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U.S. Environmental Protection Agency
EPA Docket Center - Water Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Supplemental Comment on Proposed Rulemaking; Docket ID No. EPA-HQ-OW-2025-0322

On behalf of Trout Unlimited (TU) and our more than 300,000 members and supporters nationwide, please accept the following comments on the U.S. Environmental Protection Agency's (EPA) and U.S. Army Corps of Engineers' (Corps) (collectively, the "Agencies") Supplemental Notice of Proposed Rulemaking regarding the definition of "waters of the United States" (WOTUS).

TU submitted detailed comments on the November 2025 Updated Definition of "Waters of the United States" proposed rule on January 5, 2026. Those comments emphasized that the Agencies had already amended the WOTUS definition in 2023 to conform to *Sackett* and that further narrowing was not necessary.¹ We also explained that the proposal went beyond what *Sackett* required, disregarded the importance of non-perennial waters and wetlands to functioning watersheds, and was poorly suited to the hydrologic realities of regions such as the arid West. We incorporate those comments by reference and do not repeat them here except where directly relevant to the new alternatives presented in the supplemental notice.

The supplemental alternatives raise additional concerns for TU because they fail to account for sustained seasonal flows, the unique hydrologic conditions of the arid West, and human-caused changes in flow that can alter whether historically perennial waters continue to flow year-round. The supplemental alternatives would further narrow federal protections beyond the November proposal by defining "relatively permanent" waters largely by perennial flow and requiring perennial surface water to establish a "continuous surface connection" for jurisdictional wetlands. The Agencies acknowledge that these alternatives would substantially reduce federal

¹ Trout Unlimited, Comments on the Proposed Updated Definition of "Waters of the United States," Docket No. EPA-HQ-OW-2025-0322 (Jan. 5, 2026).

jurisdiction, particularly in the arid West, while significant uncertainty remains about the scope and consequences of those reductions.²

TU opposes these supplemental alternatives. Neither *Rapanos* nor *Sackett* requires the Agencies to equate “relatively permanent” with perennial flow, establish a 30-day dry-period threshold, or require perennial surface water in wetlands. The Agencies should implement the Supreme Court’s decisions faithfully without narrowing Clean Water Act protections beyond what those decisions require. Where discretion remains, choosing the narrowest possible interpretation would move the rule farther from Congress’s stated objective for the Clean Water Act: to restore and maintain the integrity of the Nation’s waters.

The Supreme Court did not equate “relatively permanent” with perennial flow.

In *Rapanos v. United States*, the plurality described jurisdictional waters as “relatively permanent, standing or continuously flowing bodies of water.” But it expressly stated that this interpretation did “not necessarily exclude seasonal rivers”, including rivers that flow continuously for part of the year and are dry during other periods. The plurality specifically addressed a hypothetical stream flowing continuously for 290 days each year but did not establish how frequently or for how long a stream may cease flowing before it no longer qualifies as relatively permanent.³

Sackett v. EPA subsequently endorsed the *Rapanos* plurality’s interpretation of “waters,” but it did not transform “relatively permanent” into “perennial” or establish a numerical flow-duration requirement.⁴ The November 2025 proposal recognized this distinction by allowing relatively permanent waters to include waters with continuous flow year-round or at least during the wet season. The supplemental alternative would take a substantially narrower approach by generally requiring year-round flow, subject to a limited allowance for interruptions in flow.⁵

TU believes the final rule should preserve a meaningful distinction between waters with sustained seasonal flow and those that flow only briefly in direct response to precipitation when determining what qualifies as “relatively permanent.” Neither *Rapanos* nor *Sackett* requires the Agencies to categorically exclude streams that flow continuously during a predictable wet season, and where the Court has left room for discretion, the Agencies should not choose the narrowest possible interpretation of “relatively permanent.” This point does not diminish TU’s broader concerns, expressed in our January comments, about the loss of Clean Water Act

² U.S. EPA and Department of the Army, “Updated Definition of ‘Waters of the United States,’ Supplemental Notice of Proposed Rulemaking,” 91 Fed. Reg. 57284, 57297–98 (Sept. 9, 2026).

³ *Rapanos v. United States*, 547 U.S. 715, 732 & n.5 (2006).

⁴ *Sackett v. EPA*, 598 U.S. 651, 671–74, 678–79 (2023); 33 U.S.C. § 1251(a).

