

Appendix C9
Tribal Water Demand
Scenario Quantification

Appendix C9 – Tribal Water Demand Scenario Quantification

1.0 Introduction

Federally recognized tribes (tribes) hold quantified rights to a significant amount of water from the Colorado River and its tributaries (approximately 2.9 million acre-feet of annual diversion rights). In many cases, these rights are senior to other uses. Therefore, representing these rights and the associated demand is a critical component to assessing future water demand in the Colorado River Basin (Basin). An additional component of future demand is an assessment of demands by tribes that have unquantified rights or claims. Where information on these unquantified rights or claims was provided by tribes, it was included in the Study, as appropriate, however, this information is not reflected in future tribal water demand projections³

Based on quantified rights and with additional input from tribes, future demand for water by tribes in the Basin has been quantified by the Study. The term “quantified rights,” as used in the context of the Study, is defined as the amount of rights reserved by or granted to tribes by federal court decrees, state court decrees, treaties, agreements, and Executive Orders. This appendix presents tribal rights and the associated future tribal demand for Colorado River water under the Study’s various water demand scenarios.

Throughout the Study, the Bureau of Reclamation (Reclamation) met with tribes in the Upper Colorado River Basin, Lower Colorado River mainstem, and tribes served by water provided (directly or pursuant to exchanges) through the Central Arizona Project (CAP) facilities under contracts between tribes and the United States (see the Tribal discussion in the Colorado River Water Demand by Category section). In addition, Reclamation worked collaboratively with the Ten Tribes Partnership (Partnership), whose members have landholdings in the Upper and Lower Basins through which the Colorado River and various tributaries flow, as well as the Inter Tribal Council of Arizona (ITCA), whose members are the governments of 20 tribes with land in Arizona.

1.1 Indian Trust Assets

The United States has a trust responsibility to protect and maintain rights reserved by or granted to tribes by federal court decrees, state court decrees, treaties, agreements, and Executive Orders. The Indian Trust Assets (ITAs) entitled to protection under the trust responsibility include tribes’ federally reserved water rights. A tribe may also have other off-reservation interests and concerns that must be taken into account.

Each tribe’s water rights determination is multifaceted and contains numerous provisions. The information in this appendix is limited to the United States’ obligations with regard to current and future Colorado River water delivery to tribes, including tributaries in the Upper Basin. The information in this appendix is not intended to provide an interpretation of the water rights of any tribe.

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2.0 Process for Quantifying Tribal Demand

The Study implemented a scenario planning process to examine the uncertainty in future water supply and demand through the development of multiple future scenarios (see *Technical Report A – Scenario Development*). Representatives of several organizations participated in the development of the water demand scenarios, including water management entities, federal resource management agencies, tribes, conservation organizations, and others interested in the Basin. This collaboration was accomplished through a variety of means, including participation in a Water Demand Sub-Team, and direct contact with representatives of specific organizations.

The scenario planning process involves identifying the key driving forces (factors that likely will have the greatest influence on the future state of the system and thereby the performance of the system over time); ranking the driving forces as to their relative importance and relative uncertainty; and associating the highly uncertain and highly important driving forces, identified as critical uncertainties, with either water supply or water demand. One of the key critical uncertainties associated with Colorado River water demand relates to tribes. This critical uncertainty is titled, “Changes in water availability due to tribal water use and settlement of tribal water rights claims.”

To frame the plausible uncertainty, six demand scenarios were developed with the following themes: Current Projected (A), Slow Growth (B), Rapid Growth (C1 and C2), and Enhanced Environment (D1 and D2). The Water Demand Sub-Team then developed storylines for each scenario. Storylines are narrative descriptions of how the future may unfold and provide the plot for describing the scenario. The scenario storylines related to the uncertainty in future tribal demand are listed in table C9-1.

TABLE C9-1
Storylines Related to Tribal Water Use

Storyline Related to Tribal Water Use	Scenario
Tribal use develops according to quantified rights and current use patterns.	Current Projected (A)
Tribal use continues to develop but at slower than planned rates.	Slow Growth (B)
Tribal use and development occur faster than currently planned. In addition, new tribal claims and settlements are realized.	Rapid Growth (C1)
Tribal use and development occur faster than currently planned. In addition, new tribal claims and settlements are realized.	Rapid Growth (C2)
Tribal use develops according to quantified rights and current use patterns.	Enhanced Environment (D1)
Tribal use and development occur faster than currently planned. In addition, new tribal claims and settlements are realized.	Enhanced Environment (D2)

The scenario storylines were published in *Technical Report A – Scenario Development* and comments received suggested that the factors driving the trajectory of certain critical uncertainties (for example, changes in water needs for energy or changes in agricultural land use) are different from those that drive the uncertainty related to tribal water use. Specifically, tribal comments pointed out that factors such as increased population and economic development may not be the primary drivers for future tribal demands. Tribal governments exercise direct and immediate

control over land use decisions and development on tribal trust lands, and these decisions may be independent of economic drivers. For instance, under economic conditions where a private entity might choose to fallow land, a tribal government may keep land in production simply to cover irrigation assessment costs and/or to provide employment. After considering these comments, it was decided to change the storyline narratives related to tribal water use by removing economic factors. For example, the storyline for the Slow Growth (B) scenario was changed from “Tribal use continues to develop but at slower than planned rates due to economic conditions and pressure to reduce tribal expenditures or federal settlement expenditures,” to “Tribal use continues to develop but at slower than planned rates.”

In most cases, the quantification of tribal demands relied on information submitted by the Partnership, referred to as “the Ten Tribes Partnership Schedule” in this appendix, for use in the *Colorado River Interim Surplus Criteria Final Environmental Impact Statement* (Reclamation, 2000) and in the more recent *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead Final Environmental Impact Statement* (Reclamation, 2007). Some revisions to these projections were made, and alternative demand scenarios were quantified based on discussions with and information submitted by individual tribes, the Partnership, and the ITCA.

2.1 Summary of Tribal Colorado River Rights and Demands by Scenario

Tribes with rights to Colorado River water can be organized into three categories based on location: Upper Colorado River Basin tribes, Lower Colorado River Mainstem tribes, and tribes served by water provided through the CAP, as described in table C9-2.

Tables C9-3 to C9-5 summarize tribal water rights and future demands organized by location and tribe in acre-feet per year (afy). Section 3, Tribal Summaries of this appendix provides more-detailed information on each tribe’s rights and projected future demands. In Arizona, both Colorado River mainstem water and water that might be conveyed through the CAP facilities have been reserved for future settlements.

In addition to those tribes whose rights to Colorado River water have been confirmed by court decree or final settlements, there are tribes whose rights to water have not yet been quantified or that have been quantified for only some of their tribal lands. Such tribes are listed in the following section.

The applicability of the storylines in projecting future tribal demand varies for each tribe. For some tribes, the storylines provide a range of future demands; for other tribes, the storylines do not apply and there is no variation in future demands. Additionally, some tribes currently use their full right and in these cases there is also no variation in future demands.

Colorado River Basin
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TABLE C9-2

Upper Colorado River Basin Tribes, Lower Colorado River Mainstem Tribes, and Tribes Served by Water Provided through the CAP

Upper Colorado River Basin Tribes	
Jicarilla Apache Nation	New Mexico
Navajo Nation	Arizona, New Mexico, and Utah
Southern Ute Indian Tribe	Colorado
Ute Indian Tribe of the Uintah and Ouray Reservation	Utah
Ute Mountain Ute Tribe	Colorado, New Mexico, and Utah
Lower Colorado River Mainstem Tribes¹	
Chemehuevi Indian Tribe	California
Cocopah Indian Tribe	Arizona
Colorado River Indian Tribes	Arizona and California
Fort Mojave Indian Tribe	Arizona, Nevada, and California
Hopi Tribe	Arizona
Quechan Indian Tribe	Arizona and California
Tribes served through the Central Arizona Project	
Ak-Chin Indian Community	Arizona
Fort McDowell Yavapai Nation	Arizona
Gila River Indian Community	Arizona
Pascua Yaqui Tribe	Arizona
Salt River Pima-Maricopa Indian Community	Arizona
San Carlos Apache Tribe	Arizona
Tohono O'odham Nation	Arizona
Tonto Apache Tribe	Arizona
White Mountain Apache Tribe	Arizona
Yavapai-Apache Nation	Arizona
Yavapai-Prescott Tribe	Arizona

¹ The Zuni Indian Tribe has rights to Little Colorado River water in Arizona and the Moapa Band of Paiutes has rights to water in the Muddy River, Nevada. The modeling of these tributaries assume future demand to be consistent with historical demand on these rivers. See *Technical Report C – Water Demand Assessment*, for more information on the modeling of Lower Basin tributaries.

