

A New Partner in DCP Colorado River Indian Tribes

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CRIT Water Rights: Facts & Figures for AZ-Side

- Rights
 - Allocated by the Supreme Court in *Arizona v. California*
 - The lesser of a diversion of **662,402 AF/Y**, or sufficient water to satisfy the consumptive use required for irrigation of **99,345 acres** and related uses
- Priority dates: 1865 - 1874
- Current water use (2014-2018 Average)
 - Diversions 598,415 AF
 - (Does not include System Conservation)
 - Return Flows 294,750 AF
 - Consumptive Use **303,665 AF**
 - **72,500** Acres in Production

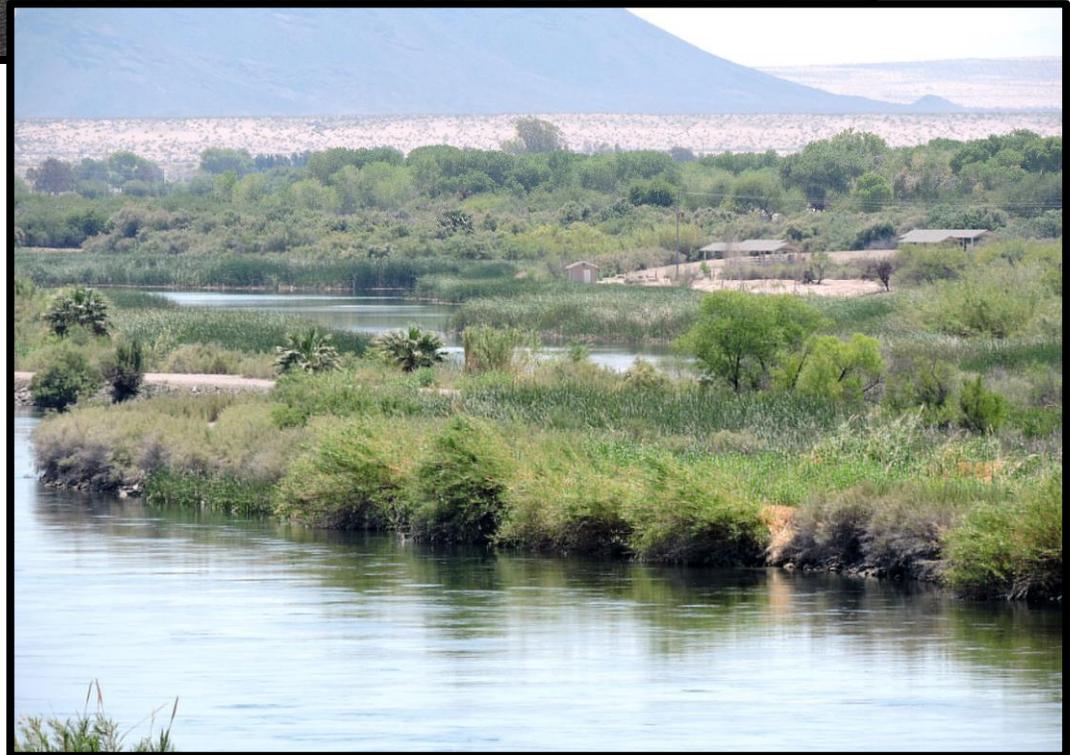
On Reservation Uses

- The diversion point for the CR BIA Irrigation Project is Headgate Rock Dam
- The overall efficiency of the Irrigation Project is 50% to 53%--
CU/Diversion



On Reservation Uses

- Agriculture
 - Approx. 71% of agricultural lands are leased (includes assignments & allotments)
- Conservation
 - The Ahakhav Tribal Preserve: 1250 acres, 250 acres backwater, native plant nursery, endangered fish hatchery
 - 2,000 acres of Mesquite Bosque habitat for cultural use