⁵ U.S. EPA and Department of the Army, “Updated Definition of ‘Waters of the United States,’” 90 Fed. Reg. 52498, 52518–19 (Nov. 20, 2025).

protections for ephemeral streams and the important role those waters play in functioning watersheds.

That distinction matters because seasonally flowing waters can provide direct spawning, rearing, refuge, and other essential habitat for trout and salmon, while also supporting water quality and important fisheries farther downstream. The Supreme Court’s decisions establish limits on federal jurisdiction; they do not erase Congress’s direction that the Clean Water Act be implemented to restore and maintain the integrity of the Nation’s waters. Where discretion remains, the Agencies should exercise it in a manner that advances the Clean Water Act’s statutory objective.⁴

The proposed 30-day and 5-year thresholds lack a demonstrated legal or scientific basis.

The supplemental alternative would generally allow an otherwise perennial water to experience only one regularly occurring interruption of no more than 30 consecutive days per year. A stream with a longer ordinary dry period would fail the proposed test. Neither *Rapanos* nor *Sackett* establishes such a threshold, and the Agencies acknowledge that there is no precise, scientifically grounded time limit establishing 30 days as appropriate.⁶

Regulatory clarity is important, but clarity alone does not explain why a stream that stops flowing for 30 days should qualify as relatively permanent while an otherwise similar stream that stops flowing for 31 days should not.

The proposed approach also raises important questions regarding jurisdiction when a stream exceeds the 30-day threshold but then returns to a relatively permanent flow. The Agencies should explain whether and how jurisdiction would be restored to streams that become relatively permanent after exceeding a dry period threshold, especially in cases where the increased flow is consistent with its historic hydrologic condition. A temporary interruption in flow should not result in permanent loss of jurisdiction without a clear legal or scientific basis.

In many watersheds, particularly in the West, factors such as snowpack, groundwater, geology, climate, and watershed condition determine when and how long streams flow. Those factors vary substantially across regions and from year to year, making a fixed 30-day cutoff a poor measure for whether a stream is relatively permanent under ordinary conditions.

TU does not suggest replacing 30 days with another arbitrary number or simply reinstating the November proposal’s wet season test. Rather, TU recommends that the Agencies pursue a workable standard that recognizes that sustained seasonal flow may qualify as relatively permanent and accounts for meaningful regional hydrologic differences. For example, the Agencies’ own Regional Streamflow Duration Assessment Methods provide a scientifically supported, repeatable, field-based framework for evaluating streamflow duration and classifying

⁴ *Sackett v. EPA*, 598 U.S. 651, 671–74, 678–79 (2023); 33 U.S.C. § 1251(a).

⁶ Supplemental Notice, *supra* note 2, at 57289–91.

streams while accounting for regional differences in climate, geology, biogeography, and topography.⁷ The Agencies should draw on this type of regional hydrologic information rather than relying on a single national dry-period threshold.

The proposed five-year treatment of drought raises similar concerns. Under the supplemental approach, only extreme (D3) and exceptional (D4) droughts would qualify as anomalous, and after five continuous years the Agencies would treat drought conditions as the “new normal” for determining whether a water is relatively permanent. The Agencies explain that five years corresponds to the typical duration of an approved jurisdictional determination, but this is also a poor substitute for hydrologic conditions.⁸

Droughts in the West vary widely in duration and severity and can persist well beyond five years. Tree-ring and climate records show repeated multi-year and multi-decadal droughts across western North America; most recently, the 2000–2021 drought in southwestern North America was the driest 22-year period since at least the year 800. Hydrologic drought also varies substantially in frequency, duration, and severity across regions.⁹ A river should not lose its ordinary hydrologic character simply because an extraordinary drought outlasts the administrative life of a jurisdictional determination. The duration of an administrative determination is not a scientific basis for determining a stream’s ordinary hydrologic condition. The Agencies should determine whether conditions are anomalous using the best available regional climatic and hydrologic information rather than a fixed five-year cutoff.

A perennial flow standard would have significant consequences for coldwater fisheries, especially in the arid West.

The supplemental proposal would have disproportionately negative consequences for coldwater fisheries, particularly in the West. Trout and salmon rivers are products of larger watersheds that include perennial, intermittent, seasonal, and ephemeral streams. Many of these non-perennial waters influence the quantity and quality of water and habitat downstream, while seasonal and intermittent streams can also provide direct fish habitat when water is present.

