

Tribal Diversion Rights to Lower Basin Mainstem Water

State	Tribe	Diversion Entitlement AF/Yr	Notes
AZ	Mainstem	861,162	
AZ	Mainstem - Reserved	3,500	
AZ	CAP	550,806	
AZ	CAP - Reserved	43,518	
AZ	Total	1,458,986	
CA	Mainstem	156,522	
NV	Mainstem	12,534	
	Grand Total - Lower Basin Tribes (excluding Navajo)	1,628,042	Does include Navajo claims to reserved water; does not include Zuni rights to Little Colorado River water

Tribal Diversion Rights to Lower Basin Mainstem Water

State	Tribe	Diversion Entitlement AF/Yr	Notes
CA	Chemehuevi	11,340	
AZ	Cocopah	10,847	
AZ	Colorado River	662,402	
CA	Colorado River	56,846	
AZ	Fort Mojave	103,535	
CA	Fort Mojave	16,720	
NV	Fort Mojave	12,534	
AZ	Hopi	6,028	
AZ	Quechan	6,350	
CA	Quechan	71,616	
	Total - River Tribes Currently Allocated	958,218	
AZ	Ak-Chin	50,000	
AZ	Salt River	22,000	
	Total - CAP Tribes Mainstem Water	72,000	
	Reserved	3,500	Counted for 2035 and 2060 only
	Total LB Tribal Rights to Mainstem Water	1,033,718	

Tribal Diversion Rights/Entitlements - Arizona Tribes

State	Tribe	Diversion Entitlement AF/Yr	Notes
	Grand Total - Rights of Arizona Tribes to Colorado River Water, including Reserved	1,458,986	<p>Does not include Navajo, except for claims to reserved water</p> <p>Does not include Pueblo of Zuni rights to 5,500 AF/Y of Little Colorado River water</p>

Tribal Diversion Rights/Entitlements - Arizona Tribes

State	Tribe	Diversion Entitlement AF/Yr	Notes
Mainstem Water			
AZ	Cocopah	10,847	
AZ	Colorado River	662,402	
AZ	Fort Mojave	103,535	
AZ	Hopi	6,028	
AZ	Quechan	6,350	
	Total - River Tribes Currently Allocated	789,162	
AZ	Ak-Chin	50,000	
AZ	Salt River	22,000	
	Total - CAP Tribes Mainstem Water	72,000	
	Reserved	3,500	Counted for 2035 and 2060 only
	Total AZ Tribal Rights to Mainstem Water	864,662	

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CA	Chemehuevi	11,340	
AZ	Cocopah	10,847	
AZ	Colorado River	662,402	
CA	Colorado River	56,846	
AZ	Fort Mojave	103,535	
CA	Fort Mojave	16,720	
NV	Fort Mojave	12,534	
AZ	Hopi	6,028	
AZ	Quechan	6,350	
CA	Quechan	71,616	
	Total - River Tribes Currently Allocated	958,218	
AZ	Ak-Chin	50,000	
AZ	Salt River	22,000	
	Total - CAP Tribes Mainstem Water	72,000	
	Reserved	3,500	Counted for 2035 and 2060 only
	Total LB Tribal Rights to Mainstem Water	1,033,718	

Tribal Water Rights/Entitlements - CAP Tribes

State	Tribe	Diversion Entitlement AF/Yr	Notes
AZ	Ak-Chin - CAP Water	25,000	
AZ	Fort McDowell	18,233	
AZ	Gila River - Indian Priority	208,200	
AZ	Gila River - NIA	120,600	
AZ	Pascua Yaqui	500	
AZ	Salt River - CAP Water	13,300	
AZ	San Carlos	30,845	
AZ	San Carlos - Ak-Chin Transfer	33,300	
AZ	TON - Chui Chu	8,000	
AZ	TON - San Xavier - Indian	27,000	
AZ	TON - San Xavier - NIA	23,000	
AZ	TON - Shuk Toak - Indian	10,800	
AZ	TON - Shuk Toak - NIA	5,200	
AZ	Tonto Apache	128	
AZ	White Mountain	25,000	
AZ	Yavapai-Apache	1,200	
AZ	Yavapai-Prescott	500	
	CAP Water Currently Allocated	550,806	
AZ	Reserved	43,518	Shown for 2035 and 2060 only
	Total CAP Water for Tribes	594,324	