TABLE C9-3
Upper Colorado River Basin Tribal Rights and Future Demands

State	Tribe	Diversion Entitlement (Water Right) (afy)	Depletion Entitlement (Water Right) (afy)	Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
					2015 (afy)		2035 (afy)		2060 (afy)	
NM	Jicarilla Apache Nation	45,683	34,195	Current Projected (A)	36,932	27,650	44,841	33,295	45,683	34,195
				Slow Growth (B)	36,932	27,650	44,841	33,295	45,683	34,195
				Rapid Growth (C1)	36,932	27,650	45,683	34,195	45,683	34,195
				Rapid Growth (C2)	36,932	27,650	45,683	34,195	45,683	34,195
				Enhanced Environment (D1)	36,932	27,650	44,841	33,295	45,683	34,195
				Enhanced Environment (D2)	36,932	27,650	45,683	34,195	45,683	34,195
NM	Navajo Nation ¹	606,660	325,670	Current Projected (A)	506,348	271,820	608,085	326,435	612,863	329,000
				Slow Growth (B)	506,348	271,820	608,085	326,435	612,863	329,000
				Rapid Growth (C1)	517,972	278,060	699,633	375,580	915,756	491,600
				Rapid Growth (C2)	517,972	278,060	699,633	375,580	915,756	491,600
				Enhanced Environment (D1)	506,348	271,820	608,085	326,435	612,863	329,000
				Enhanced Environment (D2)	517,972	278,060	699,633	375,580	915,756	491,600
AZ	Navajo Nation (Upper Basin)	NA	NA	Current Projected (A)	49,125	47,987	49,207	47,707	49,207	47,707
				Slow Growth (B)	49,125	47,987	49,207	47,707	49,207	47,707
				Rapid Growth (C1)	43,437	42,431	61,088	59,226	77,621	75,255
				Rapid Growth (C2)	43,437	42,431	61,088	59,226	77,621	75,255
				Enhanced Environment (D1)	49,125	47,987	49,207	47,707	49,207	47,707
				Enhanced Environment (D2)	43,437	42,431	61,088	59,226	77,621	75,255
AZ	Navajo Nation (Lower Basin)	NA	NA	Current Projected (A)	0	0	0	0	0	0
				Slow Growth (B)	0	0	0	0	0	0
				Rapid Growth (C1)	16,456	16,075	74,055	71,798	126,767	122,903
				Rapid Growth (C2)	16,456	16,075	74,055	71,798	126,767	122,903
				Enhanced Environment (D1)	0	0	0	0	0	0
				Enhanced Environment (D2)	16,456	16,075	74,055	71,798	126,767	122,903

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TABLE C9-3
Upper Colorado River Basin Tribal Rights and Future Demands

State	Tribe	Diversion Entitlement (Water Right) (afy)	Depletion Entitlement (Water Right) (afy)	Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
					2015 (afy)		2035 (afy)		2060 (afy)	
UT	Navajo Nation	NA	NA	Current Projected (A)	0	0	0	0	0	0
				Slow Growth (B)	0	0	0	0	0	0
				Rapid Growth (C1)	26,204	13,102	79,876	39,938	156,692	78,346
				Rapid Growth (C2)	26,204	13,102	79,876	39,938	156,692	78,346
				Enhanced Environment (D1)	0	0	0	0	0	0
				Enhanced Environment (D2)	26,204	13,102	79,876	39,938	156,692	78,346
CO	Southern Ute Indian Tribe	137,090	74,318	Tribal demand in Colorado is embedded in other demand categories within the state.						
UT	Ute Indian Tribe of the Uintah and Ouray Reservation ²	480,594	258,943	Current Projected (A)	480,594	258,943	480,594	258,943	480,594	258,943
				Slow Growth (B)	316,354	170,451	447,747	241,245	480,594	258,943
				Rapid Growth (C1)	480,594	258,943	480,594	258,943	480,594	258,943
				Rapid Growth (C2)	480,594	258,943	480,594	258,943	480,594	258,943
				Enhanced Environment (D1)	480,594	258,943	480,594	258,943	480,594	258,943
				Enhanced Environment (D2)	480,594	258,943	480,594	258,943	480,594	258,943
CO	Ute Mountain Ute Tribe	88,358	51,081	Tribal demand in Colorado is embedded in other demand categories within the state.						

¹ The diversion and depletion demands of the Navajo Nation from the Colorado River in the Upper Basin in New Mexico are not limited by the Navajo Nation San Juan River in New Mexico Water Rights Settlement; however, the Navajo Nation agrees to be bound by the terms of that settlement so long as the Settlement is effective. To the extent that the Navajo Nation demands exceed the amounts provided in the settlement, the Nation may seek to acquire water from other users or from sources other than the Colorado River to meet any unmet demands.

² The diversion and depletion associated with the demand for the Ute Indian Tribe of the Uintah and Ouray Reservation is dependent upon the re-ratification of the Revised Ute Indian Compact of 1990 by the tribe and the State of Utah.

TABLE C9-4
Lower Colorado River Mainstem Tribal Rights and Future Demands

State	Tribe	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ²	Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
					2015 (afy)		2035 (afy)		2060 (afy)	
CA	Chemehuevi Indian Tribe	11,340	1,900	All Scenarios	11,340	8,000	11,340	8,000	11,340	8,000
AZ	Cocopah Indian Tribe	10,847	1,714	Current Projected (A)	10,847	9,412	10,847	9,412	10,847	9,412
				Slow Growth (B)	5,311	4,607	5,311	4,607	5,311	4,607
				Rapid Growth (C1)	10,847	9,412	10,847	9,412	10,847	9,412
				Rapid Growth (C2)	10,847	9,412	10,847	9,412	10,847	9,412
				Enhanced Environment (D1)	10,847	9,412	10,847	9,412	10,847	9,412
				Enhanced Environment (D2)	10,847	9,412	10,847	9,412	10,847	9,412
AZ	Colorado River Indian Tribes	662,402	99,375	Current Projected (A)	662,402	463,000	662,402	463,000	662,402	463,000
				Slow Growth (B)	650,596	386,721	650,596	386,721	650,596	386,721
				Rapid Growth (C1)	662,402	463,000	662,402	463,000	662,402	463,000
				Rapid Growth (C2)	662,402	463,000	662,402	463,000	662,402	463,000
				Enhanced Environment (D1)	662,402	463,000	662,402	463,000	662,402	463,000
				Enhanced Environment (D2)	662,402	463,000	662,402	463,000	662,402	463,000
CA	Colorado River Indian Tribes	56,846	8,528	All Scenarios	56,846	39,000	56,846	39,000	56,846	39,000
AZ	Fort Mojave Indian Tribe	103,535	16,018	Current Projected (A)	103,535	73,000	103,535	73,000	103,535	73,000
				Slow Growth (B)	72,757	40,671	72,757	40,671	72,757	40,671
				Rapid Growth (C1)	103,535	73,000	103,535	73,000	103,535	73,000
				Rapid Growth (C2)	103,535	73,000	103,535	73,000	103,535	73,000
				Enhanced Environment (D1)	103,535	73,000	103,535	73,000	103,535	73,000
				Enhanced Environment (D2)	103,535	73,000	103,535	73,000	103,535	73,000
CA	Fort Mojave Indian Tribe	16,720	2,587	All Scenarios	16,720	8,995	16,720	8,995	16,720	8,995
NV	Fort Mojave Indian Tribe	12,534	1,939	All Scenarios	12,534	9,000	12,534	9,000	12,534	9,000

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TABLE C9-4
Lower Colorado River Mainstem Tribal Rights and Future Demands

State	Tribe	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ²	Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
					2015 (afy)		2035 (afy)		2060 (afy)	
AZ	Hopi Tribe	6,028		Current Projected (A)	4,278	2,984	4,278	2,984	4,278	2,984
				Slow Growth (B)	4,278	3,133	4,278	3,133	4,278	3,133
				Rapid Growth (C1)	4,278	2,984	4,278	2,984	4,278	2,984
				Rapid Growth (C2)	4,065	2,835	4,065	2,835	4,065	2,835
				Enhanced Environment (D1)	4,278	2,984	4,278	2,984	4,278	2,984
				Enhanced Environment (D2)	4,065	2,835	4,065	2,835	4,065	2,835
CA	Quechan Indian Tribe	71,616	10,742	All Scenarios	71,616	36,000	71,616	36,000	71,616	36,000
AZ	Quechan Indian Tribe	6,350	952	Current Projected (A)	6,350	3,670	6,350	3,670	6,350	3,670
				Slow Growth (B)	1,256	726	1,256	726	1,256	726
				Rapid Growth (C1)	6,350	3,670	6,350	3,670	6,350	3,670
				Rapid Growth (C2)	6,350	3,670	6,350	3,670	6,350	3,670
				Enhanced Environment (D1)	6,350	3,670	6,350	3,670	6,350	3,670
				Enhanced Environment (D2)	6,350	3,670	6,350	3,670	6,350	3,670
AZ	Future settlements in Colorado River Simulation System (CRSS)	NA	NA	All Scenarios	0	0	3,500	3,500	3,500	3,500

¹ The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

² Net acres from *Arizona v. California*

TABLE C9-5
Tribes with CAP allocations, Tribal Rights and Future Demands

State	Tribe	Diversion Entitlement (Water Right) (afy)	Scenario	Diversion	Diversion	Diversion
				2015 (afy)	2035 (afy)	2060 (afy)
AZ	Ak-Chin Indian Community (CAP)	25,000 ¹	All Scenarios	25,000	25,000	25,000
AZ	Ak-Chin Indian Community (Mainstem water)	50,000	All Scenarios	50,000	50,000	50,000
AZ	Fort McDowell Yavapai Nation	18,233	All Scenarios	18,233	18,233	18,233
AZ	Gila River Indian Community	208,200	All Scenarios	208,200	208,200	208,200
AZ	Gila River Indian Community NIAR (Non-Indian Agriculture Relinquished)	120,600	All Scenarios	0	120,600	120,600
AZ	Pascua Yaqui Tribe	500	All Scenarios	500	500	500
AZ	Salt River Pima-Maricopa Indian Community	13,300	All Scenarios	13,300	13,300	13,300
AZ	Salt River Pima-Maricopa Indian Community (Priority 3 Mainstem water)	22,000	All Scenarios	22,000	22,000	22,000
AZ	San Carlos Apache Tribe	30,845	All Scenarios	30,845	30,845	30,845
AZ	San Carlos Apache Tribe – Ak Chin Transfer ²	33,300	All Scenarios	12,655	12,655	12,655
AZ	Tohono O'odham Nation – Sif Oidak	8,000	All Scenarios	8,000	8,000	8,000
AZ	Tohono O'odham Nation – San Xavier	27,000	All Scenarios	27,000	27,000	27,000
AZ	Tohono O'odham Nation – San Xavier NIAR	23,000	All Scenarios	7,340	23,000	23,000
AZ	Tohono O'odham Nation – Schuk Toak	10,800	All Scenarios	10,800	10,800	10,800
AZ	Tohono O'odham Nation – Schuk Toak NIAR	5,200	All Scenarios	1,660	5,200	5,200
AZ	Tonto Apache Tribe	128	All Scenarios	128	128	128
AZ	White Mountain Apache Tribe	25,000	All Scenarios	2,031	25,000	25,000
AZ	Yavapai-Apache Nation	1,200	All Scenarios	1,200	1,200	1,200
AZ	Yavapai-Prescott Tribe	500	All Scenarios	500	500	500
AZ	Future Settlements ³	NA	All Scenarios	1,487	43,518	43,518

¹ When sufficient surface water is available in the CAP canal, Ak-Chin Indian Community is entitled to up to 10,000 afy in addition to the 75,000 afy shown in this row and the next row. For all scenarios, it is assumed that there is demand for this water.