TU documented these relationships extensively in our January comments and incorporates that discussion here rather than repeating it. Among other things, we cited research showing that

⁷ U.S. EPA, “Development of the Regional Streamflow Duration Assessment Methods,” Regional Streamflow Duration Assessment Methods, <https://www.epa.gov/streamflow-duration-assessment/development-regional-sdams>; U.S. EPA, “Learn About Regional SDAMs,” Regional Streamflow Duration Assessment Methods, <https://www.epa.gov/streamflow-duration-assessment/learn-about-regional-sdams>.

⁸ Supplemental Notice, *supra* note 2, at 57290–91.

⁹ Webb, R.H., G.J. McCabe, R. Hereford, and C.D. Wilkowske, 2004. Climatic Fluctuations, Drought, and Flow of the Colorado River. U.S. Geological Survey Fact Sheet 2004-3062; Williams, A.P., B.I. Cook, and J.E. Smerdon, 2022. “Rapid intensification of the emerging southwestern North American megadrought in 2020–2021.” *Nature Climate Change* 12:232–234; Austin, S.H., D.M. Wolock, and D.L. Nelms, 2018. *Variability of Hydrological Droughts in the Conterminous United States, 1951 Through 2014*. U.S. Geological Survey Scientific Investigations Report 2017–5099.

ephemeral streams can contribute substantially to downstream waters, particularly in the arid West.¹⁰ This is especially important for western trout watersheds, where coldwater habitat is often part of a larger stream network that includes both perennial and non-perennial reaches. Research on Lahontan cutthroat trout, for example, has documented populations in stream systems where lower elevation reaches may become intermittent during summer droughts and where connectivity among tributary and downstream habitats can be important to trout populations.¹¹

The Agencies acknowledge that reducing jurisdiction based on flow permanence would have disproportionate effects in the arid West. Even under the less restrictive November proposal, the 2025 Regulatory Impact Analysis (RIA) anticipated “relatively greater reductions in Federal jurisdiction” in areas where streams are less likely to flow year-round and illustrated how non-relatively permanent reaches in Arizona and New Mexico could sever jurisdiction for perennial waters upstream.¹² A narrower perennial flow standard would increase that concern.

This concern extends beyond the seasonal or intermittent reach itself. Under the proposed tributary framework, a non-jurisdictional reach may interrupt the connection between downstream jurisdictional waters and otherwise perennial headwater streams. In western watersheds, this could result in loss of federal protection for perennial coldwater habitat simply because a downstream reach naturally becomes intermittent or seasonal. The Agencies should evaluate these network-scale effects rather than considering changes in jurisdiction reach by reach.

The removal of federal jurisdiction from a seasonal or intermittent stream reach does not eliminate that reach’s hydrologic and ecological connection to downstream trout and salmon habitat. During periods of flow these waters transport water, sediment, nutrients, and pollutants through the broader river network. In evaluating the supplemental alternative, the Agencies should quantify the waters that would lose jurisdiction and assess the direct, indirect, and cumulative effects of the resulting jurisdictional discontinuities on waters that remain protected, including impacts on trout and salmon habitat. This analysis is particularly important in the arid West, where non-perennial streams constitute a substantial share of stream miles and meaningfully support downstream flows and coldwater fisheries.

The proposal does not adequately address human-caused changes in flow permanence.

The supplemental proposal addresses when climate-driven reductions in perennial flow should be considered anomalous, but it largely overlooks the role of human water use in altering

¹⁰ TU January 2026 Comments, *supra* note 1, at 3–4.

¹¹ Dunham, J.B., M.M. Peacock, B.E. Rieman, R.E. Schroeter, and G.L. Vinyard, 1999. “Local and Geographic Variability in the Distribution of Stream-Living Lahontan Cutthroat Trout.” *Transactions of the American Fisheries Society* 128(5):875–889. DOI: 10.1577/1548-8659(1999)128<0875:LAGVIT>2.0.CO;2.

