would support — rather than supplant — local and regional water management efforts.

For our members, reliable water supply is not an abstract policy issue — it is a matter of survival. Groundwater recharge projects, small surface storage facilities, and enhanced technical assistance from Reclamation can help:

- Stabilize and enhance declining aquifers, protecting wells, rural communities, and domestic water users.
- Capture high-flow events, turning flood risk into usable water storage by utilizing small, strategic surface and groundwater storage opportunities.
- Enhance long-term drought resilience, providing security for farmers and ranchers facing unpredictable surface water allocations.
- Preserve working landscapes and food security, ensuring that the West can continue to feed the nation and the world.

In addition, this bill includes a provision that will allow the Verde Reservoirs Sediment Mitigation Project in the State of Arizona to continue to advance. While the Alliance supports this provision and this important project that will add critical new water storage capacity for Central Arizona and

will improve water security for Alliance members and the region as a whole, we encourage the bill sponsors and the subcommittee to expand on it to fully reauthorize the Reclamation storage program. As with the Verde Reservoirs Sediment Mitigation Project, large storage projects take decades to plan and build. Without a standing program that supports new surface and groundwater storage, the pipeline of projects will not be ready to proceed once the current round of projects are completed.

The federal government must maintain its position as a partner with the Western states and local water purveyors in the West in creating opportunities for investment in major new surface and groundwater storage infrastructure. With the ongoing impacts of drought and changing hydrology over the past decade, the West must increase water storage to replace lost snowpack and help address increasing demand for water for growing municipal and environmental needs. These needs cannot fall on strategies centered on reducing agricultural uses of water supplies that are increasingly important to feed this nation and the world. The federal government must be part of reinvesting in our aging water storage and delivery infrastructure to ensure the continued success of the American West.

Reauthorizing a program to support traditional surface storage projects is particularly important given the inclusion of provisions related to “Natural Water Retention and Release Project.” This type of natural infrastructure to increase water security and drought resilience depends upon adequate and well-functioning traditional infrastructure. In other words, nature-based features can be an important tool to boost the overall water supply reliability of Western water systems when developed in the right way. However, natural infrastructure should not be seen as a replacement for significant investments in new and existing man-made infrastructure, including surface storage and conveyance facilities.

The Alliance continues to advocate for investments in a variety of solutions, including water conservation, water recycling, watershed management, conveyance infrastructure, desalination, water transfers, groundwater storage, and surface water storage, all of which are needed for a diversified, resilient, and successful water management portfolio. This strategy includes reinvesting in our existing aging water assets to ensure they are able to continue to operate in a safe, efficient, and reliable manner.

Alliance Recommendations on Pending Legislation

S.3737 – GROW SMART Act (Padilla)

The “Growing Resilient Operations from Water Saving and Municipal-Agricultural Reciprocally-beneficial Transactions Act” (GROW SMART Act) would create a new cost-shared funding program to support projects that implement voluntary innovative agricultural water efficiency measures along with partnerships between agricultural and other water users. We have reviewed this legislation and appreciate that the program established in this bill is strictly voluntary and specifically excludes following as an eligible strategy, thus preventing the cascading impacts

fallowing frequently causes, including harm to rural economies, food security, and the U.S. agricultural base. The Alliance acknowledges that this program could help some agricultural producers adapt to dwindling water budgets without major impacts to production; however, the Alliance is not aware of specific projects being planned or implemented by its members that would benefit from a program focused on the innovative measures outlined in the bill. Instead, most Alliance members are heavily focused on proven strategies that can save significant water including irrigation modernization, system upgrades and automation, and infrastructure development.

The Alliance recommends that the bill be modified to remove the new program as an addition to the Reclamation States Emergency Drought Relief Act. The Reclamation States Emergency Drought Relief Act provides authority to respond to specific drought conditions to mitigate impacts. The prospective nature and overall intent of this program appears to align more with other parts of the Reclamation program focused on planning and/or funding projects that help resolve local water challenges. One alternative would be to add this authorization to a section in the Secure Water Act (P.L. 111-11) where Reclamation's grant authorities reside (such as WaterSMART).

S.3738 – MORE WATER Act (Padilla)

The Alliance supports provisions included in the MORE WATER Act that establish or reauthorize important Reclamation programs. We greatly appreciate the engagement with Senator Padilla and his staff on this bill and the improvements that have been made to date to address early concerns and look forward to continuing to work with the sponsors and subcommittee to improve the bill to ensure it promotes balanced water management and that the funding translates to construction of projects on the ground.

The Alliance supports the establishment of a cost-shared conveyance program at the Bureau of Reclamation. S.3738 would authorize a new program to provide non-reimbursable grant funding for federal and non-federal conveyance projects. Half of the funding provided for the program may be used to provide grants covering 50 percent of the cost of projects solely providing water supply benefits, while the other half of the funding goes to "multi-benefit projects." For multi-benefit projects, 30 percent Federal funding may support general water supply or related benefits, while an additional 20 percent Federal share is only available if the project delivers negotiated benefits including safe drinking water for low-income communities or environmental projects, meaning sponsors must work with stakeholders and commit to those outcomes. All projects that have a total cost of over \$800 million would be required to be multi-benefit projects to qualify for funding.

Across the West, Alliance members are pursuing conveyance projects to build or upgrade facilities that improve the function, safety, and efficiency of water delivery. Reclamation currently does not have a program that provides Federal cost-share assistance for construction of or improvements to significant conveyance infrastructure projects, despite many of these facilities being owned by that agency. Water managers in the West view these type of projects as "low hanging fruit" that can increase water supply availability by reducing conveyance losses, facilitating storage during wet

times, and providing other management-related benefits such as increased on-farm application of surface water thereby reducing dependence on groundwater resources in already stressed aquifers. We appreciate the bill's logic that half of overall funding should go to projects focused on water supply benefits exclusively and believe further investment of this kind is warranted at a much larger scale. However, the Alliance would like to continue to work with the bill sponsors to refine the multi-benefit sections to prevent implementation challenges or exclusion of otherwise important projects. Last, many Alliance members have commented that the legislation is complicated and prescriptive in nature, thus making it unclear whether and to what extent the program could be usable on the ground. The Alliance offers a simple solution – the bill would benefit from some simplification of the language to ensure clarity and flexibility in its application.

The Alliance also supports the reauthorization of the Large-Scale Water Recycling Program and water recycling program authorized Water Infrastructure Investments for the Nation Act (WIIN Act). As mentioned above, programs that support the development of new water supplies are important solutions to the West's changing hydrology and aging infrastructure challenges and represent critical and wise federal investments. While in most circumstances the water produced by these projects is too expensive to be a viable irrigation supply, it takes the pressure off of stressed water resources overall and makes it less likely that municipal water users will seek water transfers that reduce agricultural production. However, these provisions must be coupled with reauthorization of Reclamation programs focused on both traditional and small storage projects to ensure successful deployment of real projects.

S. 3792 – Water Project Navigators Act (Hickenlooper/Moran)

The Water Project Navigators Act (Hickenlooper) would establish a new Reclamation program to support collaborative positions at eligible partner organizations to help develop, fund, and implement water projects with benefits for water management and the environment. We appreciate Senator Hickenlooper's continued leadership and successful track record in support of solutions to Colorado and Western water resources challenges. While the Alliance and its members understand the need to develop multi-benefit water management and environmental restoration and conservation projects in the West, the bill may create "winners and losers" when it comes to which organizations and projects receive the benefit of federally funded coordinator positions.

The Alliance continues to work with Reclamation to find ways to make implementation of its programs and processes more efficient and responsive to water user concerns at a time when funding and staffing remain a challenge. In this regard, the Alliance questions whether now is the appropriate time for a new program and a new role for Reclamation in project development on top of our more pressing priority of agency project implementation. Many of our members are pursuing important infrastructure projects that would likely not be considered "multi-purpose" under this legislation, but that are critically important to maintaining water stability in the West. We urge that the spotlight not be removed from those activities.

In addition, the Alliance has been consistent in its position that direct NGO eligibility for these types of programs should be conditioned on the NGO's partnership with water purveyors (irrigation districts, water districts, etc.) to secure eligibility for participation. Adding non-profit conservation organizations as eligible recipients in WaterSMART will increase the competition for program grants. We appreciate the changes that have been made to the language that adds guardrails to determinations related to which NGOs will be eligible to directly access funding; but the Alliance still believes that partnership with water managers is an important requirement that should be maintained to ensure agriculture districts who need the money most are not outcompeted simply because of lack of capacity to take on large environmental interests.

The WaterSMART program is accomplishing what it was intended to do. It modernizes infrastructure and helps local water users better respond to future water conflicts. The only consistent complaint we have heard about WaterSMART is that it is underfunded and oversubscribed. We appreciate efforts to provide more funding for WaterSMART. However, we remain concerned that adding more conditions may complicate implementation of this program has worked well. Given our members' successes, the Alliance suggests staying closer to the original intent of the program and avoiding the addition of new conditions, priorities, and processes.

Hydropower Bills

Many Alliance members continue to face significant challenges with the lengthy and expensive Federal Energy Regulatory Commission (FERC) licensing and relicensing process, putting critical sources of clean and affordable electricity, along with key revenue to help pay for upgraded water infrastructure, at risk. In addition, the FERC relicensing process also frequently results in states or federal mandatory conditioning agencies like the National Marine Fisheries Service forcing infrastructure modifications and/or operational changes to existing reservoirs, undermining responsible water management. These challenges will continue to grow unless Congress makes improvements to the process overall, especially as an increasing number of existing FERC licenses expire.

The Alliance generally supports legislation that makes the FERC process more transparent and efficient, including S.3500/H.R.3657 that require FERC to provide Congress with an annual report on the status of pending hydropower licensing applications, which will help shed light on bottlenecks and improve oversight, along with S.3518 that would clarify and streamline permitting steps needed for minor work and maintenance at licensed facilities, among other changes to the Federal Power Act. While we support these measures, we also encourage the Subcommittee to prioritize broader hydropower licensing reform to further improve the process of licensing and relicensing facilities and prevent disruption of water and power operations at these critical facilities.

Additional Bills Addressing Local Issues

In addition to the regional and West-wide bills above, we appreciate that the Committee included a number of additional bills that address specific water issues and needs in Montana, South Dakota, and Southwest Power Administration service area. The Alliance has members in these states and are supportive of solutions that come from ground-level collaboration and help improve operations and infrastructure. We stand ready to work with the Committee on these bills in addition to each of those discussed in more detail above.



February 20, 2026

The Honorable John Hoeven
Chair
Senate Energy & Natural Resources Committee
Water and Power Subcommittee

The Honorable Ron Wyden
Ranking Member
Senate Energy & Natural Resources Committee
Water and Power Subcommittee

RE: Support for S. 1242, the “Watershed Results Act”

Dear Chairman Hoeven and Ranking Member Wyden,

Thank you for the opportunity to submit testimony on the Watershed Results Act (WRA). The Freshwater Trust (TFT) offers our strong support for the WRA.

With 40+ years of on-the-ground experience, and the latest in analytics and market solutions, TFT has helped secure over \$1 billion in new funding for innovative on-the-ground water solutions for farmers, utilities, districts, and communities that otherwise wouldn't have happened. We are relentless in our pursuit of efficiency, scale, and quantifiable impact, but we're hampered by an outdated, inefficient conservation funding system that doesn't deliver nearly enough value to America's taxpayers.

Why the WRA Is Important:

The WRA is a direct response to these frustrations: in the context of water, it modernizes government operations; holds agencies accountable for results; improves efficiencies; catalyzes the private sector to deliver bigger, faster, cheaper water solutions; and helps restore the public's trust in government.

It comes at the right time. We've got big and growing water problems that are compromising our food security and our drinking water, and expose us to bigger risks from floods, fire, and drought. Every year, we spend billions on conservation but don't solve these problems or know how much progress we've made. What's the finish line? What's the price tag? Are we getting a good return on investment?

We can't effectively answer these questions because of the system's design flaws. Right now, conservation funding is fragmented across hundreds of technical, slow-moving programs, each focused on a sliver of the problem. Funds go to those who are best able to navigate the bureaucracy, rather than deliver the highest impact, most cost-efficient project outcomes. Farmers, local governments, and nonprofits are asked to front costs they can't carry. Banks view projects as too small, risky, and costly to finance. It takes way too long to get projects through complicated eligibility, design, environmental and cultural resource compliance, and verification steps. No one is responsible for organizing all these pieces to actually solve regional problems. The result: a fragmented, small-scale, slow system that spends a lot on “random acts of conservation” but that largely fails to deliver critical water security for Americans.

Instead of continuing to try the same thing, hoping for different results, the WRA has been designed to address the key limitations facing practitioners on the ground. This approach isn't hypothetical. The

WRA leverages “advance watershed analytics” (section #2 of this letter) to identify specific combinations of projects that will most cost effectively solve regional water problems. This analytical insight creates a price tag and a finish line, and it sends real market signals to the supply chain to drive project recruitment. The WRA also fills a major gap in responsibilities. By empowering a “watershed outcomes partner” to build the analytics, integrate fragmented funding, queue up more qualified projects, and pay for quantifiable outcomes via simplified contracts, the WRA finally assembles the operational pieces necessary to get work done at speed and scale on the ground.

The WRA is set up to solve problems, maximize return on investment, get more funding to the ground at private-sector speed without compromising quality, and create more options for farmers and water managers while buffering them from the complexity of an outdated conservation financing system.

In a world short on winning bipartisan solutions, the WRA offers a unique, replicable pathway forward.

The WRA will also lead to significant benefits for Bureau of Reclamation projects and programs. As Reclamation increasingly manages through severe drought, having a stronger, more integrated portfolio of watershed projects implemented across the landscape will add resiliency to the overall water system. The tools and approach offered by the WRA provide Reclamation more options without losing control, and ensure that the agricultural, environmental and community stakeholders who rely on these projects can better navigate drought without as many zero-sum conflicts.

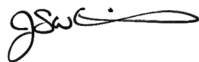
We know that the approach embodied by the WRA works because we’ve been delivering efficient, large-scale, private-sector-driven solutions in WRA-like efforts in watersheds like the Snake River across the West (section #3 of this letter). But we have been doing this with one hand tied behind our backs. We need the WRA to make this approach easier, more replicable, and more efficient.

To assist the subcommittee in its review of the WRA, TFT has provided the following documentation:

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TFT commends Senator Wyden for introducing this game-changing bill and urges the Committee to move the bill to markup. Thank you again for the opportunity to submit this testimony.

Sincerely,



Joe S. Whitworth
President & CEO
The Freshwater Trust



SECTION-BY-SECTION SUMMARY OF THE WRA

We need a better system for securing water resilience in the West. That will require a different way of doing business. The WRA offers a pilot program for demonstrating that new way forward. The bill has been designed to work within the macro constraints of the system but still deliver much faster, better, more affordable outcomes. The bill is built on three pillars: (1) a coordinated approach that integrates and leverages currently siloed conservation funding sources; (2) use of advance watershed analytics to quickly identify the best combination of projects to invest in; and (3) a streamlined purchasing system that rapidly delivers funds to the ground with much less friction. The WRA connects all three of these components into an efficient, scalable watershed solution framework that can immediately start paying dividends. Following is a section-by-section summary of the key elements in the bill:

Section 1: Short Title. The Act authorizes watershed outcomes pilot projects.

Section 2: Definitions. Key terms used in the Act:

- **Watershed Outcomes Project:** The watershed pilot project managed by a watershed partner.
- **Watershed Partner:** An eligible entity managing a watershed outcomes project.
- **Eligible Entity:** Includes states, Indian Tribes, water districts, other organizations with water delivery authority, and non-governmental entities.
- **Qualifying Activity:** Potential conservation projects identified through advance watershed analytics as likely to cost-effectively achieve at least one outcome.
- **Advance Watershed Analytics:** Technical analysis conducted by a watershed partner to assess the costs and outcomes of potential qualifying activities, and how different groups of activities can efficiently maximize outcomes for the least cost. [Water quality, quantity, and habitat improvement outcomes are defined in Section 3(f)].
- **Pay-for-Performance Contract:** Partners help the Secretary set outcome prices and then pay producers for results. Funds are paid for activities via contracts at negotiated prices.
- **Secretary:** The Secretary of the Interior, acting through the Commissioner of Reclamation.
- **Appropriate Committees of Congress:** Refers to specific Senate and House committees overseeing energy, natural resources, and water.

Section 3: Watershed Outcomes Projects

- **(a) Proposals and Selection:**
 - The Secretary will solicit proposals from eligible entities in Reclamation States within one year of the Act's enactment. Projects should use analytics to cost-effectively carry out activities to achieve meaningful watershed scale outcomes.
 - Selected partners would complete analytics, design/recruit priority activities identified by analytics, contract with landowners, verify activity outcomes, secure additional leveraged funds, monitor activities, and track/report on results.

- **(b) Guidelines and Criteria for Proposals:**
 - Criteria used to evaluate proposals shall include project scope, goals, stakeholder support, cost estimates, partner capabilities, and plans for monitoring progress.
- **(c) Partnership Agreements:**
 - Agreements with watershed partners to design and implement a watershed outcomes project can last up to five years, with renewals or extensions allowed.
 - Partners receive technical and financial assistance to carry out pilots, including funds for partners to make performance payments and project development costs.
- **(d) Duties of Watershed Partners:**
 - Duties include completing analytics, funding strategies, stakeholder engagement, developing pay-for-performance contracts, and verifying/monitoring outcomes.
- **(e) Duties of the Secretary:**
 - Responsibilities include verifying analytics, setting outcomes prices, providing partners with financial support, and coordinating with other federal agencies.
- **(f) Required Outcomes for Qualifying Activities:**
 - To receive a performance payment (simplified, fast transaction v. standard reimbursement approach), a qualified activity must achieve quantifiable and verifiable “outcomes” such as increased water quantity, habitat improvements, or water quality enhancements.
- **(g) Financial Assistance:**
 - Federal funding can cover up to 75% of watershed outcomes project costs. Contributions from non-federal sources can be accepted for eligible projects.
 - Performance payments are made after verifying qualified activity outcomes and confirming activities were implemented consistently with performance standards.
- **(h) Project Limitations:**
 - A maximum of five watershed outcomes projects may be undertaken.
- **(i) Data Restrictions:**
 - Data collected is restricted to project-related uses and is classified as confidential commercial information under FOIA (restrictions apply to watershed partners).
- **(j) Water Rights:**
 - The Act does not alter federal or state water rights.

Section 4: Briefing and Reports

- **Annual Briefing/Report:**
 - The Secretary will update Congress annually on project progress and performance payments made.
- **Five-Year Report:**
 - A comprehensive report summarizing project results, funding, and recommendations for the program’s future will be submitted in the fifth fiscal year.

Section 5: Authorization of Appropriations

- Appropriations are authorized at \$17 million annually from fiscal years 2025 to 2030 for the Secretary to implement the Act.



ADVANCE WATERSHED ANALYTICS: SUMMARY & EXAMPLES

Summary: The WRA calls for “advance watershed analytics.” The “advance” describes the need for insight prior to action. The second part, “watershed analytics,” offers an effective and targeted tool for maximizing every taxpayer dollar invested, while providing a simple way to track progress against a target. Within a watershed, advance watershed analytics can evaluate project benefits and costs in uniform units, enabling comparison and prioritization. Analytics also provide the common language to coordinate multi-funder investment across watersheds by allowing for a simple, objective unit for decision-making, payments and tracking.

Analytics use existing technology and publicly available data sets and models to identify the highest impact projects, develop a specific roadmap for local stakeholders to use and improve, and then identify superior funding strategies. Developing and then using analytics follows three basic steps:

1. Integrate established government models and data with satellite imagery and other public data sets, as well as machine-learning technology, to remotely survey a watershed and identify specific conservation practices that could be implemented at the field level.
2. From the group of feasible practices, identify the costs and multiple benefits of projects.
3. Run scenarios to identify the most efficient combination of projects to achieve watershed-level targets (importantly, analytics can be used to solve for multiple objectives).

TFT’s Use of Advance Watershed Analytics: TFT uses cutting-edge analytics grounded in deep technical and scientific expertise to identify and fund the most impactful projects. TFT employs a suite of tools to assess watersheds, prioritize conservation actions, and monitor benefits over time. Components include:

- **BasinScout® Analytics:** Automated diagnostics that assess large landscapes and watersheds to estimate environmental benefit and prioritize feasible conservation actions at targeted sites.
- **StreamBank® Administrative Toolkit:** A program management tool that automates workflows, centralizes the secure storage of documents, tracks project and program progress, and automates reporting for large-scale watershed programs.
- **StreamBank Monitoring Application:** A field data collection app that provides assurance that actions continue to provide claimed outcomes and meet program requirements.