² Assumes remaining entitlement will be leased and represented as non-tribal demand in the Study.

³ 42.3 thousand acre-feet of these future settlement waters are provided through NIAR.

3.0 Tribal Summaries

The following sections describe quantified water rights and future tribal demands for each tribe or community.

3.1 Upper Colorado River Basin Tribes

3.1.1 Jicarilla Apache Nation

The Jicarilla Apache Nation Indian Reservation is located in the upper reaches of the San Juan River Basin and the Rio Chama Basin in northwestern New Mexico. The reservation straddles the Continental Divide.

In 1992, Congress enacted the Jicarilla Apache Tribe Water Rights Settlement Act, Pub. L. No. 102-441, 106 Stat. 2237 (1992) (Settlement Act). Pursuant to the Settlement Act, the Nation is authorized to divert 40,000 afy from the San Juan River Basin, 32,000 afy of which may be depleted. The Settlement Act provides the Nation the right to divert 33,500 afy or deplete 25,500 afy of its total water right from either the Navajo Reservoir supply or directly from the Navajo River as it crosses the Jicarilla Apache Indian Reservation. It also authorizes the Nation to divert and deplete 6,500 afy from the San Juan River Basin through the San Juan-Chama Project. In a settlement contract between the Nation and the Secretary of the Interior, the Nation agreed to subordinate its 1880 priority date for the 40,000 afy (diversion) of “future use” federal reserved water rights in exchange for the 1955 priority date associated with the two federal projects. The settlement contract is ratified by the Settlement Act. These are fully adjudicated rights, which, by virtue of the Settlement Act, the Nation may market to the full extent that the law allows. The Nation’s long-term plans for this water include both off-reservation leasing and on-reservation development.

In addition to the water rights adjudicated in accordance with the Settlement Act, the Nation also has adjudicated rights to divert 5,683.92 afy or to deplete 2,195 afy, whichever is less, for historical and existing water uses. Therefore, the Nation’s total water diversion rights from the San Juan River Basin amount to 45,683 afy, and the Nation’s overall depletion rights from the San Juan Basin total 34,195 afy. Table C9-6 lists these diversion and depletion water rights.

TABLE C9-6
Summary of Jicarilla Apache Nation Water Rights (afy)

River Basin	Right Diversion Location	Diversion Right	Depletion Right
San Juan	Navajo Reservoir or Navajo River within Jicarilla Apache Indian Reservation	33,500	25,500
	Via San Juan-Chama Project	6,500	6,500
	Historical Uses	5,683.92	2,195
Total		45,683	34,195

Jicarilla Apache Nation Projected Water Demand

In CRSS, the diversion locations for the Nation are represented by seven demand points. There are two points on the upper San Juan River above Archuleta. A third point represents exports via the San Juan-Chama Project. A fourth and fifth point represent Navajo-Gallup Water Supply Project diversions, including water leased to the City of Gallup. A sixth point represents evaporation from irrigation and recreation lakes, and a seventh point represents water leases from Navajo Reservoir for the San Juan Generating Station.

Under the Current Projected (A), Slow Growth (B), and Enhanced Environment (D1) scenarios, demands increase from 2015 demands to the Nation’s full right by 2060. Under the Rapid Growth (C1 and C2) and Enhanced Environment (D2) scenarios, demands increase more rapidly and reach the Nation’s full right by 2035. Table C9-7 presents the Nation’s projected demand schedule by demand scenario.

TABLE C9-7
Future Jicarilla Apache Nation Projected Demands by Scenario (afy)

Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
	2015 (afy)		2035		2060	
Current Projected (A)	36,932	27,650	44,841	33,295	45,683	34,195
Slow Growth (B)	36,932	27,650	44,841	33,295	45,683	34,195
Rapid Growth (C1 and C2)	36,932	27,650	45,683	34,195	45,683	34,195
Enhanced Environment (D1)	36,932	27,650	44,841	33,295	45,683	34,195
Enhanced Environment (D2)	36,932	27,650	45,683	34,195	45,683	34,195

3.1.2 Navajo Nation

The Navajo Nation encompasses an area in excess of 17 million acres, located almost entirely within the Basin, in both the Upper Basin and the Lower Basin, within the states of Arizona, New Mexico, and Utah. The Nation possesses water rights that are largely unquantified except in the San Juan River Basin in New Mexico, Upper Basin. The Nation claims historical, appropriative, and reserved rights to the use of all the water necessary for the Nation to be the permanent homeland for the Navajo people. Both the U.S. Supreme Court and the Arizona Supreme Court have recognized such rights to water. See *Winters v. United States*, 207 U.S. 564, 567 (1908) and *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, 35 P. 3d 68, 76 (2001). These rights are not lost through non-use and cannot be abandoned.

On March 30, 2009, Congress enacted Public Law 111-11, the Northwestern New Mexico Rural Water Project Act (Act), which authorized the United States, acting through the Secretary of Interior, to execute an agreement among the Nation, the state of New Mexico, and the United States settling the Nation’s water rights to the San Juan River Basin in New Mexico. The Secretary executed the Navajo Settlement Agreement (Agreement) on December 17, 2010. There are several deadlines that must be met in order for the Agreement to be considered final (P.L. 111-11 10701 (e) (1)). For instance, although the Agreement settles the Nation claims portion of an underlying water rights adjudication, the court overseeing the adjudication must

represent irrigation uses below Farmington; two points represent M&I uses below Farmington. One point represents small reservoir evaporation. The 14th point represents industrial uses below Shiprock, and the 15th point represents tributary irrigation below Four Corners.

Table C9-9 presents the Nation’s projected demand schedules for the six demand scenarios.

TABLE C9-9
Future Navajo Nation Projected Demands by Scenario (afy)

State	Scenario	Diversions	Depletions	Diversions	Depletions	Diversions	Depletions
		2015		2035		2060	
AZ (Upper Basin)	Current Projected (A)	49,125	47,987	49,207	47,707	49,207	47,707
	Slow Growth (B)	49,125	47,987	49,207	47,707	49,207	47,707
	Rapid Growth (C1 and C2)	43,437	42,431	61,088	59,226	77,621	75,255
	Enhanced Environment (D1)	49,125	47,987	49,207	47,707	49,207	47,707
	Enhanced Environment (D2)	43,437	42,431	61,088	59,226	77,621	75,255
AZ (Lower Basin)	Current Projected (A)	0	0	0	0	0	0
	Slow Growth (B)	0	0	0	0	0	0
	Rapid Growth (C1 and C2)	16,456	16,075	74,055	71,798	126,767	122,903
	Enhanced Environment (D1)	0	0	0	0	0	0
	Enhanced Environment (D2)	16,456	16,075	74,055	71,798	126,767	122,903
UT	Current Projected (A)	0	0	0	0	0	0
	Slow Growth (B)	0	0	0	0	0	0
	Rapid Growth (C1 and C2)	26,204	13,102	79,876	39,938	156,692	78,346
	Enhanced Environment (D1)	0	0	0	0	0	0
	Enhanced Environment (D2)	26,204	13,102	79,876	39,938	156,692	78,346
NM ¹	Current Projected (A)	506,348	271,820	608,085	326,435	612,863	329,000
	Slow Growth (B)	506,348	271,820	608,085	326,435	612,863	329,000
	Rapid Growth (C1 and C2)	517,972	278,060	699,633	375,580	915,756	491,600
	Enhanced Environment (D1)	506,348	271,820	608,085	326,435	612,863	329,000
	Enhanced Environment (D2)	517,972	278,060	699,633	375,580	915,756	491,600

¹ The diversions and depletion demands of the Navajo Nation from the Colorado River in the Upper Basin in New Mexico are not limited by the Navajo Nation San Juan River in New Mexico Water Rights Settlement; however, the Navajo Nation agrees to be bound by the terms of that settlement so long as the Settlement is effective. To the extent that the Navajo Nation demands exceed the amounts provided in the settlement, the Nation may seek to acquire water from other users or from sources other than the Colorado River to meet any unmet demands.

The projected demands include both quantified and unquantified rights and claims. The projected demands were provided by the Navajo Nation Department of Water Resources and modified to fit the storyline narratives regarding tribal use under each scenario. Specifically, the Rapid Growth (C1 and C2) scenarios and the Enhanced Environment (D2) scenario assume the realization of new tribal claims and settlements, whereas the Current Projected (A) scenario, the Slow Growth (B) scenario, and the Enhanced Environment (D1) scenario assume development according to quantified rights and current use patterns. Exceptions include the Nation’s demands in the Upper Basin of approximately 50,000 afy in Arizona that have not been quantified through

an adjudication or settlement. Given that most of the Upper Basin land area is within the boundaries of the Nation and most historical and current water development and use have been by the Nation, these demands have been included in all scenarios.

3.1.3 Southern Ute Indian Tribe

The Southern Ute Indian Tribe is located in southwestern Colorado just west of the Navajo Reservoir. The Tribe settled its water rights pursuant to agreement with the State of Colorado and the Colorado Ute Indian Water Rights Settlement Act of 1988, Pub. L. No. 100-585, 102 Stat. 2973 (1988). The Tribe’s water rights are included in Consent Decrees entered December 19, 1991. The Settlement Agreement quantified the Southern Ute Indian Tribe’s water rights from several rivers and projects, including the Animas-La Plata Project (Project). The settlement legislation was subsequently amended in 2000 to eliminate the irrigation component and reduce the proposed water depletions for the Project. The construction of the Project is almost complete. Reclamation completed filling the reservoir in June 2011 and will transfer the Project from construction status to operation and maintenance status in 2012. The Settlement Agreement also provides the Tribe with a variety of direct flow rights, with priorities ranging from 1868 to 1976 in streams and rivers passing through the Southern Ute Reservation. Table C9-10 summarizes the Tribe’s decreed diversion and depletion rights.

