CWAG
CONFERENCE OF WESTERN ATTORNEYS GENERAL

ATTORNEY GENERAL ALLIANCE

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July 12, 2022

The Honorable Kevin Cramer
U.S. Senate
330 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jeff Merkley
U.S. Senate
531 Hart Senate Office Building
Washington, D.C. 20510

RE: Western Water Cooperative Committee, EDW22383 8NF

Dear Senators Cramer and Merkley:

The Conference of Western Attorneys General (CWAG), a bipartisan group of state attorneys general, writes in support of your legislation to establish a Corps of Engineers Western Water Cooperative Committee (Committee). The Committee will provide a much-needed forum for discussions between the U.S. Army Corps of Engineers (Corps) and Western States regarding their respective roles under the Flood Control Act of 1944 (FCA) and the Water Supply Act of 1958 (WSA).

The FCA and WSA are based on the principle of cooperative federalism. While Congress authorized the Corps to undertake construction and operation of flood control projects, it reaffirmed that states have authority over the allocation, distribution, and development of the water resources within their borders. The FCA states ". . . it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control . . . ." 43 U.S.C. § 701-1. Similarly, the WSA declares "[i]t is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes . . . ." 43 U.S.C. § 390(b)(a).

Given the ever-increasing demand for water in the arid Western States and the ongoing drought throughout these states, it is more important now than ever for the Corps and the Western States to work cooperatively to harmonize their respective roles under the FCA and

WSA to achieve the dual objectives of flood control and optimum use of the available water supplies.

The Western Water Cooperative Committee offers an opportunity to realize the state-federal partnership Congress envisioned when it enacted the FCA and WSA.

Sincerely,



Karen White
Executive Director
Attorney General Alliance &
Conference of Western Attorneys General