¹² Supplemental Notice, *supra* note 2, at 57297–98; U.S. EPA and Department of the Army, Regulatory Impact Analysis for the Proposed Updated Definition of Waters of the United States Rule, 42–43 & Fig. 3-1 (Nov. 2025).

streamflow across the West. Groundwater pumping can reduce or eliminate the baseflows that sustain streams during dry periods, while surface-water diversions can decrease downstream flows and cause reaches to flow less frequently or go dry altogether. These effects can be cumulative, particularly in water-scarce basins where multiple wells and diversions draw from the same connected groundwater and surface-water system. The Agencies should not treat a human-caused loss of flow as a waterbody's ordinary condition without evaluating the effects of pumping, diversions, and overall basin-wide water use.

The Agencies' own 2025 RIA recognizes this problem. It explains that streams may have relatively permanent flow in their headwaters but become non-relatively permanent downstream because of natural conditions or "anthropogenic alterations," including water withdrawals. Under the proposed tributary framework, the Agencies acknowledge that relatively permanent waters upstream of such a reach could consequently lose federal jurisdiction, with potentially significant effects in the arid West and mountainous regions.¹³

Research likewise shows that flow permanence is not necessarily a fixed characteristic. Studies in California, the Upper Colorado River Basin, and the Great Plains document or project shifts from perennial to non-perennial flow associated with climate, groundwater decline, and human water use.¹⁴ The Little Plover River in Wisconsin provides one such example: this groundwater-dependent Class I trout stream began drying in sections during the mid-2000s, resulting in substantial trout mortality. Subsequent groundwater modeling found that groundwater withdrawals, including high-capacity irrigation and municipal wells reduced baseflow to the river.¹⁵

The same concern is relevant to native trout in the West. The U.S. Fish and Wildlife Service has identified stream drying associated with drought and water withdrawals, including groundwater pumping, as a threat to Rio Grande cutthroat trout because reduced flow can eliminate habitat, increase intermittency, and strand fish.¹⁶ In Montana, historically perennial Lolo Creek—important bull trout habitat—has become intermittent in its lower reaches in some years, with

¹³ U.S. EPA and Department of the Army, Regulatory Impact Analysis, *supra* note 12, at 14–15.

¹⁴ See Ayers, J.R., S.M. Yarnell, E. Baruch, R.A. Lusardi, and T.E. Grantham, 2024. "Perennial and Non-Perennial Streamflow Regime Shifts Across California, USA." *Water Resources Research* 60:e2023WR035768. DOI: 10.1029/2023WR035768; Reynolds, L.V., P.B. Shafroth, and N.L. Poff, 2015. "Modeled intermittency risk for small streams in the Upper Colorado River Basin under climate change." *Journal of Hydrology* 523:768–780. DOI: 10.1016/j.jhydrol.2015.02.025; Perkin, J.S., K.B. Gido, J.A. Falke, K.D. Fausch, H. Crockett, E.R. Johnson, and J. Sanderson, 2017. "Groundwater declines are linked to changes in Great Plains stream fish assemblages." *Proceedings of the National Academy of Sciences* 114(28):7373–7378. DOI: 10.1073/pnas.1618936114.

¹⁵ Bradbury, K.R., M.N. Fienen, M.L. Kniffin, J.J. Krause, S.M. Westenbroek, A.T. Leaf, and P.M. Barlow, 2017. Groundwater Flow Model for the Little Plover River Basin in Wisconsin's Central Sands. Wisconsin Geological and Natural History Survey Bulletin 111; Fienen, M.N., K.R. Bradbury, M. Kniffin, and P.M. Barlow, 2018. "Depletion mapping and constrained optimization to support managing groundwater extraction." *Groundwater* 56(1):18–31. DOI: 10.1111/gwat.12536; Trout Unlimited, "Volunteers in Wisconsin Collaborate on Stream Monitoring Effort" (2020) <https://www.tu.org/magazine/science/chapters-launch-tu-cares-program-in-wisconsin/>.

¹⁶ U.S. Fish and Wildlife Service, Species Status Assessment Report for the Rio Grande Cutthroat Trout 21, App. B at B-17–B-19 (2014).

groundwater withdrawals, irrigation, climate, and other factors investigated as possible contributors.¹⁷ Lolo Creek illustrates why observed flow duration cannot always be assumed to represent a stream's natural hydrologic condition.

These examples expose an important gap in the proposed perennial flow standard. A stream should not lose federal protection when human withdrawals have altered the hydrologic conditions that previously sustained perennial flow.