TABLE C9-10
Southern Ute Indian Tribe Diversion and Depletion Rights (afy)

Basin	Diversion Right	Depletion Right
San Juan	5,729	3,204
Piedra	6,521	3,580
Pine ¹	75,149	40,651
Florida	4,603	3,689
Animas	42,244	21,586
La Plata	2,843	1,607
Mancos	1	1
Total	137,090	74,318

¹ Uses not assigned to a specific basin (oil and gas, road construction) included in Pine.

Southern Ute Indian Tribe Projected Water Demand

The Tribe’s water use is a part of the state of Colorado’s apportionment. For the Study, at the request of the Southern Ute Indian Tribe, tribal demands were not separated from other categories within the state of Colorado’s demands. Consequently, the Tribe’s future demands are not shown separately from the state’s future demands.

3.1.4 Ute Indian Tribe of the Uintah and Ouray Reservation

The Ute Indian Tribe is located in northeastern Utah in the Green River watershed, including the Uintah Basin. The Uintah Valley Reservation, created by Executive Order in 1861, and the Uncompahgre Reservation, established by Executive Order in 1882, became the Uintah and Ouray Reservation for the Uintah, White River, and Uncompahgre Utes. Quantification of the Tribe’s reserved water rights began in 1923 when two federal court decrees were issued for reserved water rights on some of the tribal lands under the Uintah Indian Irrigation Project.

With the authorization of the initial phase of the Central Utah Project under the Colorado River Storage Project Act of 1956, 70 Stat. 105, came the realization that the Bonneville Unit of the Central Utah Project could not proceed without an agreement with the Tribe to defer the development and use of its reserved water rights on 15,242 irrigable acres of Indian lands west of the Green River. The 1960 Decker report (*Water Right Claims, Uintah and Ouray Indian Reservation, Utah*) identified and divided the irrigable lands on the reservation into seven groups. An agreement between the Tribe, the United States, and the Central Utah Water Conservancy District was executed in 1965 (and later recognized by the state of Utah), and resulted in the parties' "full and complete recognition of the water rights of the Tribe, with a priority date of 1861" (west of the Green River), without resort to litigation (Decker, 1960).

In the 1980s, the state of Utah and the Tribe ratified the Ute Water Compact, adopting the land designations and quantified reserved water rights identified in the Decker report. In 1992, Congress approved the Revised Ute Indian Compact of 1990 (Compact), including the historically recognized reserved water rights plus irrigable lands east of the Green River. The Compact is currently pending re-ratification by the Tribe and the state of Utah.

Under the Compact, the Tribe has recognized water rights within the Upper Colorado River Basin amounting to 480,594 afy of federal reserved, surface water diversions (and 258,943 afy by depletion). The source, use, priority, and quantification of tribal water rights are shown in table C9-11.

TABLE C9-11
Ute Indian Tribe of the Uintah and Ouray Reservation Diversion and Depletion Rights (afy)

Basin	Use	Priority Date	Diversion	Depletion
Duchesne River	Irrigation	1861	116,092	39,446
Lake Fork River ¹	Irrigation	1861	46,165	45,756
Yellowstone River ¹	Irrigation	1861	1,489	657
Uinta River ¹	Irrigation	1861	63,651	38,378
Whiterocks River ¹	Irrigation	1861	44,336	24,515
White River	Irrigation	1882	61,598	30,796
Green River	Irrigation	1882	18,981	9,363
	M&I ²	1861	10,000	10,000
	Unspecified	1861	113,378	57,948
Bitter Creek	Irrigation	1882	1,068	454
Sweet Water Creek	Irrigation	1882	368	156
Willow Creek	Irrigation	1882	2,852	1,212
Hill Creek	Irrigation	1882	616	262
Total	–	–	480,594	258,943

¹ The storage rights to 18,311 acre-feet (af) of diversions sourced from the Lake Fork, Yellowstone, Uinta, and Whiterocks Rivers are for presently unconstructed facilities. The Tribe also holds rights to store water in various existing tribal and Reclamation facilities for recreation, irrigation, and M&I uses. These facilities include Starvation, Bottle Hollow, Midview, Cedar View, Towave, and Weaver Reservoirs. In addition, the Tribe retains the right to convert any direct flow rights listed above to storage rights, and rights to fill stockwater impoundments.

² M&I rights are sourced by depletion from the Green River but available for development and use throughout the reservation.

Ute Indian Tribe of the Uintah and Ouray Reservation Projected Water Demand

The Tribe has five demand points modeled in CRSS: two demand points on the Green River, two demand points on the Duchesne River, and one point on the White River. Table C9-12 presents the tribe’s projected demand schedule.

The demands were provided by the Tribe, and under all scenarios except Slow Growth (B), the Tribe considers it reasonably foreseeable that the full use of its rights will occur beginning in 2015.

TABLE C9-12
Future Ute Indian Tribe of the Ouray and Uintah Reservation Projected Demands by Scenario¹ (afy)

Scenario	Diversions	Depletion	Diversions	Depletion	Diversions	Depletion
	2015		2035		2060	
Current Projected (A)	480,594	258,943	480,594	258,943	480,594	258,943
Slow Growth (B)	316,354	170,451	447,747	241,245	480,594	258,943
Rapid Growth (C1 and C2)	480,594	258,943	480,594	258,943	480,594	258,943
Enhanced Environment (D1)	480,594	258,943	480,594	258,943	480,594	258,943
Enhanced Environment (D2)	480,594	258,943	480,594	258,943	480,594	258,943

¹ The diversion and depletion associated with the demand for the Ute Indian Tribe of the Uintah and Ouray Reservation is dependent upon the re-ratification of the Revised Ute Indian Compact of 1990 by the Tribe and the state of Utah.

3.1.5 Ute Mountain Ute Tribe

The Ute Mountain Ute Reservation (UMUR) is located in the Four Corners area and within the states of Colorado, New Mexico, and Utah. All UMUR lands are located within the San Juan River Basin. The Ute Mountain Ute Tribe (UMUT) has litigated and settled its water rights for UMUR lands located in the state of Colorado—see the Colorado Ute Indian Water Rights Settlement Agreement (December 10, 1986) (Colorado Settlement Agreement); Colorado Ute Indian Water Settlement Act, Pub. L. No. 100-585, 102 Stat. 2973 (November 3, 1988), subsequently amended; and Colorado Ute Settlement Act Amendments of 2000, Pub. L. No. 106-554, 114 Stat 2763 (December 21, 2000) (2000 Amendments) with minor amendments in Pub. L. 110-161 (December 26, 2007). UMUT is currently litigating its federal reserved water rights in the state of New Mexico. UMUT has not yet litigated or quantified its federal reserved water rights in the state of Utah.

Ute Mountain Ute Reservation (within Colorado)

The Colorado Settlement Agreement quantified the Colorado Ute Tribes’ water rights from several rivers and projects, including the Dolores Project and the Animas-La Plata Project. UMUT’s quantified rights in the Dolores Project include 23,300 afy of agricultural irrigation water, 1,000 afy of M&I water, and 800 afy of fish and wildlife development water. The Animas-La Plata Project originally included 32,300 afy (26,300 afy of agricultural irrigation water and 6,000 afy of M&I water) for UMUT. The 2000 Amendments eliminated the irrigation component and reduced the UMUT’s water depletions to 16,525 afy of M&I water; see the 2000 Amendments. Table C9-13 summarizes the UMUT rights in Colorado.

TABLE C9-13
Ute Mountain Ute Tribe Water Rights (Colorado)

Basin	Diversion (afy)	Depletion (afy)
San Juan River	1,715.51	915.51
Animas River	33,050	16,525
La Plata River	4	4
Mancos River	28,176	15,510
McElmo River	613	347
Dolores River	24,800	17,780
Total	88,358	51,081

The Colorado Settlement Agreement also quantified water rights on rivers in the San Juan and Dolores Basins other than the Animas and La Plata Rivers, all of which are tributary to the Colorado River. With respect to UMUT, these water rights include the following:

- On the Mancos River, UMUT retained a non-project reserved right with an 1868 priority date (subordinated to all rights with an adjudication date prior to 1985) for direct flow diversions and/or storage of 21,000 afy.
- On Navajo Wash, UMUT retained a non-project reserved right with an 1868 priority date (subordinated to all rights with an adjudication date prior to 1985 and subject to the decree in Colorado Water Court Division 7 case number 81CW126) for direct flow diversions of 4,800 afy.
- On the San Juan River within the southwestern part of the UMUR in Colorado, UMUT retained a non-project reserved right with an 1868 priority date for direct flow diversions of 1,600 afy (with a maximum diversion rate of 10 cubic feet per second).
- From all drainages within the UMUR, UMUT retained a reserved water right with an 1868 priority date for 2 afy for use in connection with oil and gas development and a reserved water right with an 1868 priority date for 1 afy for use in connection with road construction.
- UMUT retained a reserved water right with an 1868 priority date for 1,850 afy of tributary groundwater for future individual domestic and livestock wells (350 afy from the McElmo Creek drainage basin and 1,500 afy from all other UMUR drainage basins).
- Other existing beneficial uses of surface water and groundwater, in addition to those provided above, were identified and quantified as follows:
 - Mancos River/Navajo Wash Diversions: 674 af for irrigation (ditch D1101), 122.33 af for stock ponds and catchment basins, 4.03 af for domestic wells, 36.59 af for stock wells, and 35.79 af for springs for stock.
 - McElmo Creek Basin Diversions: 189 af for irrigation, 30.45 af for stock ponds, 8.06 af for domestic wells, 2.65 af for stock wells, and 32.21 af for springs for stock.
 - San Juan River Diversions: 73.49 af for stock ponds, 22.67 af for stock wells, and 19.35 af (for springs for stock).
 - La Plata River Diversions: 4.03 af for stock ponds, and 0.01 af for stock wells.