TFT integrates its analytics into customized **Decision-Support Tools (DSTs)** that help watershed stakeholders identify strategies to maximize water conservation and environmental benefits, while minimizing costs and adverse impacts to the regional economy. DSTs show how a coordinated, systems-based approach driven by precision analytics can help communities adapt to changing water conditions and direct funding to the most impactful actions.

Examples: The following examples showcase how TFT has used advance watershed analytics to help utilities, water districts, and funders evaluate options and maximize desired outcomes:

- Decades ago, cities on Colorado’s Front Range purchased large swaths of water rights. The cities leased the water back to farmers but are now calling in the water as their populations grow. If

left to market forces alone, these calls will indiscriminately dry up fields regardless of how productive they are or how it impacts rural communities. TFT has worked closely with partners to develop [analytics](#) that illustrate how strategic approaches can get the cities the water they need without compromising the area's farm productivity or economies and, in some cases, even increase economic output. This approach will likely be required across the western U.S.

- In 2016, TFT began working with the Sacramento Area Sewer District to secure \$300M in funding that would allow it to pump 50,000 acre-feet of recycled wastewater to a stressed groundwater basin directly south of Sacramento. Farmers will use the recycled water to irrigate up to 16,000 acres instead of pumping groundwater. The \$600M+ [Harvest Water program](#) will restore groundwater to local aquifers, increase regional drought resilience, and benefit irrigators, at-risk drinking water supplies, and fish and wildlife species. To receive a high grant score from California, TFT designed a complementary basin-scale conservation program that will secure, protect, and enhance 5,000+ acres of important groundwater-dependent habitat in the southern Sacramento Valley over the next 80 years. To date, Harvest Water is the first and only program to have received funding under the 2014 Prop 1-funded Water Storage Investment Program (WSIP). This is because Harvest Water was able to use advance watershed analytics to quantifiably demonstrate that benefits exceed costs (the critical threshold for receiving WSIP funding).
- After multiple failed attempts, Idaho Power Company (IPC) was finally able to secure a joint Clean Water Act section 401 certification from Idaho and Oregon in 2019. Key in securing this approval was that IPC proposed to implement a \$350M watershed restoration program: the [Snake River Stewardship Program](#). Using TFT's analytics, the program was designed to rehabilitate hundreds of miles of targeted riparian vegetation on tributaries and improve flow in the Snake River through instream island and channel modifications that reduce surface area for solar loading. The analytics help target the most cost-effective projects.
- In 2011, rather than invest in chillers or a cooling pond to address a temperature compliance issue, the City of Medford, Oregon, [partnered with TFT](#) to plant native trees and shrubs in strategic places along the Rogue River and its tributaries. This new vegetation blocks solar load. Using BasinScout Analytics, TFT quantifies the benefits of the vegetation in the same units as technology solutions and then recruits the projects that produce the most benefits for the least cost. This approach allows the City to use the projects for permit compliance, while also improving water quality and [supporting dozens of local contractors and jobs](#). This initial contract set the table for other entities such as the U.S. Bureau of Reclamation, the [City of Ashland](#) (the nation's first Clean Water State Revolving Fund loan-financed trading program), and the [U.S. Forest Service](#) to partner with TFT on aligned, analytics-driven conservation programs in the basin. Over a decade, with the use of advance watershed analytics, TFT catalyzed nearly \$25M of new investment into the Rogue basin, supporting dozens of jobs and bolstering economic activity in the region.

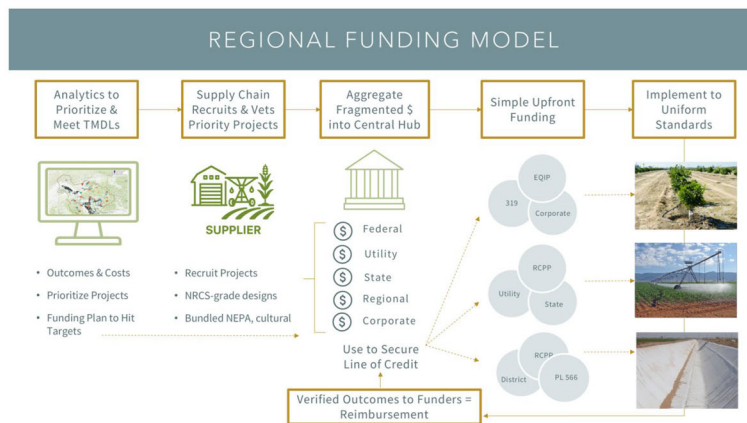


WRA-LIKE EXAMPLE IN THE SNAKE RIVER (IDAHO & OREGON)

In The Freshwater Trust's Snake River program, we pay producers to convert their agricultural fields from furrow irrigation to precision pivots or drip. Conversions eliminate runoff into the river. In the Snake, this runoff leads to harmful algal blooms and produces toxic methylmercury. This results in expensive permit obligations on utilities, creates public health and recreation impacts, and precludes Tribes from harvesting and eating fish.

A watershed problem this big required a WRA-like approach. After years of development, in 2025 TFT launched and is now successfully operating an integrated funding and implementation model that overcomes these prioritization, funding, technical assistance, compliance, supply chain, and delivery challenges, and makes it easy for agricultural partners to opt into critical upgrades, while insulating them from the complexity of the funding system so that they can focus on their farms. In just our first 10 months, we will complete 23 NRCS-quality irrigation upgrades, and we already have more than 115 proactively targeted projects queued for 2026.

Below is a diagram of how TFT—acting in the capacity of a “watershed outcomes partner”—has integrated the pieces to catalyze a large-scale, efficient, technology-driven, market-based solution:



1. Advance watershed analytics map out the price tag and finish line to achieve regional water targets. Using our [BasinScout® Analytics tool](#), TFT assessed 36,000 irrigated fields (~300,000 acres) across the region. This analysis determined that removing 445,000 pounds of phosphorus runoff should achieve the regional water quality target. TFT then used these analytics to determine that just

2,000 of the highest priority projects could achieve the target for the lowest price tag: \$210 million. This approach saves hundreds of millions of dollars.

2. Fast, scalable recruitment and design driven by the for-profit supply chain. To drive projects at speed and scale, we have partnered with local irrigation equipment suppliers. These suppliers hold trusted relationships with producers. TFT provides its analytical insight to suppliers and pays them incentives to secure high-efficiency irrigation projects. We also set a clear “price per pound” subsidy, so suppliers know how much funding we can provide as they design projects with their customers.

3. Fragmented funding organized into a central hub. Because no one is currently responsible for securing, leveraging, and deploying multiple sources of funding at the watershed scale, TFT formed [Irrigation Incentives, LLC](#) to aggregate efforts. To successfully secure enough high-impact projects over time, we need \$150-175 million in incentive funds. \$5.6M in EPA seed funding in 2023 helped jumpstart the effort, and Idaho Power Company made a \$100-million commitment in 2024. Additionally, [Oregon NRCS is paying TFT](#) to help recruit, vet, and deliver a queue of funding-ready projects. TFT works with NRCS, the local EPA 319 grant program, and the Idaho Water Quality Program for Agriculture to co-fund projects.

4. Simple, on-time funding enabled by private financing. In addition to leveraging the private sector to drive project volume and speed, we added private finance to bridge cashflow gaps. Most incentive programs reimburse after a project has been installed. This requires producers and suppliers to carry expenses for months. To solve this challenge, we secured a \$5-million line of credit from Columbia Bank (guaranteed by the M.J. Murdock Charitable Trust). We then advance 50% of the incentive payment upfront. These advances enable suppliers to order equipment on time and avoid price increases from delays. After equipment installation is verified, TFT is reimbursed by our funders.

5. Streamlined funding delivery to uniform standards. To integrate conservation funding cycles that were out of sync with growing seasons, TFT worked closely with each funder to develop a single set of project design, eligibility, implementation, and verification requirements. This allows multiple sources of funding to support a single project without having to complete multiple parallel program requirements. TFT has added technical capacity to quickly meet design, environmental, and cultural resource compliance standards in a way that works for all the funding programs. This unglamorous innovation has significantly reduced the time needed to complete each step in the funding process.



A Touchstone Energy® Cooperative 

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February 23, 2026

**The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510**

**The Honorable Martin Heinrich
Committee Ranking Member
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510**

**The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510**

**The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510**

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

On behalf of Kansas Electric Cooperatives, Inc. (KEC), I am writing to express our strong support for S. 1034, the Southwestern Power Administration Fund Establishment Act. Rural ratepayers across Kansas rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a self-financing revolving fund, the legislation would allow SWPA to operate off power sale revenue to fulfill their energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

Under the current funding model, replacement power costs during low-water or emergency conditions routinely create volatility for cooperatives, and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach extreme levels, placing enormous strain on co-ops and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all at no cost to taxpayers. Importantly, SWPA customers already repay 100% of program costs through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

By improving operational stability and supporting continued hydropower and transmission investment, S. 1034 strengthens energy reliability and affordability across the six-state region while directly supporting rural economic development and national energy security needs.



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P.O. Box 4267, Topeka, KS 66604-0267 • 7332 SW 21st Street, Topeka, KS 66615 • 785-478-4554 • Fax: 785-478-4852 • www.kec.coop

For these reasons, KEC strongly urges swift passage of the Southwestern Power Administration Fund Establishment Act. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Thank you for your attention to this important legislation. Please do not hesitate to contact us if we can provide additional information.

Sincerely,

Lee Tafanelli

Chief Executive Officer

Kansas Electric Cooperatives, Inc.

February 23, 2026

The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Committee Ranking Member
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

As municipally owned electric utilities in the state of Arkansas, we are writing to express our strong support for S. 1034, the Southwestern Power Administration Fund Establishment Act. Our electric utilities rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a self-financing revolving fund, the legislation would allow SWPA to operate off power sale revenue to fulfill their energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

Under the current funding model, replacement power costs during low-water or extreme weather conditions routinely create volatility for cooperatives and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach extreme levels, placing enormous strain on co-ops and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all at no cost to taxpayers. Importantly, SWPA customers already repay 100% of program costs through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

Improving funding stability improves operational efficiencies and supports continued hydropower and transmission investment. S. 1034 strengthens energy reliability and affordability not only in Arkansas, but across the six-state region while directly supporting rural economic development and national energy security needs.

For these reasons, we strongly urge swift passage of the Southwestern Power Administration Fund Establishment Act. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Thank you for your attention to this important legislation.

Sincerely,



Brandon Kelley
Mayor of Augusta



Travis Matlock
Electric Utility Director, City of Bentonville



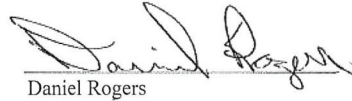
Roy Young
General Manager, Clarksville Connected Utilities



Jake Rice
Manager, City Water and Light- Jonesboro



Brett Bradford
General Manager, Paragould Municipal Utilities



Daniel Rogers
Mayor of Paris



Justin Welch
Electric Manager, City of Piggott



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March 24, 2026

Via Electronic Mail

The Honorable John Hoeven, Chair
 United States Senate
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 Washington, D.C. 20510

The Honorable Ron Wyden, Ranking Member
 United States Senate
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 Washington, D.C. 20510

Dear Senators Hoeven and Wyden:

**S. 3693 and S. 3738 – Extension of Large-Scale
 Water Recycling and Reuse Program -- Support Position**

On behalf of the Los Angeles County Sanitation Districts ("Sanitation Districts"), I am submitting these comments for the record for the Subcommittee on Water and Power's hearing on pending legislation held on March 17, 2026. Specifically, the Sanitation Districts write in support of extending the U.S. Bureau of Reclamation's (Reclamation) *Large-Scale Water Recycling and Reuse Program* ("Large-Scale Program"), which was authorized and received appropriations in the Infrastructure Investment and Jobs Act of 2021. The Large-Scale Program will sunset later this year and it is urgent that Congress take action to extend the program. Extension ensures that project proponents, who have been awarded funding, can be certain that work can continue with Reclamation as program projects are implemented. At the hearing on the 17th, the Subcommittee heard testimony on both S. 3693 by Senator Cortez-Masto and S. 3738 by Senator Padilla, both of which would extend the Large-Scale Program – the Sanitation Districts strongly urge the Subcommittee to swiftly move the Large-Scale Program extension through the legislative process.

By way of background, the Sanitation Districts provide wastewater and solid waste management services to approximately 5.5 million people in 78 cities and unincorporated areas of Los Angeles County. We have supplied recycled water to water agencies in our service area since the early 1960s, and we currently provide approximately 100,000 acre-feet annually for groundwater replenishment, agricultural use, industrial use, and landscape irrigation use at over 900 sites.

The Metropolitan Water District of Southern California and the Sanitation Districts are partnering to create Pure Water Southern California, which exemplifies a large-scale water recycling project. The full-scale project would produce up to 150 million gallons daily, or enough to serve more than 1.5 million residents of Southern California. Purified water from an advanced treatment facility would be delivered through 44 miles of backbone pipelines to the region's groundwater basins, industrial facilities, and potentially to Metropolitan's drinking water treatment plants. The extension of this critically important program will help water utilities in the West undertake new drought-resilient water recycling projects on a scale rarely contemplated before. Importantly, the Large-Scale Program supports our agencies' efforts to keep rates affordable for our ratepayers while also advancing means to protect the Colorado River watershed through federal, state, and local investments in major water recycling projects. Both S. 3693 by Senator Cortez-Masto and S. 3738 by Senator Padilla include provisions to extend the Large-Scale Program.

DOC 7753612

The Honorable John Hoeven
The Honorable Ron Wyden

-2-

March 24, 2026

As such, we strongly urge your Subcommittee to advance this important legislation to extend the Large-Scale Water Recycling and Reuse Program this year. Please contact Sharon Green of my staff at sgreen@lacsds.org or (562) 908-4288, extension 2503 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert C. Ferrante". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert C. Ferrante

RCF:SNG:djm

cc: Senator Alex Padilla
Senator Catherine Cortez Masto



Missouri Electric
Cooperatives

2722 E. McCarty Street
Jefferson City, MO 65101
573-635-6857
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February 20, 2026

The Honorable Mike Lee
Chairman
Senate Committee on Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
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The Honorable Martin Heinrich
Ranking Member
Senate Committee on Energy & Natural Resources
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The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden:

On behalf of Missouri Electric Cooperatives, I write to express our strong support for S. 1034, the Southwestern Power Administration Fund Establishment Act. Rural ratepayers across Missouri rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a self-financing revolving fund, the legislation would allow SWPA to operate using power sale revenue to fulfill its energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

Under the current funding model, replacement power costs during low-water or emergency conditions routinely create volatility for cooperatives and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach extreme levels, placing enormous strain on cooperatives and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all at no cost to taxpayers. Importantly, SWPA customers already repay 100% of program costs through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

By improving operational stability and supporting continued hydropower and transmission investment, S. 1034 strengthens energy reliability and affordability across the six-state region while directly supporting rural economic development and national energy security needs.

For these reasons, Missouri Electric Cooperatives strongly urges swift passage of S. 1034, the Southwestern Power Administration Fund Establishment Act. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb Jones", written in a cursive style.

Caleb M. Jones
Executive Vice President/CEO
Missouri Electric Cooperatives



February 23, 2026

The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

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Committee Ranking Member
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The Honorable Ron Wyden
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304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

On behalf of the Missouri Public Utility Alliance's municipal utility association, I am writing to express our strong support for **S. 1034, the Southwestern Power Administration Fund Establishment Act**. Rural ratepayers across Missouri *rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.*

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a **self-financing revolving fund**, the legislation would allow SWPA to operate off power sale revenue to fulfill its energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

Under the current funding model, replacement power costs during low-water or emergency conditions routinely create volatility for municipal utilities and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach extreme levels, placing enormous strain on municipal utilities and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all **at no cost to taxpayers**. Importantly, SWPA customers already repay **100% of program costs** through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

By improving operational stability and supporting continued hydropower and transmission investment, S. 1034 strengthens energy reliability and affordability across the six-state region while directly supporting rural economic development and national energy security needs.



For these reasons, MPUA strongly urges swift passage of the *Southwestern Power Administration Fund Establishment Act*. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Thank you for your attention to this important legislation. Please do not hesitate to contact us if we may provide additional information.

Sincerely,

A handwritten signature in blue ink that reads "Steve Stodden". The signature is fluid and cursive, with the first and last names being clearly legible.

Steve Stodden
President & CEO



March 16, 2026

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Re: Support for S. 3684, the Water Power Research and Development Reauthorization Act

Dear Chairman Lee and Ranking Member Heinrich:

On behalf of the National Hydropower Association (NHA), we write to express our strong support for S. 3684, the Water Power Research and Development Reauthorization Act, and to respectfully urge the Committee on Energy and Natural Resources to consider this important legislation at its next available legislative opportunity.

Hydropower and marine energy are critical components of the nation's clean energy portfolio, providing reliable, flexible, and dispatchable power while supporting grid resilience and energy security. S. 3684 would reauthorize the Department of Energy's Water Power Program within the Hydropower and Hydrokinetic Office and sustain federal investment in research, development, demonstration, and commercialization programs for hydropower, pumped storage, and marine energy technologies.

The bill would strengthen grid reliability and resilience by advancing technologies that deliver long-duration energy storage, ancillary services, and flexible generation. It would also support research to improve the environmental performance of water power systems and promote domestic manufacturing and workforce development.

Thank you for your leadership and consideration of this important legislation. NHA stands ready to work with the Committee to advance S. 3684.

Sincerely,

Malcolm Woolf
CEO
National Hydropower Association



March 16, 2026

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Re: Support for S. 3518, the FLOWS Act

Dear Chairman Lee and Ranking Member Heinrich:

On behalf of the National Hydropower Association (NHA), we write to express our strong support for S. 3518, the FLOWS Act, and to commend the Committee's continued leadership in advancing practical, bipartisan energy legislation.

Hydropower is a foundational component of the nation's energy system, providing reliable, affordable, and emissions free electricity while supporting grid resilience and a diverse portfolio of clean energy resources. However, outdated and inconsistent regulatory processes can create unnecessary delays for routine maintenance and modernization activities at existing facilities—activities that are essential to maintaining safety, reliability, and environmental performance.

This legislation provides important regulatory clarity for routine maintenance activities at existing hydropower facilities and establishes a more appropriate permitting framework for emerging marine and hydrokinetic energy technologies. These reforms will reduce unnecessary delays while maintaining strong environmental and safety oversight.

The FLOWS Act represents a pragmatic, bipartisan solution that modernizes outdated regulatory processes and supports innovation across the water power sector.

Thank you for your consideration. NHA looks forward to working with the Committee to advance this legislation.

Sincerely,

Malcolm Woolf
CEO
National Hydropower Association



President – Clay Scott
Vice President – Meghan Scott
Treasurer – Aron Balok
Executive VP – Greg Morrison

Testimony of Greg Morrison
Executive Vice President
National Water Resources Association

U.S. Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power

Hearing to Receive Testimony on Pending Legislation
March 17, 2026

Chairman Hoeven, Ranking Member Wyden, and Members of the Subcommittee:

My name is Greg Morrison, and I am Executive Vice President of the National Water Resources Association. Thank you for the opportunity to submit written testimony on the legislation before the Subcommittee.

The National Water Resources Association is a nonprofit federation of western state water resources associations, regional associations, agriculture and municipal water agencies, and industrial water groups. Our members provide water and hydropower to approximately 50 million individuals, families, agricultural producers, and other industries that support our communities, economy, and environment.

NWRA appreciates the Committee's continued work on legislation affecting western water management, Reclamation infrastructure, and hydropower. Across the West, our members continue to manage through prolonged drought, aging facilities, hydrologic variability, increasing operating costs, environmental compliance obligations, and growing pressure on limited water supplies. In that setting, federal policy should focus on practical tools that improve reliability, modernize infrastructure, support new supply development, preserve state water law, and strengthen the role of hydropower as an affordable and dependable part of western water and energy systems.

LEGISLATION PENDING BEFORE THE SUBCOMMITTEE

Supported Bills

NWRA supports the following bills scheduled for consideration at the Subcommittee's March 17, 2026, hearing.

