

WRITTEN TESTIMONY OF GOVERNOR STEPHEN ROE LEWIS  
GILA RIVER INDIAN COMMUNITY  
HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON WATER, OCEANS AND WILDLIFE

OVERSIGHT HEARING ON “COLORADO RIVER DROUGHT CONDITIONS AND  
RESPONSE MEASURES”

Chairperson Huffman, Ranking Member Bentz, and distinguished Members of the Subcommittee, I want to thank you for holding two days of oversight hearing on “Colorado River Drought Conditions and Response Measures” on October 15, 2021 and October 20, 2021.

The Gila River Indian Community’s (“Community”) 583.7 square mile Reservation is located along the southern boundary of the Phoenix Metropolitan Area and is home to approximately 15,000 of the Community’s 23,000 members. As a result of the Community’s 2004 water settlement, which at the time was the largest water settlement reached between the United States and a tribal nation, the Community has an annual entitlement of 311,800 acre-feet of Colorado River water delivered through the Central Arizona Project (“CAP”). The Community was forced as a condition of its settlement to accept this Colorado River entitlement in lieu of water from its claims to the Gila and Salt Rivers in the same way all other settling tribes in Arizona have been. The Community’s entitlement to Colorado River water delivered through the CAP is held in trust by the United States on behalf of the Community and its allottees.

Water delivered through the CAP supplies many municipalities, industrial users, tribes and non-Indian farmers located in central and southern Arizona. Water delivered through the CAP has a lower priority than many other Colorado River water rights, making entitlement holders like the Community more vulnerable to drought than many other entitlement holders of Colorado River water.

Given the vulnerability of its Colorado River entitlement delivered through the CAP, the Community has closely monitored the current hydrology of the Colorado River, which, over the last two years, has been one of the worst on record. Forecasts now indicate a very real risk of Lake Mead falling below 1,025 feet in the next five years. As a result, the Community is keenly aware of the need for immediate action, and why we watched the two subcommittee hearings with interest. With this testimony, the Community seeks to make the subcommittee aware of our efforts to bring together the some of the relevant stakeholders, many of whom testified in front of the subcommittee, to create short and long-term solutions to the drought conditions on the Colorado River.

On September 29, 2021, we invited the Bureau of Reclamation, Arizona Department of Water Resources (“ADWR”), CAP and Salt River Project (“SRP”) to the Community to discuss our mutual interest in developing a series of Arizona conservation agreements this year and the need to act quickly in the Lower Colorado River Basin, and the Upper Basin as well. At this meeting the Community expressed our deep concern that if Arizona, other Lower Basin States,

and Mexico do not act quickly we may lose an important opportunity to galvanize action and put resources into Lake Mead in time to stave off a deeper drought in 2023 and beyond.

As a result of this meeting and subsequent conversation among Arizona stakeholders the Community has committed up to 111,000 acre-feet of its CAP water for conservation in 2023 with a similar amount in 2023 provided the Lower Basin States can avoid a Tier 2 shortage in 2023. The Community is hopeful that its actions will encourage other parties in the Basin to commit to additional conservation efforts to help reduce the future risk of extreme drought for all of those who rely on this precious resource.

The Community's participation and leadership in any Arizona plan for more conservation is guided by the same principles that drove our discussions in Arizona regarding the adoption and implementation of the Lower Basin Drought Contingency Plan:

1. Equal treatment for all parties involved in these system conservation or forbearance agreements, thereby facilitating an expeditious negotiation and ensuring parties are working for a common good and not just one-party's gain or loss;
2. Protection of existing tribal water settlements in Arizona; and
3. Voluntary limits on deliveries from Lake Mead to the greatest extent possible while we are making conservation an urgent priority overall.

The Community believes speed is important if we are to be successful, but any plan should be broadly inclusive and transparent as possible.

The Community has also been meeting with Colorado River Basin Tribes, all of whom believe that the inclusiveness and transparency in near-term actions and long-term actions, like the development of the next Colorado River operating guidelines, is something Basin Tribes will demand. On October 28 and 29 the Community hosted a meeting with a number of leaders and representatives from ten other Tribes located in the Upper and Lower Basin to discuss forming a loose ad hoc coalition to express common agreement on key issues among Basin Tribes. The participants at this meeting expressed a desire to be more involved in ongoing decisions, as well as early involvement in developing the next Colorado River operating guidelines. The participants at this meeting also agreed that federal trust responsibility requires that the United States ensure Basin Tribes are included in the development and implementation of the policies and rules that will govern how the Colorado River will be managed from this point forward.

This ad hoc group of Basin Tribes may provide a more formal position in the near future, but the subcommittee should be aware that Basin Tribes as a whole expect to be much more involved in helping find solutions to protect water supplies in the entire Colorado River Basin.