The final rule should establish a clear method for determining “ordinary conditions” where groundwater pumping, surface-water withdrawals, reservoir operations, or other anthropogenic activities have materially altered a waterbody's flow regime. A standard based exclusively on current observed conditions could allow human-caused reductions in flow duration to determine, and progressively narrow, jurisdictional boundaries. If the Agencies intend to evaluate historical or natural hydrologic conditions, they should specify the relevant reference period, evidentiary requirements, and acceptable sources of information. These might include historical stream-gauge records, groundwater and surface-water models, diversion and pumping records, hydrologic reconstructions, and other evidence of prior flow conditions. The pursuit of administrative clarity should not permit human-caused depletion to redefine a historically perennial river as non-jurisdictional.

A perennial surface water standard would significantly reduce protections for wetlands.

The Agencies anticipate that the majority of wetlands jurisdictional as adjacent wetlands under current regimes would not satisfy the proposed standard because most wetlands do not contain perennial surface water.¹⁸

That result goes beyond the standard articulated in *Sackett*. The Court held that jurisdictional wetlands must have a continuous surface connection to a jurisdictional water such that it is difficult to determine where the water ends and the wetland begins. But the Court expressly recognized that temporary interruptions in that connection may occur, including during low tides or dry spells.⁴ It did not require surface water in a wetland every day of the year or establish a 30-day maximum interruption.

A continuous surface connection does not require surface water to be present in a wetland every day of the year. Surface water conditions in wetlands and adjacent streams can vary naturally with season, drought, groundwater levels, and other hydrologic conditions. Requiring perennial

¹⁷ Montana Bureau of Mines and Geology, Ground Water Investigation Program, “Lolo Creek, Missoula County,” <https://www.mbmng.mtech.edu/WaterEnvironment/GWIP/ProjectUpdate.asp?projectid=BWIPLO>.

¹⁸ Supplemental Notice, *supra* note 2, at 57298.

⁴*Sackett v. EPA*, 598 U.S. 651, 671–74, 678–79 (2023); 33 U.S.C. § 1251(a).

surface water risks treating those normal fluctuations as evidence that a wetland is no longer physically connected to the jurisdictional water.

Additionally, Clean Water Act jurisdiction over a non-tidal river generally extends laterally to the ordinary high-water mark, even though portions of the bed and channel may be dry during normal low-flow periods. That does not independently establish wetland jurisdiction, but it illustrates that Clean Water Act jurisdiction over a non-tidal water does not require every portion of a jurisdictional water to remain continuously covered by surface water.¹⁹

The supplemental approach could therefore produce an inconsistent result: a seasonal river could remain a relatively permanent WOTUS despite a normal dry period, while a wetland physically integrated with that river during its flowing season could lose jurisdiction because it experiences the same dry period.

TU urges the Agencies to apply the Supreme Court’s test, which asks whether a wetland is “as a practical matter indistinguishable” from a jurisdictional water, without converting that test into a requirement that the wetland itself contain perennial surface water, a requirement the Court did not establish.⁴

The supplemental alternatives would substantially reduce jurisdiction despite significant uncertainty about their consequences.

The supplemental notice contemplates substantial reductions in federal jurisdiction while acknowledging significant uncertainty about the scope and consequences of those changes. The Agencies cannot reliably quantify the waters that would lose jurisdiction under the supplemental relatively permanent standard, and they lack a national quantitative analysis of the wetlands that would be excluded while anticipating that the majority of wetlands currently jurisdictional as adjacent wetlands would fail the supplemental test.

The Agencies also acknowledge disproportionate jurisdictional reductions in the arid West, fewer Section 404 permits and mitigation requirements, and greater forgone benefits than under the November proposal. The RIA recognizes that reduced federal coverage could mean less avoidance, minimization, and mitigation of impacts to streams and wetlands, with potential harm to habitat and fisheries. It also identifies higher pollutant loads and potential effects on fishing and other water-dependent recreation among the possible consequences.²⁰

Those effects extend beyond Section 404. The definition of WOTUS also affects the applicability of other Clean Water Act programs, including Section 401 and Section 402.²¹ Before adopting substantially narrower definitions, the Agencies should better understand where jurisdiction will

¹⁹ 33 C.F.R. § 328.4(c).