NWRA supports S. 1242, which would authorize watershed pilot efforts through the Department of the Interior. A pilot-based approach can help improve watershed function, increase coordination across agencies and partners, and produce more measurable results than fragmented efforts that do not align funding, priorities, and implementation. For NWRA members, watershed work is most valuable when it is practical, locally informed, and tied to clear water management outcomes such as better water quality, improved resilience, and stronger system performance.

NWRA supports S. 2437/H.R. 3857, the Snow Water Supply Forecasting Program reauthorization legislation. Better snowpack measurement and runoff forecasting are essential to reservoir operations, irrigation deliveries, flood management, drought planning, and day-to-day water management across the West. Our members need better operational information and better forecasting tools, particularly in a period of more volatile hydrology.

NWRA supports S. 2753, which would authorize certain extraordinary operation and maintenance work for urban canals of concern. This bill addresses a real and growing challenge in the West. Many Reclamation canals that were originally constructed in rural settings are now surrounded by homes, roads, and commercial development. Those changes create public safety risks and significantly increase the cost of extraordinary maintenance. Local operating entities should not bear those costs alone where growth around these facilities has changed the nature of the risk.

NWRA supports S. 3500, which would require the Federal Energy Regulatory Commission to submit an annual report to Congress on the status of ongoing hydropower relicensing applications. Hydropower relicensing delays create uncertainty, add cost, and can interfere with broader water management responsibilities tied to reservoir and project operations. More transparency is a sensible step and would improve congressional oversight of an increasingly arduous process. More broadly, NWRA consistently supports legislation that promotes hydropower and improves the federal licensing and relicensing processes. Hydropower remains a critical renewable source of clean, affordable, and reliable electricity for many western communities and water users, and in many cases, it also helps support broader project economics and water operations.

NWRA supports S. 3693, which would extend the authorization for a large-scale water recycling and reuse grant program. Recycling and reuse projects are an important part of a diversified western water portfolio and can help stretch limited supplies in areas facing serious long-term stress. These projects are not a substitute for storage, conveyance, or other core infrastructure, but they are an important part of a balanced strategy to increase reliability and reduce pressure on existing supplies.

NWRA strongly supports S. 3732, which would amend the Water Infrastructure Improvements for the Nation Act to authorize assistance under the storage program. Expanding and improving water storage remains one of the most important long-term needs in the West. That includes major surface storage, smaller storage projects, groundwater recharge, and the conveyance needed to make those systems work.

NWRA supports S. 3737, which would provide financial and technical assistance for innovative voluntary water partnership agreements among multiple water users and projects conducted by individual agricultural entities. NWRA supports the bill's voluntary framework and the effort to provide additional tools to help water users respond to tightening supplies. Durable western water policy is more likely to succeed when it relies on practical, voluntary, locally driven approaches rather than mandates.

NWRA supports S. 3792, which would establish a Water Project Navigators Program. Many local water agencies and project sponsors face significant challenges navigating federal funding opportunities, permitting requirements, technical processes, and interagency coordination. A program that helps communities and water managers move sound projects from concept to implementation can provide real value, particularly where local capacity is limited. As this bill moves forward, NWRA believes implementation should remain grounded in real project delivery needs, avoid unnecessary procedural layering, and complement existing Reclamation responsibilities rather than compete with them. NWRA's support for the concept is based on whether it helps local sponsors deliver projects more efficiently and practically.

Taken together, these bills also speak to a broader issue that NWRA has raised consistently with Congress and the Administration. Reclamation and local project sponsors need clearer authorities, more workable implementation pathways, better technical support, and fewer delays between authorization and delivery. Whether the issue is forecasting, storage, canal safety, recycling, drought response, or hydropower, the success of these programs depends not only on authorization, but on whether they can be administered in a timely, practical, and locally workable way. That remains an important area for continued congressional oversight and improvement.

These bills reflect several priorities that NWRA has consistently supported: stronger forecasting and operational data, practical investment in aging infrastructure, improved storage and supply development tools, continued support for water recycling and reuse, locally workable drought-response strategies, and legislation that recognizes the ongoing value of hydropower to western communities and water users. Congress has an important role to play in ensuring that federal water policy remains grounded in on-the-ground realities and gives local water managers the tools they need to maintain reliability, protect existing systems, and plan for future demand.

Thank you again for the opportunity to submit this testimony. NWRA looks forward to continuing to work with the Committee and bill sponsors as these measures move through the legislative process.

Respectfully submitted,
Greg Morrison
Executive Vice President
National Water Resources Association



February 23, 2026

The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Committee Ranking Member
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

On behalf of the Oklahoma Association of Electric Cooperatives, I am writing to express our strong support for S. 1034, the Southwestern Power Administration Fund Establishment Act. Rural ratepayers across Oklahoma rely on cost-based federal hydropower to deliver affordable, reliable electricity to the communities we serve. As electricity demand continues to grow, efforts to strengthen both reliability and affordability are more critical than ever.

Electric cooperatives are uniquely positioned in the energy landscape. We serve some of the most geographically expansive and impoverished counties in the nation, often with fewer consumers per mile of line. This makes cost stability and prudent long-term planning especially important for our members.

S. 1034 represents a long-overdue modernization of the Southwestern Power Administration's (SWPA) funding structure. By establishing a self-financing revolving fund, the legislation would allow SWPA to operate off power sale revenue to fulfill their energy delivery obligations. This change provides the multi-year financial stability needed to support infrastructure investment, maintain grid reliability, and prepare for extreme weather events, such as the recent Winter Storm Fern, or prolonged drought conditions that impact our region.

Under the current funding model, replacement power costs during low-water or emergency conditions routinely create volatility for cooperatives and the rural families and businesses we serve. Recent years have demonstrated that market prices during severe weather can reach

extreme levels, placing enormous strain on co-ops and increasing the risk of rate spikes for consumers. A revolving fund mitigates this uncertainty by allowing SWPA to respond efficiently and responsibly to changing operational needs, all at no cost to taxpayers. Importantly, SWPA customers already repay 100% of program costs through their power rates. S. 1034 does not expand the SWPA mission or increase federal financial exposure.

By improving operational stability and supporting continued hydropower and transmission investment, S. 1034 strengthens energy reliability and affordability across the six-state region while directly supporting rural economic development and national energy security needs.

For these reasons, the electric cooperatives of Oklahoma strongly urge swift passage of the Southwestern Power Administration Fund Establishment Act. We appreciate your leadership and your continued commitment to ensuring that federal hydropower remains a reliable, affordable resource for millions of Americans.

Thank you for your attention to this important legislation. Please do not hesitate to contact us if we may provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicki Fuller". The signature is fluid and cursive, with the first name "Nicki" being more prominent than the last name "Fuller".

Nicki Fuller
OAEC General Manager/CEO
Oklahoma Association of Electric Cooperatives
2325 E. I-44 Service Rd.
Oklahoma City-OK 73111

**Ms. April Snell
Executive Director
Oregon Water Resources Congress**

**Written Testimony submitted to
United States Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power**

Legislative Hearing on Pending Legislation

March 17, 2026

Chairman Hoeven and Ranking Member Wyden:

Thank you for holding this hearing and for the opportunity for the Oregon Water Resources Congress (OWRC) to submit written testimony for the record on several of the pending bills before the Subcommittee. As multi-year drought, climate change, population growth, and other factors continue to increase pressure on western water resources, OWRC appreciates the efforts of the Subcommittee and bill sponsors to advance legislation that invests in and provides greater certainty for the reliable water supplies critical to our nation's food security, strong rural economies, wildlife habitat, and the environment.

OWRC is a nonprofit trade association representing irrigation districts, water control districts, drainage districts, water improvement districts, and other local government entities that deliver agricultural water supplies throughout Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, pump stations, and hydropower facilities. OWRC members deliver water to approximately 600,000 acres of farmland in Oregon—more than one-third of the irrigated land in the state.

S. 1242 – Watershed Results Act (Wyden)

S. 1242 would create a pilot program to prioritize and promote projects that analyze and quantify measurable outcomes related to water quality and other resource objectives. Given the mounting challenges facing water managers and limited financial resources, a focused approach to addressing water quality challenges is an important goal. OWRC appreciates modifications in this version of the bill that includes further protections to prevent misuse of publicly available data and addresses other concerns that were discussed with bill proponents previously. The pilot program proposed by S.1242 will help incentivize the type of innovative watershed level approaches needed to address complex water quality impairments in Oregon and throughout the Western United States.

S. 2437 – Snow Water Supply Forecasting Program Reauthorization Act (Hickenlooper/Curtis)

OWRC supports S. 2437, which would extend the U.S. Bureau of Reclamation's authority through 2031 to enhance snowpack measurement and seasonal water supply forecasting across the West. Reliable, high-resolution data—particularly through Airborne Snow Observatory (ASO) flights and other advanced technologies—is already being used in Oregon to improve runoff projections, inform reservoir operations, and support timely water allocation decisions in increasingly variable hydrologic conditions.

Reauthorization of this program will strengthen these capabilities, and OWRC appreciates the bill's increased emphasis on the practical application of advanced data and modeling to support real-world water management needs.

S. 2753 – Urban Canal Modernization Act (Risch/Merkley)

S. 2753 would provide 35 percent non-reimbursable funding for rehabilitation of Bureau of Reclamation canals located in urban areas. Several OWRC members operate Reclamation canals that would likely qualify under this program. The bill would both incentivize proactive efforts to address infrastructure issues that could threaten life and property and help offset the increased costs associated with constructing to higher standards in urbanized areas. In many cases, these canals predate surrounding urban development and encroachment—often without adequate enforcement by Reclamation—and this legislation appropriately recognizes that the added costs should not be borne solely by irrigation stakeholders.

S. 3732 – Storage Reauthorization Act (Gallego)

As climate change affects the type, timing, and amount of precipitation in Oregon and throughout the West, new storage development and improvements to existing storage facilities—including surface, aquifer recharge, and regulating facilities—are increasingly important. OWRC supports provisions in S. 3732 that would reauthorize the U.S. Bureau of Reclamation's Small Storage Program and modify existing authority to better accommodate groundwater recharge projects that can expand overall storage capacity in certain regions.

While groundwater and small surface storage projects (under 30,000 acre-feet) play an important role in improving drought resilience and water security, traditional surface storage infrastructure remains a critical component of comprehensive water management. OWRC appreciates the provision allowing continued development of certain projects advanced under Reclamation's storage authority authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act. However, the Arizona project addressed in this bill is not the only project that would benefit from an extension of this authority. OWRC urges the Subcommittee to expand Section 2 to reauthorize the entire Reclamation Storage Program, ensuring that OWRC members and other western water managers retain a viable federal pathway to plan and construct needed storage projects. Federal partnership is essential, particularly given that storage infrastructure is necessary to mitigate the impacts of climate change and often requires decades to advance from planning to construction.

S. 3738 – MORE WATER Act (Padilla)

Across Oregon, OWRC members are advancing irrigation modernization and environmental restoration projects that improve water management for both water users and aquatic ecosystems. S. 3738 contains provisions that, with refinement, could support these efforts and help balance the needs of people and the environment.

OWRC supports the concept of establishing a cost-share funding program within the U.S. Bureau of Reclamation to improve and construct federal and non-federal water conveyance facilities. Many OWRC members are converting open canals to pressurized pipelines that would be eligible under the program proposed in Section 3. These projects reduce water losses, facilitate automation and advanced irrigation technologies, and provide numerous additional water management and environmental benefits. Although Reclamation is the primary federal water management agency in the West, it currently lacks a

viable program specifically designed to advance these types of large-scale conveyance modernization projects.

While OWRC supports creating such a program at Reclamation, we look forward to working with the Subcommittee and bill sponsors to clarify and strengthen the structure of the proposal. As currently drafted, the program's mechanics are unclear, and even before accounting for the complex cost-share calculation, the maximum federal contribution appears less favorable than comparable programs administered by the U.S. Department of Agriculture's Natural Resources Conservation Service or the U.S. Army Corps of Engineers. Ensuring that Reclamation has clear authority and sufficient flexibility to invest meaningfully in larger conveyance projects not accommodated by existing programs would substantially improve the bill.

Section 4 would also increase funding for a competitive habitat restoration grant program and authorize additional funding for Reclamation-directed ecosystem restoration investments. Several OWRC members are already engaged in these efforts in partnership with Reclamation. Balancing irrigation water needs with environmental objectives is embedded in the daily operations and long-term investments of our members, and we support ensuring that Reclamation has the authority and resources to participate fully in these collaborative efforts.

Conclusion

Oregon has a long history of collaborative, locally driven watershed solutions, and we appreciate the legislation highlighted above that reinforces the federal government's role as a meaningful partner in those efforts. Thank you again for the opportunity to submit testimony for the record. OWRC looks forward to working with the Subcommittee and bill sponsors as these measures move through the legislative process.

Quincy-Columbia Basin Irrigation District



Post Office Box 188
Quincy, Washington 98848
(509) 787-3591 QCBID.ORG

February 3, 2026

The Honorable Mike Lee
Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Martin Heinrich
Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Lee and Ranking Member Heinrich,

On behalf of the Board of Directors for Quincy-Columbia Basin Irrigation District (QCBID), I write in strong support for passage of the Urban Canal Modernization Act (S. 2753). This legislation would allow Bureau of Reclamation aging infrastructure funding to be used to address extraordinary maintenance needs for urban canals of concern, which is an increasingly urgent challenge across the West.

As you know, many western canals were constructed in rural settings but are now surrounded by dense urban development. The West Canal in central Washington illustrates this shift. Operated by QCBID under a transferred works contract with Reclamation, the West Canal conveys water from the Columbia River to serve 254,000 acres of irrigated farm land within the Columbia Basin Irrigation Project. The first 36 miles of the West Canal pass through the cities of Soap Lake, Ephrata, and Quincy, all of which continue to experience continued growth and development.

As a result of this development and associated risks, Reclamation has designated portions of the West Canal as an "urban canal of concern" and identified segments between stations 849+40 to 864+40 in its FY23 Extraordinary Maintenance Report to Congress. Operating and maintaining the canal in this urban setting is substantially more costly and presents far greater public-safety risks than when the canal was originally constructed. In Ephrata, Washington, deferred repairs could pose serious risks to nearby homes and businesses that have been built around it.

S. 2753 would enable QCBID to effectively address these Reclamation-identified extraordinary maintenance needs while leveraging reimbursable funding and complimentary federal grant programs to modernize aging infrastructure and improve water conservation. We appreciate your leadership in advancing solutions to the growing challenges facing our nation's water infrastructure and strongly urge passage of S. 2753.

Sincerely,

Roger Sonnichsen
Secretary-Manager
Quincy-Columbia Basin Irrigation District

"Delivering Irrigation Water Efficiently and Economically."



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
LARRY RHODEN | GOVERNOR

March 12, 2026

The Honorable John Hoeven, Chairman
The Honorable Ron Wyden, Ranking Member
Water and Power Subcommittee
U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Hoeven and Ranking Member Wyden,

As Governor of South Dakota, I strongly endorse S. 3723, the Western South Dakota Water Supply Project Feasibility Study Act, authored by Senators John Thune and Mike Rounds. I urge the Committee to support and advance this bill, which would authorize a federal feasibility study for the Western Dakota Regional Water System. This project is critical to protect public health and drive economic development across western South Dakota.

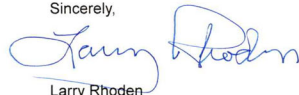
Our region is experiencing sustained growth, both in population and industry. Thanks to a significant federal investment in Ellsworth Air Force Base, the Black Hills of South Dakota are becoming more and more crucial to America's national security. Reliable access to clean water is the foundation of public health. It ensures safe drinking water for families, communities, and all South Dakotans.

Economic development depends on the availability of a reliable water supply. Existing groundwater sources, such as the Madison and Minnelusa aquifers, have served us well, but rising demand requires a forward-looking approach. We hope to study the potential to supplement these sources with water from the Missouri River.

The State of South Dakota has already committed \$12,165,000 toward pre-feasibility efforts, which demonstrates our commitment to this project. A Bureau of Reclamation feasibility study is the next step. It does not authorize construction; rather, it provides the technical and economic analysis needed for informed decisions by Congress, South Dakota, and local communities.

For these reasons, I strongly encourage the Committee to authorize this feasibility study and advance legislation that will protect public health and strengthen economic opportunity for generations to come.

Sincerely,

A handwritten signature in blue ink, reading "Larry Rhoden". The signature is fluid and cursive, with the first name "Larry" and the last name "Rhoden" clearly distinguishable.

Larry Rhoden
Governor of South Dakota



STATE OF SOUTH DAKOTA
 OFFICE OF THE GOVERNOR
 LARRY RHODEN | GOVERNOR

March 12, 2026

The Honorable John Hoeven, Chairman
 The Honorable Ron Wyden, Ranking Member
 Water and Power Subcommittee
 U.S. Senate Committee on Energy and Natural Resources
 304 Dirksen Senate Building
 Washington, DC 20510

Dear Chairman Hoeven and Ranking Member Wyden,

As Governor of South Dakota, I strongly endorse S. 3725, the Lewis & Clark Regional Water System Expansion Feasibility Study Act, authored by Senators John Thune and Mike Rounds. I urge the Committee to support and advance this bill, which would authorize a federal feasibility study for the Lewis & Clark Regional Water System. This project is critical to continue protecting public health and drive economic development across Lewis & Clark Regional Water Systems existing service area in South Dakota and portions of Iowa and Minnesota.

The existing Lewis & Clark Regional Water System service area is experiencing sustained growth in both population and industry. As a proven and highly successful regional provider, Lewis & Clark plays a critical role in southeastern South Dakota by delivering reliable, high quality water to the communities it serves. Continued access to clean water is the foundation of public health, supporting safe drinking water for families, communities, and the growing number of customers who depend on Lewis & Clark every day.

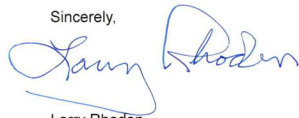
Economic development depends on the availability of a reliable water supply, yet existing groundwater sources within the Lewis & Clark Regional Water System service area can no longer meet all current and projected needs. While significant use of the Missouri River already supports the region's water supply, rising demand calls for a proactive and strategic approach. To ensure continued growth and stability for the communities and industries we serve, we hope to study the potential for supplementing existing sources with additional water from the Missouri River.

A Bureau of Reclamation feasibility study is the next step. It does not authorize construction; rather, it provides the technical and economic analysis needed for informed decisions by Congress, South Dakota, and local communities.

STATE CAPITOL | 500 EAST CAPITOL | PIERRE, SOUTH DAKOTA | 605.773.3212

For these reasons, I strongly encourage the Committee to authorize this feasibility study and advance legislation that will protect public health and strengthen economic opportunity for generations to come.

Sincerely,

A handwritten signature in blue ink, reading "Larry Rhoden". The signature is fluid and cursive, with the first name "Larry" and the last name "Rhoden" clearly distinguishable.

Larry Rhoden
Governor of South Dakota



STATE OF SOUTH DAKOTA
 OFFICE OF THE GOVERNOR
 LARRY RHODEN | GOVERNOR

March 12, 2026

The Honorable John Hoeven, Chairman
 The Honorable Ron Wyden, Ranking Member
 Water and Power Subcommittee
 U.S. Senate Committee on Energy and Natural Resources
 304 Dirksen Senate Building
 Washington, DC 20510

Dear Chairman Hoeven and Ranking Member Wyden,

As Governor of South Dakota, I strongly endorse S. 3736, the Dakota Mainstem Water Supply Project Feasibility Study Act, authored by Senators John Thune and Mike Rounds. I urge the Committee to support and advance this bill, which would authorize a federal feasibility study for the Dakota Mainstem Regional Water System. This project is critical to protect public health and drive economic development across southeastern South Dakota, and portions of Iowa, Minnesota, and Nebraska.

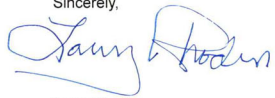
Eastern South Dakota is experiencing sustained growth, both in population and industry. Reliable access to clean water is the foundation of public health. It ensures safe drinking water for families, communities, and all South Dakotans.

Economic development depends on the availability of a reliable water supply, yet existing groundwater sources in the southeastern region of the state can no longer meet all current and projected needs. While significant use of the Missouri River already supports the region's water supply, rising demand calls for a proactive and strategic approach. To ensure continued growth and stability for the communities and industries we serve, we hope to study the potential for supplementing existing sources with additional water from the Missouri River.

