

**Statement
of Brenda Burman
General Manager
Central Arizona Water Conservation District**

**Before the
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
U.S. House of Representatives
Hearing on H.R. 8940 – Northeastern Arizona Indian Water Rights Settlement of 2024.
July 23, 2024**

Chairman Bentz, Ranking Member Huffman and members of the Subcommittee, I am Brenda Burman, General Manager of the Central Arizona Water Conservation District (CAWCD). Thank you for the opportunity to provide the views of the CAWCD on H.R. 8940 “Northeastern Arizona Indian Water Rights Settlement of 2024” through this statement for the record. For the reasons I will discuss below, CAWCD supports H.R. 8940.

Role of CAWCD in Arizona

CAWCD manages the Central Arizona Project (CAP), a 336-mile canal system that delivers Colorado River water into central and southern Arizona. CAWCD’s service area includes more than 80 percent of Arizona’s population. The largest supplier of renewable water in Arizona, CAWCD has a right to divert over 1.5 million acre-feet of Arizona’s 2.8 million acre-foot Colorado River entitlement each year through the CAP to deliver water to municipal and industrial users, agricultural irrigation districts, and Indian communities. Our goal at CAWCD is to provide our customers with an affordable, reliable, and sustainable supply of Colorado River water.

Background

For many decades, Navajo Nation, Hopi Tribe, San Juan Southern Paiute Tribe (collectively the “Tribes”), the United States, the State of Arizona, CAWCD, and dozens of other state parties have been involved in either litigation of, or negotiations to resolve, the Tribes’ water right claims. Those unresolved claims cast significant water rights uncertainty across the State and left many tribal communities without reliable access to clean drinking water. The Northeastern Arizona Indian Water Rights Settlement of 2024, if approved by Congress, would eliminate that uncertainty and provide funding for the infrastructure necessary to deliver clean drinking water supplies across each of the Tribes’ reservations.

The Northeastern Arizona Indian Water Rights Settlement of 2024 is a comprehensive settlement agreement fully and finally resolving all the Tribes’ claims to the Colorado River (including all Upper and Lower Colorado River Basin claims in Arizona), the Little Colorado River watershed (including all tributary watersheds and groundwater basins), and for land owned by the Navajo Nation in Arizona, all associated Navajo water right claims in the Gila River watershed.

Among other things, the Settlement would allocate to the Navajo Nation 44,700 acre-feet per year (afy) of Upper Basin Colorado River water, 3,600 afy of Fourth Priority Mainstem Lower Colorado River Water, and allocate to the Hopi Tribe 2,300 afy of Upper Basin Colorado River water. The Settlement would grant the Navajo Nation and the Hopi Tribe flexibility in utilizing and managing its Colorado River supplies including the authority to use, lease or exchange, within the State of Arizona, the allocated Upper Basin Colorado River in the Lower Colorado River Basin and Lower Colorado River Water in the Upper Colorado River Basin. That flexibility is essential for ensuring clean drinking water deliveries throughout the Reservations and provides potential state-wide benefits.

The Settlement also allocates Little Colorado River watershed supplies including tributary and groundwater resources to the Tribes, providing greater certainty to Northeastern Arizona non-tribal communities regarding the right to access, use and develop those supplies.

These agreed upon allocations provide greater certainty for CAWCD water users and all the parties as they plan for future water needs; planning that is vital when faced with on-going drought and potential reductions in available water supplies.

The water supply allocations mean little without the funding needed for infrastructure to divert, treat and deliver these water supplies to the reservations. According to Navajo Safe Water, a water access coalition group comprised of Navajo agencies, federal agencies, public health researchers and nongovernmental organizations, approximately 30% of Navajo Nation homes currently lack access to piped water service and rely on hauled water as their primary source of water. The requested federal funding in this settlement will provide the infrastructure required to deliver drinking water to homes, thereby eliminating the need to haul water for basic needs.

Conclusion

For the reasons noted, the CAWCD Board of Directors voted unanimously to support the settlement and H.R. 8940. Thank you for your consideration.



Brenda Burman, General Manager
Central Arizona Water Conservation District