



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

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OFFICE OF THE  
ATTORNEY GENERAL

OCT 31 2019

Mr. Lawrence Wasden  
Attorney General of Idaho  
Conference of Western Attorneys General  
1300 I Street  
Sacramento, California 95814

Dear Mr. Wasden:

Thank you for your recent letter to President Donald J. Trump concerning Docket ID number COE-2016-0016 – Use of U.S. Army Corps of Engineers (Corps), Reservoir Projects for Domestic, Municipal & Industrial Water Supply (draft Water Supply Rule). Due to mail screening procedures, we have only recently received your letter. We appreciate your patience in awaiting this response. An identical response letter is being provided to each of the other signatories.

Your letter highlights two major requests concerning the draft Water Supply Rule. The first request is withdrawal of the current draft Water Supply Rule. On September 23, 2019, the Office of the Assistant Secretary of the Army for Civil Works sent the Corps a memorandum halting the issuance of a final Water Supply Rule until the consultation process and coordination with interested States, Tribes and partners is complete. Since then, the Corps initiated consultation with Tribal interests and is actively reaching out to States, Tribes and partners to begin the consultation process.

The second request is to ensure that the Corps complies with applicable requirements of state water laws in its implementation of the Water Supply Act of 1958 and Section 6 of the Flood Control Act of 1944. The proposed rule is intended to enhance the Corps ability to make its reservoirs available for water supply uses in a manner that is consistent with the authorized purposes of those reservoirs, and State and Tribal water rights. The rule is not intended to establish or define water rights, or interfere with State or Tribal prerogatives to allocate water. In proposing this rule, the Corps seeks to explain and bring certainty to its practices under both statutes, and to respond to issues that have arisen in exercising these authorities, in order to take into account court decisions, legislative provisions, and other developments. The Corps does not, and would not under the proposed rule, issue, sell, adjudicate, or allocate water rights. We are interested in discussing further with States and Tribes how we could clarify or improve the proposed rule.

As part of the consultation process, the Corps will be contacting your organization to offer further opportunities to discuss your concerns on the draft Water Supply Rule. The Corps is currently reviewing public comments on the proposed rule, including those

described and submitted as enclosures to your letter, and will consider revisions to the proposed rule for submission of a draft final rule in 2020.

If you have additional questions or concerns regarding the upcoming consultation process or status of the draft Water Supply Rule, please contact me or your staff may contact Ms. Amy Frantz, Senior Policy Advisor at [amy.k.frantz@usace.army.mil](mailto:amy.k.frantz@usace.army.mil) or (202) 761-0106.

Sincerely,



James C. Dalton, P.E.  
Director of Civil Works

cc:

Karen White, Executive Director of Conference  
of Western Attorneys General  
Clive J. Strong, Legal Director for Natural  
Resources and Environment Conference  
of Western Attorneys General

Enclosure

CWAG

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A red postage stamp with a circular border. Inside, there is a stylized illustration of an eagle with its wings spread, perched on a branch. The text 'UNITED STATES POSTAGE' is curved along the top edge, and 'PITNEY BOWES' is printed in a bold, sans-serif font at the bottom right. The value '\$ 00.50' is printed in large, bold, black digits in the center.

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