The State of South Dakota has already committed \$2,000,000 toward pre-feasibility efforts, and a bill in South Dakota's current legislative session would appropriate an additional \$750,000 of state funds, which demonstrates our commitment to this project. A Bureau of Reclamation feasibility study is the next step. It does not authorize construction; rather, it provides the technical and economic analysis needed for informed decisions by Congress, South Dakota, and local communities.

For these reasons, I strongly encourage the Committee to authorize this feasibility study and advance legislation that will protect public health and strengthen economic opportunity for generations to come.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Rhoden". The signature is fluid and cursive, with the first name "Larry" and last name "Rhoden" clearly distinguishable.

Larry Rhoden
Governor of South Dakota



February 23, 2026

The Honorable Mike Lee
Committee Chairman
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Committee Ranking Member
Senate Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Hoeven
Chairman
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Water & Power
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen Lee and Hoeven, Ranking Members Heinrich and Wyden,

On behalf of the Southwestern Power Resources Association (SPRA) and the public power utilities, electric cooperatives, and municipally owned electric systems we represent across the six-state region, we are writing to express our strong and unequivocal support for S. 1034, the Southwestern Power Administration Fund Establishment Act. SPRA members serve nearly 10 million end-use consumers, predominantly rural communities where the quality of life and economic opportunity rely heavily on access to affordable and reliable electricity. Strengthening the long-term stability of the federal hydropower system is essential to meeting these needs.

For more than 80 years, the Southwestern Power Administration (SWPA) has delivered cost-based federal hydropower and transmission services that form an essential backbone of our region's energy landscape. As electricity demand continues to grow, ensuring the continued performance and resilience of federal hydropower has never been more important. Federal hydropower remains one of the nation's most dependable and affordable generating resources, and rural ratepayers benefit directly from its stability.

S. 1034 represents a long overdue modernization of SWPA's financial structure. The transition from annual funding from Congress to a revolving fund within Treasury would allow SWPA to operate on a self-financed basis using the revenues from power sales to meet its 24/7/365 energy delivery requirements. This structural shift would:



- Provide consistent, multi-year funding necessary for essential power delivery operations, including maintenance and ongoing investment in the transmission system, while also supporting continued investment in the generation assets.
- Strengthen the agency's ability to respond quickly and responsibly to operational challenges, market volatility, and extreme weather events.
- Improve financial predictability not only for SWPA but for the wholesale and retail systems that depend on its services.
- Maintain the same operational and financial transparency, and Congressional oversight that exist today without the requirement of annual appropriations.

Recent years have demonstrated the vulnerability of the current financial structure. During periods of drought, low-water conditions, or emergency power replacement, SWPA is subject to expensive market power to meet contractual obligations. During extreme weather including Winter Storm Uri, Winter Storm Elliott, and most recently Winter Storm Fern, market energy prices can escalate to extraordinary levels. Under today's model, these unexpected costs can strain SWPA's current funding structure and create unacceptable rate instability for the customers we serve.

A revolving fund would reduce this risk substantially. The ability allows SWPA to manage costs more effectively, avoid unnecessary financial exposure, and ensure that power replacement is undertaken responsibly and strategically. It also protects rural consumers from sudden rate shocks driven by conditions outside their control.

Importantly, S. 1034 does not expand SWPA's mission, increase taxpayer obligations, or alter cost-based rate principles. SWPA customers already repay 100 percent of program costs, including all capital, operating, and replacement power expenditures. The proposed fund simply equips the agency with the tools it needs to operate efficiently and responsibly in a modern energy environment.

By enhancing operational stability and supporting continued investment in the hydropower and transmission assets that underpin our regional grid, S. 1034 strengthens:

- Energy reliability, by ensuring federal hydropower remains a dependable part of the generation mix.
- Energy affordability, by reducing exposure to market volatility for rural communities.
- Regional resilience, through better preparedness for extreme weather events and prolonged drought.

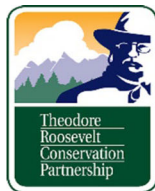


- Economic development, especially in rural and agricultural regions where stable electric service is foundational to growth.
- National energy security, by bolstering a key federal resource that supports critical infrastructure and serves as a carbon-free, dispatchable energy source.

For these reasons, the SPRA is proud to support the Southwestern Power Administration Fund Establishment Act, and we urge its swift passage. This legislation represents a pragmatic, responsible, and urgently needed modernization that strengthens the federal hydropower system and protects millions of Americans who rely upon it.

Thank you for your leadership and your continued commitment to policies that sustain affordable, reliable, cost-based federal hydropower. Please do not hesitate to contact us if we may provide additional information or serve as a resource as the Committee advances this legislation.

Barbara L. Smith
Executive Director



**U.S. Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power**

**Hearing to Receive Testimony on Pending Legislation
February 17th, 2026**

Dear Chairman Hoeven, Ranking Member Wyden, and Members of the Subcommittee:

On behalf of the Theodore Roosevelt Conservation Partnership (TRCP), we write expressing our support for pending legislation that will balance the stewardship of our nation's natural resources and economic growth, support voluntary water conservation efforts, and enhance fish and wildlife habitat to the benefit of America's sportsmen and women.

The TRCP is the country's largest coalition of hunting, fishing, and conservation groups, outdoor businesses, and individuals working to advance proactive conservation solutions in the federal policy arena. With a mission to guarantee all Americans quality places to hunt and fish, the TRCP unites and amplifies the voices of 64 organizational partners and 140,000 individual members and supporters in support of policies, programs, and funding that conserve fish and wildlife habitat and public access. The TRCP builds non-partisan coalitions to advocate for conservation in multiple program areas, including water resources, public lands, agricultural and private lands, and climate resilience.

Across much of the western United States, snowpack, a critical source of our nation's water supply, is well below average, and drought conditions are extensive. These challenging water supply conditions threaten our nation's economic security, food and fiber production, domestic energy production, access to clean drinking water, outdoor pursuits, and our nation's abundant fish and wildlife. To address these challenges, we support legislation that creates new approaches and tools to ensure federal resources are available to lessen the impacts of drought, adapt to changing water supply conditions, enhance hunting and fishing opportunities, and promote responsible stewardship of our nation's fish and wildlife.

With these objectives in mind, the TRCP offers our support to the following legislation before the Subcommittee:

- S. 3743: A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam (Lee)

- S. 1242: Watershed Results Act (Wyden)
- S. 3792: Water Project Navigators Act (Hickenlooper/Moran)
- S. 2437 Snow Water Supply Forecasting Program Reauthorization Act (Hickenlooper/Curtis)
- S.4041 Cooperative Watershed Management Program Authorization Act (Daines/Hickenlooper)

S. 3743 – A bill to direct the Secretary of the Interior to carry out a feasibility study on a selective water withdrawal system at Glen Canyon Dam (Lee)

The TRCP supports S.3743 which will help reduce the impacts of mitigation measures aimed at controlling smallmouth bass in the Colorado River below Glen Canyon Dam. Declining reservoir levels have led to higher water temperatures downstream of Glen Canyon Dam, creating conditions that favor smallmouth bass which in turn impacts native species of fish and macroinvertebrates that support the world-renowned blue ribbon trout fishery at Lees Ferry.

A selective water withdrawal system to the dam's power intakes has previously been identified by the U.S. Fish and Wildlife Service as an effective means to control Glen Canyon release temperatures, which is critical to sustaining both native fish species and the trout fishery. As such, we support this bill and, if passed into law, we encourage the Secretary of the Interior to work with the Glen Canyon Adaptive Management Program in evaluating this approach.

S. 1242: Watershed Results Act (Wyden)

The TRCP supports S. 1242, which would provide a framework to support a coordinated approach that maximizes the return on investment from federal conservation funding. This legislation encourages collaboration among water users to identify and implement a more thoughtful, strategic, expedited, and outcome-driven approach to ensuring the resilience of our watersheds and benefit fish and wildlife. This strategic approach is more important than ever as we ensure that limited federal resources are targeted to on-the-ground watershed restoration projects with broad support that deliver outcomes important to both the natural environment and water users. If passed, we believe this approach would greatly benefit western watersheds in addressing system-wide issues, including drought and declining surface and groundwater supplies.

S. 3792: Water Project Navigators Act (Hickenlooper/Moran)

The TRCP supports S. 3792, which would create a new program within the Bureau of Reclamation that would provide financial support to water users, Tribes, local government, and non-government entities to bring on much needed technical capacity to design and plan water projects that can achieve multiple benefits including building resilience to drought, improving water quality, enhancing water availability, and restoring fish and wildlife habitat. The program

is modeled after several successful pilot programs in Colorado that provide resources directly to water users to secure technical and administrative support to translate identified project needs to shovel-ready projects that can be competitive for public funding. These types of programs have been especially helpful for water users who struggle to access funding due to limited staffing capacity and technical resources.

TRCP also strongly believes that this program would not create winners and losers but would in fact make many more water infrastructure projects more competitive for public and private funding. For example, many of the Bureau of Reclamation's own criteria for financial assistance often give extra points to projects that provide multiple benefits, including, but not limited to improved water supply availability, reducing stress on basin-wide water supplies, addressing water quality concerns (e.g., salinity, selenium), and enhancing fish and wildlife habitat. Many state and local government funding programs throughout the western United States have similar criteria.

**S. 2437 Snow Water Supply Forecasting Program Reauthorization Act
(Hickenlooper/Curtis)**

The TRCP supports S.2437, which would make strategic updates to the Bureau of Reclamation's Snow Water Supply Forecasting Program, ensuring continued investment in cutting-edge, integrated technologies such as airborne laser altimetry, imaging spectroscopy, and physics-based snowpack modeling. These investments are essential because snowpack throughout the western United States plays a critical role in determining water availability for ecosystems, agriculture, municipalities, and hydropower production. As climate variability increases, accurate and timely snowpack measurements and forecasting tools are more vital than ever for resource planning, habitat management, and drought resilience.

**S.4041 Cooperative Watershed Management Program Authorization Act
(Daines/Hickenlooper)**

The TRCP supports S.4041, which would reauthorize the Bureau of Reclamation's Cooperative Watershed Management Program (CWMP). The CWMP provides funding to community-based watershed organizations and other local entities to enhance their capacity to conduct watershed planning efforts, which in turn can help to identify projects that can improve watershed function, including building resilience to wildfire and drought. The CWMP is also important in that it provides funding for early-stage project planning and development and project management capacity, which are critical steps in moving watershed health projects towards implementation.

The TRCP urges the Water and Power Subcommittee to support these bills. The TRCP stands ready to work with the Subcommittee on these bills.

Sincerely,

Alexander Funk
Director of Water Resources
Theodore Roosevelt Conservation Partnership

United States Department Energy
Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
S. 3684, the Water Power Research and Development Reauthorization Act
February 24, 2026

Introduction

Chairman Lee, Ranking Member Heinrich, and members of the Committee and Subcommittee, the United States (U.S.) Department of Energy (DOE) thanks you for the opportunity to provide a statement before you today on this bill related to water power research, development, demonstration, and commercial application activities.

DOE plays a critical role in ensuring Americans have reliable, affordable, and secure energy. Through its Hydropower and Marine Energy Programs, DOE's Hydropower and Hydrokinetics Office (H2O)—formerly the Water Power Technologies Office—enables research, development, testing, and commercialization of technologies to advance next-generation hydropower and pumped storage systems, as well as marine energy, to deliver flexible, reliable energy. H2O works with partners across the country—such as national laboratories, universities, and industry—to advance water power technologies through research, testing, and workforce development, improving technology performance while lowering costs, and deployment barriers.

Innovation is critical to the future of American water power. Hydropower and pumped storage provide reliable, flexible, and affordable electricity, supplying 6% of the nation's utility-scale generation and 88% of utility-scale storage. Opportunities to expand generation and storage include building new facilities, adding hydropower to non-powered dams, and upgrading existing plants. At the same time, reinvestment is essential to keep current hydropower facilities reliable and support a robust domestic supply chain. Marine energy offers abundant, predictable, and locally sourced energy that can address the energy challenges of coastal communities, offshore industries, and national security missions. H2O drives the development and demonstration of hydropower and marine technologies, helping modernize existing infrastructure, advance next-generation solutions, and provide resilient, secure energy to Americans.

S. 3684, the Water Power Research and Development Reauthorization Act

S. 3684 updates the authorization for the DOE Hydropower and Marine Energy Programs to emphasize several areas of opportunity that support the programs' existing missions. For hydropower, it adds language highlighting priorities such as cybersecurity, improved grid modeling, scaling U.S.-based manufacturing, research on mitigating invasive species impacts, and collaboration with Federal, state, tribal, and local agencies to streamline licensing. For marine energy, the bill authorizes research and development (R&D) in subsea and offshore power for data centers and offshore systems, powering desalination, and marine energy systems for extreme conditions typical of Arctic marine environments. It also emphasizes continued collaboration with the Department of War, the U.S. Navy, the National Oceanic and Atmospheric Administration (NOAA), and the National Sea Grant Program on marine energy. Workforce development, student-led research, and education and outreach remain highlighted as key priorities for both hydropower and marine energy.

Conclusion

Thank you for the opportunity to submit testimony on this bill. DOE looks forward to continuing working with you.

WRITTEN TESTIMONY
OF
KRISTIN CONZET
EXECUTIVE DIRECTOR,
WESTERN DAKOTA REGIONAL WATER SYSTEM
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BEFORE THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON WATER AND POWER
“LEGISLATIVE HEARING ON S. 3723”
March 17, 2026
SUBMITTED FOR THE RECORD
TO:
CHAIRMAN JOHN HOEVEN
RANKING MEMBER RON WYDEN

Dear Chairman, Hoeven and Ranking Member Wyden:

Please accept this written testimony for inclusion in the official record of the Subcommittee on Water and Power’s February 24, 2026 hearing on S. 3723, a bill to require the Secretary of the Interior to conduct a study to determine the feasibility of constructing a project to supply municipal, rural, and industrial water from the Missouri River to the Western Dakota Regional Water System, and for other purposes.

It is important to note that Bureau of Reclamation (BoR) leadership has indicated limited capacity to complete the requested feasibility study. WDRWS stands ready to have its consulting team complete a majority of the feasibility study under BoR oversight through a cooperative agreement with the BoR.

Western Dakota Regional Water System

Western Dakota Regional Water System (WDRWS) was formed in response to growing concerns among western South Dakota communities, rural water systems, and regional leaders about the long-term reliability of their water supplies. Around five years ago, West Dakota Water Development District (WDWDD) commissioned South Dakota Mines to study whether WDWDD should retain its future use permit for Missouri River water, an additional water source required for projected growth in Pennington County, SD. In addition, the study provided anticipated infrastructure and costs to convey water from the Missouri River to Pennington County. The study found that the current water demand exceeds the available water budget during drought conditions. Projected water demands emphasized that the local water sources that have sustained the region for decades could not reliably support future demand on their own. At the same time, steady population growth, increasing pressure on rural water systems, and the expansion of Ellsworth Air Force Base made it clear that a

long-term, drought-resistant solution was necessary. Individual communities understood they could not solve this challenge alone.

In response, regional partners came together to form the WDRWS as a nonprofit regional entity with the sole purpose of securing a permanent, reliable water supply for western South Dakota. Founding members included municipalities, rural water systems, Tribes, and regional stakeholders who shared the understanding that the Missouri River is a sustainable long-term solution, just as it has been for eastern South Dakota. Since its formation, WDRWS has grown steadily in membership and support, completed initial engineering and planning work, secured state and local funding to advance project development, and built partnerships with state and federal leaders.

Over the past five years, our efforts have evolved from a shared concern into an organized regional initiative with broad support and a clear path forward. The State of South Dakota demonstrated its commitment to this effort through an over \$10 million investment of American Rescue Plan Act (ARPA) funding to advance planning and development. Those funds have been matched with an additional \$2 million in state and \$900,000 in local funds. WDRWS has worked to define the project concept, evaluate potential intake and delivery options, and position the project for federal feasibility study authorization. This progress reflects a proactive, locally led effort, supported by significant state partnership, to address a regional water supply challenge before it becomes a crisis. WDRWS will ensure western South Dakota can sustain its communities, agriculture, Tribal Nations, federal lands, and national defense mission for generations to come.

The Need for Missouri River Water in Western South Dakota

Western South Dakota, a 51,600 square mile area, faces a structural water supply problem that cannot be solved with existing sources. Communities, ranchers, and critical national assets rely heavily on the Madison and Minnelusa aquifers, which are finite, over-allocated in key areas, and vulnerable to drought. Most livestock producers depend on shallow wells, windmills, and springs that are becoming less reliable. At the same time, the region is experiencing steady population growth and increased demand, driven in part by the expansion of Ellsworth Air Force Base, which plays a vital role in national defense. Western South Dakota remains the only major region of the state without access to Missouri River water, the state's most reliable long-term water source. Without action, water limitations will increasingly constrain economic stability, agricultural production, and national security infrastructure.

The United States Geological Survey (USGS), in cooperation with the WDRWS, evaluated groundwater conditions in the Black Hills region, focusing on the Deadwood, Madison, Minnelusa, Minnekahta, Sundance, and Inyan Kara aquifers, which supply most of the municipal and rural water in western South Dakota. <https://pubs.usgs.gov/publication/sir20255067>

Using data from 1931 through 2022, the study found that these aquifers receive approximately 279,000-acre-feet of recharge annually under average precipitation conditions, with more than 75% occurring in the Madison and Minnelusa formations, which are also the most heavily relied upon sources.

Groundwater withdrawals have increased approximately 33% since the 1990s, reaching about 50,000-acre feet annually, reflecting growing demand. The study identified localized areas of concern, including the Rapid City, Piedmont, and Hermosa regions, where withdrawals and water level trends indicate increasing stress. The study also found that recharge is dependent on precipitation and variable hydrologic conditions, and that water quality and usability vary by location.

USGS concluded that while these aquifers remain essential water sources, they are finite and subject to increasing demand and hydrologic variability, reinforcing the need for long term, drought resilient supplemental water supplies.

2 Hydrologic Budgets and Water Availability of Six Bedrock Aquifers in the Black Hills Area, 1931–2022

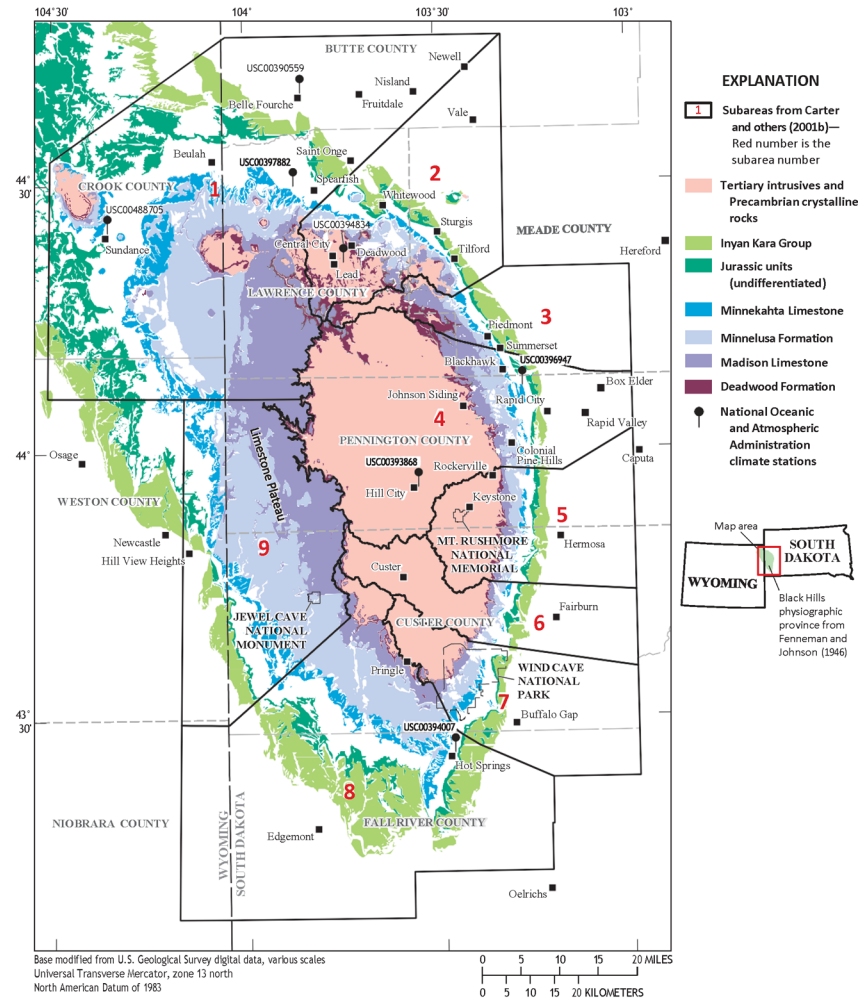
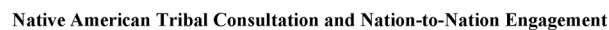


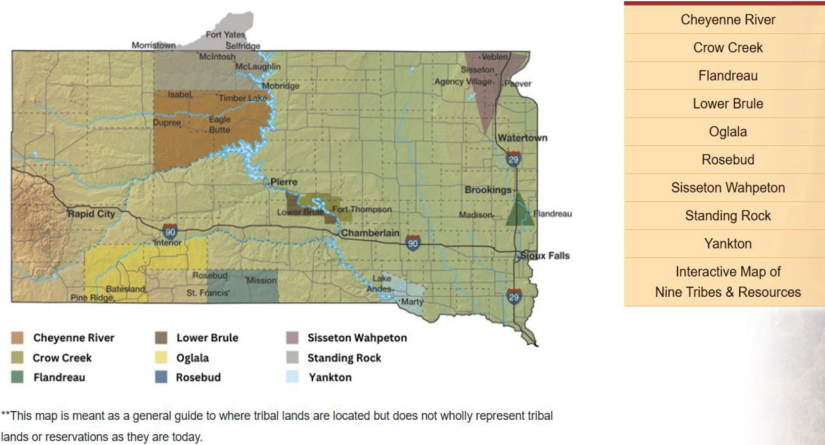
Figure 1. Study area with subareas 1–9 and recharge areas of aquifers evaluated in this report. Madison Limestone and Minnelusa Formation and South Dakota geology modified from Strobel and others (1999) and DeWitt and others (1989); Wyoming geology of Minnekahta Limestone, Jurassic units (undivided), Inyan Kara Group modified from Wyoming Geologic Survey 1:100,000 quadrangle maps of the Devils Tower (Sutherland, 2008), Sundance (Sutherland, 2007), Newcastle (McLaughlin and Ver Ploeg, 2006), and Lance Creek (Johnson and Micale, 2008) quadrangles. Black Hills physiographic province (shown in inset map) from Fenneman and Johnson (1946).