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AZ	Mainstem	861,162	
AZ	Mainstem - Reserved	3,500	
AZ	CAP	550,806	
AZ	CAP - Reserved	43,518	This value is double-counted, here and in cell E10
AZ	Total	1,458,986	
CA	Mainstem	156,522	
NV	Mainstem	12,534	
	Grand Total - Lower Basin Tribes (excluding Navajo)	1,628,042	Does include Navajo claims to reserved water; does not include Zuni rights to Little Colorado River water

Disclaimer: Tribal Water Rights

The Indian Reserved Water Rights of the federally recognized tribes of the Colorado River Basin are unique and have attributes that must be recognized under federal law and distinguished from state law water rights. The Indian Reserved Water Rights of the federally recognized tribes of the Colorado River Basin account for approximately 2.9 million acre-feet of annual diversion rights of the total apportionment of the Colorado River in the United States. Due to the complexities of the quantified rights of the federally recognized tribes, as well as those of tribes that have unquantified rights or claims, the Bureau of Reclamation (Reclamation) study of the supply and demand of the Colorado River Basin is insufficient in its ability to account for Tribal Reserved Water Rights and other settled and unsettled tribal water rights in the study's modeling design. In many cases, tribal water rights have the senior priority use of the supply and demand for water in the Colorado River Basin, yet the study does not reflect the use of tribal water by others nor show the potential impact on the Basin water supply if a substantial amount of the tribal water is used by the tribal water rights holders prior to 2060.

The unique attributes of Indian Reserved Water Rights under federal law and the outcome of tribal water settlements must be accounted for in any planning of water supply and demand imbalances in the Colorado River Basin. It must be understood that the Indian nations, in treating with the United States for the reservation of their homelands, also reserved water to be utilized within their homelands, resulting in the apportionment of water from the Colorado River Basin for each of the federally recognized tribes. Each Tribe in its sovereign capacity asserts and secures a water rights claim on behalf of the Tribe and its members so that the purpose of the reservation can be fulfilled. These water rights claims are unique because they are held in trust by the United States for the benefit of the individual tribe, and give the United States the obligation and responsibility to protect and maintain these rights.

Tribal water rights under the Indian Reserved Water Rights doctrine and as an outcome of negotiated settlements held or claimed within the Colorado River and its tributaries can also be distinguished from state law water rights because they cannot be lost or forfeited due to non-use or abandonment unlike the forfeiture laws applicable to state water users. Importantly, inherent in Indian Reserved Water Rights and incorporated into tribal water settlements is the underlying legal right to future use of the tribal water rights such that the unused portion of the tribal water rights is subject to a call for use by the tribe and, therefore, tribal water cannot be assumed as surplus water such that it is readily available for non-Indian water users in the Basin.

The Colorado River Simulation System Model used by Reclamation in its Colorado River Basin Water Supply and Demand Study was intended to evaluate water availability in the Upper Basin and Lower Basin and potential water supply and demand imbalances through 2060. However, Reclamation acknowledges that the Study results are limited in their ability to account for the effects of tribal reserved water rights and future tribal water rights settlements Basin wide, in light of the unique attributes of those rights. Other than summarizing quantified tribal water rights in Appendix C-9 of *Technical Memorandum C—Quantification of Water Demand Scenarios*, Reclamation does not intend that the current Study be used to model tribal water rights and uses in the Basin.

In recognition of the federal government's continued trust obligation to work with members of the Ten Tribes Partnership to protect their Tribal Reserved Water Rights, Reclamation and the Ten Tribes Partnership are committed to pursuing joint future planning and tool development efforts that build on the scientific foundation of the current Study and advance critical information beyond the limited approach to system water entitlements, diversions, and return-flow calculations available under the current model. With tribal input and management, future Reclamation planning efforts should include a study capable of evaluating full tribal development, control, and protection of tribal water resources in the Basin. This includes consideration of water banking, voluntary water transfers, improved efficiencies, re-use opportunities, underground storage, and other options. These options may aid tribal and non-tribal users with developing options not presently available to respond to supply and demand uncertainty in the decades to come.

Ten Tribes Partnership Legal/Technical Committee Membership

Tribe	Member
Chemehuevi Indian Tribe	
Cocopah Indian Community	
Colorado River Indian Tribes	Douglas Bonamici, Grant Buma
Fort Mojave Indian Tribe	
Jicarilla Apache Tribe	Herb Becker
Navajo Nation	Bitah Becker, Jason John
Ute Indian Tribe of the Uintah and Ouray Reservation	Joanne Curry
Quechan Indian Tribe	Mason Morisset
Southern Ute Indian Tribe	Lena Atencio, Chuck Lawler, Cathy Condon
Ute Mountain Ute Indian Tribe	Celene Hawkins