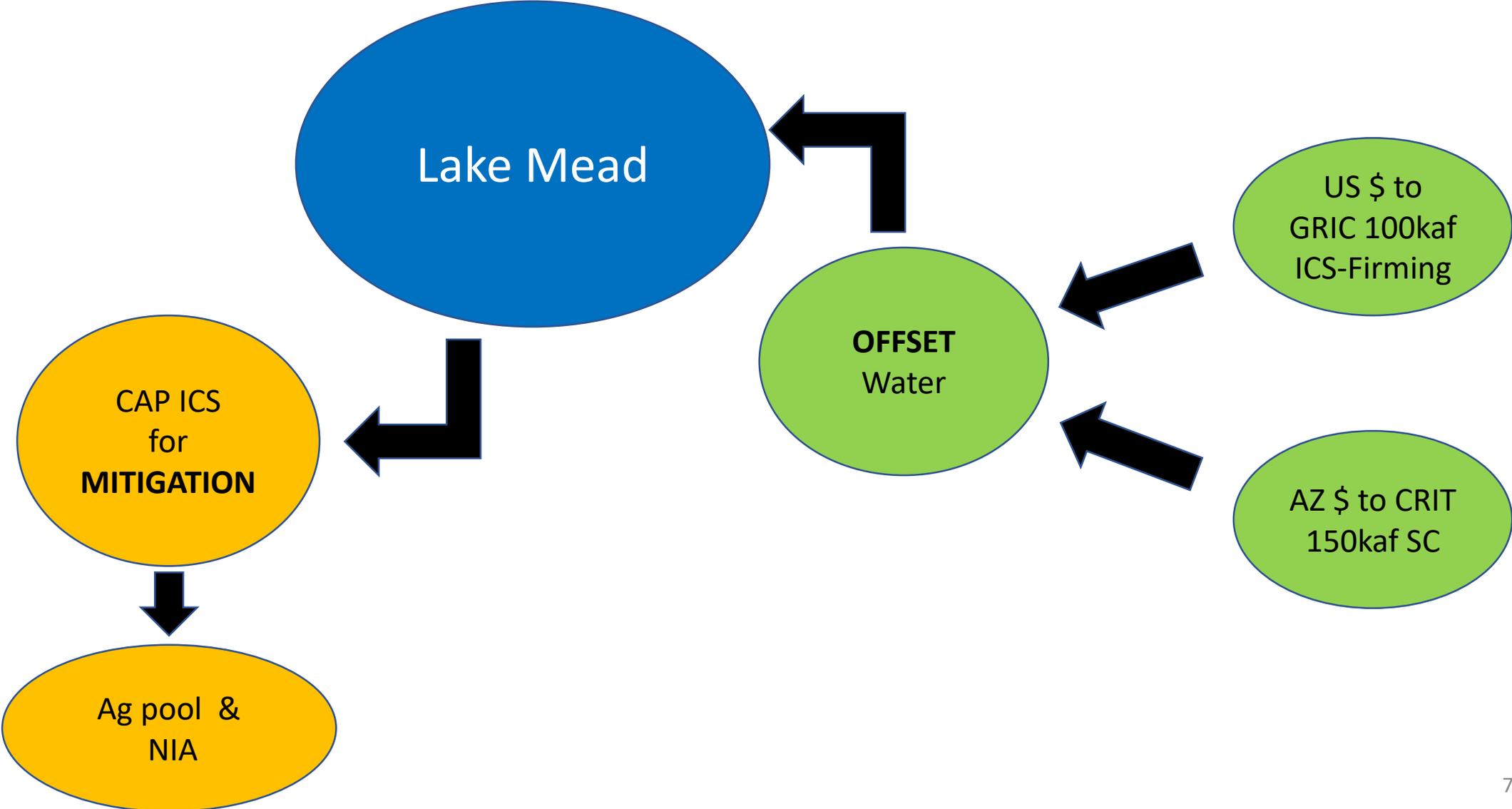
How did the Role for CRIT in DCP Evolve?

- A leadership vision developed more than 20 years ago
 - CRIT wants the ability to use its water for economic development in the same ways as other tribes, including leasing
 - At the same time, CRIT will preserve agriculture as the main on-reservation economic activity
 - Use revenues from water leases to improve on-reservation infrastructure
 - One of the oldest BIA irrigation projects in the US with more than \$75m in deferred maintenance with no BIA plans or \$ for improvements
- Tribal leadership built a team over the past 6 years that share the vision of leadership
 - Tribal leaders, ag engineers, economists, political advisors and attorneys
- A lot of hard work

CRIT Goals for Water & DCP

- Leadership knowledge and understanding of Basin hydrology
 - Tribal Council consultations with BOR
 - Regular Saturday council workshops with expert participation
 - Community meetings with follow-up information sharing--CRITfilms.org
 - Leadership and staff participation in Tribal Water Study
- Goal: Economic return from the full water right
 - Only 10% of water right in California used by CRIT
 - 50% of water diverted in Az returns as spill water or return flow
 - Find ways to keep CRIT's name on the water
- Goal: Preserve the Life of the River
 - Sister tribe, Cocopah, lost the River through their Reservation
 - Studied and explored efforts to return River flows in lower reaches
 - LB Pilot System Conservation Program offered opportunities—2 separate PSCP projects