WDRWS directly supports the long-term water security of Ellsworth Air Force Base, a major United States Air Force installation with a critical national defense mission. The base is undergoing significant expansion, including the beddown of the B-21 Raider Long-Range Strike Bomber, which will further increase water demand and the strategic importance of reliable infrastructure. A permanent, drought-resistant water supply is essential to ensure mission assurance, operational continuity, and the ability of the installation to perform its national security functions without disruption. By securing a sustainable Missouri River water source, WDRWS helps protect a federal military asset in which the United States has invested billions of dollars. This project supports federal military readiness and aligns directly with national defense priorities by ensuring the infrastructure necessary to sustain current operations and future mission growth.



Western South Dakota is home to approximately 51,570 Native American residents whose communities depend on in part finite and vulnerable groundwater supplies. Twenty-eight Tribes have ancestral ties to the Missouri River, and Tribes in western South Dakota have been engaged in discussions regarding long term water supply solutions since the inception of the WDRWS. Tribal representatives, including members of the Oglala Sioux Tribe, participated in early project governance to help identify regional water needs. Formal government-to-government consultation is a federal responsibility, and authorization of the feasibility study allows the BoR to evaluate opportunities to improve long term water reliability consistent with federal trust and treaty obligations.

THE TRIBES OF SOUTH DAKOTA



Above Map: Tribes of South Dakota (Courtesy of South Dakota Department of Tribal Relations)

The passage of S3723 and HR7288 and the direction of the U.S. BoR to lead a study of the feasibility of bringing Missouri River water to western South Dakota triggers the involvement of the federal government and the ability to begin government-to-government consultation with Tribes.

WDRWS welcomes the involvement of BoR and the Tribes to ensure that Tribal water needs, rights, and priorities are fully evaluated as part of the project. Tribes that could directly benefit from a partnership with WDRWS to access additional Missouri River water include the Oglala Sioux Tribe, Rosebud Sioux Tribe, Lower Brule Sioux Tribe, Cheyenne River Sioux Tribe, and Standing Rock Sioux Tribe. As with other water systems throughout the western part of South Dakota, the WDRWS would seek a partnership that would support and supplement existing systems by providing additional water and redundancy to current water supplies.

Existing Tribal water projects in western South Dakota include:

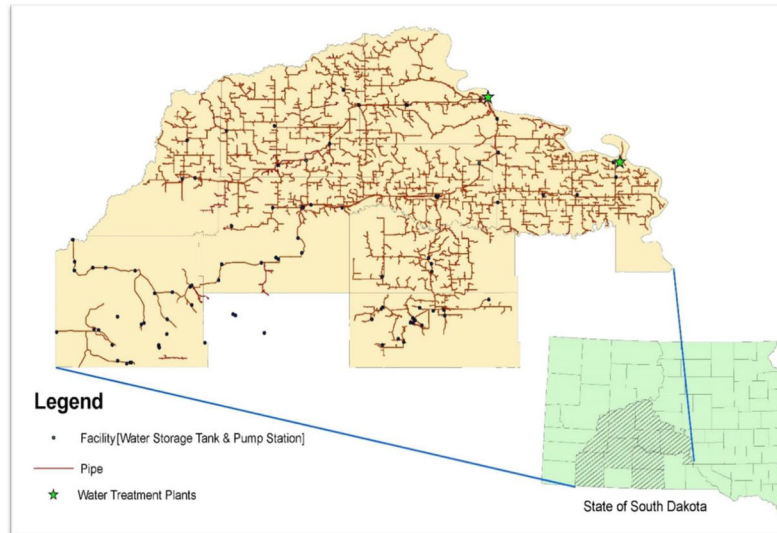
1. Mni Wašté Water Company: The Mni Wašté Water Company is a tribally chartered entity owned by the Cheyenne River Sioux Tribe, dedicated to providing safe, clean drinking water to residents on the Cheyenne River Reservation in north-central South Dakota. It sources water from the Missouri River at the eastern boundary of the reservation, transporting raw water 10 miles to a water treatment plant. It serves approximately 14,000 members primarily in Dewey and Ziebach Counties (the core of the reservation), with extensions into western Meade County and southeastern Perkins County.

2. Standing Rock Sioux Rural Water: The Standing Rock Sioux Rural Water System is a tribally managed water supply system serving the Standing Rock Sioux Tribe on the Standing Rock Indian Reservation, which straddles North Dakota and South Dakota along the Missouri River. It sources water primarily from the Missouri River (Oahe Reservoir/Lake Oahe) via intakes (including facilities near Fort Yates, ND, and a newer near in Mobridge, SD), delivering safe drinking water to communities such as Fort Yates, Wakpala, Kenel, Little Eagle, Bullhead, Cannon Ball, and others across the reservation and some surrounding areas in Sioux County, ND, and Corson County, SD.

3. Rosebud Rural Water System: The Rosebud Rural Water System is a tribal component of the Mni Wiconi Rural Water Supply Project. It receives high-quality, safe drinking water sourced primarily from the Missouri River via the Mni Wiconi core treatment plant near Fort Pierre, South Dakota. The Mni Wiconi water supply is supplemented by 19 groundwater wells and serves the Rosebud Sioux Tribe on the Rosebud Indian Reservation primarily in Todd County, with extensions into Mellette, Gregory, and surrounding areas.

5. Lower Brule Sioux Rural Water System: The Lower Brule Sioux Rural Water System is a key tribal component of the Mni Wiconi Rural Water Supply Project, which provides high-quality Missouri River-sourced drinking water to the Lower Brule Sioux Tribe on the Lower Brule Indian Reservation. The system primarily serves residents in Lyman County (core of the reservation) and parts of Stanley County in central South Dakota, supporting municipal, rural, and tribal needs with ongoing federal operations and maintenance support. The Lower Brule Sioux Rural Water System operates its own water supply and treatment system in addition to receiving supplemental water service from the Mni Wiconi Rural Water Supply Project.

4. The Mni Wiconi Rural Water Supply Project: The Mni Wiconi Rural Water Supply Project is a large-scale municipal, rural, and industrial water system in South Dakota created by Public Law 100-516 that provides a reliable, safe drinking water supply from the Missouri River to serve tribal communities on three Sioux Indian Reservations and adjacent non-tribal rural areas in west and south-central South Dakota. Public Law 100-516 directed the Secretary of the Interior (through BoR) to plan, design, and construct the Oglala Sioux Rural Water Supply System on the Pine Ridge Indian Reservation and to enter cooperative agreements for related non-tribal systems (West River/Lyman-Jones Rural Water System). Subsequent amendments added service to the Rosebud and Lower Brule Reservations as part of the Project. It was designed to address chronic water shortages, poor quality, and health/safety issues on the reservations and adjacent non-tribal areas. The eastern portion of the proposed WDRWS overlaps with the Mni Wiconi Rural Water Supply Project service territory. Any regional water solution for western South Dakota would be well served to coordinate between the Mni Wiconi and WDRWS to avoid duplication of services and unnecessary overhead costs. Authorizing BoR to conduct a WDRWS feasibility study would provide an opportunity for BoR to engage in nation-to-nation consultation on a regional water solution that best addresses long-term tribal and non-tribal water needs for western South Dakota.



Above Map: Service Area of the Mni Wiconi System (Courtesy of US Bureau of Reclamation)

Federal Land & Trust

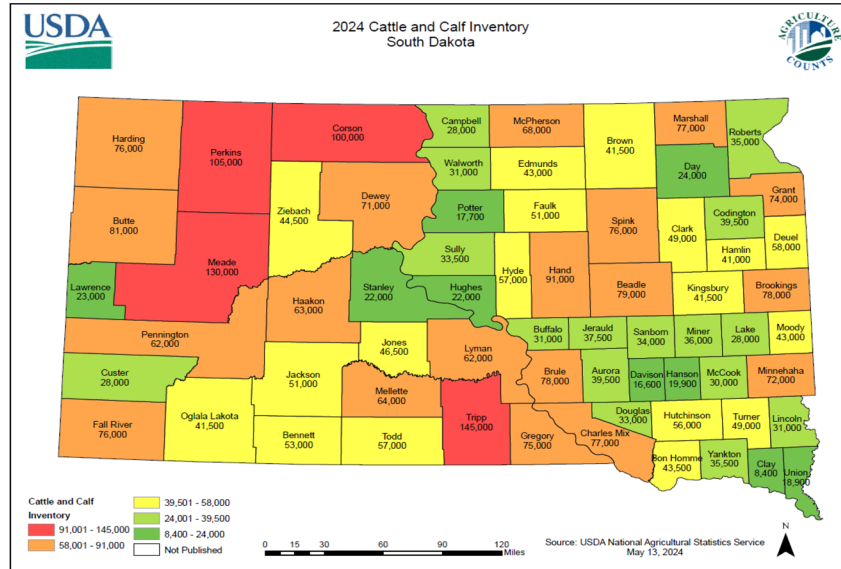
The WDRWS supports areas with significant federal land and trust responsibility, including Black Hills National Forest, Buffalo Gap National Grassland, and Badlands National Park. These federally managed lands rely on sustainable water resources to support recreation, grazing, tourism, natural resource management, and the surrounding gateway communities. In addition, federal grazing permittees depend on reliable water access to sustain livestock operations on these lands. By developing a permanent Missouri River water supply, the WDRWS helps fulfill the federal government's responsibility to protect the long-term viability, economic productivity, and public use of these nationally significant lands and the communities and economies connected to them.

State of South Dakota Impact

Livestock Producers

WDRWS supports livestock-based agriculture, primarily cow, calf, and cattle operations that depend on reliable water every single day to sustain animal health and production. This makes water infrastructure essential, not optional, for the continuation of these operations.

The project protects existing agricultural production that is already contributing to the regional and national economy, rather than supporting speculative future growth. It serves the majority of South Dakota grazing lands, where cattle production is the dominant agricultural activity and the foundation of many rural communities. The system also addresses failing and declining stock water sources, including shallow wells, windmills, and springs, which are becoming less reliable due to drought and aquifer limitations. By providing a permanent, drought resistant water supply in an arid and drought prone region, the WDRWS supports large-scale ranch operations that span extensive geographic areas and fulfills the federal rural water mission to sustain remote agricultural economies.



Above Map: 2024 SD Cattle & Calf Inventory (Courtesy of US Department of Agriculture)

Tourism

Tourism is the economic engine of western South Dakota and depends on reliable water. The Black Hills and Badlands generate approximately \$2 billion annually and support 20,000 to 25,000 jobs. Mount Rushmore National Memorial attracts about 2.5 million visitors each year, Badlands National Park more than 1 million, and Black Hills National Forest approximately 3 million recreational visits.

Gateway communities including Rapid City, Keystone, Hill City, Custer, and Wall rely on groundwater from the Madison and Minnelusa aquifers to support residents and millions of visitors, with peak demand occurring during the driest months. Missouri River water is essential to sustain this federal tourism economy and protect the \$2 billion industry that depends on reliable water in western South Dakota.

Need

The need for the WDRWS is driven first and foremost by the region's increasing risk to long-term water reliability. Western South Dakota remains the only region of the state without access to a Missouri River municipal water supply. For decades, many communities relied primarily on the Madison and Minnelusa aquifers. These aquifers are finite, precipitation-dependent groundwater sources that are susceptible to drought, which can result in variable recharge and reduced aquifer production. Water rights and allocations do not guarantee physical deliverability during drought, and repeated drought cycles have demonstrated the region's

vulnerability to shortages. The WDRWS provides a permanent, drought resistant solution by accessing the Missouri River, a stable and federally managed supply capable of supporting the region's long-term needs.

The expansion of Ellsworth Air Force Base significantly increases the urgency of securing a reliable water supply. The federally directed B 21 bomber beddown will bring permanent aircraft, personnel, and families to the region, creating sustained and non-discretionary water demand. Ellsworth Air Force Base is a critical national defense installation, and its mission readiness depends on reliable municipal infrastructure, including water. The WDRWS supports national security by ensuring a dependable long-term water supply for this strategic installation and the surrounding defense community.

The WDRWS encompasses five Tribal Nations in western South Dakota and can be a partner in access to a long-term, drought-resistant Missouri River supply. Many Tribal systems face the same groundwater limitations, drought vulnerability, and infrastructure constraints affecting the broader region. As the Missouri River is a federally managed resource, development of this supply supports the federal government's trust responsibility to ensure reliable water infrastructure that protects public health, strengthens Tribal communities, and promotes long-term water security.

Agriculture remains a foundational component of western South Dakota's economy and is directly dependent on reliable water. Livestock producers require consistent water supplies to sustain herds, maintain herd health, and support regional and national food production. Drought conditions increase stress on local groundwater systems, placing agricultural operations at risk. A Missouri River supply provides long-term stability that protects the agricultural economy and preserves the viability of rural communities.

Tourism places significant seasonal demand on already limited water supplies. The Black Hills and Badlands region generates approximately \$2.0 billion in annual visitor spending and relies on dependable water infrastructure to support gateway communities and federally managed destinations. Peak tourism occurs during the driest months, intensifying stress on groundwater systems. Reliable water infrastructure is essential to sustain this economic driver. Informal discussions with representatives from Badlands National Park and Wind Cave National Park have indicated both facilities have limited water supply capacity issues. Mount Rushmore National Memorial draws drinking water from a fractured rock groundwater system, requiring treatment to manage contaminants. Recent tests found per and polyfluoroalkyl substances (PFAS ("forever chemicals")) exceeding proposed new federal limits, alongside historically detected perchlorate from past fireworks celebrations.

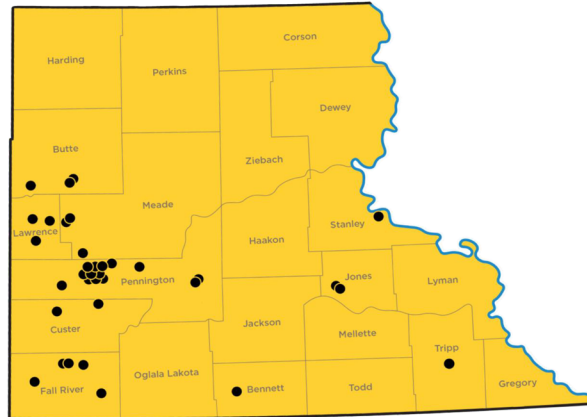
The WDRWS will deliver Missouri River water to the only remaining geographic region of the state without access, while supporting national defense, Tribal communities, and federally managed lands. Regional organization, completed planning, and strong local and state support position the project to move efficiently from federal feasibility study to construction, ensuring timely infrastructure development before shortages become a crisis.

WDRWS Preparation and Pre-Feasibility Work

Over the past five years, the WDRWS has completed the foundational technical, engineering, and regional coordination work required by the BoR to advance a Missouri River water supply solution. This work confirms the need, demonstrates technical viability, and positions the project to proceed immediately upon federal feasibility study authorization.

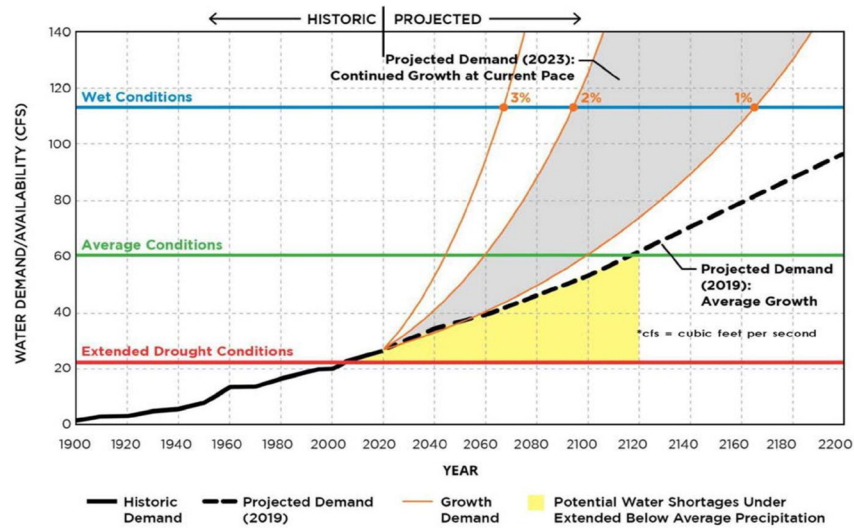
- **User Canvassing and Membership Outreach:** Established a regional user coalition of 49 water systems, Tribal partners, and communities across western South Dakota. The user canvassing and membership outreach efforts targeted answering questions regarding regional water service, determining interest in participation, and gathering information to help understand potential and future water needs

for project participants. To date, WDRW has a total of 49 members including 30 different public water systems and 19 other stakeholders.



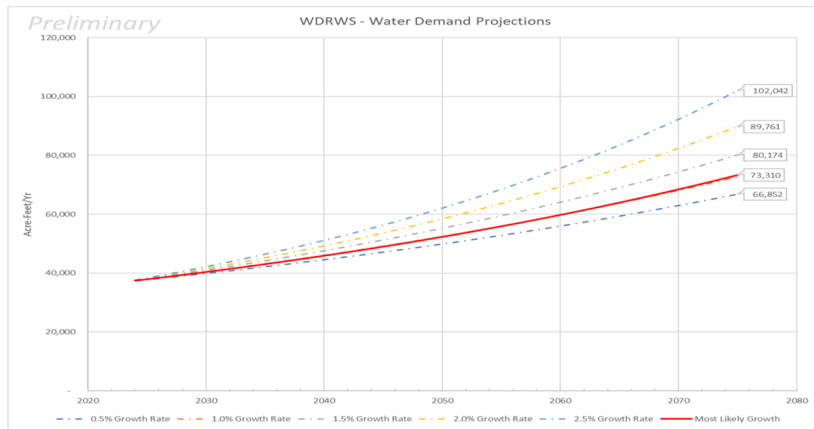
Above Map: Location of Current WDRWS Public Water System Membership

- **Water Supply Analysis:** Completed needs and options analysis to define long-term water supply deficiencies and evaluate potential solutions in cooperation with the USGS. The USGS validated the findings of a South Dakota Mines study that indicated existing local water supplies may not be able to meet current demands during prolonged drought conditions.