The UMUT owns or leases additional, non-reserved water in the State of Colorado. The UMUT leases additional Dolores Project water for use in its Farm & Ranch enterprise (which uses more water than the UMUT is allocated in the Dolores Project under the Colorado Settlement Agreement). The UMUT also owns significant water resources associated with its off-reservation ranch properties (and those water rights are decreed under Colorado state law in Division 7 and Division 4 in Colorado). Neither the leased water nor the water decreed under Colorado state law is included in the prior table.

Ute Mountain Ute Reservation (within New Mexico)

UMUT is currently participating in the San Juan River general stream adjudication to quantify its reserved water rights on the portion of the UMUR located within the state of New Mexico (*State of New Mexico v. United States of America*, CV 75-184.). The current scheduling order in that case anticipates addressing UMUT claims starting in 2020, which means that the UMUT federal reserved water rights in New Mexico are currently unquantified.

At this point in the litigation, both the United States and UMUT have entered separate federal reserved rights claims on behalf of UMUT. The United States has entered a claim for a federal reserved right to divert and deplete 10,950 afy from groundwater resources (United States' Amended Supplemental Answer with Respect to Claims on Behalf of the Ute Mountain Ute Tribe [October 1, 2007]). That claim includes diversion of 470 afy (with depletion of 141 afy) for domestic purposes, 610 afy (with a depletion of 61 afy) for commercial purposes, and 9,870 afy (depletion and diversion) for industrial purposes. UMUT has entered a claim for the right to divert between 7,300 and 9,300 afy from surface water resources (Statement of the Claim of the Ute Mountain Ute Tribe [May 25, 2005]).

These unquantified rights were not incorporated into UMUT's demand schedules.

Ute Mountain Ute Reservation (within Utah)

UMUR lands in Utah comprise lands held in trust for UMUT and for individual UMUT members. The UMUT federal reserved rights claims associated with UMUR lands in Utah are currently unquantified, and there is currently no process (litigation or otherwise) engaged for quantifying those claims.

Ute Mountain Ute Tribe Projected Water Demand

UMUT's water use is part of the State of Colorado's apportionment. For the Study, at the request of UMUT, tribal demands were not separated from other categories within the State of Colorado's demands. Consequently, UMUT's future demands are not shown separately from the State's.

3.2 Lower Colorado River Mainstem Tribes

The March 9, 1964 *Arizona v. California* Decree and several supplemental decrees (consolidated in 2006 into the Consolidated Decree of the U.S. Supreme Court in *Arizona v. California*, 547 U.S. 150 [2006]) quantified the reserved water rights of the Chemehuevi, Cocopah, Colorado River Indian, Fort Mojave, and Fort Yuma Indian Reservations. The amounts of water (diversion entitlements), priority dates for these water rights, net acres of irrigated land, and the states where the water rights are perfected for these Indian reservations are discussed below by tribe.

The purchase of farmland with a pre-existing water right established a Hopi Tribe water right, which is also discussed below.

3.2.1 Chemehuevi Indian Tribe

The Chemehuevi Indian Reservation is located in Southern California near Lake Havasu. The land of the Chemehuevi Reservation is mostly on the plateau above the shoreline of Lake Havasu. Present agricultural water use is limited.

The Chemehuevi Indian Tribe holds present perfected federal reserved water rights from the Colorado River mainstem pursuant to the Supreme Court’s 2006 Consolidated Decree. The Tribe has a right to divert up to 11,340 afy in California. The amounts, priority dates, and state where the rights are perfected are shown in table C9-14.

TABLE C9-14
Chemehuevi Indian Tribe Colorado River Diversion Entitlement (Water Rights)

Reservation	State	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ¹	Present Perfected Right (PPR) Number ¹	Priority Within State	Priority Date ¹
Chemehuevi Reservation	California	11,340	1,900	22	PPR	Feb. 2, 1907
Totals	–	11,340	1,900	–	–	–

¹ Source: Consolidated Decree of March 27, 2006. The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

Chemehuevi Indian Tribe Projected Water Demand

Currently, CRSS includes a demand point for the Chemehuevi Indian Reservation on the reach between Davis and Parker Dams. Table C9-15 presents the Tribe’s projected demand schedule by demand scenario. Under all scenarios, the projected depletion for the Chemehuevi Indian Tribe was based on the Ten Tribes Partnership Schedule.

TABLE C9-15
Future Chemehuevi Indian Tribe Projected Demands by Scenario (afy)

Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
	2015		2035		2060	
All Scenarios	11,340	8,000	11,340	8,000	11,340	8,000

3.2.2 Cocopah Indian Tribe

The Cocopah Indian Reservation, located in southwestern Arizona, is made up of three separate land areas: North Cocopah, West Cocopah, and East Cocopah. The North and West Cocopah areas lie on floodplain lands along the Colorado River, and the East Cocopah area lies on the Yuma Mesa. The largest area of the Cocopah Reservation is West Cocopah, which is bordered by the United Mexican States (Mexico), with the Colorado River forming the boundary between West Cocopah and Mexico.

The Cocopah Indian Reservation was established through Executive Order No. 2711 on September 27, 1917; additional acres were added to the reservation in 1974. The Cocopah Indian

Tribe’s economy is centered on agriculture. The Tribe possesses present perfected federal reserved water rights from the Colorado River mainstem pursuant to the decree in *Arizona v. California* and supplemental decrees (1979 and 1984). The amounts, priority dates, and state where the rights are perfected are presented in table C9-16.

TABLE C9-16
Cocopah Indian Tribe Colorado River Diversion Entitlement (Water Rights)

Reservation	State	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ¹	PPR Number ¹	Priority Within State	Priority Date ¹
Cocopah Indian Reservation	Arizona	1,140	190	8	1	1915
		7,681	1,206	1		Sept 27, 1917
		2,026	318	-	4	June 24, 1974
Totals	-	10,847	1,714	-	-	

¹ Source: Consolidated Decree of March 27, 2006. The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

The 1974 decreed right for the Cocopah Indian Reservation is unique because of its more-recent priority date (post-1968). The 1984 Supplemental Decree in *Arizona v. California* recognized the decreed right for the Cocopah Indian Reservation dated June 24, 1974, and amended paragraph 2 of Article II (D) of the 1964 Decree to reflect this 1974 right. The Tribe is involved in litigation to claim rights to a total of 2,400 acres of irrigable lands. Proving this claim would further increase the water rights for the reservation.

Cocopah Indian Tribe Projected Water Demand

Water diversions for the Tribe are listed at two demand points in CRSS on two of the model reaches. A demand point on the Imperial Dam diversion reach accounts for all of the Tribe's priority 1 rights and current uses in Arizona. Another point is provided for future pumped priority 4 diversions below Imperial Dam, but it has a diversion of 0 afy at the current time.

Under all scenarios except the Slow Growth (B) scenario, the projected diversion is full entitlement. Depletion is computed assuming the average 2005 to 2009 return flow ratio from the Decree Accounting Report (Reclamation, 1972 to 2009). Under the Slow Growth (B) scenario, the State of Arizona assumed less investment in maintenance of irrigation systems, resulting in a 5 percent increase in the projected depletion value of 4,388 af, where the projected depletion was based on the 2005 to 2009 Decree Accounting Report average use. Table C9-17 presents the Tribe’s projected demand schedule by demand scenario.

3.2.3 Colorado River Indian Tribes

The Colorado River Indian Reservation is located in southwestern Arizona and southern California south of Parker, Arizona. The Colorado River provides 90 miles of shoreline for the Arizona portion of the Colorado River Indian Reservation. The Colorado River Indian Tribes’ (CRIT) economy is based on agriculture, recreation, and light industry.

TABLE C9-17
Future Cocopah Indian Tribe Projected Demands by Scenario (afy)

Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
	2015		2035		2060	
Current Projected (A)	10,847	9,412	10,847	9,412	10,847	9,412
Slow Growth (B)	5,311	4,607	5,311	4,607	5,311	4,607
Rapid Growth (C1 and C2)	10,847	9,412	10,847	9,412	10,847	9,412
Enhanced Environment (D1 and D2)	10,847	9,412	10,847	9,412	10,847	9,412

CRIT possesses present perfected federal reserved water rights from the Colorado River mainstem pursuant to the decree in *Arizona v. California* and supplemental decrees (1979 and 1984). The amounts, priority dates, and states where the rights are perfected are presented in table C9-18.

TABLE C9-18
Colorado River Indian Tribes Colorado River Diversion Entitlement (Water Rights)

Reservation	State	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ¹	PPR Number ¹	Priority Within State	Priority Date ¹
Colorado River Indian Reservation	AZ	358,400	53,768	2	1	Mar. 3, 1865
		252,016	37,808			Nov. 22, 1873
		51,986	7,799			Nov. 16, 1874
	CA	10,745	1,612	24	1	Nov. 22, 1873
		40,241	6,037			Nov. 16, 1874
		5,860	879			May 15, 1876
Totals	–	719,248	107,903	–	–	

¹ Source: Consolidated Decree of March 27, 2006. The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

Colorado River Indian Tribes Projected Water Demand

CRSS presently has two demand points listed for CRIT on the reach between Parker and Imperial Dam. The water diversions are split between California demands and Arizona demands.

Under all scenarios except the Slow Growth (B) scenario, projected depletion for CRIT was based on the Ten Tribes Partnership Schedule. Under the Slow Growth (B) scenario, the State of Arizona assumed less investment in maintenance of irrigation systems, resulting in a 5 percent increase in the projected depletion value of 368,306 af, where the projected depletion was based on the 2005 to 2009 Decree Accounting Report average use (Reclamation, 1972 to 2009).

Under all scenarios, the State of California projected depletion for CRIT was based on the Ten Tribes Partnership Schedule. Table C9-19 presents CRIT’s projected demand schedule by demand scenario.