Intra-Az DCP Implementation



Building Blocks for CRIT Participation: Awareness & Knowledge

- Iterative process—Tribes and state based water agencies and water users live and work in different orbits
- Awareness
 - Meet and greet
 - Presence at water related events
 - Leadership meetings
 - CRIT developed a better understanding of on-reservation water use
 - Basic understanding of water balance for BIA Irrigation Project
 - Operations changes
 - Land use data base
 - Ag Leases
- Knowledge
 - CRIT has a large Present Perfected Water Right in the Lower Basin
 - CRIT water is not based on, or subject to state law
 - CRIT is willing to offer possible solutions that fit into the Arizona water balance

Building Blocks #2:

Recognition & Relationships

- Recognize the role of CRIT water for Arizona
 - State of Arizona facing a water crisis pre-DCP
 - CRIT water is not CAP water
 - Only remaining new supply (absent technological advances)
- Relationships
 - Formal and informal meetings
 - More meetings
 - More conversations

Building Blocks, #3

Trust & Agreements

- Trust
 - Tribes and States have a historical distrust of each other that had to be overcome
 - The entire Az implementation plan was built on trust as presented in a series of Ppt slides
 - When there was not funding for the CRIT System Conservation which was the required “offset”, Chairman Patch told the group, “We are leaving our proposal on the table.”
 - Statement based on understanding of other parties and the CRIT position
- CRIT DCP Agreement for System Conservation
 - SB 1227 Established System Conservation Fund and Az legislature appropriated \$30m for the CRIT system conservation water (ARS 45-118)
 - System Conservation Agreement among: CRIT, ADWR, CAWCD and Reclamation
 - Modeled after PSCP agreements between CRIT and Reclamation
 - Separate funding agreement between ADWR and EDF/Walton Family Foundation

Current Status

- CRIT DCP Contributions
 - 50,000 af/year for 3 years as system conservation left in Lake Mead
 - Up to 20,000 af of ICS kept in CRIT's name (not for transfer)
 - Limit on diversions and acreage in production during the term of the Agreement
- At elevation 1075 CRIT water adds about 2 feet to Lake Mead
 - ICS creates an “overdraft account” to help maintain agriculture on reservation and meet commitments in Agreement
 - Limits on diversions and acreage are part of verification that water is conserved and provide assurances to CAWCD for remaining supply

Bumps Along the Way

- At CRIT:
 - Recall of all 9 Council Members by “Water is Life” group
 - All but one Council Member remained in office
 - Tribal Referendum: Protect and Prosper
 - Passed overwhelmingly by the CRIT voters
- Negotiations for System Conservation Agreement
 - Price per acre foot
 - Total available funding within term of the Agreement
- Delays
 - Time commitments for all parties
- ICS
 - California district objected to tribal reserved rights being used to create ICS

Post DCP: CRIT Water as Drought Supply

- Future of PRIORITY in DCP and post DCP
 - CRIT water is the first priority in the Lower Basin
 - Last to be cut in times of shortage
 - If less than 7.5maf for LB the Secretary shall deliver to PPRs in the order of priority and apportion the remaining water.¹
 - CRIT goal to preserve the priority and establish a value as a drought supply for lower priority users
- Federal legislation required to lease water
 - Indian Non-Intercourse Act, 25 USC §177
 - Authorization for Secretary to approve water leases
 - Inter-governmental Agreement with Arizona

¹*Arizona v. California et al.*, 376 U.S. 340, 342 (1963).

Conclusion

- CRIT participation in DCP evolved over 154 year history
 - US History in relation to tribal resources is not positive
 - Concerted effort to avoid this history with water resources
- Inclusion of Tribes in basin management needs to evolve
 - DCP problems because Tribes were not part of the development of 2007 Guidelines
 - Federal: Reclamation has a trust responsibility that must be developed with the Tribes to include full participation
 - Basin: All LB and UB meetings should include Tribes
 - State: Water planning should include Tribes
 - Arizona is not unique in needing to include all water users to plan for and manage a drier future

Thank you.

Questions?