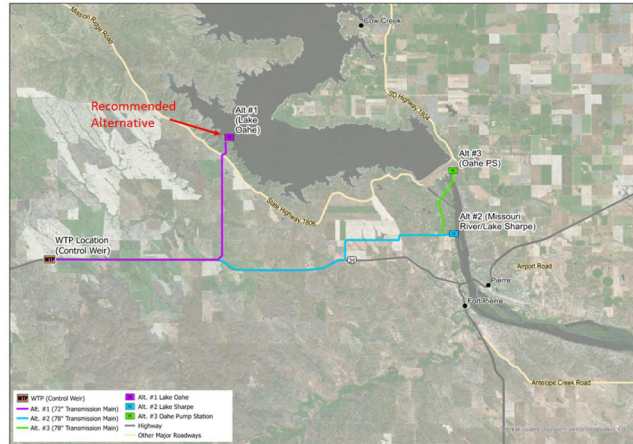
Above Graphic: Water Availability in Western Pennington County Under Various Precipitation Conditions in Comparison to Population Growth and Water Demand Projections.

- **Population and Water Demand Projections:** Completed long-term population and corresponding water demand projections based on historical data. Historical population and water demand information were evaluated for each member, resulting in a predicted collective water demand growth rate of 1.13% per year.

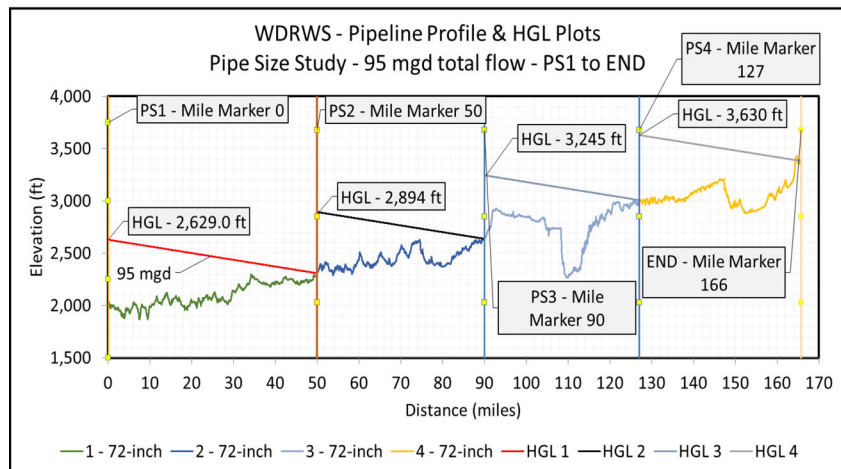


Above Graphic: Long-Term Water Demand Projection for WDRWS Members

- Conducted appraisal-level engineering, including conceptual intake, pipeline corridors, transmission and distribution system layout, storage planning, and water treatment concepts.
- Water Supply Intake Analysis: Three alternatives were evaluated with a new intake in Lake Oahe as the recommended alternative due to lower construction and operational costs.

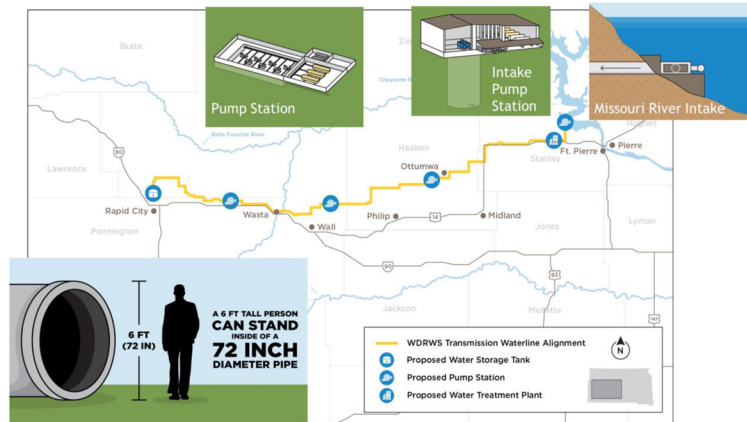


Above Graphic: Location of Three Water Supply Intake Alternatives Evaluated



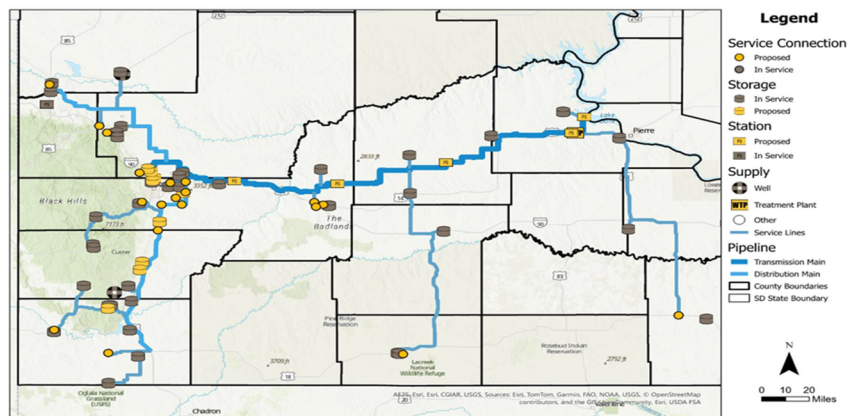
Above Graphic: Conceptual Hydraulic Model of WDRWS Transmission System From Lake Oahe to Rapid City, SD.

- **Conceptual Transmission System Hydraulic Model and Design:** Developed a conceptual hydraulic model and design of a 72-inch diameter transmission pipeline from Lake Oahe to Rapid City, including pump stations, and reservoirs.



Above Graphic: Conceptual Horizontal Alignment and Design of WDRWS Transmission System

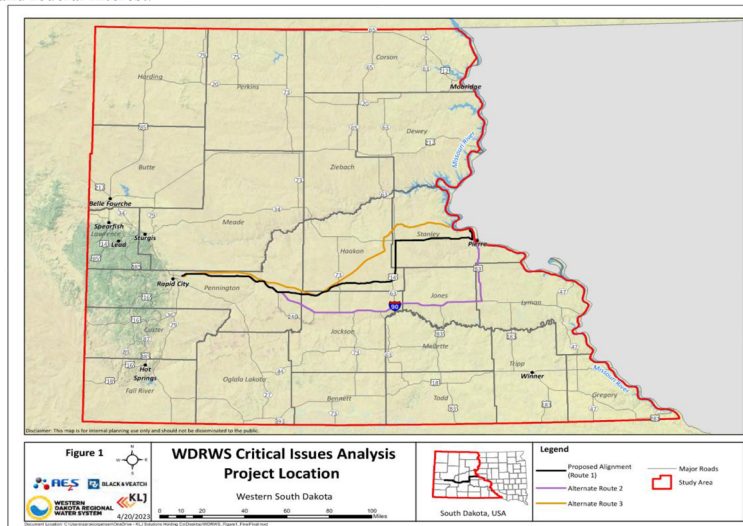
- **Conceptual Distribution System (In-Progress):** Developing a conceptual distribution system to deliver water to all WDRWS members. The conceptual design is in progress and is scheduled to be completed in mid-2026.



Above Graphic: Conceptual WDRWS Distribution System Layout.

- **Conceptual Water Treatment System (In-Progress):** Developing conceptual water treatment systems to provide a water quality compatible with existing WDRWS Members' water quality. Samples have been collected from the Missouri River and analyzed for comparison to water quality data collected from Members. Conceptual designs are in progress and scheduled to be completed in mid-2026.
- **Conceptual Financial Analysis (In-Progress):** Developing preliminary capital and operational cost estimates for life cycle cost analyses for financial planning to support project implementation and federal evaluation. The conceptual financial models are under development pending completion of conceptual designs and are scheduled to be completed in late 2026. Summary of preliminary capital cost estimates developed to date:

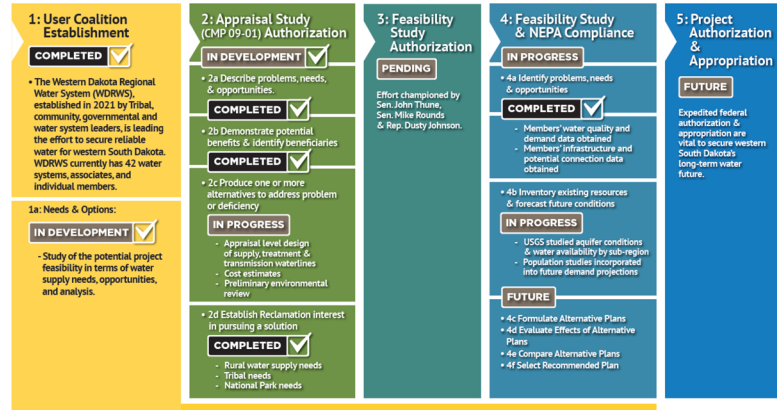
▪ Intake System:	\$0.24B to \$0.27B
▪ Transmission System:	\$2.00B to 2.50B
▪ Treatment System:	To Be Determined (TBD)
▪ Distribution System:	TBD
- **Critical Issues Analyses:** Preliminary critical issues analyses on the proposed pipeline alignments are being completed to identify potential barriers (critical issues) to project construction. The baseline criteria for the analyses are to identify natural, biological, and cultural resources, geographic areas, and political boundaries that will require additional review, and may require avoidance, minimization, or mitigation as well as associated local, state, and federal permits. The conceptual designs are implementing a strategy of avoidance as it relates to critical issues.
- **Coordinated with the BoR, USGS, and state agencies to evaluate aquifer conditions, water availability, and federal interest.**



Above Graphic: WDRWS Critical Issues Analysis Project Location

The Western Dakota Regional Water Supply Solution

Accomplishments to Date



Above Graphic: WDRWS Accomplishments to Date

Groundwater Quality Risks and Regulatory Compliance Challenges

In addition to water quantity issues throughout western South Dakota, drinking water quality poses challenges for many communities. Missouri River water promises abundant, clean water for communities in the region.

- PFAS
 - Rapid Valley Sanitary District had one perfluorooctanoic acid (PFOS) sample with a result of 0.0057 (µg/L)
 - Rapid Valley Sanitary District had perfluorohexanesulfonic acid (PFHxS) samples ranging from 0.0033 to 0.004125 (µg/L)
 - Rapid City had a PFHxS sample with a result of 0.0041 (µg/L)
 - West River/Lyman Jones had a PFBA sample with a result 0.0081 (µg/L)
 (*Sample data is not available for smaller WDRWS members. Although three members had test results above the minimum reporting level (MRL) PFAS samples can be easily contaminated so the results do not necessarily show a dire PFAS problem. There was groundwater contamination associated with Ellsworth Airforce Base which could be leaned on to stress the concern of contamination to the source waters of WDRWS members. Some small systems and individual users have been impacted by the PFAS plume due to the base contamination. Those impacted have since stopped using their contaminated supply and are now receiving water from Rapid City/Box Elder.)
- Radionuclides
 - City of New Underwood provides treatment for removal of radionuclides.
 - City of Edgemont provides treatment for removal of radionuclides.
 - Town of Hermosa historically has had levels of radionuclides that are just under the Maximum Contaminant Level (MCL).
 - City of Box Elder has elevated levels of radionuclides, but concentrations are below the MCL.

- Butte-Meade Sanitary District has elevated levels of radionuclides, but concentrations are below the MCL.
- Arsenic
 - City of Martin has arsenic levels that are at the MCL
 - City of Hill City has arsenic levels at/above the MCL
 - City of Edgemont has elevated arsenic levels that are just below the MCL
 - Keystone (while not a WDRWS member they are a member of Southern Black Hills Rural Water) has arsenic problems (one well not run because it is way above the MCL)

Regional and Federal Benefit

Missouri River supply through the WDRWS provides significant regional and national benefits by strengthening national security, supporting interstate water stability, mitigating drought risk, and improving the resilience of critical infrastructure. This project aligns federal priorities to protect military readiness, ensure reliable water supplies, and invest in long term infrastructure that supports economic and community stability.

National Security

Ellsworth Air Force Base is a strategic national defense installation and future home of the B 21 bomber mission. A reliable, drought-resilient Missouri River water supply ensures uninterrupted base operations, supports military families living in surrounding communities, and protects billions in federal defense investment.

Native American Tribes and Communities

Missouri River water provides long term supply stability that supports Tribal communities, economic opportunity, and public health. This project advances the federal government's trust responsibility by strengthening regional water infrastructure that benefits Tribal members living both on Tribal lands and in surrounding service communities.

Interstate Stability

Missouri River water is a federally managed resource intended to serve multiple states and authorized uses. Developing infrastructure to deliver this supply to western South Dakota ensures equitable access within the basin and supports balanced regional development consistent with federal water management objectives.

Drought Mitigation

Western South Dakota's current groundwater sources are finite and vulnerable to drought conditions and long-term depletion. Missouri River supply provides a renewable, drought-resilient source that protects communities, agriculture, and industry from future water shortages.

Financial Positioning

WDRWS is currently completing a financial analysis to identify capital and operating costs associated with concepts developed as part of the appraisal study. The outcome of this study will be to inform participating water systems of the cost of participation and to support development of system-specific funding strategies for the local cost share.

Investments to date include ARPA, SWRMS grants, and local matches:

- State of South Dakota has shown strong support with \$10.165M ARPA allocation.
- State of South Dakota has granted \$2M from SWRMS for preliminary study.

- Members have made financial commitments to support the State Water Resources Management System (SWRMS) funding match. This includes water system members as well as water development districts and economic development programs in the region.

Request for authorization

WDRWS respectfully requests congressional authorization of the Bureau of Reclamation to be the lead federal agency on the feasibility study under S.3723. This study is the essential first step to:

- Determine the engineering feasibility of delivering Missouri River water to western South Dakota.
- Establish accurate project cost estimates to inform federal and nonfederal investment decisions.
- Evaluate federal interest in supporting a municipal, rural, and industrial water supply project.
- Identify the most efficient intake locations, transmission routes, and storage requirements.
- Ensure responsible stewardship of federal resources through a thorough technical evaluation.

Authorization of this feasibility study will allow the federal government and project partners to:

- Protect national defense readiness at Ellsworth Air Force Base.
- Engage in Nation-to-Nation discussions to the 5 Tribal Nations.
- Strengthen long-term public health and regulatory compliance stability.
- Provide drought resilient water supply security for western South Dakota.
- Support regional economic stability and future growth.
- Fulfill federal responsibilities to ensure reliable water infrastructure in underserved regions.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 20, 2026

The Honorable Members
Committee on Energy and Natural Resources
United States Senate
Washington, DC

Re: Support for Federal Feasibility Study Authorization for the Western Dakota Regional Water System

Dear Chairman and Members of the Committee:

The South Dakota Department of Agriculture and Natural Resources supports federal authorization of a feasibility study for the Western Dakota Regional Water System.

Western South Dakota is experiencing sustained growth in population, industry, and federal activity, including expansion at Ellsworth Air Force Base. Existing groundwater supplies, including the Madison and Minnelusa aquifers, have served the region well, but increasing demand requires careful evaluation of long-term supply options. The potential to utilize Missouri River water to augment existing available water sources is a practical step for the region and state to fully study.

The State of South Dakota, through the Department's Environmental Funding program, has already invested \$12,165,000 towards pre-feasibility efforts for this project. This investment demonstrates the Department's commitment to ensuring that reliable water infrastructure remains an essential component of public health, economic stability, and future development. Additionally, the Department's Drinking Water program, which holds delegated regulatory authority under the Safe Drinking Water Act, works closely with our Environmental Funding Program to ensure investments prioritize the development of safe and reliable public water supplies.

A feasibility study conducted by the Bureau of Reclamation is the appropriate next step. It does not authorize construction. It provides the technical and economic analysis necessary for informed decision making by Congress, the State, and local communities.

For these reasons, the Department supports authorization of the feasibility study and encourages the Committee to advance the legislation.

Sincerely,

Hunter Roberts
Secretary
South Dakota Department of Agriculture and Natural Resources



Colonial Pine Hills Sanitary District

7806 Croyle Avenue

Rapid City, SD 57702

Phone: 605-348-3113

Email: cphsd@rapidnet.com

Web: www.cphsd.org

Good morning,

On behalf of Colonial Pine Hills Sanitary District, Rapid City, SD, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, health care facilities, and local businesses. At the same time, we face ongoing pressure from drought cycles, aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone.

WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long-term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in western South Dakota.

For these reasons, Colonial Pine Hills Sanitary District strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Jim Martin,
Manager

WEST DAKOTA
WATER
DEVELOPMENT DISTRICT

Western Dakota Regional Water System
PO Box 484
Rapid City, SD 57709

December 15, 2025
To Whom it May Concern:

The West Dakota Water Development District supports Western Dakota Regional Water System attempts to receive funding to build a reliable sustainable water supply for Western South Dakota. This goal meets some of the West Dakota Water Development District mission. Our mission is to promote better utilization of our water resources, proper water management, and evaluation and protection of our water quality in western Pennington County. We believe the project presented shows these characteristics.

Recently the board has continued to fund this effort by approving \$25,000.00 at our December 9th board meeting to help Western Dakota Regional Water System with their project. This puts West Dakota Water Development Districts total funding of the project at over \$100,000.00. We see that this project will provide valuable water resources for Western South Dakota.

We are happy to support Western Dakota Regional Water system and their attempts to obtain more funding for their project.

Sincerely,



Thomas Mack

Chairman

West Dakota Water Development District



622 Crook Street
Custer, SD 57730

Office of Mayor
Robert Brown

Phone: (605) 673-4824
mayor@cityofcuster.com

December 15, 2025

To Whom It May Concern;

On behalf of the City of Custer, I write in strong support of the Western Dakota Regional Water System (WDRWS) and the continued efforts to secure a reliable and sustainable regional water supply for western South Dakota.

Custer is a small but thriving community located in the Black Hills, where dependable access to clean drinking water is essential for our residents, schools, health care facilities, and local businesses. Like many communities in our region, we face unique challenges created by our geography—limited groundwater sources, drought cycles, aging infrastructure, and increasing demands that strain our existing sources. While we work diligently to manage these challenges, we recognize that long-term water security cannot be achieved by any one community acting alone.

WDRWS provides a practical and forward-looking solution for Custer and our neighboring communities. Through coordinated engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment systems that would provide drought resilience, redundancy, and long-term stability in both water supply and cost. This regional approach will ensure that future generations, including those who call Custer home and those who visit our beautiful area, will have access to reliable water resources.

For these reasons, the City of Custer strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation, along with matching support from the State of South Dakota. We respectfully urge you to recognize WDRWS as a priority water initiative and to help advance this critical work in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Respectfully,

A handwritten signature in cursive script, appearing to read "Robert Brown".

Robert Brown
Custer City Mayor

City of Edgemont

Dear Sir, Madame,

On behalf of The City of Edgemont, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, and local businesses. Our utility crew works hard keeping our water treatment plant in good running condition, supplying quality water to our customers. At the same time, we face ongoing pressure from aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone. WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in Western South Dakota.

For these reasons, the City of Edgemont strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

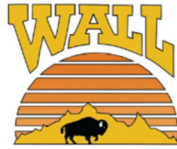
Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,



Rheta L Reagan

Mayor, City of Edgemont



Mary Williams, Mayor
City of Wall
Wall SD 57790

wallmayor@gwtc.net

605.515.3685

Greetings from the Wall of the Badlands,

On behalf of [the City of Wall, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community, which is known for the world famous Wall Drug and long-time advertising campaign for “Free Ice Water”, depends on safe, affordable, and dependable water for our businesses, homes, school and two new residential housing developments. At the same time, we face ongoing pressure from drought cycles, aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone.

Wall is committed to grow and diversify its economy, retain existing employers, and attract new investment to our community via our 85-acre South Dakota Certified Light Industrial Park. Every conversation with current or prospective employers returns to the same core needs. They require a dependable workforce, transportation access, and reliable infrastructure, with water near the top of that list. Without long term water certainty, it is difficult for employers to commit capital and jobs.

WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who choose to live, work, and build or continue generational businesses in Wall, South Dakota.

For these reasons, I as Mayor and the Wall City Council, strongly support continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Mary Williams
Mayor, City of Wall



City of Whitewood

1025 Meade St., Whitewood, SD 57793 • 605-269-2247 • Fax 605-269-2499
www.cityofwhitewood.org • whitewood@rushmore.com

Good afternoon,

On behalf of the City of Whitewood, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, and local businesses. At the same time, we face ongoing pressure from drought cycles, aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone.

WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in western South Dakota.

