

Statement of

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**Salt River Valley Water Users' Association and
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**Hearing before the House Natural Resources Committee
Subcommittee On Water, Wildlife and Fisheries**

Concerning

H.R. 8949—The Yavapai-Apache Nation Water Rights Settlement Act of 2024

July 23, 2024

Washington, D.C.

Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee:

Thank you for the opportunity to submit testimony in support of H.R. 8949, the Yavapai-Apache Nation Water Rights Settlement Act of 2024. My name is Leslie A. Meyers. I am the Associate General Manager and Chief Water Resources and Services Executive at Salt River Project (“SRP”), the oldest multi-purpose federal reclamation project, serving the Phoenix, Arizona metropolitan area.

The Yavapai-Apache Nation Water Rights Settlement Agreement provides for the importation of water from C.C. Cragin Dam and Reservoir, a water pipeline and water treatment system, an in-stream flow right for the Verde River and the confirmation of the Nation’s existing rights, local underground water, and an existing allocation from the Central Arizona Project (“CAP”). H.R. 8949 would authorize the settlement, provide funding for water infrastructure necessary to implement the settlement, and set aside the water supplies for use by the Nation and potentially other communities in Yavapai County.

SRP proudly supports the passage of H.R. 8949 to make the settlement a reality.

History of Salt River Project

The Secretary of the Interior (“Secretary”) authorized the construction of the Salt River Federal Reclamation Project as one of the first projects under the Reclamation Act of 1902. The Salt River Valley Water Users’ Association, an Arizona Territorial corporation, was organized in 1903 by landowners in the Salt River Valley to contract with the federal government for the building of Theodore Roosevelt Dam on the Salt River, located some 80 miles northeast of Phoenix. In exchange for pledging their land as collateral for the federal loans to construct Roosevelt Dam, which loans have long since been fully repaid, landowners in the Salt River Valley received the right to water stored behind the dam.

In 1905, in connection with the formation of the Association, a lawsuit entitled *Hurley v. Abbott, et al.*, was filed in the District Court of the Territory of Arizona. The purpose of this lawsuit was to determine the priority and ownership of water rights in the Salt River Valley to the natural flow of the Salt and Verde rivers and to provide for their orderly administration. The decree entered by Judge Edward Kent in 1910 adjudicated those water rights, provided water supply certainty to existing water users and, in addition, paved the way for the construction of additional water storage reservoirs by SRP on the Salt and Verde Rivers in Central Arizona.

Today, SRP operates six dams and reservoirs on the Salt and Verde Rivers in the Gila River Basin, one dam and reservoir on East Clear Creek in the Little Colorado River Basin, and 1,300 miles of canals, laterals, ditches and pipelines to deliver water to approximately 400 square miles of land in the greater Phoenix area. The dam and reservoir system can store approximately 2.3 million acre-feet of water runoff from the Salt and Verde River and East Clear creek systems, making SRP the largest raw water provider in the Phoenix Metropolitan area. SRP holds the rights to water stored in these reservoirs, and for the downstream uses they supply, pursuant to the state law doctrine of prior appropriation, as well as federal law. SRP is also the third largest not-for-profit community based public power utility in the country, providing reliable, affordable, and sustainable electricity to nearly 3 million people in Arizona. SRP has a diverse energy portfolio that includes nuclear, solar and wind, natural gas, battery storage, coal, geothermal and hydropower.

C.C. Cragin Dam and Reservoir (“C.C. Cragin Reservoir”) is an important feature of the Salt River Federal Reclamation Project. Located approximately 25 miles north of the Town of Payson, C.C. Cragin Reservoir stores water from a 71-square-mile watershed

on East Clear Creek, a tributary to the Little Colorado River. SRP acquired C.C. Cragin Reservoir from Phelps Dodge Corporation as part of the Gila River Indian Community Water Rights Settlement. Title II of the Arizona Water Settlements Act, P.L. 108-451, specifies that up to 3,500 acre-feet of the water stored in Cragin Reservoir will be made available for municipal and domestic uses in northern Gila County at no cost to SRP or the Bureau of Reclamation. Water from C.C. Cragin Reservoir is crucial to meet the municipal demands of the Town of Payson and other nearby communities, who previously relied solely upon the area's meager groundwater resources.

The Yavapai-Apache Nation Water Rights Settlement Agreement Secures the Nation's Future and Brings Renewable Water Resources to the Verde Valley, Reducing Reliance Upon Groundwater.