TABLE C9-19
Future Colorado River Indian Tribes Projected Demands by Scenario (afy)

State	Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
		2015		2035		2060	
AZ	Current Projected (A)	662,402	463,000	662,402	463,000	662,402	463,000
	Slow Growth (B)	650,596	386,721	650,596	386,721	650,596	386,721
	Rapid Growth (C1 and C2)	662,402	463,000	662,402	463,000	662,402	463,000
	Enhanced Environment (D1 and D2)	662,402	463,000	662,402	463,000	662,402	463,000
CA	All Scenarios	56,846	39,000	56,846	39,000	56,846	39,000

3.2.4 Fort Mojave Indian Tribe

The Fort Mojave Indian Reservation is located adjacent to the Colorado River where Arizona, California, and Nevada meet, with a portion of the reservation located in each of the three states. The Fort Mojave Indian Tribe diverts Colorado River water directly from the river and from wells in the Colorado River floodplain.

Pursuant to the Consolidated Decree of 2006, federal reserved water rights for Colorado River water were quantified for the Fort Mojave Indian Reservation in Arizona with priority dates of September 18, 1890, and February 2, 1911; in California with a priority date of September 18, 1890; and in Nevada with a priority date of September 18, 1890. The amounts, including added lands, priority dates, and states where the water rights are perfected are presented in table C9-20.

TABLE C9-20
Fort Mojave Indian Tribe Colorado River Diversion Entitlement (Water Rights)

Reservation	State	Diversion Entitlement (Water Right) (afy) ¹	Net Acres ¹	PPR Number ¹	Priority Within State	Priority Date ¹
Fort Mojave Reservation	Arizona	27,969	4,327	3	1	Sept 18, 1890
		75,566	11,691			Feb 2, 1911
	California	16,720	2,587	25	1	Sept. 18, 1890
	Nevada	12,534	1,939	81	1	Sept. 18, 1890
Totals	-	132,789	20,544	-	-	

¹ Source: Consolidated Decree of March 27, 2006. The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

Fort Mojave Indian Tribe Projected Water Demand

CRSS contains three demand points for the Tribe's water diversions, which are divided among three states. The points are on the reach between Davis and Parker Dams and divided by state.

Under all scenarios except the Slow Growth (B) scenario, projected depletions for the Tribe in Arizona were based on the Ten Tribes Partnership Schedule. Under the Slow Growth (B) scenario, the state of Arizona assumed less investment in maintenance of irrigation systems,

resulting in a 5 percent increase in the projected depletion value of 38,735 af, where the projected depletion was based on the 2005 to 2009 Decree Accounting Report average use (Reclamation, 1972 to 2009).

Under all scenarios, California and Nevada projected depletions for the Tribe were based on the Ten Tribes Partnership Schedule. Table C9-21 presents the Tribe’s projected demand schedule by demand scenario.

TABLE C9-21
Future Fort Mojave Indian Tribe Projected Demands by Scenario (afy)

State	Scenario	Diversions	Depletion	Diversions	Depletion	Diversions	Depletion
		2015		2035		2060	
AZ	Current Projected (A)	103,535	73,000	103,535	73,000	103,535	73,000
	Slow Growth (B)	72,757	40,671	72,757	40,671	72,757	40,671
	Rapid Growth (C1 and C2)	103,535	73,000	103,535	73,000	103,535	73,000
	Enhanced Environment (D1 and D2)	103,535	73,000	103,535	73,000	103,535	73,000
CA	All Scenarios	16,720	8,995	16,720	8,995	16,720	8,995
NV	All Scenarios	12,534	9,000	12,534	9,000	12,534	9,000

3.2.5 Hopi Tribe

The primary home of the Hopi Tribe is the Hopi Indian Reservation, a 1,620,335-acre tract of land in northern Arizona. In addition to this reservation, tribal lands in northern Arizona consist of various parcels of trust land and fee land outside of the reservation. These areas include Moenkopi, a 61,852-acre exclave located west of the reservation. The Tribe also owns fee land on the Colorado River flood plain at Cibola, Arizona.

The Tribe has rights to divert water from the Colorado River at Cibola, Arizona. These rights were established through the Tribe’s purchase of farmland with pre-existing water rights within the Cibola Valley Irrigation and Drainage District. Contract No. 04-XXX-30-W0432, December 14, 2004 was amended October 9, 2008, with the Tribe and Reclamation having assigned these rights among specific state of Arizona priorities for Colorado River water use, as listed in table C9-22.

TABLE C9-22
Summary of Hopi Tribe Water Rights at Cibola, Arizona

Type of Water Use	Contact Date	State of Arizona Priority	Annual Diversions (afy)
Irrigation	January 31, 1983	4	4,278
Irrigation	January 31, 1983	5	750
Irrigation	January 31, 1983	6	1,000
Total Annual Diversions: 6,028			

Hopi Tribe Projected Water Demand

For the Study, future demand was calculated based on the Tribe’s fourth-priority water rights and anticipated usage. Table C9-23 presents the Tribe’s projected demand schedule by demand scenario.

Under the Current Projected (A), Rapid Growth (C1), and Enhanced Environment (D1) scenarios, the priority 4 depletion for the Hopi Tribe was based on the total priority 4 diversion entitlement of 4,278 afy. This value is divided by the diversion-to-depletion ratio of 1:43, which results in a depletion of 2,984 afy. The diversion-to-depletion ratio was based on the average ratio from the 2005 to 2009 Decree Accounting Reports (Reclamation, 1972 to 2009). For the Slow Growth (B) scenario, the state of Arizona assumed less investment in maintenance of irrigation systems, resulting in a 5 percent increase in the priority 4 depletion. For the Rapid Growth (C2) and Enhanced Environment (D2) scenarios, the state of Arizona assumed more-efficient operations for the same production, thereby decreasing the priority 4 depletion by 5 percent.

TABLE C9-23
Future Hopi Tribe Projected Demands by Scenario (afy)

Scenario	Diversion	Depletion	Diversion	Depletion	Diversion	Depletion
	2015		2035		2060	
Current Projected (A)	4,278	2,984	4,278	2,984	4,278	2,984
Slow Growth (B)	4,278	3,133	4,278	3,133	4,278	3,133
Rapid Growth (C1)	4,278	2,984	4,278	2,984	4,278	2,984
Rapid Growth (C2)	4,065	2,835	4,065	2,835	4,065	2,835
Enhanced Environment (D1)	4,278	2,984	4,278	2,984	4,278	2,984
Enhanced Environment (D2)	4,065	2,835	4,065	2,835	4,065	2,835

3.2.6 Quechan Indian Tribe

The Fort Yuma Reservation of the Quechan Indian Tribe is located in southwestern Arizona and southern California near Yuma, Arizona.

The Tribe possesses present perfected federal reserved water rights from the Colorado River mainstem pursuant to the decree in *Arizona v. California*, supplemental decrees (1979 and 1984), and final Consolidated Decree (2006). The amounts, including added lands, priority dates, and states where the water rights are perfected are presented in table C9-24.

Quechan Indian Tribe Projected Water Demand

Water for the Tribe is diverted from the Colorado River at Imperial Dam and delivered through the Yuma Project Reservation Division-Indian Unit. The Tribe has other small uses at homestead sites south of Yuma, Arizona. These uses are accounted for in CRSS with two diversion points on the Imperial Dam Diversions reach, divided by state.

TABLE C9-24
Quechan Indian Tribe Colorado River Diversion Entitlement (Water Rights)

Reservation	State	Diversions Entitlement (Water Right) (afy) ¹	Net Acres ¹	PPR Number ¹	Priority Within State	Priority Date ¹
Fort Yuma-Quechan Reservation	Arizona	6,350	952	3a	1	Jan. 9, 1884
	California	71,616	10,742	23	PPR	Jan. 9, 1884
Totals	-	77,966	11,694	-	-	

¹ Source: Consolidated Decree of March 27, 2006. The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

Under all scenarios except the Slow Growth (B) scenario, the projected diversion is full entitlement. Depletion is computed assuming the average 2005 to 2009 return flow ratio from the Decree Accounting Report (Reclamation, 1972 to 2009). For the Slow Growth (B) scenario, the state of Arizona assumed less investment in maintenance of irrigation systems, resulting in a 5 percent increase in the projected depletion.

Under all scenarios, projected depletion in California for the Tribe was based on the Ten Tribes Partnership Schedule. Table C9-25 presents the Tribe’s projected demand schedule by demand scenario.

TABLE C9-25
Future Quechan Indian Tribe Projected Demands by Scenario (afy)

State	Scenario	Diversions	Depletion	Diversions	Depletion	Diversions	Depletion
		2015		2035		2060	
AZ	Current Projected (A)	6,350	3,670	6,350	3,670	6,350	3,670
	Slow Growth (B)	1,256	726	1,256	726	1,256	726
	Rapid Growth (C1 and C2)	6,350	3,670	6,350	3,670	6,350	3,670
	Enhanced Environment (D1 and D2)	6,350	3,670	6,350	3,670	6,350	3,670
CA	All Scenarios	71,616	36,000	71,616	36,000	71,616	36,000

3.3 Central Arizona Tribes with Allocations from the Central Arizona Project

The CAP makes Colorado River water available to tribes located in central Arizona in addition to the ITA entitlements discussed previously. Over the years, several secretarial decisions have allocated water to 10 tribes in central Arizona. All of these tribes, with the exception of the Gila River Indian Community, signed CAP water delivery contracts in 1980. The Gila River Indian Community, with the largest allocation of CAP water, signed its CAP water delivery contract in 1992. Each of the CAP water delivery contracts contained a provision that the tribes’ CAP water would be credited against their Winters right (*Winters v. United States*, 207 U.S. 564 [1908]), if and when such rights were finally determined. Over the years, water rights settlements have been

implemented for 8 of the 10 tribes. Within the terms of these settlements, the eight tribes generally have a right to lease their CAP water; the CAP water to which tribes have rights does not have to have a history of use for a tribe to use or lease such water at any time in the future. The tribes that receive CAP water are listed below, together with the counties in which their reservations are located:

Ak-Chin Indian Community	Pinal
Fort McDowell Yavapai Nation	Maricopa
Gila River Indian Community	Maricopa and Pinal
Pascua Yaqui Tribe	Pima
Salt River Pima Maricopa Indian Community	Maricopa
San Carlos Apache Tribe	Gila, Pinal and Graham
Tohono O'Odham Nation	Pima, Maricopa and Pinal
Tonto Apache Tribe	Gila
White Mountain Apache Tribe	Apache, Gila and Navajo
Yavapai-Apache Nation	Yavapai
Yavapai-Prescott Tribe	Yavapai

For the CAP, there are four pools of water. The first pool, Colorado River priority 3 Indian Water Rights Settlement Water (for the Ak-Chin Indian Community – 50,000 af and Salt River Pima-Maricopa Indian Community – 22,000 af), has the highest priority in the CAP system. The Indian Water Rights Settlement Water was obtained from the Yuma Mesa Irrigation and Drainage District (50,000 af) and the Wellton-Mohawk Irrigation and Drainage District (22,000 af) which are priority 3 Colorado River mainstem contractors. After accounting for CAP delivery system loss of 5 percent, the 72,000 af is reduced to 68,400 af.