For these reasons, the City of Whitewood strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Cory C. Heckenlaible

Finance Officer, City of Whitewood



City of Hot Springs
303 N River St.
Hot Springs SD 57747

On behalf of the City of Hot Springs, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, health care facilities, and local businesses. WDRWS gives communities a peace of mind for future water needs. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long-term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in western South Dakota.

For these reasons, the City of Hot Springs strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Aerial Allison'.

Aerial Allison
City Administrator
City of Hot Springs
hscityadministrator@hs-sd.org

Douglas Musser
12934 Zion Street
Hot Springs, SD 57747

Good morning / Good afternoon,

My name is Doug Musser, and I am a resident of Fall River County in western South Dakota. I am writing to express my strong support for the Western Dakota Regional Water System and its work to secure a reliable water supply for our region.

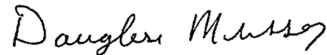
Like many people who live and work here, my family and I depend on safe, dependable, and affordable water every day. Water touches everything: our homes and schools, local businesses, health care, agriculture, and the quality of life that keeps families in this part of the state. At the same time, we know from experience that drought, aging infrastructure, and growing demand can put real stress on our existing supplies.

WDRWS is taking a responsible, long term approach by working with local members, the State of South Dakota, and the Bureau of Reclamation to evaluate a regional Missouri River based water supply. This planning and feasibility work will help provide redundancy to existing systems, protect communities during drought, and support steady, predictable water service for future generations.

I respectfully ask that you continue to support the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study and appropriate state matching support. Investing in WDRWS is an investment in the stability, safety, and economic future of western South Dakota.

Thank you for your consideration and for your service to our state and our communities.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Musser". The signature is written in dark ink and is positioned below the word "Sincerely,".

Douglas Musser



PUBLIC WORKS DEPARTMENT
1057 DUDLEY STREET
STURGIS, SD 57785
605.347.3916 | STURGIS-SD.GOV

December 30, 2025

Good morning / Good afternoon,

On behalf of the City of Sturgis Municipal Utility Board, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, health care facilities, and local businesses. At the same time, we face ongoing pressure from drought cycles, aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone.

WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in western South Dakota.

For these reasons, the City of Sturgis strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Rick J. Bush, CPWP-M
Director of Public Works
City of Sturgis
Office (605) 347-3916
Cell (605) 347-1832
rbush@sturgisgov.com
www.sturgis-sd.gov





December 15, 2025

Western Dakota Regional Water System
P. O. Box 484
Rapid City, SD 57709

To Whom It May Concern:

On behalf of the City of Belle Fourche, I write in strong support of the Western Dakota Regional Water System (WDRWS) and its ongoing efforts to secure a reliable regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, health care facilities, and local businesses. At the same time, we face ongoing pressures from drought cycles, aging infrastructure, and increasing demand, factors that continue to strain our existing sources. While we can manage these challenges to a point, we cannot address them fully on our own.

WDRWS offers a practical and forward-looking solution. Through coordinated engineering, planning, and feasibility work with the Bureau of Reclamation, the project is evaluating Missouri River intake options, regional transmission, and treatment strategies capable of providing system redundancy, drought resilience, and long-term stability in both supply and cost. This regional approach will benefit not only our residents today, but also future generations who will call western South Dakota home.

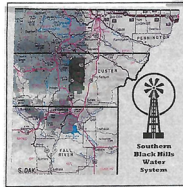
For these reasons, the City of Belle Fourche strongly supports continued state and federal investment in WDRWS, including authorization and funding for the federal feasibility study with the Bureau of Reclamation, along with matching support from the State of South Dakota. We encourage you to recognize WDRWS as a priority water initiative and help advance this critical work in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Randy D. Schmidt, Mayor
City of Belle Fourche

511 Sixth Avenue | Belle Fourche, SD 57717
www.bellefourche.org
P: 605.892.2494 | F: 605.892.278

**Directory**

◆ **Ted Wick**
Chairman
Hot Springs, SD
605-745-4164

◆ **Jay Smith**
Vice-Chairman
Hermosa, SD
605-381-7495

◆ **Bob Baird**
Treasurer
Hot Springs, SD
605-745-7470

◆ **John Zolnowsky**
Secretary
Custer, SD
605-745-6933

◆ **John Beard**
Director
Buffalo Gap, SD
605-890-7611

◆ **Brandon Nase**
Director
Hot Springs, SD
605-890-5000

◆ **Steve Kowalski**
Director
Custer SD
228-363-0908

◆ **Rick Krump**
Director
Hot Springs, SD
218-849-0467

◆ **Leeann Baker**
Director
Hot Springs
423-213-2866

◆ **Kale McNaboe**
Engineer
Longbranch Eng
605-721-4040

◆ **Don Peterson**
Manager

SOUTHERN BLACK HILLS WATER SYSTEM
SOUTHERN BLACK HILLS WATER SYSTEM
26858 Highway 385
Hot Springs, South Dakota 57747

Good afternoon,

I am writing on behalf of Southern Black Hills Water System, a rural water system that serves over 500 customers across Custer, Fall River, and Pennington counties in southwestern South Dakota. We are a proud member of the Western Dakota Regional Water System and strongly support its mission to secure a dependable water supply for our region.

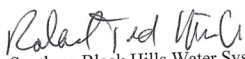
Our customers include family farms, ranches, small communities, and rural residents who keep this part of South Dakota strong. They already live with the reality that drought, well performance, and aging infrastructure can quickly threaten basic water service. As demands grow and conditions change, the risk of service interruption and steep rate increases becomes more serious.

WDRWS is doing the hard work now to reduce those risks. By partnering with the Bureau of Reclamation and state and local stakeholders, the project is advancing feasibility level engineering for a Missouri River based regional supply that can supplement and back up existing sources. This type of redundancy will help systems like ours maintain service during drought or local outages and will support steady, predictable water rates over time.

We strongly support continued federal and state investment in the Western Dakota Regional Water System, including funding for the federal feasibility study and State of South Dakota cost share. These investments will protect rural customers, support agriculture and small town economies, and provide a clear path to long term water security for western South Dakota.

Thank you for your leadership and consideration of this important regional effort.

Sincerely,
Ted Wick


Chairman, Southern Black Hills Water System



Good morning / Good afternoon,

On behalf of The City of Box Elder, I write in strong support of the Western Dakota Regional Water System and the ongoing work to secure a reliable, regional water supply for western South Dakota.

Our community depends on safe, affordable, and dependable water for homes, schools, health care facilities, and local businesses. At the same time, we face ongoing pressure from drought cycles, aging infrastructure, and increasing demands that strain our existing sources. We can manage these challenges for a time, but we cannot solve them alone.

WDRWS gives communities like ours a practical path forward. Through shared engineering, planning, and feasibility work with the Bureau of Reclamation, WDRWS is evaluating Missouri River intake options, regional transmission, and treatment solutions that can provide redundancy, drought resilience, and long term stability in both supply and cost. This regional approach will benefit not only our citizens today but future generations who will live and work in western South Dakota.

For these reasons, The City of Box Elder strongly supports continued state and federal investment in the Western Dakota Regional Water System, including authorization and funding for the federal feasibility study with the Bureau of Reclamation and matching support from the State of South Dakota. We urge you to recognize WDRWS as a priority water initiative and to help move this critical work forward in 2026 and beyond.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,

Larry Larson

Mayor, City of Box Elder



SDCA
PO Box 1258
Pierre, SD 57501
(605) 945-2333

The Honorable Mike Lee, Chairman
The Honorable Martin Heinrich, Ranking Member
Senate Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Lee and Ranking Member Heinrich,

On behalf of the South Dakota Cattlemen's Association and the cattle producers we represent across the state, I am writing to express our strong support for authorization of the Bureau of Reclamation feasibility study for the Western Dakota Regional Water System under S.3723.

Water is foundational to cattle production. Reliable water supply is essential to herd health, grazing management, drought resilience, and the long term viability of ranching operations. Across western South Dakota, many producers rely on groundwater sources that are finite, vulnerable to drought, and subject to long term decline. These conditions create ongoing uncertainty for agricultural producers whose livelihoods depend on consistent and dependable water access.

The Western Dakota Regional Water System represents an important step toward strengthening long term water security in this region. Developing a supplemental Missouri River supply will help stabilize water availability for the communities and infrastructure that support cattle production, and help ensure that South Dakota's livestock industry remains strong and sustainable for future generations.

Authorization of the feasibility study is a responsible and necessary first step. It will allow the Bureau of Reclamation to evaluate the engineering feasibility, cost, and federal interest in this project and provide the information needed to make sound decisions.

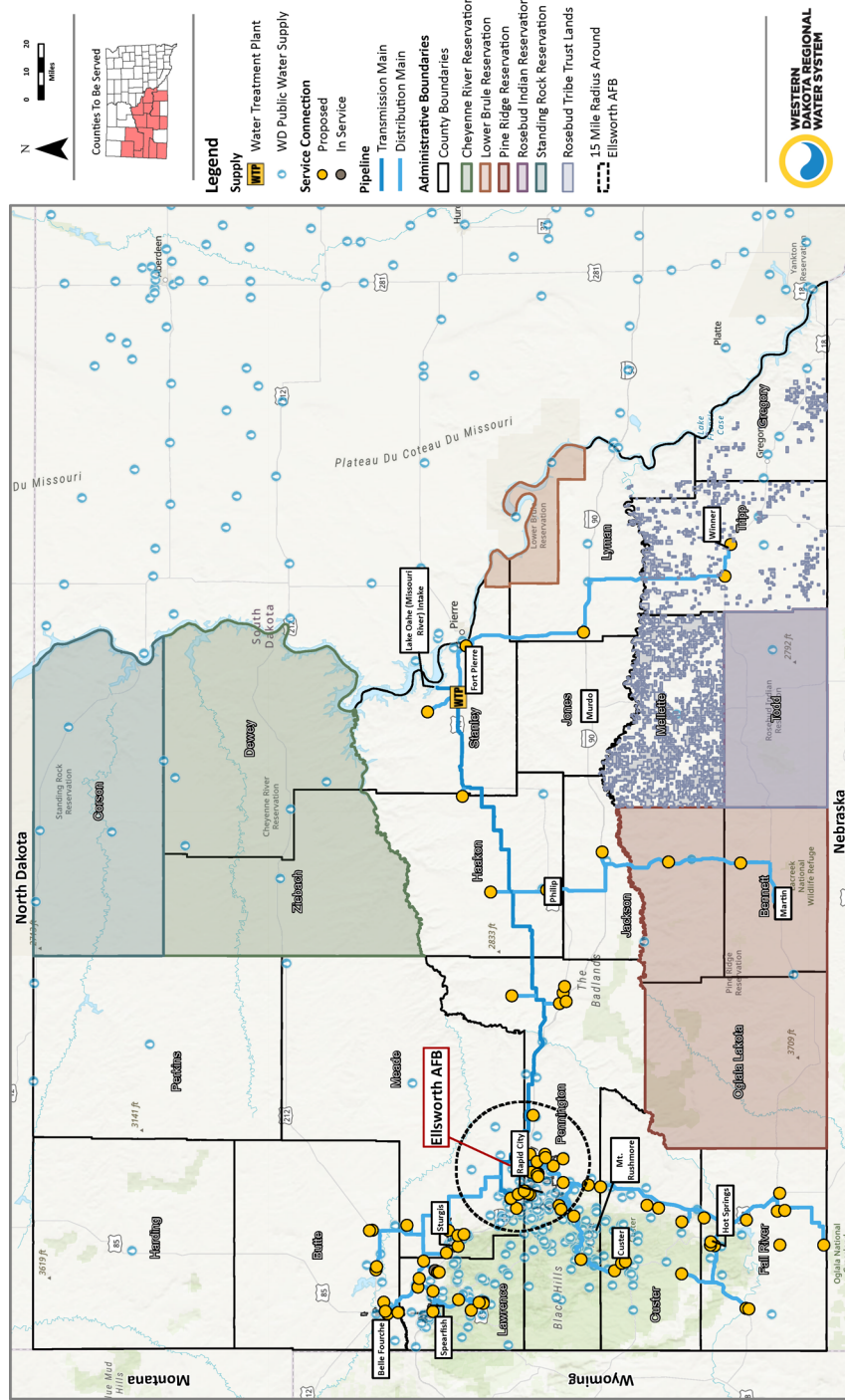
South Dakota's cattle producers depend on reliable water. We respectfully urge the Committee to support S.3723 and authorize the Bureau of Reclamation feasibility study for the Western Dakota Regional Water System.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Bieber".

Craig Bieber, President
South Dakota Cattlemen's Association

office@sdcattlemen.org
www.sdcattlemen.org





DoD INSTRUCTION 4715.28

MILITARY INSTALLATION RESILIENCE

Originating Component:	Office of the Under Secretary of Defense for Acquisition and Sustainment
Effective:	December 17, 2024
Change 1 Effective:	August 4, 2025
Releasability:	Cleared for public release. Available on the Directives Division Website at https://www.esd.whs.mil/DD/ .
Approved by:	William LaPlante, Under Secretary of Defense for Acquisition and Sustainment
Change 1 Approved by:	Michael P. Duffey, Under Secretary of Defense for Acquisitions and Sustainment

Purpose: In accordance with the authority in DoD Directives (DoDDs) 5135.02 and 4715.21, and pursuant to the authorities in Title 10, United States Code (U.S.C.), this instruction establishes policy, assigns responsibilities, and prescribes procedures for ensuring military installation resilience, including energy, water, and extreme weather resilience.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

In accordance with statutory authorities in Title 10, U.S.C., DoD Components will:

- a. Undertake appropriate actions to plan for and maintain resilience of DoD’s military installations.
- b. Avoid, prepare for, minimize the effects of, adapt to, and recover from current and future extreme weather, energy disruptions, unanticipated environmental conditions, disruptions to essential transportation or other necessary resources, facility-related control systems (FRCS) cyber threats, and other natural or human-induced hazards to support risk-informed decisions.
- c. Undertake planning and assistance with State and local governments to ensure efficient preparedness and resilience of essential transportation, logistical, or other necessary resources outside of a military installation that are necessary in order to maintain, improve, or rapidly reestablish military installation mission assurance and mission-essential functions.

1.3. SUMMARY OF CHANGE 1.

The changes to this issuance are administrative and update language to comply with the March 17, 2025 Secretary of Defense Memorandum. It adds statutory authorities directly relating to military installation, energy, and extreme weather resilience in accordance with Title 10, U.S.C. This change also updates references to enhance currency and accuracy.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT (USD(A&S)).

The USD(A&S):

- a. Establishes and oversees the implementation of DoD policy ensuring military installation resilience planning for risk-informed decisions.
- b. Establishes DoD boards, councils, and working groups to integrate military installation resilience considerations into DoD programs, plans, and policies.
- c. Develops options to respond to all-hazards risks posed by emerging vulnerabilities or threats to military installation resilience.
- d. Coordinates with the DoD Chief Information Security Officer to integrate Risk Management Framework policies, processes, and procedures with Defense Acquisition System processes for acquisitions of DoD systems and FRCS cyber resilience, in accordance with DoD Instruction (DoDI) 8510.01.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT (ASD(EI&E)).

Under the authority, direction, and control of the USD(A&S), the ASD(EI&E):

- a. Serves as DoD's primary military installation resilience official.
- b. Develops DoD military installation resilience policies, programs, and budgets.
- c. Promotes military installation mission assurance and mission-essential functions for military installations through direction of appropriate actions by the DoD Components to include military installation projects per Section 2815 of Title 10, U.S.C., and energy resilience assessments per Section 2920 of Title 10, U.S.C.
- d. Develops sustainment and modernization requirements relating to risk-informed resilience decisions for DoD military installation facilities consistent with this issuance, DoDI 4165.70, and Unified Facilities Criteria. All-hazards resilience will be considered in design and construction when facilities are sustained, repaired, and modernized.
- e. In coordination with Principal Staff Assistants, integrates military installation resilience considerations into appropriate existing policies, procedures, and programs as part of their regular revision process.
- f. Develops and provides guidance to the DoD Components for managing facility energy resources and serves as their primary advisor for facility energy policy matters-

g. In coordination with the Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs and the Chairman of the Joint Chiefs of Staff, accounts for military installation resilience to risks during planning processes across the spectrum of military operations.

h. In coordination with the Assistant Secretary of Defense for Readiness:

(1) Provides investments for military installations, including operational and training ranges, in resilience projects to all current and projected hazards. This includes existing DoD programs, such as the ASD(EI&E)'s Readiness and Environmental Protection Integration Program.

(2) Incorporates military installation resilience considerations into education and training programs to support a workforce that can avoid, prepare for, minimize the effects of, adapt to, and recover from these hazards and risks to military installations.

i. Uses existing DoD programs, including Defense Community Infrastructure Program and Installation Resilience Program through the Office of Local Defense Community Cooperation, to implement community-led measures and projects (to include resilience measures and projects involving the protection, restoration, and maintenance of natural features) that will contribute to maintaining, improving military installation resilience, prevent, or mitigate encroachment that could affect operations of the DoD.

j. Integrates the military installation resilience efforts and military family readiness programs in coordination with the Assistant Secretary of Defense for Manpower and Reserve Affairs.

k. In coordination with the Director of the Test and Resource Management Center, uses existing DoD programs, including the ASD(EI&E)'s Readiness and Environmental Protection Integration Program, to provide investments in the lands of the military testing and training ranges to increase the resilience and adaptation of such lands to all current and projected impacts from hazards.

l. In coordination with the Office of the Under Secretary of Defense for Research and Engineering, ensures DoD research, science, and technology program protection activities, development, testing, and evaluation include all-hazards military installation resilience and adaptation.

m. In coordination with the Military Departments and other Federal agencies, establishes research with respect to military installation resilience.

n. In coordination with the Assistant to the Secretary of Defense for Public Affairs, promotes community outreach focused on essential transportation, logistical, or other necessary resources outside of the military installation to improve military installation and community infrastructure resilience, and information sharing with community organizations and stakeholders.

o. In coordination with the DoD Components and other Federal agencies, supports efforts by other Federal entities, non-governmental organizations, and the private sector to identify,

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develop, and demonstrate technologies, engineering standards, tools, and approaches that enable risk-informed decisions to improve resilience at military installations.

2.3. ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND HEMISPHERIC AFFAIRS.

Under the authority, direction, and control of the Under Secretary of Defense for Policy, and in coordination with the USD(A&S), the Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs:

- a. Provides policy and planning oversight for DoD homeland defense, defense continuity, and mission assurance as they relate to military installation resilience.
- b. Establishes defense critical infrastructure resilience and risk management priorities to inform military installation resilience risk assessments and investments derived from the mission assurance construct.
- c. Advances priority military installation resilience issues with DoD and non-DoD partners.

2.4. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

The General Counsel of the Department of Defense, through the Deputy General Counsel for Environment, Energy, and Installations:

- a. Provides authoritative legal advice and counsel to OSD organizations and, as appropriate, other DoD Components regarding military installation resilience issues.
- b. Determines the DoD position on specific legal problems and matters of legal policy related to military installation resilience.
- c. Responds to congressional, inter-agency, and inter-governmental requests for information related to military installation resilience legal matters.

2.5. DOD COMPONENT HEADS.

The DoD Component heads:

- a. Integrate and prioritize military installation resilience considerations into DoD Component military installation policy, guidance, plans, and operations, in accordance with DoDD 4715.21, related DoDIs, and Title 10, U.S.C.
- b. Manage Component FRCS cyberspace security risks to respective systems in accordance with the principles and processes contained in DoDI 8510.01 and Unified Facilities Criteria 4-010-06.

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- c. Direct inclusion of appropriate military installation resilience requirements that assure mission readiness in programming and budget submissions in a timely manner.
- d. Ensure military installation commanders integrate information from military installation master plans and other assessments and plans relating to threats for military installations in accordance with this issuance.
- e. Ensure results of engagement with tenant units, State, regional, local agencies, and communities are integrated into plans for military installation resilience.
- f. Coordinate military installation resilience planning with the responsible Combatant Commander(s) to ensure integration of mission priorities as part of building military installation resilience for the DoD.
- g. Direct military installation commanders to integrate military installation resilience into military family readiness programs, including the Emergency Family Assistance Program established by DoDI 6055.17, pursuant to DoDI 1342.22.
- h. Collect and report metrics to the ASD(EI&E) in accordance with Paragraph 3.3.

