

**Testimony of Chairwoman Amelia Flores, Colorado River Indian Tribes**

**House Subcommittee on Water, Oceans, & Wildlife**

**October 15, 2021**

Good afternoon Chairman Huffman, Ranking Member Bentz. My name is Amelia Flores. I am the chairwoman of the Colorado River Indian Tribes. I appreciate the invitation to testify today about the drought and its impact on the Colorado River that is the namesake of our sovereign government.

Our reservation is separated by more than 70 miles of the Colorado River running through our lands located in both California and Arizona.

Since time immemorial, the River has sustained us. I am here today to tell you that we are committed to helping to support the River that has provided for us.

The Colorado River is suffering not only from drought but climate change that is forcing all of us to change our relationship with its water. We must use its water more efficiently, and ensure that each drop provides maximum benefits so that others are not cut off entirely.

This will require new and improved water delivery infrastructure, especially on tribal reservations including ours. We have received funding from the WaterSMART program and USDA programs to make improvements to the federal irrigation project and our farmlands, but the needs greatly exceed the capacity of these programs and our ability to provide the required fifty percent matching funds.

By joining with the state, local, and private sector with creative partnerships we have started to make up for the lack of federal investment in the BIA irrigation project.

The Committee's inclusion of \$150 million dollars in the reconciliation proposal to assist Tribal governments addressing the drought will greatly help us and other tribes .

We hold the senior water right for the Lower Basin and are the largest single user of water from the Colorado river in Arizona. Our water right was quantified by the US Supreme Court in the Arizona versus California decision with a priority date of 1865 and is not likely to be shorted.

But we are not able to use our full water right. Most of our water is delivered through the Colorado River Irrigation Project, a run-down federal irrigation system maintained and operated by the Bureau of Indian Affairs. We lose more than 100 thousand acre-feet of water per year to poor maintenance and poor operations. The Project has not diverted as much as 80 thousand additional acre-feet in a year because of poor water accounting. We know how to prevent this and to put our full water right to productive use for our people and the funding that we need.

Despite the challenges our Tribe faces, we are providing help to the rest of the Lower Basin. through the Drought Contingency Plan, authorized by legislation approved by this committee. The Colorado River Indian Tribes are creating more than 150 thousand acre-feet of water for Lake Mead as system conservation. This water and our ICS contributions since 2016 have raised the water levels in the Lake by more than 3 feet.

In addition, we have been working with the State of Arizona, environmental leaders, and water users to develop a legislative proposal that will authorize us to lease our water to other users in

the state. This is the same right that Congress has authorized for other tribal governments in Arizona and across the west.

Because our water rights were adjudicated by the Supreme Court, Congress has not acted on them and we lack the authority to lease water because of the 300 year old Indian Trade and Intercourse Act. Without the right to lease our water, we can do little to directly assist communities in Arizona who face drastic water shortages in the coming years.

We have worked with stakeholders and the state of Arizona for over five years to develop the proposed legislation that will provide us the same sovereign rights over our water that other tribal governments have. Our proposed legislation will help make Arizona more water-resilient and will provide our tribe with the financial resources to fund improvements to the irrigation project so that our water use may become efficient. Greater efficiency on our reservation means we can do more to help the river. The Colorado River Indian Tribes are committed to working with the United States to support on-river habitat, including providing more water and land for endangered species protection.

Our legislative proposal will also permit us to lease secure water supplies to third parties, including municipalities that are facing shortages. This may reduce the demand for unsustainable groundwater pumping and our first priority water right can be diverted directly from the Colorado River with little to no risk of reduction during shortages limiting the recipients need for new or additional water delivery infrastructure.

Leasing our water for off reservation use includes a cost for us. If you visit our reservation, you will see more than 10 thousand acres of our farmland sitting fallow, a reminder that our people have chosen to protect the health of the river.

Without the additional revenue water leasing may provide, the large volumes of system conservation water we are now providing will become an economic burden we may not be able to afford.

Our legislative proposal will only allow leasing of water we have consumptively used on the reservation for at least four of five recent years. This will keep the river and all other water users whole.

Finally, we are simply requesting the right, to decide for ourselves how best to use our water because we do not have this right today.

Our Tribal Council is committed to maintaining and improving the health of the river **and** to developing a sustainable tribal economy. Water leasing as we propose can achieve both goals. Our water can also help build a bridge for the basin to get to a future that has the advanced technology for water desalination and reuse.

Thank you for inviting me to testify today. I will submit written testimony and am pleased to answer any questions you might have.