The next pool is the CAP Colorado River priority 4 water allocated to tribal and M&I subcontractors, which have the highest co-equal priority for CAP priority 4 deliveries. The CAP Indian priority water totals 343,079 af. The M&I priority water totals 638,823 af through 2043. After 2043, the amount is 686,126 af, due to the conversion 47,303 af of non-Indian agriculture (NIA) priority water to CAP M&I priority. Thus, the total amount of CAP Indian and M&I priority water is 981,902 af through 2043; after 2043, the amount is 1,029,205 af.

The third pool, NIA Relinquished Water pool (hereafter referred to as the NIA Priority Pool), has been allocated 364,698 af through 2043. In 2044, 47,303 af converts to CAP M&I priority, leaving 317,395 af for the NIA Priority Pool. This pool was created as part of the Arizona Water Settlements Act when the CAP NIA contractors relinquished their NIA priority water subcontracts (due to high cost) for a pool of less-costly CAP excess water.

The fourth pool is the remaining CAP supply and is termed the Excess Pool. The priority of delivery within this pool is as follows: NIA Settlement water, which decreases according to the following schedule: 400,000 af through 2016; 300,000 af, from 2017 through 2023; and 225,000 af, from 2024 through 2030; the Arizona Water Banking Authority and the Central Arizona Groundwater Replenishment District replenishment reserve (they have co-equal priority) pool; and other excess water deliveries (such as short-term contracts). The Arizona Water Banking Authority/Central Arizona Groundwater Replenishment District and short-term contracts supplies are variable because they are dependent on CAP's annual priority 4 supply and on the total annual demand of the CAP's higher-priority users.

The following sections describe the water rights and demands of each of the tribes served by the CAP.

3.3.1 Ak-Chin Indian Community

In 1912, President Taft created a reservation at Ak-Chin encompassing 21,840 acres. In 1961, the Ak-Chin Tribal Council was formally recognized under the Indian Reorganization Act of 1934. The Ak-Chin Indian Reservation is located in Pinal County, 50 miles south of Phoenix. Farming (Ak-Chin Farms) is a major part of the reservation’s economy.

The Ak-Chin Reservation’s water rights settlement of 1978, Pub. L. No. 95-328, 92 Stat 409 (1978), was the first of a series of Indian water rights settlements in central Arizona. The 1978 Settlement Act was amended in 1984. Under the 1984 water rights settlement, the Ak-Chin Indian Reservation has the right to receive up to 75,000 afy of water at the southeastern corner of the reservation. When sufficient surface water is available in the CAP canal, the United States may deliver up to an additional 10,000 afy of water to the Ak-Chin Indian Reservation (maximum of 85,000 afy). In years of Colorado River shortage, the United States must pay damages if less than 72,000 afy is delivered to the Ak-Chin Indian Reservation. The United States acquired 50,000 afy of Colorado River water entitlement from the Yuma Mesa Division of the Gila Project to partially meet the requirement to deliver required quantities to the Ak-Chin Indian Reservation. After losses, 47,500 afy is delivered to the Ak-Chin Indian Community with a priority date that precedes the date of enactment of the Colorado River Basin Project Act, and therefore has a higher priority during times of shortage than other CAP water.

The Ak-Chin Indian Reservation was provided with the right to lease some of its water supplies within Arizona, and the Ak-Chin Indian Reservation has leased a portion of its water to the Del Webb Corporation. The Ak-Chin Indian Reservation’s water infrastructure is in place, and with the exception of water that the Ak-Chin Indian Community has leased, all of its CAP water is being used for farming purposes.

Ak-Chin Indian Community Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-26 presents the Community’s projected demand schedule by demand scenario.

TABLE C9-26
Future Ak-Chin Indian Tribe Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	Colorado River Priority 3	50,000	50,000	50,000
	CAP Indian Priority ¹	25,000	25,000	25,000

¹ When sufficient surface water is available in the CAP canal, the Community is entitled to up to 10,000 afy of water in addition to the 75,000 afy. It is assumed that demand exists for the water under all scenarios.

3.3.2 Fort McDowell Yavapai Nation

The Fort McDowell Reservation is located in Maricopa County, Arizona, about 23 miles northeast of Phoenix. The Verde River flows north to south through the reservation. The Fort McDowell Reservation was created by Executive Order in 1903 for the Yavapai, Mojave, and Apache Indian tribes.

Under its water rights settlement, the Fort McDowell Indian Community Water Rights Settlement Act of 1990, Pub. L. No. 101-628, Title IV, 104 Stat. 4480 (1990), the Fort McDowell Reservation received a combination of water resources from both the Salt River Project (SRP) and the CAP. With respect to the Colorado River supplies, the Fort McDowell Reservation received the rights to delivery of up to 18,233 afy of Colorado River water. This consisted of 4,300 afy of CAP water that the Fort McDowell Reservation had contracted for in 1980, plus an additional 13,933 afy of CAP water that the United States acquired from the Harquahala Valley Irrigation District. The acquired Harquahala Valley Irrigation District water was converted from its CAP NIA priority water to CAP Indian priority water through this settlement. The Fort McDowell Yavapai Nation has leased 4,300 afy of its CAP water to the City of Phoenix for a 100-year period, and will be using its remaining 13,933 afy through various means.

In accordance with the terms and conditions of the settlement, the SRP is required to allow the McDowell Yavapai Nation to divert Verde River water in exchange for delivery of the Nation’s CAP water allocation. The Nation is entitled to divert an additional amount of 959 af from the Verde River to account for return flows, for a total Verde River diversion right of 19,192 af. It should be noted that this return flow right does not impact its CAP entitlement of 18,233 afy from the Colorado River, nor the amount to be delivered to SRP through the exchange.

Fort McDowell Yavapai Nation Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-27 presents the Nation’s projected demand schedule by demand scenario.

TABLE C9-27
Future Fort McDowell Yavapai Nation Projected Demands by Scenario¹ (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	18,233	18,233	18,233

¹ Demand scenarios reflect only Colorado River demand physically diverted from the CAP and therefore do not reflect the Nation’s entitlement from the SRP settlement to divert an additional 959 acre feet of Verde River water to account for return flows. The Nation’s total Verde River diversion right is 19,192 af.

3.3.3 Gila River Indian Community

The Gila River Reservation was established by an act of Congress in 1859 for Pima and Maricopa Indians. The 583.9-square-mile reservation is located in Maricopa and Pinal Counties. The Gila River Indian Community established Gila River Farms during the late 1960s, with approximately 16,000 acres in production. The Gila River Reservation is the homeland for two distinct tribes, the Pima and the Maricopa.

The 2004 Gila River Indian Community Water Rights Settlement Act, Pub. L. No. 108-451, Title II, 118 Stat. 3499 (2004), provides the Community with 328,800 afy of CAP water, consisting of 120,600 afy of CAP NIA priority water, 191,200 afy of CAP Indian priority water, and 17,000 afy of CAP M&I priority water, contingent on the execution of an exchange and lease agreement with Asarco in accordance with Section 204(b)(1)(C) of the Arizona Water Settlements Act. Under this Act, the State of Arizona is required to provide a backup water supply of 15,000 afy of the CAP NIA priority water so that it has a reliability equivalent to CAP Indian priority and M&I priority water over a 100-year period ending in 2108. Construction of the infrastructure to deliver CAP water to the Gila River Reservation for farming purposes is ongoing. Within the

terms of the 2004 settlement, the Gila River Reservation has the right to lease its CAP water for a term of up to 99 years.

Gila River Indian Community Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-28 presents the Community’s projected demand schedule by demand scenario.

TABLE C9-28
Future Gila River Indian Community Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	191,200	191,200	191,200
	CAP M&I Priority	17,000	17,000	17,000
	CAP NIA Priority	0	120,600	120,600

3.3.4 Pascua Yaqui Tribe

The Pascua Yaqui Tribe is located in southeastern Arizona near Tucson, Arizona. The Tribe has a water delivery contract with the United States dated December 11, 1980, that provides 500 af of CAP water to the Tribe. Although overall Tribal water demand exceeds 500 afy, it is unknown whether additional Colorado River water will be used to provide additional water to the Tribe or if water will be obtained from some other source.

Pascua Yaqui Tribe Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-29 presents the Tribe’s projected demand schedule by demand scenario.

TABLE C9-29
Future Pascua-Yaqui Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	500	500	500

3.3.5 Salt River Pima-Maricopa Indian Community

The Salt River Reservation is located in Arizona, adjacent to the boundaries of Mesa, Tempe, Scottsdale, and Fountain Hills in the metropolitan Phoenix area. The reservation was created in 1879. The Salt River Reservation is occupied by two tribes, the Pima and the Maricopa, with a combined enrolled population exceeding 9,400. The Salt River Reservation consists of 53,600 acres and maintains 19,000 acres as a natural preserve. Approximately 12,000 acres are under cultivation; cotton, melons, onions, broccoli, and carrots are the major crops.