2.6. COMBATANT COMMANDERS.

In addition to the responsibilities in Paragraph 2.5., the Combatant Commanders:

- a. Assess and implement mission critical infrastructure, including ranges and training facilities, identify risks, and prioritize measures necessary to adapt to those risks.
- b. Integrate military installation resilience-related vulnerability risks into appropriate plans and operations that address the full range of military operations, including planning for steady-state campaign, operations, and contingency.
- c. Monitor internal policy and guidance provided to other DoD Components for preparation and review of program and budget submissions regarding military installation resilience projects.

SECTION 3: PROCEDURES

3.1. INTEGRATION OF MILITARY INSTALLATION RESILIENCE PLANNING.

The DoD Components will integrate information from military installation master plans and other assessments and plans relating to threats for military installations, in accordance with this issuance. The military installation resilience component for installation master plans per Section 2864(c) of Title 10, U.S.C., is not the only military installation resilience planning needed even for major military installations, but is an example of the scope of integration needed. The integrated information will incorporate requirements from Title 10, U.S.C., DoDD 4715.21, this issuance, and relevant guidance from the documents listed in the References under “Issuances, Policies, and Guidance Related to Military Installation Resilience Planning.” The documents listed there will also be updated, as appropriate, to reflect the need for integrated military installation resilience planning.

3.2. MILITARY INSTALLATION RESILIENCE CONSIDERATIONS.

DoD Components, in alignment and coordination with Combatant Commands to the extent possible, will ensure integrated planning to address resilience in consideration of:

a. Risk to Mission.

Military installation resilience planning will include evaluation of the risks to mission assurance and mission critical functions. For those scenarios resulting in impact to mission assurance, include assessment of the level of risk to mission realized from these events and potential contingency solutions to eliminate mission failure points, including military installation resilience projects under Section 2815 of Title 10, U.S.C..

b. Extreme Weather Resilience.

Planning and programming to address extreme weather resilience will support the evaluation of natural hazards and extreme weather exposure to military installations using DoD-designated and authoritative tools for risk identification, and to identify and implement opportunities to improve extreme weather resilience, in accordance with DoDD 4715.21 and Section 2285 of Title 10, U.S.C. Resilience planning will prioritize the use of construction materials that increase structure life cycle, reduce maintenance cost, and reduce energy demand.

c. Energy Resilience.

Planning and programming for energy resilience, as required in Sections 2911 and 2920 of Title 10, U.S.C., and as documented in military installation energy plans (pursuant to the March 31, 2016 ASD(EI&E) Memorandum) will promote the use of multiple and diverse sources of energy and storage resources sited on the military installation. For contingency operations, plans will prioritize on-site energy generation and storage solutions above solutions that are dependent on outside-the-fenceline fuel sourcing. For installations at which energy is being generated or stored on-site, plans will prioritize the co-location of cyber-resilient

microgrids alongside such energy assets to ensure the energy security and energy resilience of critical missions.

d. Water and Wastewater Resilience.

Planning and programming for water and wastewater resilience will emphasize designs, systems, storage, and equipment that support conservation, reuse, efficiency, and security. Resilience planning will consider varied water sources, drought conditions, low-energy wastewater treatment, impacts from disruptions in essential transportation or necessary resources received from outside the installation, stormwater management, and water disposal. Additional considerations include return on investment, usage, and distribution when examining opportunities in support of military installation resilience, and may include projects per Section 2815a of Title 10, U.S.C., or water conservation activities per Section 2866 of Title 10, U.S.C.

e. Integrated Solid Waste Resilience.

Planning and programming for integrated solid waste resilience will emphasize procedural changes, storage, and equipment that will ensure adequate processes are in place to safely manage solid waste during a loss of service event or extreme weather. This will promote the reduction and diversion of solid waste pursuant to the July 19, 2023 ASD(EI&E) Memorandum. Key factors to address include examination of opportunities to prioritize source reduction, sustainable procurement, impacts from disruptions in essential transportation or necessary resources received from outside the installation, and reuse of critical materials to minimize generation and disposal.

f. FRCS Cyber Resilience.

Planning and programming for FRCS cyberspace security should be included in resilience planning, military construction and facility sustainment, restoration, and modernization considerations as appropriate, as well as from other sources allowed by statute, including the Energy Resilience and Conservation Investment Program pursuant to Section 2914 of Title 10, U.S.C. and stand-alone resilience projects pursuant to the DoD Chief Information Officer Cyber Budget Certification and Capability Planning Guidance requirements outlined in the September 2020 Command, Control, and Communications Modernization Strategy. For guidance, see also Unified Facilities Criteria 4-010-06.

g. Off-Installation Essential Transportation or Resources and Community Infrastructure Resilience.

Planning and programming for essential transportation, logistical, or other necessary resources outside of the military installation that are necessary for installation mission assurance, referred to as community infrastructure resilience, will incorporate efforts to assess community vulnerabilities that have the potential to impair or degrade mission-essential and military response activities. These efforts will include collaboration with States and local governments, as well as through direct, meaningful engagement with defense communities per Section 2285 of Title 10, U.S.C. Plans and products developed through the Office of Local Defense Community Cooperation's Installation Resilience Program (pursuant to Section 2391 of Title 10, U.S.C.) may support the identification of vulnerabilities and resilience strategies. Planning and

programming will also include evaluation of exposure to current and reasonably foreseeable hazards.

h. Life-Cycle Costs.

Military installation projects will be developed to satisfy mission requirements by achieving the highest-performing all-hazards resilience outcomes at the lowest life-cycle costs. Life-cycle cost analyses will only inform decision-making between alternatives that otherwise equally satisfy both mission and resilience requirements.

3.3. METRICS AND REPORTING.

a. DoD Components will collect metrics for military installation resilience in accordance with guidance as provided by the ASD(EI&E). Performance metrics will be reviewed and updated to reflect evolving knowledge of observed and reasonably foreseeable all-hazards impacts to built infrastructure and natural features.

b. The responsible Military Department will report data and metrics upon request by the ASD(EI&E) to support monitoring, oversight, and reporting responsibilities on the DoD's resilience posture of military installations.

GLOSSARY**G.1. ACRONYMS.**

ACRONYM	MEANING
ASD(EI&E)	Assistant Secretary of Defense for Energy, Installations, and Environment
DoDD	DoD directive
DoDI	DoD instruction
FRCS	facility-related control system
U.S.C.	United States Code
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
critical resources	Defined in DoDD 4715.21.
cyberspace security	Defined in the DoD Dictionary of Military and Associated Terms.
energy resilience	Defined in Section 101(f)(6) of Title 10, U.S.C.
extreme weather	Defined in Section 101(a)(20) of Title 10, U.S.C.
facility	Defined in DoDI 4165.14.
FRCS	Defined in Unified Facilities Criteria 4-010-06.
human-induced hazards	Hazards induced entirely or predominantly by human activities and choices such as wildfires.

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TERM	DEFINITION
installation master planning	In accordance with Section 2864 of Title 10, U.S.C., installation master planning is comprehensive planning for a military installation developed with these components: - Environmental planning - Sustainable design and development - Sustainable range planning - Real property master planning - Military installation resilience - Transportation planning
integrated military installation resilience planning	Planning across functional areas impacted by all-hazards threats, for an integrated approach to support military installation resilience.
integrated solid waste	Integrated solid waste includes both non-hazardous solid waste and construction and demolition waste.
military installation	Defined in Section 2801(c)(4) of Title 10, U.S.C.
military installation resilience	Defined in Section 101(f)(8) of Title 10, U.S.C.
mission assurance	Defined in DoDD 3020.40.
project	A project is broadly defined as any activity requiring planning and programming, such as infrastructure upgrades, improved management practices, new facility construction, changes to administrative or acquisition processes, etc.

REFERENCES

Issuances, Policies, and Guidance Related to Military Installation Resilience Planning

- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Distribution of the Facility-Related Control Systems Master List," October 19, 2020
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Installation Energy Plans," March 31, 2016
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Installation Energy Plans – Energy Resilience and Cybersecurity Update and Expansion of the Requirement to All DoD Installations," May 30, 2018
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Integrated Installation Resilience Policy," January 19, 2024
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Managing Cyber Risks to Facility-Related Control Systems," February 18, 2020
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Metrics and Standards for Energy Resilience at Military Installations," May 20, 2021
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Revision to the Department of Defense Integrated Solid Waste Management Metrics," July 19, 2023
- Assistant Secretary of Defense for Energy, Installations, and Environment Memorandum, "Water Resilience Policy," April 16, 2024
- Directive-type Memorandum 22-003, "Flood Hazard Area Management for DoD Installations," June 7, 2022, as amended
- DoD Directive 3020.40, "Mission Assurance (MA)," November 29, 2016, as amended
- DoD Directive 3200.15, "Sustaining Access to the Live Training Domain," December 18, 2013, as amended
- DoD Directive 4180.01, "DoD Energy Policy," April 16, 2014, as amended
- DoD Directive 4270.5, "Military Construction," February 12, 2005, as amended
- DoD Directive 4715.21, "Improving Military Installation and Critical Resources Resilience," January 14, 2016, as amended
- DoD Instruction 3020.45, "Mission Assurance Construct," August 14, 2018, as amended
- DoD Instruction 3030.03, "Joint Land Use Study (JLUS) Program," July 13, 2004, as amended
- DoD Instruction 3200.21, "Sustaining Access to the Live Training Domain," September 15, 2015, as amended
- DoD Instruction 4105.72, "Procurement of Sustainable Goods and Services," September 7, 2016, as amended
- DoD Instruction 4165.70, "Real Property Management," April 6, 2005, as amended
- DoD Instruction 4170.11, "Installation Energy Management," December 11, 2009, as amended
- DoD Instruction 4715.03, "Natural Resources Management," July 22, 2024
- DoD Instruction 4715.23, "Integrated Recycling and Solid Waste Management," October 24, 2016, as amended

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DoD Instruction 4715.24, “The Readiness and Environmental Protection Integration (REPI) Program and Encroachment Management,” November 9, 2016, as amended
 DoD Instruction 6055.17, “DoD Emergency Management (EM) Program,” February 13, 2017, as amended
 DoD Instruction 8510.01, “Risk Management Framework for DoD Systems,” July 19, 2022
 DoD Manual 4715.03, “Integrated Natural Resources Management Plan (INRMP) Implementation Manual,” November 25, 2013, as amended
 Under Secretary of Defense for Acquisition and Sustainment Memorandum, “Improving Defense Installation Resilience to Rising Sea Levels,” February 24, 2020

Other References

DoD Chief Information Office, “Command, Control, and Communications Modernization Strategy,” September 2020
 DoD Directive 4715.1E, “Environment, Safety, and Occupational Health (ESOH),” March 19, 2005, as amended
 DoD Directive 5135.02, “Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)),” July 15, 2020
 DoD Instruction 1342.22, “Military Family Readiness,” August 5, 2021
 DoD Instruction 4165.14, “Real Property Inventory and Reporting,” September 8, 2023
 DoD Instruction 4715.05, “Environmental Compliance at Installations Outside the United States,” November 1, 2013, as amended
 DoD Instruction 4715.06, “Environmental Compliance in the United States,” May 4, 2015, as amended
 DoD Instruction 4715.22, “Environmental Management Policy for Contingency Locations,” February 18, 2016, as amended
 Office of the Chairman of the Joint Chiefs of Staff, “DoD Dictionary of Military and Associated Terms,” current edition
 Secretary of Defense Memorandum, “Mission Focus of the Department of Defense,” March 17, 2025
 Unified Facilities Criteria 4-010-06, “Cybersecurity of Facility-Related Control Systems,” September 16, 2016
 United States Code, Title 10



Prepared in cooperation with the Western Dakota Regional Water System

Hydrologic Budgets and Water Availability of Six Bedrock Aquifers in the Black Hills Area, South Dakota and Wyoming, 1931–2022

Scientific Investigations Report 2025–5067

U.S. Department of the Interior
U.S. Geological Survey

Hydrologic Budgets and Water Availability of Six Bedrock Aquifers in the Black Hills Area, South Dakota and Wyoming, 1931–2022

By Colton J. Medler, Todd M. Anderson, and William G. Eldridge

Abstract

Population growth and recurring droughts in the Black Hills region raised interest in water resources and future availability. The Black Hills hydrology study (BHHS) was initiated in the early 1990s to address questions regarding water resources. Since completion of the BHHS in the early 2000s, the population of the Black Hills region increased by about 39 percent, which has renewed interest in water demand and availability in the Black Hills. The U.S. Geological Survey, in cooperation with the Western Dakota Regional Water System, completed a study to update hydrologic budgets from the BHHS for six of the most used aquifers in the Black Hills. Water availability was determined by comparing results from hydrologic budgets to modern well withdrawals (2003–22) and water rights information. Key updates to the BHHS budgets included adding available data from 1999 to 2022 and determining hydrologic budgets for six aquifers in nine smaller areas (called “subareas”).

Inflows for the hydrologic budget included recharge from precipitation and streamflow losses to aquifers. Total mean annual recharge for the six aquifers in the study area was estimated at 278,900 acre-feet, with 205,100 acre-feet from precipitation recharge and 73,800 acre-feet from streamflow recharge. Mean annual precipitation recharge for the Madison and Minnelusa aquifers together accounted for 76 percent of the total mean annual precipitation recharge, with the Madison aquifer contributing 57,000 acre-feet and the Minnelusa aquifer contributing 98,100 acre-feet. Outflow components estimated for the hydrologic budget include artesian springflow and well withdrawals. Total mean annual artesian springflow in the study area was estimated as 166,100 acre-feet for the combined Madison and Minnelusa aquifers. Mean total annual well withdrawals for 2003–22 in the study area were about 50,000 acre-feet. No increased well withdrawal patterns corresponding to population increases were observed between 2003 and 2022.

Water availability was determined by comparing total annual appropriations and mean and maximum annual well withdrawals for 2003–22 to mean annual recharge for 1931–2022 for each aquifer in subareas 1–9. Modern well

withdrawals (mean and maximum for 2003–22) exceeded mean annual recharge for only the Deadwood and Inyan Kara aquifers in subareas 9 and 4, respectively. Additionally, total annual appropriations did not exceed mean annual recharge in most subareas, except most notably in subarea 4 (Rapid City area) where appropriations exceeded recharge for the Madison, Minnelusa, and Inyan Kara aquifers. Total annual appropriations also exceeded mean annual recharge for the Inyan Kara aquifer in subareas 3 and 5. In addition to recharge, water availability includes the water stored in pore spaces of aquifer materials. Estimates of total volume of recoverable water in storage were updated as part of this study to include the portion of aquifers in Wyoming, which were omitted during the BHHS. In total, the estimated total amount of recoverable water in storage in the study area was 356.9 million acre-feet for six major aquifers in the Black Hills area of South Dakota and Wyoming.

2 Hydrologic Budgets and Water Availability of Six Bedrock Aquifers in the Black Hills Area, 1931–2022

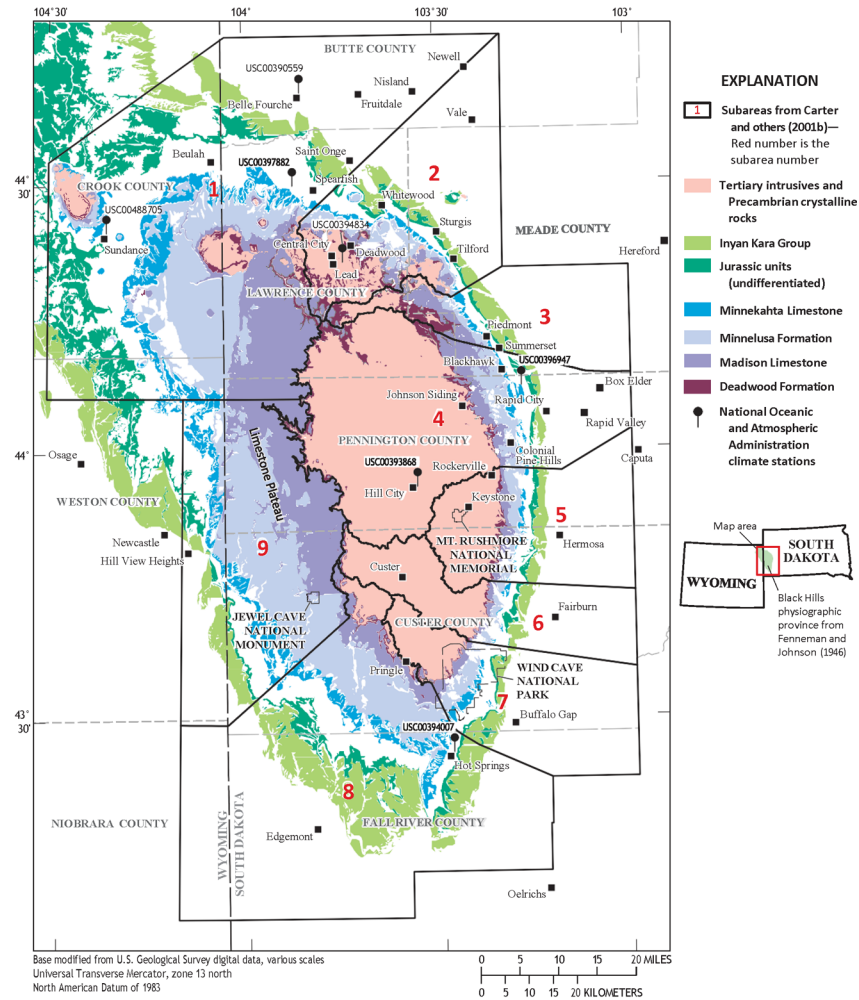


Figure 1. Study area with subareas 1–9 and recharge areas of aquifers evaluated in this report. Madison Limestone and Minnelusa Formation and South Dakota geology modified from Strobel and others (1999) and DeWitt and others (1989); Wyoming geology of Minnekahta Limestone, Jurassic units (undivided), Inyan Kara Group modified from Wyoming Geologic Survey 1:100,000 quadrangle maps of the Devils Tower (Sutherland, 2008), Sundance (Sutherland, 2007), Newcastle (McLaughlin and Ver Ploeg, 2006), and Lance Creek (Johnson and Micale, 2008) quadrangles. Black Hills physiographic province (shown in inset map) from Fenneman and Johnson (1946).



March 23, 2026

The Honorable John Hoeven
Senate Energy and Natural Resources Committee
Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510-6160

The Honorable Ron Wyden
Senate Energy and Natural Resources Committee
Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510-6160

RE: Snow Water Supply Forecasting Program Reauthorization Act of 2025

Dear Chair Hoeven and Ranking Member Wyden,

On behalf of the Western Urban Water Coalition (WUWC)¹ I write to express our support for the bipartisan Snow Water Supply Forecasting Program Reauthorization Act of 2025.

It is critical for western water utilities to have access to accurate water supply measurements, and this bill's emphasis on using advanced measurement technology to support interstate water management in the Colorado River Basin is vital to helping manage our water resources effectively.

The Snow Water Supply Forecasting Program helps promote and fund technology such as airborne laser altimetry, imaging spectroscopy, and integrated physics based snowpack and hydrologic modeling, all of which help provide more accurate and reliable snowpack and runoff forecasts. Moreover, as we continue to adapt to changes in snowpack—especially during this extraordinarily

¹ WUWC consists of the following urban water utilities serving 22 major metropolitan areas across eight states in the West: **Arizona** (Central Arizona Project, City of Phoenix and Salt River Project); **California** (East Bay Municipal Utility District, Eastern Municipal Water District, City of Los Angeles Department of Water and Power, The Metropolitan Water District of Southern California, San Diego County Water Authority, Santa Clara Valley Water District, and City and County of San Francisco Public Utilities Commission); **Colorado** (Aurora Water, Colorado Springs Utilities, and Denver Water); **Idaho** (City of Boise); **Nevada** (Las Vegas Valley Water District, Southern Nevada Water Authority, and Truckee Meadows Water Authority); **New Mexico** (Albuquerque Bernalillo County Water Utility Authority and Eldorado Area Water and Sanitation District); **Utah** (Salt Lake City Public Utilities and Washington County Water Conservancy District); and **Washington** (Seattle Public Utilities).

dry winter season—it is important to make decisions based on reliable data and by using the best technology available.

For these reasons, we sincerely urge you to support the Snow Water Supply Forecasting Program Reauthorization Act of 2025.

If you have any questions, please contact me at (951) 203-2804 or Walshj@emwd.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jolene Walsh".

Jolene Walsh
WUWC Chairman
Senior Director, Policy and Government Affairs
Eastern Municipal Water District