⁴Sackett v. EPA, 598 U.S. 651, 671–74, 678-79 (2023); 33 U.S.C. § 1251(a).

²⁰ Supplemental Notice, supra note 2, at 57297–98; U.S. EPA and Department of the Army, Regulatory Impact Analysis, supra note 12, at 82–84, 90–91.

²¹ U.S. EPA and Department of the Army, Regulatory Impact Analysis, supra note 12, at 67–68.

be lost and what those losses mean for water quality, fisheries, recreational fishing, and drinking water.

For TU, that analysis should include consequences for trout and salmon watersheds. A relatively small seasonal tributary may sit upstream of an important fishery, and a wetland that fails a perennial-surface-water test may still be part of a watershed supporting substantial public and private conservation investment. The effects of these alternatives cannot be understood simply by counting permits avoided.

The supplemental alternatives could undermine restoration investments and reliance interests.

TU brings a practical perspective to this issue because we support strong and clear Clean Water Act protections and are also frequent applicants for Clean Water Act permits. Each year, TU and our partners invest tens of millions of dollars restoring streams, wetlands, and floodplains, including projects requiring Section 404 authorization. We understand that permitting can be costly and time-consuming, and we support efficient permitting pathways for bona fide ecological restoration.

But narrowing federal jurisdiction to streamline permitting could also put previous and ongoing restoration investments at risk. TU made this point in our 2019 WOTUS comments, explaining that “our restoration gains are built on a foundation of a strong Clean Water Act.” These protections help ensure that years of restoration investment are not subsequently undermined by avoidable pollution or habitat degradation, including in seasonal and intermittent streams and wetlands that support protected waters downstream.²²

The supplemental alternatives create a dilemma. The alternatives would reduce permitting costs for some future restoration work but would also remove federal protections for waters where agencies, landowners, and other partners have made substantial restoration investments. Those investments can be undermined when restored waters, including upstream seasonal and intermittent waters, lose protections that help prevent pollution and habitat degradation.

Those investments are relevant to the reliance interests on which the Agencies request comment. TU does not contend that reliance interests can preserve jurisdiction where *Sackett* clearly forecloses it. Where *Sackett* leaves room for agency discretion, the Agencies should consider the consequences of narrower jurisdiction on waters and communities where substantial public and private restoration investments have been made.²³

Conclusion

²² Trout Unlimited, Comments on the Revised Definition of Waters of the United States, Docket ID No. EPA-HQ-OW-2018-0149, at 7 (Apr. 15, 2019).

²³ Supplemental Notice, *supra* note 2, at 57292–93, 57296.

The Agencies' proposed rule and supplemental alternatives would eliminate federal Clean Water Act protections for all ephemeral waters, unknown quantities of intermittent and seasonally flowing streams, and the majority of the nation's wetlands. TU recognizes that *Sackett* narrowed the reach of the Clean Water Act. But the Agencies already amended the WOTUS definition in 2023 to conform to that decision, and we do not believe the additional restrictions now under consideration are necessary.

Nor are these additional restrictions required by *Rapanos* or *Sackett*. The Supreme Court did not require the Agencies to equate "relatively permanent" with perennial flow, establish a 30-day dry period threshold, or require perennial surface water in jurisdictional wetlands. Those choices would have significant consequences for seasonal and intermittent streams, wetlands, and trout and salmon watersheds across the nation and especially in the arid West.

TU therefore urges the Agencies not to adopt the supplemental alternatives. Instead, the Agencies should develop a durable final rule that faithfully implements *Sackett* and *Rapanos*, recognizes seasonal and intermittent waters where consistent with those decisions, accounts for regional hydrology and human-caused changes to streamflow, including changes caused by groundwater pumping and surface-water withdrawals, and provides practical and efficient permitting pathways for restoration and responsible development.

As TU stated in our January comments, we share the desire of agricultural and other regulated interests for clearer and more predictable Clean Water Act rules. We continue to believe the Agencies should work with agricultural and development interests, hunters and anglers, conservation organizations, and other affected stakeholders toward a workable rule that provides greater certainty while maintaining meaningful protections for the Nation's waters.

Water, sediment, nutrients, and pollutants move through connected river systems, carrying the effects of upstream activities into downstream waters. The final rule should recognize these real-world hydrologic connections while adhering to the jurisdictional limits established by the Supreme Court.

Respectfully submitted,



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