Under the Salt River Pima-Maricopa Indian Community Water Rights Settlement Act, Pub. L. No. 100-512, 102 Stat. 2549 (1988), the United States obtained the rights to 22,000 afy of Colorado River water entitlement from the Wellton-Mohawk Irrigation and Drainage District, near Yuma, Arizona. This right is senior to CAP. Pursuant to the settlement, this water was contracted by the Secretary of the Interior to several Phoenix area cities and the Community agreed to accept delivery of an equivalent amount of SRP water.

The Salt River Reservation has the right to receive up to 13,300 afy of CAP Indian priority water. Under the terms of the settlement, the Salt River Reservation has the right to lease its CAP water and has leased all of its CAP water to several Phoenix-area cities until December 30, 2098. This water supply is considered an ITA.

Salt River Pima-Maricopa Indian Community Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-30 presents the Community’s projected demand schedule by demand scenario.

TABLE C9-30
Salt River Pima-Maricopa Indian Community Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	Colorado River Priority 3	22,000	22,000	22,000
	CAP Indian Priority	13,300	13,300	13,300

3.3.6 San Carlos Apache Tribe

The San Carlos Reservation is located in southeastern Arizona. The reservation was established by Executive Order in 1871 and covers 2,910.6 square miles. Approximately one-third of the San Carlos Apache Tribe’s land is forested or wooded. San Carlos Lake is a hub of recreational activity, especially for fishing.

Under the San Carlos Apache Tribe Water Rights Settlement Act of 1992, Pub. L. No. 102-575, Title XXXVII, 106 Stat.4740 (1992), the San Carlos Reservation has the rights to delivery of 64,145 afy of CAP water in the following categories: 12,700 afy of CAP Indian priority water, 18,145 afy of CAP M&I priority water (previously allocated to Phelps Dodge and the town of Globe), and additional water made available by the Ak-Chin Indian Community Water Rights Settlement Act of 1984. The additional Ak-Chin water is unquantified in the settlement and estimated to be 33,300 afy before losses are considered. The San Carlos Apache Tribe’s right to receive the additional Ak-Chin water is subordinate to the Secretary’s obligation to deliver water to the Ak-Chin Indian Reservation under the Ak-Chin water rights settlement. Given that the San Carlos Reservation is not able to physically divert CAP water, the Tribe would need to implement water exchanges to benefit from its CAP water supplies. The San Carlos Reservation has the right to lease CAP water under its 1992 settlement and has entered into a 50-year lease for 14,000 afy to Phelps Dodge through an exchange with the SRP. The San Carlos Reservation has also entered into a 100-year lease with the City of Scottsdale for 12,500 afy of CAP M&I priority water.

San Carlos Apache Tribe Projected Water Demand

For the Study, future diversions result from the tribal water rights and anticipated usage. Table C9-31 presents the Tribe’s projected demand schedule by demand scenario.

3.3.7 Tohono O’odham Nation

The Tohono O’odham Nation sits in the heart of the Sonora Desert, west of Tucson, Arizona. The Tohono O’odham Nation is divided into 11 Districts totaling more than 4,342 square miles.

TABLE C9-31
San Carlos Apache Tribe Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	30,845	30,845	30,845
	Ak-Chin Settlement	12,655	12,655	12,655

Under the Southern Arizona Water Rights Settlement Act of 1982, as amended by the Southern Arizona Water Rights Settlement Amendments Act of 2004, the Nation is entitled to receive a total of 66,000 afy of CAP water. Of that amount, 50,000 afy may be used within the San Xavier District, or otherwise used by the Nation. The remaining 16,000 afy may be used within the Schuk Toak District, or otherwise used by the Nation.

The Nation’s 66,000 acre-foot entitlement consists of 37,800 af of CAP Indian priority water and 28,200 afy of CAP NIA priority water. With respect to the 28,200 af of NIA priority water, the United States is required to “firm” the 28,200 af so that the NIA priority water, for a 100-year period, will be deliverable during CAP shortages at the same priority and in the same manner as the CAP M&I priority water is delivered.

In addition to this settlement water, the Nation has an annual entitlement of 8,000 af of CAP Indian priority water under a 1980 Water Delivery Contract. At present, that water must be used within the Sif Oidak District of the Nation.

Construction of the works necessary for the Nation to take delivery of this water under the 1982 Settlement Act, as amended, is ongoing. The works necessary to deliver water to the Schuk Toak and San Xavier Districts have been completed. CAP water is currently in use within the Schuk Toak and San Xavier Districts. Additional uses will occur within the San Xavier District when additional lands are developed or rehabilitated within the District.

Tohono O’odham Indian Tribe Projected Water Demand

For the Study, future demands result from the tribal water rights and anticipated usage. Table C9-32 presents the tribe’s projected demand schedule by demand scenario.

TABLE C9-32
Tohono O’odham Projected Demands (in total) by Scenario (afy)

Scenario	2015	2035	2060
All Scenarios	54,800	74,000	74,000

3.3.8 Tonto Apache Tribe

The Tonto Apache Tribe is located in eastern Arizona on the Tonto Apache Reservation near Payson, Arizona. The Tribe has a CAP water delivery contract with the United States dated December 11, 1980. This CAP contract provides 128 af of CAP water to the Tribe.

Given that the Reservation is located such that the Tribe is not able to physically divert CAP water, the Tribe will need to implement a water exchange to benefit from its CAP water supplies.

The most likely scenario is that the Tribe will exchange water from the C.C. Craigin Reservoir through an exchange with the SRP.

Tonto Apache Tribe Projected Water Demand

For the Study, future demands result from the tribal water rights and anticipated usage. Table C9-33 presents the Tribe’s projected demand schedule by demand scenario.

TABLE C9-33
Tonto Apache Tribe Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	128	128	128

3.3.9 White Mountain Apache Tribe

The White Mountain Apache Tribe Homeland is on the Fort Apache Indian Reservation, located within its ancestral aboriginal lands, and consists of 1.67 million acres of land held in trust in east-central Arizona in parts of Navajo, Gila, and Apache Counties. The reservation contains headwaters for the Salt River.

The water rights of the Tribe were settled under the White Mountain Apache Tribe Water Rights Quantification Agreement of January 13, 2009 (Agreement). The Agreement was ratified by Congress in the White Mountain Apache Tribe Water Rights Quantification Act of 2010, Pub. L. 111–291, Title III, December 8, 2010 (Act).

Under the Act, the Tribe is entitled to 25,000 afy of Colorado River water delivered via the CAP. None of the CAP water will be delivered to the reservation. Of that amount, 22,500 af will be leased to the various cities, and 2,500 af will be leased back to the Central Arizona Water Conservation District.

White Mountain Apache Tribe Projected Water Demand

For the Study, future demands result from the tribal water rights and anticipated usage. Table C9-34 presents the Tribe’s projected demand schedule by demand scenario.

TABLE C9-34
White Mountain Apache Tribe Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	2,031	25,000	25,000

3.3.10 Yavapai-Apache Nation

The Yavapai-Apache Nation is located in central Arizona, near the communities of Camp Verde and Clarkdale. The Nation has a CAP water delivery contract with the United States dated December 11, 1980. This CAP contract provides 1,200 af of CAP water to the Nation. While overall tribal water demand exceeds 1,200 afy, it is unknown whether additional Colorado River water will be used to provide additional water to the Nation or if water will be obtained from some other source. Given that the reservation is located such that the Nation is not able to physically divert CAP water, the Nation will need to implement a water exchange to benefit from

its CAP water supplies. The most likely scenario is that the Nation will exchange water from the Verde River through an exchange with the SRP.

Yavapai-Apache Nation Projected Water Demand

For the Study, future demands result from the tribal water rights and anticipated usage. Table C9-35 presents the Nation’s projected demand schedule by demand scenario.

TABLE C9-35
Yavapai-Apache Nation Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	1,200	1,200	1,200

3.3.11 Yavapai-Prescott Tribe

Under the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994, Pub. L. 103-434, 108 Stat. 4526 (1994), the Yavapai Reservation permanently assigned and transferred its CAP contractual right of 500 afy to the city of Scottsdale, Arizona, in return for funds to develop alternative water supplies. Because the Yavapai-Prescott Reservation no longer has a right to CAP water, no trust asset is attributable to the Yavapai-Prescott Reservation.

Yavapai-Prescott Tribe Projected Water Demand

For the Study, future demands result from the tribal water rights and anticipated usage. Table C9-36 presents the Yavapai-Prescott Tribe’s projected demand schedule by demand scenario.

TABLE C9-36
Yavapai-Prescott Tribe Projected Demands by Scenario (afy)

Scenario	Priority	2015	2035	2060
All Scenarios	CAP Indian Priority	500	500	500

4.0 Ongoing and Potential Settlement Discussions and Potential Litigation

There are 13 tribes whose water rights within the Colorado River Basin have yet to be fully adjudicated or quantified. These tribes are as follows:

- Upper Colorado River Basin:
 - Navajo Nation
 - Ute Indian Tribe of the Uintah and Ouray Reservation
 - Ute Mountain Ute Tribe
- Lower Colorado River Basin:
 - Havasupai Tribe
 - Hopi Tribe
 - Hualapai Tribe

- Kaibab Band of Paiute Indians
- Navajo Nation
- Pascua Yaqui Tribe
- San Carlos Apache Tribe
- San Juan Southern Paiute Tribe
- Tohono O’odham Nation
- Tonto Apache Tribe
- Yavapai Apache Nation

Reclamation is participating in and providing technical assistance and/or funding for ongoing federally recognized tribal water rights settlement negotiations in both the Upper and Lower Colorado River Basins. These settlement negotiations include:

- Ute Indian Tribe regarding the proposed Revised Ute Indian Compact of 1990 and water rights settlement
- Navajo Nation regarding implementation of the Navajo-San Juan Settlement
- The La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands in southern California regarding the San Luis Rey Indian Water Rights Settlement Act, as amended
- The Navajo Nation and Hopi Tribe in a joint settlement of the Little Colorado River claims
- The San Carlos Apache Tribe
- The Yavapai Apache Nation
- The Tohono O’odham Nation

Reclamation is also participating in and funding tribal water assessments in the Lower Colorado River Basin. These settlement assessments are for the following tribes:

- Havasupai Tribe
- Hualapai Tribe

5.0 References

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