The Yavapai-Apache Nation is a federally recognized Native American tribe consisting of two distinct tribal cultures, each with their own traditions and languages: the Yavapai people and the Apache people. Together, their aboriginal homeland spans more than 16,000 square miles in the heart of central Arizona. The history of the Yavapai and Apache peoples tragically resulted in their people being force-marched to the San Carlos Apache Indian Reservation in 1875, where they were confined for the next 25 years. After their imprisonment ended, the people who called the Verde River their homeland returned to the Verde Valley and, with the assistance of the United States, formed the foundations of the Yavapai Apache Nation that remains today, demonstrating their resilience and deep connection to their homeland and the Verde River.

The resolution of the Yavapai-Apache Nation's water rights claims broadly benefits both the tribal communities receiving water and funding, and water users throughout the Verde Valley. The Nation's settlement will bring water certainty to their community and provide an avenue for stable, renewable water supplies and strong, cooperative water stewardship tools in the Verde Valley. The new supplies will also reduce the dependency of the Nation and invested local communities on groundwater—promoting aquifer health and reducing impacts on the flows of the Verde River.

Resolving the Nation's claims also constitutes a monumental step forward in providing certainty regarding available water supplies for users in the Verde Valley, as well as downstream users of Verde River water in the Phoenix metropolitan area. The Gila River Adjudication includes over 7,000 water rights claimants within the Verde River Watershed alone. The Nation's claims to Verde River water have been a significant concern to municipalities and landowners in the Verde Valley, where water resources are increasingly scarce. In securing this settlement, the Nation agrees to waive its claims in

the Adjudication, and to participate in those proceedings narrowly. The settlement is the culmination of decades of work to resolve the Nation's water rights and is a win-win solution for the Nation, the other parties involved, and the Verde River.

Settlement Details

Water Infrastructure

Legislation to enact the settlement will authorize and fund the construction of a 60-mile pipeline from C.C. Cragin Reservoir to the Verde Valley ("Pipeline Project"), delivering water to the Nation and providing a pathway for local communities to secure a renewable water supply for their water portfolios which would assist with sustaining the Nation's instream flow rights and the Verde River. SRP would operate the pipeline as part of the Salt River Federal Reclamation Project. Neighboring communities participating in the Pipeline Project would bear their proportionate share of the pipeline's operation and maintenance expenses, thereby reducing the Nation's proportionate share of these costs. The legislation also would facilitate the buildout of the Nation's treatment and drinking water system, which could also be utilized by entities receiving C.C. Cragin Reservoir water. The infrastructure will unlock water resiliency opportunities for a diverse range of stakeholders. The legislation also amends Title II of the Arizona Water Settlements Act, P.L. 108-451, to make water from C.C. Cragin Reservoir available for municipal and domestic use by communities in Yavapai County to reduce reliance on groundwater, assist in reducing the cost of water delivery to the YAN, and provide a renewable water supply to the Verde Valley.

Nation's Water Sources

Water sources that make up the Nation's water budget, which are defined in the settlement, encompass a diverse portfolio to meet the Nation's present and future needs. Those sources include:

1. Water supplies from C.C. Cragin Reservoir delivered through the to-be-constructed Pipeline Project;
2. The Nation's existing rights to Verde River water from the OK Ditch, Verde Ditch, and pursuant to the Daley Decree for irrigation and watering of livestock;
3. A right to instream flows of the Verde River on the Reservation for religious and cultural uses;
4. Limited underground water for use by the Nation; and
5. Access to the Nation's existing allocation of CAP Indian Priority Water.

Gila Adjudication Considerations

The Gila River General Stream Adjudication has now reached half a century in duration; absent a settlement, a final resolution of the Nation's water rights in the Adjudication proceedings would take many years more, at great expense to the Nation and others in the Verde Valley, prolong water supply uncertainty in the Verde Valley, and hinder the long-term economic well-being of the Nation, the settlement parties, local communities, and water users throughout the watershed. As a mutually beneficial alternative, the Nation through this settlement will waive its outstanding claims for water rights and damages to water rights in the Gila River Adjudication when the settlement becomes enforceable in exchange for the delivery of water from C.C. Cragin Reservoir and other rights decreed in the settlement. The Nation then only participates in the Adjudication proceedings relating to injury to its water rights.

Thank you for your consideration of these views as we work to bring this important settlement to pass.